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- G3 OPS EOC Org Account

From: [REDACTED] MAJ 3/2 Infantry Brigade Provost
Sent: Thursday, June 17, 2004 8:50 AM
To: [REDACTED] LTC 3/2 Infantry Brigade XO
Subject: FW: MNB N (EDF) Detainee SOP



MNB N (EDF)
DetaineeSOP.doc

as requested sir.

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-----Original Message-----

From: [REDACTED] D. SFC 3/2 Infantry Brigade MSC
Sent: Thursday, June 17, 2004 7:44 PM
To: [REDACTED] 3/2 Infantry Brigade Provost
Subject: MNB N (EDF) Detainee SOP

MNB N (EDF) Detainee SOP



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
HEADQUARTERS, MNB-NORTH
OFFICE OF THE PROVOST MARSHAL
CAMP FREEDOM, MOSUL, IRAQ

AFZB-GT-PM

27 January 2004

MEMORANDUM FOR RECORD

SUBJECT: Standard Operating Procedures for all MNB-N Detainee Collection Points

1. REFERENCES

- a. AR 190-8
- b. FM 3-19.40
- c. FM 22-6
- d. Geneva Conventions, 12 August 1949 (GPW, GWS[SEA], GC), 1951 and 1967 concerning Refugees
- e. CJTF-7 Frago

2. OVERVIEW

The purpose of this memorandum is to standardize the operations of the MNB-N Detainee Collection Points and provide guidance for the handling of detainees. All MSCs operating holding areas in their area of operations will follow this SOP. The size of the facility is based on the number of prisoners being detained. It may be a room or a tent, as long as it provides shelter equal to that offered to other soldiers in the combat zone. The physical criteria for permanent and temporary structures are the same - use existing structures if possible. Otherwise, use tents. Field-expedient facilities must be approved and periodically inspected by a medical corps officer or a designated representative. All individuals that are captured and detained in the MNB-N AOR are transported to the DCP (Detainee Collection Point) for final disposition. Detainees are transferred to the DCP no later than [REDACTED] days from the date of capture. Disposition of detainees who are held within the MNB-N Detainee collection point that are not released or transferred (Corps Holding area or in to Iraqi Judicial System) within fourteen days are determined by a MNB-N Administrative Review Board (Annex A). Individuals include criminals, soldiers, terrorists, government officials, and anyone else who disrupts Coalition Forces' operations, poses a threat to U.S. soldiers, or has information of the same; and anyone who was actively engaged in and supported the removed regime. U.S. military prisoners may at times be detained in the facility. This SOP covers some of the basic internal procedures for operating the collection point.

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3. GUARD FORCE

- a. Guard Force members must understand that inhumane treatment, even if committed under the stress of combat and with deep provocation, is a serious offense and is a punishable violation under National law, International law, and the UCMJ. All classes of detainees must be protected against violence, insults, public curiosity, and reprisals.
- b. At a minimum, the guard force receives training on the following topics prior to assuming duties as a member of the guard force:
 - 1) Principles and Laws of Land Warfare
 - 2) Use of Force
 - 3) Rules of Engagement (During Hostilities and Post Hostilities)
 - 4) Cultural Customs and Habits
 - 5) Unarmed Self-Defense Techniques
 - 6) Basic Local Language (Basic Commands)
 - 7) Searching Techniques
 - 8) Non-Lethal Weapons/Equipment
 - 9) Riot Control
 - 10) First Aid
 - 11) Individual Weapons Training/Qualification
 - 12) Display Understanding of this SOP
 - 13) General Orders (FM 22-6)
- c. Composition and Responsibilities: DCP – One (1) MP Platoon is assigned to support DCP operations. One (1) Squad (minimum manning is seven (7) MP) performs duties at the DCP during an eight (8) hour shift. Remaining Squads are either down or serving as Standby Guards in the event of contingency operations (e.g. increased threat posture, jump DCP, NBC attack, prisoner escort, etc.).
 - 1) Internal:
 - Sally Port – exercises control by preventing escape and the introduction of weapons and contraband
 - Search Teams – conduct searches of individuals being detained. Determines

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classification of property

- Receiving and Processing – Completes appropriate documentation (DD FM 2745, DD FM 2708, DA FM 4137, etc.).
- Escorts – provides safe transit of EPW/CI.
- Facility Gates – provides access control

2) External:

- Towers – prevent escape and report unauthorized/suspicious activity
- Transfer Area – monitors transfer of custody procedures
- Perimeter – monitors internal activities and prevents escape
- Walking Patrol – supplement perimeter security during inclement weather and electrical power failure.

