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Law

AEROSPACE ACCIDENT INVESTIGATIONS

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This instruction implements guidance from AFPD 51-5, Section B, *Military Legal Affairs*; DoD Instruction 6055.7, *Accident Investigation, Reporting, and Recordkeeping*, and Title 10, United States Code, Sections 2254 and 2255. It applies to all US Air Force (USAF), US Air Force Reserve (USAFR), and Air National Guard (ANG) military and civilian personnel. It provides guidance and procedures for conducting aerospace accident investigations into mishaps involving aircraft, unmanned aerial vehicles, remotely piloted vehicles, missiles, and space assets, to include rockets and satellites, regardless of the presence of intent to launch or fly the asset at the time of the accident. It describes when and how to conduct an accident investigation, how to prepare and distribute accident reports, and how to store and dispose of accident wreckage, related documents and materials. It also addresses release of accident information and interactions with the Next-of-Kin (NoK), Congress, media, and other interested parties. It prescribes Convening Authority, Accident Investigation Board (AIB) President, AIB Legal Advisor, and Host Installation Commander duties and responsibilities. It prohibits unauthorized disclosure of accident investigation information by personnel subject to this instruction. Failure to observe the prohibitions and mandatory provisions of this instruction under paragraph **7.1.2.** by active duty Air Force members, USAFR members on active duty or inactive duty for training, and ANG members in federal service, is a violation of Article 92, Uniform Code of Military Justice (UCMJ). Violations by civilian employees may result in administrative disciplinary actions without regard to otherwise applicable criminal or civil sanctions for violations of related laws.

Only MAJCOMs may supplement this instruction. MAJCOMs will send one copy of each supplement to Tort Claims and Litigation Division, Air Force Legal Services Agency (AFLSA/JACT), 1501 Wilson Blvd, Rm. 835, Arlington, VA 22209-2403. See **Attachment 1** for a glossary of references and supporting information.

SUMMARY OF REVISIONS

This change incorporates interim change (IC) 2004-1 (**Attachment 4**). It eliminates the requirement for commanders to convene an Accident Investigation Board (AIB) for accidents that result solely in damage to government property (paragraph **2.3.1.**); adds paragraph **2.3.4.** to clarify the requirement to convene an AIB when accidents result in the destruction of an AF aircraft, space launch system, or unmanned aerial vehicle (other than a subscale aerial target remotely piloted vehicle); adds a requirement to consider convening a discretionary AIB for accidents that result in damage to government property in an amount of $2 million or more (paragraph **2.4.4.**); revises the note following paragraph **2.4.4.** regarding required legal investigation reports under DoDI 6055.7, *Accident Investigation, Reporting and Recordkeeping*, 3 Oct 00; and authorizes the convening authority's SJA to release wreckage and evidence from legal hold for Class A accidents that result solely in damage to government property (paragraphs **10.7.** and **10.8.**). The entire text of the IC is at the last attachment.

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Chapter 1

ACCIDENT AND SAFETY INVESTIGATION BOARDS

1.1. General Considerations. DoDI 6055.7, *Accident Investigation, Reporting, and Recordkeeping,* requires each DoD component to conduct safety investigations and legal investigations for specified accidents. The Services use different terminology to refer to legal investigations. The Air Force uses the term "accident" investigation, the Army uses the term "collateral" investigation, and the Navy uses the term "JAGMAN" investigation. Accident investigations are separate from and independent of safety investigations. Air Force accident investigations are conducted by Accident Investigation Boards (AIBs) while safety investigations are conducted by Safety Investigation Boards (SIBs). An AIB is composed of an AIB President, other board members, and technical advisors. The AIB is a non-voting board, with the AIB President solely responsible for the contents of the AIB Report.

1.2. Purpose of Accident Investigations.

1.2.1. The purpose of accident investigations is to provide a publicly releasable report of the facts and circumstances surrounding the accident, to include a statement of opinion on the cause or causes of the accident; to gather and preserve evidence for claims, litigation, disciplinary, and adverse administrative actions; and for all other purposes. AIB Reports are:

1.2.1.1. Provided and personally briefed to the next-of-kin (NoK) of crewmembers and other military and civilians killed, and to individuals seriously injured in the accident.

1.2.1.2. Released to members of the public and media, upon request.

1.2.1.3. Released to members of Congress, upon request.

1.2.1.4. Released to other interested government agencies, upon request.

1.2.1.5. Used by the Air Force for the adjudication of wrongful death, personal injury, and property damage claims resulting from the accident.

1.2.1.6. Used by Air Force commanders as a source document to assist them in assessing whether any punitive or adverse administrative action should be taken against persons whose negligence or misconduct contributed to the accident.

1.3. Scope of Accident Investigations. The scope of the AIB is to develop and report the cause or causes of the mishap and/or those factors that substantially contributed to the mishap. An AIB is staffed with the appropriate number of personnel, with the required skills, in order to complete the investigation within 30 days after receipt of Part I of the SIB report. In order to investigate the accident efficiently, unit deficiencies and other matters having no direct bearing on the mishap, and not otherwise required to be documented in the AIB Report by this instruction, should be investigated only to the point in the investigation where they are found neither to be causal nor a substantially contributing factor to the mishap. These matters should be referred in writing, separate from the AIB Report, through the Staff Judge Advocate to the Convening Authority, if deemed appropriate. See also paragraphs **3.3.14.** and **10.3.4.** of this instruction.

1.4. Purpose of Safety Investigations.

1.4.1. Safety investigations are conducted under AFI 91-204, *Safety Investigations and Reports,* primarily to find causes of mishaps in order to take preventive actions. Because the overriding purpose

of safety investigations is accident prevention, safety investigations take priority over accident investigations. During certain types of safety investigations, promises of confidentiality may be granted to witnesses and contractors in order to promote full and timely disclosure of information.

1.4.2. Statements and documents given under a promise of confidentiality are privileged and cannot be disclosed outside of the Air Force safety community. The Air Force cannot use privileged safety information for line-of-duty determinations, claims adjudication, flying evaluation board proceedings, pecuniary liability determinations, or in any civil, criminal, or adverse administrative actions. Access to privileged safety information or documents is limited to those with a need to know for mishap prevention. See DoDI 6055.7, paragraph E4.5.3.3.2, for an exception to this policy in exceptional circumstances. The AIB is never authorized access to privileged safety information.

1.4.3. The SIB produces a two-part report following Class A mishaps. Part I contains non-privileged, factual information. Part II contains confidential witness and contractor statements and documents, as well as the SIB deliberations, findings, and recommendations. Part II of the SIB Report is privileged and only used for mishap prevention.

1.4.3.1. A two-part report may be produced following a Class B mishap. It is not produced following a Class C mishap.

1.5. Relationship between Safety Investigations and Accident Investigations. While safety investigations take precedence over accident investigations, the two investigations will normally overlap in time. In the event of conflicts between the two investigations regarding access to the accident site, acquiring and examining evidence, and interviewing witnesses, safety investigations have priority. **Table 1.1.** illustrates the relationship between safety investigations and accident investigations.

Table 1.1. Distinctions Between Safety Investigations and Accident Investigations.

	Safety Investigation	Accident Investigation
Regulation	AFI 91-204	AFI 51-503
Purpose	Accident prevention	All purposes
Status	Part I (facts) not privileged. Part II privileged (analysis). Part I provided to the AIB (Tabs A-S)	Not privileged; entire report is publicly disclosed
Format	Two part report	Single report
Contents	Facts, board analysis, findings, causes, and recommendations, with supporting documentation	Facts and statement of opinion on causation, with supporting documentation. No recommendations
Published Minority Opinion Allowed?	Yes	No

Chapter 2

CONVENING AN ACCIDENT INVESTIGATION BOARD (AIB)

2.1. Convening Authority.

2.1.1. The same commander who convened or would have convened the preceding safety investigation under AFI 91-204 convenes the accident investigation.

2.1.2. For Class A accidents, the convening authority will be the MAJCOM commander. This responsibility may be delegated to the vice-commander; it may not be delegated to a subordinate commander or staff member.

2.1.3. When an accident involves assets or personnel from more than one MAJCOM or involves assets or personnel from other branches of the Armed Forces, the convening authority for the AIB will be the same as the SIB. See AFI 91-204, Chapter 1, for additional guidance.

2.1.4. The investigation of Air Force accidents that occur in foreign territory and/or those that involve Air Force aircraft and any civil or foreign military aircraft, may be affected by treaties, statutes, regulations, agreements, and other procedures.

2.1.4.1. Upon the occurrence of a US Air Force aerospace accident in foreign territory, the SJA of the Air Force MAJCOM or component responsible for air operations in that country or area of responsibility (AOR) should immediately evaluate the treaty, statute, regulation, or agreement under which the aircraft was operating to determine if the document addresses the conduct of accident investigations. Such agreements may call for a joint U.S.-Host Nation or a multi-nation investigation or for the appointment of a foreign observer to the AIB. The requirement to conduct an AIB and produce an AIB Report in accordance with this instruction remains unaffected by the location of the mishap or by the degree of foreign country involvement in the investigation.

2.1.4.2. Upon the occurrence of an aerospace accident in the United States involving foreign military aircraft, the SJA of the Air Force MAJCOM responsible for the air operation should immediately evaluate the treaty, statute, regulation, or agreement under which the aircraft was operating to determine if the document addresses the conduct of accident investigations. Regardless of the foreign involvement in the mishap, if an AIB would otherwise be called for under this instruction (i.e. US Air Force aircraft destroyed/damaged), an AIB must be conducted. Consult AFLSA/JACT for guidance regarding the scope and nature of Air Force involvement in an investigation where an AIB is not otherwise required under this instruction.

2.1.4.3. Upon the occurrence of an aerospace accident in the United States involving civil aircraft and US Air Force aircraft, the SJA of the Air Force MAJCOM responsible for the air operation should immediately contact AFLSA/JACT to determine the scope of the investigation to be performed by the National Transportation Safety Board (NTSB). Should the NTSB exercise their prerogative to organize the lead investigation (see AFJI 91-206, *Participation in a Military or Civil Aircraft Accident Investigation*), the SJA of the responsible MAJCOM should determine the need to conduct a separate AIB, following discussions with AFLSA/JACT.

2.1.4.4. Upon the occurrence of an accident involving both civil and USAF space assets, unique issues will arise when dealing with commercial vendors and other federal agencies conducting their own investigations, such as: who is the lead investigating office or agency, what are the procedures/protocols for information sharing and the handling of classified/sensitive payloads, and

whether or not there are any unique MOA/MOUs with other involved federal agencies that need to be considered. Early and continuous consultation must be made with Air Force Space Command (AFSPC) SJA during the conduct of the AIB investigation. See also AFSPC, *Accident Investigator's Handbook,* for additional guidance.

2.2. AIB Appointment.

2.2.1. The convening authority initiates an AIB investigation by appointing in writing the AIB President. The letter order should list all other identified members of the AIB. Following the issuance of this appointment order the authority to appoint or substitute additional AIB members or technical advisors can be delegated to the convening authority's Staff Judge Advocate or other designee, as the need arises.

2.2.2. The AIB President should be appointed concurrently with the SIB. A sample appointment letter is at **Attachment 2**, **Figure A2.1.**

2.3. When AIB Investigations are Required. Commanders must convene an AIB for Air Force aircraft, unmanned aerial vehicle (UAV), missile, or space accidents in the following instances:

2.3.1. All Class A accidents, as defined in DoDI 6055.7, paragraph E2.1.3.1 and AFI 91-204, Chapter 1, except for those that result solely in damage to government property.

2.3.2. There is probable high interest. See definition at paragraph **7.5.1.**

2.3.3. All suspected cases of friendly fire, as defined in DoDI 6055.7, paragraph E2.1.16.

2.3.4. All accidents involving the loss of an Air Force aircraft, UAV (other than a subscale aerial target remotely piloted vehicle), or space launch system.

2.4. Discretionary AIBs. Consider convening an AIB following an Air Force aircraft, UAV, missile, or space accident when:

2.4.1. There is anticipated litigation for or against the Government or a Government contractor.

2.4.2. There is anticipated disciplinary action under the UCMJ or adverse administrative action against any individual.

2.4.3. There are damages to third parties that likely will exceed $250,000.

2.4.4. Other aircraft, UAV, missile, or space accidents may be investigated under this instruction at the discretion of any wing, or higher, commander. When an accident results solely in damage to government property in an amount of $2 million or more, the SJA for the Air Force MAJCOM responsible for the aircraft, UAV, missile, or space system shall notify the MAJCOM commander of the accident and recommend in writing whether a discretionary AIB should be convened.

(Note: DoDI 6055.7, paragraph E4.6.3, requires a legal investigation report under the circumstances described in paragraphs **2.4.1.** and **2.4.2.**, above, and for accidents resulting in the loss of a subscale aerial target remotely piloted vehicle, which is a category of UAV. However, the required report under the DoDI may be satisfied by any non-safety report; e.g., an AIB Report, a line of duty determination, a report of survey, a law enforcement investigation, a commander directed investigation, or an administrative claim investigation.)

2.5. Accidents Not Requiring AIBs. There is no requirement to investigate the following accidents under this instruction:

2.5.1. Death, injury, or property damage by action of an enemy or hostile force.

2.5.2. Intentional or expected damage to Air Force equipment or property (e.g. authorized testing or combat training, including missile and ordnance firing; destruction of weapon system to prevent capture by enemy or hostile force; etc.)

2.5.3. Accidents investigated by another federal agency or military department resulting in a publicly releasable report.

2.6. Accidents Involving Air Force Reserve and Air National Guard Aircraft.

2.6.1. The gaining MAJCOM convenes AIBs for Class A accidents involving Air Force Reserve (AFRC) and Air National Guard (ANG) aerospace vehicles. AFRC and the ANG have the inherent authority to conduct accident investigations, using AFI 51-503 as a framework, for any accidents not investigated by the active Air Force under this instruction.

2.6.2. The gaining MAJCOM has the discretion to delegate authority for convening an AIB to AFRC when the AIB is to be conducted pursuant to **Chapter 11** of this instruction and when AFRC aerospace assets are involved.

2.6.3. When investigating an ANG aircraft accident, the convening authority will appoint an ANG member to the AIB, with the concurrence of the respective State Adjutant General. Contact the Office of the Director, Air National Guard, for assistance at DSN 327-2408/9 (703-607-2408/9).

2.6.4. Members of the Air Force Reserve and Air National Guard may serve in any capacity on an AIB, to include AIB President. Rank and training requirements found elsewhere in this instruction apply.

2.7. Accidents Involving Air Force Members Assigned to Another Service. Should a Class A accident involve an Air Force member assigned to another military service, follow the inter-service participation guidance in DoDI 6055.7, Enclosure E4.13.

2.8. Funding Issues.

2.8.1. Each command funds TDY travel of its assigned personnel who are appointed as Air Force AIB members. See AFI 65-601, Vol. I, *Budget Guidance and Procedures,* paragraph 7.14. The convening authority funds travel costs of members from another service appointed to an Air Force AIB. However, for joint service boards, each service funds its own members' TDY.

2.8.2. The convening authority provides additional funding for AIBs, including:

2.8.2.1. Leasing of vehicles or special equipment, leased communications, transportation, and other contractual services.

2.8.2.2. Costs associated with removal and storage of wreckage and initial clean up of the accident site. See Paragraph **10.10.** for accident site environmental remediation.

2.8.3. The host installation funds all in-house support (except billeting) even if the host installation is not assigned to the convening authority's MAJCOM. In-house support includes administrative and

computer support and equipment, work areas and office space, reproduction, and graphics. See **Attachment 3** for a listing of the support requirements for an AIB investigation.

2.8.4. The MAJCOM, to include AFRC and the ANG command, which possesses the mishap aircraft is responsible for all costs associated with the crash site clean up. The term "possession" is defined in AFI 21-103, *Equipment Inventory, Status, and Utilization Reporting*, Attachment 1, as, "the actual acceptance, operational use (utilization), or designation of responsibility for the aircraft."

Chapter 3

RESPONSIBILITIES

3.1. Responsibilities of Convening Authority.

3.1.1. Directs NAF commanders or MAJCOM functional staff directors to nominate qualified personnel to serve on AIBs.

3.1.2. Convenes the investigation and issues the appointment orders of the AIB President. Identifies the installation that will provide logistical and administrative support for the AIB, and announces the identification by memorandum to the host installation commander. In cases in which the desired host installation does not fall under the convening authority's purview (i.e., a different MAJCOM), concurrence of the MAJCOM commander concerned should be first sought and obtained. A sample convening order is at **Attachment 2**, **Figure A2.1.** and a sample memorandum to host installation letter is at **Attachment 2**, **Figure A2.2.**

3.1.3. Funds costs associated with conducting accident investigations IAW **Chapter 2**.

3.1.4. Ensures appropriate condolence letters are sent to the NoK IAW AFI 36-3002, *Casualty Services; and* AFI 36-809, *Survivor Assistance*.

3.1.5. Determines what factual information or documents concerning the accident will be released to the public prior to completion of the investigation, under the criteria contained in **Chapter 7** of this instruction.

3.1.6. Approves the AIB Report. Approval indicates the AIB Report meets statutory and regulatory requirements. Approval does not indicate whether the convening authority agrees or disagrees with the Statement of Opinion of the AIB President. See paragraph **9.3.** and sample Action at **Attachment 2**, **Figure A2.7.**

3.1.7. Approves the PA Notification and Release Plan.

3.1.8. Just prior to the completion of the AIB investigation, ensures that a letter is sent by an appropriate official to the NoK of deceased personnel and to seriously injured personnel, advising them of the opportunity to be personally briefed and/or receive a copy of the report. See sample at **Attachment 2**, **Figure A2.6.**

3.1.9. Ensures that the requirements of AFI 90-301, *Inspector General Complaints*, Chapter 1, Section 1G, and Chapter 3, Sections 3A and 3B, are met whenever adverse information, misconduct, or inappropriate or improper conduct against senior officials and colonels (or equivalent) is documented in the AIB Report, or otherwise uncovered by the AIB investigation, and/or any disciplinary or other adverse personnel action is taken against these individuals. See **Attachment 1**, Terms, for definitions of adverse information, adverse personnel action, misconduct, inappropriate conduct, and improper conduct.

3.1.10. Releases an official written statement regarding accountability, if and when appropriate, in cases where misconduct, negligence, or other failure to meet standards by any Air Force member is alleged, either directly or indirectly, in the AIB Report.

3.2. Responsibilities of the Convening Authority's Staff Judge Advocate (SJA).

3.2.1. Identifies the AIB Legal Advisor.

3.2.2. Provides oversight, guidance, and assistance as necessary to the AIB throughout the accident investigation process.

3.2.3. Reviews the AIB Report for legal sufficiency and for compliance with this Instruction.

3.2.4. Seeks review and comments on the AIB Report from the convening authority's staff.

3.2.5. Prepares the convening authority's Action.

3.2.6. Submits the AIB Report to the convening authority for final action, with staff comments and the legal review under separate cover.

3.2.7. Coordinates with the public affairs office regarding the Notification and Release Plan created by PA.

3.2.8. Prepares a letter, signed by an appropriate official, to the NoK or seriously injured personnel letter transmitting the AIB Report.

3.2.9. Distributes the AIB Report IAW **Chapter 9** of this Instruction.

3.2.10. Serves as release authority for the AIB Report after approval by the convening authority.

3.2.11. Advises on environmental clean-up legal issues.

3.2.12. Reviews the AIB Report and advises the convening authority whenever adverse information, misconduct, or inappropriate or improper conduct against senior officials or colonels (or equivalent) is documented in the AIB Report, or has otherwise been uncovered by the AIB investigation, and/or any disciplinary or other adverse personnel action is being taken against these individuals. See **Attachment 1**, Terms, for a definition of adverse information, adverse personnel action, misconduct, inappropriate conduct, and improper conduct.

3.3. Responsibilities of the AIB President.

3.3.1. Writes the AIB Report and is solely responsible for the contents of the Report, to include the Statement of Opinion.

3.3.2. Completes the AIB Report within 30 calendar days of receipt of the complete Part I of the SIB Report, unless the convening authority (delegable to the convening authority's SJA or other designee) authorizes an extension.

3.3.3. Ensures AIB members do not have conflicts of interest that would prevent their impartial investigation of the accident.

3.3.4. Interviews all AIB members to ensure that they have not had access to privileged safety information from the antecedent safety investigation.

