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SECRETARY OF THE AIR FORCE**



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ACCIDENT INVESTIGATIONS**

**COMPLIANCE WITH THIS PUBLICATION IS MANDATORY**

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This publication implements Air Force Policy Directive (AFPD) 51-3, *Civil Litigation*, as it pertains to legal investigations and reports; and the provisions of Title 10, United States Code, Sections 2254 and 2255, relating to aircraft accident investigations. It also implements the provisions of Department of Defense Instruction (DoDI) 6055.07, *Mishap Notification, Investigation Reporting, and Record Keeping*, and refers to safety investigations conducted in accordance with Air Force Instruction (AFI) 91-204, *Safety Investigation and Hazard Reporting*, and AFPD 91-2, *Safety Programs*.

This publication describes when and how to conduct accident investigations, 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, Congress, media, and other interested parties.

This publication applies to all United States Air Force, Air Force Reserve, and Air National Guard (ANG) military and civilian personnel. Failure to observe the prohibitions and mandatory provisions specified in paragraph 6.1.3. by active duty Air Force members, Air Force Reserve members on active duty or inactive duty for training, and ANG members in federal service under Title 10 United States Code (U.S.C.), is a violation of Article 92, Uniform Code of Military Justice. Violations may result in judicial, nonjudicial, or administrative disciplinary action without regard to otherwise applicable criminal or civil sanctions for violations of related laws. Failure to observe the same prohibitions and mandatory provisions by a civilian employee or an ANG member in Title 32 U.S.C. status may result in administrative disciplinary action without regard to otherwise applicable criminal or civil sanctions for violations of related laws.

The authorities to waive wing/unit level requirements in this publication are identified with a Tier (“T-0, T-1, T-2, T-3”) number following the compliance statement. See AFI 33-360, *Publications and Forms Management*, for a description of the authorities associated with the Tier numbers. Submit requests for waivers through the chain of command to the appropriate Tier waiver approval authority, or alternatively, to the publication’s Office of Primary Responsibility for non-tiered compliance items.

Ensure that all records created as a result of processes prescribed in this publication are maintained in accordance with Air Force Manual 33-363, *Management of Records*, and disposed of in accordance with the Air Force Records Disposition Schedule located in the Air Force Records Information Management System. Contact your local records professional for additional guidance. Reports generated in accordance with this publication may be subject to the Privacy Act of 1974 and the Freedom of Information Act requirements. Refer recommended changes and questions about this publication through the appropriate chain of command to the Office of Primary Responsibility using Air Force Form 847, *Recommendation for Change of Publication*. Route AF Forms 847 from the field through the appropriate functional chain of command.

Only Air Force Major Commands (MAJCOMs) are permitted to supplement any section of this publication after approval from the Claims and Tort Litigation Division, Air Force Legal Operations Agency (AFLOA/JACC). MAJCOMs must send one copy of each draft supplement in advance to AFLOA/JACC for approval via e-mail to the Chief of the Aviation and Admiralty Law Branch. **(T-1)**.

**(USAFEAFRICA)** This publication supplements AFI 51-307, *Aerospace and Ground Accident Investigations*, 18 March 2019. It must be read in conjunction with the original instruction. This United States Air Forces in Europe-Air Forces Africa (USAFE-AFAFRICA) Supplement applies to all ground or aerospace accident investigation boards for which USAFE-AFAFRICA/CC or his/her designee serves as convening authority. This publication applies to Air National Guard (ANG) and Air Force Reserve Command (AFRC) units working in the USAFE-AFAFRICA AOR. This publication includes all accident investigations involving military and civilian personnel, including USAF, USAFR, and ANG, assigned to USAFE-AFAFRICA installations as well as those USAFE-AFAFRICA units located on other command or service installations, or those assigned to support an USAFE-AFAFRICA accident investigation. This

Supplement describes MAJCOM-specific requirements for an aerospace or ground accident investigation and establishes processes for nomination of board members. Refer recommended changes and questions about this publication to the Office of Primary Responsibility (OPR) using the AF Form 847, *Recommendation for Change of Publication*; to the USAFE-AFAFRICA Civil Law Division (USAFE-AFAFRICA/JAC), Unit 3271, APO, AE, 09094. This publication may not be supplemented or further implemented/extended. IAW AFI 33-360, *Publications and Forms Management*, Table 1.1. USAFE-AFAFRICA/CC or his/her delegee is the waiver authority for non-tiered requirements to this supplement. Submit requests for waivers to this supplement for non-tiered compliance items through the chain of command to the publication OPR. Ensure that all records created as a result of processes prescribed in this publication are maintained in accordance with (IAW) Air Force Instruction (AFI) 33-322, *Records Management and Information Governance Program*, and disposed of IAW Air Force Records Information Management System (AFRIMS) Records Disposition Schedule (RDS). Compliance items in this publication are T-2.

### ***SUMMARY OF CHANGES***

This document has been substantially revised and must be completely reviewed. This publication incorporates the 11 April 2016 Waiver of Specific Provisions of the superseded AFI 51-503, *Aerospace and Ground Accident Investigations*, and the changes from AFI 51-503\_AFGM2018-01.

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## Chapter 1

### ACCIDENT AND SAFETY INVESTIGATION BOARDS

**1.1. General Considerations.** Department of Defense Instruction (DoDI) 6055.07, *Mishap Notification, Investigation, Reporting, and Record Keeping*, requires each Department of Defense (DoD) component to conduct safety and legal investigations for certain accidental deaths, injuries, occupational illnesses, and property damage. Each military department uses different terminology to refer to legal investigations. The Air Force uses the term “accident” investigation to refer to the “legal,” non-safety investigation, the Army uses the term “legal accident” investigation, and the Navy uses the term “JAGMAN” investigation. Air Force accident investigations are separate from and independent of Air Force safety investigations, which are governed by AFI 91-204, *Safety Investigation and Hazard Reporting*. Accident investigations are conducted by Accident Investigation Boards for aerospace accidents involving aircraft or flying operations, and by Ground Accident Investigation Boards for ground accidents arising from mishaps on land or while afloat, while safety investigations are conducted by Safety Investigation Boards. The terms “accident” and “mishap” are used interchangeably throughout this publication. The term Accident Investigation Board is also referred to in this publication as “the Board.”

1.1.1. An Accident Investigation Board consists of a Board President, Legal Advisor, a Recorder, and other board members as required or necessary, depending on the specific circumstances of the mishap, in order to conduct an investigation and produce a report that complies with the requirements of this publication. The Board President is ultimately responsible for the overall conduct of the investigation and the preparation and contents of the Accident Investigation Board report (also referred to in this publication as “the Board’s report”).

1.1.2. No action will compromise, or create the perception of a compromise, to the integrity of the accident investigation. (T-1).

### 1.2. Purpose of Accident Investigations.

1.2.1. The purpose of an Accident Investigation Board is to conduct a legal investigation to inquire into all the facts and circumstances surrounding Air Force aerospace and ground accidents, to prepare a publicly releasable report, and to obtain and preserve all available evidence for use in litigation, claims, disciplinary action, and adverse administrative action.

1.2.2. Accident investigation reports are:

1.2.2.1. Provided and personally briefed, to the next-of-kin of military and civilians killed, and to individuals seriously injured in the accident.

1.2.2.2. Written to be publicly releasable to members of the public, media, Congress, and government agencies upon request.

1.2.2.3. Used to assist in adjudicating claims or contracts in favor of or against the United States that result from the accident.

1.2.2.4. Used to assist in defending litigation against the United States that results from the accident.

1.2.2.5. Used as a source document for commanders.

### **1.3. Roles and Responsibilities of the Convening Authority.**

1.3.1. Shall convene the investigation by appointing the Accident Investigation Board President and issuing a convening order. **(T-1)**.

1.3.2. Will identify and notify, in writing through the Convening Authority's Staff Judge Advocate, the host installation providing logistical and administrative support for the accident investigation. **(T-1)**. When the desired host installation is not part of the convening MAJCOM, the Convening Authority, or his or her designee, will coordinate with the host installation's MAJCOM commander, or his or her designee. **(T-1)**.

1.3.3. Will fund the accident investigation in accordance with paragraph 2.6. **(T-1)**.

1.3.4. Will determine whether information and documents must or can be released to the public prior to completion of the accident investigation in accordance with Chapter 6. **(T-0)**.

1.3.5. Will take action on the report. **(T-1)**. Approval indicates the report meets statutory and regulatory requirements. Approval does not indicate whether the Convening Authority agrees with the Board President's Statement of Opinion.

1.3.6. Shall approve the public affairs notification and release plan. **(T-1)**.

1.3.7. Ensures the requirements of AFI 90-301, *Inspector General Complaints Resolution*, are met whenever adverse information, misconduct, or inappropriate or improper conduct of senior officials and colonels (or civilian equivalent), or other personnel is uncovered by the Board.

1.3.8. On day 135, after the occurrence of a high-interest mishap, the commander of the MAJCOM that convened, or may convene, the accident investigation, or his or her deputy in the absence or unavailability of the commander, must submit to the Chief of Staff of the Air Force (AF/CC) a detailed Overdue Notification and Extension report. **(T-1)**. Copies of that report must simultaneously go to the Air Force Vice Chief of Staff (AF/CV), the Air Force Director of Staff (HAF/DS), and the Air Force Judge Advocate General (AF/JA). It will include the current step in the investigative or accident investigation report preparation process, its estimated time of completion, factors that have caused significant delays and efforts to mitigate them, and the MAJCOM commander's assessment on whether the accident investigation report will be ready to be briefed to the next-of-kin by day 180. **(T-1)**. A sample report may be found at Attachment 3.

1.3.9. When assessing the final completion date, the MAJCOM commander will factor in 21 days post-Convening Authority action for Headquarters Air Force staffing. **(T-1)**. Follow-on updates will be required every 15 calendar days until the final update report reflects the date the Convening Authority approved the Board's report and the date the MAJCOM forwarded it to the Claims and Tort Litigation Division, Air Force Legal Operations Agency (AFLOA/JACC), for Headquarters Air Force staffing. **(T-1)**.

1.3.10. Will be responsible for determining who will be treated as next-of-kin or seriously injured personnel. **(T-1)**. This responsibility can be delegated to the Convening Authority's Staff Judge Advocate.

### **1.4. Roles and Responsibilities of the Convening Authority's Staff Judge Advocate.**

1.4.1. Shall update the Judge Advocate General's Unified Automated Reporting System mishap table with known and potential Class A mishaps, and mishaps for which the Convening

Authority may convene an accident investigation. **(T-1)**. The Staff Judge Advocate will also review and update The Judge Advocate General's Unified Automated Reporting System when the investigation process moves to the next critical phase, when necessary to provide up-to-date information, or by the close of business of the first duty day of each week. **(T-1)**. Inputs to the Judge Advocate General's Unified Automated Reporting System shall be made within 24 hours after the Staff Judge Advocate's office acquires the information. **(T-1)**.

1.4.2. Will advise the Convening Authority whether convening an accident investigation is required or discretionary for a specific accident. **(T-1)**.

1.4.2.1. **(Added-USAFEAFAFRICA)** Within 24 hours of notification of a mishap that may require an AIB, USAFE-AFAFRICA/JA will, on behalf of the convening authority, contact the director or deputy director of the following USAFE-AFAFRICA agencies to fulfill the board member requirements indicated below. All board member nominations shall include the nominee's contact information and summarize any scheduling conflicts for the nominee during the anticipated investigation period. The board president nomination shall include the member's Report on Individual Personnel (RIP).

1.4.2.1.1. **(Added-USAFEAFAFRICA)** USAFE-AFAFRICA Manpower, Personnel and Services, Readiness and Sustainment (USAFE-AFAFRICA/A1RS) for a current list of AFSEC Board President Course graduates within USAFE-AFAFRICA.

1.4.2.1.2. **(Added-USAFEAFAFRICA)** USAFE-AFAFRICA Directorate of Operations, Strategic Deterrence and Nuclear Integration (USAFE-AFAFRICA/A3/10) with a requirement to provide a nominee for the position of board president and a nominee for the position of pilot board member, if needed.

1.4.2.1.3. **(Added-USAFEAFAFRICA)** USAFE-AFAFRICA Directorate of Logistics, Engineering and Force Protection (USAFE-AFAFRICA/A4) with a requirement to provide a nominee for the position of maintenance board member, if needed.

1.4.2.1.4. **(Added-USAFEAFAFRICA)** USAFE-AFAFRICA Surgeon General (USAFE-AFAFRICA/SG) with a requirement to provide a nominee for the position of medical board member, if needed.

1.4.2.1.5. **(Added-USAFEAFAFRICA)** Any other USAFE-AFAFRICA directorates or special staff agencies deemed appropriate by USAFE-AFAFRICA/JA.

1.4.2.2. **(Added-USAFEAFAFRICA)** USAFE-AFAFRICA/JA will establish a line of accounting (LOA) at the beginning of every fiscal year and maintain a Defense Travel System (DTS) label titled "FYXX AIB" with the assistance of USAFE-AFAFRICA Directorate of Financial Management and Comptroller (USAFE-AFAFRICA/FM) for AIB related expenses. For major mishaps involving USAFE-AFAFRICA airframes/assets, USAFE-AFAFRICA/JA will add emergency and special program (ESP) code 2R to the LOA connected to the "FYXX AIB 2R" label in DTS, unless the mishap asset is a European Deterrence Initiative (EDI) asset. USAFE-AFAFRICA/JA will add ESP code 3F to the LOA connected to the "FYXX AIB 3F" label in DTS for EDI assets. When necessary, USAFE-AFAFRICA/JA will issue Fund Cite Authorization Letters (FCALs) with the assistance of USAFE-AFAFRICA/FM.

1.4.2.3. **(Added-USAFEAFAFRICA)** USAFE-AFAFRICA/JA will identify from within JA channels nominees for board legal advisor and recorder. The legal advisor nominee will be identified within 48 hours of notice of the mishap and the recorder nominee will be identified within 72 hours of notification of the mishap.

1.4.2.4. **(Added-USAFEAFAFRICA)** Upon USAFE-AFAFRICA/JA receipt of notification of a mishap requiring an AIB, on behalf of the convening authority, USAFE-AFAFRICA/JA will distribute a Task Management Tool (TMT) request from the convening authority, requiring USAFE-AFAFRICA/A3, A4, and SG, and other USAFE-AFAFRICA staff agencies, as appropriate, to identify potential board nominees. A response to requests for board president and legal advisor nominees will be due within 48 hours of the time of the request. Responses to requests for board member nominees other than the board president and legal advisor will be due within 72 hours of the time of the request. Telephonic coordination between USAFE-AFAFRICA/JA and directorates/special staff, in accordance with the [paragraph 1.4.2.1](#), will occur prior to or simultaneous with the TMT request.

1.4.2.4.1. **(Added-USAFEAFAFRICA)** Each directorate tasked with identifying a board nominee will be required to seek the nominee from within its staff or within USAFE-AFAFRICA subordinate organizations and units.

1.4.2.4.2. **(Added-USAFEAFAFRICA)** The TMT will also task USAFE-AFAFRICA/FM with allocating appropriate funds.

1.4.2.5. **(Added-USAFEAFAFRICA)** Any USAFE-AFAFRICA directorate tasked with identifying a board nominee that cannot find a qualified board nominee within USAFE-AFAFRICA will promptly inform USAFE-AFAFRICA/JA and aid USAFE-AFAFRICA/JA by identifying a MAJCOM that will likely have personnel qualified to serve as board members, based on the mishap airframe/asset. The directorate and USAFE-AFAFRICA/JA will concurrently contact functional counterparts at the identified MAJCOM to request immediate support in finding an eligible board nominee.

1.4.2.6. **(Added-USAFEAFAFRICA)** If a general officer is required to serve on the AIB, USAFE-AFAFRICA/JA will coordinate a general officer board member nomination request with USAFE-AFAFRICA Chief of Staff (USAFE-AFAFRICA/CS) in order to quickly and efficiently expedite necessary senior leader involvement in identifying and tasking a qualified general officer to perform AIB duties.

1.4.3. If the Staff Judge Advocate or the Deputy Staff Judge Advocate receive privileged safety information in the exercise of their duties, they shall not have direct contact with any member of the Accident Investigation Board regarding substantive investigatory matters, or communicate privileged safety information to anyone directly communicating with the Accident Investigation Board. **(T-1)**. They will not advise or coordinate on the substantive matters or legal sufficiency of the accident investigation report, but may advise the commander on matters involving the report after it has been approved. **(T-1)**.

1.4.4. Advises on international legal requirements and considerations associated with mishaps involving foreign interests, personnel or property. The Staff Judge Advocate will coordinate with the Operations and International Law Directorate, Headquarters Air Force, Office of The Judge Advocate General (AF/JAO) and AFLOA/JACC when handling these mishaps. **(T-1)**.

1.4.5. If delegated the authority to do so, the Staff Judge Advocate may appoint, remove, or substitute any board member other than the Board President.

1.4.6. Will ensure the convening order directs board members to refrain from accessing privileged safety information regarding the mishap they are appointed to investigate. **(T-1)**.

1.4.7. Will provide oversight, substantive guidance, and assistance as necessary to the Legal Advisor throughout the accident investigation process. **(T-1)**.

1.4.7.1. Shall ensure those members of his or her office who have received privileged safety information do not communicate directly with the Accident Investigation Board. **(T-1)**.

1.4.7.2. Shall assist the Legal Advisor, if necessary, to ensure the Accident Investigation Board complies with this instruction. **(T-1)**.

1.4.8. Will request the host installation commander designate a point of contact at the host installation to assist the accident investigation in obtaining administrative and logistical support **(T-2)**.

1.4.9. Will request the mishap wing commander designate a member of the mishap squadron to serve as a point of contact to assist with coordination of witness interviews and access to evidence stored at the mishap unit. **(T-2)**.

1.4.10. Contacts the Field Support Center, Environmental Law and Litigation Division, Air Force Legal Operations Agency (AFLOA/JACE-FSC) for guidance regarding any environmental issues related to the mishap.

1.4.11. Grants extensions of time for the accident investigation to complete the report, unless the Convening Authority specifically withholds this authority.

1.4.12. Will ensure the Accident Investigation Board Legal Advisor and MAJCOM point of contact complete and forward the applicable AFLOA/JACC checklists when the report is submitted for the formal review. **(T-1)**.

1.4.13. Will staff the draft report, including the Tabs, through the MAJCOM directorates (including Safety) as appropriate for formal review and comment. **(T-1)**.

1.4.13.1. If during the review the Convening Authority's Chief of Safety identifies information that is potentially privileged, the information will be sent to the Office of the Staff Judge Advocate, Air Force Safety Center (AFSEC/JA), to review and determine the need to correct and sanitize the report. **(T-1)**.

1.4.13.2. If the mishap is considered a high-interest mishap per paragraph 6.3.1., AFLOA/JACC shall be included in the staffing process for a formal quality review. **(T-1)**.

1.4.13.3. Through the Legal Advisor, the Convening Authority's Staff Judge Advocate will forward the formal review comments from AFLOA/JACC and the MAJCOM directorates (except the Convening Authority's Chief of Safety), to the Board President for consideration prior to sending the report to the Convening Authority for action. **(T-1)**. Comments can be attributed to an office, but will not be attributed to the individual author. **(T-1)**.

1.4.14. Prior to approval of the report, shall review the entire report, including the Tabs, for legal sufficiency, ensuring the entire report is in substantial compliance with this publication, and will prepare a written legal review for the Convening Authority which, at a minimum, informs the Convening Authority whether the report substantially complies with this instruction, and on that basis is legally sufficient. **(T-1)**. If the Staff Judge Advocate (or Deputy Staff Judge Advocate) has had access to privileged safety information, he or she will recuse themselves and designate another member of his or her office to perform these tasks. **(T-1)**.

1.4.15. Will submit the report to the Convening Authority for final action and prepare the Convening Authority's action. **(T-1)**. The legal review and formal review comments will not be included in the report. **(T-1)**.

1.4.16. Will coordinate with the Convening Authority's public affairs office regarding the notification and release plan. **(T-1)**.

1.4.17. After receiving approval from AFLOA/JACC, will coordinate with the Board President and the Family Assistance Representative(s), if applicable, to schedule the formal briefing(s) regarding the investigation for the next-of-kin and/or seriously injured personnel. **(T-1)**. If the next-of-kin and/or seriously injured personnel decline an in-person briefing, the Convening Authority's Staff Judge Advocate prepares a letter for the Convening Authority's signature to accompany a copy of the report that will be sent to the next-of-kin and/or seriously injured personnel.

1.4.18. Will distribute the report in accordance with Chapter 9. **(T-1)**.

1.4.19. Shall serve as release authority for the approved report on behalf of the Convening Authority. **(T-1)**.

1.4.20. Will review the entire report, including the Tabs, and advise the Convening Authority whenever adverse information, misconduct, or inappropriate or improper conduct of senior officials, colonels (or civilian equivalent) or other personnel is documented in the report, or has otherwise been uncovered by the investigation. **(T-1)**. See AFI 90-301, *Inspector General Complaints Resolution*.

1.4.21. Will respond to requests for copies of the report on behalf of the Convening Authority. **(T-2)**.

1.4.22. Shall coordinate with the MAJCOM public affairs office, the lead agency, to make a copy of the report available in a timely manner on an AFLOA/JACC-specified public website. **(T-1)**.

## **1.5. Roles and Responsibilities of the Board President.**

1.5.1. Upon receipt of Part 1 of the Safety Investigation Board's report and other collateral evidence from the Legal Advisor, the investigation will remain his or her primary duty until the report is approved. **(T-2)**. See paragraph 1.15.3., for more information about the various parts of the Safety Investigation Board's report.

1.5.2. For accidents involving a fatality and/or serious injury, will proceed with the Legal Advisor to the accident site (or to the location where the Safety Investigation Board convenes) no later than 72 hours after arrival of the Safety Investigation Board in order to contact the Family Assistance Representative(s), to meet the next-of-kin and/or seriously injured

personnel, address media questions, and view the mishap site. **(T-2)**. This is commonly referred to as the “72-hour visit.” See Chapter 4 for further guidance on the 72-hour visit.

1.5.3. Will provide information about the accident investigation to the next-of-kin (through the Family Assistance Representative(s)), seriously injured personnel, public, and media. **(T-2)**. See Chapter 6 for further guidance on releasing accident investigation information.

1.5.3.1. Shall coordinate with the Legal Advisor and Convening Authority’s Staff Judge Advocate for early release of information. **(T-1)**.

1.5.3.2. Communicates with foreign local government officials, if appropriate, for accidents in foreign territories. All communication will be previously coordinated with the Legal Advisor who, in turn, will consult with the host installation’s Staff Judge Advocate and the Convening Authority’s Staff Judge Advocate. **(T-2)**.

