



REPLY TO
ATTENTION OF

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

FICI-JA-AL

28 JUL 2007

MEMORANDUM FOR 1LT (b)(3), (b)(6) 543rd Military Police Company, 97th Military Police Battalion, 89th Military Police Brigade, Camp Victory, Iraq APO AE 09342

SUBJECT: Appointment of AR 15-6 Investigating Officer – Escalation of Force Incident on 22 July 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 22 July 2007 Escalation of Force (EOF) incident in which a local national was killed.
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. 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?
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.
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”).

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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



UNCLASSIFIED
~~SECRET//X1~~



MULTI-NATIONAL CORPS IRAQ

STAFF SUMMARY		CLASSIFICATION: SECRET//NOFORN (U)		DATE: 25 July 2007							
Staff Section SJA	Section Log #:		SJS Log #:								
TO: CofS		SUSPENSE:		FROM: Adlaw, SJA							
SUBJECT: AR 15-6 IO Appointment				Action Officer: SPC (b)(3), (b)(6) (b)(2)							
ISSUE/PURPOSE: CofS, on CG's behalf, appoint IO to investigate an EOF incident.											
BACKGROUND: On 22 July 2007, 571 st MP CO personnel were involved in an escalation of force incident in which a at least one local national was wounded.											
ISSUE/CONCERNS: NSTR											
RECOMMENDATION: Sign Appointment Memo											
ATTACHED DOCUMENTS: SIGACT #2757											
REMARKS: FRAGO 225 requires the CG to appoint an AR 15-6 IO for EOF incidents that result in death. You are permitted to appoint the IO on his behalf; however, CG must approve the final investigation.											
STAFF COORDINATION:											
#	SECTION	C	NC	#	SECTION	C	NC	#	SECTION	C	NC
	CG				CSM				ASOC/TACP		
	XO				Admin				CHAP		
	Aide			4	SJS				ECC		
	Admin				Admin				EO		
	DCG (GBR)				C1				IG		
	Admin				C2				PAO		
	DCG (US)				C3				PMO		
	Admin				C4				RCD (Res/NG Aff)		
	DCG (ITA)				C5			1	SJA	(b)(3), (b)(6)	
	Admin				C6				SURG		
3	CofS	(b)(3), (b)(6)			C7				HQ CMD		
	Admin				C8				POLAD		
2	DCofS (USA)				C9						
COMMENTS: C = CONCUR; NC = NONCONCUR											

MNC-I Form 1222 Feb 05

~~DRV FM: NSA/CSS 800974-2~~

~~Dated: 24 Feb 98~~

~~DECL ON: X1~~

UNCLASSIFIED

ON 221150JUL07, 1/3/571 WAS TRAVELING SOUTH ON RTE IVO [redacted] (b)(2)High [redacted] WHEN A BLUE BONGO TRUCK APPROACHED THE PATROL AT A HIGH RATE OF SPEED FROM AROUND A BLIND CORNER. THE PATROL INITIATED EOF PROCEDURES AT APPROXIMATELY [redacted] METERS THE DRIVER OF VEHICLE #1 [redacted] (b)(6) INITIATED THE VEHICLE SIREN AND FLASHED THE HEADLIGHTS WITH NO RESPONSE. THE GUNNER OF VEHICLE #1 [redacted] (b)(6) WAVED THE VS17 PANEL THE VEHICLE STILL DID NOT RESPOND. WHEN THE VEHICLE WAS APPROXIMATELY [redacted] METERS FROM THE PATROL, GUNNER CONDUCTED A SHOW OF FORCE WITH HIS [redacted] (b)(2) VEHICLE FAILED TO YIELD AND CONTINUED TOWARD THE PATROL. WHEN THE VEHICLE WAS APPROXIMATELY [redacted] METERS FROM THE PATROL THE GUNNER OF VEH#1 [redacted] (b)(2) FIRED ONE [redacted] (b)(2) RND INTO A DIRT PATCH APPROX. [redacted] METERS TO THE LEFT SHOULDER OF THE ROAD AND APPROX. [redacted] METERS IN FRONT OF THE BLUE BONGO TRUCK. THE TC IN VEH#1 [redacted] (b)(2) AND DRIVER OF VEH#2 [redacted] (b)(2) OBSERVED THE RND STRIKE A PATCH OF DIRT. THE RND WAS RICOCHETED OFF OF THE GROUND AND STRUCK THE DRIVERS SIDE OF THE WINDSHIELD. THE BULLET FRAGMENTED AND STRUCK THE DRIVER IN THE RIGHT SHOULDER, AND THE PASSENGER (FEMALE) SITTING RIGHT NEXT TO HIM IN THE LEFT SHOULDER AND THE CHEST AREA. THE PATROL ESCORTED THE LN VEHICLE TO FOB GABE FOR FURTHER MEDICAL TREATMENT. THE LN MALE WAS TREATED AND RELEASED. THE LN FEMALE WAS TREATED AND MEDEVAC TO BALAD FOR FURTHER TREATMENT. ALL VEHICLES WERE [redacted] (b)(2)High [redacted] (b)(2)High ALL SOLDIERS WERE [redacted] (b)(2)High [redacted] (b)(2)High THERE WERE NO INJURIES OR DAMAGE TO GOR EQUIPMENT. NO CLAIMS CARD WAS ISSUED. DAMAGE TO GOVERNMENT AND/OR CIVILIAN PROPERTY: BLUE BONGO TRUCK DAMAGE TO DRIVERS SIDE FRONT WINDSHIELD.

