



DEPARTMENT OF THE ARMY
Headquarters, 18th Military Police Brigade
Unit 29708
APO AE 09058

REPLY TO
ATTENTION OF:

AETV-MP

01 January 2008

MEMORANDUM FOR RECORD

SUBJECT: Actions / Recommendations by Appointing Authority

1. Though preliminary, I am confident that a complete and thorough investigation has been conducted into the circumstances of this escalation of force incident resulting in the very serious injury of a local national civilian, and accept the findings.
2. There is nothing in this report to suggest that the Soldier in question conducted the EOF procedures incorrectly or recklessly. However, this investigation clearly shows, in my opinion, that the driver's actions (as described in this investigation) were not enough to trigger a lethal response – *and though the gunner perceived the threat as real based on his understanding of the potential threats, the driver should not have been perceived as a threat to the convoy – at all. In other words this unfortunate event was not the result of undisciplined application of deadly force procedures, but rather a failure to fully understand and grasp the nature of the threat in the current operating environment within MND-B.*
3. So here's what we're doing to fix the problem:
 - a) On 1 Jan 2008, I personally conducted Leader Training to all Bn / Co level Commanders to include their CSMs / ISGs assigned to MND-B, using the 4ID Escalation of Force Training Packet.
 - b) I directed an immediate stand-down of all PTT and MP operations and have ordered these operations to remain suspended until remedial training is conducted and Co/Bn Commanders certify their troops understand the training and the intent of this command as directed by the Commanding General of the 4th Infantry Division.
 - c) Remedial training highlights and clarifies (with zero ambiguity) that aggressive

(b)(2)High
4. Commanders have been counseled that there is an assumption of risk in these changes, but that there is no doubt that these additions and restrictions are the proper and proportional response to events in the current operating environment.
5. All commanders completely understand that their Soldiers retain the right (and the responsibility) at all times to protect themselves and their units against imminent danger, and may responsibly use EOF to help clarify confusing or ambiguous situations.

(b)(3), (b)(6)

COL., MP
/Commanding

006125



DEPARTMENT OF THE ARMY
HEADQUARTERS, 18TH MILITARY POLICE BRIGADE
CAMP VICTORY, IRAQ
APO AE 09342

REPLY TO
ATTENTION OF:

APVP-JA

11 January 2008

MEMORANDUM FOR Commander, MNC-I, APO AE 09390

SUBJECT: Legal Review of Report of AR 15-6 Investigation

1. I have reviewed the Report of Investigation dated 01 January 2008 concerning the facts and circumstances surrounding an EOF incident on 01 January 2008 involving the 401st Military Police Company, 92nd Military Police Battalion.

2. I find that the report is **legally sufficient** subject to the following comments:

a. The findings of the Investigating Officer are supported by a preponderance of the evidence as contained in the exhibits. There were no material errors present which would affect the findings and recommendations. The actions taken during this investigation comply with the applicable legal and procedural requirements of AR 15-6.

b. Additionally, the Commander, MND-B, requested that a preliminary investigation be completed within twenty-four hours of the EOF incident. That preliminary investigation is also enclosed and is the primary exhibit for this investigation.

3. Findings and Recommendations by the Investigating Officer may be adopted, rejected or modified by the Appointing Authority, so long as there is evidence within the Report of Investigation with its enclosures to support the modifications.

4. POC is the undersigned at (b)(3), (b)(6)@iraq.centcom.mil or VOIP (b)(2)

Encl
DA Form 1574 w/encls

(b)(3), (b)(6)

CPT, JA
Command Judge Advocate

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DEPARTMENT OF THE ARMY
92D MILITARY POLICE BATTALION (FORWARD)
APO AE 09344

IMSE-BEN-F92-ZA

01 Jan 08

MEMORANDUM FOR RECORD

SUBJECT: Facts and Findings

1. The purpose of this memorandum is to inform the Brigade Commander, 18th Military Police Brigade of the facts regarding the AR 15-6 investigation of the escalation of force (EOF) incident that resulted in the death of 1X local national female that occurred on 311308LDEC07 at the intersection of (b)(2)High Road and Route (b)(2)High (b)(2)High.

2. Facts.

a. All leaders within the 401st Military Police Company receives quarterly EOF training and is reinforced daily as part of the pre-mission brief before every mission (TAB D, E, G, J & N).

b. All members of 2nd Squad, 3rd Platoon (to include Delta Team) received a pre-mission brief by SSG (b)(3), (b)(6) (2nd squad leader) which included the current EOF procedures (TAB D, E, F & G).

c. The trial vehicle of 2nd Squad, 3rd Platoon (Delta Team) did not have a warning sign (sign that states in both English and Arabic, "Danger, stay back 100 meters") attached to the rear of the vehicle (TAB D & E).

d. SPC (b)(3), (b)(6) (Delta Team Gunner) is qualified on his assigned weapon (TAB D & I).

e. SPC (b)(3), (b)(6) perceived the red sedan operated by a local national approaching the rear of his squad at a high rate of speed as threat and rendered all required escalation of force steps that were at his disposal before firing directly at the vehicle (TAB D & E).

f. SPC (b)(3), (b)(6) fired at the hood of the vehicle attempting to disable it before firing at the windshield (TAB C & D).

g. Both 2-101 and 4-1 S2's note that pertaining to SVBIED threat in the (b)(2)High District against mobile coalition force convoys is present but unlikely

3. Findings.

a. After careful review of the facts surrounding this incident, I could not find sufficient evidence to substantiate that SPC (b)(3), (b)(6) did not follow the current MND-B EOF procedures.

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This was determined after interviewing SPC [b](3), (b)(6)'s Team Leader, Squad Leader, Soldiers who were present at the scene, CPT [b](3), (b)(6) and a review of current EOF procedures (TAB D, E, F, G, & I).

b. SPC [b](3), (b)(6) determined that the vehicle operated by a local national was a direct threat to his squad due to the vehicle's aggressive approach at a high rate of speed and the non responsiveness to less than lethal EOF measures. Based on current BCT intelligence the threat of VBIED activity against coalition forces still exists in 401st MP CO's area of operation but is unlikely.

4. The point of contact for this memorandum is MAJ [b](3), (b)(6) at VIOP [b](2) DSN [b](2) or NIPR email at [b](3), (b)(6) @mnd-b.army.mil.

[b](3), (b)(6)

LTC (P), MP
Commanding