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UNCLASSIFIED
Administrative Law Section
MNC-I, OIF III

Control Number: 50704-1 Internal Suspense: 09-Jul-05

Date Received: 04-Jul-05 Suspense Date:

Type of Action: 15-6 Investigation

Date(s) of Incident: 3/7/2005 Unit(s) Involved: 182nd MP CO, 720th MP BN

Appointing Authority: LTC (b)(3), (b)(6) Investigating Officer: CPT (b)(3), (b)(6)

IO Contact Phone:

IO Contact Email:

Description Details: Traffic accident between 182nd MP CO, 720th MP BN Quick Reaction Force operating near (b)(6) Police Station and LN resulting in the death of one LN.

Action

Ad Law Action Officer: _____

___ Returned to IO for further action on: _____

___ Approved, returned to unit on: _____

___ Disapproved, returned to unit on: _____

___ Approved, into CG for signature on: _____

___ Other, describe and date: _____

Second Submission

Date Received: _____

___ Approved, returned to unit on: _____

___ Disapproved, returned to unit on: _____

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

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

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REPLY TO
ATTENTION OF:

**DEPARTMENT OF THE ARMY
TASK FORCE 720th MILITARY POLICE
CAMP RUSTAMIYAH, BAGHDAD, IRAQ
APO AE 09390-2402**

AFVP-720-CO

8 March 2005

MEMORANDUM FOR CPT [redacted] (b)(3), (b)(6) Headquarters and
Headquarters Detachment, Task Force 720th Military Police, 42nd Military Police
Brigade, Camp [redacted] (b)(6) Iraq APO AE 09390

SUBJECT: Appointment as an AR 15-6 Investigating Officer – Vehicle Accident with 3 US injuries and an Iraqi civilian fatality

1. You are hereby appointed to conduct an informal investigation into all the facts and circumstances surrounding a vehicle accident between C CO, 1-182nd FA and a civilian Iraqi National at Grid [redacted] (b)(2)High resulting in 3 US injuries and the death of an Iraqi National, on or about 7 March 2005, IAW AR 15-6, Procedure for Investigating Officers and Boards of Officers, dated 30 September 1996.
2. Your duties as an investigating officer will take priority over other duties. You will use the informal investigation procedures detailed in AR 15-6. You will make specific findings of facts that are supported directly by the documented evidence or reasonably based upon circumstantial evidence. Based upon all factual findings and conclusions, you will make recommendations on all relevant issues you identify in the course of your investigation.
3. If, during your investigation, you suspect that persons you intend to interview may have violated any provision of the Uniform Code of Military Justice (UCMJ) or any other criminal law, you must advise them of their rights under Article 31, UCMJ. Rights warnings and waivers will be documented on DA Form 3881. All persons interviewed will sign a Privacy Act Statement. If during an interview you begin to suspect criminal conduct on the part of the witness, you must stop the interview and advise the individual of his or her rights under Article 31, UCMJ.
4. Whenever possible, witness statements will be sworn and recorded on a DA Form 2823. If you conduct any witness interviews telephonically, you will prepare a memorandum for record memorializing the interview. Prepare your report using DA Form 1574. Include with your report all documentary evidence, sworn statements, and other information or evidence you considered as a basis for your findings and recommendations. Submit the original report through Battalion Legal no later than 1700 hours, 22 March 2005. Any requests for extension must be submitted in writing through Battalion Legal.

exhibit a 006519

AFVP-720-CO

SUBJECT: Appointment as an AR 15-6 Investigating Officer – Vehicle Accident with 3 US injuries and an Iraqi civilian fatality

5. Before proceeding with the investigation, contact CPT (b)(3), (b)(6) at (b)(2) CPT (b)(3), (b)(6) will serve as your legal advisor for this investigation and will provide you with an initial legal briefing.

6. POC for this memorandum is SGT (b)(3), (b)(6) at DNVT (b)(2)

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

**LTC, MP
Commanding**

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REPORT OF PROCEEDINGS BY INVESTIGATING OFFICER/BOARD OF OFFICERS

For use of this form, see AR 15-6; the proponent agency is OTJAG.

