Figure 3–6. Example of a completed DA Form 2397–4, Part V, Summary of Witness Interview
14. GENERAL WITNESS INFORMATION BRIEFING (Interviewer must read appropriate instructions to the witness)

<table>
<thead>
<tr>
<th>a. Promise of confidentiality offered.</th>
</tr>
</thead>
</table>

(1) This accident investigation board has been convened under the provisions of Army Regulation 385-10 for the purpose of conducting a safety investigation.

(2) This may be just one of a number of investigations being conducted regarding this accident; collateral or legal investigations may be ongoing as well. Those investigations are entirely separate from a safety investigation and are also required to inform you of their purpose and of your legal rights.

(3) This safety investigation is being conducted for accident prevention purposes only. Within the military, pursuant to AR 385-10, it cannot be used for any other purpose, to include any future disciplinary actions against any individuals. Therefore, the interview you are being asked to provide will be used by the Army in the interest of safety and accident prevention only.

(4) Nonconfidential witness interviews may be released to the public pursuant to a Freedom of Information Act request. If you wish to protect your interview from public release outside the military, then your interview must be pursuant to a promise of confidentiality. Confidentiality means that your interview will not be released to the public or outside DOD safety channels.

(5) Whether your interview is confidential or not, the chain of command will review the final accident report, which may include a summary of your interview, but the chain of command may only use the investigation report and the interviews for safety and accident prevention purposes.

(6) If you ever have knowledge that your witness interview was used by the Army for anything other than accident prevention purposes (for example, disciplinary action against an individual), you should consult with your local Judge Advocate Defense Counsel Office and request that the Command Judge Advocate, U.S. Army Combat Readiness Center, be notified at DSN 558-2924 or commercial (334) 255-2924.

(7) The promise of confidentiality is available to you if you desire it. Do you desire it?

<table>
<thead>
<tr>
<th>b. No promise of confidentiality offered.</th>
</tr>
</thead>
</table>

(1) This accident investigation board has been convened under the provisions of AR 385-10 for the purpose of conducting a safety investigation.

(2) This may be just one of a number of investigations being conducted regarding this accident; collateral or legal investigations may be ongoing as well. Those investigations are entirely separate from a safety investigation and are also required to inform you of their purpose and of your legal rights.

(3) This safety investigation is being conducted for accident prevention purposes only. Within the military, pursuant to AR 385-10, it cannot be used for any other purpose, to include any future disciplinary actions against any individuals. Therefore, the interview you are being asked to provide will be used by the Army in the interest of safety and accident prevention only.

(4) The chain of command will review the final accident report, which may include a summary of your interview, but the chain of command may only use the investigation report and the interviews for safety and accident prevention purposes. The interview summary may be released to the public pursuant to a Freedom of Information Act request.

(5) If you ever have knowledge that your witness interview was used by the Army for anything other than accident prevention purposes (for example, disciplinary action against an individual), you should consult with your local Judge Advocate Defense Counsel Office and request that the Command Judge Advocate, U.S. Army Combat Readiness Center, be notified at DSN 558-2924 or commercial (334) 255-2924.

15. AVAILABILITY OF PROMISE OF CONFIDENTIALITY FOR "LIMITED USE" REPORT OF INVESTIGATION

| a. Pursuant to AR 385-10, witness interviews may only be used within the military for purposes of accident prevention, and may not be used as evidence in connection with any administrative or disciplinary proceeding. This protection alone does not prevent release of the interview outside of the military (to the public, newspapers, attorneys, etc.) under the Freedom of Information Act. If you wish to protect your interview from release outside of the military, then your interview must be pursuant to a promise of confidentiality. |

| b. If you do not wish a promise of confidentiality, you may decline such below. In that case, your interview will still be used in the military only for purposes of accident prevention, but it may be released outside of the military in response to a Freedom of Information Act request. Please indicate which option you desire by initialing one of the choices below: |

| I request a promise of confidentiality. I understand that the results of the interview will be used within the military only for the purposes of accident prevention, and will also be protected from public release outside of the military under the Freedom of Information Act. |

| I decline a promise of confidentiality. I understand that the results of my interview will be used within the military only for purposes of accident prevention. I also understand that the results may be publicly released outside of the military under the Freedom of Information Act. |