1.5.4. Shall ensure board members do not have actual or perceived conflicts of interest or knowledge of privileged safety information about the mishap that could cause an actual or perceived compromise of the integrity of the accident investigation. **(T-1)**.

1.5.5. To ensure a thorough investigation and high-quality report, may request, as necessary, the replacement or release of board members, appointment of additional board members and/or the detailing of Subject Matter Experts to serve as advisors to the Board.

1.5.6. Will ensure all members and Subject Matter Experts are briefed on the requirements of paragraph 6.1.3., which prohibits the disclosure of information regarding the ongoing accident investigation until the Convening Authority has approved the report and public release is authorized. **(T-1)**.

1.5.7. Will serve as the custodian of investigation evidence, to include wreckage, during the accident investigation. **(T-1)**. The Board President must receive custody and control of the evidence, in writing, from the Safety Investigation Board President at the conclusion of the safety investigation. **(T-1)**. If there is no preceding safety investigation, the Board President will receive custody and control of the evidence from the Air Force official responsible for safeguarding it prior to commencement of the accident investigation. **(T-1)**.

1.5.8. Will complete a thorough investigation and high-quality report in compliance with this publication, within 30 calendar days after the start of the accident investigation. **(T-2)**. If unable to complete the investigation within 30 days, will request time extension(s) from the Convening Authority’s Staff Judge Advocate, who approves the request(s) as appropriate and necessary to ensure a thorough investigation and high-quality report, unless the Convening Authority has withheld from the Staff Judge Advocate the authority to grant extensions. **(T-2)**.

1.5.9. Shall attend and conduct all witness interviews. **(T-1)**.

1.5.10. Writes the report and is solely responsible for its contents. As part of his or her Board report, the Board President will state which factors, in his or her opinion and by a preponderance of the evidence, caused the mishap(s), and/or substantially contributed to the mishap(s). **(T-0)**.

1.5.11. Will notify the Convening Authority’s Staff Judge Advocate, in writing and separate from the report, of any evidence of misconduct uncovered during the investigation not otherwise documented in the report or deemed inappropriate for inclusion in the report (e.g.,

inadvertent discovery of evidence of fraternization that was not causal or substantially contributory to the mishap). **(T-1)**.

1.5.12. Prior to departure from the accident investigation site, shall ensure that all evidence is provided to the Legal Advisor for forwarding to the Convening Authority's Staff Judge Advocate in accordance with Chapter 8, and that no other board member departs the site with any evidentiary items or other working materials. **(T-1)**.

1.5.13. Is responsible for the Post-Investigation Memorandum and transmittal documents. See Chapter 8.

1.5.14. Will transfer mishap wreckage, in writing, to the host installation commander, or designee, for storage until AFLOA/JACC or the MAJCOM Staff Judge Advocate (as appropriate) approves wreckage release from legal hold. **(T-1)**.

1.5.15. Revises the report as warranted, in the Board President's sole discretion, based on formal comments or additional investigation.

1.5.16. Upon approval of the report, shall ensure that all board members' personal notes and drafts are destroyed in accordance with Chapter 8. **(T-1)**.

1.5.17. Responds to post-investigation inquiries and other issues through the Convening Authority's Staff Judge Advocate, as directed by the Convening Authority or the Convening Authority's Staff Judge Advocate.

1.5.17.1. The Board President's duties continue beyond the public release of the report. He or she may be called upon to brief members of Congress, to address media inquiries, or re-open the investigation. To ensure there is no conflict of interest or breach of the safety privilege, Board Presidents must use their sound judgment to separate the roles of Accident Investigation Board President and Air Force operator should they need to access privileged safety information pertaining to this accident after completion of the investigation, in order to perform his or her normal duties. **(T-1)**.

1.5.17.2. Should he or she receive privileged safety information related to the mishap after the accident investigation and need to perform additional duties as Board President later on, he or she will inform the Convening Authority's Staff Judge Advocate of that fact and the Convening Authority will determine if the Board President should be substituted. **(T-1)**.

1.5.18. Shall serve as the primary briefing officer to the next-of-kin and/or seriously injured personnel. **(T-2)**.

## **1.6. Roles and Responsibilities of the Board Legal Advisor.**

1.6.1. Upon receipt of Part 1 of the Safety Investigation Board report and other collateral evidence or other notification by the Convening Authority's Staff Judge Advocate, the investigation will remain his or her primary duty until the report is approved. **(T-2)**.

1.6.2. Will provide legal advice and assistance to the Board President until the report is approved. **(T-1)**. Will ensure the report is in substantial compliance with this publication before sending the report to the Convening Authority's Staff Judge Advocate for the formal quality review. **(T-1)**.

1.6.3. Will complete the AFLOA/JACC Legal Advisor checklist and forward it to the MAJCOM legal office point of contact. **(T-1)**.

1.6.4. Following accidents involving a fatality and/or serious injury, will accompany the Board President on the 72-hour visit. **(T-2)**. In all other cases, if the Board President proceeds to the accident site, the Legal Advisor will accompany him or her. **(T-2)**.

1.6.5. Shall ensure board members do not have actual or perceived conflicts of interest or knowledge of privileged safety information about the mishap that could compromise the integrity of the accident investigation. **(T-1)**.

1.6.6. Shall review all evidence received from the safety investigation to make sure it does not contain privileged safety information before providing the evidence to the Board President and other board members and/or Subject Matter Expert(s). **(T-1)**. Shall contact AFSEC/JA for guidance if he or she suspects or is unsure whether any evidence received from the safety investigation contains privileged safety information as defined in AFI 91-204 and this publication. **(T-1)**.

1.6.7. Serves as liaison between the Accident Investigation Board, the Convening Authority's Staff Judge Advocate, and the host installation's Staff Judge Advocate, as needed.

1.6.8. Coordinates with AFSEC/JA to obtain factual data animations from the Air Force Safety Center (AFSEC), if such animations exist.

1.6.9. Shall coordinate early release of information with the Board President and the Convening Authority's Staff Judge Advocate, in accordance with Chapter 6. **(T-1)**.

1.6.10. Will advise, support, and accompany the Board President in accident investigation-related media interviews, as appropriate. **(T-2)**.

1.6.11. Shall oversee collection, preservation, and control of evidence. **(T-1)**.

1.6.12. Will provide a list of the names of the Safety Investigation Board members and advisors to the Accident Investigation Board members to help prevent inadvertent access to privileged information. **(T-2)**.

1.6.13. Will participate in all witness interviews and ensure rights advisements and questions are proper in accordance with this publication. **(T-1)**.

1.6.14. If the Safety Investigation Board provided draft documents, will consult with the Convening Authority's Staff Judge Advocate and AFSEC/JA about obtaining finalized documents. **(T-2)**.

1.6.15. Will edit the entire report to ensure overall writing style is clear and consistent, citations are accurate (to the page and the substantive information referenced), technical terms and language are plainly defined for public understanding, and acronyms are appropriately identified and explained. **(T-2)**.

1.6.16. Shall ensure the report, including the Tabs, is appropriate for public release in accordance with the applicable law. **(T-1)**. See Chapter 7 for further guidance.

1.6.17. Will ensure the Statement of Opinion meets the legal standard of proof and is supported by the information contained in the Summary of Facts and the Tabs. **(T-1)**.

## **1.7. Roles and Responsibilities of the Board Maintenance Member.**

1.7.1. Upon receipt of Part 1 of the safety investigation report and other collateral evidence from the Legal Advisor, the investigation will remain his or her primary duty until the report is approved. **(T-2)**.

1.7.2. Will screen and identify maintenance-related and any other information as assigned by the Board President that may not be publicly releasable in the report before it is forwarded to the Convening Authority's Staff Judge Advocate. **(T-2)**.

1.7.3. Will return all maintenance-related documents, records, models, parts and resources to the proper custodian upon release by the Accident Investigation Board. **(T-2)**.

1.7.4. Will ensure the proper custodian signs a transmittal memorandum documenting the return of all maintenance-related documents, records, models, parts and resources to be included in the Post-Investigation Memorandum in accordance with Chapter 8. **(T-2)**.

1.7.5. The Maintenance Member's duties may continue beyond the public release of the report. To ensure there is no conflict of interest or breach of the safety privilege, Maintenance Members must use sound judgment to separate their accident investigation role and Air Force maintenance role should they need to access privileged safety information pertaining to this accident in the future, in order to perform their normal duties. **(T-1)**.

#### **1.8. Roles and Responsibilities of the Board Medical Member.**

1.8.1. Upon receipt of Part 1 of the safety investigation report and other non-privileged collateral evidence from the Legal Advisor, the investigation will remain his or her primary duty until the report is approved. **(T-2)**.

1.8.2. Will request mishap personnel and other relevant witnesses complete non-privileged 72-hour and 14-day medical and lifestyle histories as necessary, if not obtained from the Safety Investigation Board. **(T-2)**.

1.8.3. Must screen and identify medical-related and any other information as assigned by the Board President that may not be publicly releasable in the report before it is forwarded to the Convening Authority's Staff Judge Advocate. **(T-2)**.

1.8.4. Will return all medical records and related evidence to the proper custodian upon release by the Accident Investigation Board. **(T-2)**.

1.8.5. Will ensure the proper custodian signs a transmittal memorandum documenting the return of all medical records to be included in the Post-Investigation Memorandum in accordance with Chapter 8. **(T-2)**.

1.8.6. The Medical Member's duties may continue beyond the public release of the report. To ensure there is no conflict of interest or breach of the safety privilege, Medical Members must use their sound judgment to separate their accident investigation role and Air Force medical role should they need to access privileged safety information pertaining to this accident in the future, in order to perform their normal duties. **(T-1)**.

#### **1.9. Roles and Responsibilities of the Board Pilot Member.**

1.9.1. Upon receipt of Part 1 of the safety investigation report and other non-privileged collateral evidence from the Legal Advisor, the investigation will remain his or her primary duty until the report is approved. **(T-2)**.

1.9.2. Will screen and identify aviation-related and any other information as assigned by the Board President that may not be publicly releasable in the report before it is forwarded to the Convening Authority's Staff Judge Advocate. **(T-2)**.

1.9.3. Will return all flight training records and squadron resources to the proper custodian upon release by the Accident Investigation Board. **(T-2)**.

1.9.4. Will ensure the proper custodian signs a transmittal record documenting the return of all flight training records and squadron resources to be included in the Post-Investigation Memorandum in accordance with Chapter 8. **(T-2)**.

1.9.5. The Pilot Member's duties may continue beyond the public release of the report. To ensure there is no conflict of interest or breach of the safety privilege, Pilot Members must use their sound judgment to separate their accident investigation role and Air Force operator role should they need to access privileged safety information pertaining to this accident in the future, in order to perform their normal duties. **(T-1)**.

**1.10. Roles and Responsibilities of the Board Recorder.** The Board Recorder is usually a paralegal, but a judge advocate may also serve as a Recorder.

1.10.1. Upon receipt of Part 1 of the Safety Investigation Board report and other collateral evidence or other notification by the Convening Authority's Staff Judge Advocate, the investigation will remain his or her primary duty until the report is approved. **(T-2)**.

1.10.2. Will ensure the facilities where the Accident Investigation Board will work are set up prior to the arrival of the Board President and the rest of the Board. **(T-2)**.

1.10.3. Serves as custodian of all accident investigation documents and evidence.

1.10.4. Will manage and format the report and Tabs in accordance with this publication. **(T-2)**.

**1.11. Roles and Responsibilities of Other Board Members.** Upon receipt of Part 1 of the Safety Investigation Board report and other non-privileged collateral evidence from the Legal Advisor, the investigation will remain his or her primary duty until the report is approved. **(T-2)**.

**1.12. Roles and Responsibilities of the Host Installation Commander.**

1.12.1. Shall provide administrative and logistical support to the accident investigation, including suitable work areas and office work space to facilitate the accident investigation. **(T-2)**. See Attachment 2 for a list of accident investigation support requirements.

1.12.2. Will fund all in-house support, even if the host installation is not assigned to the Convening Authority's MAJCOM. **(T-2)**.

1.12.3. Will designate a point of contact at the host installation to assist the Accident Investigation Board in obtaining administrative and logistical support. **(T-2)**.

1.12.4. Will conduct initial cleanup of the accident site and, unless directed otherwise by the Convening Authority, any required environmental remediation or restoration actions. **(T-2)**.

1.12.5. Unless the Convening Authority directs otherwise, shall ensure collection, removal, storage and securing of wreckage and other investigation evidence recovered from the accident site until AFLOA/JACC releases the wreckage from legal hold. **(T-1)**.

1.12.5.1. A wreckage release by AFLOA/JACC is a release from legal hold only and not a final disposal authorization.

1.12.5.2. After the wreckage is released from legal hold, the host installation commander consults with the appropriate logistics directorate for further information and guidance on applicable instructions regarding disposal. If there is nuclear weapons-related materiel in the wreckage, the host installation commander ensures compliance with AFI 20-110, *Nuclear Weapons-Related Materiel Management*, and consults with the local Nuclear Weapons-Related Material Accountable Officer for proper disposition.

### **1.13. Roles and Responsibilities of the Host Installation Staff Judge Advocate.**

1.13.1. Will assist the accident investigation as requested by the Board President and the Convening Authority's Staff Judge Advocate. **(T-2)**.

1.13.2. Will assist in the appointment or designation of a point of contact at the host installation to assist the Board. **(T-2)**.

1.13.3. Shall temporarily assume custody of the Safety Investigation Board's non-privileged evidence and Part 1 of the Safety Investigation Board report before transferring it to the Accident Investigation Board if a face-to-face transfer between the Safety Investigation Board and the Accident Investigation Board does not occur. **(T-2)**. These materials shall be secured and not reviewed by anyone until the Legal Advisor retrieves them, unless otherwise directed by the Convening Authority's Staff Judge Advocate. **(T-2)**.

1.13.4. Will assist the Accident Investigation Board in arranging for witness interviews, as well as for the appearance of civilian employees, contractor employees, and foreign nationals located at or near the host installation. **(T-2)**.

1.13.4.1. When requested, will work with the installation labor relations officer to identify applicable restrictions of collective bargaining agreements and coordinate with appropriate labor unions regarding civilian employee interviews. **(T-2)**.

1.13.4.2. When arranging interviews of contractor employees, will consult with the appropriate installation contracting personnel to ensure compliance with applicable contracts. **(T-2)**.

1.13.4.3. When arranging interviews of foreign nationals, will obtain, review and ensure compliance with applicable international agreements, in consultation with AF/JAO. **(T-2)**.

1.13.5. When requested, will work with appropriate installation personnel to obtain relevant records, reports, leases, permits, contracts, and other documents owned or maintained by offices or activities attached to the host installation. **(T-2)**.

1.13.6. Will provide personnel and transcription equipment to support accident investigation transcription as necessary and as mission allows for such support. **(T-2)**.

1.13.7. Shall forward requests for wreckage and evidence release through the Convening Authority's Staff Judge Advocate to AFLOA/JACC. **(T- 1)**.

1.13.8. Will consult with the Convening Authority's Staff Judge Advocate and/or AFLOA/JACE-FSC for questions regarding access to accident sites when the landowner denies access, or any other questions regarding environmental issues. **(T-2)**.

1.13.9. **(Added-USAFEAFRICA)** The Staff Judge Advocate for the USAFE-AFAFRICA installation that has oversight of the personnel or property involved in the mishap will provide USAFE-AFAFRICA/JA the details of any administrative or judicial action contemplated and a summary of expected and received claims arising from the mishap. This notification should be made as soon as the information becomes known and regularly updated with any new information.

#### **1.14. Scope of Accident Investigations.**

1.14.1. The scope of an aerospace accident investigation is to investigate and report on the facts and circumstances of the mishap(s), and the cause(s) of the mishap(s) and/or factor(s) that substantially contributed to it. The scope of a ground accident investigation is to investigate and report on the facts and circumstances of the mishap(s), but does not report the cause(s) of the mishap(s), or factor(s) that substantially contributed to the mishap(s) unless authorized by AFLOA/JACC. In both cases, the Board will investigate unit deficiencies and other matters only to the extent they are relevant to the mishap(s) being investigated. **(T-1)**.

1.14.2. The Board President will refer in writing to the Convening Authority's Staff Judge Advocate, separate from the report, matters of potential command interest not found to be relevant to the mishap(s) being investigated, and not otherwise required to be documented in the report by this publication. **(T-1)**.

1.14.3. Accident investigations are not criminal investigations; therefore, if after consulting with the Legal Advisor, the Board President determines the Board has uncovered information that may indicate criminal activity, he or she must, via the Legal Advisor, notify the Convening Authority's Staff Judge Advocate as soon as possible in order for the Convening Authority to determine if the accident investigation shall be suspended and a criminal investigation initiated. **(T-2)**.

#### **1.15. Safety Investigations.**

1.15.1. Safety investigations will be separate and distinct from accident investigations. **(T-0)**. A safety investigation is conducted pursuant to AFI 91-204, *Safety Investigation and Hazard Reporting*, and is conducted and reported solely to prevent future mishaps. Except for unusual cases, such as suspected causal criminal activity, safety investigations will take priority, both in sequence and access to evidence, over any corresponding legal investigations. **(T-1)**.

##### **1.15.2. Privileged Safety Information.**

1.15.2.1. Accident Investigation Board members are not authorized access to privileged safety information about the mishap at any time before or during the investigation. The Legal Advisor will ensure the Safety Investigation Board does not provide privileged safety information (as defined in DoDI 6055.07 and AFI 91-204) to the Accident Investigation Board. **(T-1)**.

1.15.2.2. Accident Investigation Board members who receive privileged safety information regarding the mishap they are assigned to investigate shall be disqualified for continued service on the Accident Investigation Board. **(T-1)**. The limited exception to this rule are the Legal Advisor and Recorder. However, depending on the type and quantity of the privileged safety information that a Legal Advisor or Recorder is exposed to, the Convening Authority's Staff Judge Advocate must determine whether to replace the Legal

Advisor and/or Recorder to protect the integrity of the Accident Investigation Board. (T-1).

1.15.3. The Safety Investigation Board produces a multi-part report. Part 1 contains non-privileged information. Part 2 contains privileged witness statements and documents, as well as privileged Safety Investigation Board deliberations, findings, and recommendations. Part 3 contains the briefing the Safety Investigation Board provides the Convening Authority. The Accident Investigation Board will only obtain non-privileged information from the Safety Investigation Board. (T-1).

1.15.4. Prior to the start of its investigation, the Accident Investigation Board shall receive Part 1 and all other non-privileged information from the Safety Investigation Board. (T-1). After the completion of the Safety Investigation Board, safety investigation personnel shall not withhold from an Accident Investigation Board, or other legal investigation, information that is not privileged safety information. (T-1). Upon request of the legal investigation, the Safety Investigation Board President will provide all non-privileged information and evidence. (T-1). An accident investigation shall not begin until the Safety Investigation Board has provided the Legal Advisor all of the non-privileged information in its possession and released its witnesses. (T-1).

**1.16. When Accident Investigations are Required.** Except as provided in paragraph 1.19., an Accident Investigation Board must be convened as specified in paragraphs 1.16.1. through 1.16.5. (T-1).

1.16.1. On-duty Class A accidents.

1.16.1.1. Except as specified in paragraphs 1.16.2.2.1., 1.16.2.2.2., and 1.16.2.3., Accident Investigation Boards will be convened for on-duty, Class A accidents involving Air Force aerospace assets, which include manned and unmanned remotely piloted aircraft, missiles, space assets/vehicles, and aerostats. (T-1). The terms “remotely piloted aircraft,” “remotely piloted vehicle,” “unmanned aerial system,” and “unmanned aerial vehicle” all have the same meaning for the purpose of this publication.

1.16.1.2. Ground Accident Investigation Boards will be convened for all other on-duty, Class A accidents not involving Air Force aerospace assets, unless otherwise excluded in this publication. (T-1).

1.16.2. A Class A accident is one resulting in at least one of the following:

1.16.2.1. An injury or occupational illness resulting in a fatality or permanent total disability.

1.16.2.2. An Air Force aerospace asset is destroyed.

1.16.2.2.1. However, Accident Investigation Boards are not mandatory for Class A accidents in which remotely piloted subscale aircraft and aerial targets are destroyed.

1.16.2.2.2. Additionally, an accident investigation is not required for mishaps involving the destruction of a remotely piloted aircraft if: (a) a safety investigation was not conducted, nor is one pending or anticipated, and (b) the damage resulted solely in damage to Federal Government property. In making this decision, the Convening Authority must consider whether there is any expectation of a claim being filed against the Federal Government and whether there is or will be elevated public or media

attention. **(T-1)**. If the Convening Authority decides not to conduct an Accident Investigation Board, the Convening Authority's Staff Judge Advocate shall advise the Convening Authority whether a legal investigation is still required pursuant to DoDI 6055.07. **(T-1)**. Unless both conditions (a) and (b) cited above are met in a mishap involving a destroyed remotely piloted aircraft, an Accident Investigation Board pursuant to this instruction will be convened. **(T-1)**.

1.16.2.3. Total cost of damages to Federal Government and other property is \$2,000,000 or more. However, an accident investigation is discretionary for on-duty Class A mishaps that result solely in damage to Federal Government property, and, in the case of a mishap involving an aerospace asset, the asset was not destroyed. See DoDI 6055.07 and AFI 91-204 for more information about mishap categories and classes. Total mishap cost is calculated in accordance with guidance specified in DoDI 6055.07 as well as AFI 91-204.

1.16.3. Mishaps of any class with a probability of high public interest, including interest from Congress or the media, as determined by AFLOA/JACC, in consultation with the Convening Authority's Staff Judge Advocate.

1.16.4. Mishaps of any class when claims and litigation are anticipated for or against the Federal Government or a Federal Government contractor as a result of the mishap, as determined by AFLOA/JACC, in consultation with the Convening Authority's Staff Judge Advocate.

1.16.5. Mishaps of any class causing significant civilian property damage, as determined by AFLOA/JACC, in consultation with the Convening Authority's Staff Judge Advocate.

**1.17. Discretionary Accident Investigations.** Except as provided in paragraph 1.19., or prohibited in this instruction, the Convening Authority has the option to convene a discretionary accident investigation for any occurrence considered an "accident" as defined in Attachment 1.

**1.18. Other Types of Legal Investigations.** In addition to Accident Investigation Boards, there are several types of legal investigations which satisfy the DoDI 6055.07 legal investigation and report requirement: investigations by Security Forces or Air Force Office of Special Investigations, Commander-Directed Investigations, Report of Survey investigations, and Line of Duty determinations. However, in order to satisfy this requirement, these legal investigations must inquire into all the facts and circumstances surrounding the mishap, as well as obtain and preserve all available evidence for use in litigation, claims, disciplinary action, adverse administrative action, and for public disclosure. **(T-0)**.