IF MORE SPACE IS REQUIRED IN FILLING OUT ANY PORTION OF THIS FORM, ATTACH ADDITIONAL SHEETS

SECTION I - APPOINTMENT

Appointed by LTC (b)(3), (b)(6) TF 720 MP COMMANDER
(Appointing authority)

a. 08 MAR 05 *(Date)* *(Attach inclosure 1 letter of appointment or summary of oral appointment data.) (See para 3-15, AR 15-6.)*

SECTION II - SESSIONS

The *(investigation/ board)* FOB RUSTAMIYAH, BAGHDAD, IRAQ APO 09390 at 1300
(Place) (Time)

a. 08 MAR 05 *(Date)* *(If a formal board met for more than one session, . Indicate in an inclosure the time each session began and ended, the place, persons present and absent, and explanation of absences, if any.) The following persons (members, respondents, counsel) were present (After each name indicate capacity, e.g. President, Recorder, Member, Legal Advisor.)*

The following persons *(members, respondents, counsel)* were absent: *(Include brief explanation of each absence.) (See paras 5-2 and 5-8a, AR 15-6.)*

The *(investigating officer/ board)* finished gathering/hearing 1300 on 22 MAR 05
(Time) (Date)

and completed findings and 1500 on 23 MAR 05
(Time) (Date)

SECTION III - CHECKLIST FOR PROCEEDINGS

A. COMPLETE IN ALL CASES	YES	NO ¹⁾	NA ²⁾
1. Inclosures <i>(para 3-15 AR 15-6)</i>			
Are the following inclosed and numbered consecutively with Roman numerals: <i>(Attached in order listed)</i>			
a. The letter of appointment or a summary of oral appointment data?	X		
b. Copy of notice to respondent, if any? <i>(See item 9, below)</i>		X	
c. Other correspondence with respondent or counsel, if any?		X	
d. All other written communications to or from the appointing authority?	X		
e. Privacy Act Statements <i>(Certificate, if statement provided orally)?</i>		X	
f. Explanation by the investigating officer or board of any unusual delays, difficulties, irregularities, or other problems encountered <i>(e.g. absence of material witnesses)?</i>		X	
g. Information as to sessions of a formal board not included on page I of this report?		X	
h. Any other significant papers <i>(other than evidence)</i> relating to administrative aspects of the investigation or board?		X	

FOOTNOTES
 1. Explain all negative answers on an attached sheet.
 2. Use of the N/A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.

	YES	NO ^{1/}	NA ^{2/}
2 Exhibits (para 3-16, AR 15-6)			
a. Are all items offered (whether or not received) or considered as evidence individually numbered or lettered as exhibits and attached to this report?	X		
b. Is an index of all exhibits offered to or considered by investigating officer or board attached before the first exhibit?	X		
c. Has the testimony/statement of each witness been recorded verbatim or been reduced to written form and attached as an exhibit?	X		
d. Are copies, descriptions, or depictions (if substituted for real or documentary evidence) properly authenticated and is the location of the original evidence indicated?			X
e. Are descriptions or diagrams included of locations visited by the investigating officer or board (para 3-6b, AR 15-6)?		X	
f. Is each written stipulation attached as an exhibit and is each oral stipulation either reduced to writing and made an exhibit or recorded in a verbatim record?	X		
g. If official notice of any matter was taken over the objection of a respondent or counsel, is a statement of the matter of which official notice was taken attached as an exhibit (para 3-16d, AR 15-6)?			X
3 Was a quorum present when the board voted on findings and recommendations (paras 4-1 and 5-2b, AR 15-6)?			X
B. COMPLETE ONLY FOR FORMAL BOARD PROCEEDINGS (Chapter 5, AR 15-6)			
4 At the initial session, did the recorder read, or determine that all participants had read, the letter of appointment (para 5-3b, AR 15-6)?			
5 Was a quorum present at every session of the board (para 5-2b, AR 15-6)?			
6 Was each absence of any member properly excused (para 5-2a, AR 15-6)?			
7 Were members, witnesses, reporter, and interpreter sworn, if required (para 3-1, AR 15-6)?			
8 If any members who voted on findings or recommendations were not present when the board received some evidence, does the inclosure describe how they familiarized themselves with that evidence (para 5-2d, AR 15-6)?			
C. COMPLETE ONLY IF RESPONDENT WAS DESIGNATED (Section II, Chapter 5, AR 15-6)			
9 Notice to respondents (para 5-5, AR 15-6):			
a. Is the method and date of delivery to the respondent indicated on each letter of notification?			
b. Was the date of delivery at least five working days prior to the first session of the board?			
c. Does each letter of notification indicate:			
(1) the date, hour, and place of the first session of the board concerning that respondent?			
(2) the matter to be investigated, including specific allegations against the respondent, if any?			
(3) the respondent's rights with regard to counsel?			
(4) the name and address of each witness expected to be called by the recorder?			
(5) the respondent's rights to be present, present evidence, and call witnesses?			
d. Was the respondent provided a copy of all unclassified documents in the case file?			
e. If there were relevant classified materials, were the respondent and his counsel given access and an opportunity to examine			
10 If any respondent was designated after the proceedings began (or otherwise was absent during part of the proceedings):			
a. Was he properly notified (para 5-5, AR 15-6)?			
b. Was record of proceedings and evidence received in his absence made available for examination by him and his counsel (para 5-5, AR 15-6)?			
11 Counsel (para 5-5, AR 15-6):			
a. Was each respondent represented by counsel?			
Name and business address of counsel:			
<i>(If counsel is a lawyer, check here)</i>			
b. Was respondent's counsel present at all open sessions of the board relating to that respondent?			
c. If military counsel was requested but not made available, is a copy (or, if oral, a summary) of the request and the action taken on it included in the report (para 5-6b, AR 15-6)?			
12 If the respondent challenged the legal advisor or any voting member for lack of impartiality (para 5-7, AR 15-6):			
a. Was the challenge properly denied and by the appropriate officer?			
b. Did each member successfully challenged cease to participate in the proceedings?			
13 Was the respondent given an opportunity to (para 5-8a, AR 15-6):			
a. Be present with his counsel at all open sessions of the board which deal with any matter which concerns that respondent?			
b. Examine and object to the introduction of real and documentary evidence, including written statements?			
c. Object to the testimony of witnesses and cross-examine witnesses other than his own?			
d. Call witnesses and otherwise introduce evidence?			
e. Testify as a witness?			
f. Make or have his counsel make a final statement or argument (para 5-9, AR 15-6)?			
14 If requested, did the recorder assist the respondent in obtaining evidence in possession of the Government and in arranging for the presence of witnesses (para 5-8b, AR 15-6)?			
15 Are all of the respondent's requests and objections which were denied indicated in the report of proceedings or in an inclosure or exhibit to it (para 5-11, AR 15-6)?			