3.3.5. Requests, as necessary, the appointment of additional AIB members or advisors with technical expertise in areas, such as: medical, maintenance, airfield operations (air traffic control and/or airfield management), propulsion, airframe, life support, operations (e.g. tactics, flight rules, instrument procedures), metallurgy, forensics, weather, security, or public affairs.

3.3.6. Coordinates all NoK or seriously injured personnel, public, and media requests for investigation information with the convening authority's SJA and public affairs officer. The AIB President is responsible for channeling information to the NoK and those seriously injured regarding the status and progress of the SIB and AIB investigations. For further details, see **Chapter 7** of this Instruction.

3.3.7. Coordinates with the On-Scene Commander, if applicable, the convening authority's SJA, and the Family Liaison Officer (FLO) regarding all family requests to visit the mishap site.

3.3.8. Ensures the investigation and resulting AIB Report are thorough and in compliance with this Instruction.

3.3.9. Briefs the convening authority and other officials regarding the investigation results, as directed.

3.3.10. Serves as the primary NoK briefing officer in fatality cases.

3.3.11. Prepares the Post-Investigation Memorandum. See paragraph **10.3.**

3.3.12. Responds to post-investigation inquiries and issues through the convening authority's SJA.

3.3.13. Following accidents involving a fatality, the AIB President must proceed to the accident site (or to the location where the SIB convenes) no later than 48 hours after arrival of the SIB. In all other cases, the convening authority should consider the advantages of having the AIB President proceed to the accident site shortly after the arrival of the SIB in order to view first hand the mishap scene.

3.3.13.1. This requirement may be waived by the convening authority in unusual cases where it is neither practical nor necessary to immediately have the AIB President at the accident scene.

3.3.13.2. A waiver does not relieve an AIB President of his/her responsibilities, once appointed, to coordinate all NoK, seriously injured personnel, public, and media requests for investigation information per paragraph **3.3.6.**

3.3.13.2.1. The lack of an AIB President on-scene does not create a situation in which the SIB President, or anyone else, should assume these responsibilities.

3.3.13.3. Upon approval of the convening authority or designee, the AIB President may thereafter depart the accident site, pending receipt of Part I of the SIB Report.

3.3.14. Notifies the convening authority's SJA of all allegations of wrongdoing or other adverse information uncovered during the investigation and not otherwise fully discussed in the Summary of Facts or Statement of Opinion (e.g. inadvertent discovery of evidence of fraternization that was not causal or substantially contributory to the mishap). The notification should be in writing and should be forwarded separately from the AIB Report.

3.3.15. When requested by interested offices, determines what constitutes mishap wreckage, the release of which requires convening authority and/or AFLSA/JACT approval. See **Attachment 1** for the definition of "wreckage."

3.4. Responsibilities of the AIB Legal Advisor.

3.4.1. Provides legal advice and assistance to the AIB President throughout the investigation.

3.4.2. Examines Part I of the SIB Report prior to review by the AIB President and members to ensure it does not contain privileged safety information. If AFI 91-204 privilege markings appear on any doc-

ument or other privileged safety information is found, contact the convening authority's SJA and AFSC/JA for guidance.

3.4.3. Serves as liaison between the AIB and the convening authority's SJA and the host installation SJA.

3.4.4. Coordinates on the early release of information.

3.4.5. Oversees the collection, preservation, and disposition of evidence.

3.4.6. Participates in witness interviews to ensure the advisements and questions to the witnesses are proper.

3.4.7. Ensures no privileged, protected, or otherwise non-releasable documents or information (e.g., autopsy reports, Privacy Act information, SSNs, FOUO markings, Arms Export Control Act restrictions, etc.) are contained in the AIB Report.

3.4.8. Ensures the Statement of Opinion meets legal standards.

3.4.9. Reviews the AIB Report for legal sufficiency and for compliance with this Instruction.

3.5. Responsibilities of the Host Installation Commander.

3.5.1. Provides in-house logistical and administrative support for the AIB, including office space, computer support, communications, transcription personnel and equipment, reproduction, datafax, and other administrative support. See **Attachment 3** for a listing of AIB support requirements.

3.5.2. Appoints a host installation liaison officer to assist the AIB in obtaining logistical and administrative support, as well as arranging witness interviews of personnel assigned to the installation.

3.5.3. Funds all in-house logistical support even if the host installation is not assigned to the investigating MAJCOM.

3.5.4. Removes, stores, and secures wreckage from the mishap site until a release from legal hold is obtained from AFLSA/JACT or the convening authority's SJA. See **Chapter 10** and **Chapter 11** of this Instruction.

3.5.4.1. Upon receiving a release from legal hold, ensures compliance with Technical Order 1-1-638, *Repair and Disposal of Aerospace Vehicles*. Also, ensures compliance with AFMAN 23-110, *USAF Supply Manual*, Volume 6. Ensures wreckage that will not be returned to service is offered to the Maintenance Training Device (MTD) community before disposal through DRMO.

3.5.4.1.1. The MTD community consists of HQ AETC/DOO, the applicable System Program Director (see **https://afmc-dr.wpafb.af.mil/Bluebk/Bluebook.asp**), and the lead and all using MAJCOM Directors of Logistics (the Director of Operations at HQ AFMC) for the mishap aircraft mission design series (MDS).

3.5.5. Assists the convening authority with the initial clean up of the mishap site.

3.6. Responsibilities of the Host Installation SJA.

3.6.1. Assists host installation liaison officer and AIB Legal Advisor, as necessary.

3.6.2. Coordinates the appearance of civilian employees for witness interviews and coordinates their appearance with their labor union, as required.

3.6.3. Coordinates the appearance of contractor employees for witness interviews; obtains the assistance of the contracting officer, as necessary; and assists in obtaining and reviewing copies of relevant contracts.

3.6.4. Coordinates the appearance of foreign nationals for witness interviews and ensures compliance with applicable international agreements.

3.6.5. Forwards requests for Class A wreckage release through the convening authority's SJA to AFLSA/ JACT.

3.7. Responsibilities of AFLSA/JACT.

3.7.1. Develops policy and procedures for conducting accident investigations of aircraft, UAV, missile, and space accidents.

3.7.2. Adjudicates tort claims and provides support to the Department of Justice in litigation arising out of aircraft, UAV, missile, and space accidents, IAW AFI 51-501, *Tort Claims*.

3.7.3. Approves wreckage releases for Class A accidents (with the exception of investigations conducted under **Chapter 11** of this instruction) and oversees access to investigation evidence after approval of the AIB Report.

Chapter 4

QUALIFICATIONS OF ACCIDENT INVESTIGATION BOARDS

4.1. General Qualifications.

4.1.1. AIB members should normally not be from the wing (or equivalent organization) to which the aircraft, UAV, missile, space launch vehicle, or crewmembers were assigned. If any AIB member is from the mishap wing, then the majority of the AIB members must come from outside the mishap wing.

4.1.2. SIB members may not serve as AIB members to the same accident.

4.1.3. AIB members must not have had access to privileged safety information from the antecedent safety investigation (to include SIB "72-Hour" and other progress reports).

4.1.4. Officers or enlisted members currently performing safety duties may not serve as AIB members, except as provided under Paragraph **4.4.4.**

4.2. AIB President.

4.2.1. AIB Presidents should be field grade officers, senior in grade to persons involved in the accident, and must come from outside the mishap wing. The requirement that AIB Presidents come from outside the mishap wing may be waived by AFLSA/JACT in cases where the aerospace vehicle involved is one of only a few of its class (e.g. Predator, E-8, Global Hawk).

4.2.2. For Class A accidents, AIB Presidents must be in the grade of 0-5 or above and, if possible, be in the same grade as the corresponding SIB President. For any accident involving a fatality, the AIB President must be a General Officer or Brigadier General (select).

4.2.3. For aircraft accidents, AIB Presidents must be a pilot or navigator and should have experience with the aircraft type involved.

4.2.3.1. Depending on the qualifications of the AIB President, the convening authority may appoint a pilot/operator member, who is qualified and current in the accident vehicle. This pilot/operator member may be from the mishap wing if no other qualified and current officer is reasonably available.

4.2.4. For missile or space accidents, AIB Presidents should have expertise and experience in the system involved and must be a missile or space operations officer.

4.2.4.1. Depending on the qualifications of the AIB President, the convening authority may appoint a missile or space operations officer who is qualified in the operational use of the missile or space system.

4.2.5. AIB Presidents must attend the AFSC Board President's Course prior to conducting a Class A accident investigation.

4.2.6. Upon receipt of Part I of the SIB Report, the AIB President will be relieved of all other duties until the AIB Report is completed.

4.3. AIB Legal Advisor.

4.3.1. The Legal Advisor should be an experienced judge advocate, normally a field grade officer, and must come from outside the mishap wing.

4.3.1.1. Captains may be appointed in non-fatality accidents only.

4.3.2. The Legal Advisor may be from the same wing as the AIB President.

4.3.3. Upon receipt of Part I of the SIB Report, the Legal Advisor will be relieved of all other duties until the AIB Report is completed.

4.3.4. Legal Advisors must be graduates of the AIB Legal Advisor Course.

4.4. AIB Composition.

4.4.1. The actual composition of these boards will be tailored to reflect the type and complexity of the accident.

4.4.2. All AIBs will have, at a minimum, an AIB President and a Legal Advisor. In addition, all AIBs will have a Recorder, except those conducted under **Chapter 11** of this Instruction.

4.4.2.1. Other required board members are a Pilot Member or Missile/Space Operations Officer, a Maintenance Member or Missile/Space Materiel Officer, and a Medical Member.

4.4.2.2. The Recorder is normally an enlisted member or junior officer who possesses an administrative background. A paralegal may serve as Recorder.

4.4.3. The convening authority may appoint board members from a variety of other specialties such as, metallurgy, personnel, airfield operations (air traffic control and/or airfield management), operations (e.g. tactics, flight rules, instrument procedures), and security, as necessary.

4.4.4. If there is no preceding safety investigation, then the convening authority may request the Air Force Safety Center appoint a safety center representative to the AIB as a board member.

4.4.5. If an accident involves personnel or assets from another service, then the convening authority may appoint a representative from the other service as a board member.

4.5. AIB Advisors.

4.5.1. If an accident involves foreign military personnel, or if a foreign country representative serves on the preceding SIB, then the convening authority may appoint a foreign country representative to serve as an advisor to the AIB.

4.5.1.1. Consult with HQ USAF/JAI if questions arise regarding the appropriate procedure for appointing foreign country representatives.

4.5.1.2. No appointment orders are required.

4.5.2. Depending upon the circumstances, one or more functional area experts may be detailed to advise and assist the board but not serve as board members.

4.5.2.1. No appointment orders are required. However, all advisors should be briefed on the requirements of paragraph **7.1.2.**, which prohibits the disclosure of information on the ongoing AIB investigation until the AIB Report has been approved for release by the convening authority.

4.5.2.2. HQ USAF/XOO-CA is the official civil aviation interface for not only Headquarters US Air Force, but also for all MAJCOMs. Therefore, for mishap investigations involving civil aviation agencies or civil aircraft, the convening authority should contact HQ USAF/XOO-CA to obtain advice and assistance regarding interaction with civil aviation agencies.

4.5.2.3. For mishap investigations involving airfield operations (air traffic control or airfield management) issues, the convening authority is further encouraged to seek the advice of HQ AFFSA/XA or MAJCOM Airfield Operations staff, when deciding upon an appropriate airfield operations representation as a board member or advisor.

4.5.2.4. Airfield Operations board members should be field grade officers. Air Traffic Control and Airfield Management Senior NCOs may serve as advisors.

4.5.2.5. HQ AFFSA is the OPR for flight rules and instrument flight procedures for not only HQ SAF, but also for all MAJCOMs. Therefore, the convening authority is further encouraged to seek the advice and assistance of HQ AFFSA in matters involving flight rules or instrument procedures.

Chapter 5

CONDUCTING ACCIDENT INVESTIGATIONS

5.1. Preparing for the Investigation.

5.1.1. The AIB President should contact the convening authority's SJA for an initial briefing.

5.1.2. All AIB members should review the following instructions, as necessary:

5.1.2.1. AFI 51-503, *Aerospace Accident Investigations,* and any MAJCOM supplement.

5.1.2.2. AFI 90-301, *Inspector General Complaints.* This provides detailed guidance for other types of administrative investigations. Chapter 2 contains useful information about examining witnesses, rights advisements, and handling evidence, as well as the SAF/IGQ Commander Directed Investigation (CDI) Guide found at website: **http://www.ig.hq.af.mil/igq/downloads/.**

5.1.2.3. AFI 34-1101, *Assistance to Survivors of Persons Involved in Air Force Aviation Mishaps.* This provides guidance on rendering assistance to family members of those killed in aviation accidents.

5.1.2.4. AFI 91-204, *Safety Investigations and Reports.* This governs the safety investigation and describes the contents of Part I of the SIB Report, which will form Tabs A - S of the AIB Report.

5.1.2.5. AFI 33-332, *Air Force Privacy Act Program*. This implements the Privacy Act within the Air Force. Prior to publication of the AIB Report, some material gathered during the accident investigation must be redacted to protect the privacy of the individuals concerned.

5.1.2.6. AFI 31-401, *Information Security Program Management.* This implements AFPD 31-4, *Information Security*, and supplements DoD 5200.1-R, *Information Security Program*. This describes how to protect and handle classified information.

5.1.2.7. DoD 5400.7-R/AF Supp, *DoD Freedom of Information Act Program/Air Force Supplement.* This describes how to handle and process FOIA requests.

5.1.3. The AIB President should contact the host installation commander or the host installation liaison officer to obtain work areas, equipment, and administrative support. See **Attachment 3** for a listing of AIB support requirements. The work area should be as convenient as possible for both the AIB and witnesses. Avoid using the installation courtroom for interviews since a judicial atmosphere may intimidate witnesses.

5.1.4. The AIB President should contact the SIB President. Through the SIB president, the AIB President may:

5.1.4.1. Determine the status of search and rescue, recovery of remains, and salvage operations.

5.1.4.2. Coordinate a visit to the mishap site prior to removal of the wreckage, if desired.

5.1.4.3. Determine the status of the safety investigation and decide how to proceed with the AIB. Although the SIB President may not discuss privileged safety information, he or she may relay the facts of the accident and describe the technical reports that will be in Part I of the Safety Report.

5.1.4.4. Coordinate a face-to-face transfer of Part I of the Safety Report from the SIB to the AIB. In addition, all other original documents gathered by the SIB should be given to the AIB. If the

SIB provides an electronic copy of Part I, ensure that you also obtain the underlying original documents constituting Part I of SIB Report.

5.1.5. After the Legal Advisor has completed his/her screening of Part I (see paragraph **3.4.2.**), the AIB President may review Part I of the SIB Report and determine which additional tests, if any, should be conducted (e.g. metallurgy, hydraulics, simulator, forensics, control surfaces, etc).

5.1.6. The Board should obtain all other non-privileged materials gathered by the SIB but not included in Part I of the SIB Report.

5.1.6.1. However, before other AIB members review the documents from the SIB, the Legal Advisor should review the documents to ensure that no privileged safety documents are contained therein.

5.1.6.1.1. All privileged safety documents should be returned to the SIB President. Consult with the convening authority's SJA and AFSC/JA if issues arise regarding the releasability of evidence from the SIB.

5.1.7. The Board should obtain a list of the SIB witnesses (with telephone numbers) and verify that the SIB has released the witnesses. The witness list should also indicate the role of the witness in the accident (e.g. crewmember, maintainer, crew chief, observer, etc).

5.1.7.1. Ask for notification each time the SIB releases a witness so that the witness may be promptly interviewed. Contact witnesses as soon as possible in case they are planning to depart the local area. Request the SIB President designate which witnesses are NoK or family members of those involved in the accident.

5.1.8. The Board should obtain a written transfer of the wreckage from the SIB President to the AIB President.

5.2. Additional Board Members and Advisors. The AIB President may request the convening authority (delegable to the convening authority's SJA or other designee) to appoint additional board members or detail advisors to assist with the investigation at any time. Contact the convening authority's SJA for assistance.

5.3. Travel Orders. The local MPF of each AIB member will issue his/her orders. Orders should authorize 60 days of travel, provide for variations in travel to more than one location, and authorize a rental car.

5.4. Passport and Visa. If the investigation will be conducted in a foreign country, a passport and visa may be required.

5.5. Suggested Schedule. Plan to complete the accident investigation and report within 30 calendar days from receipt of the complete Part I of the SIB Report. The schedule included below does not include any duties required pursuant to paragraph **3.3.** in this Instruction.

Figure 5.1. Suggested Schedule.

Week, Day	Activity
Week One	
Day 1	Receipt of Part I of the SIB Report, witness list, and all original documents.
Day 2	Review Part I of the SIB; visit the mishap site; begin interviews.
Day 3-7	Continue interviews; conduct additional testing; task AIB members; begin initial analysis; provide the NoK or seriously injured personnel with status information on the investigation, as required.
Week Two	
Day 8-11	Begin write-up; plan last interviews; ensure necessary testing has been ordered; follow up on testing reports; send AIB Report Tabs to reproduction.
Day 12-14	Complete interviews and review equipment tear down reports; continue analysis.
Week Three	
Day 15	Assemble Report; monitor progress of testing; schedule reproduction of documents for inclusion in AIB Report. Prepare one record copy and at least ten additional copies.
Day 16-20	Finalize Summary of Facts; draft Statement of Opinion.
Week Four	
Day 21-27	Finalize Statement of Opinion; obtain informal legal review from convening authority's SJA.
Day 27 -30	Draft Executive Summary; send Summary of Facts and Statement of Opinion to reproduction. Mail record copy of AIB Report and 5 other copies to the convening authority's SJA by express or registered mail. Mail 5 additional copies of AIB Report to convening authority's SJA using normal mail channels, unless otherwise directed.

5.6. Board Members Duties. All board members should review Part I of the SIB Report and provide feedback to the AIB President. They should also provide assistance in drafting the Report, including drafting and reviewing the Summary of Facts pertaining to their areas of expertise.

5.6.1. The Maintenance Member should review maintenance documentation, personnel, and supervision.

5.6.2. The medical member should review:

5.6.2.1. Medical qualifications of personnel involved in the mishap.

5.6.2.2. Postmortem and toxicology reports obtained from the SIB flight surgeon.

5.6.2.3. Post-accident medical examination records of survivors.

5.6.2.4. Draft a statement for Tab X, *Statements of Injury or Death*, if appropriate.

5.6.3. The aerodynamics member should examine the evidence on the airframe and analyze the flight parameters.

5.6.4. The life support member should examine the egress system and personal and survival gear.

5.6.5. The operator member should evaluate what an operator's action or reaction may or should have been under the circumstances and identify crewmembers that previously flew with the operator or gave him check-rides. The operator member should also evaluate the mishap operator's flying paperwork history, to include check-ride evaluation history (AF Form 8, *Certificate of Aircrew Qualification*), flight records, and other associated paperwork, and ensure they are complete.

5.7. Air Force Reserve and Air National Guard Accidents. Determine what type of duty orders applied to the crewmembers at the time of the accident. Include this information and a copy of the orders in the AIB Report at Tab T. Questions regarding a crewmember's duty status should be referred to the Legal Advisor or convening authority's SJA.

5.8. Gathering and Reviewing Documents and Other Evidence. The AIB should gather and review all documents related to the mishap. However, do not review privileged safety documents. The AIB may gather and review documents that are restricted from public release, such as documents protected by the Privacy Act, the Arms Export Control Act, the Export Administration Act of 1979, or classified documents. While the AIB may review this protected information, do not include it in the AIB Report.

5.8.1. The AIB Report will contain factual information about the accident, including documentary and testimonial evidence, as well as photographs. Review all documents from Part I of the SIB Report to ensure they only address facts and do not draw ultimate conclusions about causation.

5.8.2. Tabs A through S of the AIB Report and Tabs A through S of the SIB Report (Part I) will be identical, except that FOUO markings, SSNs, home addresses, home telephone numbers, and other protected information will be removed from the publicly releasable AIB Report. Additional information gathered by the AIB that would logically fit under Tabs A through S should be placed under separate tabs to keep Part I of the SIB Report and Tabs A through S of the AIB Report identical.

5.8.3. Gather and review maintenance logs, FAA bookings, flight-planning documents, and charts relating to the mishap aircraft and the mishap flight.