WARNING: MPs must be vigilant and maintain situational awareness at all times. The use of diversionary tactics to affect escape is a common tactic employed by Prisoners/Detainees. Prisoners/Detainees are not allowed to speak or otherwise signal one another. Gags may be applied until behavior conforms to established standards (extreme care must be taken not to cause physical harm).

NOTE: Manpower shortages may require the combination of the above duties and responsibilities (e.g. combining search teams and receiving/processing teams); however, the responsibilities outlined do not change and are to be adhered to.

- d. Administrative. Holding Area OICs/NCOIC maintains a journal during their shift and review the journal with the oncoming NCOIC at the end of the shift. Any entries made in the pass on book are annotated on a DA Form 1594. All visitors to the facility are to be logged in.

e. Equipment:

- 1) MP and any augmentee guards report to shift with Kevlar, LBV, IBAS, Gloves, Flexi-Cuffs and required rations. Guards in the inner areas of the facility keep their equipment in a designated area readily available to them. **NO WEAPONS ARE ALLOWED INTO THE HOLDING AREAS!** Guards on the exterior of the wire and/or in the towers have their weapons on them at all times in an [REDACTED] status, providing over-watch to the interior guards. *b(2)(3)*
- 2) Losses or shortages of equipment that occur during a shift are logged on the DA Form 1594 and the OIC and NCOIC are notified immediately.

f. Guard Force Commanders (GFC) during each shift:

- 1) Conduct head count at the beginning and end of each shift and when detainees are brought in or taken out.
- 2) Conduct a “shake down” and walk the ground checking for glass, gaps in c-wire, trash, and any possible security breaches.

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- 3) Conduct health and welfare inspections at least once every eight hours.
- 4) Log all relevant information in the journal to include, but should not be limited to:
 - Sick call and medication times
 - Detainees' who are taken outside the wire for any reason
 - Water and meal times
 - Detainees' who failed to follow the rules and the action taken
 - Detainee interrogation by CI/MI (EPW Tag #)
 - Any refusal by a prisoner of food, water, or medical attention and reason
 - Any significant events
 - Shortages of equipment
- 5) Check on personnel in collection point and towers once every hour.
- 6) Brief incoming GFC on changes in the pass on book and all significant actions or events during shift.
- 7) Guard Force Commanders notify the OIC/ NCOIC immediately of the following:
 - A problem with the headcount and actions taken to fix it
 - A significant event in the compound such as riots or disturbances
 - Excessive amounts of money or equipment being turned over on 4137's
 - Any use of force
 - Any punishments given to a detainee
 - Any medical issues or emergencies
 - Any un-authorized personnel who enter the compound. Authorized persons include the following personnel:
 - ✓ Military Police
 - ✓ Medics
 - ✓ Assigned Augmentees'
 - ✓ MI and CI
 - ✓ Any other personnel granted authorization by the OIC/ NCOIC
 - ✓ The only authorized lethal weapons in the wire are located at the guard towers.

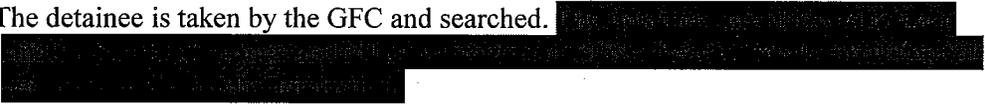
4. ADMINISTRATIVE OPERATIONS

- a. In-processing:
 - 1) Company Operations is notified immediately of new arrivals.
 - 2) GFC, OIC, or NCOIC screens packets for any discrepancies and categorizes the detainees.