FOOTNOTES:
1) Explain all negative answers on an attached sheet.
2) Use of the N/A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.

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SECTION IV - FINDINGS (para 3-10, AR 15-6)

The (investigating officer) (board), having carefully considered the evidence, finds:

2/1/C/1-182 MP CO was involved in a traffic accident on 071910 MAR05 at grid (b)(2)High while responding as a Quick Reaction Force to the (b)(6) Police Station as ordered by C/ 1-182 MP Company TOC. The squad received information about a follow on mission as the Quick Reaction Force in support of a possible attack by a hostile crowd that was forming in the vicinity of that police station and was notified to stand by in order to provide possible assistance (See Exhibit A, D, E, Q).

2/1/C/1-182 MP CO was tasked to go to (b)(6) Police Station, as directed by the company TOC in support of 2BCT to increase force protection assets due to a possible increase threat from AIF. While responding, the element missed their turn and attempted to turn around from south bound (b)(2)High to north bound (b)(2)High. After having completed their turn, the lead vehicle #C-214 was struck head on by a civilian vehicle that was described as a semi truck (See Exhibit J). The accident occurred while the vehicle was turning around in the south bound lane of (b)(2)High. There were injuries to three US soldiers and one local national. C/ 1-182 MP elements provided first aid to all the personnel injured during the accident. The three injured US soldiers were evacuated to Camp Rustamiyah hospital where they were evaluated and further evacuated to the 86th CSH. The civilian later died due to his injuries. The civilian was transported to Check Point (b)(2)High and was released to Iraqi Police at that location (See Exhibit E, F, J).

The squad tasked for this mission had just completed 12 hours of operation in support of the local Iraqi Police Station. The squad had around 10 minutes of preparation time between receiving the warning order and the departure from Camp Rustamiyah. The squad also had been instructed to conduct black out operations by both their company TOC and their Platoon Leader. The squad also felt the police station was under eminent threat by a large group of possible AIF fighters. Weather was not a significant element on this date according to a statement from the squad leader (See Exhibit D, E, P.).

The overall cause of the accident was due to the squad being unfamiliar with the route, inexperience operating with NVG PVS-14's during black out operations and also the unit responding to this incident not having enough time to prepare for their mission. The accident was also due to the team leader's decision to make a U turn that placed the squad's truck into the opposite lane of traffic. The incident was an accident, the decision to make the turn into oncoming traffic was made due to the large amount of IED's placed in the median of the road in that area (See Exhibit E, F, G, H).