5.8.4. Gather and review relevant portions of applicable Technical Orders (TOs) and Time Compliance Technical Orders (TCTOs). Information regarding the releasability of TOs and TCTOs is often included on the inside cover page. Review this page to determine whether the publication, or extracts thereof, may be included in the Report. Note: Maintenance documents, including Flight Manuals, Maintenance Manuals, TOs, and TCTOs may be subject to the Arms Export Control Act or the Export Administration Act of 1979. Obtain written approval from the Technical Content Manager before including extracts of these publications in the AIB Report. Include the approval from the Technical Content Manager in the AIB collateral files.

5.8.4.1. Note: If a request to include said information in an AIB Report is denied in whole or in part, the AIB President may appeal the decision, in writing, to AFMC/JA.

5.8.5. Gather and review relevant portions of regulations and instructions, including Air Force instructions and FAA regulations. Also include the front title page of these documents, along with extracts of the instruction or regulation, for inclusion in the Report.

5.8.6. Obtain and review all relevant medical evidence, including medical records, autopsy protocols, X-rays, and toxicology reports. Because of privacy concerns, it may not be appropriate to include these documents in the AIB Report. There is generally no reason to include copies of medical records or extracts from them in the AIB Report unless that information is directly related to the cause of the

accident or any substantially contributing factors. Caution: A "72 Hour History" prepared for the SIB medical member by a witness is almost always obtained through a promise of confidentiality. The Legal Advisor must ensure this document is not accidentally transferred with the Part I. The AIB Medical Member may, nevertheless, request that an aircrew member prepare a "72 Hour History" to be adopted as testimony during a formal witness interview.

5.8.7. Original Documents. Forward all original documents to the convening authority's SJA with the Post-Investigation Memorandum at the conclusion of the investigation. See **Chapter 10**. However, some documents, such as medical, dental, and personnel records, should be returned to their proper custodians after the AIB Report is approved. Transmittal letters of original documents returned to their custodians should be forwarded with the Post-Investigation Memorandum.

5.8.8. Redactions and Explanatory Remarks. Original documents reviewed by the AIB should be properly safeguarded. Do not make redactions or add explanatory remarks to original documents. Make alterations and redactions on photocopies using "white-out". Also, use photocopies for working documents by the board.

5.8.9. Retain videocassette recordings, audio recordings of witness interviews, photographs, and negatives for forwarding to the convening authority's SJA with the Post-Investigation Memorandum. Original Air Traffic Control (ATC) tapes are retained for two years by the Airfield Operations Flight (AOF) Commander IAW AFMAN 37-139, *Records Disposition Schedule*, and AFI 13-204, *Functional Management of Airfield Operations*, Chapter 4. Obtain a certified copy on a cassette tape of relevant portions of the ATC tapes IAW AFI 51-301, *Civil Litigation*, Chapter 8.

5.8.10. Access to, use of, and publication of documents generated by foreign country personnel and agencies may require coordination with foreign country authorities. Consult with the convening authority's SJA for guidance and assistance.

5.9. Cockpit Voice Recordings (CVR) and Heads-Up Display (HUD) Tapes. CVR and HUD tapes are reviewed by the AIB but the tapes are not releasable to the public. However, CVR and HUD transcripts are publicly releasable and should be included in the AIB Report.

5.9.1. Requests from family members to listen to the tapes will be forwarded through the convening authority's SJA to AFLSA/JACT, to be considered under Privacy Act criteria, in coordination with HQ USAF/JAG.

5.9.2. The CVR and HUD transcripts may be redacted to remove inappropriate comments and non-relevant conversations, and to protect privacy interests or otherwise-protected information.

5.9.3. Upon completion of the investigation, the original CVR tapes are forwarded to AFSC IAW Paragraph **10.4.** The HUD tapes are stored by an appropriate custodian until release of the wreckage from legal hold by AFLSA/JACT.

5.10. Classified Information. The AIB may review classified information as needed in order to determine the cause of the accident. However, the AIB Report should contain no classified information.

5.10.1. If classified documents are absolutely essential to support the Statement of Opinion, then include the classified testimony, documents, and information in a separate classified addendum. This allows the unclassified portion of the Report to be publicly released without redacting text.

5.10.2. Even though portions of an individual's testimony may be classified, it is not necessary to include the entire testimony in the classified addendum. Rather, include as much unclassified testimony as possible in the unclassified portion of the Report. It is recommended that two separate interviews be conducted when classified information is germane to the investigation - one classified and one unclassified.

5.10.3. If a classified interview does not yield relevant information, then do not transcribe the interview.

5.11. Reviewing and Interpreting Air Force Instructions. The AIB members should routinely consult with the OPR of all Air Force instructions, directives, policy guidance, etc., that are applicable to the mishap sequence of events, to ensure that the references being used by the board are current, accurate, and complete, and that they are being correctly interpreted by the board.

Chapter 6

INTERVIEWING WITNESSES

6.1. General Considerations.

6.1.1. The SIB will provide the AIB with a list of those witnesses that the SIB interviewed. The AIB is not restricted to interviewing only those witnesses interviewed by the SIB, nor is the AIB required to formally interview all of the witnesses interviewed by the SIB. However, it is recommended that all SIB witnesses be contacted at least by telephone to screen them for potential interviews. If the AIB does not interview a witness who was interviewed by the SIB, a notation should be made on the witness list and included in the collateral evidence file which indicates the reason why the SIB witness was not interviewed (e.g. redundant testimony expected, irrelevant testimony expected, witness unavailable or relevant testimony obtained through another witness, etc).

6.1.2. Consider the most appropriate order to interview witnesses. You may wish to save key witnesses for last. Alternatively, you may consider interviewing key witnesses twice, once at the outset and then after other witnesses have developed the background of the case.

6.1.3. Do not offer promises of confidentiality to witnesses.

6.1.4. DoD military and civilian members must appear when called and must testify under oath or affirmation. They may not refuse to answer questions simply because their answers may adversely affect another person. They may only refuse to answer questions to prevent self-incrimination.

6.1.5. Swear in or affirm all witnesses prior to initiating questioning.

6.1.6. Do not permit witnesses to talk with their hands, since this cannot be transcribed. Similarly, ask the witnesses to answer "yes" or "no" rather than nodding their heads or responding "uh-huh." If witnesses testify using a diagram, ask them to mark or place numbers where events or actions occurred. Attach the document as an exhibit to the witness' statement in the Report. If witnesses describe distances with their hands, translate the distance for the record, e.g., "for the record, the witness is holding his hands approximately three feet apart."

6.1.7. Define acronyms or technical jargon used in the interview process since they may not be understood by the public. If acronyms and technical jargon are unavoidable, then define them for the record.

6.1.8. Consult with the convening authority's SJA for guidance in arranging, conducting, and documenting interviews with foreign military personnel and foreign nationals. As needed, the host installation SJA will assist the host installation liaison officer in arranging for an interpreter to participate in interviews of foreign military personnel and foreign national witnesses.

6.2. SIB Considerations.

6.2.1. Witnesses shall not testify before an AIB until the SIB President releases them.

6.2.2. Prior to beginning the recorded interview, explain to the witness the differences between safety investigations and accident investigations.

6.2.3. Do not let a witnesses state in the record that their response to a question is the same response they gave to the SIB. For instance, witnesses should not preface their answers with comments such as: "like I told the safety board. . . ." Do not permit such witnesses to complete their response. AIB mem-

bers should not know what questions and answers are contained in the privileged portion (Part II) of the SIB Report.

6.2.4. Witnesses should provide the same factual information to both safety and accident investigators, but the accident investigators must obtain their information through independent questioning.

6.3. Administrative Matters.

6.3.1. The Host Installation Liaison Officer will arrange for witnesses to appear at the designated times and location.

6.3.2. If a witness is suspected of a crime and is already represented by an attorney, contact the attorney prior to interviewing the witness about the suspected misconduct.

6.3.3. You may ask witnesses to bring documents or other items to the interview for use during their interview. All such documents should be attached as exhibits to witness statements.

6.3.4. Record witness testimony and, if the testimony is critical, have it transcribed in its entirety. However, if only a small portion is valuable, or if exact words are not important, then consider summarizing the testimony. See paragraph **6.19.** for further guidance.

6.3.5. While "on the record," do not ask for social security numbers, home addresses, home telephone numbers, or other protected information. Conduct a pre-interview, “off the record,” to obtain this information. File this information with the Post-Investigation Memorandum.

6.3.6. Ask the individual who will transcribe the interviews to verify the suitability and quality of the recording equipment before commencing the interviews.

6.3.7. Package and label all audiotapes, stenographer notes, and any items used to record witness testimony. Send these items to the convening authority’s SJA, with the Post-Investigation Memorandum, for storage after the AIB Report is approved.

6.4. Classified Interviews. Witnesses, board members, advisors, and reporters or stenographers must be properly cleared before they may participate in classified interviews. Remind these individuals that AFPD 31-4 applies regarding the safeguarding of classified information. See paragraph **5.10.**

6.5. Persons Attending Interviews.

6.5.1. It is recommended that the AIB President conduct all interviews.

6.5.2. The Legal Advisor should be present during all interviews in order to ensure that proper procedures are followed in questioning witnesses, placing them under oath, and advising them of their rights.

6.5.3. Consider the attendance of selected board members when technical matters will be discussed. They may assist in formulating questions. Additionally, at the discretion of the AIB President, other board members may ask questions, provided they are identified on the tape and transcript.

6.5.4. Attorneys may be present to give advice to their client if suspected of a crime or if a witness requests it. Attorneys, however, may not ask or answer questions on behalf of their clients.

6.6. Witness Speculation. Do not ask witnesses to speculate or guess, or to provide their opinions on the ultimate cause or causes of the crash. If experts provide opinions within their area of expertise, ask for the factual basis of their opinions.

6.7. Testimony of Absent Witnesses. If you are unable to interview a witness in person, due to deployment, TDY, or PCS, then a telephone interview may be conducted. Since the interview will be recorded, inform all parties of this fact. The witness must consent to being recorded. A witness may not record his or her own testimony since no part of an AIB Report is releasable until final approval of the report by the convening authority. Witnesses may be sworn by a judge advocate present with the witness during the interview. The judge advocate can also provide positive identification of the witness.

6.8. Federal Civilian Witnesses. Consult with the installation SJA and a labor relations officer for guidance prior to interviewing federal civilian witnesses covered by a bargaining unit.

6.8.1. You may ask employees if they are represented by a certified bargaining unit. However, do not ask employees whether they are union members, as this question is improper (similar to questions regarding religious or political affiliations).

6.9. Union Participation If a civilian employee is a member of a certified bargaining unit represented by a labor organization, a union official or steward may have the right to be present during the interview depending upon whether the interview constitutes a disciplinary examination or a formal discussion. During a disciplinary examination, the employee may have a right to have a union representative present. During a formal discussion, the union may have a right to have a union representative present.

6.9.1. Disciplinary Examinations.

6.9.1.1. If a civilian employee who is a member of a certified bargaining unit, represented by a labor organization (1) reasonably believes that he or she might be disciplined as a result of an interview; and (2) requests union representation, then the employee is entitled to have a union official or steward present during the interview. This right is found in Title 5, United States Code, Section 7114(a)(2)(B) and is frequently referred to as an employee's "Weingarten" rights, after the Supreme Court decision in *National Labor Relations Board v. Weingarten, Inc.*, 420 U.S. 251 (1975).

6.9.1.2. If a bargaining unit member requests union representation during the interview, the prospective interviewer should consult with the installation SJA. The interviewer's options are: (1) grant the request; (2) cancel the interview; or (3) offer the employee the choice between conducting the interview unaccompanied by a union representative or having no interview at all.

6.9.1.3. The right to the presence of a union representative at a disciplinary examination is the employee's right, not the union's right. If the employee does not ask for a union representative, then the union has no right to demand that a representative be present. The right exists for all federal civilian employees who are members of a certified bargaining unit, whether they are members of the union or not.

6.9.1.4. The Civil Service Reform Act does not require an employee to be notified of the right to representation prior to each interview. Rather, the Act requires management to annually inform its employees of this right. However, some local union contracts stipulate that management officials of an installation have agreed to provide notice before each interview. Exercise caution when

interviewing federal civilian employees to ensure there are no violations of the terms of a local contract.

6.9.2. Formal Discussions.

6.9.2.1. Under the provisions of the Federal Service Labor-Management Relations Statute, specifically Title 5 U.S.C. Section 7114(a)(2)(A), unions have a right to be given notice of a formal discussion between one or more agency representatives and one or more bargaining unit employees. However, in most circumstances, an investigatory interview with a civilian bargaining unit employee is not a formal discussion that would require advance notice to the union and an opportunity for a union official to attend the interview. This is because the labor statute provision only applies to discussions that concern a grievance, personnel policy or practice, or other general condition of employment. These are not normally the subjects of an AIB investigatory interview, which would more likely seek to establish an employee's specific actions, conduct, and observations relevant to the mishap at issue.

6.9.2.2. If there is any question whether an interview might constitute a formal discussion which would require union notice, the AIB legal advisor should consult with the installation SJA or the Air Force Central Labor Law Office.

6.9.3. The basic rules that apply to legal counsel in an interview are the same for a union representative; namely, they may advise the employee but generally may not ask or answer questions. An individual may have both a union representative and legal counsel present during an interview.

6.10. DoD Contractor Witnesses and Other Civilians.

6.10.1. When interviewing employees of DoD contractors, you may choose to have an Air Force contract management representative present. The management representative may be able to help obtain company records and determine company policies. This representative may also help if the employee contends that rights under a labor management agreement are being abridged.

6.10.2. All other civilians (i.e. private citizens) may be accompanied by any representatives of their choosing.

6.10.3. Consult with the convening authority's SJA and installation SJA for guidance in arranging, conducting, and documenting interviews of foreign nationals.

6.11. Witness Introduction. The following witness introduction shall be used for all interviews:

My name is _____. I am/We are investigating the aircraft/missile device/UAV/space vehicle accident that occurred on _____, near _____. This investigation, conducted under AFI 51-503, is separate and apart from the safety investigation conducted under AFI 91-204. The purpose of this investigation is to produce a publicly releasable report on the facts and circumstances surrounding this accident and to gather and preserve evidence for use in claims, litigation, disciplinary actions, adverse administrative proceedings, and for all other purposes. A safety investigation was previously conducted on this accident. Any testimony you gave before the safety investigation board will be kept confidential, if you were so advised, and can be used only for accident prevention purposes. This board does not have access to any confidential testimony you gave before the safety investigation board. Your sworn testimony to me/us may be used for any proper purpose. Additionally, your testimony can be released to the public. Do you understand the difference between your testimony before the safety board and this accident board?

6.12. Witness Oath. The following oath shall be administered before questioning a witness:

Do you solemnly swear/affirm that the testimony you are about to give in the matter now under investigation shall be the truth, the whole truth, and nothing but the truth, so help you God?
NOTE: If a witness chooses to ìaffirmî, delete the phrase "so help you God" when administering the oath.

6.13. Recorded Preamble. The witness introduction and oath/affirmation shall be recorded. After swearing the witness, the interviewer will identify the date, time, place of interview, persons present, and state that the witness has been sworn. Then the witness will be asked for their full name, rank, job title, duty telephone number, and present duty assignment and location, as appropriate. Do not solicit Social Security numbers, home addresses, or home telephone numbers.

6.14. Prior Testimony of Witness to SIB - No Grant of Confidentiality Given If a witness testified before the safety board and no grant of confidentiality was given for that unsworn testimony, the AIB should have received a transcript or other record of that interview by the SIB. The AIB may ask the witness to adopt their prior testimony before the SIB, after having been sworn. The SIB transcript or record will then be made an exhibit to the AIB interview record. The AIB can then proceed with further questioning, as necessary.

6.15. Advisement of Rights, Generally.

6.15.1. UCMJ, Articles 31(a) and (c) provide that no persons subject to the UCMJ may be compelled to incriminate themselves. The Fifth Amendment to the Constitution provides similar rights to civilians.

6.15.2. Determine the duty status of ANG or Air Force Reserve personnel at the time of the interviews to determine whether UCMJ or Fifth Amendment rights apply.

6.15.3. Witnesses who have invoked their rights against self-incrimination may request to respond to written questions rather than to interview questions. There is no prohibition against written questions; however, it is not necessarily recommended since it will delay the investigation process if such requests are granted.

6.15.4. Witnesses should be interviewed even if you expect they will invoke their right not to testify against themselves. It is important to initiate the interview so that their claim of privilege under Article 31 of the UCMJ or the Fifth Amendment will be a matter of record.

6.15.5. If a military or federal employee is not suspected of any criminal wrongdoing and you believe the witness has improperly invoked their Article 31 or Fifth Amendment rights and refuses to answer questions, refer the matter to their commander or appropriate supervisor. The witness may be directed to answer if the invocation of Article 31 or Fifth Amendment rights is not valid. In order to prevent the possibility of inadvertently immunizing the witness, consult with the AIB Legal Advisor or the installation SJA before such a witness is directed to testify.

6.16. Advisement of Rights of Military Members. If prior to questioning you suspect a military witness of a criminal offense, then a rights advisement must precede any questioning. If, at any time during an interview, you come to suspect a military witness of a criminal offense, then a rights advisement must precede any further questioning.

6.16.1. Whenever a military witness requests a lawyer or elects to remain silent, stop questioning and refer the witness to the installation Area Defense Counsel (ADC), or, if there is no installation ADC, contact the supporting SJA. After the witness has consulted with his/her attorney, contact the attorney to determine if the witness is willing to testify. Prior to resuming the interview, re-accomplish the rights advisement.

6.16.2. If at any time, you suspect a military member of a criminal offense, provide the following rights advisement:

I/We have reason to suspect you of the alleged offense or offenses of _____ under Article ___ of the Uniform Code of Military Justice. I advise you that under the provisions of Article 31 of the Uniform Code of Military Justice, you have the right to remain silent, that is, to say nothing at all. Any statement you make, oral or written, may be used as evidence against you in a trial by court-martial, or in other judicial or administrative proceedings. You have the right to consult with a lawyer, if you desire, and to have a lawyer present during this interview. You have the right to military legal counsel free of charge. In addition to military counsel, you are entitled to civilian counsel of your own choosing, at your own expense. You may request a lawyer at any time during this interview. If you decide to answer questions without a lawyer present, you may stop the questioning at any time. Do you understand your rights? Do you wish to remain silent or will you answer my questions? Do you want a lawyer?

6.16.3. If a military member is suspected of an offense and, following rights advisement, agrees to testify under oath, the following statement should appear immediately before the individual's testimony:

> Having been duly sworn and advised of the allegations, of his (or her) rights under Article 31, Uniform Code of Military Justice, and of his (or her) rights to counsel, and having acknowledged his (or her) understanding of those rights, and having affirmatively waived those rights, the witness testified as follows:

6.17. Advisement of Rights of Civilians. If prior to questioning, or during questioning, you come to suspect a civilian witness of a criminal offense, halt the interview and contact the convening authority's SJA for guidance on how to proceed. The convening authority's SJA may decide to consult with the installation SJA in order to determine whether civilian criminal investigators should become involved.

6.17.1. If, after consulting with the convening authority's SJA, you decide to interview a civilian suspect, provide the following rights advisement:

I/We have reason to suspect you of the alleged offense or offenses of _____ under _____(state specific state or federal criminal statute). I advise you that under the Fifth Amendment to the Constitution, you have the right to remain silent, that is, to say nothing at all. Any statement you make, oral or written, may be used as evidence against you in a trial or in other judicial or administrative proceedings. You have the right to consult with a lawyer, if you desire, and to have a lawyer present during this interview. You may obtain a civilian lawyer of your own choosing at your own expense. However, the military will not provide you with a lawyer. You may request a lawyer at any time during this interview, and if you decide to answer questions without a lawyer present, you may stop the questioning at

any time. Do you understand your rights? Do you wish to remain silent or will you answer my questions? Do you want a lawyer?

6.17.2. If a civilian suspect agrees to testify under oath following a rights advisement, then the following statement should appear immediately before the individual's testimony:

> Having been duly sworn and advised of the allegations, of his (or her) rights under the Fifth Amendment to the Constitution of the United States, and of his (or her) rights to counsel, and having acknowledged his (or her) understanding of those rights, and having affirmatively waived those rights, the witness testified as follows:

6.18. Completion of the Interview.

6.18.1. When finished, remind the witnesses of the official nature of the interview and direct them not to discuss their testimony with anyone without the board's permission, or until the AIB Report has been officially released to the public.

6.18.2. Expect to recall some witnesses. Subsequent testimony from other witnesses may cause you to seek clarification of previous testimony. For this reason, consider retaining witnesses in the local area until they are no longer needed for further interviews.