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- 3) Prior to accepting any "Ghosts" into the facility, the TFO PM will be notified immediately for prior approval before processing them into the DCP.
- 4) If a detainee is brought to the DCP and is injured and must be sent to the CSH for medial attention. It is the **CAPTURING** unit's responsibility to guard the prisoner. The MPs are only responsible for Detainees after they have been processed into the facility.
- 5) Once the coalition packet is screened, it is handed off to GFC for in processing. The capturing or transporting unit is not allowed to bring prisoners past dismount point until packets are screened and the GFC is ready for processing. Units need to ensure that the packets are complete to standard at the unit level before transporting to the DCP. Prior to processing detainees into the DCP, MP must ensure that THT assets have conducted and documented prescreening of all detainees. Prescreening assists in expediting the legal process ISO normalizing the judiciary system by placing criminals in the custody of local authorities for final adjudication. MPs **DO NOT** accept detainees without proper documentation. Proper documentation includes, but is not limited to:
 - MI/CI screening dossiers
 - Capture tags accompanied by appropriate witness statements detailing the circumstances of detention.
 - Locally authorized apprehension form accompanied by witness statements (DA Form 2823 – Sworn Statement) detailing the circumstances of detention. DA Form 4137, showing proper chain of custody, must accompany all seized property.
 - Once GFC is ready, the capturing unit escorts prisoners and their property to the inner processing area. Property is received and signed for on a DA 4137. High value property is signed for by the OIC and placed in the safe or other securable area.

NOTE: An inventory shall be conducted by a disinterested officer each month. Inspector validates possession of all items and money listed on each detainees DA Fm 4137.

- 6) The detainee is taken by the GFC and searched.  b(7)(E)
- 7) Detainees change in to jumpsuit or coveralls when available. Detainee clothing and property is marked by detainee number and maintained in the evidence/property CONNEX.
- 8) The facility will be divided into two areas as mission allows. The left two cages (1&2) will be set-aside for BN / BDE holding areas for 3/2 Stryker BDE. No Detainee will move to cage 3&4 until after the BN / BDE has completed their process. **The 3/2 BDE Commander only has the authority to affect release of**

those detainees on the BN/BDE side! DON'T get confused here! Once the detainee is on the right side cages 3&4 (DCP) they belong to MNB-N PM for disposition. THE MNB-N PROVOST MARSHAL OWNS THE ENTIRE FACILITY. (Any questions direct immediately to TFO PM, DNVT 522-9774)

- 9) Detainees are categorized and segregated within the following categories:
- **Category A** = Consists of civilian non-combatants whose names are contained on the "Black List"; Who are the subject of any warrants the subject of any warrants, orders or indictments issued the United States or any International Tribunal; Who are suspected of a violation of the Law of War; Or who are members of the following international terrorist organizations, or an groups/cells/Facilities associated therewith: Al Quida, Ansar Islam (AI), Taliban, Asbat Al-Ansar, Egyptian Islamic Group (AKA Gammaat Al-Islamiyya), Hamas, Hizballah/Islamic Jihad Organization, Al Aqsa Martyrs Brigade, Harakat Ul Mujahidin, Lashkar E Tayyiba, Palestinian Islamic Hihad, Egyptian Islamic Jihad, Hemaah Islamiyah, and the Islamic Movement of Uzbekistan.
 - **Category B** = Consists of civilian non-combatants who pose a serious threat to U.S. Forces, other protected persons, key facilities, or property designated mission-essential by the CG; Obstruct the progress of coalition forces whether by demonstration, riot or other means; Enter or attempt to enter, without authority, any area controlled by coalition forces; Commit or attempt to any of the following criminal offenses: Assault upon any member of coalition forces; murder, Rape, Kidnapping, Arson, Aggravated Assault; Any crime involving a suspect who has been previously detained by V Corps; Any crime in which a weapon was used in the commission of the crime, and/or any other serious criminal conduct, including aiding or abetting those who commit the above listed offenses, or conspiring to commit the above listed offenses.
 - **Category C** = Consists of civilian non-combatants who steal or loot or attempt to steal or loot coalition or protected property, commit or attempt to commit any of the following offenses: Burglary, Housebreaking, Larceny, Looting, Driving under the influence of alcohol or drugs, Prostitution, Destruction of property, Simple Assault, Harassment, Use or possess illegal drugs, Possess stolen property, Commit or attempt to commit auto theft, carjacking, including aiding or abetting.
 - **Category D** = Consists of civilian non-combatants who have valuable intelligence information important to mission accomplishment. This category also includes personnel who, through non-violent means, obstruct or attempt to obstruct military operations, commit curfew violations, are drunk and disorderly, commit traffic violations, and/or commit any offense in violation of administration orders.
- 10) All female detainees are to be kept isolated from male detainees and a female guard should be available when possible. Male soldiers search female detainees as a last resort. All High Value Detainees (HVD) are transferred to the Corps Holding

