

HQ, USF-I
CAMP VICTORY, IRAQ
150900CMAR10
ROUTINE [GREEN]

(U) **TAB D TO APPENDIX 13 TO ANNEX C (OPERATIONS) TO USF-I OPERATIONS ORDER 10-01**

(U) COMMANDER / REQUIRING ACTIVITY REVIEW AND INVESTIGATION OF CONTRACTOR SERIOUS INCIDENTS.

(U) **REFERENCES:** SEE TAB A.

(U) TIME ZONE USED THROUGHOUT THIS ORDER: CHARLIE (C)

1. (U) **SITUATION:** THIS ENCLOSURE CONSOLIDATES AND CLARIFIES THE REQUIREMENTS, PROCEDURES, AND RESPONSIBILITIES FOR COMMANDERS TO REVIEW AND INVESTIGATE SERIOUS INCIDENTS INVOLVING ARMED CONTRACTORS/DOD CIVILIANS, AND PSCS.

2. (U) **MISSION:** NO CHANGE.

3. (U) **EXECUTION.**

3.A. (U) **CONCEPT OF OPERATIONS:** REQUIRING ACTIVITY COMMANDERS (RAC) ARE RESPONSIBLE FOR MAINTAINING AWARENESS, COMMAND, AND CONTROL OF THE ACTIVITIES OF THE ARMED CONTRACTORS THEY HAVE HIRED TO ACCOMPLISH THE MISSION. THOROUGH AND TIMELY COMMAND REVIEW OF SERIOUS INCIDENTS AND EFFECTIVE CORRECTIVE ACTIONS, AS APPROPRIATE, ARE CRITICAL TO MAINTAINING GOOD ORDER AND DISCIPLINE IN CONTRACTOR OPERATIONS. USF-I AND SUBORDINATE AND SUPPORTING UNITS MUST ENSURE COMMAND REVIEWS AND INVESTIGATIONS ARE PROPERLY CONDUCTED FOR ALL SERIOUS INCIDENTS INVOLVING ARMED CONTRACTORS / DOD CIVILIANS AND PSCS. THIS CAN BE A REVIEW OF THE FINAL SIR OR A FOLLOW ON INVESTIGATION (E.G. 15-6). RACS ARE RESPONSIBLE FOR ENSURING CONTRACTING OFFICERS (KOS) AND CONTRACTING OFFICER REPRESENTATIVES (CORS) MAINTAIN EFFECTIVE OVERSIGHT OF THEIR CONTRACTORS. TO FACILITATE COMMAND REVIEW AND/OR INVESTIGATION, CONTRACTORS MUST MAKE TIMELY AND ACCURATE REPORTS WHEN INVOLVED IN SERIOUS INCIDENTS AS REQUIRED BY TAB C.

3.B. (U) **TASKS TO SUBORDINATE UNITS:**

3.B.1. (U) IN REVIEWING THE SIR, IF ACOB DETERMINES THE EVENT WARRANTS FURTHER INVESTIGATION, A LETTER WILL BE SENT TO THE RAC REQUESTING A PRELIMINARY INQUIRY AND/OR FURTHER ACTION. THE REQUIRING ACTIVITY (RA) SHALL COMPLETE SUCH INITIAL INQUIRY WITHIN 7 DAYS OF THE INCIDENT AND, IF AN INVESTIGATION IS NECESSARY, SHALL COMPLETE THE INVESTIGATION WITHIN 30 DAYS OF THE INCIDENT. THIS DOES NOT PRECLUDE THE BATTLEFIELD COMMANDER OR HIGHER AUTHORITY FROM CONDUCTING A SEPARATE INVESTIGATION IF HE DEEMS NECESSARY.

