



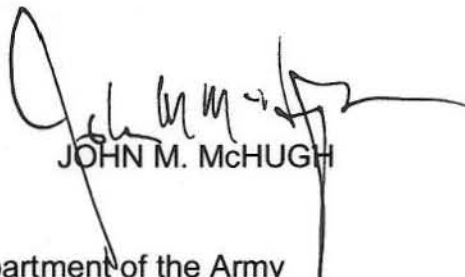
SECRETARY OF THE ARMY
WASHINGTON

26 MAR 2010

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Army Directive 2010-02 (Guidance for Reporting Requirements and Redacting Investigation Reports of Deaths and Fatalities)

1. This directive implements Department of Defense (DoD) reporting requirements for death investigations established in Change 1 to DoD Instruction 1300.18 (Department of Defense Personnel Casualty Matters, Policies, and Procedures). It also provides guidance for the redaction of investigation reports of deaths and fatalities that are provided to surviving Families.
2. Commanders will follow the enclosed reporting and redaction procedures concerning a unit- or agency-level investigation into the death or fatality of a Soldier or DoD civilian to ensure that surviving Families are apprised of and updated on any and all ongoing DoD investigations concerning the death or fatality.
3. This directive is effective immediately. The guidance in this directive is applicable to all cases for which the deceased Soldier or DoD civilian is a reportable casualty as outlined in AR 600-8-1 (Army Casualty Program). The Army Deputy Chief of Staff, G-1 (DAPE-ZA) must approve supplementation of this guidance.
4. These changes will be incorporated into the next revision of AR 600-8-1.
5. The Deputy Chief of Staff, G-1 is the proponent for this policy.

A handwritten signature in black ink, appearing to read "John M. McHugh", is written over the printed name.

JOHN M. McHUGH

Encl

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SUBJECT: Army Directive 2010-02 (Guidance for Reporting Requirements and Redacting Investigation Reports of Deaths and Fatalities)

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REPORTING REQUIREMENTS AND REDACTING INVESTIGATION REPORTS OF DEATHS AND FATALITIES

Reporting Requirements

Army commanders who initiate or conduct investigations into the cause or circumstances surrounding the death of a Soldier or DoD civilian employee who became a fatality while accompanying military personnel in the field or as a result of military-related action—including AR 15-6 investigations, line of duty investigations, etc.—will immediately notify the Casualty and Mortuary Affairs Operations Center (CMAOC). Use the casualty reporting system for unit-level investigations and directly contact CMAOC at (703) 325-0395 or cocopns@conus.army.mil for agency-level investigations. Give CMAOC the:

- Name of the unit, command, or agency conducting the investigation.
- Type of investigation(s) being conducted.
- Existence and releasability of reports that have been or will be issued as a result of the investigation(s).
- Unit or command point of contact (POC) and contact information to provide the status of completion of the investigation report(s) at 30-day intervals until the report is complete.
- Procedures for Family members to obtain a copy of the completed report(s), to the extent such reports may be provided consistent with Title 5, United States Code, sections 552 and 552a, and to obtain assistance in receiving a copy of the completed report(s), following the additional guidance for unit-level investigations (beginning on page 3 of this enclosure).
- Procedures for Family members to obtain answers to their questions on the completed investigation report from a fully qualified representative, in accordance with the procedures outlined for unit-level investigations.

Headquarters, Department of the Army-level proponent agencies will include these reporting requirements in the next revision of applicable regulations or other official publications pertaining to the initiation or conduct of an investigation into the cause or circumstances surrounding the death of a Soldier or DoD civilian employee who became a fatality while accompanying military personnel in the field or as a result of military-related action.

To ensure that the Family is kept fully informed while the investigation is underway, commanders will notify CMAOC (through the casualty reporting system for unit-level investigations and by direct contact for agency-level investigations) of any new factual

Enclosure

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information learned through the investigation about the circumstances of death as soon as the information becomes known, even if the investigation is ongoing.

E-mail monthly updates on the progress of the investigation(s) and the estimated completion date(s) to CMAOC at cocopns@conus.army.mil. For criminal investigations, U.S. Army Criminal Investigation Command (CID) will provide monthly updates to CMAOC. CID may withhold information to protect the due process concerns of potential criminal defendants, the Privacy Act concerns of other parties, the integrity of the investigation, and the viability of remaining investigation leads.