Smith, Ronald L.  
Name of witness  (Print Name - do not sign)
3–7. DA Form 2397–4, Part V, Summary of Witness Interview

a. Instruction. DA Form 2397–4 (see fig 3–6) will be completed for all aircraft accidents requiring a technical report. As a minimum, summaries of the interviews with surviving crew members aboard the aircraft will be included. The form will also be used to summarize interviews and statements of commanders, supervisors, maintenance and ground support personnel, and others who are able to contribute pertinent information concerning the accident. If additional space is required, use letter-size paper for continuation sheets.

b. Procedural guidelines. The procedural guidelines/instructions are as follows:

(1) All witnesses will be interviewed according to chapter 2, paragraph 2–3. The investigator will emphasize to the witness that the sole purpose of the accident investigation is for accident prevention. The witness should be further informed that the U.S. Army seeks to isolate the cause(s) of the accident so it may take appropriate actions to avoid similar accidents. If the witness is a civilian, the investigator will avoid using Army terms and acronyms.

(2) The board president or recorder will brief all witnesses concerning the interview.

(a) This will be done by reading to the witness the information on the back (page 2) of the DA Form 2397–4, contained in block 15 (see fig 3–6), the “General Witness Information Briefing.” The purpose is to ensure that the witness understands the purpose of the interview, who will have access to the information, DOD restrictions on the use of the interview, and its public releasability. A promise of confidentiality cannot be offered unless the criteria are met as outlined in AR 385–10. Limited Use safety accident investigation reports are required for flight and flight-related accidents. Witnesses may be given the option of making their statements under a promise of confidentiality (see AR 385–10).

(b) If a promise of confidentiality is to be offered, the interviewer will read the section, “Promise of confidentiality offered.” This includes the specific categories of witnesses (crew members and maintenance personnel) to whom confidentiality will be routinely offered, and any other case in which the interviewer feels it is necessary to offer a promise of confidentiality (to include situations where the interviewer feels that the witness is not providing complete or accurate information). This explains to the witness that the interview may be used within DOD only for accident prevention purposes. Beyond that, it explains that nonconfidential interviews are publicly releasable and, to avoid that outcome, the interview must have been given under a promise of confidentiality.

(c) If a promise of confidentiality is not offered to the witness, the interviewer will read the section, “No promise of confidentiality offered.” It explains that within the military, the interview may only be used for accident prevention purposes. It also explains the rules governing the public releasability of the interview.

(3) When a promise of confidentiality is offered, the witness will complete block 15, “Availability of Promise of Confidentiality for Limited Use Report of Investigation.” The witness will initial section by indicating his/her choice, requesting or declining confidentiality.

Note. The exception for interviews under enhanced recall/hypnosis, which will automatically be deemed confidential and treated as such.

(4) If the witness is willing to be interviewed or make a statement, it will be summarized on DA Form 2397–4 in block 12.

(5) The promise of confidentiality will be entered on DA Form 2397–4, block 11, and will be signed and dated by the interviewer. The promise is as follows: “The witness made this statement under a promise of confidentiality.”

(6) There is no requirement to have an interview signed by the witness, and such should not be done. The interviewer does not have to sign either, except as addressed above. To approach a witness for a signature may give the indication that the statement will be used for purposes other than accident prevention. Neither is it necessary to record explanations discussed in paragraph 3–7b on the DA Form 2397–4.