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Area (CHA) immediately.

11) All juvenile detainees who are brought in alone will be immediately be segregated from the general population. Those juveniles brought in with family members will be allowed to remain with the family member in General population.



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13) A detainee packet is created, which includes a DA Form 1594 detailing any disciplinary actions, a DA Form 4137, any biographical information on the detainee, and sworn statements (DA Form 2823) from capturing units. Sworn statements from the capturing unit or individual must be concise describing the incident that led to and the actions taken during capture- include the who did what, where, and how. The sworn statement is particularly important when/if the detainee is transferred in to the Iraqi Judicial system and must describe the elements of the crime (FRAGO 91 to OPORD 20-04).

14) Detainees are briefed on collection point rules and actions they should/may take to protect themselves in the event of an attack.

b. Medical:

- 1) All detainees are screened for evident wound/injury during in processing to the collection point. Detainees at the DCP are screened by medics or Preventive Med representative within 24 hours of in processing.
- 2) Civilians (detainee or victim) transported to the Aid Station or CSH are guarded by transporting or capturing unit. MPs assume guard duty at the Aid Station or CSH only after individual is processed into the collection point. i.e; applicable paperwork (reference paragraph 4. a. 3) above).
- 3) Arriving detainees with medical conditions stay with the capturing unit and are not signed for until a final determination is made regarding their status, which is determined by qualified medical personnel located at the Aid Station or CSH.
- 4) Detainees properly inprocessed into the collection point that require medical attention are transported and guarded by MP.

c. Out-processing:

- 1) DCP. Detainees denied release by a BCT receive processing through the MNB-N Administrative Review Board.
- 2) GFC ensures that the detainees and their property are accounted for and verified. The DA Form 4137 and DD Form 2708 are completed prior to the detainee(s) being

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released.

- 3) No other movements take place within the facility during out-processing; to include the receiving of any new detainees.
 - 4) Individuals to be forwarded to the CHA, Iraqi police or released shall be moved out to an outside or separate holding area/tent.
 - 5) GFC checks and re-checks badge numbers and the detainee(s) photo to verify that the correct detainee(s) are being transported.
 - 6) Detainees that are being transferred and transported by truck are zip tied and are blindfolded (cravat, sand bag or other expedient method).
 - 7) Detainees who are being released are transported to Mosul Police Hqs and released. The intent is to release in a public location near phones and civilian transportation.
 - 8) All property and personnel shall be released on DD Form 2708.
 - 9) One MP with weapon shall ride in the back of each truck with detainees to their final destination.
 - 10) An entry is annotated in the journal stating the time the vehicle/convoy departed the facility. Company operations are notified, who then notifies TFO PM. The detainee register is updated by NCOIC of DCP.
 - 11) Detainees who are to be released as part of the Conditional Release Program (Guarantor) will be processed for release in the following manner: TFO PM notifies DCP Mps that the following detainee will be released to a guarantor at prescribed time. The Guarantor will then show up at front gate with all necessary documentation that reflect the detainee's name and the Guarantor's name. MPs will effect the release by taking the Detainee with all his property to the front gate. The MPs will verify paperwork from Guarantor; have guarantor sign DCP paperwork and the release will take place. The MPs will retain all paperwork to be filed at the DCP. ***Any question at all on this process will be directed immediately to TFO PM Cell.*** Once Guarantors have been released you will immediately notify the PM cell of the release.
- d. **Out-processing - Iraqi Judicial System.** In order to facilitate the transfer of detainees from the DCP to the Iraqi Police with the proper documentation, PM shall implement a police report to ensure the judicial system has the necessary documentation necessary to successfully adjudicate. In addition to the out-processing measures listed above, the following additional measures shall be accomplished for detainees being transferred and introduced in to the Iraqi Judicial system:
- 1) Detainees designated for transfer to Iraqi Police shall have a police report (DA Fm

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3975) completed in English and Arabic. Interpreter completes the Arabic form. Arabic version is Annex B.