3.B.2. (U) THE RAC SHALL SUBMIT A COPY OF EITHER HIS ENDORSEMENT OF THE CONTRACTOR'S INTERNAL SERIOUS INCIDENT REPORT (WITHIN 7 DAYS) OR THE RA'S FINAL REPORT OF INVESTIGATION (WITHIN 30 DAYS) TO THE USF-I J34 PROTECTION ARMED CONTRACTOR OVERSIGHT BRANCH (ACOB) AND TO THE USF-I SJA. THE COMMANDER'S SUBMISSION SHALL INCLUDE A SUMMARY OF ANY CORRECTIVE ACTION TAKEN BY THE COMMANDER OR HIS KO IN RESPONSE TO THE INCIDENT (OR A STATEMENT THAT NONE WAS NECESSARY) AND SHALL INCLUDE ANY ASSOCIATED DOCUMENTATION AS ATTACHMENT(S). USF-I ACOB WILL REVIEW THE REPORT FOR USE IN DEVELOPING

LESSONS LEARNED AND SUBMITTING REPORTS TO HIGHER HEADQUARTERS. USF-I SJA WILL REVIEW THE REPORT TO DETERMINE WHETHER ADDITIONAL INVESTIGATION, ADMINISTRATIVE ACTION, OR PROSECUTORIAL ACTION IS APPROPRIATE TO HELP MAINTAIN GOOD ORDER AND DISCIPLINE IN THE IRAQ JOINT OPERATIONS AREA (IJOA). USF-I AND SUBORDINATE UNITS, AS WELL AS SUPPORTING UNITS WITH ARMED CONTRACTORS OR SUBCONTRACTORS OPERATING IN THE IJOA, WILL INCLUDE DETAILED REPORTING AND INVESTIGATING REQUIREMENTS IN ALL CURRENT AND FUTURE CONTRACTS AS OUTLINED IN TAB A.

3.B.3.(U) COMMANDERS WILL COMPLY WITH USF-I REQUIREMENTS REGARDING INVESTIGATION AND NOTIFICATION OF ANY ALLEGATION OF FELONY MISCONDUCT BY A CIVILIAN SERVING WITH OR ACCOMPANYING THE FORCE. THE COMMANDER WILL NOTIFY USF-I SJA, MILITARY JUSTICE DIVISION WITHIN 24 HOURS OF RECEIVING A REPORT THAT ALLEGES FELONY MISCONDUCT.

3.C.(U) COORDINATING INSTRUCTIONS.

3.C.1.(U) CONTRACTORS ARE REQUIRED TO CONDUCT AN INTERNAL INVESTIGATION OF EACH SERIOUS INCIDENT AS DIRECTED BY ACOB AND MUST SUBMIT A FINAL SERIOUS INCIDENT REPORT (SIR) WITHIN 96 HOURS TO THE CONOC, THE COR AND THE KO IN ACCORDANCE WITH TAB C. AS DETAILED BELOW, THE MILITARY UNIT OR OTHER U.S. GOVERNMENT ENTITY RECEIVING THE CONTRACTED SECURITY SERVICES (THE RA) (I.E. THE GOVERNMENT ENTITY THAT OBTAINED AUTHORIZATION FOR THE TEAM INVOLVED IN THE INCIDENT TO CARRY ARMS IN THE IJOA) SHALL CONDUCT AN INQUIRY AND/OR INVESTIGATION OF EACH CONTRACTOR SERIOUS INCIDENT. AT A MINIMUM, THE RA MUST CONDUCT AND DOCUMENT A COMMANDER'S INQUIRY, INCLUDING REVIEW OF THE CONTRACTOR'S INTERNAL INVESTIGATION AND FINAL SIR, AND FORWARD THE INQUIRY DOCUMENTATION TO THE ACOB AND TO USF-I SJA. WHEN APPROPRIATE, THE REQUIRING ACTIVITY SHALL CONDUCT AN INVESTIGATION IN ACCORDANCE WITH ARMY REGULATION 15-6 OR REFER THE MATTER TO CRIMINAL INVESTIGATIVE AUTHORITIES FOR INVESTIGATION.