(7) Witness statements should be summarized for inclusion in the report. The complete, verbatim account of all that was stated should not be included. A summarization is to be used, but it should not exclude any information that assists in explaining the circumstances of the accident.
a. Also see paragraph 3–7.
b. Complete instructions as follows:
(1) **Block 1.** Self-explanatory.
(2) **Block 2.** Enter general occupation of the witness and duty being performed at time of the accident, if applicable. Use duties listed at table 3–5.
(3) **Block 3.** Enter the grade of witness. Use one of the codes at table 3–8.
(4) **Blocks 4 and 5.** Self-explanatory.
(5) **Block 6.** List DSN number if applicable.
(6) **Block 7.** Enter date(s) statement(s) was/were made.
(7) **Block 8.** Summarize aviation experience and background. For example, “Army aviator 10 years. Total flight hours 3,500 (RW 3,000; FW 500).” Indicate FAA ratings and approximate flight hours for nonmilitary pilot witnesses. Indicate Military Occupational Specialty (MOS) and approximate total flight hours for non-aviator crew members drawing flight incentive pay.
(8) **Block 9.** Enter location of witness at the time of the accident relative to flight path/impact of aircraft.
(9) **Block 10.** Enter rank/rank and last name of person in charge of interview. If witness is interviewed by different persons in charge on separate occasions, list all interviewers in charge and prefix each name with “1st,” “2d,” “3d,” to designate which interview session the interviewer conducted.
(10) **Block 11.** Check the appropriate box to indicate if the individual “was/was not” offered a promise of confidentiality. Also, check the appropriate box to indicate whether or not the witness requested a promise of confidentiality. The interviewer will sign and date the confidentiality statement if “Yes” was checked that a promise of confidentiality was offered and “Yes” was checked that a promise of confidentiality was requested by the witness.
(11) **Block 12.** Complete the summary of interview block as follows:
(a) **Multiple interviews, same witness.** Prefix the summary of each interview with the date and indicate if the statement is the 1st, 2d, 3d.
(b) **Comprehensiveness.** As a general rule, the interview summaries of persons occupying crew stations aboard the aircraft during the accident should be summarized in greater detail than the statements of others. This is because the crew members are the best source of information pertaining to the accident chronology of events. The chronology for the “History of Flight,” DA Form 2397–3, will most often be obtained from the crew and should be used as a guide in determining what elements of information to include in the interview summaries. If crew error appears to be involved in the accident, the mistake/errors and system inadequacy(ies) listed in the instructions for completing the DA Form 2397–2 are useful for determining what should be addressed in the crew member witness summaries.
(c) **Consolidating.** When several witnesses, other than crew members, provide essentially the same observations, it is not necessary to prepare a separate DA Form 2397–4 for each witness except for statements made with a promise of confidentiality. In cases where the summarized statements of several witnesses can be consolidated, it is appropriate to leave blocks 1 through 9 blank. In block 12, list the names of the witnesses and then summarize their collective observations.
(d) **Format.** The proper format is a concise summary of information elements. An example is as follows: “This witness was occupying a passenger seat (identify location in passenger compartment) in the aircraft at the time of the accident. His account of the accident essentially agreed with the “History of Flight” portion of DA Form 2397–3. Additionally, he heard a grinding noise in the area of the aircraft’s transmission and felt a high-frequency vibration where his boots contacted the floor of the airframe in the passenger’s compartment.” In cases where such is essential, limited direct quotes of a witness (together with the specific questions they are in response to) may be used. This, again, should be done sparingly and only when necessary. It is important that the statement be the investigator’s summarization and not an exact verbatim transcript of what the witness said. The summary should be written in the third person (“The witness said...” “He said...,”) and not the first person (“I saw...,” “I heard...”).
(12) **Block 13.** Enter the case number shown on DA Form 2397–1.
(13) **Block 14.** Interviewer will read block 14a or 14b to each witness, depending upon the category and/or circumstances of the witness.
(14) **Block 15.** Those witnesses who were offered a promise of confidentiality must indicate acceptance or refusal by initialing the appropriate statement. The witness giving the statement will print his/her name directly above the “Name of witness” line.