



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) 977th Military Police Company, 97<sup>th</sup>  
Military Police Battalion, 89<sup>th</sup> Military Police Brigade, Camp Victory, Iraq APO AE 09342

SUBJECT: Appointment of AR 15-6 Investigating Officer – Escalation of Force Incident  
on 23 July 2007 (571<sup>st</sup> MP CO, 97<sup>th</sup> MP BN, 89<sup>th</sup> 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 23 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 89<sup>th</sup> 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 89<sup>th</sup> MP BDE, at DSN [redacted (b)(2)]

FOR THE COMMANDER:



JOSEPH ANDERSON  
Brigadier General, USA  
Chief of Staff



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# MULTI-NATIONAL CORPS IRAQ

<b>STAFF SUMMARY</b>		<b>CLASSIFICATION:</b> <del>SECRET//NOFORN</del> (U)		<b>DATE:</b> 25 July 2007							
Staff Section SJA	Section Log #:		SJS Log #:								
<b>TO:</b> CofS		<b>SUSPENSE:</b>		<b>FROM:</b> Adlaw, SJA							
<b>SUBJECT:</b> AR 15-6 IO Appointment				<b>Action Officer:</b> SPC (b)(3), (b)(6) (b)(2)							
<b>ISSUE/PURPOSE:</b> CofS, on CG's behalf, appoint IO to investigate an EOF incident.											
<b>BACKGROUND:</b> On 22 July 2007, 571 <sup>st</sup> MP CO personnel were involved in an escalation of force incident in which a at least one local national was wounded.											
<b>ISSUE/CONCERNS:</b> NSTR											
<b>RECOMMENDATION:</b> Sign Appointment Memo											
<b>ATTACHED DOCUMENTS:</b> SIGACT #2757											
<b>REMARKS:</b> 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.											
<b>STAFF COORDINATION:</b>											
#	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				C7				HQ CMD		
	Admin				C8				POLAD		
2	DCofS (USA)				C9						
<b>COMMENTS:</b> C = CONCUR; NC = NONCONCUR											

MNC-I Form 1222 Feb 05

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SUMMARY: ON 230820JUL07, 213571 WAS TRAVELING (b)(2) SOUTHEAST ON RTE (b)(2) IVO (b)(2) WHEN THE PATROL OBSERVED A BLUE/GREY IN COLORED SEDAN MOVE ONTO (b)(2) FROM A PARKING AREA OF A MARKETPLACE ON THE EAST SIDE OF THE ROAD, APPROXIMATELY 30 METERS TO THE FRONT OF THE PATROL. THE VEHICLE TURNED NORTHWEST, IN THE DIRECTION OF THE PATROL, AND APPROACHED AT AN ESTIMATED 30-40 MPH. AT (b)(2) METERS VEHICLE #1 (b)(2) OBSERVED ONLY ONE OCCUPANT AND COULD NOT SEE THE CHILD IN THE PASSENGER SEAT. THE VEHICLE CONTINUED TO APPROACH THE PATROL, (b)(2) UTILIZED HAND AND ARM SIGNALS TO INCLUDE IRAQI SIGNAL TO STOP AND VEHICLE #1 DRIVER (b)(2) UTILIZED THE VEHICLE HORN. THE VEHICLE CONTINUED TOWARDS THE PATROL. (b)(2) THEN DISPLAYED HIS (b)(2) TO SHOW INTENT AND (b)(2) CONTINUED TO UTILIZE THE VEHICLE HORN WITH NEGATIVE RESULTS. AT (b)(2) METERS (b)(2) PREPARED TO FIRE A WARNING SHOT BUT DUE TO (b)(2) DISTANCE TRANSITIONED TO A DISABLING SHOT AND FIRED 1 (b)(2) RIFLE AT THE ENGINE BLOCK AND OBSERVED IT STRIKE THE RIGHT SIDE OF THE WINDSHIELD AT A STEEP ANGLE ENTERING THE PASSENGER COMPARTMENT AND STRIKING AN UNOBSERVED OCCUPANT. THE VEHICLE CAME TO A STOP. THE PATROL CONDUCTED A SECURITY HALT AND VEHICLE #1 TEAM LEADER (b)(2) INTERPRETER (b)(2) VEHICLE #4 TEAM LEADER (b)(2) AND IPA (b)(2) APPROACHED THE VEHICLE AND IDENTIFIED THAT ROUND HAD STRUCK A CHILD INSIDE THE VEHICLE AND RENDERED FIRST AID. THE CHILD HAD STOPPED BLEEDING AND WAS NOT BREATHING AND WAS ASSESSED TO HAVE DIED. THE CHILD AND THE VEHICLE DRIVER ALSO THE FATHER (b)(2) WERE ESCORTED TO THE KHANAN LPS BY KHANAN IP. THE PATROL PRECEDED TO THE KHANAN LPS WHERE IT WAS CONFIRMED THAT THE CHILD HAD DIED. THERE WERE NO INJURIES OR DAMAGE TO CF OR EQUIPMENT. NO CLAIMS CARD WAS ISSUED. ALL VEHICLES (b)(2)

(b)(2)High

DAMAGE TO GOVERNMENT AND/OR CIVILIAN PROPERTY:  
 CIVILIAN SEDAN: 1 X BULLET HOLE TO RIGHT-SIDE OF WINDSHIELD

INTEL ASSESSMENT: NA

1. UNIT REPORTING: 89 MP BDE. POC IS THE BATTLE CAPTAIN/NCO, VOIF (b)(2)

(b)(3), (b)(6) @S-IRAQ.CENTCOM.SMIL.MIL  
(b)(2)High @S-IRAQ.CENTCOM.SMIL.MIL

2. INCIDENT: ECF SIGACT# 2758 SIR: Y CCIR: Y

3. DTG: 230820JUL07

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

5. PERSONNEL INVOLVED:

VEHICLE #1, M1114, 321, DUKE (ON)