**1.19. Accidents Not Requiring an Investigation Pursuant to this Publication.** In any case where an Accident Investigation Board is not required, the Convening Authority's Staff Judge Advocate must review DoDI 6055.07 to determine whether a legal investigation pursuant to that instruction is required. **(T-1)**. The following occurrences are exempt from the requirement to conduct an Accident Investigation Board pursuant to this instruction.

1.19.1. Damage, injury or death by direct action of an enemy, to include maneuvering conducted relative to hostile fire or a perceived hostile threat, or hostile force.

1.19.2. All suspected cases of friendly fire as defined in DoDI 6055.07.

1.19.3. Intentional or expected damage to Air Force equipment or property incurred during authorized testing or combat training, including missile and ordnance firing. Examples include but are not limited to destruction of weapon system to prevent capture by enemy or hostile force, etc.

1.19.4. Normal residual damage as a result of a missile launch.

1.19.5. Intentional, controlled jettison or release, during flight, of canopies, cargo, doors, drag chutes, hatches, life rafts, auxiliary fuel tanks, missiles, drones, rockets, non-nuclear munitions, and externally carried equipment not essential to flight when there is no injury, no reportable damage to the aircraft or other property, and, in the case of missiles, drones, or non-nuclear munitions, when the reason for jettison is not malfunction.

1.19.6. Accidents investigated by another federal or state agency or military department resulting in a publicly releasable report. However, the Convening Authority may, after consultation with AFLOA/JACC, conduct a discretionary accident investigation.

1.19.7. Incidents or occurrences not meeting the definition of “accident” in Attachment 1.

1.19.8. Contractor mishaps in which the contractor employee is not under the direct supervision of DoD personnel. However, a legal investigation pursuant to DoDI 6055.07 must be conducted if there is damage to DoD property or personnel. **(T-0)**.

1.19.9. Injuries associated with non-occupational diseases, when the disease, not the injury, is determined to be the proximate cause of the lost time, such as diabetes and its resultant complications like loss of vision; but not including complications of the injury (such as the infection of a cut aggravated by a work-related activity) that result in lost time.

1.19.10. Injuries resulting from altercations, attack, or assault, unless injuries of this type were incurred in the performance of official duties.

1.19.11. Injuries sustained before entry into military service or employment by the Federal Government, unless the injuries were specifically aggravated by current tenure of service.

1.19.12. Injuries resulting from pre-existing musculoskeletal disorders, unless the injuries were specifically aggravated by current tenure of service.

1.19.13. Replacement of component parts due to normal wear and tear, which is beyond the scope or definition of the affected time between overhaul of component, and when any associated damage is confined to the component part. This exemption only applies to items that are normally used until they fail or until predetermined wear limits are reached. The need for replacement may not be evident until malfunction or failure of the part. Resultant damage to other components is reportable.

1.19.14. Attempted or consummated suicide, murder, or intentionally self-inflicted injuries.

1.19.15. Inpatient hospitalization for treatment where the patient is retained beyond the day of admission solely for administrative reasons unless other reporting criteria are met (e.g., medical treatment beyond first aid).

1.19.16. Inpatient hospitalization solely for observation, counseling, or diagnostic testing, or for administrative reasons not related to the immediate injury or occupational illness, unless other reporting criteria are met (e.g., medical treatment beyond first aid).

1.19.17. Injuries resulting from minimum stress and strain (e.g., simple, natural, and nonviolent body positions or actions, as in dressing, sleeping, coughing, or sneezing). Those are injuries unrelated to mishap-producing agents or environments normally associated with active participation in daily work or recreation.

1.19.18. Injuries or fatalities to persons in the act of escaping from or eluding military or civilian custody or arrest.

1.19.19. Death due to natural causes unrelated to strenuous acts performed at duty or physical training associated with the requirement to pass physical standards. However, for this exemption to apply, competent medical evidence must determine that the natural cause of the death was in fact unrelated to a strenuous act that was either performed at work, or it was unrelated to physical training associated with the requirement to pass physical standards (including taking the fitness test). **(T-1)**.

1.19.20. Foreign object damage to aircraft, air-breathing missiles, or drone engines discovered during scheduled engine disassembly.

1.19.21. Property damage, death, or injury as a result of vandalism, riots, civil disorders, sabotage, terrorist activities, or other criminal acts, such as arson.

1.19.22. Adverse bodily reactions resulting directly from the use of drugs under the direction of competent medical authority.

1.19.23. Death or injury resulting directly from the illegal use of drugs or other substance abuse.

1.19.24. Accidents involving nuclear weapons, reactors, or radioactive materials involved in those systems.

1.19.25. Accidents involving the administration of professional services, including (but not limited to) diagnosing medical conditions, prescribing medication, providing dental care, performing surgery, administering physical therapy, accomplishing mental health evaluations, conducting counseling, and providing legal assistance and advice.

1.19.26. Mishaps that are not connected to the duties of the involved Air Force personnel.

## **1.20. Investigation Boards and Reports.**

1.20.1. Ongoing safety investigations will take precedence over accident investigations. **(T-1)**. Safety investigations will have priority in the event of conflicts between the two investigations regarding access to the accident site, acquiring and examining evidence, and interviewing witnesses. **(T-1)**. Part 1 of the Safety Investigation Board report must be completed prior to the start of the accident investigation. **(T-1)**. If any portion of Part 1 contains preliminary reports, the Convening Authority or his or her Staff Judge Advocate, in consultation with the MAJCOM Chief of Safety, must determine whether the safety investigation is completed for purposes of this paragraph. **(T-2)**. However, the accident investigation will not otherwise start prior to the completion of the safety investigation. **(T-1)**.

1.20.2. Personnel performing safety duties shall not be appointed to any Accident Investigation Board, and personnel who have advised a Safety Investigation Board shall not be appointed to or advise an Accident Investigation Board regarding the same mishap. **(T-0)**.

1.20.3. Accident investigations will be completed within 30 days of the start date. **(T-2)**.

1.20.3.1. An accident investigation Board's 30-day clock starts when the Legal Advisor provides Part 1 of the Safety Investigation Board and other collateral evidence to the Board President.

1.20.3.2. Because the Accident Investigation Board should complete a thorough and high-quality report for public release, if necessary, the Board President submits requests for extensions of time to complete the investigation to the Convening Authority through his or her Staff Judge Advocate. The Staff Judge Advocate may approve the request unless the Convening Authority has withheld this authority.

1.20.4. For high-interest mishaps, as defined in paragraph 6.3.1., no more than 180 calendar days will elapse between the date of the mishap and the date the Convening Authority is cleared by AFLOA/JACC to conduct next-of-kin briefings in accordance with paragraph 9.6.1.2. (T-1).

## Chapter 2

### CONVENING THE INVESTIGATION BOARD

#### 2.1. Convening Authority.

2.1.1. MAJCOM commanders will be the Convening Authorities for accident investigations pursuant to this publication. **(T-1)**. Where applicable, the MAJCOM commander who convened the preceding safety investigation under AFI 91-204 will also convene the accident investigation. **(T-1)**.

2.1.1.1. The Convening Authority may delegate the authority to convene an Accident Investigation Board and perform all Accident Investigation Board Convening Authority functions to his or her deputy commander. However, that authority will not be delegated below the level of the MAJCOM deputy commander. **(T-1)**.

2.1.1.2. Accident investigations should be convened as near in time as possible to convening the safety investigation for the same mishap. This is done to prevent potential Accident Investigation Board members from receiving privileged safety information relating to the same mishap in the course of their duties. However, the accident investigation will convene prior to the Convening Authority receiving the results of the safety investigation for the same mishap. **(T-1)**.

2.1.2. The Convening Authority will convene an Accident Investigation Board by appointing the Board President in a written convening order. **(T-1)**. The convening order may also list additional board members.

2.1.2.1. Convening an Accident Investigation Board is different than starting the investigation. The Accident Investigation Board is convened when the Convening Authority signs the convening order. The Accident Investigation Board starts the investigation when they arrive at the host installation and receive the evidence, through the Legal Advisor, from the safety investigation.

2.1.2.2. The Convening Authority may delegate to his or her Staff Judge Advocate and Deputy Staff Judge Advocate the authority to sign the convening order “FOR THE COMMANDER,” or “FOR THE DEPUTY COMMANDER,” as applicable, and to appoint, remove, or substitute board members. This authority will not be further delegated. **(T-1)**.

2.1.3. Accident investigations pursuant to this publication will only be conducted to investigate occurrences that meet the definition of “accident” as defined in Attachment 1. **(T-1)**. Other occurrences not meeting the definition of “accident” in this publication may be investigated by a Commander-Directed Investigation or other type of legal investigation, and can use this publication as a reference, but shall not be referred to as an “Accident Investigation Board,” and will not reference this publication as a source of authority for the investigation. **(T-1)**.

#### 2.2. Accidents Involving United States Air Force Reserve (USAFR) and Air National Guard (ANG) Assets, Personnel, or Property.

2.2.1. The gaining Regular Air Force MAJCOM commander will convene mandatory investigations for accidents involving Regular Air Force or both Regular Air Force and USAFR and/or ANG assets, personnel, or property. **(T-1)**.

2.2.2. If the gaining Regular Air Force MAJCOM commander opts to not exercise his or her discretion to convene a discretionary accident investigation in cases where both Regular Air Force and USAFR assets, personnel, or property are involved, then the Commander, Air Force Reserve Command (AFRC), or if delegated, the Deputy Commander, AFRC, may convene the Accident Investigation Board. No further delegation will be authorized. **(T-1)**.

2.2.3. For mishaps involving only USAFR assets, personnel, or property, the Commander, AFRC, or if delegated, the Deputy Commander, AFRC, convenes the accident investigation.

2.2.4. When investigating an accident involving USAFR or ANG assets, personnel, or property, the Convening Authority will appoint at least one USAFR or ANG member, respectively, to the Accident Investigation Board. **(T-2)**. For ANG members, the Convening Authority must have the concurrence of the respective State Adjutant General. **(T-1)**.

**2.3. Accidents Involving Air Force Personnel or Property Assigned to Another Military Department.** Follow the guidance in DoDI 6055.07 for accidents involving Air Force personnel or property assigned to another military department to avoid duplicative investigations and reports.

**2.4. Accidents Involving Civil Aircraft.** Prior to advising the Convening Authority, the Convening Authority's Staff Judge Advocate will contact AFLOA/JACC to determine the potential for and scope of National Transportation Safety Board participation or investigation for aerospace accidents involving both civil aircraft and Air Force aerospace assets. **(T-1)**.

**2.5. Accidents Involving United States Air Force Assets in Foreign Countries or Foreign Military Assets in the United States.** Air Force asset accidents in foreign territory or accidents in the United States involving foreign military assets may be subject to an accident investigation regardless of the mishap location or the degree of foreign country involvement. See DoDI 6055.07 for additional information for joint or multi-national investigations.

2.5.1. Treaties, statutes, agreements, and/or other applicable authorities may affect accident investigations occurring outside the United States involving Air Force assets. Similar authorities may affect the investigation of Air Force accidents involving personnel or property of foreign military forces. When an accident involving an Air Force asset occurs in a foreign territory or involves foreign military personnel or property, comply with this publication to the extent it is consistent with applicable treaties, agreements, and other applicable authorities. The requirement to conduct an accident investigation and produce a report in accordance with this publication remains unaffected by the location of the accident or the degree of participation of a foreign country in the accident investigation.

2.5.2. The Convening Authority's Staff Judge Advocate or the Staff Judge Advocate of the Air Force component responsible for operations where the accident occurred will refer to the treaty, statute, regulation, or agreement under which the asset was operating to determine if the document addresses accident investigation protocol and identifies provisions requiring a joint or multi-nation investigation, or an appointment of a foreign representative as an observer or a member to the accident investigation. **(T-1)**.

2.5.3. The Convening Authority's Staff Judge Advocate or the Staff Judge Advocate of the Air Force component responsible for operations where the accident occurred will consult DoDI 6055.07 and AF/JAO before inviting foreign military service representatives to observe or participate in any capacity in an accident investigation. **(T-1)**. Prior coordination with the Regional Directorate, Office of the Deputy Under Secretary of the Air Force, International Affairs (SAF/IAR) and the senior foreign country representative is required to appoint a foreign government representative to the accident investigation. Foreign government representatives participating in the accident investigation must first agree in writing to comply with the provisions of this publication, unless that requirement is already included in some other agreement or directive. **(T-1)**.

## 2.6. Accident Investigation Funding and Orders.

2.6.1. The Convening Authority shall fund temporary duty travel costs for all board members, Subject Matter Experts, and witnesses, including personnel from other MAJCOMs. **(T-1)**. Board members are placed on full per diem for the duration of the accident investigation, subject to the requirements of the *Joint Travel Regulations* and *DoD Financial Management Regulation*, which take precedence in the event of conflicting information between those regulations and this publication. Dual billeting, variations authorized, and rental car (or a dedicated government vehicle if available) shall be authorized for each board member. **(T-2)**. The Convening Authority's Staff Judge Advocate may adjust the authorization for rental cars (or dedicated government vehicles) if fiscal constraints or government vehicle availability prohibits a dedicated vehicle for each board member, as long as doing so does not in the Board President's opinion, hamper the ability of the Board members to effectively and efficiently conduct the investigation. At a minimum, dedicated vehicles must be authorized for the Board President and the Legal Advisor, with the remaining board members sharing an appropriate number of vehicles as determined by the Convening Authority's Staff Judge Advocate. **(T-2)**.

2.6.1.1. Each board member's travel authorization (e.g., orders) is issued for 45 days of travel, with variations authorized, dual billeting, excess baggage, rental car (see paragraph 2.6.1. above), and full per diem (unless contravened by higher regulatory authority).

2.6.1.2. Invited observers from other Military Departments, agencies, or governments fund their own costs.

2.6.1.3. **(Added-USAFEAFRICA)** To expedite processing, within 72 hours of notification of the mishap, USAFE-AFAFRICA/JA, with the assistance of USAFE-AFAFRICA/FM, will load into the LOA established at the beginning of the fiscal year sufficient funds to cover expected AIB costs, including TDY costs. (*Refer to [paragraph 1.4.2.2.](#)*) For TDY costs, USAFE-AFAFRICA/JA will utilize the DTS LOA cross organizational functionality for all board members, when appropriate. USAFE-AFAFRICA/JA will monitor and track TDY expenses through voucher completion. USAFE-AFAFRICA/FM will fund USAFE/AFAFRICA/JA expenses at an appropriate time.

2.6.1.4. **(Added-USAFEAFRICA)** If AFRC or ANG personnel are requested to serve as board members or subject matter experts, USAFE-AFAFRICA/JA will coordinate with USAFE-AFAFRICA Directorate of Manpower, Personnel and Services, Readiness and Integration (USAFE-AFAFRICA/A1R) to request mandays.

2.6.2. The Convening Authority will fund and support costs associated with leasing vehicles or special equipment, leased communications, transportation, and other contractual services. **(T-1)**.

2.6.3. The Convening Authority will be responsible for funding any contractual transcription services should Air Force court reporter support be unavailable. **(T-2)**. Approval for this contractual service must be approved by the Convening Authority's Staff Judge Advocate prior to entering into any agreements with a commercial court reporting service. **(T-2)**.

2.6.3.1. A court reporter or any other person who has provided transcription services to the safety investigation shall not provide transcription services to the accident investigation. **(T-1)**.

2.6.3.2. In order to avoid a potential unauthorized release of information, the Board will not provide any investigation information or testimony for transcription to any person who is not a military member or DoD employee, unless that individual has first agreed in writing, through the use of a non-disclosure agreement (NDA) or other method, to abide by the restrictions of this publication regarding disclosure of investigation information prior to receiving any materials to transcribe. **(T-1)**. A sample NDA may be found at Attachment 4.

2.6.3.3. **(Added-USAFEAFRICA)** To the greatest extent practicable, transcription for USAFE-AFAFRICA accident investigation boards should be accomplished by the AIB members or USAF-employed court reporters. Send requests for court reporter assistance to AFLOA/JAT. USAFE-AFAFRICA/JA must approve any requests for contracted transcription services.

2.6.4. The Convening Authority or other DoD component that owns, has operational control over, or is otherwise accountable for the vehicle, system, or other property determined by the Convening Authority to have caused environmental damage at the accident site shall fund all costs associated with long-term accident site clean-up and environmental remediation unless the provisions of an applicable memorandum of agreement or intra-agency support agreement dictate otherwise. **(T-1)**. The Convening Authority will fund costs associated with removal and storage of wreckage, as well as any initial accident site clean-up. **(T-1)**.

2.6.5. The host installation will fund all in-house support. **(T-1)**. "In-house support" includes, but is not limited to: work areas and office work space; computers with internet access; use of computers, printers, color copy machines, and fax machines; office supplies; paper supplies and computer CDs or DVDs; telephone service; use of government-owned or leased vehicles; use of audio-visual equipment and services; and transcription equipment. See Attachment 2 for a list of accident investigation support requirements.

## Chapter 3

### QUALIFICATIONS AND COMPOSITION FOR BOARD APPOINTMENT

#### 3.1. General Qualifications.

3.1.1. A majority of the Board members must be from outside the “mishap unit.” **(T-0)**. “Mishap unit” is defined by Title 10 United States Code (U.S.C.), Section 2255(e)(2) (10 U.S.C. § 2255(e)(2)) as “the unit of the armed forces (at the squadron or battalion level or equivalent) to which was assigned the flight crew of the aircraft that sustained the accident that is the subject of the investigation.”

3.1.1.1. Unless necessary due to subject matter expertise, board members shall not be from the wing, or equivalent organization, to which the aerospace asset, crewmembers, or other individuals involved in the accident were assigned or attached, or which is accountable for any equipment, material, facility, or other property involved in the accident (the “mishap wing”). **(T-1)**.

3.1.1.2. However, if the Convening Authority determines one or more board members must be appointed from the mishap wing because the necessary expertise cannot be obtained elsewhere, then the majority of the Board members must come from outside the mishap wing. **(T-1)**. In any case, the Board President shall not be from the mishap wing. **(T-1)**.

3.1.2. The Convening Authority shall not appoint any person to the Accident Investigation Board whose participation in the investigation could actually cause, or create an appearance of, a conflict of interest or other perceived impropriety. **(T-1)**.

3.1.3. Interim Safety Board and Safety Investigation Board members shall not serve as Accident Investigation Board members for the same accident. **(T-0)**.

3.1.4. Personnel performing full time safety duties shall not be appointed as board members or Subject Matter Experts to the Board. **(T-0)**.

3.1.5. Board members must not have had access to privileged safety information from the preceding Safety Investigation Board (to include privileged Safety Investigation Board message reports and other progress reports). **(T-1)**. If they have had access to privileged safety information for the same incident, they must be replaced. **(T-1)**.

3.1.6. **(Added-USAFEAFRICA)** USAFE-AFAFRICA/JA and USAFE-AFAFRICA/SE will separately coordinate the AIB and SIB convening orders with the convening authority. Alternatively, the AIB convening order may be coordinated with the convening authority’s delegated designee. USAFE-AFAFRICA/JA will compare AIB and SIB personnel and subject matter experts to ensure there is no overlap of SIB and AIB membership. Prompt identification of personnel qualified to perform AIB duties is necessary in order to facilitate the “72-Hour Visit”; however, the safety investigation will have priority over activities and investigations connected with the mishap.

#### 3.2. Board President Qualifications.

3.2.1. The Board President must be a field grade officer or general officer (or select), equal to or senior in rank to the senior person directly involved in the accident, and must come from outside the mishap wing. **(T-1)**.

3.2.2. The Board President will be equivalent or higher in grade to the corresponding Safety Investigation Board President. **(T-2)**. For any accident involving a fatality, the Board President must be a general officer or brigadier general select. **(T-1)**.

3.2.2.1. **(Added-USAFEAFRICA)** USAFE-AFAFRICA/JA will confirm with USAFE-AFAFRICA/SE the identity and rank of the SIB president in order to ensure the AIB president is equal or higher in grade to the SIB president.

3.2.3. If the Board President is not current and qualified in the mishap airframe or vehicle involved in the mishap, a board member who is current and qualified in the mishap airframe or vehicle must be appointed to the Accident Investigation Board. **(T-2)**.

3.2.3.1. For manned aircraft accidents, Board Presidents must be rated officers (pilots, navigators, or air battle managers) and have experience with the same or similar mishap airframe. **(T-2)**. For ground accidents, Board Presidents must have expertise or experience with the mishap asset, medical issue, or other relevant circumstances surrounding the mishap. **(T-2)**.

3.2.3.2. If an aerospace asset investigation concerns predominantly maintenance issues, the Convening Authority may appoint a maintenance officer Board President with mishap airframe or vehicle experience, but in that case a pilot/rated officer who is current and qualified in the mishap airframe or vehicle must be appointed as a board member. **(T-2)**.

3.2.3.3. For remotely piloted aircraft accidents, it is not required the Board President be a rated officer, as long as: (a) he or she has relevant experience with the mishap asset; or (b) the Board has a member with relevant experience with the mishap asset.

3.2.3.4. For missile or space accidents, the Board President must be a missile or space operations officer and have expertise or experience in the mishap missile or system. **(T-2)**.

3.2.4. Board Presidents must complete the AFSEC Board President Course prior to serving as a Board President. **(T-1)**.

3.2.4.1. **(Added-USAFEAFRICA)** Consistent with AFI 91-204, *Safety Investigation and Hazard Reporting*, paragraph 2.10, it is the responsibility of USAFE-AFAFRICA/SE to: (1) ensure a sufficient number of officers within the command have completed the AFSEC Board President Course to satisfy accident investigation requirements in addition to safety investigation requirements, and (2) to maintain an accurate accounting of all the AFSEC Board President Course trained officers assigned to USAFE-AFAFRICA.

3.2.4.2. **(Added-USAFEAFRICA)** Consistent with AFI 91-204, *Safety Investigation and Hazard Reporting*, paragraph 2.10, USAFE-AFAFRICA/SE will confirm or update the accuracy of the list of officers who have completed the AFSEC Board President Course as soon as possible, but not later than the preliminary safety message report of a Class A accident involving a USAFE-AFAFRICA asset.

3.2.5. Personnel from other DoD Components will not serve as Air Force Accident Investigation Board Presidents. **(T-1)**.

**3.3. Legal Advisor Qualifications.** The Legal Advisor must be a:

- 3.3.1. Judge Advocate from outside the mishap wing. **(T-1)**.
- 3.3.2. Graduate of the Accident Investigation Course or its predecessor, the Accident Investigation Board Legal Advisor Course. **(T-1)**.
- 3.3.3. Field grade officer for fatality accident investigations. **(T-1)**.