6.19. Verbatim or Summarized Testimony. Preserve testimony of all the witnesses. Testimony can be transcribed verbatim or included in the AIB Report in the form of summarized statements signed by the witnesses. If you elect to summarize statements, then thorough notes must be taken to write a coherent, accurate summary. After the statement is summarized, the witness must sign their sworn statement (in person or by mail). See **Figure 6.1.** for a recommended format for summarizing testimony.

6.19.1. If a witness declines to sign a summarized statement on the grounds that it doesn't accurately reflect his or her testimony, review any tape recordings and notes with the witness and reach an agreement on what the witness said or intended. It is important the witness concurs with the summarized statement of his or her testimony. If agreement cannot be reached, transcribe the testimony verbatim instead.

6.19.2. For further information/guidance regarding witness interviews, review the Air Force *Commander Directed Investigation Guide* published by SAF/IGQ, and available at this website: **http://www.ig.hq.af.mil/igq/downloads/**; or see Chapter 2 of AFI 90-301, *Inspector General Complaints*.

6.20. Format for Witness Statements. Witness statements are included in Tab V of the AIB Report. Double space between questions. Number all questions and answers (Q1/A1, Q2/A2, etc.) Paginate all testimony (V-1 for first witness, V-2 for second witness, V-3 for third witness, etc.). Internally paginate the testimony of each witness (V-1.1, V-1.2, V-1.3, V-2.1, V-2.2, etc.).

Figure 6.1. Recommended Format for Preserving Summarized Testimony.

SUMMARIZED STATEMENT OF CAPTAIN JOE WITNESS

I, (name) (unit), after being place under oath, hereby state that I (summary of important points, what was seen or known or heard by this witness that is important to determining the cause of the accident, or bears on the qualifications, training, skills, etc., of the aircrew, maintenance, controllers, etc.)

Signature block of witness

Signed and sworn before me this ____ day of _____ 20__

Interviewing Officer's Name and Position on Accident Investigation Board

Chapter 7

RELEASING INFORMATION

7.1. General Considerations. Conducting a complete, timely, and thorough investigation is a high priority for the Air Force, NoK, seriously injured personnel, and the public. Procedures and policy for releasing information will be IAW Title 10, United States Code, Section 2254 (10 U.S.C. 2254) and this Instruction.

7.1.1. Unauthorized Disclosure of Mishap Information.

Unauthorized disclosure of information or documents gathered during the AIB investigation compromises the integrity of the AIB process.

7.1.2. Specific Prohibition.

Prior to the official public release of the AIB Report, AIB members, witnesses, and other personnel who have been given or have obtained access to AIB information or documents are prohibited from disclosing that information or the contents of the AIB Report for other than official and authorized purposes. Prior to public release of the AIB Report, the only authorized disclosures of AIB information or the contents of an AIB Report are for the purpose of facilitating the AIB investigation. Any other disclosures must be specifically approved by the convening authority's SJA. This restriction does not apply to information or documents released under Paragraph **7.2.**

7.1.2.1. Failure to observe the prohibition in paragraph **7.1.2.** by active duty Air Force members, USAFR members on active duty or inactive duty for training, or ANG members in federal service, is a violation of Article 92, Uniform Code of Military Justice (UCMJ). Violations by federal civilian employees may result in administrative disciplinary actions without regard to otherwise applicable criminal or civil sanctions for violations of related laws.

7.2. Early Release of Factual Information. Under limited circumstances, prior to completion of the AIB Report, the convening authority shall, IAW 10 U.S.C. 2254, authorize the public disclosure of unclassified tapes, scientific reports, and other factual information regarding the accident.

7.2.1. The convening authority may delegate this responsibility to the vice commander.

7.2.2. IAW 10 U.S.C. 2254, early release of factual information shall occur if:

7.2.2.1. The information is requested; and

7.2.2.2. The information will be included in the releasable AIB Report; and

7.2.2.3. The release of such information will not undermine the ability of safety or accident investigators to continue to conduct the investigation; and

7.2.2.4. The release of such information will not compromise national security.

7.2.3. Coordinate early release of factual information with the convening authority's public affairs office and SJA. In high-interest mishaps, also comply with paragraph **7.5.**

7.2.4. If the accident involved personnel from other MAJCOMs, other DoD components, allied forces, or if it involved prominent public officials, it may be necessary or appropriate to advise organizations and officials outside the convening authority's command prior to approving the public

release of factual information under 10 U.S.C. 2254. Consult with the convening authority's SJA, PA officer, and AFLSA/JACT for additional guidance if an unusual situation exists.

7.3. Release of Non-Investigatory Status Information. It is important to keep NoK, seriously injured personnel, and the public apprised of the status of non-investigatory matters, such as search and rescue, recovery of remains, salvage operations, etc.

7.3.1. To the extent that such releases of information will have no effect or bearing on the ongoing SIB or AIB investigation, and to the extent that such releases do not conflict with command policy, command authorities may make such releases, as and when deemed necessary. Ensure that NoK and seriously injured personnel are notified prior to release of any non-investigatory status information to the public or media. The Air Staff notification required in paragraph **7.5.3.** below is not required when releasing non-investigatory status information.

7.3.2. If the accident involved personnel from other MAJCOMs, other DoD components, allied forces, or if it involved prominent public officials, it may be necessary or appropriate to advise organizations and officials outside the convening authority's command prior to approving the public release of non-investigatory status information. Consult with the convening authority's SJA, PA officer, and AFLSA/JACT for additional guidance if an unusual situation exists.

7.4. Release of Investigation Status Information

7.4.1. The AIB President is responsible for the release to the public of all status information on the AIB and SIB investigations, to include the release of factual information regarding the accident.

7.4.2. Releasing status information on the investigations does not require prior approval from the convening authority or Air Staff unless it involves a high-interest mishap. A high-interest mishap is defined in paragraph **7.5.1.** In high-interest mishaps you must comply with paragraph **7.5.3.** prior to releasing this information to the NoK, seriously injured personnel, or the public.

7.4.3. Releasing status information on the investigations to the NoK or seriously injured personnel constitutes public release of the information. Therefore, always coordinate release of status information on the investigations with the convening authority's SJA and PA officer.

7.4.4. In relaying status information on the investigations to the NoK, seriously injured personnel, and the public, the following guidance should be followed:

7.4.4.1. Family Liaison Officers (FLOs) from the mishap wing should be used to provide status information on the investigations to the NoK and seriously injured personnel in lieu of the AIB President or members. To do otherwise could lead to a situation where the AIB members are perceived to have lost their objectivity with regard to the investigation. Ideally, AIB members should only contact the NoK or seriously injured personnel to introduce themselves, to conduct formal interviews, or to perform post-investigation briefings.

7.4.4.2. A web site may be created. However, any information placed on the site should only be placed there after NoK or seriously injured personnel have been provided the information.

7.4.4.3. A press conference or press release may be conducted. However, information should only be released after NoK or seriously injured personnel have been provided the information.

7.5. High-Interest Mishaps.

7.5.1. High-interest mishaps include those that result in death or serious personal injury, significant civilian property damage, or are likely to generate high public, media, or congressional interest.

7.5.2. In High-interest mishap cases, early release of investigation status information to the public requires prior notification to the NoK and to seriously injured personnel.

7.5.3. At least two duty days prior to any release of investigation status information to the NoK, seriously injured personnel, and the public, the convening authority's SJA will forward said information by email or datafax to AFLSA/JACT for immediate distribution to AF/CC, the Air Staff and Secretariat for their information and review. Following the two day review period AFLSA/JACT will notify the convening authority's SJA that the release can be made.

7.5.4. In fatality mishaps, the AIB President is required to initiate a release of status information on the investigations following arrival at the accident scene (or the location where the SIB is based). A recommended example can be found at **Attachment 2**, **Figure A2.15.**

7.5.4.1. If the first release of status information on the investigations substantially follows the example found at **Figure A2.15.**, and no specific investigation information is added, the prior notification and approval requirement of paragraph **7.5.3.** does not apply.

Chapter 8

THE AIB REPORT

8.1. "For Official Use Only" Markings. Redact "For Official Use Only" markings from all documents that are included in the AIB Report. Before redacting the markings, ensure the document is publicly releasable. The SIB President can authorize removal of such markings that were generated by the SIB. For guidance concerning removal of other FOUO markings refer to the Air Force Supplement to DoDR 5400.7, *DoD Freedom of Information Act Program.*

8.2. Assembling the Report. Assemble the completed report on 8 1/2" x 11" paper, secured at the top. Do not use three-ring binders. The Executive Summary, Summary of Facts, and the Statement of Opinion shall be printed on one side. The remainder of the Report may be single or double-sided. Since the Report is secured at the top, ensure that all double-sided copies are printed head to foot.

8.3. Publicly Releasable Report. Only publicly releasable information shall be included in the AIB Report. If questions arise regarding releasability, contact the convening authority's SJA or AFLSA/JACT. Do not include the following items in the Report:

8.3.1. Recommendations or suggested corrective actions.

8.3.2. Original personnel, training, medical, or flight records of mishap personnel.

8.3.3. Original tape recordings of radio communications with Air Force or FAA air traffic control.

8.3.4. Privileged safety information.

8.3.5. Contractor proprietary data.

8.3.6. Any graphic description of injuries, to include those descriptions routinely found in autopsy protocols, medical records, human remains scatter diagrams, or photographs showing human remains.

8.3.7. Information protected by the Privacy Act (5 U.S.C. 552[a]). Redact social security numbers, birth dates, ages, home addresses, and home telephone numbers that appear on documents. See AFI 33-332, *Air Force Privacy Act Program*.

8.3.8. Information protected by the Arms Export Control Act (22 U.S.C. 2751, et seq.) and the Export Administration Act of 1979, as amended (50 U.S.C., App. ß 2401, et seq.) See paragraph **5.8.4.** for further explanation.

8.3.9. Any document that estimates or gives monetary damage amounts of potential or actual third-party claims against the government.

8.3.10. Classified information, except in accordance with Paragraph **5.10.**

8.4. Organization of Report. Assemble the AIB Report in the following sequence:

8.4.1. Cover Sheet

8.4.2. Convening Authority's Approval Letter

8.4.3. Executive Summary

8.4.4. Summary of Facts

8.4.5. Statement of Opinion

8.4.6. Index of Tabs

8.4.7. Tabs (supporting documentation and witness interviews)

8.5. Executive Summary.

8.5.1. The Executive Summary should be written in a style most easily understood by the general public, much like a press release, and should be one page (single spaced). It should provide the following items:

8.5.1.1. Date, time, and location of the accident.

8.5.1.2. Identification of the aircraft by type and tail number, unit and unit location.

8.5.1.3. Brief summary of the facts and circumstances of the accident.

8.5.1.4. Number of injuries/deaths, both military and civilian.

8.5.1.5. General description of damage to aircraft and other property damage.

8.5.1.6. Abbreviated Statement of Opinion on the cause of the accident and/or factors that substantially contributed to the accident and the legal standards applied.

8.5.2. Do not put the names of involved personnel in the Executive Summary, but refer to their position, e.g. ìMishap Pilotî or ìMishap Pilot #1,î etc.

8.5.3. The AIB President should not sign the Executive Summary. The findings should be stated in the third person. For instance, ìThe AIB President found Öî

8.5.4. Include the following statement in a text box (11 Font) at the end of the Executive Summary:

Under 10 U.S.C. 2254(d) any opinion of the accident investigators as to the cause of, or the factors contributing to, the accident set forth in the accident investigation report may not be considered as evidence in any civil or criminal proceeding arising from the accident, nor may such information be considered an admission of liability of the United States or by any person referred to in those conclusions or statements.

8.6. Summary of Facts.

8.6.1. General Considerations.

8.6.1.1. The Summary of Facts presents a thorough discussion of the facts relevant to the accident in a narrative style. Define all technical terms, abbreviations, and acronyms--anticipate the audience will not have a technical background.

8.6.1.2. The proper length of the Summary varies with each accident. Given the different types of possible accidents and the varying amounts of information available, there is no standard length for the Summary.

8.6.1.3. Copy the Summary of Facts onto single-sided pages.

8.6.1.4. The Summary must be fully supported by documentary evidence in the Report.

8.6.1.4.1. No opinions regarding the cause of the accident are to be included in the Summary of Facts. Follow each fact stated in the Summary by a parenthetical reference to the source

document within the Report. For example, ìSeveral witnesses observed lightning strikes just before the accident (Tabs V-1.6, V-4.9, V-5.16)î or ìAir Weather Service reports indicated severe thunderstorms in the area at the time (Tab W-3).î

8.6.1.5. The Summary should be self-contained. A reader should not have to refer to any other documents to understand the complete story of the accident. Include the date of the accident, precise location, type and serial number of the aircraft, unit and location, names of crewmembers and passengers.

8.6.2. Scope of the Summary of Facts.

8.6.2.1. The Summary of Facts should be as comprehensive as necessary to meet the composition requirements below, yet remain within the designated scope of the AIB. See paragraph **1.3.** of this instruction.

8.6.3. Outline of the Summary of Facts. The following outline must be used in constructing the Summary of Facts. Each paragraph should be addressed, even if to state, "not applicable." Paragraphs may be added to address additional issues.

8.6.3.1. Item #1. AUTHORITY, PURPOSE, AND CIRCUMSTANCES

8.6.3.1.1. Authority. Reference authority for conducting the investigation including: AFI 51-503, the convening authority, and letters/orders appointing the AIB members. List the members of the AIB. If the investigation is a **Chapter 11**, Abbreviated Accident Investigation, so state.

8.6.3.1.2. Purpose. The purpose is to provide a publicly releasable report of the facts and circumstances surrounding the accident, to include a statement of opinion on the cause or causes of the accident; to gather and preserve evidence for claims, litigation, disciplinary and adverse administrative actions; and for all other purposes.

8.6.3.1.3. Circumstances. Briefly describe the overall nature of the mission.

8.6.3.2. Item #2. ACCIDENT SUMMARY

A brief summary similar to the Executive Summary is appropriate. In addition, list the names of fatalities, provide numbers of other casualties, and generally describe both military and civilian property damage. Do not describe the causes of the crash (save this for the Statement of Opinion).

8.6.3.3. Item #3. BACKGROUND

Describe the various units, agencies, programs, resources, procedures, and mission taskings that are relevant to the accident.

8.6.3.4. Item #4. SEQUENCE OF EVENTS (as applicable to the aerospace vehicle)

8.6.3.4.1. Mission. Describe the mission or purpose of the accident aircraft, UAV, missile, or space vehicle. Identify the authority that authorized the mission.

8.6.3.4.2. Planning. Discuss adequacy of mission planning and whether standard procedures were utilized. Identify the briefing officer and the briefing guide that was used. Note whether squadron supervisory personnel attended the briefing. Comment on the thoroughness of the briefing and whether the mission was fully understood by the crew.

8.6.3.4.3. Preflight. Describe crew assembly, NOTAMs, flight plans, and step and engine start procedures.

8.6.3.4.4. Summary of Accident. Describe the accident flight and mission sequence, including taxi, takeoff, departure time, any relevant weather that was encountered, flight parameters and route, Air Traffic Control assistance, communications, terrain encountered, and navigation.

8.6.3.4.5. Impact Describe the impact location, time, aircraft configuration and flight parameters at impact.

8.6.3.4.6. Life Support Equipment, Egress and Survival. Describe the ejection sequence and whether it was accomplished within the performance envelope of the system. Note any deficiency found or suspected in the egress system and the survival equipment. Describe the inspection currency and effectiveness of survival equipment. Describe the operation of the crash position indicator, if applicable.

8.6.3.4.7. Search and Rescue (SAR). Describe SAR assets and the rescue operations. Indicate the time of crash and the time and origin of the first rescue call. Identify the unit responding to the call and the time it found the injured, fatalities, and wreckage. Describe the sequence of events from the time the initial rescue call was received. List equipment sent to the crash site. Explain any delays between the time the accident was reported, the rescue call, and the time the rescue team left for the crash site. Identify difficulties experienced in the rescue effort, such as: weather, time of day, topography, or civilians at the crash scene.

8.6.3.4.8. Recovery of Remains. Describe the recovery operation. Identify the unit that handled mortuary affairs.

8.6.3.5. Item #5. MAINTENANCE

Describe the results of the review of maintenance documents and personnel and supervision related to the mishap. Note: Maintenance documents, including Flight Manuals, Maintenance Manuals, TOs, and TCTOs may be subject to the Arms Export Control Act or the Export Administration Act of 1979. Obtain written approval from the Technical Content Manager before including extracts of these publications in the AIB Report. Include the approval from the Technical Content Manager in the Post-Investigation Memorandum (**Chapter 10**). See AFI 61-204, *Disseminating Scientific and Technical Information,* for further guidance on obtaining approval for inclusion of restricted technical information in the AIB Report.

8.6.3.5.1. Forms Documentation. Describe annotations on relevant forms, including AFTO Form 781, *AFORMS Aircrew/Mission Flight Data Document*, and missile maintenance logs that may relate to the accident. Indicate discrepancies, if any. Note the status of all Time Compliance Technical Orders (TCTO) that may relate to the accident. Report whether historical records reveal any recurring maintenance problems.

8.6.3.5.2. Inspections. Indicate the status of all scheduled inspections, and whether satisfactorily completed. Note discrepancies and assess responsibility for any discrepancies.

8.6.3.5.3. Maintenance Procedures. Report any maintenance procedure, practice, or performance that is related to the accident, including work completed by civilian contractors.

8.6.3.5.4. Maintenance Personnel and Supervision. Identify all personnel, units, and commercial entities that serviced or maintained any of the systems that may have been a factor in

the accident. Review preflight servicing of aircraft, paying attention to the quality of supervision provided to aircraft maintenance personnel, as well as to their performance. Determine if maintenance personnel had adequate training and experience to complete assigned tasks by reviewing:

8.6.3.5.4.1. AF Form 623, *Individual Training Record*.

8.6.3.5.4.2. AF Form 797, *Job Qualification Standard Continuation/Command JQS*.

8.6.3.5.4.3. Staff progress records.

8.6.3.5.4.4. Staff certifications.

8.6.3.5.5. Fuel, Hydraulic, and Oil Inspection Analyses.

8.6.3.5.5.1. Report status of fluid analysis records. Determine if pre- and post-accident fluid analyses were taken and note results. Review fluid test report data for normalcy.

8.6.3.5.6. Unscheduled Maintenance. Report unscheduled maintenance performed since completion of the last scheduled inspection. Describe the work performed, and, if applicable, noting the lack of any relationship between the unscheduled maintenance and the accident. Note any expendables or other items replaced, repaired, tested, or overhauled. List agencies, dates, and places where removal, installation, bench-check/testing, repair, and overhaul were completed.

8.6.3.6. Item #6. AIRCRAFT AND AIRFRAME, MISSILE, OR SPACE VEHICLE SYSTEMS

8.6.3.6.1. Describe the condition of the various structures and systems as they were found after the accident. Relevant structures and systems may include: control surfaces, engines, navigational systems, instruments, warning systems, fuel, lubrication, electrical, hydraulic, pneumatic, avionics, communications, and environmental control. Review the maintenance history of the components and the results of any teardown analyses that were conducted. Identify manufacturers or vendors of all components, accessory systems, or products that may be linked to the cause of the accident.

8.6.3.6.2. Identify any repair station involved in overhauling, repairing, bench checking, or testing any components, accessory systems, or units suspected of failure. Determine whether the Federal Aviation Administration approved or certified that station, if applicable.

8.6.3.6.3. Discuss whether required aircraft equipment was functioning adequately.

8.6.3.6.4. Review the reports of the components and accessories of systems that were tested or submitted for teardown analysis. State the nature of teardown analyses. State the organization that provided each analysis.

8.6.3.7. Item #7. WEATHER

8.6.3.7.1. Forecast Weather. Describe the forecast weather for the date of the accident, including precipitation, cloud cover at various altitudes, and visibility.

8.6.3.7.2. Observed Weather. Describe the observed weather and any in-flight weather reports that the crew passed or received. Describe the post-accident weather.

8.6.3.7.3. Space Environment. For space systems, discuss relevant observed and forecast space environmental conditions, including radiation environment and the geomagnetic field.

8.6.3.7.4. Conclusions. Discuss whether operations were being conducted and/or systems being operated within their prescribed operational weather limitations.