After reviewing all the exhibits, I came to the conclusion that the squad was unfamiliar with the route and the method of operation that needed to be conducted during blackout operations in response to a Quick Reaction Force mission at night in an unfamiliar area. The Iraqi Police checkpoint that was discussed during the interview with the Team Leader (See Exhibit E) was at a distance that was greater than half a mile. I visited the area and found that it was not manned constantly, also the check point was at a distance that would not have made a difference on the speed of the truck. The distance was enough to strike the convoy. The Squad was under the impression that the police station was under imminent threat. This was true to an extent, however, the squad placed themselves in danger and the personnel at the police station by driving in a manner that prevented them to respond to their mission. The Team Leader's decision to turn at the point he did was not the best course of action but was not intended to harm the soldiers or the local national. The Team Leader made a decision with the knowledge that he had about the IED's in the area and the large number of IED that have been detonated in the median of that road. (See Exhibit E),

SECTION V - RECOMMENDATIONS (para 3-11, AR 15-6)

In view of the above findings, the (investigating officer) (board) recommends:

I find that there was no intent on killing the Iraqi Local National and the destruction of property both to the government and the Local national was the result of an accident, a bad decision and the inexperience of a Team Leader.

The Battalion and subordinate units should revise the unit's Standard Operating Procedures that are followed prior to conducting missions during hours of limited visibility with the use of black out drive in conjunction with night vision devices.

The Battalion and subordinate units must revise the tasking for quick reaction force missions. The evaluation of the element to be assigned must include availability, prior mission and familiarity with the area in which that unit will be conducting quick reaction force missions to.

(b)(5)

SECTION VI - AUTHENTICATION (para 3-17, AR 15-6)

THIS REPORT OF PROCEEDINGS IS COMPLETE AND ACCURATE. (If any voting member or the recorder fails to sign here or in Section VII below, indicate the reason in the space where his signature should appear.)

(Recorder)

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

(Member)

(Member)

(Member)

(Member)

SECTION VII - MINORITY REPORT (para 3-13, AR 15-6)

To the extent indicated in _____, the undersigned do(es) not concur in the findings and recommendations of the board. (In the inclosure, identify by number each finding and/or recommendation in which the dissenting member(s) do(es) not concur. State the

(Member)

(Member)

SECTION VIII - ACTION BY APPOINTING AUTHORITY (para 2-3, AR 15-6)

The findings and recommendations of the (investigating officer) (board) are (approved) (disapproved) (approved with following exceptions substitutions). (If the appointing authority returns the proceedings to the investigating officer or board for further proceedings or corrective action, attach that correspondence (or a summary, if oral) as a numbered inclosure.)

DEPARTMENT OF THE ARMY
TF 720 MILITARY POLICE
CAMP RUSTAMIYAH, IRAQ
APO AE 09390-2402

AFVP-CDR

07 MARCH 2005

MEMORANDUM FOR COMMANDER, 42ND MILITARY POLICE BRIGADE, ATTN: S3

SUBJECT: VEHICLE ACCIDENT

1. REPORT MADE BY:

- a. RANK: MSG
- b. NAME: (b)(3), (b)(6)
- c. DUTY POSITION: Operations Sergeant
- d. UNIT: C/1-182 MP CO
- e. TIME: 1900

2. TYPE OF REPORT: CIR

3. TYPE OF INCIDENT: Vehicle Accident – 3 Injuries

4. DTG OF INCIDENT: 071900CMAR05

5. LOCATION OF INCIDENT: (b)(2)High

6. UNITS INVOLVED: C/1-182 MP CO

7. UNIT ADDRESS: Camp Rustamiyah, Iraq, APO AE 09390-2402

8. LIST OF PERSONNEL INVOLVED:

- a. VICTIM: (b)(3), (b)(6)
 - (1) Rank or Grade: SPC
 - (2) SSN: (b)(3), (b)(6)
 - (3) Race: Caucasian
 - (4) Sex: (b)(6)
 - (5) Age: (b)(6)
 - (6) Position: Driver
 - (7) Security Clearance: Secret
 - (8) Unit and Station of Assignment: C/1-182 MP CO, Camp Rustamiyah
 - (9) Duty Position: Driver

AFVP-CDR
SUBJECT: Commander's Incident Report: Vehicle Accident

- b. VICTIM:** (b)(3), (b)(6)
- (1) Rank or Grade: **SPC**
 - (2) SSN: (b)(3), (b)(6)
 - (3) Race: **Caucasian**
 - (4) Sex: (b)(6)
 - (5) Age: (b)(6)
 - (6) Position: **Gunner**
 - (7) Security Clearance: **Secret**
 - (8) Unit and Station of Assignment: **C/1-182 MP CO, Camp Rustamiyah**
 - (9) Duty Position: **Gunner**