**3.4. Board Composition Requirements.**

- 3.4.1. The composition of the Board, including the Subject Matter Experts to assist the Board, will be tailored to reflect the complexity of the accident to thoroughly investigate the accident and to prepare a high-quality report. **(T-1)**. Appointed board members will perform the responsibilities outlined in Chapter 1 of this publication. **(T-1)**.
- 3.4.2. At a minimum, each board must have a Board President, a Legal Advisor, and a Recorder. **(T-1)**. The Recorder must be a paralegal or judge advocate. **(T-2)**. For fatality investigations, the Recorder must be a graduate of the Accident Investigation Course. **(T-1)**.

**3.5. Subject Matter Expert Qualifications.**

3.5.1. One or more Subject Matter Experts may be detailed at the discretion of the Convening Authority to advise the Accident Investigation Board. Subject Matter Experts are not members of the Board and will not be appointed on the convening order. **(T-2)**. Once the issue for which the Subject Matter Expert was detailed to the Board is resolved, the Subject Matter Expert will no longer participate in the accident investigation. **(T-2)**.

3.5.1.1. Personnel performing full time safety duties will not be designated or serve as Subject Matter Experts. **(T-0)**.

3.5.1.2. The Accident Investigation Board will not use a Subject Matter Expert who assisted the safety investigation, unless the Convening Authority with the advice of his or her Staff Judge Advocate determines no other reasonable alternative exists, and the Accident Investigation Board will be unable to thoroughly investigate the accident without that Subject Matter Expert. **(T-2)**. In such case, the Subject Matter Expert will not provide any privileged safety information to the Accident Investigation Board or rely on any privileged safety information to assist the Accident Investigation Board. **(T-1)**.

3.5.2. Either the Board President or the Legal Advisor will brief all Subject Matter Experts on the requirements of paragraph 6.1.3., which prohibits the disclosure of information regarding the ongoing accident investigation prior to public release of the report. **(T-1)**. In addition, all Subject Matter Experts will sign a non-disclosure agreement. **(T-1)**.

3.5.3. In unique cases, technical assistance or subject matter expertise from contractor personnel may be needed. Contractor personnel will only be detailed as a Subject Matter Expert to the Board if: (1) assistance from the contractor is vital to the investigation; and (2) there are no other reasonable governmental alternatives; and (3) there is no indication of contractor culpability or other conflict of interest; and (4) the contractor's service as a Subject Matter Expert is within the scope of the contract; and (5) the contractor personnel completes a non-disclosure agreement. **(T-1)**.

3.5.4. For an accident that involves foreign military personnel or property, an appropriate representative of each foreign military service whose resources were involved in the accident

may be designated by the Convening Authority to serve as an observer, member, or Subject Matter Expert to the Board, but only if the foreign government representative meets the requirements in paragraph 2.5.3. and agrees in writing to comply with the provisions of this publication. The only exception to this condition is if this requirement is already included in another agreement or directive.

## Chapter 4

### CONDUCTING THE ACCIDENT INVESTIGATION

**4.1. Resource Guidance.** Prior to arriving at the host installation, all board members will review this publication and any applicable approved MAJCOM supplement. **(T-1)**.

**4.2. Initial Actions.**

4.2.1. The Board President must contact the Legal Advisor for an initial briefing within 24 hours after being appointed. **(T-2)**. If the Legal Advisor has not been identified, then the Board President must contact the Convening Authority's Staff Judge Advocate to obtain the initial briefing. **(T-2)**. The initial briefing will cover at least the following topics: safety privilege, with particular emphasis on inadvertently viewing privileged safety information, conflicts of interest in board members, board scheduling, and transfer of the non-privileged safety information. **(T-2)**. If the investigation involved a high-interest mishap, the Legal Advisor will also discuss the 72-hour visit. **(T-2)**.

4.2.2. Following accidents involving a fatality or serious injury, the Board President will proceed, with the Legal Advisor, to the mishap site, or to the location where the Safety Investigation Board convenes, no later than 72 hours after arrival of the Safety Investigation Board. **(T-2)**. This is commonly referred to as the "72-hour visit." During this visit, the Accident Investigation Board President contacts the Family Assistance Representative(s), meets the next-of-kin and/or seriously injured personnel, addresses media questions, and views the mishap site. Unless essential, as determined by the Convening Authority's Staff Judge Advocate, in consultation with AFLOA/JACC, the Legal Advisor does not attend the initial in-person briefing to the next-of-kin or seriously injured personnel (see paragraph 4.2.2.2.). In all other types of mishaps, the Convening Authority shall consider the advantages of having the Board President and Legal Advisor proceed to the accident site shortly after the arrival of the Safety Investigation Board in order to view the mishap site first-hand. **(T-2)**.

4.2.2.1. If the next-of-kin and/or seriously injured personnel are in a different location than the accident site, the Board President will travel to the next-of-kin and/or seriously injured personnel's location for an initial in-person briefing, unless the next-of-kin and/or seriously injured personnel do not wish to receive an in-person briefing. **(T-2)**.

4.2.2.2. If the next-of-kin and/or seriously injured personnel are in a different location than the accident site, the Legal Advisor may accompany the Board President to this location, but does not attend the initial in-person briefing to the next-of-kin and/or seriously injured personnel. If it is known the next-of-kin and/or seriously injured personnel will have an attorney present, the Legal Advisor shall contact the Convening Authority's Staff Judge Advocate, who, in turn, will contact AFLOA/JACC to determine whether the Legal Advisor should attend the initial in-person briefing. **(T-1)**.

4.2.2.3. Even if the Accident Investigation Board President is not on-site, neither the Safety Investigation Board President, nor anyone else, will assume the aforementioned responsibilities. **(T-0)**.

4.2.2.4. The Accident Investigation Board President will coordinate with the incident commander (if applicable), the Legal Advisor, the Convening Authority's Staff Judge

Advocate, and the Family Assistance Representative(s) regarding next-of-kin requests to visit the mishap site. **(T-2)**.

4.2.2.5. Once the Board President's "72-hour visit" duties are completed, the Board President and Legal Advisor will depart the accident site, pending receipt of the non-privileged safety information from the Safety Investigation Board. **(T-2)**.

4.2.2.6. The Board President, through the Family Assistance Representative(s), will provide updated information to the next-of-kin and/or seriously injured personnel regarding the status of the investigation. **(T-2)**.

4.2.2.7. **(Added-USAFEAFRICA)** USAFE-AFAFRICA/JA will distribute the AIB convening order to board members in order to facilitate the "72-hour Visit".

4.2.3. For accidents involving foreign interests, the Legal Advisor will consult the Convening Authority's Staff Judge Advocate and host installation's Staff Judge Advocate regarding immediate responsibilities to foreign military and civilian authorities. **(T-2)**. The Legal Advisor, in turn, will brief the Board President. **(T-2)**.

4.2.4. To avoid the inadvertent receipt of privileged safety information, the Accident Investigation Board President will not contact the Safety Investigation Board President without consulting with the Legal Advisor or obtaining an initial briefing from the Convening Authority's Staff Judge Advocate. **(T-2)**. Thereafter, the Accident Investigation Board President, or the Legal Advisor on the Board President's behalf, may engage with the Safety Investigation Board President solely for the reasons specified below:

4.2.4.1. Determining the status of search and rescue, recovery of remains, and salvage operations.

4.2.4.2. Coordinating a visit to the mishap site prior to removal of the wreckage.

4.2.4.3. Determining the status of the safety investigation and deciding when and where to proceed with the accident investigation.

4.2.4.3.1. The Accident Investigation Board President will not receive privileged safety information from the preceding safety investigation. **(T-1)**. However, the Board President, through the Legal Advisor, will receive factual non-privileged information from the Safety Investigation Board President in order to respond to public inquiries before the accident investigation has begun. **(T-2)**.

4.2.4.3.2. In any substantive discussions (e.g., phone calls, e-mails, etc.) between the Safety and Accident Investigation Board Presidents, the Legal Advisor will be present. **(T-2)**. The Legal Advisor will ensure that privileged safety information is not relayed to the Accident Investigation Board President. **(T-1)**.

4.2.4.3.3. No member of an Accident Investigation Board will discuss the accident investigation, nor release any substantive information related to the accident investigation, to anyone in the safety community prior to approval of the accident investigation report and public release, unless specifically approved by the Convening Authority, in consultation with the Convening Authority's Staff Judge Advocate (See Chapter 6 for further guidance). **(T-1)**.

4.2.5. The Accident Investigation Board President will receive custody of the wreckage, if any, in writing from the Safety Investigation Board President. **(T-1)**.

4.2.6. The wreckage, if any, must be secured in a facility with limited access to control the chain of custody and ensure that only accident investigation personnel have access to the wreckage. **(T-1)**.

4.2.7. The Legal Advisor will coordinate and be present for a face-to-face transfer of the non-privileged safety information (including all original documents gathered by the Safety Investigation Board but not included in the Safety Investigation Board Part 1) from the Safety Investigation Board to the Accident Investigation Board. **(T-2)**.

4.2.8. The Legal Advisor shall screen all evidence to ensure it does not contain privileged safety information before the Board President and members review it. **(T-1)**. If the Legal Advisor suspects or is unsure whether any evidence received from the safety investigation contains privileged safety information as defined in AFI 91-204 and this publication, the Legal Advisor shall consult with AFSEC/JA before releasing the information to the rest of the Board in order to verify whether the information is, in fact, privileged. **(T-1)**.

4.2.9. Once the Board assembles, the Legal Advisor will brief members of the Board on the purpose and format of the report and explain the accident investigation process. **(T-2)**.

4.2.10. The Board President shall consult with the Legal Advisor and the Convening Authority's Staff Judge Advocate regarding any request received for wreckage repair, release of salvageable wreckage parts, and release of mishap aircraft servicing or other equipment prior to completion of the accident investigation. **(T-1)**. See Chapter 8 for the procedures to release wreckage from legal hold.

**4.3. Gathering and Reviewing Additional Evidence.** During the course of the investigation, board members:

4.3.1. Will gather and review all relevant, non-privileged evidence. **(T-1)**. Relevant evidence may be owned and/or maintained by any person, office, or organization, to include government and non-government individuals and entities.

4.3.2. Consider the following when reviewing evidence and preparing it for inclusion in the report:

4.3.2.1. Cockpit Voice Recorder and Head-Up Display Tapes. The Accident Investigation Board reviews cockpit voice recorder and head-up display tapes relevant to the accident. Cockpit voice recorder and head-up display written transcripts are publicly releasable and are included in the report. Transcribe the cockpit voice recorder and/or head-up display tapes as soon as practicable. Copies of cockpit voice recorder and/or head-up display tapes or files containing audio will not be released to anyone outside the Board unless authorized by AFLOA/JACC. **(T-1)**.

4.3.2.1.1. Classified information, information protected from public release, inappropriate comments, and non-relevant conversations shall be redacted from cockpit voice recorder and/or head-up display transcripts as necessary to protect national security, privacy, or other interests. **(T-1)**. Consult with the Convening Authority's Staff Judge Advocate for further guidance.

- 4.3.2.1.2. Upon completion of the investigation, the Legal Advisor or Recorder shall forward the original cockpit voice recorder and head-up display tapes to the Convening Authority's Staff Judge Advocate for storage with the additional evidentiary materials until AFLOA/JACC releases the wreckage and evidence from legal hold. **(T-1)**.
- 4.3.2.1.3. The video and audio tapes shall not be released to the public unless specifically authorized by AFLOA/JACC. **(T-1)**.
- 4.3.2.1.4. Requests from family members to listen to cockpit voice recorder and/or see head-up display tapes shall be forwarded through the Convening Authority's Staff Judge Advocate to AFLOA/JACC, for consideration pursuant to federal law and regulations. **(T-1)**. AFLOA/JACC coordinates with the Administrative Law Directorate, Headquarters Air Force, Office of The Judge Advocate General (AF/JAA) prior to advising the Convening Authority's Staff Judge Advocate whether the request is granted.
- 4.3.2.2. Sensitive AFIs, Technical Orders, Maintenance Manuals, Contractor Proprietary Information, Military Flight Operations Quality Assurance data, and Flight Manuals. The accident investigation may gather and review documents that are restricted from public release, such as documents protected by the Privacy Act of 1974, the Arms Export Control Act, and the Export Administration Act of 1979. The Accident Investigation Board frequently needs to reference excerpts of restricted access documents in the Tabs to support factual information in the report. The Board must obtain written permission from the proper release authority before including restricted information in the report. **(T-0)**.
- 4.3.2.3. Classified Information. Board members who have the appropriate security clearance may review classified evidence, as needed, during the investigation. However, the report shall not contain classified information. **(T-0)**. See Chapter 7 for further guidance regarding classified addenda or Chapter 10 if dealing with a space investigation.
- 4.3.3. **(Added-USAFEAFRICA)** On a weekly basis, provide USAFE-AFAFRICA/JA with an update of the progress of the investigation. The update should include the progress of redacting the tabs, status of interviews/investigation, any items that have been completed, any issues that the board is having in obtaining information/evidence/witnesses/reports and the plan for the following week.

#### **4.4. Safeguarding Evidence.**

- 4.4.1. The Accident Investigation Board President will take appropriate steps to preserve and protect documents and other evidence, to include wreckage, obtained during its investigation. **(T-1)**. The Accident Investigation Board President safeguards classified evidence in accordance with AFI 16-1404, *Air Force Information Security Program*.
- 4.4.2. Board members will not make redactions or add explanatory remarks to original documents. **(T-1)**.
- 4.4.3. Upon submission of the report to the Convening Authority's Staff Judge Advocate for formal quality review, the Board President will release, return, or forward all evidence in accordance with this publication. **(T-1)**. The Legal Advisor must receive all evidence and related working materials from board members prior to departing the accident investigation

location. (T-1). The Legal Advisor is the only board member that is authorized to retain possession of any evidentiary items at the conclusion of the investigation.

## Chapter 5

### INTERVIEWING WITNESSES

#### 5.1. Interview General Considerations.

5.1.1. If a board member speaks with a person with relevant information and that information is used in the Summary of Facts and/or the Statement of Opinion, if applicable, that person will be formally interviewed on the record. **(T-1)**. A memorandum for record or affidavit is not a legally sufficient alternative to incorporate the information provided by the witness as part of the investigation and support of the report.

5.1.2. The Board President or Legal Advisor shall take appropriate steps to confirm the witness' identity on the record. **(T-1)**.

5.1.3. If the interview is conducted by video teleconference, only the audio portion of the interview will be recorded. **(T-1)**. Do not record any interview with video whether in person or when using video teleconference.

5.1.4. The Legal Advisor will review the Board members' proposed witness questions to ensure a proper flow of questions, eliminate opinion or irrelevant questions and questions that may elicit privileged safety information, and identify questions that warrant a rights advisement. **(T-2)**.

5.1.5. Prior to the start of the formal interview, the Legal Advisor or Recorder will conduct a pre-interview briefing with the witness and: **(T-1)**.

5.1.5.1. Will explain the purpose of the accident investigation. **(T-1)**.

5.1.5.2. Will explain the differences between the safety investigation and the accident investigation, to include the fact that the interview will be under oath. **(T-1)**.

5.1.5.3. If a witness was interviewed by the safety investigation, will inform the witness not to reference the Safety Investigation Board's questions or his or her answers to the Safety Investigation Board (e.g., "Like I told the Safety Investigation Board...") during the accident investigation interview. **(T-1)**. Accident Investigation Board members must not know the questions asked and answered during a Safety Investigation Board interview where the witness was given a promise of confidentiality. **(T-1)**.

5.1.5.4. Will describe interview protocol. **(T-1)**.

5.1.5.4.1. Will inform the witness the interview will be recorded and may be transcribed verbatim. **(T-1)**.

5.1.5.4.2. A witness shall not use his or her own recording device to record the interview. **(T-1)**. A witness will also not disclose the information discussed in the interview without specific written permission of the Board President. **(T-1)**. These precautions protect information from being released prematurely to the public and protect against potential compromise of the integrity of the investigation.

5.1.5.5. Will address witness concerns. **(T-1)**.

5.1.5.6. Will collect witness contact information for the Post-Investigation Memorandum. **(T-1)**. Do not collect information protected by the Privacy Act of 1974 during the recorded interview.

5.1.5.7. Will discuss with the witness the appropriate protection of privileged safety information if they have knowledge of or have received privileged safety information. **(T-1)**.

## **5.2. Witness Considerations.**

5.2.1. Witnesses shall be afforded a reasonable opportunity to consult with an attorney before, during or after an accident investigation interview, regardless of whether they are considered a suspect. **(T-1)**.

5.2.1.1. If a witness is known to be represented by an attorney, the Legal Advisor shall contact the attorney to arrange the interview rather than contacting the witness. **(T-1)**.

5.2.1.2. If a military witness requests an attorney, the Legal Advisor shall provide contact information for the host installation's Area Defense Counsel. **(T-1)**.

5.2.2. Medical Personnel. In accordance with AFI 41-210, *TRICARE Operations and Patient Administration Functions*, and DoD 6025.18-R, *DoD Health Information Privacy Regulation*, and the Healthcare Insurance Portability and Accountability Act, the Accident Investigation Board has authority to interview medical personnel and obtain medical or other information as needed regarding individuals involved in the mishap, without the authorization of the individual(s).

## **5.3. Interview Procedures.**

5.3.1. The Board President and Legal Advisor shall attend all witness interviews. **(T-1)**. All other board members and Subject Matter Experts attend witness interviews at the Board President's discretion.

5.3.2. The Board President may authorize board members and Subject Matter Experts to question the witness during the interview. However, at a minimum, the Board President must read the recorded preamble and concluding statement included in this chapter. **(T-1)**. Should a rights advisement be necessary, the Board President shall provide the advisement on the record after consulting with the Legal Advisor. **(T-1)**.

5.3.3. The Accident Investigation Board will not promise a witness that his or her statement will be confidential. **(T-1)**.

5.3.4. Do not record the Board's side discussions during interview breaks.

5.3.5. Interviewing Safety Investigation Board Witnesses.

5.3.5.1. The Accident Investigation Board will not interview a Safety Investigation Board witness until the Safety Investigation Board President releases that witness. **(T-1)**. Unless specified otherwise, handover of non-privileged evidence from the Safety Investigation Board and receipt of evidence transfer documents constitutes the Safety Investigation Board's release of identified witnesses.

5.3.5.2. If a witness begins to disclose privileged safety information, the interview must be paused to instruct the witness off the record of the prohibition against releasing privileged safety information. **(T-1)**.

5.3.5.3. If witness testimony before the Safety Investigation Board was non-privileged, the Accident Investigation Board will ask the witness under oath to adopt the prior, non-privileged, Safety Investigation Board testimony, so as to make it a sworn statement, before proceeding with additional interview questions. **(T-1)**.

5.3.5.3.1. If a safety investigation witness interview is adopted during the accident investigation but a transcript or summary of the testimony was not included in Part 1, a transcribed copy of the prior recorded testimony shall be added to the end of the witness' interview. **(T-1)**.

5.3.5.3.2. The Accident Investigation Board shall receive a recording and transcript (if transcribed) of the prior, non-privileged, safety investigation testimony. **(T-1)**.

**5.4. Recorded Preamble.** The recorded preamble consists of the witness interview introduction, witness oath and witness introductory questions. The Board will begin recording the interview with the witness interview introduction and continue recording through the concluding statement, unless an intervening event occurs (e.g., breaks, discussion, etc.). **(T-1)**.

5.4.1. Witness Interview Introduction. The Board President will read verbatim and on the record the appropriate introduction shown below for witness interviews. **(T-1)**.

5.4.1.1. Witnesses who testified before the Safety Investigation Board:

My name is \_\_\_\_\_. I am/We are investigating the [aircraft/missile device/remotely piloted aircraft/space vehicle/ground] accident that occurred on \_\_\_\_\_, near

\_\_\_\_\_. This investigation, conducted under AFI 51-307, is separate and apart from the safety investigation conducted under AFI 91-204. This [ground] accident investigation is a legal investigation that was convened to inquire into all facts and circumstances surrounding the [aerospace/ground] accident, to prepare a publicly releasable report, and to obtain and preserve all available evidence for use in litigation, claims, disciplinary actions, adverse administrative actions, and for 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 mishap prevention purposes. This board does not have access to any confidential testimony you gave before the Safety Investigation Board. You may not state that you gave any particular information to the safety board under a promise of confidentiality. Your sworn testimony to the Board 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?

5.4.1.2. Witnesses who did not testify before the Safety Investigation Board:

My name is \_\_\_\_\_. I am/We are investigating the [aircraft/missile device/remotely piloted aircraft/space vehicle/ground] accident that occurred on \_\_\_\_\_, near

\_\_\_\_\_. This investigation, conducted under AFI 51-307, is separate and apart from the safety investigation conducted under AFI 91-204. This [ground] accident investigation is a legal investigation that was convened to inquire into all facts and circumstances surrounding the [aerospace/ground] accident, to prepare a publicly releasable report, and to obtain and preserve

all available evidence for use in litigation, claims, disciplinary actions, adverse administrative actions, and for other purposes. A safety investigation was previously conducted on this accident. You did not provide testimony or a statement to the safety investigation. Your sworn testimony to the Board may be used for any proper purpose. Additionally, your testimony can be released to the public. Do you understand how your testimony before this accident board may be used?

5.4.2. Witness Oath/Affirmation. Accident investigation witnesses will testify under oath or affirmation. **(T-1)**. Military members and DoD civilian employees will be instructed to testify under oath/affirmation. **(T-1)**. Other witnesses not subject to military control may not be obligated to provide sworn or affirmed testimony, but the Board President should attempt to question them under oath/affirmation.

5.4.2.1. The Board President administers the following oath/affirmation 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]?

5.4.2.2. If a witness chooses to “affirm,” omit the words “solemnly swear” and phrase “so help you God” when administering the affirmation.

5.4.3. Witness Introductory Questions. After administering the oath/affirmation, the Board President will identify the date, time, place of interview, persons present, and state the witness has been sworn or affirmed. **(T-1)**. The Board President will ask the witness to state: Full name, rank/grade, job title, present duty assignment and location, length of time at current duty assignment and length of military service, if appropriate. **(T-1)**.

**5.5. Concluding the Witness Interview.** The Board President shall conclude each interview by instructing the witness on the record of the official nature of the interview and to refrain from discussing his or her testimony with anyone without the Board President’s permission until the report has been released to the public. **(T-1)**.

**5.6. Classified Interviews.** Witnesses, board members, Subject Matter Experts, and court reporters must have the appropriate security clearance and follow required security protocols before participating in classified interviews. **(T-1)**.

5.6.1. Safeguard classified information in accordance with AFI 16-1404, *Air Force Information Security Program*.

5.6.2. Classified interviews must be conducted using appropriately classified recording devices. **(T-1)**.

**5.7. Rights and Privileges of Witnesses.**

5.7.1. General Guidance.

5.7.1.1. If a DoD witness not suspected of an offense invokes his or her right against self-incrimination, no member of the Board will order the witness to answer a question until and unless the Legal Advisor has obtained permission to do so from the Convening Authority’s Staff Judge Advocate. **(T-2)**.

