

**FACT SHEET**

SUBJECT: Collateral Investigations

1. PURPOSE. To remind commanders of the requirement to conduct collateral investigations.

2. FACTS.

a. Collateral investigations must be conducted on all fatal Army accidents. Collateral investigations may be conducted on any accident if litigation against the government or a government contractor is likely, if the accident is the subject of high public interest, or in any other situation the commander deems appropriate. See AR 385-40, para 1-8c. Collateral investigations should be forwarded to this office for a legal sufficiency review before the appointing authority acts on the investigation.

b. These investigations, which are normally directed by the special court-martial convening authority, are conducted to obtain and preserve all available evidence for use in litigation, claims, press releases, and administrative or disciplinary actions. Collateral investigation reports, unlike safety investigation reports, are not privileged. They may be released upon request within the Department of Defense and to other federal agencies. Collateral investigation reports may, in some instances, also be released to members of the public who make a Freedom of Information Act (FOIA) request. Commands receiving requests to release collateral investigations should forward the request to this office.

3. POC is the Administrative Law Division at 7414/4668.

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Chief, Administrative Law Division