(b)(3), (b)(6) SGT, 2/3/571 MP, 97 MP BN, (b)(3), (b)(6), M, 22, (b)(6) TL  
(b)(3), (b)(6) SPC, 2/3/571 MP, 97 MP BN, (b)(3), (b)(6), M, 40, (b)(6) D  
(b)(3), (b)(6) PFC, 2/3/571 MP, 97 MP BN, (b)(3), (b)(6), M, 19, (b)(6) G  
(b)(6) INTERPRETER, M, PAX

VEHICLE #2, M1117, 822

(b)(3), (b)(6) SGT, 3/3/571 MP, 97 MP BN, (b)(3), (b)(6), M, 32, (b)(6) TL  
(b)(3), (b)(6) PFC, 3/3/571 MP, 97 MP BN, (b)(3), (b)(6), F, 21, (b)(6) D  
(b)(3), (b)(6) PFC, 3/3/571 MP, 97 MP BN, (b)(3), (b)(6), M, 24, (b)(6) G

VEHICLE #3, M1114, 320, DUKE (ON)

(b)(3), (b)(6) 2LT, 3/571 MP, 97 MP BN, (b)(3), (b)(6), F, 23, (b)(6) PL  
(b)(3), (b)(6) CPL, 2/3/571 MP, 97 MP BN, (b)(3), (b)(6), F, 21, (b)(6) D  
(b)(3), (b)(6) PFC, 2/3/571 MP, 97 MP BN, (b)(3), (b)(6), M, 19, (b)(6) G

VEHICLE #4, M1114, 332, DUKE (ON)

(b)(3), (b)(6) SGT, 3/3/571 MP, 97 MP BN, (b)(3), (b)(6), M, 24, (b)(6) TL  
(b)(3), (b)(6) PFC, 3/3/571 MP, 97 MP BN, (b)(3), (b)(6), F, 18, (b)(6) D  
(b)(3), (b)(6) SPC, 3/3/571 MP, 97 MP BN, (b)(3), (b)(6), M, 20, (b)(6) G  
(b)(6) IPLO, M, PAX

MISSION: PTT KHANAN

6. SUMMARY OF INCIDENT: ON 230820JUL07, 2/3/571 WAS TRAVELING SOUTHEAST ON RTE (b)(2)High IVO (b)(2)High, WHEN THE PATROL OBSERVED A BLUE/GREY IN COLOR SEDAN MOVE ONTO RTE (b)(2)High FROM A PARKING AREA OF A MARKETPLACE ON THE EAST SIDE OF THE ROAD, APPROXIMATELY 30 METERS TO THE FRONT OF THE PATROL. THE VEHICLE TURNED NORTHWEST, IN THE DIRECTION OF THE PATROL, AND APPROACHED AT AN ESTIMATED 30-40 MPH. AT (b)(2)High METERS VEHICLE #1 (b)(3), (b)(6) OBSERVED ONLY ONE OCCUPANT AND COULD NOT SEE THE CHILD IN THE PASSENGER SEAT. THE VEHICLE CONTINUED TO APPROACH THE PATROL, (b)(3), (b)(6) UTILIZED HAND AND ARM SIGNALS TO INCLUDE IRAQI SIGNAL TO STOP AND VEHICLE #1 DRIVER (b)(3), (b)(6) UTILIZED THE VEHICLE HORN. THE VEHICLE CONTINUED TOWARDS THE PATROL, (b)(3), (b)(6) THEN DISPLAYED HIS (b)(2)High TO SHOW INTENT AND (b)(3), (b)(6) CONTINUED TO UTILIZE THE VEHICLE HORN WITH NEGATIVE RESULTS. AT (b)(2)High METERS (b)(3), (b)(6) PREPARED TO FIRE A WARNING SHOT BUT DUE TO DISTANCE TRANSITIONED TO A DISABLING SHOT AND FIRED (b)(2)High AND AT THE ENGINE BLOCK AND OBSERVED IT STRIKE THE RIGHT SIDE OF THE WINDSHIELD AT A STEEP ANGLE ENTERING THE PASSENGER COMPARTMENT AND STRIKING AN UNOBSERVED OCCUPANT. THE VEHICLE CAME TO A STOP. THE PATROL CONDUCTED A SECURITY HALT AND VEHICLE #1 TEAM LEADER (b)(3), (b)(6) INTERPRETER (b)(6), VEHICLE #4 TEAM LEADER (b)(3), (b)(6), AND IPA (b)(6) APPROACHED THE VEHICLE AND IDENTIFIED THAT ROUND HAD STRUCK A CHILD INSIDE THE VEHICLE AND RENDERED FIRST AID. THE CHILD HAD STOPPED BLEEDING AND WAS NOT BREATHING AND WAS ASSESSED TO HAVE DOW. THE CHILD AND THE VEHICLE DRIVER ALSO THE FATHER (b)(6) WERE ESCORTED TO THE KHANAN LPS BY KHANAN IP. THE PATROL PRECEDED TO THE KHANAN LPS WHERE IT WAS CONFIRMED THAT THE CHILD HAD DOW. THERE WERE NO INJURIES OR DAMAGE TO CF OR EQUIPMENT. NO CLAIMS CARD WAS ISSUED. ALL VEHICLES (b)(2)High

(b)(2)High

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~~SECRET//REL TO USA AND MCFI~~

7. DAMAGE TO GOVERNMENT AND/OR CIVILIAN PROPERTY: CIVILIAN SEDAN: 1 X BULLET HOLE TO RIGHT-SIDE OF WINDSHIELD

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

~~SECRET//REL TO USA AND MCFI~~

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