3.C.2.(U) THE RAC (WITH THE ASSISTANCE OF HIS COR AND THE KO) IS RESPONSIBLE FOR (1) ENSURING HIS UNIT'S CONTRACTORS REPORT ALL SERIOUS INCIDENTS IN ACCORDANCE WITH TAB C, (2) REVIEWING OR INVESTIGATING ALL SERIOUS INCIDENTS, AND (3) AS APPROPRIATE, INSTITUTING CORRECTIVE OR DISCIPLINARY ACTION, IN ACCORDANCE WITH THIS TAB.

3.C.2.A.(U) THE COR SHALL IMMEDIATELY NOTIFY THE RAC WHEN A CONTRACTOR IS INVOLVED IN A SERIOUS INCIDENT AND SHALL IMMEDIATELY PROVIDE THE COMMANDER A COPY OF THE FINAL SIR WHEN RECEIVED FROM THE CONTRACTOR. THE COMMANDER IS RESPONSIBLE FOR MEETING THE REVIEW AND INVESTIGATION TIMELINES ESTABLISHED IN THIS TAB AND SHOULD BEGIN REVIEW OF THE INCIDENT AS SOON AS THE SIR IS RECEIVED BY THE COR; ACOB MAY ALSO FORWARD THE COMMANDER A COPY OF THE SIR AND REMIND HIM OF THE APPLICABLE REQUIREMENTS AND TIMELINES UNDER THIS TAB.

3.C.2.B.(U) THE RAC, OR IF THE RAC IS A GO/FO, HIS O-6 DESIGNEE, SHALL REVIEW THE SIR AND DETERMINE WITHIN 7 DAYS OF THE INCIDENT WHETHER THE CONTRACTOR'S INVESTIGATION AND SIR SUFFICIENTLY DOCUMENT THE RELEVANT FACTS OR ADDITIONAL INVESTIGATION IS NECESSARY. IT IS RECOMMENDED THE COMMANDER ESTABLISH A STANDARD PROCESS FOR THIS PRELIMINARY INQUIRY AND DECISION. THIS PROCESS CAN INCLUDE REVIEW OF ANY ADDITIONAL INFORMATION AVAILABLE FROM THE CONTRACTOR, AND SHOULD INCLUDE INPUT FROM THE COR AND CONSULTATION WITH THE RA'S JUDGE ADVOCATE OR USF-I SJA, AND THE KO, AS APPROPRIATE.

3.C.2.B.1.(U) IF THE RAC DETERMINES THE CONTRACTOR'S SIR SUFFICIENTLY DOCUMENTS THE RELEVANT FACTS, HE MUST DETERMINE WHAT, IF ANY, DISCIPLINARY OR

CORRECTIVE ACTION IS APPROPRIATE. THE RAC SHALL CONSULT THE KO, COR, ACOB AND USF-I SJA, AS APPROPRIATE, IN DETERMINING THE APPROPRIATE FOLLOW-ON ACTION(S). THE RAC SHALL THEN SUMMARIZE HIS FINDINGS AND DESCRIBE ANY CORRECTIVE OR DISCIPLINARY ACTIONS IN AN ENDORSEMENT LETTER, AND FORWARD HIS ENDORSEMENT LETTER AND THE CONTRACTOR'S REPORT TO ACOB. THE RAC'S ENDORSEMENT SHOULD INCLUDE AS ATTACHMENTS ANY ADDITIONAL INFORMATION OBTAINED DURING THIS INITIAL INQUIRY AND DOCUMENTATION OF ANY CORRECTIVE OR DISCIPLINARY ACTION(S). THE ENDORSED REPORT SHALL BE FORWARDED SO THAT IT IS RECEIVED BY ACOB NO LATER THAN 7 DAYS AFTER THE INCIDENT.