8.6.3.8. Item #8. CREW QUALIFICATIONS

8.6.3.8.1. Describe the training each crewmember completed, noting any deficiencies having a bearing on the mishap. Present this information chronologically. Assess crewmembers' training currency, performance, experience level, and overall qualifications.

8.6.3.8.2. Summarize the experience of each flying officer involved in the accident by hours of flying time and include a 30-60-90 day breakdown.

8.6.3.9. Item #9. MEDICAL

8.6.3.9.1. Qualifications. State whether crewmembers were medically qualified for flight or missile alert duty at the time of the accident.

8.6.3.9.2. Health. Review post-accident medical examination records of survivors and state whether any results appear related to the accident.

8.6.3.9.3. Pathology. Review autopsy reports and generally state the causes of death. Do not include the autopsies in the AIB Report. In describing the causes of death of deceased individuals, remain acutely aware of the sensitivities of surviving family members. Review and discuss postmortem toxicology reports.

8.6.3.9.4. Lifestyle. Describe unusual habits, behavior, or stress of the crew or maintainers that are causal or substantially contributory to the mishap. If none, write ìNo lifestyle factors were found to be causal or substantially contributory to the mishap.î For privacy reasons, do not discuss unusual habits, behavior, or stress of the crew or maintainers that were not causal or substantially contributory to the mishap.

8.6.3.9.5. Crew Rest and Crew Duty Time. Discuss crew rest and crew duty time requirements and whether those requirements were met.

8.6.3.10. Item #10. OPERATIONS AND SUPERVISION

8.6.3.10.1. Operations. Discuss the operations tempo and the experience level of the mishap and other related units.

8.6.3.10.2. Supervision. Discuss the oversight of the mission.

8.6.3.11. Item #11. HUMAN FACTORS ANALYSIS

Discuss any perceived crew or maintainer complacency, overconfidence, undermotivation or over-motivation to succeed, distraction, disruption, pressure, channelized attention, uncharacteristic mistake, or other degradation that may have led to the accident.

8.6.3.12. Item #12. GOVERNING DIRECTIVES AND PUBLICATIONS

8.6.3.12.1. List all relevant directives and publications that apply to the mission.

8.6.3.12.2. State any known or suspected deviations from the listed directives and/or publications by crewmembers or others involved in the mission, giving specific paragraph references in each directive or publication.

8.6.3.13. Item #13. NEWS MEDIA INVOLVEMENT

Describe initial queries and reports, press conferences, early releases of information, and media or family visits to the crash site.

8.6.3.14. Item #14. ADDITIONAL AREAS OF CONCERN

Additional areas of concern that may need to be considered include: NAVAIDs and facilities, VFR and IFR procedures, Air Traffic Control and Landing Systems (ATCALS), and electromagnetic environmental effects (E3). E3 analysis focuses on geophysical, weather, and radio frequency (RF) transmitter characteristics to determine possible contributions due to:

8.6.3.14.1. RF propagation anomalies (NAVAIDs, SAR, communications).

8.6.3.14.2. External electromagnetic interference (EMI).

8.6.3.14.2.1. Uprange/downrange radio-navigation signals other than the desired signal.

8.6.3.14.2.2. Electromagnetic effects from nearby lightning discharges.

8.6.3.14.2.3. Military electronic warfare (EW) operations.

8.6.3.14.2.4. Environmental transmitter spurious emissions.

8.6.3.14.2.5. Alias radionavigation signals or meaconing.

8.6.3.14.3. Internal EMI.

8.6.3.14.3.1. Personal portable electronic devices used on board.

8.6.3.14.3.2. Untested upgrades of avionics.

8.6.3.14.4. ATC

8.6.3.14.4.1. Controller/pilot interface.

8.6.3.14.4.2. Airspace rules and use.

8.6.3.14.4.3. Coordination with Federal Aviation Administration.

8.6.3.15. Item #15. SIGNATURE AND DATE

Date and sign the Summary of Facts as "President, Accident Investigation Board."

8.7. Statement of Opinion. One of the primary objectives of the accident investigation is to formulate a Statement of Opinion as required by 10 U.S.C. 2254. The opinion will be publicly released along with the rest of the AIB Report. The opinion must be clear, complete, and concise; it should reference specific facts supporting its conclusions.

8.7.1. The Statement of Opinion presents the AIB President's personal opinion regarding the cause or causes of the accident and/or substantially contributing factors.

8.7.2. Scope of the Statement of Opinion

8.7.2.1. The Statement of Opinion should be a brief document and must only contain matters that fall within the scope of the AIB (see paragraph **1.3.**). It should normally be no longer than two to three pages. Any opinion as to cause or causes or substantially contributing factors should be fully supported in the Summary of Facts, which in turn should be supported by material contained in the Tabs, unless otherwise restricted.

8.7.3. Ensure the legal standard applied is clearly stated - ìI find by clear and convincing evidence that the cause of the mishap was Ö.î and/or ìI find sufficient evidence to conclude that the following factors substantially contributed to the mishapÖ.î

8.7.4. Liability and Litigation. The Opinion cannot be considered an admission of liability by the United States or by any person referred to therein. The Opinion may not be considered as evidence in any civil or criminal proceeding arising from the aerospace accident (see 10 U.S.C. 2254[d]). Include the following statement in a text box (11 Font) at the beginning of the Statement of Opinion:

Under 10 U.S.C. 2254(d) any opinion of the accident investigators as to the cause of, or the factors contributing to, the accident set forth in the accident investigation report may not be considered as evidence in any civil or criminal proceeding arising from the accident, nor may such information be considered an admission of liability of the United States or by any person referred to in those conclusions or statements.

8.7.5. Standard of Proof.

8.7.5.1. Cause. Provide an opinion regarding the cause or causes of the accident only when clear and convincing evidence supports the opinion. Each individual cause cited must be supported by clear and convincing evidence. Clear and convincing evidence enables the accident investigator to reach a conclusion without serious or substantial doubt. In other words, the opinion must be supported by evidence that shows it is highly probable that the conclusion is correct. Consult with the Legal Advisor to determine if the available evidence meets the clear and convincing legal standard.

8.7.5.2. Contributing Factors. In cases where the AIB President is unable to determine a cause, he/she must describe the factors, if any, which he or she believes substantially contributed to the accident. In cases where the AIB President is able to determine the cause or causes of the accident, he or she should also describe all the substantially contributing factors. Each substantially contributing factor must be supported by substantial evidence and its direct connection to the mishap must be fully explained. Substantial evidence is more than a trace of evidence and is that which a reasonable person would accept as adequate to support a conclusion.

8.7.6. Format, Signature, and Date.

8.7.6.1. Begin the Statement of Opinion on a new page and copy it onto single-sided pages.

8.7.6.2. Date and sign the Statement of Opinion as "President, Accident Investigation Board."

8.8. Index of Tabs. The Index of Tabs follows the Statement of Opinion. Under each Tab, also include an index of all sub-tabs, if applicable. For example, under Tab V there might be an index of sub-tabs, as follows:

Witness Testimony and Statements	Tab V
Lt. Col. Malcolm Harris	V-1.1 through V-1.29
Capt. Jack Aubrey	V-2.1 through V-2.23
Lt. Col. Jane Austen	V-3.1 through V-3.22
Dr. Stephen Maturin	V-4.1 through V-4.18

8.9. Tabs (supporting documentation and witness interviews).

8.9.1. Incorporate verbatim Tabs A-S from Part I of the Safety Report (with privacy information redacted) into the AIB Report as Tabs A-S. Do not add any new material to these tabs, even if related to the subject matter; rather, create new tabs for any new material.

8.9.2. Any information or material developed by the AIB, which is not included under Tabs T through BB, may be placed under additional tabs beginning with Tab CC.

8.9.3. You do not need to attach a tab marker for each sub-tabbed item. However, list sub-tabs again in a mini index beneath each primary tab. Insert only the primary tabs in the report itself (normally in the form of a printed separator sheet).

8.9.4. Include the following tabs in the Report:

8.9.4.1. Tab A - AF Form 711, *USAF Mishap Report*

8.9.4.2. Tab B - *Preliminary (8 hour) Message Report*

8.9.4.3. Tab C - AF Form 711B, *Aircraft Flight Mishap Report*

8.9.4.4. Tab D - AF Form 711C, *Aircraft Maintenance and Materiel Report*

8.9.4.5. Tab E - Blank

8.9.4.6. Tab F - Blank

8.9.4.7. Tab G - *Flight and Personnel Records*

8.9.4.8. Tab H - AFTO Form 781 Series, *AFORMS Aircrew/Mission Flight Data Document*

8.9.4.9. Tab I - *Product Quality Deficiency Reports (PQDR*)

8.9.4.10. Tab J - *Technical and Engineering Evaluations of Materiel*

8.9.4.11. Tab K - DD Form 175, *Military Flight Plan* (or authorized substitute flight plan forms)

8.9.4.12. Tab L - DD Form 365-4, *Weight and Balance Clearance Form F - Transport/Tactical*

8.9.4.13. Tab M - Certificate of Damage

8.9.4.14. Tab N - Transcripts of Recorded Communications

8.9.4.15. Tab O - Any Additional Substantiating Data or Reports

8.9.4.16. Tab P - Statement of Damage to Private Property

8.9.4.17. Tab Q - Orders Appointing SIB Members

8.9.4.18. Tab R - Diagrams (fallout, impact area, etc.)

8.9.4.19. Tab S - Photographs

8.9.4.20. Tab T - Individual Flight Records and Orders, not included in Tab G

8.9.4.21. Tab U - Aircraft Maintenance Records, not included Tabs H or O

8.9.4.22. Tab V - Witness Testimony and Statements

8.9.4.23. Tab W - Weather Observations

8.9.4.24. Tab X - Statements of Injury or Death. Include in Tab X only information that, if released, does not violate the Privacy Act provisions of AFI 33-332, or constitute an unwarranted invasion of personal privacy under the Air Force Supplement to DoDR 5400.7, *DoD Freedom of Information Act Program*. Also, provide information only to the degree of detail sufficient to support the findings and conclusions. Avoid graphic descriptions of trauma or injuries. Do not include the autopsy protocol. Be mindful of potential sensitivities of the NoK. The medical member should draft a general statement indicating the cause of death or injury and describe any abnormal laboratory test results or other medical factors affecting crew performance.

8.9.4.25. Tab Y - Documents Appointing the AIB Members

8.9.4.26. Tab Z - Photographs not included in Tab S

8.9.4.27. Tab AA - Flight Documents. Include copies or extracts of low-level route books, flying charts, and departure and approach plates that the pilot/operator used during the mishap flight. Also include flight planning documents and FAA bookings.

8.9.4.28. Tab BB - Government Documents and Regulations. Include applicable documents and regulations under this tab. For example, if the accident occurred on a low-level route, include the applicable FAA document that designates the waypoints and parameters of the route. If a regulation was violated, include a copy of the front cover and the applicable portions of the regulation. Ensure that the documents included in this tab were current at the time of the accident and are not restricted from public release.

8.10. Completing the AIB Report.

8.10.1. Informal Review. It is recommended that you forward a draft copy of the Summary of Facts and the Statement of Opinion to the convening authority's SJA for an informal review by the SJA and selected staff personnel to ensure the Report meets the requirements of AFI 51-503 and to obtain other constructive comments. There is no requirement that the AIB President act in any way in response to comments received as a result of this informal review.

8.10.1.1. All comments received from staff personnel will be provided through the convening authority's SJA to the AIB President and will not be attributed to any individual. Staff officials, other than the SJA or his representative, should not communicate directly in any way with the AIB President concerning the content of the draft AIB Report prior to approval of the AIB Report. The convening authority's SJA may approve, on a case-by-case basis, direct "operator to operator" or "expert to expert" discussions when necessary to resolve concerns raised during the review. It is imperative that no undue influence, real or perceived, be placed upon the AIB President or other board members by members of the convening authority's staff.

8.10.2. Send the original and ten copies of the AIB Report directly to the convening authority's SJA. (The record copy and five other copies should be sent by express or registered mail). Do not forward it through, nor provide copies of the AIB Report to, any intermediate commands.

8.10.3. The Board President and other AIB members will not discuss the contents of the AIB Report with anyone other than Board members and the convening authority and his or her staff until the AIB Report is officially released to the public. This prohibition does not preclude AIB members from seeking information from any source during the investigation process; nor does it preclude officials from providing approved early releases of information to the NoK or seriously injured personnel.

8.11. Licensing Requirements. The AIB Report is exempt from licensing with a report control symbol (RCS) under AFI 33-324, *The Information Collections and Reports Management Program; Controlling Internal, Public, and Interagency Air Force Information Collections*.

8.12. Report Format. The report format described in this Chapter is to be produced for all AIBs. It may be modified to the extent allowed under **Chapter 11** and **Chapter 12** of this Instruction.

Chapter 9

APPROVAL AND DISTRIBUTION AND NOK BRIEFINGS

9.1. Staffing the AIB Report. Prior to approval of the AIB Report, the convening authority's SJA circulates the Report among appropriate members of the convening authority's staff for comment. The Report is not circulated among or provided to intermediate commands. All substantive comments from the staff concerning investigative deficiencies in the Report or the Statement of Opinion are forwarded through the convening authority's SJA, to the AIB President for review and evaluation. Based upon these comments, the AIB President may elect to continue the investigation, modify the Report, or make no changes. The AIB President will advise the convening authority's SJA of the intended course of action. Staff comments are not publicly releasable and are not incorporated into the AIB Report.

9.2. Legal Review. The convening authority's SJA conducts a final legal review before the AIB Report is forwarded to the convening authority. The legal review assesses whether the AIB Report meets the requirements of AFI 51-503 and addresses any legal issues, including potential or pending claims and litigation. The legal review is forwarded with the AIB Report to the convening authority, but is not publicly releasable and is not incorporated into the AIB Report.

9.3. Approval of the AIB Report. The convening authority reviews the AIB Report, decides whether to approve the Report as written, approve it with appended comments, or return it to the AIB President for further action.

9.3.1. Approval of the AIB Report does not suggest nor denote agreement by the convening authority with the Statement of Opinion of the AIB President. Rather, it is an indication that the Report complies with applicable laws and regulations.

9.3.2. The convening authority's Action, approving the AIB Report, is placed under the front cover of the AIB Report and distributed with it.

9.4. Informational Briefing. If the convening authority requests a formal briefing of the AIB Report prior to its approval, the AIB President will provide an informational briefing to the NAF commander (or equivalent) before briefing the convening authority. In addition, the NAF commander (or equivalent) may invite the mishap wing commander to be present at the informational briefing. The purpose of this informational briefing is not to critique the AIB Report but to prepare the NAF commander (or equivalent) and the wing commander for the formal briefing with the convening authority. The NAF commander (or equivalent) can forward any written comments on the report to the convening authority following the informational briefing.

9.5. Distributing the AIB Report: Other than High-Interest Mishaps.

9.5.1. After the convening authority approves the AIB Report, the convening authority's SJA distributes it under a time-phased plan, coordinated with their public affairs office.

9.5.2. Immediately following approval, datafax a copy of the Executive Summary to SAF/PAM and a copy of the Executive Summary, Summary of Facts, and Statement of Opinion to AFLSA/JACT. Annotate on the datafax transmission that the report is ìCLOSE HOLD UNTIL PUBLIC RELEASEî.

9.5.3. In addition to the above, and prior to release of the report to the public or the media, provide the Executive Summary, Summary of Facts, and the Statement of Opinion to the following offices. Annotate on the transmittal document that the report is ìCLOSE HOLD UNTIL PUBLIC RELEASEî.

9.5.3.1. Mishap wing commander and intermediate commanders.

9.5.3.2. The SJA of any MAJCOM commander whose assets or personnel were involved in the incident.

9.5.3.3. Members of Congress, if requested. Contact SAF/LLP for further guidance.

9.5.3.4. Foreign military and civilian authorities, as appropriate.

9.5.4. The requirement in paragraph **9.5.3.** above may be accomplished by delivering a full copy of the AIB Report (as required under paragraph **9.9.**).

9.6. Distributing the AIB Report: High Interest Mishaps

9.6.1. If the AIB Report involves a high-interest mishap, certain documents must be forwarded by datafax or email to AFLSA/JACT immediately following approval of the Report. In order to allow sufficient time for AF/CC, Air Staff and Secretariat review, the briefings to the NoK and seriously injured personnel, and the public release of the AIB Report will be scheduled no sooner than two duty days after the documents have been forwarded to AFLSA/JACT and provided to AF/CC, the Air Staff and Secretariat. The documents that are forwarded to AFLSA/JACT will be considered "close hold" until the public release date. The documents to be forwarded are:

9.6.1.1. A cover sheet that prominently displays: "CLOSE HOLD UNTIL PUBLIC RELEASE."

9.6.1.2. Convening Authority's Action.

9.6.1.3. Executive Summary.

9.6.1.4. Summary of Facts.

9.6.1.5. Statement of Opinion.

9.6.1.6. PA Release Plan, approved by the convening authority, which includes:

9.6.1.6.1. Proposed timeline for the release of the report, including NoK or seriously injured personnel briefings and public release.

9.6.1.6.2. Description of public, press, and congressional interest.

9.6.1.6.3. Proposed press release and anticipated questions and answers.

9.6.1.6.4. Do not put the names of involved personnel in the AIB press release, but refer to their position, e.g. ìMishap Pilotî or ìMishap Pilot #1, etc.

9.6.2. In addition, prior to briefing NoK and seriously injured personnel, and prior to any public release of the report, provide the Executive Summary, Summary of Facts, and Statement of Opinion to the following offices (annotate on each copy that the report is ìCLOSE HOLD UNTIL PUBLIC RELEASEî):

9.6.2.1. Mishap wing commander and intermediate commanders.

9.6.2.2. Other MAJCOM commanders whose assets or personnel were involved in the accident.

9.6.2.3. Foreign military commanders whose assets or personnel were involved in the accident.

9.7. High-Interest Mishaps: Briefings to NoK and/or Seriously Injured Personnel. Before public release of the AIB Report, brief the results of the investigation to the NoK of deceased persons and to any seriously injured personnel. The convening authority may, within his/her discretion, offer briefings to other close relatives or friends of the deceased member or members, as appropriate. Usually the AIB President serves as the primary NoK briefing officer. If multiple briefings are required, then the convening authority may select additional briefing officers to ensure the NoK, other family members, or seriously injured personnel are simultaneously briefed. See AFI 34-1101, paragraph 1.4., for further guidance on those persons eligible to receive information regarding the results of the AIB investigation.

9.7.1. Multiple NoK or seriously injured personnel briefings. It is important that each NoK or seriously injured personnel receives substantially the same briefing. Therefore, each briefing officer must fully understand the results of the AIB and clearly brief those results.

9.7.2. Briefing officers serve three purposes:

9.7.2.1. To personally express the condolences of the Department of the Air Force for the death or injury resulting from the crash;

9.7.2.2. To personally deliver a copy of the AIB Report; and

9.7.2.3. To provide a basic briefing on the investigation results, including the cause or the factors substantially contributing to the accident, and to answer questions of the NoK or seriously injured personnel or family members, based upon the facts contained in the AIB Report.

9.7.3. The convening authority's SJA should conduct training for the NoK briefing team, with the assistance of command representatives from Public Affairs, Chaplain, Mental Health, Casualty Assistance, Mortuary Affairs, Surgeon General, and Director of Operations, as appropriate, to prepare the AIB President and NoK briefing officers for the briefings.

9.8. High-Interest Mishaps: Congressional and Other Briefings.

9.8.1. Following the briefings to the NoK and/or seriously injured personnel, but before public release, provide a copy of the report and a briefing to congressional members, if requested. Contact SAF/LLP for further guidance.

9.8.2. If the accident involved personnel from other MAJCOMs, other DoD components, allied forces, or prominent public officials, additional briefings may be necessary or appropriate before public release, but following the briefings to the NoK and/or seriously injured personnel. Consult with the convening authority's SJA and PA officer for assistance in identifying and coordinating these additional briefings.

9.9. All Mishaps. Ensure the following offices/entities are provided, at the appropriate time, a complete copy of the AIB Report. The AIB Report can be provided on a compact disk in lieu of a paper copy.

9.9.1. Mishap wing and intermediate commands.

9.9.2. The SJA of any MAJCOM involved in the accident.

9.9.3. Foreign military and civilian authorities whose military or government has a direct involvement or interest in the mishap investigation, if appropriate.