- c. VICTIM:** (b)(3), (b)(6)
- (1) Rank or Grade: **1LT**
 - (2) SSN: (b)(3), (b)(6)
 - (3) Race: **Caucasian**
 - (4) Sex: (b)(6)
 - (5) Age: (b)(6)
 - (6) Position: **Platoon Leader**
 - (7) Security Clearance: **Secret**
 - (8) Unit and Station of Assignment: **C/1-182 MP CO, Camp Rustamiyah**
 - (9) Duty Position: **Platoon Leader**

9. NARRATIVE: 2/1/C/1-182 MP CO, was enroute to (b)(6) Police Station, as directed by 2BCT to increase force protection assets due to possible increased threats from AIF. The element missed their intended turn and attempted to turn around from SB (b)(2)High to NB (b)(2)High. While turning around, the lead vehicle (M-1114) collided head-on with a civilian vehicle described as a 10-foot truck. The accident occurred while the convoy was turning around and occurred in the SB lane of (b)(2)High. There were injuries to three US soldiers and one Iraqi Civilian. C/1-182 MP elements secured the scene and requested MEDEVAC and QRF support. C/1-182 MP elements provided first aid for all three injured soldiers and the injured civilian. The three injured US Soldiers were ground evacuated to the Camp Rustamiyah hospital where they were evaluated and further evacuated to the 86th CSH. The civilian later died on the scene. The deceased was transported to CP (b)(2)High was released to Iraqi Police at that location. All US military personnel involved in the accident were wearing hearing protection, ballistic eyewear, advanced combat helmets, IBA, and vehicle safety constraints. The vehicle involved with the accident had level 1 armor.

Initial injury report:

SPC (b)(3), (b)(6) complained of neck and back pain, initial evaluation is moderate to severe concussion.

SPC (b)(3), (b)(6) complained of neck and back pain, initial evaluation is a mild concussion and possible left hip fracture.

AFVP-CDR

SUBJECT: Commander's Incident Report: Vehicle Accident

1LT (b)(3), (b)(6) complained of neck and back pain and sustained minor lacerations throughout his body and a possible fracture to his right leg.

The C/1-182 MP Co Medic NCOIC, SSG (b)(3), (b)(6), relates that all three were stable at the time of their evacuation.

10. TIME UNIT COMMANDER WAS NOTIFIED: 071915CMAR05

Notified Battalion at 071916CMAR05

Notified Maneuver command at 071915CMAR05

**11. UNIT COMMANDER: Company Commander – CPT (b)(3), (b)(6); Battalion
Commander - LTC (b)(3), (b)(6); Brigade Commander - COL (b)(3), (b)(6)
(b)(3), (b)(6)**

12. DRUGS OR ALCOHOL INVOLVED: No

13. ESTIMATED COST OF DAMAGE: Unknown

14. COMMANDER'S EVALUATION AND OTHER COMMENTS:

a. IMPACT ON OPERATIONAL READINESS: Vehicle heavily damaged. Platoon leader and 2/3 of a team injured.

b. INDICATE COMMANDER'S JUDGEMENT OF CAUSE: Pending commander's inquiry.

15. ACTIONS TAKEN BY UNIT/BN COMMANDER: Initiated commander's inquiry.

16. AUTHENTICATION AND POC #: MAJ (b)(3), (b)(6), S3; VOIP (b)(2)

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MEMORANDUM FOR Commander, Task Force 720th Military Police, Camp Rustamiyah,
(b)(6) Iraq, APO AE 09390-2402

SUBJECT: Review of AR 15-6 Investigation (Vehicle Accident with 3 US injuries and an Iraqi civilian fatality)

1. I have reviewed the Report of Proceedings of the Investigating Officer concerning the facts and circumstances surrounding a vehicle accident between C CO, 1-182nd FA and a civilian Iraqi National at Grid (b)(2)High, resulting in 3 US injuries and the death of an Iraqi National, on or about 7 March 2005 and find it to be legally sufficient.
2. The findings of the Investigating Officer are supported by a preponderance of the evidence as contained in the exhibits.
3. The investigation did not contain any material errors which would affect the findings and recommendations.
4. The actions taken during this proceeding comply with legal and procedural requirements of AR 15-6.
5. Further, recommend the Appointing Authority approve the findings and recommendations by signing above the signature block at the bottom of Section VIII, DA Form 1574. Should the chain of command decide on alternate administrative or disciplinary action, the recommendations should be modified accordingly.
6. Point of contact for this action is the undersigned at DSN (b)(2) or (b)(3), (b)(6) @iraq.centcom.mil .

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

CPT, JA U
Administrative Law Attorney