(b)(2)High

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

Created By: SFC [redacted] (b)(2)
VoIP: [redacted]

1. UNIT REPORTING: 89 MP BDE. POC IS THE BATTLE CAPTAIN/NCO, VOIP 242-0286,

(b)(3), (b)(6) @S-IRAQ.CENTCOM.SMIL.MIL

(b)(2)High @S-IRAQ.CENTCOM.SMIL.MIL

2. INCIDENT: EOF 571

SIR: Y

CCIR: N

SIGACT: #2757

3. DTG: 221150JUL07

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

5. PERSONNEL INVOLVED:

VEHICLE #1, M1114, 308, DUKE (ON)

(b)(3), (b)(6) SSG, 1/3/571 MP, 97MP BN, (b)(3), (b)(6) M, 28, (b)(6) SL

(b)(3), (b)(6) PFC, 1/3/571 MP, 97 MP BN, (b)(3), (b)(6) M, 19, (b)(6) D

(b)(3), (b)(6) PFC, 1/3/571 MP, 97 MP BN, (b)(3), (b)(6) M, 20, (b)(6) G

(b)(6) INTERPRETER, M, PAX

VEHICLE #2, M1151, 311, DUKE (ON)

(b)(3), (b)(6) CPL, 1/3/571 MP, 97 MP BN, (b)(3), (b)(6) F, 21, (b)(6) TL

(b)(3), (b)(6) PFC, 1/3/571 MP, 97 MP BN, (b)(3), (b)(6) M, 22, (b)(6) D

(b)(3), (b)(6) PFC, 1/3/571 MP, 97 MP BN, (b)(6) M, 24, (b)(6) G

(b)(3), (b)(6) 2LT, 3/571 MP, 97 MP BN, (b)(3), (b)(6) F, 23, (b)(6) PL

VEHICLE #3, M1117, 182, DUKE (ON)

(b)(3), (b)(6) SPC, 1/3/571 MP, 97 MP BN, (b)(3), (b)(6) M, 19, (b)(6) TL

(b)(3), (b)(6) PFC, 1/3/571 MP, 97 MP BN, (b)(6) M, 20, (b)(6) D

(b)(3), (b)(6) PFC, 1/3/571 MP, 97 MP BN, (b)(6) M, 19, (b)(6) G

VEHICLE #4, M1114, 333, DUKE (ON)

(b)(3), (b)(6) SGT, 3/3/571 MP, 97 MP BN, (b)(3), (b)(6) M, 36, (b)(6) TL

(b)(3), (b)(6) SPC, 3/3/571 MP, 97 MP BN, (b)(3), (b)(6) M, 25, (b)(6) D

(b)(3), (b)(6) PFC, 1/3/571 MP, 97 MP BN, (b)(3), (b)(6) M, 20, (b)(6) G

MISSION: PTT AL ABARRA / AL ADORAH

6. SUMMARY OF INCIDENT: ON 221150JUL07, 1/3/571 WAS TRAVELING SOUTH ON RTE (b)(2)High IVO (b)(2)High WHEN A (b)(6) TRUCK APPROACHED THE PATROL AT A HIGH RATE OF SPEED FROM AROUND A BLIND CORNER. THE PATROL INITIATED EOF PROCEDURES. AT APPROXIMATELY (b)(2)High METERS THE DRIVER OF VEHICLE #1 (b)(3), (b)(6) INITIATED THE VEHICLE SIREN AND FLASHED THE HEADLIGHTS WITH NO RESPONSE. THE GUNNER OF VEHICLE #1 (b)(3), (b)(6) WAVED THE VS17 PANEL THE VEHICLE STILL DID NOT RESPOND. WHEN THE VEHICLE WAS APPROXIMATELY (b)(2)High METERS FROM THE PATROL, GUNNER (b)(3), (b)(6) CONDUCTED A SHOW OF FORCE WITH HIS (b)(2)High VEHICLE FAILED TO YEILD AND CONTINUED TOWARD THE PATROL. WHEN THE VEHICLE WAS APPROXIMATELY (b)(2)High METERS FROM THE PATROL THE GUNNER OF VEH#1 (b)(3), (b)(6) FIRED ONE (b)(2)High RND INTO A DIRT PATCH APPROX (b)(2)High METERS TO THE LEFT SHOULDER OF THE ROAD AND APPROX (b)(2)High METERS IN FRONT OF THE (b)(6) TRUCK. THE TC IN VEH#1 (b)(3), (b)(6) AND DRIVER OF VEH#2 (b)(3), (b)(6) OBSERVED THE RND STRIKE A PATCH OF DIRT. THE ROUND WAS RICOCHETED OFF OF THE GROUND AND STRUCK THE DRIVERS SIDE OF THE WINDSHIELD. THE BULLET FRAGMENTED AND STRUCK THE DRIVER IN THE RIGHT SHOULDER, AND THE PASSENGER (FEMALE) SITTING RIGHT NEXT TO HIM IN THE LEFT SHOULDER AND THE CHEST AREA. THE PATROL ESCORTED THE LN VEHICLE TO FOB GABE FOR FURTHER MEDICAL TREATMENT. THE LN MALE WAS TREATED AND RELEASED. THE LN FEMALE WAS TREATED AND MEDEVAC TO BALAD FOR FURTHER TREATMENT. ALL VEHICLES WERE (b)(2)High ALL SOLDIERS (b)(2)High THERE WERE NO INJURIES OR DAMAGE TO CF OR EQUIPMENT. NO CLAIMS CARD WAS ISSUED.

7. DAMAGE TO GOVERNMENT AND/OR CIVILIAN PROPERTY (b)(6) TRUCK DAMAGE TO DRIVERS SIDE FRONT WINDSHILED, 2 X LN WIA.

8. COMMANDER REPORTING: COL (b)(3), (b)(6) BRIGADE COMMANDER.