9.9.4. AFLSA/JACT.

9.9.5. Responsible claims officer, if claims are anticipated.

9.9.6. Staff Judge Advocate, Headquarters, Air Force Safety Center (HQ AFSC/JA), 9700 Avenue G SE, Kirtland AFB NM 87117-5670.

9.9.7. Staff Judge Advocate, Headquarters, Air Force Materiel Command Office (HQ AFMC/JA), 4255 Logistics Avenue, Suite 23, Wright-Patterson AFB OH 45433-5762 (for cases involving contractors subject to potential contractual liability as a result of the accident).

9.9.8. Chief, National Guard Bureau, Attn: NGB/JA, 1411 Jefferson Davis Highway, Arlington, Virginia 22202-3231 (for mishaps involving ANG aircraft or personnel) and one copy to the State Adjutant General concerned.

9.9.9. Headquarters Air Force Office of Special Investigations, Fraud Investigations Divisions (HQ AFOSI/XOG), 1535 Command Drive, Andrews AFB MD 20768-7002, (for cases involving suspected defective or non-conforming products).

9.9.10. Upon request, provide one free copy to anyone who suffered non-serious personal injury or substantial property damage as a result of the mishap.

9.10. Requests for Complete Copies of the Report.

9.10.1. The convening authority's SJA or designee is the release authority for the AIB Report and responds to FOIA and functional requests for copies of the AIB Report.

9.10.2. Fees specified in the Air Force Supplement to DoD 5400.7-R, *DoD Freedom of Information Act Program,* should normally be charged for providing copies of the report or portions thereof to requesters, other than NoK family members.

9.11. Requests for General Information Regarding AIB Reports. Refer requests for general information on AIB Reports to the AFLSA/JACT-maintained public website which contains copies of the Executive Summaries of approved AIB Reports (**http://usaf.aib.law.af.mil**).

Chapter 10

POST-INVESTIGATION MATTERS

10.1. Reopening the AIB. If additional relevant evidence is discovered following approval of the AIB Report, then the convening authority has discretion to reopen the AIB, if it is determined that the new evidence could affect the Statement of Opinion in the AIB Report.

10.2. Personal Notes and Drafts. After the convening authority approves the AIB Report, AIB members should destroy all investigator notes and drafts of the Report. Following approval of the AIB Report, the only documents that should exist are the AIB Report and the ancillary documents and evidence forwarded to the convening authority's SJA with the Post-Investigation Memorandum.

10.3. Post-Investigation Memorandum. Within 15 calendar days of forwarding the completed AIB Report, the AIB President will forward a Post-Investigation Memorandum to the convening authority's SJA. The Memorandum will accompany the ancillary evidence, photographs, negatives, videos, and other documents that were not incorporated into the Report. While the Memorandum is fully releasable, some documents forwarded with the Memorandum may have restrictions from public release.

10.3.1. Purpose of the Memorandum. The Memorandum serves as a formal record of transmittal of all investigative evidence and documents to the convening authority's SJA. The Memorandum consists of a cover letter with attachments. See **Attachment 2**, **Figure A2.9.**

10.3.2. Attachments. Attach the following documents to the Memorandum:

10.3.2.1. Evidence Inventory. An inventory of all documents, audiocassettes, videotapes, etc., being forwarded to the convening authority's SJA. If some items are not releasable under the Freedom of Information Act (such as autopsy photos, Privacy Act information, and Arms Export Control Act information), clearly identify and segregate those items on the inventory. The documents should be filed in standard, litigation-size boxes. Each document or item should be in a labeled or numbered file folder, so it is easily identifiable and retrievable. Label boxes with date of accident, location of accident, convening authority, aircraft tail number, and item numbers contained therein (example: Box 2 of 3, containing Items #42 - #86. Include a full copy of the inventory in each box. A sample inventory is at **Attachment 2**, **Figure A2.10.**

10.3.2.2. Photo Inventory. Indicate the number of negatives and photos and generally identify the subject matter of photographs. This can be included as part of the basic inventory above or as a separate document (example: 102 negatives; 34 black and white, 8x10 glossies; 48 color, 8x10s showing wreckage or mishap scene.)

10.3.2.3. Wreckage Location. Describe the major wreckage components, their location, the office symbol, name, and telephone number of the wreckage custodian, and any other wreckage information bearing on future wreckage disposal. See **Attachment 2**, **Figure A2.11.**

10.3.2.4. Wreckage Disposition Transmittal Letters. Include copies of letters to the SJA and other organizations regarding transfer of wreckage. Include copies of memos documenting transfer of any parts for laboratory testing or repairs. Include any AFLSA/JACT memos approving early disposal of the wreckage.

10.3.2.5. Record Transmittal Letters. Include copies of letters reflecting return of medical, dental, personnel, flight, or other records to the original custodian. Ensure the letters include the full address of the unit or person to whom records were returned. A sample records transmittal letter is at **Attachment 2**, **Figure A2.12.**

10.3.2.6. Technical Content Manager Approval Letters. Include letters approving the inclusion in the AIB Report of extracts of technical orders or other documents that are subject to the Arms Export Control Act or the Export Administration Act of 1979.

10.3.2.7. Witness List. Include a consolidated list of witnesses, including full names, DSN and commercial work telephone numbers, and duty addresses. A sample witness list is at **Attachment 2**, **Figure A2.13.**

10.3.2.8. AIB Members. Include a consolidated list of AIB members, including full names, positions on the AIB, DSN and commercial work telephone numbers, email and duty addresses. See **Attachment 2**, **Figure A2.14.**

10.3.3. A copy of the Post-Investigation Memorandum, with attachments, will be forwarded to AFLSA/JACT by the convening authority's SJA.

10.3.4. A separate Memorandum will be forwarded to the convening authority concerning unrelated matters requiring further review. See paragraphs **1.3.** and **3.3.14.** of this Instruction.

10.4. Disposition of the AIB Report, Evidence, and Other Documentary Materials.

10.4.1. The convening authority's SJA:

10.4.1.1. Secures the record copy of the AIB Report.

10.4.1.2. Stores all ancillary non-privileged documents and other evidence (including photographs) gathered by the AIB and SIB.

10.4.1.3. Forwards the Cockpit Voice Recorder (CVR) tapes to the Mishap Analysis and Animation Facility, HQ AFSC/SEFE, 9700 G. Avenue, S.E., Suite 264, Kirtland AFB, N.M. 87117-5670, for storage.

10.4.1.4. Ensures the retention of classified Heads-up Display (HUD) tapes by the appropriate office at the MAJCOM or NAF.

10.4.1.5. Responds to requests for copies of the AIB Report.

10.4.1.6. Retains the record copy of the AIB Report for a period ending three years from the date of the mishap, then retires it to the National Records Center. When 25 years has elapsed from the date of the mishap, the AIB Report is destroyed unless it is determined the report should be retained for a longer period of time due to its historical significance. See AFMAN 37-139, *Records Disposition Schedule.*

10.4.2. Unless there are pending claims or litigation, the ancillary documents and evidence gathered by the AIB should be returned to the source agency or disposed of IAW applicable regulations upon retirement of the record copy of the AIB Report. Consult with the convening authority's SJA and AFLSA/JACT to determine if further retention is warranted.

10.4.3. After the AIB Report has been approved, return the autopsy protocols to the proper custodians. Medical records should be returned to the proper custodians unless the convening authority's SJA determines they may be required for future adverse personnel actions.

10.5. Wreckage Custody. Custody of the wreckage will vest first in the On-Scene Commander. At the On-Scene Commander's discretion, custody of the wreckage should be transferred, in writing, to the SIB President. The SIB President then transfers custody of the wreckage, in writing, to the AIB President. After the wreckage is no longer required for the AIB investigation, the AIB President transfers custody of the wreckage, in writing, to the host installation commander or designee.

10.6. Removing and Storing Wreckage. The host installation commander is responsible for removing and storing the wreckage. If the host installation does not have the capability for removing and storing the wreckage, then the convening authority will assist in removing and storing the wreckage.

10.6.1. All costs associated with the removal and storage of the wreckage will be paid by the convening authority.

10.7. Requests for Wreckage Release. Wreckage from Class A mishaps must be retained until specifically released from legal hold by AFLSA/JACT. Requests for release of wreckage are submitted by the SJA of the host installation, through the convening authority's SJA, to AFLSA/JACT, by email, datafax, or letter. For Class A mishaps that result solely in damage to government property and for which the convening authority has not convened an AIB, the convening authority's SJA may release the wreckage from legal hold.

10.7.1. If the request for release of wreckage is initiated prior to the approval of the AIB Report, then the convening authority or designee must personally concur with the wreckage release request before it is forwarded to AFLSA/JACT for approval.

10.7.2. Provide the following information in wreckage release requests:

10.7.2.1. Date of accident.

10.7.2.2. Type and serial number of aircraft, UAV, missile, or space vehicle involved.

10.7.2.3. Location of accident.

10.7.2.4. Persons killed and status of injured personnel.

10.7.2.5. Estimate of the number, types, and dollar amount of claims anticipated.

10.7.2.6. Whether there is a mission requirement for immediate release of the wreckage.

10.7.3. A wreckage release by AFLSA/JACT is not a disposal authorization but is a release from legal hold. Those in possession of wreckage must further comply with T.O 1-1-638, *Repair and Disposal of Aerospace Vehicles,* prior to any subsequent disposal decision. See paragraph **3.5.4.1.** of this Instruction for a discussion of required notifications to the Maintenance Training Device (MTD) community. In addition, compliance with other applicable instructions, to include AFMAN 23-110, *USAF Supply Manual,* Volume 6, *Excess and Surplus Personal Property,* may be necessary prior to any subsequent disposal action.

10.8. Request for Authorization to Repair Aircraft, UAV, Missile, or Space Vehicle. Release from legal hold must be obtained from AFLSA/JACT before any aircraft, UAV, missile, or space vehicle

involved in a Class A mishap can be repaired and returned to service. For Class A mishaps that result solely in damage to government property and for which the convening authority has not convened an AIB, the convening authority's SJA may release the aerospace vehicle from legal hold for repair and return to service.

10.9. Release of Aero Club Aircraft. Release from legal hold must be obtained from AFLSA/JACT on all Aero Club aircraft involved in a mishap in which there was a fatality or serious personal injury, the aircraft was destroyed, or there are potential third party claims or litigation arising out of the mishap.

10.9.1. Send all requests for release from legal hold by email, datafax, or letter to AFLSA/JACT, with an informational copy to Legal Counsel, Air Force Services Agency (AFSVA/SVL), 10100 Reunion Place, Suite 503, San Antonio, TX 78216-4138. Telephone: DSN 487-7051.

10.9.2. Provide the information listed in paragraph **10.7.2.** above, as appropriate.

10.9.3. A wreckage release by AFLSA/JACT is not a disposal authorization but is a release from legal hold. Those in possession of Aero Club wreckage must notify AFSVA/SVPAR for guidance on proper disposal/disposition of the wreckage.

10.9.4. Release from legal hold must also be obtained from AFLSA/JACT before any Aero Club aircraft, subject to this paragraph, can be repaired and returned to service.

10.9.5. All documents and evidence gathered during the Aero Club investigation are released from legal hold at the same time that the wreckage is released.

10.10. Accident Site Remediation. For information concerning environmental remediation, see AFI 32-7020, *The Environmental Restoration Program,* or overseas, see AFI 32-7006, *Environmental Program in Foreign Countries.* Questions regarding accident site restoration, as well as obtaining access and easements to the accident site when the owner of the property denies access, may be directed to AFLSA/JACE, DSN 426-9166.

10.11. Allegations Against Senior Officials or Colonels (or equivalent) Following approval of the AIB Report, the convening authority's SJA will analyze the Summary of Facts, Statement of Opinion, and any other report submitted by the AIB President IAW paragraph. **3.3.14.** to determine if there is any adverse information or any allegations of misconduct, inappropriate conduct, or improper conduct against senior officials or colonels (or equivalent). If such information is found, the convening authority's SJA will advise the convening authority of the existence of the information and of the reporting and resolution requirements under AFI 90-301, Section 1G. If the convening authority determines that the information should be reported to SAF/IG, all intermediate commanders should be notified.

Chapter 11

ABBREVIATED ACCIDENT INVESTIGATIONS

11.1. General Considerations. At the convening authority's discretion, AIB procedures may be modified and the format of the AIB Report abbreviated, as necessary, to conserve time and resources. This discretion may be exercised only under the following circumstances:

11.1.1. When a Class A mishap has been characterized as such solely because damage to government property is expected to exceed $1.0 million. There should be no reasonable likelihood that claims, litigation, disciplinary or adverse administrative action, serious personal injury or death, or high interest will arise from the mishap.

11.1.2. When convening an AIB is discretionary, such as after a Class B or C mishap.

11.2. No Two-Part SIB Report If, under the above circumstances, the SIB is not tasked to produce a formal two-part report (engine-confined incidents, miscellaneous air operation mishaps, etc.), the AIB criteria will be as follows:

11.2.1. The AIB President should be in a grade equal to, or greater than, the grade of the corresponding SIB President or, in the case of single SIB investigator, the grade of the investigating officer.

11.2.2. In cases where a single SIB investigator is appointed in lieu of a full board, only an AIB President and Legal Advisor need to be appointed to the AIB. A Recorder, other board members, and advisors may be appointed, as needed.

11.2.3. The AIB President need not be a graduate of the Board President's Course. However, it is recommended that the AIB President be a graduate of either the Flight Safety Officer Course or the Aircraft Mishap Investigation Course. The requirement remains for the Legal Advisor to be a graduate of the AIB Legal Advisor Course.

11.2.4. The AIB will be convened at the same level of command that convened the corresponding safety investigation.

11.3. AFLSA/JACT Waiver Occasionally, under the circumstances described in Paragraphs **11.1.1.** and **11.1.2.** above, mishaps will occur that are so unique or for which the mishap aircraft type is found in very limited numbers so as to render impractical the requirements that the AIB President be a graduate of the Board President's Course, or that he/she be of a certain grade or be rated. Under these unique circumstances, AFLSA/JACT may waive the qualification requirements for the AIB President. The requirement remains for the Legal Advisor to be a graduate of the AIB Legal Advisor Course.

11.4. Full Scale Aerial Target Remotely Piloted Vehicle (FSAT RPV) In the case of a Class A unmanned FSAT (aerial drone) mishap:

11.4.1. An abbreviated AIB may be convened by the Wing or equivalent commander concerned if it meets the criteria of paragraph **11.1.1.**

11.4.1.1. The AIB President need not be a graduate of the Board President's Course nor must he or she meet the rating requirements otherwise mandated in this instruction. In addition, he/she need not be in the grade of O-5, but must be a field grade officer.

11.4.2. If the Class A mishap results in third party property damage of $50,000 or less and no personal injury or death, an AIB investigation is not required. However, some other type of legal investigation is required. See paragraph **2.4.** Note.

11.5. Collection of Evidence.

11.5.1. Generally, the investigation of a mishap under this Chapter will proceed along the same lines as any mishap investigation under this instruction. Physical evidence may be viewed and tested, witnesses interviewed, and technical advisors used to analyze the facts and data available. However, the documentation required, the number of witnesses interviewed, and depth of technical analysis may vary, depending on the circumstances.

11.5.2. Witnesses need not be personally interviewed, nor must their testimony be transcribed or otherwise reduced to writing. Witnesses may be telephonically interviewed, and the content of their testimony incorporated into the Summary of Facts, as necessary. Witnesses shall testify under oath. If it becomes apparent that a rights advisement is necessary, then suspend the Abbreviated Accident Investigation and seek further guidance from the convening authority's SJA.

11.6. Assembling the Abbreviated Report. All Reports must have an Executive Summary, Summary of Facts, and Statement of Opinion. However, the content and amount of supporting documentation and other evidence may vary, as necessary.

11.6.1. When the SIB or, in the case of a single investigator, the single investigator, has produced a two-part report, the AIB will use Part I of that Report and incorporate it into the AIB Report. The remaining Tabs, normally Tabs T-Z, may be deleted in whole or in part. Information that would normally have been included in those tabs may be summarized in the Summary of Facts.

11.6.2. When the SIB or single investigator has not produced a two-part report, tabs may be used as necessary, and in any appropriate format. Information that would normally have been included in Tabs A-S should be incorporated into the Summary of Facts of the AIB Report.

11.6.3. It must be stated in the ìAuthorityî paragraph of the report, and on the title page, that the investigation is an ìAbbreviated Accident Investigation, conducted pursuant to **Chapter 11** of AFI 51-503.î

11.7. Approval, Distribution, and Release of the Abbreviated AIB Report.

11.7.1. The convening authority's SJA must review, and the convening authority must approve, Abbreviated AIB Reports.

11.7.2. The distribution scheme (paragraph **9.5.**) of the approved AIB Report may be modified as necessary to meet the circumstances. However, at a minimum, the convening authority's MAJCOM (if the AIB is not convened by the MAJCOM), AFLSA/JACT, and the mishap wing must receive a copy of the Report.

11.7.3. An Abbreviated AIB Report will be releasable in its entirety. The convening authority's SJA is the release authority once the Report is approved.

11.8. Disposition of Evidence and Wreckage.

11.8.1. Use of this Chapter to conduct an AIB investigation implies that there is no need to retain evidence or wreckage in a legal hold status beyond approval of the Report. The convening authority's

SJA may release wreckage and evidence not included in the Report from legal hold once the Abbreviated AIB Report has been approved.

11.8.1.1. A wreckage release is not a disposal authorization but is a release from legal hold. Those in possession of wreckage must further comply with T.O. 1-1-638, *Repair and Disposal of Aerospace Vehicles,* prior to any subsequent disposal decision. See Paragraph **3.5.4.1.** of this Instruction for a discussion of required notifications to the Maintenance Training Device (MTD) community. In addition, compliance with other applicable instructions, to include AFMAN 23-110, Volume 6, may be necessary prior to any subsequent disposal action.

11.8.2. AFLSA/JACT will be notified in writing of the release from legal hold of wreckage by the convening authority's SJA. If there is any doubt as to the appropriateness of disposing of wreckage, consult AFLSA/JACT prior to disposal.

11.8.3. Only the convening authority may approve the aircraft's repair and return to operational service prior to approval of the AIB Report.

Chapter 12

INVESTIGATING SPACE MISHAPS

12.1. General Policy.

12.1.1. The unique nature of the space industry forms the basis for Air Force policy authorizing the release of relevant space mishap evidence and equipment to commercial space users with a direct interest in the information, and to other federal space agencies, prior to the completion of the SIB and AIB processes, if such release will not hamper either process. The releases allow space launch contractors to make necessary changes and continue with scheduled launches, thus enabling rapid reuse of launch platforms and equipment. The commercial users will be instructed to maintain the confidentiality of the information provided to them and to not further release it without specific Air Force authorization.

12.1.2. Space AIB investigations generally take considerably more time to complete due to the complex technical data that must be downloaded and analyzed and the classified and sensitive nature of the payloads and space launch vehicles.

12.1.3. Space SIB and AIB investigations are conducted in parallel and rely heavily on the receipt of the technical analyses conducted by the Engineering Analysis Group (EAG), discussed below, in arriving at their findings and conclusions.

12.2. The Engineering Analysis Group (EAG). To assist in analyzing the technical data from a mishap, an EAG may be established by the contractor and the system program office in coordination with the SIB and AIB Presidents.

12.2.1. The group is composed of contractor personnel (who sign confidentiality agreements), Air Force representatives, and other experts, as necessary.

12.2.2. The purpose of the group is to perform a technical analysis of the data. The EAG is not required to identify causes or to make recommendations, but may do so.

12.2.3. The EAG works with, but independently of, both the SIB and AIB. The EAG is not subject to the direction or supervision of either Board.

12.2.3.1. The AIB and SIB may ask questions of the EAG.

12.2.4. The EAG may recommend to the SIB and AIB Presidents that certain non-privileged evidence and equipment be released in order that space launches may continue.

12.2.4.1. The AIB President, with the concurrence of the SIB President, should release any such evidence or equipment, so long as the AIB and SIB investigation processes are not hindered.

12.2.5. Under no circumstances will the EAG take any action that will hinder the work of the SIB or AIB.

12.2.6. If at any time, the work of the EAG is thought to be hindering the ability of the AIB to meet its objectives, the AIB President will notify AFSPC/JA immediately.

12.2.7. The AIB is not required to adopt any findings or conclusions of the EAG.

12.3. The Air Force Space Command Accident Investigator's Handbook. Prior to beginning the investigation, each member of the AIB should thoroughly review the Air Force Space Command Accident Investigator's Handbook, which may be obtained from the office of HQ AFSPC/JA.