5.7.1.2. Interviews will be attempted even if the Board expects the witness to invoke his or her right against self-incrimination. **(T-2)**. The invocation of this right must be made on the record and included in the appropriate Tab. **(T-2)**.

5.7.1.3. A witness is authorized to have his or her attorney present during the accident investigation interview for the sole purpose of advising the witness during the interview. However, the witness' attorney shall not ask or answer questions on behalf of the witness. **(T-2)**.

#### 5.7.2. Military Witnesses.

5.7.2.1. Before the Board questions a military member suspected of committing an offense punishable under the Uniform Code of Military Justice (UCMJ) (10 U.S.C. §§ 801-946a), the military member must be advised of his or her rights provided by Article 31 of the UCMJ. **(T-0)**. All rights advisements shall be made on the record. **(T-2)**. The interviewer will use the rights advisement at Figure 5.1. **(T-2)**.

5.7.2.2. If suspicion of an offense punishable under the UCMJ arises after the interview begins, the interview shall be stopped as soon as the suspicion arises, and the military member will be advised of his or her rights in Figure 5.1. **(T-2)**. The Legal Advisor will contact the Convening Authority's Staff Judge Advocate in these circumstances to discuss the situation and determine whether the nature of the offense discovered may warrant a different type of investigation. **(T-2)**.

5.7.2.3. If, after being advised of his or her Article 31, UCMJ rights, the military witness requests an attorney or elects to remain silent, the accident investigation interview must stop and the Board President must refer the witness to the host installation's Area Defense Counsel. **(T-2)**. After the witness has had a reasonable opportunity to consult with an attorney, the Legal Advisor shall contact the witness' attorney to inquire whether the witness is willing to testify. **(T-2)**. If the witness is willing to testify, the Board President must re-administer the rights advisement on the record before questioning the witness. **(T-2)**.

5.7.2.4. If a military witness is not suspected of any offense punishable under the UCMJ but the witness invokes his or her right against self-incrimination, the Board President will refer the witness to the host installation's Area Defense Counsel. **(T-2)**. After the witness has had a reasonable opportunity to consult with an attorney, the Legal Advisor will contact the witness' attorney to inquire whether the witness is willing to testify. **(T-2)**. The Board will recall the witness to document the witness' decision on the record. **(T-2)**.

5.7.2.5. If, after rights advisement and consultation (if requested) with an attorney, a military member suspected of committing an offense punishable under the UCMJ agrees to provide sworn testimony, then the following statement is read on the record immediately before the witness' 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] right to counsel, and having acknowledged [his or her] understanding of those rights, and having affirmatively waived those rights, the witness testified as follows:"

#### 5.7.3. Federal Civilian Employee Witnesses.

5.7.3.1. General Considerations. Consult with the host installation's Staff Judge Advocate for guidance prior to interviewing federal civilian witnesses covered by a bargaining unit.

5.7.3.2. Rights Advisements.

5.7.3.2.1. If the Accident Investigation Board decides to interview civilian witnesses suspected of committing a violation of a civilian criminal law, the Legal Advisor will consult the Convening Authority's Staff Judge Advocate for guidance on how and whether to proceed with the interview and whether the interview can be considered a custodial interrogation. **(T-2)**.

5.7.3.2.2. The witness' attorney may attend the interview and provide legal advice to the witness during the interview. However, the attorney will not ask or answer questions on behalf of the witness and may not interrupt or improperly interfere with the interview. **(T-2)**.

5.7.3.2.3. If, after rights advisement, the civilian employee agrees to testify under oath/affirmation, then the following statement is read immediately before the witness' testimony: "Having been duly sworn and advised of [his or her] rights under the Fifth Amendment to the Constitution of the United States, and of [his or her] right to counsel, and having acknowledged [his or her] understanding of those rights, and having affirmatively waived those rights, the witness testified as follows:"

5.7.3.2.4. An individual may have both union representation and legal counsel present during an interview. A union official, steward, other representative, and/or attorney attending an accident investigation witness interview may advise the federal employee who is being interviewed, but will not ask or answer questions on behalf of the witness, and will not interrupt or improperly interfere with the interview. **(T-2)**.

**5.8. Verbatim or Summarized Testimony.** The Board will preserve all witness testimony, including telephonic and video teleconference testimony, with an audio recording. **(T-1)**.

5.8.1. Verbatim Testimony. If the witness' testimony is critical or provides a large amount of evidence for the report, the recording will be transcribed verbatim. **(T-2)**.

5.8.1.1. When preparing verbatim transcripts, double space between questions. Number all questions and answers using the following format: "Q1" for the first question and "A1" for the first answer, "Q2" for the second question and "A2" for the second answer, and so on. The Legal Advisor will ensure that verbatim transcripts clearly identify the individuals who are asking and answering each question. **(T-1)**.

5.8.1.2. Air Force court reporters should be used to transcribe audio recordings of witness interviews. The Legal Advisor or Recorder should contact the Air Force Judiciary, Headquarters Air Force, Office of The Judge Advocate General (AF/JAT), for Air Force court reporter support. If an Air Force court reporter is required to be physically present for witness interviews or AF/JAT cannot support the Board, contact the Convening Authority's Staff Judge Advocate for assistance. No person that provided transcription services for the safety investigation of the same mishap will provide transcription services for the accident investigation. **(T-1)**.

5.8.2. Summarized Testimony. The witness' identity must be confirmed, and he/she must sign the summarized statement as a sworn statement in the presence of an active duty officer or active duty senior non-commissioned officer. **(T-1)**.

5.8.3. The Board must complete a quality review of verbatim and summarized transcripts to ensure all technical terminology and all transcription is accurate, and that the transcription complies with the requirements of this publication. (T-1).

**Figure 5.1. Rights Advisement for Military Suspects:**

"I am \_\_\_\_\_ (name and grade), the [Ground] Accident Investigation Board President. I have reason to suspect you of the alleged offense or offenses of [type of offense] under Article [number] of the Uniform Code of Military Justice. Before proceeding with this interview, I want to advise you of your rights 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, nonjudicial or administrative proceedings. You have the right to consult with a lawyer prior to any questioning and to have a lawyer present during this interview. You have the right to military 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 during this interview, you may stop the questioning at any time. Do you understand your rights? Do you want a lawyer? [If the answer is yes, cease all questions at this point and afford the witness a reasonable opportunity to consult with counsel.] Are you willing to answer questions?"

**Figure 5.2. Rights Advisement for Civilian Suspects:**

"I am \_\_\_\_\_ (name and grade), the [Ground] Accident Investigation Board President. I have reason to suspect you of the alleged offense or offenses of [type of offense]. I advise you that under the Fifth Amendment to the United States 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. You may request a lawyer at any time during this interview. If you decide to answer questions, you may stop the questioning at any time. Do you understand your rights? Do you want a lawyer? [If the answer is yes, cease all questions at this point and afford the witness a reasonable opportunity to consult with counsel.] Are you willing to answer questions?"

## Chapter 6

### EARLY PUBLIC RELEASE OF INFORMATION

**6.1. General Considerations.** Early release of information involves any release of mishap information, through any means or mediums, prior to the official public release of the approved accident investigation report.

6.1.1. Conducting a thorough and timely investigation is a high priority for the Air Force, next-of-kin, seriously injured personnel, and the public. Procedures and policy for releasing accident investigation information are in accordance with 10 U.S.C. § 2254, *Treatment of Reports of Aircraft Accident Investigations*, and this publication.

6.1.2. Unauthorized Disclosure of Mishap Information. Unauthorized disclosure of information or documents gathered during the accident investigation while it is ongoing compromises the integrity of the accident investigation process.

6.1.3. Specific Prohibition. Prior to the official public release of the report, board members, Subject Matter Experts, contractors, and Federal Government employees, including military members, who have been given or have obtained access to accident investigation information or documents shall not, without the prior express approval of the Convening Authority, disclose that information or the contents of the report for other than official and authorized purposes to facilitate the accident investigation and the generation of a high-quality investigation report. **(T-1)**. Failure to observe the prohibition in this paragraph 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, UCMJ. Violations may result in judicial, nonjudicial, or administrative disciplinary action without regard to otherwise applicable criminal or civil sanctions for violations of related laws. Failure to observe the same prohibitions and mandatory provisions by a civilian employee may result in administrative disciplinary action without regard to otherwise applicable criminal or civil sanctions for violations of related laws.

6.1.3.1. This prohibition does not preclude the Accident Investigation Board from disclosing information on a limited basis to further the Board's investigation or production of the accident investigation report. This prohibition also does not preclude MAJCOM, Air Force Legal Operations Agency, or Headquarters Air Force legal personnel from disclosing investigation information, on a limited basis, in the exercise of their legal duties in support of the accident investigation process. This limited authority to disclose investigation information shall not include releases to next-of-kin or seriously injured personnel, media releases, or other similar releases or other public disclosure. **(T-1)**. Anyone to whom information is disclosed in accordance with this paragraph will be instructed by the Accident Investigation Board, MAJCOM or Air Staff personnel to not disclose it. **(T-1)**.

6.1.3.2. No member of the Accident Investigation Board will discuss the accident investigation or release any information related to the accident investigation to anyone in the safety community prior to approval of the accident investigation report unless specifically approved by the Convening Authority, in consultation with the Convening Authority's Staff Judge Advocate. **(T-1)**.

6.1.3.3. All other disclosures of investigation information must be specifically approved by the Convening Authority or the Convening Authority's Staff Judge Advocate (unless authority is specifically withheld). **(T-1)**.

## **6.2. Release of Information.**

6.2.1. Prior to the appointment of the Accident Investigation Board President, command authorities may release initial information regarding the accident (e.g., date/time/location, number of casualties if any, emergency response activities, status of search and rescue, recovery of remains, salvage operations, etc.). However, command authorities must not release information that can compromise the integrity of any Air Force accident investigations. **(T-1)**.

6.2.2. Once appointed, the Accident Investigation Board President, or other Convening Authority designee (e.g., Public Affairs), will be the Air Force representative for the public release of all information regarding the investigation, with the approval of the Convening Authority or Convening Authority's Staff Judge Advocate. **(T-2)**. The Safety Investigation Board shall not release any investigation information to the next-of-kin, seriously injured personnel, media, Congress, or any other member of the public. **(T-0)**.

6.2.3. Release of information to the next-of-kin and seriously injured personnel.

6.2.3.1. Releasing information to the next-of-kin or seriously injured personnel constitutes public release.

6.2.3.2. It is important to keep the next-of-kin and seriously injured personnel apprised of the status of the safety and accident investigations. The next-of-kin and seriously injured personnel will receive periodic updates through the Family Assistance Representative(s) or other Convening Authority designee. **(T-2)**.

6.2.3.3. In relaying information to the next-of-kin or seriously injured personnel, the appointed Family Assistance Representative(s) or designee, rather than the Board President or board members, will be used to convey the information. **(T-2)**. Board members shall only have contact with the next-of-kin or seriously injured personnel to initially introduce themselves (Board President only), to conduct formal interviews, or to perform post-investigation briefings. **(T-2)**.

6.2.3.4. Any information that has been approved for public release shall be provided to the next-of-kin or seriously injured personnel prior to the information being released to anyone else in the general public. **(T-1)**.

## **6.3. High-Interest Mishaps.**

6.3.1. High-interest mishaps are those that result in death or serious personal injury, significant civilian property damage, or are likely to generate high public, media, or congressional interest. The determination of whether a mishap is considered high-interest is made by AFLOA/JACC, in consultation with the Convening Authority's Staff Judge Advocate, as soon as possible after the mishap.

6.3.2. Release of accident investigation information in high-interest mishaps must be coordinated with Headquarters Air Force prior to public release, in accordance with paragraph 6.3.2.3. **(T-1)**.

6.3.2.1. If the release of status information on the investigation does not include specific investigation information, the Headquarters Air Force coordination requirement of paragraph 6.3.2. does not apply.

6.3.2.2. The Convening Authority or if delegated, the Convening Authority's Staff Judge Advocate may authorize limited release of investigative information to subordinate command authorities for official use only to accomplish time sensitive command actions (e.g., a Line of Duty determination). In these situations, the Headquarters Air Force coordination requirement of paragraph 6.3.2. will not apply, provided that the recipient of the information agrees in writing to not distribute it to anyone who does not require the information to perform the official function for which the information is provided, to use it only for the required official purpose, and to ensure that any recipients are made aware of the prohibition in paragraph 6.1.3.

6.3.2.3. Prior to releasing any investigation information (other than information that solely relates to the status of the investigation) to the next-of-kin, seriously injured personnel, and the public, the Convening Authority's Staff Judge Advocate shall forward the information approved by the Convening Authority for public release, by e-mail, to AFLOA/JACC for distribution through The Judge Advocate General (AF/JA) to the Secretary of the Air Force (SAF/OS) and AF/CC, or their designees, for review. **(T-1)**.

6.3.2.4. Upon receipt, SAF/OS and AF/CC, or their designees, review the information, after which AFLOA/JACC notifies the Convening Authority's Staff Judge Advocate public release can proceed. The next-of-kin or seriously injured personnel shall be provided any information that has been approved for public release prior to the information being released to anyone else in the general public. **(T-1)**.

**6.4. Public Requests for Early Release of Substantive Information.** Except as noted in paragraphs 6.2.3.4. and 6.3.2., upon receipt of a public request for investigation information prior to public release of the approved report, the Convening Authority can authorize public disclosure. Prior to authorizing a public disclosure pursuant to a request, the requirements of 10 U.S.C. § 2254, *Treatment of Reports of Aircraft Accident Investigations*, must be met.

## Chapter 7

### THE REPORT

#### 7.1. Overview.

7.1.1. The Board President will document the facts and circumstances surrounding the accident in the report. **(T-1)**. For aerospace accident investigations (and for ground accident investigations, if applicable), the Board President shall also write a Statement of Opinion reflecting his or her opinion of the cause(s) and/or substantially contributing factors(s). **(T-0)**. Ground Accident Investigation Boards and reports shall comply with the rules and procedures of this chapter unless otherwise specifically addressed in Chapter 11. **(T-1)**.

7.1.2. The Board will format the report with the following items and will ensure the report is arranged in the sequence listed in paragraphs 7.1.2.1. through 7.1.2.7. below: **(T-1)**.

7.1.2.1. Cover Page.

7.1.2.2. Action of the Convening Authority (added by the Convening Authority's Staff Judge Advocate).

7.1.2.3. Executive Summary.

7.1.2.4. Summary of Facts (with Table of Contents and List of Acronyms and Abbreviations).

7.1.2.5. Statement of Opinion (if applicable).

7.1.2.6. Index of Tabs.

7.1.2.7. Tabs.

7.1.3. The Board will ensure each of the narrative sections (Executive Summary, Summary of Facts, and Statement of Opinion) comprises a self-contained, stand-alone document. **(T-1)**. The Board will ensure that each section: **(T-1)**.

7.1.3.1. Shall reiterate the facts of the mishap to the extent necessary for that particular section (e.g., basic facts in the Executive Summary, thorough discussion of facts in Summary of Facts, and facts that clearly support the cause(s) and/or substantially contributing factor(s) for the Statement of Opinion (if applicable)). **(T-1)**.

7.1.3.2. Shall define acronyms used in each separate narrative section. **(T-1)**.

7.1.3.3. Shall explain aviation and technical concepts used in that narrative section. **(T-1)**.

7.1.3.4. If using a pseudonym (e.g., position of a person - like "mishap pilot" or "MP"), shall use the same pseudonym throughout the entire report, including the narrative sections, statements, interviews and Tabs. **(T-1)**.

7.1.4. Report Format. The report format described in this chapter must be used for all accident investigations subject to this publication. **(T-1)**. The format may only be modified to the extent allowed in this chapter, Chapter 10, Chapter 11, and Chapter 12. In all other cases the report format will not deviate from the format described in this publication. **(T-1)**.

#### 7.2. Board Assembly of the Report.

7.2.1. Hard copies (non-digital) of the completed report will be assembled by the Board on 8 1/2 inch x 11 inch paper, and either secured on the left side in a three-ring binder or with fasteners at the top of the page. **(T-2)**. If there are multiple volumes, the volumes will be labeled appropriately (e.g., 1 of 2, 2 of 2). **(T-1)**.

7.2.2. The Cover Page, Executive Summary, Summary of Facts, Statement of Opinion (if applicable), and Index of Tabs for the accident investigation report shall be single-sided. **(T-1)**.

7.2.3. The Tabs must be formatted to be printed double-sided (e.g., if the Tab ends on an odd page, insert “Intentionally Left Blank” and the page number on the last page). **(T-1)**.

7.2.4. All pages of the report (excluding the Cover Page, Executive Summary, and Tabs containing parts of the Safety Investigation Board report) shall have a centered two line footer. **(T-1)**. Line one shall indicate the airframe/asset, tail number/identifying number, and date of the mishap. **(T-1)**. Line two shall have the page number or Tab page number. **(T-1)**. A sample is as follows:

*RQ-4B, T/N XX-XXXX, 1 January 2018*

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7.2.5. The following page-numbering convention will be used for the report: **(T-1)**.

7.2.5.1. Cover Page and Executive Summary will not be numbered. **(T-1)**.

7.2.5.2. Table of Contents and Acronyms and Abbreviations sections must be numbered with consecutive lower case Roman numerals (e.g., i, ii, iii, etc.). **(T-1)**.

7.2.5.3. Summary of Facts, Statement of Opinion (if applicable), and Index of Tabs shall be numbered with consecutive Arabic numerals (e.g., 1, 2, 3, etc.). **(T-1)**.

7.2.5.4. Tabs will be numbered with the Tab letter followed by a dash and the Arabic numeral corresponding with the page (e.g., W-1, W-2, etc.), except for the Tab containing the accident investigation witness interviews. **(T-1)**. In the Tab containing the accident investigation witness interviews, page numbers distinguish between each witness. Each witness will be numbered with the Tab letter followed by a dash and the Arabic numeral assigned to each witness, and then a decimal point followed by the Arabic numeral page number corresponding to the transcript (e.g., V-1.1, V-1.2, V-1.3, V-1.4, etc.). **(T-1)**.

7.2.6. The Safety Investigation Board Part 1 portion included in the report may have a different header/footer, and the Accident Investigation Board shall not alter it, except as follows: **(T-1)**.

7.2.6.1. If the Part 1 does not include page numbers, the Accident Investigation Board shall add page numbers so the report may reference a page number. **(T-1)**.

7.2.6.2. If a Tab or Exhibit in the Safety Investigation Board Part 1 ends on an odd page, the Accident Investigation Board shall add an additional page stating “Intentionally Left Blank” and page number so if the report is printed, it is clear to the public this page was intended to be left blank. **(T-1)**.

7.2.6.3. If the Safety Investigation Board Part 1 lists a separate disc, non-public website, or file without including the information in the Part 1, the Accident Investigation Board shall include the actual content of the Safety Investigation Board’s referenced materials in

a separate accident investigation report Tab. **(T-2)**. Following the title or link in the Safety Investigation Board Part 1, an insertion in brackets will be added directing the public to the page(s) where the substantive information is located. **(T-2)**. However, audio files of the mishap crew/personnel will not be released in the report. **(T-1)**.

7.2.7. If needed, the Accident Investigation Board creates additional Tabs after the last Tab or Exhibit of the Safety Investigation Board's Part 1.

7.2.8. All redactions shall be in white, and will not be otherwise marked (e.g., Freedom of Information Act markings, etc.). **(T-1)**.

**7.3. Publicly Releasable Report.** The Accident Investigation Board will include only publicly releasable information in the report. **(T-1)**. No separate addenda to the report will be created for any information the Board does not have permission to release, except for classified information. **(T-1)**. If questions arise regarding the releasability of evidence or documents, contact the Convening Authority's Staff Judge Advocate. The Board shall not include the following items listed in paragraphs 7.3.1. through 7.3.19., in the report, nor shall the report be released to the public containing these items. **(T-1)**.

7.3.1. Privileged safety information. See Attachment 1 and AFI 91-204, for the definition of "privileged safety information." This information shall be removed by the Legal Advisor should the Safety Investigation Board inadvertently leave it in the Safety Investigation Board materials transferred to the Accident Investigation Board prior to the Board's arrival, and shall not be shared with the rest of the Board. **(T-1)**. The Legal Advisor shall turn over to AFSEC/JA any evidence suspected to contain privileged safety information. **(T-1)**.

7.3.2. Information not releasable in accordance with either the Privacy Act of 1974, the Freedom of Information Act, or other legal authority, including but not limited to sensitive personally identifiable information, including social security numbers, birth dates, ages, home addresses, and home telephone numbers. **(T-0)**.

7.3.3. Non-relevant information concerning persons not involved in the mishap.

7.3.4. For Official Use Only, controlled unclassified military information, information protected by the Arms Export Control Act, or the Export Administration Act of 1979 (e.g., Technical Orders, flight checklist/manual information, engineering/analysis reports, etc.), and proprietary data, unless the Accident Investigation Board obtains written approval from the Office of Primary Responsibility or owning entity for release of such information. If written approval is granted, the Board must remove or line through any restrictive markings and include a copy of the release authorization as an attachment to the Post-Investigation Memorandum. **(T-1)**.

7.3.5. Recommendations or suggested corrective actions. Use caution when identifying the lack of a specific procedure, remedy, or solution as a cause or substantially contributing factor, because such "causes" or "substantially contributing factors" can amount to inappropriate recommendations or suggested corrective actions in disguise. Accident investigation reports will not contain any recommendations or suggested corrective actions. **(T-1)**.

7.3.6. Original personnel, training, medical, or flight records of mishap personnel. However, if releasable under the Freedom of Information Act, copies of these documents with the

appropriate Privacy Act of 1974 and other non-releasable information and markings redacted may be included in the Tabs.

7.3.7. Audio recordings of radio communications with Air Force or Federal Aviation Administration air traffic controllers.

7.3.8. Any graphic language or graphic description of injuries. This includes, but is not limited to, descriptions in witness statements and/or interviews, autopsy reports or medical records. In addition, the Board will not include diagrams, or photographs of human remains or blood. **(T-1)**.

7.3.9. Any document or information that estimates or gives monetary damage amounts for damage to private or non-government property, or related to potential or actual third-party claims against the Federal Government.

7.3.10. Classified information. **(T-0)**.

7.3.10.1. If classified documents are essential to support a Statement of Opinion for aerospace accident investigations (and for ground accident investigations, if applicable), the Board will place the classified testimony, documents, and information in a separate, classified addendum. **(T-1)**. Proprietary information, International Traffic in Arms Regulations information, or other sensitive information not otherwise classified, will not qualify for a separate addendum (e.g., proprietary addendum). **(T-1)**.