- 2) Statement of detainee's physical condition is annotated in the "synopsis" portion of both police forms (I.E. Health: Poor, Good, Fair, explain condition other than Good). Again, interpreter ensures that the statement of health is annotated on the Arabic form.
- 3) Ensure that all evidence is tagged and transferred with appropriate custody documents for each detainee.
- 4) All **CRIMINAL DETAINEES** shall have a completed police report prior to being transferred to Iraqi Police control. The police report IS NOT completed for security detainees.
- 5) A copy of the English police report and the original detainee packet is maintained on file at the PMO.
- 6) The Arabic version of the police report is turned over to Iraqi Police for each criminal detainee transferred to the Iraqi Police.
- 7) Ensure that IP receiving clerk signs for detainees on a release form (DD Fm 2708). Signed release form is placed in completed detainee packet prior to delivery to the PMO.

e. Logistics:

- 1) The NCOIC of the Collection Point is responsible for logistics. Logistic oversight of the DCP is provided by the First Sergeant of the unit performing the mission.
- 2) Detainees shall be used to load and down load rations, conduct police call, remove human waste, and any other details necessary for the upkeep and maintenance of the facility.
- 3) Rations for the detainees are based off the ration allowances and type available for the U.S. Soldiers.
- 4) When MRE's are provided in lieu of hot rations, they shall be broken down before being received by detainees. The heaters, matches, and tabasco sauce are removed from each MRE. Religious customs are taken into consideration when distributing meals.



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- 6) Soap is distributed evenly among detainees and hygiene kits are distributed when available.
- 7) Maintenance procedures are as follows: The NCOIC of the DCP initiates this process by filling out the work order form. The work order is sent to the Mayors cell for action. It is the NCOIC responsibility to follow up and ensure that the work is being completed in a timely manner. (Daily or Weekly follow-ups). If the work order is not taken care of in a timely manner you will immediately notify TFO PM for resolution. A Work Order logbook will be kept to track the actions.

f. Medical Operations

- 1) The Macs on call Medic is notified of all medical issues regarding detainees and U.S. Soldiers. Notification includes the initial assessment of the situation, detainee(s) identification number and the action(s) taken.
- 2) If injury or illness is severe enough, a medic and an armed MP escort the detainee to the Aid Station. If the situation requires a MEDEVAC to a CSH, one MP to one detainee ratio is required for the MEDEVAC. The MP stays with the detainee until relieved or until the detainee returns to DCP. The OIC or NCOIC shall call the PMO Operations with an update on the detainee medical situation.
- 3) Medics are the only persons authorized to administer medication(s) to detainees; not US military police soldiers.
- 4) Medical logs are maintained in the detainee's folder.
- 5) Any medical action(s) taken with the detainee are logged in the daily journal. Any refusal of medical care or medications by a detainee is also annotated.
- 6) TFO PM is notified on all medical treatment received by the detainee(s).

g. Death of a Detainee

- 1) Initial notifications begin, upon discovery of the body. The on-duty NCOIC immediately notifies the TFO Provost Marshal. The [REDACTED] and Mortuary Affairs are notified by the TFO Provost Marshal. CIC
- 2) A doctor must confirm the death and record approximate time of death. The body must be removed immediately upon examination from the DCP and placed in an area out of sight of both detainees and US Forces. Contact Mortuary Affairs for temporary storage and transport of the body. The detaining authorities shall ensure that prisoners of war or detainee who have died in captivity are transferred to their families, morgue, hospital or a facility that can properly dispose of the body.
- 3) Every death or serious injury of a prisoner of war or detainee caused or suspected to

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have been caused by a sentry, another prisoner of war or detainee, or any other person, as well as any death the cause of which is unknown, shall be immediately followed by an official inquiry by CID as well as a 15-6 investigation. A medical doctor must conduct the 15-6 investigation.