12.4. Assembling the Space AIB Report.

12.4.1. The AIB Report will be assembled in the same manner as other AIB Reports, IAW **Chapter 8**. For those tabs not used, they will be marked as such. Do not omit these tabs or place other documentary evidence in the tabs.

12.4.2. Space-unique evidence may be placed in tabs not otherwise designated in **Chapter 8**.

12.5. Forms Adopted. DD Form 175, *Military Flight Plan*; DD Form 250, *Material Inspection and Receiving Report*; DD Form 365-4, *Weight and Balance Clearance Form F - Transport/Tactical*; AF Form 8, *Certificate of Aircrew Qualification*; AF Form 623, *Individual Training Record*; AF Form 711, *USAF Mishap Report*; AF Form 711B, *Aircraft Flight Mishap Report*; AF Form 711C, *Aircraft Maintenance and Materiel Report*; AF Form 797, *Job Qualification Standard Continuation/Command JQS*; AF Form 2692, *Aircraft/Missile Equipment Transfer/Shipping Listing*; AFTO Form 345, *Aerospace Vehicle Transfer Inspection Checklist and Certification*; AFTO Form 781, *AFORMS/Aircrew Mission Flight Data Document*.

THOMAS J. FISCUS, Major General, USAF
The Judge Advocate General

Attachment 1

GLOSSARY OF REFERENCES AND SUPPORTING INFORMATION

References

5 U.S.C. 552, *Freedom of Information Act*

5 U.S.C. 552(a), *Privacy Act*

10 U.S.C. 2254, *Use of Aircraft Accident Reports*

10 U.S.C. 2255, *Aircraft Investigation Boards: Composition Requirements*

22 U.S.C. 2751, et seq., *Arms Export Control Act*

50 U.S.C. App. 2401, et seq., *Export Administration Act of 1979*

40 CFR 300, *National Oil and Hazardous Substances Pollution Contingency Plan*

DoDI 6055.7, *Accident Investigation, Reporting, and Recordkeeping*

DoD 5200.1-R, *Information Security Program*

DoD 5400.7-R*, DoD Freedom of Information Act Program*

AFPD 10-9, *Lead Operating Command Weapon System Management*

AFPD 31-4, *Information Security Program*

AFPD 34-5, *Mortuary Affairs*

AFPD 34-11, *Services to Survivors*

AFPD 51-5, *Military Legal Affairs*

AFPD 91-2, *Safety Programs*

AFI 13-204, *Functional Management of Airfield Operations*

AFI 13-213, *Airfield Management*

AFI 21-103, *Equipment Inventory, Status, and Utilization Reporting*

AFI 31-401, *Information Security Program Management*

AFI 32-7006, *Environmental Program in Foreign Countries*

AFI 32-7020, *The Environmental Restoration Program*

AFI 33-324, *The Information Collections and Reports Management Program; Controlling Internal, Public, and Interagency Air Force Information Collections*

AFI 33-332, *Air Force Privacy Act Program*

AFI 34-242, *Mortuary Affairs Program*

AFI 34-259, *Escorting Deceased Air Force Military Personnel*

AFI 34-1101, *Assistance to Survivors of Persons Involved in Air Force Aviation Mishaps*

AFI 35-102, *Crisis Planning, Management and Response*

AFI 36-809, *Survivor Assistance*

AFI 36-3002, *Casualty Services*

AFI 33-332, *Air Force Privacy Act Program*

AFI 51-301, *Civil Litigation*

AFI 51-501, *Tort Claims*

AFI 61-204*, Disseminating Scientific and Technical Information*

AFI 65-601, *Volume I, Budget Guidance and Procedures*

AFI 90-301, *Inspector General Complaints*

AFI 91-202, *The US Air Force Mishap Prevention Program*

AFI 91-204, *Safety Investigations and Reports*

AFMAN 23-10, Volume 6, *USAF Supply Manual*

AFMAN 37-139, *Records Disposition Schedule*

AFPAM 34-261, *Mortuary Services Benefits for Members who Die on Active Duty*

T.O. 1-1-638, *Repair and Disposal of Aerospace Vehicles*

Air Force Supplement to DoD 5400.7-R*, DoD Freedom of Information Act Program*

Abbreviations and Acronyms

AIB—Accident Investigation Board

AFFSA—Air Force Flight Standards Agency

AFI—Air Force Instruction

AFLSA/JACT—Air Force Legal Services Agency, Tort Claims and Litigation Division

AFPD—Air Force Policy Directive

AFRC—Air Force Reserve Command (formerly AFRES)

AFR—Air Force Reserve

AFSC—Air Force Safety Center

ANG—Air National Guard

ATC—Air Traffic Control

ATCALS—Air Traffic Control and Landing Systems

CVR—Cockpit Voice Recorder

DoDI—Department of Defense Instruction

DSN—Defense Switched Network

FLO—Family Liaison Officer

FOIA—Freedom of Information Act

HUD—Heads Up Display

IAW—In Accordance With

JQS—Job Quality Standard

MAJCOM—Major Command

NAF—Numbered Air Force

NoK—Next of Kin

PA—Public Affairs

SAR—Search and Rescue

SIB—Safety Investigation Board

SJA—Staff Judge Advocate

SOFA—Status of Forces Agreement

TCTO—Time Compliance Technical Order

TO—Technical Order

UCMJ—Uniform Code of Military Justice

Terms

Advisor—A functional area expert whose involvement with the board is limited to his/her area of expertise. Typically, an advisor does not participate in board deliberations or witness interviews. He/she need not be formally appointed by the convening authority.

AIB Members—All individuals appointed to the Accident Investigation Board.

Adverse Information—Information that constitutes (1) a violation of criminal law or the Uniform Code of Military Justice; (2) actions or omissions by an Air Force member which were determined to be a causal factor or a substantially contributing factor in the mishap event, or (3) a matter which may reflect adversely on the individual's judgment or exercise of authority.

Adverse Personnel Action—Any action taken on a member of the Armed Forces that affects or has a potential to affect that military member's current position or career. Such actions include (but are not limited to):

1. Disciplinary or other corrective action (e.g. court-martial, nonjudicial punishment, Letter of Reprimand, Letter of Counseling, etc.);

2. A significant adverse change in duties or responsibilities (e.g. relief of command, transfer, reassignment, etc.) inconsistent with the military member's rank;

3. Adverse performance evaluation;

4. A demotion.

Cause—A cause is an act, omission, condition, or circumstance that either starts or sustains a mishap

sequence. It may be an element of human or mechanical performance. A given act, omission, condition, or circumstance is a "cause" if correcting, eliminating, or avoiding it would have prevented the mishap.

Clear and Convincing Evidence—Evidence that enables the AIB President to reach a conclusion without serious or substantial doubt. In other words, evidence that shows that it is highly probable that the conclusion is correct. It is less than ìbeyond a reasonable doubtî but more than ìa preponderance of evidenceî.

Colonel (or equivalent)—Any Air Force active duty, Reserve, or Air National Guard officer in the grade of O-6; or an officer who has been selected for promotion to the grade of O-6, but has not yet assumed that grade; or an Air Force civil service employee in the grade of GM/GS-15.

Friendly Fire—A circumstance in which members of a US or friendly military force are mistakenly or accidentally killed or wounded in action by US or friendly forces actively engaged with an enemy or who are directing fire at a hostile force or what is thought to be a hostile force.

Full Scale Aerial Target Remotely Piloted Vehicle (FSAT RPV)—An unmanned aerial vehicle that is or was formerly capable of carrying a person. It is usually an aircraft that has been modified to a remotely piloted configuration and is being operated unmanned. Normally used as a target, decoy, sensor platform or test bed (example: QF-4). When an FSAT is carrying a person, it is considered an aircraft under this instruction.

Gaining Major Command—The active-duty Air Force Major Command to which an ANG or AFRC unit is assigned upon mobilization.

Host Installation—The installation from which the investigation is being conducted, usually the Air Force installation closest to the mishap site.

Improper Conduct—Conduct (acts or omissions) found to violate an identifiable directive, instruction, policy, regulation, rule, statute, or other standard applicable to the Air Force, without regard to knowledge, motive, or intent.

Inappropriate Conduct—Action a reasonable person would consider likely to erode confidence in the integrity of the Air Force, but which does not violate an identifiable directive, instruction, policy, regulation, rule, statute, or other standard applicable to the Air Force.

MAJCOM Commander—Commanders of Major Air Force Commands (ACC, AMC, AFMC, AETC, PACAF, USAFE, AFSOC, AFSPC, AFRC). In addition, this term includes the air component commander of unified commands during contingency or combat operations.

Misconduct—Improper conduct undertaken (1) with the knowledge the conduct violates a standard, or willful disregard for that possibility; (2) with the intention to harm another; or (3) for the purpose of personal profit, advantage, or gain.

Missile Mishap—Mishaps involving missiles that are propelled through air or water that are unmanned, guided by internal or external systems, self-propelled, and designed to deliver ordnance to a target or act as a target. This term includes missile support equipment.

Next of Kin—The person most closely related to the casualty, normally the spouse of married persons or the parents of single persons without children (Casualty Services). The person most closely related to the deceased individual who is entitled to direct disposition of the remains and/or disposition of personal property (Mortuary Affairs).

Remotely Piloted Vehicle (RPV)—An unmanned vehicle capable of being controlled from a distant location through a communication link. It is normally designed to be recoverable. An RPV may be used as a target, attack reconnaissance, ECM, or test bed-carrying vehicle. Full-scale RPVs are aircraft modified to the remotely piloted configuration. Sub-scale RPVs are RPVs that are not full scale. Examples of a sub-scale RPV is a RQ-1A, Predator or RQ-4A, Global Hawk. An example of a full-scale RPV is a QF-4 drone. For purposes of this instruction, all RPVs are aerospace vehicles.

Senior Official—All Air Force active duty, retired, Reserve, or ANG military officers in grades O-7 (brigadier general) select and above; current and former civilians above the grade of general schedule (GS) or general manager (GM)-15; current or former members of the Senior Executive Service (SES); and current and former Air Force civilian Presidential appointees.

Space Mishap—A mishap involving space systems or unique space support equipment.

Substantially Contributing Factor—An act, omission, condition, or circumstance that is shown by substantial evidence to have played an important role, directly or indirectly, in the sequence of events.

Substantial Evidence—Substantial evidence is more than a ìtrace of evidenceî but less that ìa preponderance of evidenceî, and is that which a reasonable person would accept as adequate to support a conclusion.

Unmanned Aerial Vehicle (UAV)—A powered, aerial vehicle that does not carry a human operator, uses aerodynamic forces to provide vehicle lift, can fly autonomously or be piloted remotely, can be expendable or recoverable, and can carry a lethal or nonlethal payload. Ballistic or semi-ballistic vehicles, cruise missiles, and artillery projectiles are not considered unmanned aerial vehicles. UAVs are owned or leased by the DoD Components and are operated and exclusively controlled or directed by a DoD Component, to include RPVs and FSAT RPVs. Includes UAVs furnished by the Government or on bailment to a non-DoD organization for modification, maintenance, repair, test, contract training, or experimental project for a DoD Component. (This includes UAVs furnished by a contractor or another government agency when operated by a DoD crew in official status and a DD Form 250, *Material Inspection and Receiving Report*, has been executed to certify that the Department of Defense has accepted the vehicle).

US Air Force Aerospace Vehicle—All manned vehicles and UAVs supported in flight by buoyancy or dynamic action. The term includes those vehicles owned or leased by the Air Force, AFRC, or ANG. Generally, Air Force aerospace vehicles are:

1. Operated and exclusively controlled or directed by the Air Force.

2. Furnished or leased by the Air Force to a non-Air Force organization when the US Government has assumed ground and flight risk.

3. Any aerospace vehicle under test by the Air Force, including aircraft furnished by a contractor when operated by an Air Force aircrew.

The term "US Air Force Aerospace Vehicle" does not include:

1. Aerospace vehicles leased to contractors, commercial airlines, or foreign governments when the lessee has assumed risk of loss. Aircraft loaned to other US government agencies or transferred to

other governments.

2. Civil air carrier aircraft owned by civil operators and flying contractor air missions for the Air Force under civil operating rules or regulations.

3. Factory-new production aerospace vehicles not formally accepted by the Air Force.

4. Aerospace vehicles of another military service, even when they are taking part in a joint air operation controlled by the Air Force.

5. Air Force Aero Club aircraft.

6. Aircraft assigned to, owned by, or leased by the Civil Air Patrol (CAP).

US Air Force Guided Missile—An unmanned, self-propelled vehicle moving above the surface of the Earth or through water whose trajectory or flight path is capable of being altered by an external or internal mechanism. Included are intercontinental ballistic missiles; surface-to-air, air-to-air, and air-to-surface guided missiles; and torpedoes.

US Air Force guided missiles are:

1. Owned in part or in whole by the Air Force, or

2. Operationally controlled by the Air Force, or

3. Furnished by the Air Force (Government Furnished Property [GFP] or Government Furnished Equipment [GFE] or leased to a non-Air Force organization for modifications, tests, or experimental projects for the Air Force, except when the lessee has assumed risk of loss), or

4. Under test by Air Force commands or agencies.

US Air Force Mishap—An unplanned event, or series of events, resulting in:

1. Injury or death to Air Force military personnel.

2. Injury or death to on-duty Air Force civilian personnel.

3. Injury or death to non-Air Force personnel resulting from Air Force operations.

4. Occupational illness of Air Force military or civilian personnel.

5. Illness of non-Air Force personnel caused by Air Force operations.

US Air Force Space Systems and Space Support Systems—All of the devices and organizations forming the space network. The network includes spacecraft, ground control stations, and associated terminals. Includes systems that are:

1. Owned in whole or in part or leased by the Air Force.

2. Operated and controlled or directed by the Air Force.

3. Furnished by the Air Force or leased to a non-Air Force organization when the Air Force has retained the risk of loss.

4. Systems for which the Air Force has contractual development, contractual launch, or procurement responsibility.

5. Under test by the Air Force.

Wreckage—For purposes of this instruction, ìwreckageî includes all structures, components, parts or pieces, of the aircraft, UAVs, missiles, rockets and satellites, to include engines, damaged or destroyed in the mishap with the following exceptions:

1. ìWreckageî does not include explosive ordinance, seat rockets/explosives, or other components, the immediate disposal of which is appropriate for safety reasons, unless the AIB President reasonably suspects these components to be causal or substantially contributory to the mishap or of investigatory value. If such components are reasonably suspected of being causal or contributory to the mishap or of investigatory value, they should be retained, but only if it can be done in a manner which ensures the safety of investigators and others.

2. ìWreckageî does not include electronic counter measure (ECM) or other electronic pods or attachments to the vehicle unless the AIB President reasonably suspects these components to be causal or substantially contributory to the mishap or of investigatory value.

3. ìWreckageî does not include the personal effects of crewmembers or passengers unless the AIB President reasonably suspects those personal effects to be causal or contributory to the mishap or of investigatory value.

Attachment 2

SAMPLE LETTERS

Figure A2.1. Sample Convening Order.

MEMORANDUM FOR (AIB PRESIDENT)

FROM: (CONVENING AUTHORITY)

SUBJECT: Convening of AFI 51-503 Accident Investigation Board (AIB); Class A, P-51 Mishap, 23 Dec 44, Tail # 43-1001, 77 FS, Elmendorf AFB AK 99506-5000.

An accident investigation board is hereby convened under the provisions of AFI 51-503 to investigate the subject mishap. This appointment letter is your authority to interview witnesses, take sworn testimony, and review all documents, files, and wreckage relevant to your investigation. Upon receipt of Part I of the Safety Investigation Board (SIB) Report, you and other detailed members are relieved of all other duties until the AIB Report is completed. The following personnel are detailed to serve on the AIB:

(NAME, ORGANIZATION)	President
(NAME, ORGANIZATION)	Legal Advisor
(NAME, ORGANIZATION)	Pilot Member
(NAME, ORGANIZATION)	Maintenance Member
(NAME, ORGANIZATION)	Medical Member
(NAME, ORGANIZATION)	Recorder

Your investigation will follow the guidelines and procedures in AFI 51-503. (THE CONVENING AUTHORITY'S SJA) will advise you on preliminary administrative matters, as required. Your Legal Advisor is required to be present during all witness interviews, and must review all evidence, documents, transcripts, and statements prior to inclusion in your report. Your report will include an Executive Summary, Summary of Facts and Statement of Opinion as required by AFI 51-503. All witnesses, documents, records, and other evidence within the control of the Air Force will be made available to you, other than privileged safety information. All witnesses who testify must do so under oath or affirmation. Your report shall be releasable to the public and may not contain any privileged safety or Privacy Act-protected information.

Your Statement of Opinion must be supported by clear and convincing evidence contained in your report. Your Legal Advisor will assist you in evaluating evidence. Do not include recommendations for corrective or disciplinary action in your report. You and the other AIB members are not authorized to disclose board findings or opinions, except to members of my staff, prior to my approval of the AIB Report.

Travel and billeting will be funded by (_____). Travel orders should be issued locally and authorize variations in travel for all members of the AIB. A fund cite will be provided by MSgt XXX, (UNIT, PHONE, FAX, E-MAIL). All travel costs needed for witness interviews outside the (HOST INSTALLATION) area should be coordinated with (THE CONVENING AUTHORITY'S SJA) in advance.

IAW AFI 51-503, (THE HOST INSTALLATION) will assist you with logistical and administrative support. A host installation liaison officer will be appointed by (HOST INSTALLATION/CC) to assist with arranging billeting, vehicles (if available), facilities, administrative support, reproduction services, and access to witnesses. Make contact with the host installation liaison officer through the office of the (Host Installation/CC).

Your investigation should be completed within 30 days from receipt of Part I of the Safety Investigation Board (SIB) Report. Submit any requests for extensions, additional advisors, or other matters to (CONVENING AUTHORITY'S SJA). Submit your final report to (CONVENING AUTHORITY'S SJA), and they will forward it to me for approval.

(INSERT THIS PARAGRAPH IF THE ACCIDENT INVOLVED IS A HIGH-INTEREST MISHAP) In addition to your duties as AIB President, you will serve as the conduit for accident investigation information to the next of kin (NoK) and family members of the deceased, to seriously injured personnel, and to the public. In order to provide timely information to these individuals, you should proceed to the scene of the accident no later than 48 hours after the arrival of the SIB. After assessing the situation, you will prepare and process an Early Release of Information for release to the NoK and to the public IAW AFI 51-503, Paragraph **7.4.** You may then seek (CONVENING AUTHORITY'S) approval to depart the accident site, pending receipt of the Part I of the SIB Report.

The (CONVENING AUTHORITY'S SJA) point of contact for any questions is (NAME), phone, fax, e-mail.

_____

Signature of Convening Authority

cc: Each AIB member
Intermediate commands
Host Installation/CC
Convening Authority's DO/FM/JA/PA/SE

Figure A2.2. Sample Memorandum to Host Installation Commander.

MEMORANDUM FOR (HOST INSTALLATION COMMANDER)

FROM: (CONVENING AUTHORITY)

SUBJECT: Convening of AFI 51-503 Accident Investigation Board (AIB); Class A, P-51 Mishap, 23 Dec 44, Tail # 43-1001, 77 FS, Elmendorf AFB AK 99506-5000.

The attached Memorandum convenes an AIB to investigate the above referenced mishap. IAW AFI 51-503, paragraph **3.5.**, I request your support in providing the necessary logistical and administrative support for the AIB team members, including office space, computer support, communications, transcription personnel and equipment, reproduction, and other administrative support. A listing of typical support requirements can be found in Appendix 3, AFI 51-503.

Request that you appoint a host installation liaison officer to orient and assist the AIB, and to make arrangements for the appearance of local witnesses before the Board, and a computer specialist to establish necessary LAN accounts and to ensure proper computer support for the Board.

The AIB President, (NAME), has been directed to contact your office to make arrangements for the investigation and to obtain the above support. My POC at this headquarters is_____.

_____

Signature of Convening Authority

Attachment:

Convening Order

cc:
AIB President
AIB Legal Advisor
Intermediate Commander
Convening authority's SJA

Figure A2.3. Sample Report Cover Sheet.