7.3.10.2. If the report includes a classified addendum, the unclassified portion of the report shall disclose that a classified addendum exists. **(T-1)**.

7.3.11. Cockpit voice recorder and head-up display video and audio tapes, and other voice recordings or communications, unless required to be released under the Freedom of Information Act. See paragraph 4.3. for additional information.

7.3.12. Names of individuals and other personally identifiable information. However, the names of the Convening Authority and Board President will be included in the report. **(T-1)**.

7.3.12.1. The Board will include an attachment to the Post-Investigation Memorandum listing individuals' names and contact information. **(T-1)**.

7.3.12.2. Names of relevant individuals as well as individuals referenced during the interviews or in a written statement shall be replaced in the report with a pseudonym such as the individual's job identifier or role in the mishap (e.g., mishap pilot, mishap navigator, mishap sensor operator, witness 1, etc.). **(T-1)**. These pseudonyms shall be consistent throughout the report and listed in an attachment in the Post-Investigation Memorandum with the actual name and rank of the individuals. **(T-1)**.

7.3.13. Signatures. The Board will remove all or part of all signatures from the report so the actual entire signature cannot be misused. **(T-1)**. However, the Board President's signature and the Convening Authority's signature in the approved report will only be partially redacted to the extent necessary to prevent misuse. **(T-1)**.

7.3.14. Audio recordings or video recordings of witness interviews.

7.3.15. Excerpts of instructions, regulations, and policy documents without also providing the corresponding title page of the document.

7.3.16. Footnotes or endnotes in the narrative portions of the report. The Board will not use footnotes or endnotes in the narrative portions of the report. **(T-1)**.

7.3.17. Memoranda for record or similar documents shall not be used as a substitute for interviews. **(T-1)**. However, board members and Subject Matter Experts shall create memoranda for record, as needed, to summarize a document or report (e.g., medical records, autopsy report, flight records, simulation results, etc.) they reviewed, for inclusion in the Board report in lieu of the actual document or report, or to explain an original analysis they performed. **(T-1)**.

7.3.18. Subsequent remedial measures.

7.3.19. The Board shall not include copies of the medical evidence in the accident investigation report unless that information is absolutely required to support a cause or a substantially contributing factor of the accident, and only after first consulting the Convening Authority's Staff Judge Advocate. **(T-1)**. Instead, the Medical Member will summarize relevant medical information in a memorandum, included as a Tab. **(T-1)**.

**7.4. Cover Page.** The Board will create a Cover Page using Times New Roman font and on one single page. **(T-1)**. At a minimum, the Cover Page will contain the information in paragraphs 7.4.1. through 7.4.9., listed below. **(T-1)**.

7.4.1. Title of investigation.

7.4.2. MAJCOM emblem of the MAJCOM that convened the investigation.

7.4.3. Mishap airframe/asset and tail number/identification number.

7.4.4. Mishap squadron, wing, and installation.

7.4.5. Photograph of mishap airframe/asset. Do not use a photograph of the mishap wreckage.

7.4.6. Mishap location and date of accident.

7.4.7. Board President's name.

7.4.8. Authority statement (e.g., "Conducted in Accordance with Air Force Instruction 51-307").

7.4.9. Number of volumes, as applicable.

**7.5. Executive Summary.** The Executive Summary in the Board's report shall be 12-point Times New Roman font, single-spaced and one single page, in a style most easily understood by the general public, much like a press release. **(T-1)**. The Executive Summary will contain the information in paragraphs 7.5.1. through 7.5.8., listed below. **(T-1)**.

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

7.5.2. Identification of the aircraft/asset by type and tail number/identification number, unit, and unit location. The Board will indicate the unit and unit location of the mishap personnel if it is different from that of the aircraft/asset (e.g., active duty unit flying a reserve aircraft). **(T-1)**.

7.5.3. A brief summary of the facts and circumstances of the accident.

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

7.5.5. General description of damage to aircraft/asset and other property damage. The Board's report will not include estimates or a monetary damage amount to private or non-government property or related to potential or actual third-party claims against the Federal Government. **(T-1)**.

7.5.6. For aerospace accident investigations (and ground accident investigations, if authorized), an abbreviated Statement of Opinion on the cause(s) and/or substantially contributing factor(s) to the accident, referencing the legal standard. The Board will state the findings in the third person (e.g., "The Accident Investigation Board President found by a preponderance of the evidence..."). **(T-1)**.

7.5.7. For aerospace accident investigations, the Board will include the following statement in a text box (11-point italicized Times New Roman font) at the bottom of the Executive Summary: "Under 10 U.S.C. § 2254(d) the opinion of the accident investigator as to the cause of, or the factors contributing to, the accident set forth in the accident investigation report, if any, 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 by the United States or by any person referred to in those conclusions or statements." **(T-1)**.

7.5.8. The Board President shall not sign the Executive Summary. **(T-1)**.

**7.6. Acronyms and Abbreviations.** The Acronyms and Abbreviations in the Board's report shall be 12-point Times New Roman font, single-spaced in a double-column format listing any acronyms or abbreviations (e.g., military acronyms, common usage abbreviations, symbols, etc.) used in the narrative sections of the report, in witness testimony, and in any other Tab reference cited in the report. **(T-1)**.

**7.7. Summary of Facts.** The Summary of Facts in the Board's report shall be 12-point Times New Roman font, single-spaced, in a narrative style, presenting a thorough discussion of the facts relevant to the accident. **(T-1)**. It shall be a stand-alone document without reference to the Executive Summary or Statement of Opinion. **(T-1)**. The Board must explain all technical terms in the report because the report is for the general public. **(T-1)**. Anticipate the audience will not have a military or technical background.

7.7.1. The Summary of Facts must meet the composition requirements listed below in paragraphs 7.7.2. through 7.7.4.13., and remain within the designated scope of the accident investigation. **(T-1)**.

7.7.2. The Summary of Facts shall be fully supported by documentary evidence included in the Tabs. **(T-1)**. All factual statements in the Summary of Facts must be followed by a citation to supporting materials in the Tabs. **(T-1)**. Tab citations must be to specific pages as opposed to the entire Tab. **(T-1)**. Use the following format in paragraphs 7.7.2.1. through 7.7.2.5. for Tab citations: **(T-1)**.

7.7.2.1. Citing to a single page: (Tab V-5.3)

7.7.2.2. Citing to a range of pages within a single Tab: (Tab C-3 to C-5)

7.7.2.3. Citing to multiple Tabs: (Tabs N-4 to N-10, N-20, V-4.2 to V-4.4, and V-5.40)

7.7.2.4. When citing to multiple Tabs, the Tabs should be ordered alphabetically.

7.7.2.5. Use “Tab” if citing only one lettered Tab; use “Tabs” if citing to more than one lettered Tab.

7.7.3. The Board will not include causal opinions or conclusions regarding the ultimate cause or substantially contributing factors of the accident in the Summary of Facts (e.g., “XX was not causal in this accident.”). **(T-1)**. The Summary of Facts will be factual in nature. **(T-1)**.

7.7.4. The Board shall use the following outline and address the topics listed in paragraphs 7.7.4.1. through 7.7.4.13. to construct the Summary of Facts for aerospace accident investigation reports, and will address each section, even if to state, “not applicable.” **(T-1)**. The Board may add additional sections to address additional issues as necessary if those issues do not fit in any of the sections listed in the subparagraphs below. However, the Board’s investigation and report will remain within the permissible scope of an accident investigation as outlined in paragraph 1.14., and the report will not otherwise deviate from this outline. **(T-1)**. See Chapter 11 for the outline of the Summary of Facts for ground accident investigation reports.

#### 7.7.4.1. **AUTHORITY AND PURPOSE.**

7.7.4.1.1. Authority. Reference the authority for conducting the investigation, including this publication, the Convening Authority, and letters/orders appointing the Aerospace Accident Investigation Board members. List the Aerospace Accident Investigation Board members and Subject Matter Experts to the Board, indicated by rank and position (e.g., Maj Legal Advisor, MSgt Maintenance Member, etc.). Indicate whether the investigation is an abbreviated accident investigation in accordance with Chapter 12.

7.7.4.1.2. Purpose. Use the following language for the purpose: “In accordance with AFI 51-307, *Aerospace and Ground Accident Investigations*, this Accident Investigation Board conducted a legal investigation to inquire into all the facts and circumstances surrounding this Air Force aerospace accident, prepare a publicly-releasable report, and obtain and preserve all available evidence for use in litigation, claims, disciplinary action, and adverse administrative action.”

7.7.4.2. **ACCIDENT SUMMARY.** This is a brief synopsis similar to that used in the Executive Summary, usually one paragraph. Include the date of the accident, location, type of airframe and tail number, unit and unit location, pseudonyms of the mishap crew (and their respective units and unit locations), numbers of military and civilian casualties, monetary value of government loss, and generally indicate both military and civilian property damage, if any. Do not describe the cause(s) of the accident and/or any substantially contributing factor(s).

7.7.4.3. **BACKGROUND.** Include current information regarding relevant units, agencies, programs, resources, procedures, and mission tasking.

#### 7.7.4.4. **SEQUENCE OF EVENTS.**

7.7.4.4.1. Mission. Describe the mission of the mishap aircraft, remotely piloted aircraft, missile, or space vehicle. Identify the authority that authorized the mission.

7.7.4.4.2. Planning. Discuss mission planning and whether standard procedures were used. Note whether squadron supervisory personnel attended the briefing. Describe the crew briefing.

7.7.4.4.3. Preflight. Describe any relevant portions of the preflight preparations. Describe crew assembly, Notices to Airmen, flight plans, aircraft configuration, preflight actions, and engine start procedures.

7.7.4.4.4. Summary of Accident. Describe the accident flight and mission sequence, including taxi, takeoff, departure time, any relevant weather encountered, flight parameters and route, air traffic control assistance, communications, terrain encountered, and navigation.

7.7.4.4.5. Impact. At the time of impact, describe the location, time, aircraft configuration, and flight parameters.

7.7.4.4.6. Egress and Aircrew Flight Equipment. Describe the ejection sequence and whether it was accomplished within the performance envelope of the system. Note any deficiencies or malfunctions of the egress system and/or the Aircrew Flight Equipment. Describe the inspection currency and condition of Aircrew Flight Equipment after the mishap. Describe the operation of the crash position indicator, if applicable.

7.7.4.4.7. Search and Rescue. Describe search and rescue assets and the rescue operations. Indicate the time of crash and the time and origin of the first rescue call. Identify the organization responding to the call and the time it found the survivors, fatalities, and wreckage. Describe the sequence of events from the time the initial rescue call was received. List relevant equipment sent to the accident 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, or topography.

7.7.4.4.8. Recovery of Remains. Describe the recovery operation and identify the organization that handled the recovery operation.

7.7.4.5. **MAINTENANCE.** Summarize aspects of the aircraft maintenance documents, personnel records and supervisory mechanisms related to the accident. Maintenance documents, including flight manuals, maintenance manuals, Technical Orders, and Time Compliance Technical Orders, may be subject to the Arms Export Control Act or the Export Administration Act of 1979.

7.7.4.5.1. Maintenance Documentation. Summarize annotations on Air Force Technical Order Forms 781, *ARMS Aircrew/Mission Flight Data Document*, and missile maintenance logs that are relevant to the accident. Indicate relevant discrepancies, if any. Note the status of all Time Compliance Technical Orders that are relevant to the accident. Report whether historical records reveal any recurring maintenance problems.

7.7.4.5.2. Inspections. Indicate the status of all scheduled inspections and whether they were satisfactorily completed. Note relevant discrepancies, if any.

- 7.7.4.5.3. Maintenance Procedures. Report any maintenance procedure, practice, or performance that is relevant to the accident, including work completed by civilian contractors.
- 7.7.4.5.4. Maintenance Personnel and Supervision. Determine if maintenance personnel had the required training, experience, certifications, and/or supervision to complete assigned tasks. Identify all personnel, units, and commercial entities that serviced or maintained any systems relevant to the accident. Review preflight servicing of the mishap aircraft, and consider the supervision provided over aircraft maintenance personnel and their performance.
- 7.7.4.5.5. Fuel, Hydraulic, and Oil Inspection Analyses. Report status of fluid analyses records. Note pre- and post-accident fluid analyses results.
- 7.7.4.5.6. Unscheduled Maintenance. Report unscheduled maintenance performed since completion of the last scheduled inspection. Describe the work performed, and note the relationship of the unscheduled maintenance to the mishap, if any. Do not state in this section whether the work performed was causal or contributory to the mishap (appropriate for the Statement of Opinion), or opine as to whether it was done properly or not (but can state whether it was done in accordance with required procedures). Identify any expendables or other items replaced, repaired, tested, or overhauled. List organizations, dates, and locations where removal, installation, bench check/testing, repair, and overhaul were completed.
- 7.7.4.6. AIRFRAME, MISSILE, OR SPACE VEHICLE SYSTEMS.** Describe the conditions of relevant structures and systems post-mishap. Structures and systems include control surfaces, engines, navigational systems, instruments, warning systems, fuel, lubrication, electrical, hydraulic, pneumatic, avionics, communications, and environmental control. Compare the maintenance history of the components to post-mishap structural analyses reports. Identify manufacturers or vendors of all components, accessory systems, or products that are relevant to the mishap.
- 7.7.4.6.1. Engineering evaluations, analyses, and reports are routinely subject to the Arms Export Control Act or the Export Administration Act of 1979. Obtain permission to release any portions of restricted documents necessary to support the Board President's Statement of Opinion as soon as possible to avoid delays in completion of the report.
- 7.7.4.6.2. Identify any repair station involved in overhauling, repairing, and 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.
- 7.7.4.6.3. Discuss whether relevant required aircraft equipment was functioning as intended.
- 7.7.4.6.4. Review the components and accessories of system reports. State the nature of teardown analyses. Identify the organization that provided each analysis.
- 7.7.4.7. WEATHER.**

7.7.4.7.1. Forecast Weather. Describe the weather forecast for the date of the mishap. Include precipitation, cloud cover at applicable altitudes, and visibility.

7.7.4.7.2. Observed Weather. Describe the observed weather. Indicate any in-flight weather reports that the crew passed or received. Describe the post-mishap weather.

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

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

#### 7.7.4.8. CREW QUALIFICATIONS.

7.7.4.8.1. Describe the training of each crewmember. Chronologically indicate each crewmember's relevant training currency, training deficiencies, performance, experience level, and overall qualifications.

7.7.4.8.2. Summarize the experience of each crewmember involved in the mishap by hours of flying time and include a 30-60-90 day breakdown.

7.7.4.9. **MEDICAL.** The Board will not include copies of medical records or excerpts from them in the accident investigation report unless the information is critical to explain the cause(s) or substantially contributing factor(s) in the mishap, and the information is publicly releasable. **(T-1).**

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

7.7.4.9.2. Health. Review the post-mishap medical examination record(s) and summarize any results that appear relevant to the accident.

7.7.4.9.3. Pathology. Review autopsy reports and briefly state the cause of death. Do not include autopsy reports in the accident investigation report. Do not include any graphic details about the injuries. In describing the causes of death, remain acutely aware of the sensitivities of next-of-kin. Review and discuss post-mishap toxicology reports.

7.7.4.9.4. Lifestyle. Describe unusual habits, behavior, or stress of the crew or maintenance personnel only when required to support a cause(s) or substantially contributing factor(s) in the mishap.

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

#### 7.7.4.10. OPERATIONS AND SUPERVISION.

7.7.4.10.1. Operations. Discuss the operations tempo and any other operations issues not discussed elsewhere in the report.

7.7.4.10.2. Supervision. Discuss the supervision of the mission.

7.7.4.11. **HUMAN FACTORS.** List and describe the human factors on which the Board President relies for causal and/or substantially contributing factors in his or her Statement

of Opinion. However, do not analyze human factors in the Summary of Facts. Any human factors analysis, if applicable, will only be included in the Statement of Opinion. **(T-1)**. Use the DoD Human Factors Analysis and Classification System available through the Air Force Portal.

#### 7.7.4.12. GOVERNING DIRECTIVES AND PUBLICATIONS.

7.7.4.12.1. List all directives and publications relevant to the mishap mission and indicate which are available on the Air Force e-Publishing website: <http://www.e-publishing.af.mil>.

7.7.4.12.2. Give specific paragraph references from the listed directives and publications for any listed known deviations that were a factor in the mishap.

7.7.4.13. **SIGNATURE AND DATE.** The Accident Investigation Board President must date and sign the Summary of Facts with his or her name and signature block as “President, Accident Investigation Board.” **(T-1)**. This occurs when the report is submitted for formal quality review.

**7.8. Statement of Opinion in Aerospace Accident Investigations.** The information in this paragraph and its subsections shall also apply to ground accident investigations in cases where a Statement of Opinion has been authorized. **(T-1)**. The Statement of Opinion shall be 12-point Times New Roman font, single-spaced, written in first person using specific facts found in the Summary of Facts in order to support the conclusion. **(T-1)**. The opinion must be clear, complete, and concise when stating an opinion as to cause(s) and/or substantially contributing factor(s) of the mishap. **(T-1)**. The Statement of Opinion must be a stand-alone document without reference to the Executive Summary or Summary of Facts. **(T-1)**. The opinion in the report is the Board President’s alone, and is publicly releasable as part of the accident investigation report.

7.8.1. Liability and Litigation. The opinion is the Board President’s alone. The opinion is not considered an admission of liability by the United States or by any person referred to therein, and will not be considered as evidence in any civil or criminal proceeding arising from the aerospace accident. **(T-0)**. See 10 U.S.C. § 2254(d). At the beginning of the Statement of Opinion, the Board will include the statement provided in paragraph 7.5.7. **(T-1)**.

7.8.2. Scope of the Statement of Opinion. The Board President’s opinion will contain a brief summary of the mishap mission, discussion of relevant human factor(s), and discuss the relevant facts that support the Board President’s opinion. **(T-1)**. The Board President shall also identify the cause(s) of the mishap(s) and/or the factor(s) which in his or her opinion substantially contributed to the mishap(s). **(T-0)**. Any opinion as to the cause(s) or substantially contributing factor(s) shall be clearly explained and supported by facts stated in the Summary of Facts, which, in turn, must be supported by evidence included in the Tabs. **(T-1)**.

7.8.3. Standard of Proof. The standard of proof in the Statement of Opinion shall be the preponderance of the evidence. **(T-1)**.

7.8.4. Cause. A cause is an act, omission, condition, or circumstance that starts, sustains, or creates a condition permitting the mishap, without which the mishap could not have occurred. It may be an element of human, environmental, mechanical performance or a combination thereof. A given act, omission, condition, or circumstance will be a “cause” if correcting,

eliminating, or avoiding it would have prevented the mishap. In other words, a factor is found causal if “but for” that factor taking place, the mishap would not have occurred.

7.8.4.1. The Board President provides an opinion regarding the cause(s) of the mishap(s) only when a preponderance of the evidence supports the causal opinion.

7.8.4.2. Each individual mishap cause cited must be supported by a preponderance of the evidence. **(T-1)**.

7.8.4.3. The Board President will consult with the Legal Advisor to determine if available credible evidence meets the preponderance of the evidence standard of proof. **(T-1)**.

7.8.4.4. The legal standard must be clearly stated (e.g., “I find by a preponderance of the evidence the cause of the mishap was...”). **(T-1)**.

7.8.5. Substantially Contributing Factors. An act, omission, condition, or circumstance will be a substantially contributing factor if it played an important role, directly or indirectly, in the mishap, but its correction, elimination, or avoidance would not, by itself, have prevented the mishap. **(T-1)**.

7.8.5.1. If the Board President is unable to determine a cause, he/she shall describe the factors, which substantially contributed to the mishap. **(T-0)**. In cases where the Board President is able to determine the cause(s) of the mishap, he/she may also attribute substantially contributing factors.

7.8.5.2. As with the cause(s), the Board President must clearly explain the connection between each individual substantially contributing factor and the mishap(s). **(T-1)**.

7.8.5.3. The Board President must support each individual substantially contributing factor by a preponderance of the evidence. **(T-1)**.

7.8.5.4. The Board President must clearly state the legal standard (e.g., “I find by a preponderance of evidence that each of the following factors substantially contributed to the mishap...”). **(T-1)**.

7.8.6. Evidence Considered. When weighing the evidence, the Board will consider all available credible evidence including: **(T-1)**.

7.8.6.1. Direct evidence (e.g., actual knowledge or observation of witnesses).

7.8.6.2. Indirect evidence (e.g., using facts or statements from which reasonable inferences, deductions, and conclusions may be drawn to establish an unobserved fact, knowledge, or state of mind). This is also known as circumstantial evidence.

7.8.7. Weighing Evidence. The weight of the evidence is not determined solely by the number of witnesses or documents, but also by considering all the evidence and evaluating the totality of the circumstances such as a witness’ behavior, opportunity for knowledge, information possessed, ability to recall and relate events, bias, reliability, and relationship to the matter being considered. The Board President must consider the credibility of all the evidence when discussing the potential cause(s) and/or the substantially contributing factor(s). **(T-1)**.

7.8.8. Signature and Date. The Board President shall date and sign the Statement of Opinion with his or her name and signature block as “President, Accident Investigation Board.” **(T-1)**. This occurs when the report is submitted for formal quality review.

**7.9. Index of Tabs.** The Index of Tabs in the report will follow the Statement of Opinion (if applicable), or the Summary of Facts (if a Statement of Opinion is not authorized for a ground accident investigation). **(T-1)**.

**7.10. Tabs for Accident Investigation Boards.** See Chapter 11 for additional information regarding the Tabs for ground accident investigations, and Chapter 12 for additional information regarding the Tabs for abbreviated accident investigations.

7.10.1. The Accident Investigation Board shall incorporate the Safety Investigation Board Part 1 materials (Tabs A-S or the individual Exhibits) into the accident investigation report as separate Tabs. **(T-1)**. The Part 1 materials incorporated into the accident investigation report shall be kept identical to those received from the Safety Investigation Board, except as otherwise authorized by this instruction or AFLOA/JACC. **(T-1)**. Any additional evidence gathered by the Accident Investigation Board that would logically fit under Part 1 materials received from the Safety Investigation Board shall be placed separately in the accident investigation report Tabs, and not added to the Tabs containing the materials received from the Safety Investigation Board. **(T-1)**.

7.10.2. The Accident Investigation Board must obtain written permission before including in the report documents or excerpts from documents subject to the Arms Export Control Act and the Export Administration Act of 1979 (e.g., maintenance documents, including flight manuals, maintenance manuals, Technical Orders, and Time Compliance Technical Orders). **(T-0)**. The Board will include this written permission for release with the Post-Investigation Memorandum materials. **(T-1)**.

7.10.3. Original documents obtained and reviewed by the Accident Investigation Board will be properly safeguarded. **(T-1)**. The Board will not mark or alter original documents, and must make alterations and redactions on copies using appropriate software. **(T-1)**.