CMAOC will pass the information updates to the Family's casualty assistance officer (CAO) who, in turn, will make sure the Family is kept apprised of all aspects of the investigation(s). The CAO and CID representatives providing information to the Family will coordinate their information before giving any briefings. Additionally, the CAO will help the Family:

- schedule a Fatal Incident Family Brief, when requested, for those categories of investigations that require a briefing offer; and
- request a copy of the investigation report in accordance with the Freedom of Information Act (FOIA) for those categories of fatality reports that are not required to be offered to the Family as an outbrief, or in those cases where the Family declines the offer for the Fatal Incident Family Brief.

When the investigation is completed, commanders who have release authority (exclusive of commanders who command Headquarters, Department of the Army-level investigative agencies) will e-mail a scanned copy of the unredacted investigation report to CMAOC so that CMAOC can compare the investigation results with the circumstances of the casualty previously reported to the Family. Send unclassified reports to cocopns@conus.army.mil and classified reports to tagcasu@hrc.army.mil. In turn, CMAOC will provide all unredacted investigation reports of suspected suicides to the Army Suicide Prevention Office. That office will consolidate lessons learned and disseminate them to the field, as well as to CID and the Office of the Armed Forces Medical Examiner.

All death investigation or fatality reports (other than those fatal military accident investigation findings that will be briefed in person to the Family by a colonel-level briefer under the provisions of AR 600-34 (Fatal Training/Operational Accident Presentations to the Next of Kin¹)) will be delivered in person to the appropriate requesting Family member through the CAO. Therefore, if the Family has requested a copy of the investigation report, release authorities must contact the investigation POC

¹ AR 600-34 will be renamed the Army Fatal Incident Family Brief Program.

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for CMAOC to coordinate hand delivery of the report through the CAO to the Family. The Family member requesting a report may waive the requirement for hand delivery. Once the CAO or CMAOC receives the redacted report of investigation, CMAOC will assume all statutory time requirements for delivering FOIA-requested investigation reports to the Family.

For deployed units and commands, the release authority's letter of transmittal of the report(s) to the Family should include this wording:

If you have questions about the enclosed report of investigation, please contact the Casualty and Mortuary Affairs Operations Center, Investigations Section by telephone at (703) 325-0395; by e-mail at cocopns@conus.army.mil; or by U.S. mail at CDR, U.S. Army Human Resources Command (AHRC-PDC-M), 200 Stovall Street, Alexandria, VA 22332. That office will coordinate with this command to ensure that your questions are promptly answered.

Provide CMAOC with the name and contact information of a knowledgeable field grade officer to serve as the unit or command POC to address any questions the Family may have about the investigation results or processes.

For units and commands that are not deployed, the release authority's letter of transmittal of the report(s) to the Family should include the name and contact information of a knowledgeable field grade officer to serve as the unit or command POC who can address questions the Family may have about the investigation results or processes.

For CID investigations, the release authority's letter of transmittal will identify a central POC who can locate and query the investigating agents who handled the incident.

Release authorities will withhold any public release of the results of a death investigation to make sure the Family is informed of those results before public release. Units and agencies must coordinate with CMAOC to provide the investigation results to the Family before making any public release.

Unit-Level Redaction Requirements and Guidance for Death Investigation and Fatality Reports Provided to Surviving Family Members

The redaction process is intended to protect the privacy of third parties who may be mentioned in the report and to safeguard information that pertains to national security or that would jeopardize unit operations and the safety of other individuals if made public.

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The release authority cannot withhold information merely because it may be emotionally difficult for the surviving Family members to see or hear.

Potentially upsetting information should be segregated from the body of the report and made available in a separate sealed envelope that is clearly marked as potentially upsetting information. Examples of such content include suicide notes, accusations against Family members by the deceased individual or third parties, photographs or gruesome descriptions of the death scene, and any other content that the release authority deems to be potentially upsetting to the surviving Family members.

Before providing the investigation report(s) to the Family, make sure the report(s) is redacted in accordance with FOIA provisions by individuals with appropriate expertise in FOIA redaction requirements. Refer those sections of an investigation report that were generated by other agencies to those agencies for a release determination. For example, CID reports should be referred to the CID FOIA officer, and medical reports should be referred to the U.S. Army Medical Command FOIA officer.