UNITED STATES AIR FORCE AIRCRAFT ACCIDENT INVESTIGATION BOARD REPORT

[MAJCOM EMBLEM]

F-XX, S/N XX-XXXX

[SQUADRON]
[WING]
[INSTALLATION]

[CLIP ART]
[OF MISHAP]
[AIRCRAFT]
[TYPE]

LOCATION: [MISHAP LOCATION]

DATE OF ACCIDENT: [DATE]

BOARD PRESIDENT: COLONEL XXXXXXXXXXXX

Conducted IAW Air Force Instruction 51-503
[If conducted as an Abbreviated Investigation pursuant to Chapter 11, so state here]

Volume One of Two (if applicable)

Figure A2.4. Sample Routing Cover Sheet for Convening Authority's Staff.

ACCIDENT INVESTIGATION BOARD REPORT

CONTROLLED DOCUMENT

FOR OFFICIAL USE ONLY

SENSITIVE DATA

NO REPRODUCTION OR ACCESS WITHOUT

EXPRESS APPROVAL OF

(CONVENING AUTHORITY OR CONVENING AUTHORITY'S SJA)

ALL INDIVIDUALS AUTHORIZED TO REVIEW THIS DOCUMENT MUST SIGN BELOW. ALL COPIES MUST BE ACCOUNTED FOR AND HANDCARRIED TO (CONVENING AUTHORITY'S SJA) FOR DESTRUCTION.

I understand that I have been requested to review this draft AIB Report prior to official approval and release to the public. This review is being done as part of my official duties within the Department of the Air Force.

I hereby certify that I will not release any information obtained during my review of this report, nor discuss the contents with any person, whether military or civilian, who has not been duly authorized access to this report, and who has not signed a certification of nondisclosure, until such time as this report has been approved for release to the general public by the (THE CONVENING AUTHORITY).

NAME/RANK	SIGNATURE	DATE

Figure A2.5. Sample Tasker to Convening Authority's Staff.

MEMORANDUM FOR (CONVENING AUTHORITY'S STAFF)

FROM: (CONVENING AUTHORITY'S SJA)

SUBJECT: Review of Accident Investigation Board (AIB) Report; Class A, P-51 Mishap, 23 Dec 44, Tail # 43-1001, 77 FS, Elmendorf AFB AK 99506-5000; **SUSPENSE: 15 Mar 43**

Request you review the attached AIB Report. Your evaluation will become a permanent record reviewed by (THE CONVENING AUTHORITY) but will not be released to the public as part of the Report. Until the Report is approved and publicly released, neither the Report nor its contents may be disclosed to anyone without an official need to know. It should only be disseminated to those personnel on your staff who need to review it in the course of their official duties. No portion of the Report may be reproduced or copied, except pages used for mark-up comments submitted to JA.

Provide written comments and recommendation for action on the Report for (THE CONVENING AUTHORITY'S) review. Limit comments to deficiencies or inaccuracies, or to any follow-up investigation actions that may be warranted. Do not make any comments or recommendations concerning disciplinary action. Note that the AIB President was not provided privileged safety information from the SIB Report. Base your comments on the facts contained in the AIB Report, not on privileged safety information that is only found in the SIB Report. Although testimony may discuss matters similar to that which may have been gathered in the previous safety investigation, SE and DO should also review the Report to ensure no improper or privileged safety information is included in the Report.

Provide supporting rationale or explanations for any comments. If you disagree with the opinion of the AIB President, state your reasons. Do not write on the Report; comments should be on a separate memo or annotated on a page photocopied specifically for this purpose.

Comments with two-letter endorsement are requested by _____. POC for this matter is (Name, Rank Telephone No.) After completing your review, hand carry the Report back to (CONVENING AUTHORITY'S SJA). Do not place the Report in distribution.

_____

Signature of Convening authority's SJA

Attachment:

AIB Report

Figure A2.6. Sample Letter to NoK or Seriously Injured Personnel.

(NAME & ADDRESS OF NOK OR SERIOUSLY INJURED PERSONNEL)

Dear (MR. AND MRS.)

On behalf of the Air Force, (CONDOLENCES AS APPROPRIATE).

I am writing to let you know that the Air Force is nearly finished with the investigation into the (date of accident) aircraft accident. Once it has been completed and approved, you will be provided a personal copy. (Name of Investigating Officer or Briefing Officer), the Investigating/Briefing Officer, will be available to personally deliver this report to you. (He/She) will explain the report and be available to answer questions you or your family may have about the accident and the resulting investigation.

Other families involved in this mishap will also be receiving the report. To ensure you and the other families receive the report prior to any media or public release, and to protect everyone's privacy, all of the families will be briefed on the same day, if possible. Although the exact date has not yet been firmly set, a member of my staff will soon call you to confirm the date.

Please contact (POC) if you have any questions. He/she may be reached at (897) 987-6783. Again, (CONDOLENCES).

_____

Signature of Convening Authority (or designee)

Figure A2.7. Sample Convening Authority's Action.

ACTION OF THE CONVENING AUTHORITY

The report of the Accident Investigation Board, conducted under the provisions of AFI 51-503, that investigated the 10 Dec 99 mishap near Augusta, GA, involving F-4E, S/N 66-4555, assigned to the 55 FW, Charleston AFB SC 29404-5000, complies with applicable regulatory and statutory guidance and on that basis is approved.

_____

Signature of Convening Authority

Figure A2.8. Sample Distribution Memorandum to Air Force Offices.

MEMORANDUM FOR (POST-PUBLIC RELEASE DISTRIBUTION)

FROM: (CONVENING AUTHORITY'S SJA)

SUBJECT: Accident Investigation Board (AIB) Report; Class A, P-51 Mishap, 23 Dec 44, Tail # 43-1001, 77 FS, Elmendorf AFB AK 99506-5000

Subject Accident Investigation Board (AIB) Report has been approved by (Convening Authority) for release to the public. Attached is a copy for your use.

You are authorized to reproduce and use the AIB Report for official purposes. Requests for copies for private use and from unofficial sources should be processed under the Freedom of Information Act and forwarded to (THE CONVENING AUTHORITY'S SJA). (THE CONVENING AUTHORITY'S SJA) is the release authority for the Report.

_____

Signature of Convening Authority's SJA

Attachment:

AIB Report

Figure A2.9. Sample Post-Investigation Memorandum.

MEMORANDUM FOR (CONVENING AUTHORITY'S SJA)

FROM: (AIB BOARD PRESIDENT)

SUBJECT: Post-Investigation Memorandum - Accident Investigation Board (AIB); Class A, P-51 Mishap, 23 Dec 44, Tail # 43-1001, 77 FS, Elmendorf AFB AK 99506-5000

This memorandum is being forwarded in accordance with AFI 51-503, paragraph **10.3.**, and serves as a formal record of transmittal to your office of all investigative evidence and documents created or obtained by subject AIB.

_____

Signature of AIB President

Attachments:

1. Evidence Inventory
2. Ancillary Evidence and Wreckage Location Listing
3. Records Transmittal Letters
4. AIB Witness List
5. AIB Member List

Figure A2.10. Sample Evidence Inventory for Post-investigation Memorandum.

EVIDENCE INVENTORY

1. Nine microcassette tapes of testimony:
   a. 2 Feb 88 statement of Lt Col Rexwell [3 tapes];
   b. 4 Feb 88 statement of Mr. Scrubdub [1 tape];
   c. 5 Feb 88 statement of Mr. Hollie [1 tape];
   d. 6 Feb 88 statement of Mr. Wizgoof [2 tapes];
   e. 7 Feb 88 statement of Mr. Squirmwind [2 tapes];

2. One regular size Maxell cassette tape of the 5 Feb 99 statement of Capt Bewelder.

3. CAMS Computer Generated Aircraft Maintenance History Report for tail #132; from 2 Jun 87 to 23 Jul 88 (34 computer printout size pages).

4. Warner-Robins Air Logistic Center Acceptance Inspection Report for P-38, tail #8909, undated (9 pages).

5. Hand receipt and aircraft system check at Elmendorf AFB AK 99506-5000 prior to cross-country PDM delivery sortie; P-38, dated 14 Jun 87. Includes AFTO 345, *Aerospace Vehicle Transfer Inspection Checklist and Certification*, and AF Form 2692, *Aircraft/Missile Equipment Transfer/Shipping Listing* (8 pages total).

6. Oil Analysis Request, dated 4 Jul 87 (one page), and Aircraft tail # 007700 Mission Debrief report, dated 13 Jul 87 (one page).

7. Worksheet to calculate total aircraft weight after refueling to determine maximum G force limit, dated 7 Aug 88 (6 pages).

8. Witness List Provided by SIB.

9. Telephone records of calls made to/from Elmendorf AFB AK 99506-5000 between 1 and 12 Jul 97.

10. Four 5x7 photographs and negatives for nine photographs (5 of which were used in final report).

Figure A2.11. Sample Ancillary Evidence and Wreckage Location Listing.

ANCILLARY EVIDENCE AND WRECKAGE LOCATION LISTING

ITEM	LOCATION	POC
1. Capt Smith's LPU	Life Sciences Center (LSC/CCCC) Bldg 562 Brooks AFB TX 78235-5000	Mr. Paul Green DSN 221-3221
2. Ejection Seat	Smithfield Aerospace (SA/DDD) 533 Adams Street Jonesville, Ohio 32249	Ms. Karen Smith 701-555-2222
3. Aircraft Wreckage (7 crates)	56 FW/LGAA Bldg 245 Luke AFB AZ 85309-5000	Mr. Red Jones DSN 555-3434

Figure A2.12. Sample Records Transmittal Memorandum.

MEMORANDUM FOR (RECORDS CUSTODIAN)

FROM: (AIB PRESIDENT)

SUBJECT: (MEDICAL, PERSONNEL, TRAINING RECORDS, ETC)

The attached (medical, personnel, training) records are no longer needed by the Accident Investigation Board (AIB) convened under AFI 51-503 to investigate the crash of an F-16 at Northern Pines AFB NC 28333-5000 on 12 Sep 01. The AIB Report was approved by (THE CONVENING AUTHORITY) on 3 Dec 02.

The records for the following individuals who were killed (or injured) in the crash are returned to you for appropriate disposition. If you ship these records elsewhere, please provide (MAJCOM SJA) with a copy of your transmittal letter for each of these records to ensure they can be retrieved in the future.

The following records are enclosed:

NAME, RANK, SSN, TYPE OF RECORD.

Please contact (POC) at DSN 777-0000 if you have any questions.

_____

Signature of AIB President

Figure A2.13. Sample Witness List.

WITNESS LIST

Captain Dee Weevil (Mishap Pilot)
SSN 555-55-5555
USAFFWS/OGOA
1220 Duffy Ave., Suite 835
Nellis AFB NV 89191-5000
DSN: 900-1989

Mr. Jay Hood (General Manager)
SSN 555-55-5555
CME Aviation Inc.
Acme Flight Services
2 Dude Road
Crooked Foot Airport
Jennifer, Ohio 89832
(900) 437-1905

Mr. Fred Nerdly (Electronics Specialist)
SSN 555-55-5555
9 WG/OGXE
222 Rambo Ave, Suite 111
Robins AFB GA 31098-5000
DSN: 777-0000

Colonel Wilbur Muchmore (Commander)
SSN 555-55-5555
3 WG/OG
155 Tough Guy Ave, Suite 222
Elmendorf AFB AK 99506-5000
DSN: 677-8983

Figure A2.14. Sample AIB Member Listing.

AIB MEMBER LISTING

Colonel Bobby Joe Smith (AIB President)
SSN 555-55-5555
USAFFWS/OGOA
1220 Dufis Ave., Suite 835
Nellis AFB NV 89191-5000
DSN: 900-1989

Major Wilbur Jones (Pilot Member)
SSN 555-55-5555
3 WG/OG
155 Tough Guy Ave, Suite 222
Elmendorf AFB AK 99506-5000
DSN: 677-8983

Major I.M. Good (Legal Advisor)
SSN 555-55-5555
AFLSA/JACT
1501 Wilson Blvd, Suite 835
Arlington, VA 22209-2403
DSN: 677-8983

Capt Weezil Smith (Maintenance Member)
SSN 555-55-5555
56 LG/MOON
1333 Swimmer Ave.
MacDill AFB FL 33621-5000
DSN: 677-8983

Figure A2.15. Sample First Release of Investigatory Status Information (Fatality Mishaps).

The investigation into the November 9, 1942 crash of a B-17G from the 3rd Bombardment Wing, George AFB, California is currently underway. The pilot was killed during the mishap. The crash site is located on the northern portion of the Utah Test and Training Range. There is not yet enough evidence gathered to draw any conclusions as to the cause of this mishap. Additional information will be released as it becomes available.

The Commander, MAJCOM, convened a Safety Investigation Board (SIB) immediately after the mishap in order to quickly determine the cause of the crash and to recommend measures necessary to prevent a recurrence. The SIB will not produce a publicly releasable report.

The Commander, MAJCOM, also convened an Accident Investigation Board (AIB) to investigate the matter and to produce a publicly releasable report. The AIB President is Brigadier General Robert O. Smith, 315 Bombardment Wing, Orlando AFB, Florida.

In addition to setting forth factual information concerning the accident, the AIB President is required to state in the report his/her opinion concerning the cause or causes of the accident and describe those factors, if any, that substantially contributed to the accident. After the report has been approved by the Commander, MAJCOM, it will be presented to the NoK family of each deceased crewmember, passenger, and seriously injured personnel. After the family has had an opportunity to be personally briefed, the report will be released to the general public.

Attachment 3

SUPPORT REQUIREMENTS

Figure A3.1. Listing of AIB Support Requirements.

PURPOSE: This AIB support requirements list is included in this Instruction to outline the type and quantity of support items that are normally required to accomplish a formal accident investigation of a mishap. This list affords the potential host installation a chance to assess their internal capability and their ability to acquire non-possessed items from other sources, as well as identification of equivalent or alternative sources.

FACILITIES

1. One large room capable of accommodating 15 people in a conference style seating arrangement. This room serves as the main AIB meeting room.

2. One office to accommodate administrative support (including the Recorder).

3. One office for the AIB President.

4. One office for the conduct of interviews.

NOTE: All rooms should be located together and be capable of being secured/locked.

COMPUTER/PERIPHERALS/SOFTWARE

NOTE: Each piece of equipment will have identical capabilities IAW host base standard hardware and software configuration and be compatible with all listed peripherals and software.

Computers:

1. Minimum of five PC computers
   a. One in administrative office.
   b. One in AIB President's office.
   c. Three in main AIB room.

2. Each AIB-dedicated computer will
   a. Reside on the same LAN.
   b. Have local email accounts for each AIB member.
   c. Have access to the Internet.
   d. Have access to a common printer.

Peripherals (installed with current drivers):

1. Common printer will have double-sided print capability and produce a minimum of 600dpi print quality.
2. Common scanner with 1200dpi minimum scan quality and Optical Character Recognition compatible with installed word processing software.

3. At least one dozen 1.44Mb disks.

4. At least two portable, high-capacity ìZipî drives with at least 4 disks.

5. At least one portable CD-RWR drive with at least 4 RWR media and compatible RWR application software.

Software (installed and configured):

1. Word processing and presentation software.

2. Anti-Virus software with current DAT files installed.

3. File compression and PDF (Adobe Acrobat) software.

PHONES

1. Four Class A lines.
   a. One in the AIB President's office.
   b. Three in the main AIB room, two of these for phones, one for a fax machine.

2. Four speakerphones, all with mute and hold capabilities.
   a. One for the AIB President.
   b. Three in the main AIB room.

3. All phones interconnected so any other phone in the AIB conference room can answer a ringing line or call forwarding to another line.

4. DSN with immediate access capability.

5. FTS/Commercial long distance capability on phones.

6. Conference call capability.

7. Voice mail on all phones or answering machines.

COPY/FAX MACHINES

1. One black and white photocopier capable of dual sided printing and collating.

2. Access to color photocopier capability (internal or external).

3. One plain paper fax machine.

TAPE RECORDERS

1. Two high quality, regular sized recorders, with headphones for interview transcribing.

2. High quality microphones.

3. Tape recorders with time and inch counters.

4. Foot pedal operated playback units for transcribing.

IMPAC CARD

Capability to acquire supplies, as needed via a local source by the AIB.

OFFICE EQUIPMENT

1. Two locking four-drawer file cabinets.

2. One large shredder (not a wastebasket type).

3. One large refrigerator and a large coffee urn, if possible.

4. Tables for the interview and admin offices.

5. Ten to fifteen office chairs.

6. Four large white dry erase boards (three in the main AIB room and one in the admin office).

7. One small white dry erase board in the AIB President's office.

8. One to two easels with paper.

9. Three three-hole punches, two of them with large holes.

10. Three staplers, two of them regular desk-type, one heavy duty.

11. One precision paper cutter.

12. 50 hanging file holders.

13. 50 file folders (two colors, 25 of each color).

14. Three boxes of multiple colors dry erase markers.

15. Several boxes of multi-color ink pens and mechanical pencils.

16. 20 steno pads.

17. Two cases of 8î x 11î printer paper.

18. One roll of butcher paper.

SUPPLY/OTHER FACILITIES

1. Letter from Supply CC authorizing AIB priority for equipment such as engine hoists, special tools, and any other needed equipment.

2. Priority use of special use facilities such as labs, hush house, etc., as necessary.

PHOTOGRAPHY SUPPORT

Photo support with conventional film and digital camera capability, seven days a week.

SERVICES/MISC SUPPORT

1. Billeting for all board members in the same building.

2. Support from DAPS to meet AIB requirements.

3. Access to communications and computer support seven days a week.

4. Translator, if applicable.

Attachment 4

IC 2004-1 TO AFI 51-503, AEROSPACE ACCIDENT INVESTIGATIONS

16 JULY 2004

SUMMARY OF REVISIONS

This change incorporates interim change (IC) 2004-1 (**Attachment 4**). It eliminates the requirement for commanders to convene an Accident Investigation Board (AIB) for accidents that result solely in damage to government property (paragraph **2.3.1.**); adds paragraph **2.3.4.** to clarify the requirement to convene an AIB when accidents result in the destruction of an AF aircraft, space launch system, or unmanned aerial vehicle (other than a subscale aerial target remotely piloted vehicle); adds a requirement to consider convening a discretionary AIB for accidents that result in damage to government property in an amount of $2 million or more (paragraph **2.4.4.**); revises the note following paragraph **2.4.4.** regarding required legal investigation reports under DoDI 6055.7, *Accident Investigation, Reporting and Recordkeeping*, 3 Oct 00; and authorizes the convening authority's SJA to release wreckage and evidence from legal hold for Class A accidents that result solely in damage to government property (paragraphs **10.7.** and **10.8.**).

2.3.1. All Class A accidents, as defined in DoDI 6055.7, paragraph E2.1.3.1 and AFI 91-204, Chapter 1, except for those that result solely in damage to government property.

2.3.4. All accidents involving the loss of an Air Force aircraft, UAV (other than a subscale aerial target remotely piloted vehicle), or space launch system.

2.4.4. Other aircraft, UAV, missile, or space accidents may be investigated under this instruction at the discretion of any wing, or higher, commander. When an accident results solely in damage to government property in an amount of $2 million or more, the SJA for the Air Force MAJCOM responsible for the aircraft, UAV, missile, or space system shall notify the MAJCOM commander of the accident and recommend in writing whether a discretionary AIB should be convened.

(Note: DoDI 6055.7, paragraph E4.6.3, requires a legal investigation report under the circumstances described in paragraphs **2.4.1.** and **2.4.2.**, above, and for accidents resulting in the loss of a subscale aerial target remotely piloted vehicle, which is a category of UAV. However, the required report under the DoDI may be satisfied by any non-safety report; e.g., an AIB Report, a line of duty determination, a report of survey, a law enforcement investigation, a commander directed investigation, or an administrative claim investigation.)

10.7. Requests for Wreckage Release. Wreckage from Class A mishaps must be retained until specifically released from legal hold by AFLSA/JACT. Requests for release of wreckage are submitted by the SJA of the host installation, through the convening authority's SJA, to AFLSA/JACT, by email, datafax, or letter. For Class A mishaps that result solely in damage to government property and for which the con-

vening authority has not convened an AIB, the convening authority's SJA may release the wreckage from legal hold.

10.8. Request for Authorization to Repair Aircraft, UAV, Missile, or Space Vehicle. Release from legal hold must be obtained from AFLSA/JACT before any aircraft, UAV, missile, or space vehicle involved in a Class A mishap can be repaired and returned to service. For Class A mishaps that result solely in damage to government property and for which the convening authority has not convened an AIB, the convening authority's SJA may release the aerospace vehicle from legal hold for repair and return to service.