### **7.11. Informal Quality Review.**

7.11.1. The informal quality review conducted by the Convening Authority's Staff Judge Advocate must assess whether the report is clear, understandable, and accurate, and identify any major deficiencies in the investigation or analysis in time for the Board President to make changes or continue the investigation should he or she wish to do so while the Accident Investigation Board is still in place. **(T-1)**.

7.11.1.1. **(Added-USAFEAFRICA)** The legal advisor and recorder shall both review the entire draft AIB report before submission to USAFE-AFAFRICA/JA for the informal quality review. USAFE-AFAFRICA/JA will provide instructions for securely submitting the report, which shall be watermarked "DRAFT DO NOT RELEASE" and protected by a password.

7.11.1.2. **(Added-USAFEAFRICA)** At the completion of the informal review process, USAFE-AFAFRICA/JA must receive the signed AIB report in electronic form and will give specific clearance for the AIB members to depart from the location of the investigation. No member of the AIB may depart for their home station without the approval from USAFE-AFAFRICA/JA.

7.11.2. Informal Quality Review for High-Interest Mishaps. The Accident Investigation Board shall forward a draft of the Executive Summary, Summary of Facts, Statement of Opinion (if

applicable), and the completed AFLOA/JACC Legal Advisor's checklist to the Convening Authority's Staff Judge Advocate for an informal quality review. **(T-1)**. The Convening Authority's Staff Judge Advocate requests the Tabs at his or her discretion. AFLOA/JACC may assist the MAJCOM with the informal quality review pursuant to MAJCOM request at the discretion of AFLOA/JACC. Nonetheless, the Convening Authority's Staff Judge Advocate must independently review the report and provide his or her own comments to the Board President. **(T-1)**. The Convening Authority's Staff Judge Advocate must provide informal review feedback to the Board President or Legal Advisor within five duty days of receipt, or within one duty day from receipt of any comments from AFLOA/JACC (if applicable), whichever occurs later. **(T-2)**.

7.11.3. Informal Quality Review for Non High-Interest Mishaps. The Accident Investigation Board shall forward a draft of the Executive Summary, Summary of Facts, and Statement of Opinion, if applicable, to the Convening Authority's Staff Judge Advocate for an informal quality review. **(T-2)**. The Convening Authority's Staff Judge Advocate requests the Tabs at his or her discretion.

7.11.3.1. The Convening Authority's Staff Judge Advocate shall review the report and provide his or her own comments to the Board President within three duty days of his or her receipt. **(T-2)**.

7.11.3.2. If the Convening Authority's Staff Judge Advocate has had access to privileged safety information, he or she will recuse themselves and designate another member of his or her office to perform these tasks. **(T-1)**.

7.11.4. All review comments will be provided through the Convening Authority's Staff Judge Advocate to the Board President through the Legal Advisor, and will not be attributed to any individual. **(T-1)**. Staff officials, other than the Staff Judge Advocate or his or her representative, shall not communicate directly in any way with the Board concerning the content of the report prior to approval of the report without the permission of the Convening Authority or the Convening Authority's Staff Judge Advocate. **(T-2)**. The Convening Authority's Staff Judge Advocate or any member of his or her staff that has received any privileged safety information from the preceding safety investigation will not communicate directly or indirectly with any member of the Board. **(T-1)**.

7.11.5. Undue Influence. The Board President, members, and Subject Matter Experts will not be subjected to actual or perceived undue influence by anyone, to include the Convening Authority, his or her staff, or any individual or organization superior to the Board President, board members or Subject Matter Experts. **(T-1)**. Undue influence might be manifested by an attempt to direct the Board President to reach a specific opinion or conclusion; an attempt to improperly influence the Board President; or an attempt to mandate changes to the report; or the perception thereof. However, the prohibition against undue influence does not prohibit a Convening Authority from communicating directly with the Board President to receive periodic updates of the Board's progress, request consideration of new evidence, or present for the Board President's consideration alternative hypotheses. The Convening Authority's Staff Judge Advocate communicates directly or indirectly with the Legal Advisor concerning the content of the report, including arranging "operator-to-operator" or "expert-to-expert" discussions when necessary to resolve concerns raised during the review. Despite these possibilities, the Convening Authority and the Convening Authority's Staff Judge Advocate

must take precautions to ensure there is no actual or apparent undue influence on the Accident Investigation Board. (T-1).

**7.12. Sending the Report to the Convening Authority's Staff Judge Advocate.** The Accident Investigation Board shall forward the original report and as many copies (paper and electronic) as specified by the Convening Authority's Staff Judge Advocate. (T-2).

## Chapter 8

### POST-INVESTIGATION MATTERS

**8.1. Personal Notes and Drafts.** After the Convening Authority approves the report, the Board President will instruct all board members and Subject Matter Experts to destroy all investigation-related notes, e-mails, and draft reports. **(T-1)**. Following approval of the report, the only investigation-related records that shall exist are the approved report, items (e.g., original documents, wreckage, etc.) returned to the appropriate host installation units, and ancillary documents/evidence forwarded to the Convening Authority's Staff Judge Advocate with the Post-Investigation Memorandum. **(T-1)**.

**8.2. Post-Investigation Memorandum.** The Board will prepare and forward the Post-Investigation Memorandum as a formal record of transmittal of all investigative documents and evidence to the Convening Authority's Staff Judge Advocate. **(T-1)**.

8.2.1. The investigation process is not complete until board members and Subject Matter Experts have returned original records to the proper custodians, transferred custody of wreckage as directed by the Convening Authority's Staff Judge Advocate, and forwarded the signed report, the Post-Investigation Memorandum with all ancillary documents, and the evidence to the Convening Authority's Staff Judge Advocate.

8.2.2. The Post-Investigation Memorandum consists of a cover letter with attachments, and is marked "PERSONAL DATA – PRIVACY ACT OF 1974 (5 U.S.C. § 552a)" in recognition of witness, board member, and Subject Matter Expert personal information.

8.2.3. Attachments. The Board will attach to the Post-Investigation Memorandum and forward to the Convening Authority's Staff Judge Advocate the following documents/evidence: **(T-1)**.

8.2.3.1. Evidence Inventory List. The Board will inventory all documents, audio cassettes/CDs/DVDs, hard drives, external disks, videotapes, and all other evidence being forwarded to the Convening Authority's Staff Judge Advocate. **(T-1)**. The Board will indicate on the inventory which items may not be releasable under the Freedom of Information Act (such as autopsy photos, Privacy Act of 1974 information, Arms Export Control Act information, and the Export Administration Act of 1979). **(T-1)**.

8.2.3.2. The Board will forward to the Convening Authority's Staff Judge Advocate, upon completion of the accident investigation, original documents regarding destroyed aircraft or deceased mishap personnel; video recordings; audio recordings of witness interviews; photographs; and digital media. **(T-1)**.

8.2.3.2.1. EXCEPTION. Original medical and dental records of mishap personnel are returned to the proper record custodians. The Board will send copies of relevant medical records to the Convening Authority's Staff Judge Advocate with the Post-Investigation Memorandum. **(T-1)**.

8.2.3.2.2. The Board will file the items in an appropriate box, placing each document or item in a labeled or numbered file folder or envelope so it is easily identifiable and retrievable, labeling boxes with date of accident, location of accident, MAJCOM, aircraft tail number/asset identification number, and item numbers contained therein, and including in each box a complete inventory list. **(T-1)**.

8.2.3.3. Classified Evidence. If a classified interview was conducted or there is classified evidence, the Board will mark the classified information appropriately and forward the classified information separately in accordance with proper guidance for forwarding classified information. **(T-1)**. After classified documents have been reviewed, if no pertinent information is found relating to the investigation, and they are not used to support the report in any way, the Board will return the items to their respective organization or source. **(T-1)**.

8.2.3.4. Air Traffic Control Tapes. The Board will forward a certified copy of the air traffic control tapes in accordance with AFI 51-301, *Civil Litigation*. **(T-1)**. Original air traffic control tapes are to be retained in accordance with AFI 13-204, Volume 3, *Airfield Operations Procedures and Programs*.

8.2.3.5. Photo Inventory. The Board will indicate the number of digital camera memory cards and/or CDs, and the number of images on each, identifying the subject matter of the photographs; the source of the photographs; and the photographer if known. **(T-1)**. The Board will include this as part of the basic inventory discussed above or as a separate document. **(T-1)**.

8.2.3.6. Wreckage Location. The Board will describe the major wreckage components, their location, the office symbol, name and contact information for the wreckage custodian, and any other wreckage information bearing on future wreckage disposal. **(T-1)**.

8.2.3.7. Wreckage Disposition Transmittal Letters. The Board will include copies of letters to the host installation commander, or designee, documenting transfer of wreckage, including copies of memoranda documenting transfer of any specific parts for laboratory testing or repairs, the contact information of the custodian, and any AFLOA/JACC or MAJCOM memoranda approving early disposal of the wreckage. **(T-1)**.

8.2.3.8. If the Board President approved release of non-wreckage pieces of evidence (e.g., personal property of the mishap pilot unrelated to the mishap), the Board will attach any documentation indicating the item released and its recipient. **(T-1)**.

8.2.3.9. Record Transmittal Letters. The Board will include copies of letters reflecting the return of medical, dental, personnel, flight, maintenance, or other records to the original custodian, ensuring the letters include the full address of the unit or person to whom records were returned and the custodian's signed acknowledgment. **(T-1)**.

8.2.3.10. Technical Content Manager Approval Letters. The Board will include letters and/or e-mails approving the inclusion in the report of Technical Order excerpts, engineering analysis reports, contractor proprietary information, for official use only documents, or other documents that are subject to the Arms Export Control Act, the Export Administration Act of 1979, or other proprietary protections or protection from public release. **(T-1)**.

8.2.3.11. Witness List. The Board will include a consolidated list of witnesses, including full names, units, Defense Switch Network (DSN), commercial duty and home or personal telephone numbers, duty addresses, and duty and home e-mail addresses. **(T-1)**. If the Board chose not to interview a Safety Investigation Board witness, the Board will also include the reason why the witness was not interviewed (e.g., redundant or irrelevant testimony, witness unavailable, etc.). **(T-1)**.

8.2.3.12. USAFR and ANG duty orders and/or any other proof of duty status. The Board will include a copy of each USAFR and ANG witness' duty orders at the time and date of the mishap and the date of the accident investigation interview. **(T-1)**.

8.2.3.13. Board members and Subject Matter Experts. The Board will include a list of board members and Subject Matter Experts, including full names, board positions, DSN, commercial duty and home telephone numbers, duty address, and duty and personal e-mail addresses. **(T-1)**.

8.2.3.14. Pseudonyms. The Board will include a consolidated list of the pseudonyms of relevant individuals, including full names and units. **(T-1)**.

8.2.4. The Legal Advisor will forward the Post-Investigation memorandum and ancillary documents and evidence to the Convening Authority's Staff Judge Advocate, no later than 15 calendar days after forwarding the completed investigation report to the Convening Authority's Staff Judge Advocate. **(T-2)**.

8.2.5. The Convening Authority's Staff Judge Advocate will maintain a copy of the Post-Investigation Memorandum and the ancillary evidence until AFLOA/JACC releases the entire wreckage and ancillary evidence from legal hold. **(T-1)**. The Convening Authority's Staff Judge Advocate will forward a copy of the Post-Investigation Memorandum and other evidentiary items to AFLOA/JACC as directed by AFLOA/JACC. **(T-1)**.

**8.3. Disposition of the Report, Documents, Evidence, and Other Materials** . The Convening Authority's Staff Judge Advocate:

8.3.1. Will store the accident investigation report with original signatures for a period ending three years from the date of the mishap, and will then retire it to the appropriate Federal Records Center/National Archives and Records Administration office. **(T-1)**. The report is destroyed 25 years from the date of the mishap, unless it is deemed historically significant by either the Convening Authority or AFLOA/JACC.

8.3.2. Will store all ancillary non-privileged documents and other non-wreckage evidence (including photographs) gathered during the safety and accident investigations until specifically released from legal hold. **(T-1)**.

8.3.3. Will retain the cockpit voice recorder and other voice communication tapes for storage until AFLOA/JACC releases the wreckage and the ancillary evidence from legal hold. **(T-1)**. The Convening Authority will not release cockpit voice recorder tapes or other voice communication tapes or audio files, or head-up display tapes containing audio, or copies of tapes, without the approval of AFLOA/JACC. **(T-1)**.

8.3.4. Will ensure the retention of classified head-up display tapes by the appropriate office at the MAJCOM or Numbered Air Force (NAF) until AFLOA/JACC releases the wreckage and other evidence from legal hold. **(T-1)**. See paragraph 8.2.3.3., if applicable.

8.3.5. Will respond to requests for copies of the report. **(T-2)**. The Board will prepare the complete accident investigation report so that it is fully releasable to the public. **(T-1)**. The Convening Authority's Staff Judge Advocate will ensure that the approved report (with Tabs) is fully releasable to the public. **(T-1)**. Once approved, the Convening Authority's Staff Judge Advocate will ensure that copies of the report will not be altered or further redacted except as provided in paragraph 8.9., if applicable **(T-1)**.

8.3.6. Once released from legal hold, will return the ancillary documents and evidence to the source agency or dispose of them in accordance with applicable regulations. **(T-1)**.

#### **8.4. Wreckage Custody, Removal, Storage and Disposal.**

8.4.1. Wreckage Custody. Immediately after the mishap, custody of the wreckage is vested first in the incident commander. The incident commander, at his or her discretion, transfers custody of the wreckage to the Safety Investigation Board President at the start of the Safety Investigation Board. The Safety Investigation Board President will then transfer custody of the wreckage, in writing, after conclusion of the safety investigation, to the Accident Investigation Board President. **(T-1)**. After the wreckage is no longer required for the accident investigation, the Board President will transfer custody of the wreckage, in writing, to the host installation commander or Convening Authority designee. **(T-1)**.

8.4.1.1. The wreckage of Class A mishaps (including all non-wreckage ancillary evidence and other materials or information related to the mishap) will remain on legal hold and will not be disposed or destroyed until officially released from legal hold by AFLOA/JACC or as otherwise directed in this instruction. **(T-1)**. For all other mishap classes, the Convening Authority's Staff Judge Advocate may release the wreckage, evidence, and other materials, once the Accident Investigation Board report (if applicable) has been approved, if after consulting with AFLOA/JACC no claims or litigation are likely or reasonably anticipated. However, AFLOA/JACC concurrence to release the wreckage, evidence and other materials from legal hold is required if claims or litigation are likely or reasonably anticipated, as determined by AFLOA/JACC.

8.4.1.2. If there is Nuclear Weapons-Related Materiel in the wreckage, the Board President will notify the local Nuclear Weapons-Related Materiel Accountable Officer of any Nuclear Weapons-Related Materiel that has been transferred to the installation Commander or designee. **(T-1)**.

8.4.1.3. In the event an accident investigation has not been convened by the time the Safety Investigation Board has concluded its investigation, the Safety Investigation Board, through the Convening Authority's Chief of Safety, contacts the Convening Authority's Staff Judge Advocate to determine whether an accident investigation (or other type of legal investigation) will be convened, and if so, the Safety Investigation Board will transfer custody of the wreckage and all non-privileged safety evidence to the person or office designated by the Convening Authority's Staff Judge Advocate. **(T-2)**.

8.4.1.4. If no accident investigation or other form of legal investigation will be convened, the Convening Authority's Staff Judge Advocate will consult with AFLOA/JACC, who will determine whether the evidence should be retained in anticipation of claims or litigation, and if so, the Convening Authority's Staff Judge Advocate determines where the evidence will be stored and how the appropriate chain of custody documentation will be maintained. **(T-1)**. If no claims or litigation are reasonably anticipated by AFLOA/JACC, the Safety Investigation Board transfers the wreckage and evidence in accordance with the guidance of the Convening Authority's Chief of Safety.

8.4.2. Wreckage Removal and Storage. The host installation commander, or other custodian designated by the Convening Authority, will be responsible for removing, storing and

preserving wreckage and evidence transferred to his or her custody by the Accident Investigation Board President. **(T-2)**.

8.4.3. Wreckage Disposal. Once released from legal hold, the host installation commander may dispose of the wreckage in coordination with the Convening Authority's Staff Judge Advocate. If there is Nuclear Weapons-Related Materiel in the wreckage, ensure compliance with AFI 20-110, *Nuclear Weapons-Related Materiel Management*, by returning any Nuclear Weapons-Related Materiel to the local Nuclear Weapons-Related Materiel Accountable Officer for proper disposition.

**8.5. Request for Wreckage or Evidence Release.** The Convening Authority will ensure that wreckage and evidence from Class A mishaps (except for those covered by paragraphs 8.5.1. and 12.6. as specified therein) is retained and preserved until specifically released from legal hold by AFLOA/JACC. **(T-1)**.

8.5.1. For a Class A mishap that resulted solely in damage to Federal Government property and did not involve loss/destruction of an Air Force asset, but AFLOA/JACC anticipates potential claims or litigation, AFLOA/JACC retains the authority to release wreckage and other evidence or materials from legal hold. However, when no claims or litigation are anticipated or reasonably expected in a Class A mishap that resulted solely in damage to Federal Government property and did not involve loss/destruction of an Air Force asset, the Convening Authority's Staff Judge Advocate may release the wreckage and evidence from legal hold once the Accident Investigation Board report (if applicable) has been approved.

8.5.2. If the request for release of wreckage or evidence is initiated prior to the approval of the Accident Investigation Board report, then the Board President, and the Convening Authority, or if delegated, the Convening Authority's Staff Judge Advocate, shall concur with the wreckage release request to ensure the release will not compromise the integrity of the investigation before forwarding to AFLOA/JACC for action. **(T-1)**.

8.5.3. After the Accident Investigation Board has completed its investigation, requests to release wreckage, evidence, and other materials and assets from legal hold must be submitted through the host installation's Staff Judge Advocate and the Convening Authority's Staff Judge Advocate to AFLOA/JACC. **(T-1)**. If the Convening Authority's Staff Judge Advocate can authorize the release from legal hold in accordance with this publication, the Convening Authority's Staff Judge Advocate will notify AFLOA/JACC in writing when releasing the wreckage, evidence, and other materials or assets from legal hold. **(T-1)**.

8.5.4. The following information listed in paragraphs 8.5.4.1. through 8.5.4.6., must be included in wreckage or evidence release requests: **(T-1)**.

8.5.4.1. Date of accident.

8.5.4.2. Type and tail number of aircraft, remotely piloted aircraft, missile, or space vehicle or identification number of the asset involved.

8.5.4.3. Location of accident.

8.5.4.4. Persons killed and status of injured personnel.

8.5.4.5. Estimate of the number, type, and dollar amount of claims anticipated or filed.

8.5.4.6. Whether there is a mission requirement for immediate release of the wreckage, item or evidence.

**8.6. Request for Authorization to Repair Aircraft, Remotely Piloted Aircraft, Missile, Space Vehicle, or Other Asset (including but not limited to ground control stations).** Except as authorized in paragraphs 8.6.1. and 8.6.2., no aircraft, remotely piloted aircraft, missile, space vehicle or other asset involved in a Class A mishap shall be repaired or returned to service until AFLOA/JACC releases it from legal hold. **(T-1)**.

8.6.1. The Convening Authority's Staff Judge Advocate may authorize repair or return to service if the mishap resulted solely in damage to government property; and it did not involve the loss or destruction of the asset; and AFLOA/JACC determines that claims or litigation that would justify continued retention on legal hold are not likely or reasonably anticipated.

8.6.2. The requirement for AFLOA/JACC release does not apply with regard to remotely piloted aircraft ground control stations/systems where: (1) the mishap resulted solely in damage to government property; and (2) the ground control station/system was analyzed shortly after mishap and found to have been operating normally at the time of the mishap; and (3) all ground control station/system data of probative value to a subsequent investigation has been appropriately gathered and preserved for future use. In cases where all three requirements are met, the Convening Authority's Staff Judge Advocate may release the ground control station/system from legal hold and for return to service, maintaining a copy of the release in the investigation file.

**8.7. Release of Aero Club Aircraft Wreckage and Ancillary Documents/Evidence.** Aero Club mishaps are normally investigated by the National Transportation Safety Board. All Aero Club aircraft wreckage and ancillary documents and evidence in mishaps involving a fatality or serious personal injury, destruction of the aircraft, or in mishaps that may result in claims or litigation must be retained and preserved until released from legal hold by AFLOA/JACC. **(T-1)**.

8.7.1. Aero Club aircraft shall not be repaired and returned to service until AFLOA/JACC releases them from legal hold. **(T-1)**.

8.7.2. All documents and evidence gathered during the Aero Club investigation shall be released from legal hold at the same time AFLOA/JACC releases the wreckage from legal hold, unless AFLOA/JACC directs otherwise due to a need to preserve the documents and evidence for pending or possible claims or litigation. **(T-1)**.

8.7.3. Requests for release from legal hold must be sent in writing with the information listed in paragraph 8.5.4., to AFLOA/JACC, with an informational copy to the Air Force Services legal office. **(T-1)**.

**8.8. Accident Site Remediation.** Questions regarding accident site restoration, as well as obtaining access to the accident site when the owner of the property denies access, are directed to AFLOA/JACE-FSC.

**8.9. Changes to the Accident Investigation Report after Approval.** After the accident investigation report has been approved, no one shall make material changes to the report unless the Convening Authority formally reopens the investigation (see paragraph 9.4.) in order to make the desired modifications. **(T-1)**. If the accident investigation is reopened to make any changes, the Convening Authority must accomplish a new action, which also indicates that the investigation

was reopened to make changes to the report. **(T-1)**. Material changes are any changes to the report other than administrative changes and/or non-discretionary redactions.

8.9.1. Administrative changes are those changes that do not otherwise add and/or delete substantive information in the report, and in the Board President's opinion, do not affect the Statement of Opinion (if authorized). Administrative changes include, but are not limited to:

8.9.1.1. Fixing grammatical and typographical errors;

8.9.1.2. Adding title pages of instructions, regulations or policy memoranda where excerpts are included in the report;

8.9.1.3. Adding, deleting, or modifying acronyms and abbreviations;

8.9.1.4. Adding or modifying page numbers and "This page not used" or "Intentionally Left Blank";

8.9.1.5. Adding or correcting citations; and

8.9.1.6. Adding or modifying pseudonyms in lieu of names of relevant individuals in the narrative sections and Tabs, and individuals referenced during interviews or in written statements.

8.9.2. Non-discretionary redactions refer to the deletion of information that is not authorized to be included in accident investigation reports as outlined in paragraph 7.3., and prohibited elsewhere in this publication.

