



REPLY TO
ATTENTION OF

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

FICI-JA-AL

19 MAY 2007

MEMORANDUM FOR 1LT [REDACTED] (b)(3), (b)(6), HHD, 97th MP BN, 89th MP BDE, COB
Speicher, APO AE 09393

SUBJECT: Appointment of AR 15-6 Investigating Officer – Escalation of Force Incident
on 16 May 2007 (571st MP CO, 97th MP BN, 89th MP BDE)

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 a 16 May 2007 Escalation of Force (EOF) incident in which a local national was killed and another was 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).

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- b. Did the unit properly follow its EOF procedures, ROE, and TTPs?
- c. Were all military vehicles 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. To the maximum extent possible, obtain information about the incident from the victim (also coordinate with the claims officer on the status of a claim).
- f. When did the unit last receive EOF training? If possible, provide a copy of any training materials as an enclosure to your investigation.
- g. Did any other factors contribute to the incident (e.g., training, experience, equipment, mission requirements, etc.)?
- h. Did the unit provide timely and adequate medical assistance?
- i. Could any individual, unit, or systemic measures have prevented this incident?

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 original to the 89th Military Police Brigade Office of the Staff Judge Advocate (OSJA) no later than 14 days after your receipt of this memorandum. Any requests for extension must be in writing through the OSJA.

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.

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

11. **Chronology of Investigation.** Maintain a detailed 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 CPT [redacted (b)(3), (b)(6)] at 89th MP BDE, at DSN [redacted (b)(2)]

FOR THE COMMANDER:



JOSEPH ANDERSON
Brigadier General, USA
Chief of Staff