- 4) Statements shall be taken from witnesses on a DA Form 2823 – Sworn Statement, specifically from those who are prisoners of war or detainees, and a report including such statements shall be forwarded to CID.
- 5) If the inquiry indicates guilt of one or more persons, the MNB-N PM shall recommend measures for the prosecution of the person or persons responsible to host nation.

5. DISCIPLINE AND SECURITY

a. **The following acts ARE NOT be permitted at the Holding Areas:**

- 1) Fraternalization between detainees and U.S. military or civilian personnel. Fraternalization includes but is not limited to improper or intimate communications or actions between U.S. Armed Forces and the detainees.
- 2) Donating or receiving gifts or engaging in any commercial activity between persons in U.S. custody and U.S. personnel.
- 3) Disciplinary powers are not delegated to or exercised by detainees. Detainees shall not administer punishments.
- 4) The following notice (in English and Arabic) shall be posted at highly visible areas of the compound:

“A detainee who feels that their lives are in danger or that they may suffer physical injury at the hands of other detainees will immediately report the fact personally to a U.S. military guard. From that time on the Officer-In-Charge will assure adequate protection to the detainee by segregation, transfer, or other means. Detainees who mistreat other detainees will be punished.”

b. Security guidelines outlined below concern the custody and use of detainees.

- 1) Detainees on work details are guarded as required to provide security and prevent escape.
- 2) One MP with baton escorts between 1 and 5 detainees in the wire. The MP walks in the rear to have a clear view of detainees. When escorting between 5 and 10, two MP guards provide security (one in front and one in the rear).
- 3) The ratio in the wire is one MP for every five detainees (1:5, 2:10, 3:15 etc.). GFC

informs the OIC or NCOIC if extra personnel are needed.

c. Preventing Escape:

- 1) The levels of force utilized during DCP operations are as follows:
 - Verbal Persuasion/Warning
 - Unarmed self-defense techniques
 - MWD
 - Show of force
 - Deadly force
- 2) GFC will shall ensure that each detainee understands the meaning of the word "Halt" (Arabic: OGOFF). If a detainee attempts escape, the guard shouts "halt" twice, thereafter the guard uses the least amount of force necessary to halt the detainee. If there is no other effective means of preventing escape, deadly force may be used.
- 3) In an attempted escape from a fence enclosure, a detainee is not fired upon unless they clear the outside fence or attempt to put themselves into a situation where they can use deadly force (i.e; attempted use of a weapon).

d. Security of detention facility.

- 1) The NCOIC handles all logistical materials in and around the camp.
- 2) The NCOIC ensures that there is adequate C-wire around the camp and that there are no gaps in C-wire.
- 3) The NCOIC ensures that the camp is sufficiently lit during hours of darkness so the guards can see any escape attempt.
- 4) The GFC ensures the following security measure are met at all times:
 - One MP or augmentee guard is stationary at all times at the front entrance.
 - When detainees are in the holding cell, GFC ensures that there is a guard located where he/she has a clear view of every detainee in the cell.
 - The GFC ensures that there is a guard that remains stationary at all times to cover down when necessary.
 - The GFC ensures that the guards who are stationed in towers are alert and maintain "eyes on" the DCP. Tower guards shall be rotated on a constant basis to ensure attentiveness throughout each shift.
 - If these requirements cannot be met due to personnel strength, the GFC shall immediately notify the OIC.

e. General provisions common to disciplinary and judicial punishments:

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- 1) If general laws, regulations, or orders declare acts committed by the Detainee to be punishable, whereas the same acts are not punishable when committed by persons who are not interned, these acts will only entail disciplinary punishment.
 - 2) Punishment will not be inhumane, brutal, or dangerous to the health of the Detainee. The age, sex, and state of health of the Detainee will be considered.
 - 3) Disciplinary punishments may be ordered by the OIC or NCOIC.
6. Proponent for this SOP is the MNB-N Provost Marshal Sergeant Major, MSG [REDACTED]

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LTC, MP
Provost Marshal