3.C.2.B.2.(U) IF THE RAC DETERMINES THAT ADDITIONAL INVESTIGATION IS NECESSARY, HE SHALL FORWARD ACOB AND USF-I SJA, WITHIN 7 DAYS OF THE INCIDENT, EITHER A COPY OF HIS LETTER APPOINTING AN INVESTIGATING OFFICER (IO) UNDER AUTHORITY OF ARMY REGULATION 15-6 OR A LETTER INDICATING HE HAS REFERRED THE MATTER TO A CRIMINAL INVESTIGATIVE AUTHORITY. THE RAC SHALL, AS A MINIMUM, DIRECT A 15-6 INVESTIGATION IF THE INCIDENT INVOLVES DEATH, SERIOUS INJURY, OR PROPERTY DAMAGE IN EXCESS OF \$10,000. IF THE SIR, COMMANDER'S INITIAL INQUIRY, OR A SUBSEQUENT 15-6 INVESTIGATION SUGGESTS FELONY CIVILIAN MISCONDUCT, THE COMMANDER SHALL NOTIFY AND CONSULT WITH USF-I SJA, MILITARY JUSTICE DIVISION WITHIN 24 HOURS. IN CASES WHERE FELONY MISCONDUCT IS ALLEGED, COMMANDERS WILL TAKE ALL REASONABLE MEASURES NECESSARY TO ENSURE THE CONTINUED PRESENCE OF THE CIVILIAN UNTIL COMPLETION OF THE INVESTIGATION AND DISPOSITION OF THE OFFENSE. AUTHORITY TO DISPOSE OF FELONY MISCONDUCT BY CIVILIANS SERVING WITH OR ACCOMPANYING THE FORCE HAS BEEN WITHHELD FOR ALL SUBORDINATE COMMANDERS.

3.C.2.C.(U) IF THE RAC APPOINTS AN IO TO DIRECT A 15-6 INVESTIGATION, HE SHOULD ENSURE THE INVESTIGATION IS THE IO'S PRIMARY DUTY, AND MAKE ALL NECESSARY RESOURCES AVAILABLE TO SUPPORT THE IO. UPON APPOINTMENT, THE IO SHOULD CONSULT WITH HIS UNIT JUDGE ADVOCATE OR USF-I SJA FOR GUIDANCE AND ADVICE ON CONDUCTING THE INVESTIGATION. IF, DURING THE COURSE OF THE INVESTIGATION, ALLEGATIONS OF FELONY MISCONDUCT ARISE, THE IO AND COMMANDER SHALL NOTIFY USF-I SJA, MILITARY JUSTICE DIVISION WITHIN 24 HOURS. THE IO SHOULD COORDINATE WITH THE LOCAL BATTLESPACE COMMANDER, AS NECESSARY, FOR INFORMATION HE MAY HAVE OBTAINED AND FOR ASSISTANCE IN CONDUCTING THE INVESTIGATION SUCH AS ACCESS TO THE SCENE OF THE INCIDENT AND INTERVIEWING OF WITNESSES. THE 15-6 INVESTIGATIVE REPORT SHALL BE COMPLETED PROMPTLY AND FORWARDED TO THE RAC.

3.C.2.C.1.(U) UPON RECEIPT OF THE INVESTIGATIVE REPORT, THE RAC MUST DETERMINE WHAT, IF ANY, DISCIPLINARY OR CORRECTIVE ACTION IS APPROPRIATE. THE RAC SHALL CONSULT THE KO, COR, ACOB AND USF-I SJA, AS APPROPRIATE, IN DETERMINING THE APPROPRIATE FOLLOW-ON ACTION(S). THE RAC SHALL THEN SUMMARIZE HIS FINDINGS AND DESCRIBE ANY CORRECTIVE OR DISCIPLINARY ACTION(S) IN AN ENDORSEMENT LETTER, AND FORWARD HIS ENDORSEMENT LETTER AND THE CONTRACTOR'S REPORT TO ACOB AND USF-I SJA. THE RAC'S ENDORSEMENT LETTER SHALL INCLUDE DOCUMENTATION OF ANY CORRECTIVE OR DISCIPLINARY ACTION(S) AS AN ATTACHMENT. THE RAC SHALL FORWARD HIS ENDORSEMENT LETTER AND THE FINAL INVESTIGATIVE REPORT SO THAT IT IS RECEIVED BY ACOB AND USF-I SJA NO LATER THAN 30 DAYS AFTER THE INCIDENT.

