



REPLY TO
ATTENTION OF

HEADQUARTERS
MULTI-NATIONAL CORPS-IRAQ
BAGHDAD, IRAQ
APO AE 09342

FICI-JA-AL

17 December 2007

MEMORANDUM FOR COL [REDACTED] Multi-National Corps-Iraq, Camp Victory,
Iraq, APO AE 09342

SUBJECT: Appointment of AR 15-6 Investigating Officer – Escalation of Force Incident
of 13 December 2007 (MSR Route [REDACTED] Near Joint Security Station [REDACTED])

1. **Appointment.** You are appointed as an investigating officer to conduct an informal investigation IAW AR 15-6 into all of the facts and circumstances surrounding the subject incident in which two local nationals were killed and two were seriously wounded.
2. **Purpose.** This investigation is administrative in nature to gather facts. The investigation process is a commander's tool to assess the effectiveness of the Rules of Engagement (ROE) and Escalation of Force (EOF) in the particular engagement, to capture lessons learned for TTP analysis, and to preserve evidence of Law of Armed Conflict and ROE compliance and other procedures.
3. **Duty.** Your duty is to determine all facts and circumstances and to "ascertain and consider the evidence on all sides of each issue, thoroughly and impartially, and to make findings and recommendations that are warranted by the facts and that comply with these instructions." AR 15-6, para. 1-6.
4. **Standards.** Determine and reference all relevant standards, policies, procedures, and customs and practices, including "Appendix 20 to Annex C to MNC-I OPOD 06-04 (SOP) 4 NOV 06." Bear in mind that your report may be subject to release under the Freedom of Information Act, so to the greatest extent possible, prepare an unclassified report. If you must include classified information, identify and segregate any classified information in your report. Also, be sensitive to any Privacy Act issues that may arise during the course of your investigation and included in your report.
5. **Specific Areas of Concern.** In addition to addressing the general facts and circumstances and any matter you think relevant, your investigation must address the following issues:
 - a. Did the Soldier perceive a hostile act or a demonstration of hostile intent? If so, what specific events occurred that led the Soldier to perceive a hostile act or hostile intent? In light of the circumstances faced and the applicable ROE, were the Soldier's acts reasonable? Explain the basis for your determination (cite all supporting facts and explain your rationale).

006084

SUBJECT: Appointment of AR 15-6 Investigating Officer – Escalation of Force Incident of 13 December 2007 (MSR Route (b)(2)High, Near Joint Security Station (b)(2)Hi)

- b. Did the unit properly follow its EOF procedures, ROE, and TTPs?
 - c. Were the military vehicles/checkpoints clearly marked?
 - d. Were the EOF measures and equipment, ROE, and unit TTPs sufficient? Were there any deficiencies in the utility or execution of the TTPs or in the TTPs themselves under the circumstances?
 - e. When did the unit last receive EOF training? If possible, provide a copy of any training materials as an enclosure to your investigation.
 - f. Did any other factors contribute to the incident (e.g., training, experience, equipment, mission requirements, etc.)?
 - g. Did the unit provide timely and adequate medical assistance?
 - h. Could any individual, unit, or systemic measures have prevented this incident?
 - i. Identify and address all other related issues.
6. **Primary Responsibility.** Your duties as an investigating officer take priority over other duties.
7. **Suspense.** Submit the original report and one copy of the MNC-I Staff Judge Advocate no later than 21 days after receipt of this memorandum. Any requests for extension must be in writing through the OSJA to the Chief of Staff.
8. **Procedures.** Follow the informal investigative procedures of AR 15-6. Whenever possible, witness statements will be sworn and recorded on DA Form 2823. All persons will complete a Privacy Act statement. If you conduct any witness interviews telephonically, prepare a memorandum of record memorializing the interview. Use DA Form 1574 to prepare your report. Include with your report all documentary evidence, photographs, diagrams, sworn statements, and all other information or evidence you considered as a basis for your findings and recommendations.
9. **Subject Matter Experts.** Consult and associate any subject matter experts during the course of your investigation.
10. **Administrative Support.** With local command approval, an assistant may be assigned to assist you; e.g., to gather documents, to participate with you during interviews, to help organize and prepare the report, etc. You must, however, personally

FICI-JA-AL

SUBJECT: Appointment of AR 15-6 Investigating Officer – Escalation of Force Incident of 13 December 2007 (MSR Route (b)(2)High Near Joint Security Station (2)Hi

conduct all interviews of witnesses with personal knowledge of the incident (“fact witnesses”).

11. **Chronology of Investigation.** Maintain a chronology of your investigative activities and include it as an exhibit to your report.

12. **Possible Criminal Conduct.** If at any time during your investigation you suspect the person you are interviewing or you intend to interview of any misconduct, which may violate any provision of the Uniform Code of Military Justice (UCMJ) or any other criminal law or policy, you must advise them of their rights under Article 31, UCMJ, before continuing with further questioning. Document rights warnings and waivers on DA Form 3881.

13. **Legal Advice.** Before proceeding with the investigation, and as necessary during the course of the investigation, coordinate with your legal advisor LTC (b)(3), (b)(6) MNC-I OSJA, DSN (b)(2) or VOIF (b)(2)

FOR THE COMMANDER:



JOSEPH ANDERSON
Brigadier General, USA
Chief of Staff