3.C.2.C.2(U) THE IO AND RAC SHALL UPDATE ACOB, THE COR AND THE KO WEEKLY ON THE STATUS OF THE INVESTIGATION UNTIL THE FINAL REPORT IS FORWARDED.

3.C.3.(U). IF A CRIMINAL INVESTIGATIVE AUTHORITY ASSUMES RESPONSIBILITY FOR INVESTIGATION OF THE INCIDENT, THE INVESTIGATIVE AUTHORITY AND/OR USF-I SJA SHALL PROVIDE WEEKLY STATUS UPDATES TO THE ACOB CHIEF AND THE RAC UNTIL THE

FINAL INVESTIGATIVE REPORT IS COMPLETED AND FORWARDED TO THE DIRECTOR, ACOB AND THE RAC. USF-I SJA AND/OR THE RAC, AS APPROPRIATE, SHALL PROVIDE ACOB DOCUMENTATION OF ANY CORRECTIVE OR DISCIPLINARY ACTIONS TAKEN FOLLOWING COMPLETION OF A CRIMINAL INVESTIGATION.

3.D. (U) IN ACCORDANCE WITH ITS KEY ROLE IN MAINTAINING GOOD ORDER AND DISCIPLINE IN THE IJOA, USF-I SJA SHALL REVIEW ALL FINAL INVESTIGATIVE REPORTS RECEIVED IN ACCORDANCE WITH THIS PARAGRAPH AND SHALL DETERMINE WHETHER ANY ADDITIONAL INVESTIGATION, ADMINISTRATIVE ACTION, OR PROSECUTORIAL ACTION IS NECESSARY. USF-I SJA SHALL, WITHIN FOURTEEN (14) DAYS OF RECEIPT OF AN INVESTIGATIVE REPORT, PROVIDE ACOB A MEMORANDUM FOR THE RECORD (MFR) REGARDING ITS REVIEW AND RECOMMENDATION REGARDING THE SUBJECT INCIDENT AND THE ADEQUACY OF THE REQUIRING ACTIVITY'S FINDINGS AND ACTIONS.

3.E. (U) ACOB SHALL ENSURE RAC ARE AWARE OF, AND ARE FULFILLING, THEIR RESPONSIBILITIES TO PROMPTLY AND THOROUGHLY REVIEW AND/OR INVESTIGATE ALL ARMED CONTRACTOR SERIOUS INCIDENTS AND TO INITIATE CORRECTIVE ACTIONS AS APPROPRIATE. ACOB SHALL REVIEW AND MAINTAIN A COPY OF ALL COMMANDER ENDORSED SIRS, FINAL INVESTIGATIVE REPORTS, AND CORRECTIVE ACTIONS FOR USE IN DEVELOPING LESSONS LEARNED, SUBMITTING REPORTS TO HIGHER HEADQUARTERS AND RESPONDING TO OFFICIAL REQUESTS FOR INFORMATION, AS APPROPRIATE.

5. (U) POC.

5.A (U) USF-I J34 PROTECTION ACOB, POC EMAIL: MNF-I-CJ3.ACOB@IRAQ.CENTCOM.MIL VOIP: 485-5703, SVOIP: 241-8898.

5.B. (U) JCC-I/A J3/J5 POC IS LTC WILLIAM CANALEY, JCC-I/A EMAIL: WILLIAM.CANALEY@IRAQ.CENTCOM.MIL , DSN, 318-485-4095.

5.C. (U) DCMA (DEFENSE CONTRACT MANAGEMENT AGENCY). POC IS LTC JOHNNY BROUGHTON, JOHNNY.BROUGHTON@IRAQ.CENTCOM.MIL, DSN: 318-485-3903

ACKNOWLEDGE

ODIERNO
GEN

OFFICIAL:



BUCHS
DEP J3

DISTRIBUTION: POSTED ON USF-I ORDERS PORTAL.