8.9.3. If non-material changes are made to an approved report, unless the Convening Authority has withheld this authority, the Convening Authority's Staff Judge Advocate may either (1) sign a new accident investigation approval action for the Convening Authority in accordance with this publication, stating that the accident investigation report was amended to make non-material changes and then summarize those changes, or (2) add a footnote to the original signed Convening Authority action providing a summary of the Accident Investigation Board President's or Convening Authority's Staff Judge Advocate's non-material changes to the report. E.g., "On DD MMM YY, the Board President made/concurred with non-material changes to the report. Such changes included the addition of Tab citations within the Summary of Facts and non-discretionary redactions of [Privacy Act information/For Official Use Only/Technical Order/remedial measures] within the Tabs." To ensure appropriate version control, the new or amended accident investigation action memorandum shall reflect the date that non-material changes were made and included in the investigation report. **(T-1)**.

8.9.4. The Board President will be responsible for submitting an updated report and Tabs to the Convening Authority's Staff Judge Advocate for review and approval. **(T-2)**. If in the Convening Authority's or Convening Authority's Staff Judge Advocate's opinion, circumstances (such as, but not limited to, severe illness, deployment, separation, retirement, etc.) prevent the Board President from making the non-material changes covered in this waiver, the Convening Authority's Staff Judge Advocate or his or her designee may make the non-material changes to the report on behalf of the Board President with the Board President's concurrence.

8.9.5. If material changes or substantive additions need to be made to an approved report, the Convening Authority must re-open the investigation in accordance with paragraph 9.4. **(T-1)**.



## Chapter 9

### APPROVAL, DISTRIBUTION OF THE ACCIDENT INVESTIGATION REPORT, AND NEXT-OF-KIN BRIEFINGS

#### 9.1. Formal Quality Review and Legal Review.

9.1.1. General considerations. The formal quality review is part of the Convening Authority's Staff Judge Advocate's formal staffing of the completed report immediately prior to action by the Convening Authority. During the formal quality review, the Convening Authority's Staff Judge Advocate must analyze format and content of the entire report with Tabs for compliance with this publication, checking all citations for accuracy, ensuring the evidence supports the Statement of Opinion (if applicable), and ensuring non-releasable or inappropriate information is not included in the report. **(T-1)**. Prior to the Convening Authority's approval, the report is not to be provided to any intermediate commands, officials, and organizations outside the DoD, or the public, except as otherwise mandated by international agreement or other applicable legal requirement.

9.1.2. Formal Quality Review. The Board President will send, through the Legal Advisor, the completed report including the completed AFLOA/JACC Legal Advisor Checklist, to the Convening Authority's Staff Judge Advocate. **(T-1)**. The Convening Authority's Staff Judge Advocate will provide the report (without the Legal Advisor Checklist) to the appropriate MAJCOM staff offices, as determined by the Convening Authority, for review and comment. **(T-1)**. In high-interest investigations, the Convening Authority must send a complete draft of the report with Tabs to AFLOA/JACC, along with a completed AFLOA/JACC MAJCOM point of contact checklist and the completed AFLOA/JACC Legal Advisor Checklist for formal review in accordance with paragraph 9.1.2.2.1. **(T-1)**.

9.1.2.1. The formal quality review and legal review process should be completed within 30 days.

9.1.2.2. High-Interest Mishap Formal Quality Review and Teaming with AFLOA/JACC.

9.1.2.2.1. The Convening Authority's staff offices review the report and provide comments back to the Convening Authority's Staff Judge Advocate within the time established by the Convening Authority's Staff Judge Advocate. AFLOA/JACC provides its comments back to the Convening Authority's Staff Judge Advocate within seven duty days of receipt of the complete report and completed MAJCOM point of contact checklist.

9.1.2.2.2. After AFLOA/JACC finishes its formal review and provides its written feedback to the Convening Authority's Staff Judge Advocate point of contact, AFLOA/JACC conducts a teaming teleconference with the MAJCOM point of contact and the Legal Advisor (if authorized by the Board President) to discuss the unified feedback.

9.1.2.2.3. The Convening Authority's Staff Judge Advocate must independently review the report and provide his or her own comments along with the comments received from AFLOA/JACC and MAJCOM staff offices, back to the Board President, through the Legal Advisor. **(T-1)**. No comment will be attributed to any particular

individual, but feedback may be identified by the originating organization or office. **(T-1)**. Staff comments are not attached to the report. No one, other than the Convening Authority and Convening Authority's Staff Judge Advocate or his or her representative, shall communicate directly in any way with the Board concerning the content of the report prior to approval of the report, without permission from the Convening Authority or the Convening Authority's Staff Judge Advocate. **(T-2)**.

9.1.2.2.4. The Board President must consider the feedback comments before finalizing the report. **(T-1)**. Based upon the comments received, the Board President will elect to continue the investigation, modify the report, or make no changes to the report. **(T-1)**. The Legal Advisor notifies the Convening Authority's Staff Judge Advocate of the course of action.

9.1.2.2.5. The Convening Authority's Staff Judge Advocate receives the final and signed report, completes a legal review, and forwards the report to the Convening Authority within 30 days of the start of the formal quality review. In the legal review, the Convening Authority's Staff Judge Advocate will assess whether the report (narrative and Tabs) meets the requirements of this publication, including whether the evidence supports the Summary of Facts and Statement of Opinion (if applicable); citations are accurate; and the report contains only information that is publically-releasable; and therefore is legally sufficient. **(T-1)**. The legal review is forwarded with the report to the Convening Authority, but will not be attached to the report. **(T-1)**.

9.1.2.2.6. The MAJCOM public affairs office, as part of their review of the report, prepares the release and notification plan for Convening Authority approval. The MAJCOM's public affairs office coordinates the proposed content with the Board President and the Convening Authority's Staff Judge Advocate. The MAJCOM public affairs office also coordinates the public affairs release plan with the Office of the Secretary of the Air Force for Public Affairs (SAF/PA) prior to approval of the report.

#### 9.1.2.3. Non High-Interest Mishap Formal Quality Review.

9.1.2.3.1. The Convening Authority's staff offices will review the report and provide comments back to the Convening Authority's Staff Judge Advocate within the time established by the Convening Authority's Staff Judge Advocate. **(T-2)**.

9.1.2.3.2. The Convening Authority's Staff Judge Advocate must independently review the report and provide his or her own comments along with the comments received from the Convening Authority's staff offices, back to the Board President, through the Legal Advisor. **(T-1)**. No comment will be attributed to any particular individual, but feedback may be identified by the originating organization or office (e.g., A3/5, or JA). **(T-1)**. Staff comments are not publically releasable and will not be attached to the report. **(T-1)**. No one, other than the Convening Authority and his or her Staff Judge Advocate, shall communicate directly in any way with the Board concerning the content of the report prior to approval of the report, without permission from the Convening Authority or the Staff Judge Advocate. **(T-2)**.

9.1.2.3.3. The Board President must consider the feedback comments before finalizing the report. **(T-1)**. Based upon the comments received, the Board President will elect to continue the investigation, modify the report, or make no changes to the report. **(T-1)**.

The Legal Advisor advises the Convening Authority's Staff Judge Advocate of the Board President's course of action.

9.1.2.3.4. The Convening Authority's Staff Judge Advocate receives the final and signed report, completes a legal review, and forwards the report to the Convening Authority within 30 days of the start of the formal quality review. The legal review will assess whether the report (narrative and Tabs) meets the requirements of this publication, including whether the evidence supports the facts and conclusions; citations are accurate; and the report contains only information that is publically-releasable; and therefore is legally sufficient. **(T-1)**. The legal review is forwarded with the report to the Convening Authority, but is not publicly releasable and will not be attached to the report. **(T-1)**.

**9.2. Undue Influence.** The Board President, members, and Subject Matter Experts will not be subjected to actual or perceived undue influence by anyone, to include the Convening Authority, his or her staff, or any individual or organization superior to the Board President, members, or Subject Matter Experts. **(T-1)**. Undue influence might be manifested by an attempt to direct the Board President to reach a specific opinion or conclusion, improperly influence the Board President, or mandate changes to the report or the perception thereof. However, the prohibition against undue influence does not prohibit a Convening Authority from communicating directly with the Board President to receive periodic updates of the board's progress, requesting consideration of new evidence, or presenting for the Board President's consideration alternative hypotheses. The Convening Authority's Staff Judge Advocate communicates directly or indirectly with the Legal Advisor concerning the content of the report, including arranging "operator-to-operator" or "expert-to-expert" discussions when necessary to resolve concerns raised during the review. Despite these possibilities, the Convening Authority and the Convening Authority's Staff Judge Advocate must take precautions to ensure there is no actual or apparent undue influence on the Accident Investigation Board. **(T-1)**.

**9.3. Approval of the Report.** The Convening Authority will review the report and either approve the report as written or return it to the Board President for further action. **(T-1)**. Approval of the report indicates the accident investigation and resulting report are in substantial compliance with applicable laws and regulations, including this publication. For accident investigations (and for ground accident investigations, if a Statement of Opinion is authorized), approval by the Convening Authority does not indicate that the Convening Authority agrees with the Board President's Statement of Opinion. If the Convening Authority, on advice from his or her Staff Judge Advocate, finds the report to be legally insufficient, he/she must decide whether to disapprove the report and convene another investigation, or re-convene the investigation to address the deficiencies. **(T-1)**.

9.3.1. Upon approval of the report, the Convening Authority's Staff Judge Advocate shall prepare the Convening Authority's action on the report. **(T-1)**. The Convening Authority's action will state whether the report substantially complies with the applicable statutory and regulatory provisions, and if so approve the report on that basis. **(T-1)**. Once signed by the Convening Authority, the action document shall be placed under the Cover Page of the report and distributed with the report. **(T-1)**.

9.3.2. Upon the Convening Authority's approval of the report, the Convening Authority's Staff Judge Advocate may reduce the report to an electronic file. However, next-of-kin and

seriously injured personnel shall be offered both hard copies and electronic versions of the report. **(T-2)**.

**9.4. Reopening the Accident Investigation.** Following approval of the report, the Convening Authority has discretion to reopen the accident investigation upon discovery of previously unknown material evidence, evidence that in the Board President's opinion could affect the Statement of Opinion, or discovery of erroneous material or information that requires correction to ensure accuracy or compliance with this publication.

9.4.1. The Convening Authority must reopen the accident investigation by issuing a convening order to the Board President in a format similar to the order that initially convened the accident investigation. **(T-1)**.

9.4.2. The order that reopens the investigation will identify which board members are recalled or newly appointed. **(T-2)**. At a minimum, the new order will recall the Board President and the Legal Advisor. **(T-1)**. If in the Convening Authority's or the Convening Authority's Staff Judge Advocate's opinion, circumstances (such as but not limited to, severe illness, deployment, separation, retirement, etc.) prevent the Board President and the Legal Advisor from continued service on the Accident Investigation Board, the convening order will specify a new Board President and Legal Advisor as applicable. **(T-2)**.

9.4.3. The accident investigation report will include any new or amended convening orders. **(T-1)**.

9.4.4. The Convening Authority will review the amended report and sign and date the new action in accordance with paragraph 9.3.1. **(T-1)**. The Convening Authority's Staff Judge Advocate may sign the new action for the Convening Authority unless the Convening Authority withholds this authority. To ensure version control, the new action will reflect the date(s) of the reopened investigation and a summary of the changes made. **(T-1)**.

9.4.5. If the sole purpose for reopening the investigation is to correct erroneous information, the Convening Authority's Staff Judge Advocate has the authority to reopen the investigation and sign the amended action, unless that authority is specifically withheld. See paragraph 8.9., for additional information regarding making changes to the report post-approval.

**9.5. Informational Briefing.** Prior to approval of the report, informational briefings to intermediate commands will not be conducted. **(T-2)**. The exception is if the Convening Authority requests a formal briefing of the report prior to its approval, then the Board President, with the approval of the Convening Authority, may provide an informational briefing to the NAF commander (or civilian equivalent) before briefing the Convening Authority. In addition, the Convening Authority may invite the mishap wing commander to be present at the informational briefing. The purpose of this informational briefing is solely to prepare the intermediate commander(s) for the formal briefing with the Convening Authority.

**9.6. Distributing the Accident Investigation Report:**

9.6.1. High-Interest Mishaps.

9.6.1.1. If the report involves a high-interest mishap, the Convening Authority's Staff Judge Advocate must forward the documents listed in paragraphs 9.6.1.1.1. through 9.6.1.1.7., to AFLOA/JACC immediately following approval of the report. **(T-1)**. The

documents forwarded to AFLOA/JACC shall not be released until after the briefings to the next-of-kin and/or seriously injured personnel are completed. **(T-1)**.

9.6.1.1.1. A cover sheet that prominently displays “CONTROLLED UNCLASSIFIED INFORMATION--NOT APPROVED FOR PUBLIC RELEASE.”

9.6.1.1.2. The Cover Page of the report.

9.6.1.1.3. The Convening Authority action.

9.6.1.1.4. The Executive Summary.

9.6.1.1.5. The Statement of Opinion, if applicable.

9.6.1.1.6. The Index of Tabs.

9.6.1.1.7. The public affairs release plan, approved by the Convening Authority, which includes:

9.6.1.1.7.1. A proposed timeline for the release of the report, including next-of-kin and/or seriously injured personnel briefings and public release.

9.6.1.1.7.2. A description of public, press, and congressional interest.

9.6.1.1.7.3. A press release and anticipated questions and answers.

9.6.1.2. Upon receipt of all the aforementioned documents, AFLOA/JACC prepares and delivers a high-interest mishap package to AF/JA for forwarding to the offices of SAF/OS and AF/CC for review. No one shall contact the next-of-kin and/or seriously injured personnel to schedule a briefing until AFLOA/JACC informs the Convening Authority’s Staff Judge Advocate it is permissible to do so. **(T-1)**. This will occur after the offices of SAF/OS and AF/CC complete their review of the high-interest package. **(T-1)**.

9.6.1.3. After AFLOA/JACC informs the Convening Authority’s Staff Judge Advocate that the next-of-kin and/or seriously injured personnel briefings may be scheduled, the Convening Authority’s Staff Judge Advocate may forward a copy of the Convening Authority’s action, Executive Summary, Summary of Facts, and Statement of Opinion (if applicable) only to the following offices listed in paragraphs 9.6.1.3.1. through 9.6.1.3.6., as appropriate, prior to briefing next-of-kin and/or seriously injured personnel or public release of the report (annotate on each report copy “CLOSE HOLD UNTIL PUBLIC RELEASE”), but must ensure each recipient of the information is instructed to not release the information any further until next-of-kin and/or seriously injured personnel have been briefed: **(T-1)**.

9.6.1.3.1. The Convening Authority’s Chief of Safety if a Safety Investigation Board was convened to investigate the mishap. Annotate on the transmittal document that no comments made or actions taken by safety personnel as a result of their review of the report are to be disclosed outside the Air Force safety community. Information concerning any differences between the two investigations shall not be relayed by anyone in the safety community to the Accident Investigation Board or the Convening Authority’s Staff Judge Advocate. **(T-1)**. Any concerns identified by the safety community shall be communicated directly to the Convening Authority. **(T-1)**.

9.6.1.3.2. AFSEC/JA.

9.6.1.3.3. Mishap wing commander and intermediate commanders.

9.6.1.3.4. The Staff Judge Advocate of any MAJCOM commander whose assets or personnel were involved in the mishap.

9.6.1.3.5. Members of Congress, if requested. See paragraph 9.8.

9.6.1.3.6. Foreign military and civilian authorities, as appropriate.

#### 9.6.2. Non High-Interest Mishaps.

9.6.2.1. After the Convening Authority approves the report, the Convening Authority's Staff Judge Advocate will coordinate with the Convening Authority's public affairs office for report distribution. **(T-2)**.

9.6.2.2. After the report is approved, the Convening Authority's Staff Judge Advocate shall transmit a copy of the Convening Authority's action, Executive Summary, Summary of Facts, and Statement of Opinion to AFLOA/JACC, annotating on the transmittal document that the report is "CLOSE HOLD UNTIL PUBLIC RELEASE." **(T-1)**.

9.6.2.3. In addition to the above and prior to release of the report to the public or the media, the Convening Authority's Staff Judge Advocate will provide a copy of the Convening Authority's Action, Executive Summary, Summary of Facts, and the Statement of Opinion to the following offices listed in paragraphs 9.6.2.3.1. through 9.6.2.3.6., annotating on the transmittal document that the report is "CLOSE HOLD UNTIL PUBLIC RELEASE." **(T-1)**.

9.6.2.3.1. The Convening Authority's Chief of Safety if a Safety Investigation Board was convened to investigate the mishap. Annotate on the transmittal document that no comments made or actions taken by safety personnel as a result of their review of the report are to be disclosed outside the Air Force safety community. Information concerning any differences between the two investigations shall not be relayed by anyone in the safety community to the Accident Investigation Board or the Convening Authority's Staff Judge Advocate. **(T-1)**. Any concerns identified by the safety community shall be communicated directly to the Convening Authority. **(T-1)**.

9.6.2.3.2. AFSEC/JA.

9.6.2.3.3. Mishap wing commander and intermediate commanders.

9.6.2.3.4. The Staff Judge Advocate of any MAJCOM commander whose assets or personnel were involved in the mishap.

9.6.2.3.5. Members of Congress, if requested. See paragraph 9.8.

9.6.2.3.6. Foreign military and civilian authorities, as appropriate.

#### **9.7. High-Interest Mishaps: Briefings to Next-of-Kin and/or Seriously Injured Personnel.**

9.7.1. Before public release of the report, the Board President will brief the accident investigation to the next-of-kin and/or seriously injured personnel. **(T-2)**. The Convening Authority may, within his or her discretion, direct briefings for other close relatives or friends of the deceased member(s). The Board President will be the primary briefing officer. **(T-2)**. The Legal Advisor does not attend the briefing unless his or her presence is essential, as

determined by the Convening Authority's Staff Judge Advocate, in consultation with AFLOA/JACC.

9.7.2. Next-of-kin and seriously injured personnel briefings shall not be recorded by any method, and shall not be conducted via telephone, video-teleconferencing or other forms of remote communication. **(T-1)**.

9.7.3. The purpose of the briefing to the next-of-kin and/or seriously injured personnel is to:

9.7.3.1. Personally express the condolences of the Department of the Air Force for the death or injury resulting from the mishap;

9.7.3.2. Personally deliver a copy of the report (either a hard copy, an electronic copy or both depending on the wishes of the next-of-kin and/or seriously injured personnel); and

9.7.3.3. Provide a basic briefing of the investigation, including the cause(s) and/or the substantially contributing factor(s) in the mishap (if applicable).

9.7.4. Multiple next-of-kin and/or seriously injured personnel briefings.

9.7.4.1. If there are multiple next-of-kin and/or seriously injured personnel, the Convening Authority will determine whether the Board President will conduct all briefings in person, or if multiple briefing officers will be appointed to conduct simultaneous briefings in person. **(T-2)**. If multiple briefing officers are appointed, they will be field grade officers, and be board members if possible. **(T-2)**. The Legal Advisor does not attend the briefing, unless his or her presence is essential, as determined by the Convening Authority's Staff Judge Advocate, in consultation with AFLOA/JACC.

9.7.4.2. Each recipient shall receive substantially the same briefing. **(T-2)**. Therefore, each briefing officer must fully understand the results of the accident investigation and must brief the report based on a uniform briefing plan. **(T-2)**. If multiple briefing officers are used, they will not deviate from the approved briefing plan. **(T-2)**.

9.7.4.3. If multiple briefings are scheduled but will not occur at the same time, the briefing officer will ask briefing recipients to refrain from talking to the media or public about matters that were briefed until after completion of all scheduled briefings. **(T-2)**. The purpose of the request is to ensure the last individuals briefed receive factual information from the briefing officer before they receive it from other sources (e.g., other individuals who were briefed, the media, etc.).

9.7.5. The Convening Authority's Staff Judge Advocate shall provide training to Air Force personnel who will conduct the briefings. **(T-2)**. Representatives from other members of the Convening Authority's headquarters staff (e.g., Public Affairs, Mental Health, Casualty Assistance, Mortuary Affairs, Surgeon General, etc.) provide training, as appropriate.

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

9.8.1. Following the briefings to the next-of-kin and/or seriously injured personnel, but before public release, the Convening Authority's Staff Judge Advocate provides a copy of the report and a briefing to congressional members, if requested. Contact the Assistant Secretary of the Air Force, Legislative Liaison, Programs and Legislative Division (SAF/LLP) for further guidance.

9.8.2. If the mishap 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 shall follow the briefings to the next-of-kin and/or seriously injured personnel. **(T-2)**. Consult with the Convening Authority's Staff Judge Advocate and Convening Authority's public affairs office for assistance in identifying and coordinating these additional briefings.

**9.9. Subsequent Report Distribution in All Mishaps.** The Convening Authority's Staff Judge Advocate shall provide the following offices/entities listed in paragraphs 9.9.1. through 9.9.6., below, with a complete (narrative and Tabs) electronic copy of the report within 5 duty days of public release: **(T-1)**.

9.9.1. The Staff Judge Advocate of any MAJCOM involved in the accident.

9.9.2. AFLOA/JACC.

9.9.3. AFSEC/JA.

9.9.4. For mishaps involving contractors subject to potential contractual liability as a result of the accident, Staff Judge Advocate, Headquarters, Air Force Materiel Command.

9.9.5. For mishaps involving suspected defective or non-conforming products, Air Force Office of Special Investigations, Investigations, Collections, and Operations Nexus, Economic Crime Integration Desk.

**9.10. Requests for Copies of the Approved Report.** The Convening Authority (or his or her designee) is the official release authority for the report and responds to requests for copies of the report.

## Chapter 10

### INVESTIGATING SPACE MISHAPS

#### 10.1. General Policy.

10.1.1. If the occurrence is properly deemed an accident, as defined in this publication, the Convening Authority shall determine whether the ability of the Accident Investigation Board to produce a publicly releasable report would be significantly undermined by the amount of classified, proprietary, or other non-releasable information for which requests for public release may not be granted. **(T-1)**.

10.1.1.1. Proprietary information, International Traffic in Arms Regulation information, or other sensitive information not otherwise classified, do not qualify for a separate addendum (e.g., proprietary addendum).

10.1.1.2. If an accident investigation is required in accordance with paragraph 1.16., but the Convening Authority determines that a publicly releasable accident investigation report is unfeasible in light of the significant amount of non-releasable information involved in the space mishap, an Accident Investigation Board is not required. However, the Convening Authority's Staff Judge Advocate shall advise the Convening Authority regarding what alternative legal investigation must be conducted in accordance with DoDI 6055.07. **(T-1)**.

10.1.2. Space Safety Investigation Boards and Accident Investigation Boards can be conducted simultaneously. However, the Space Safety Investigation Board will have priority in access to witnesses and evidence. **(T-1)**. The Accident Investigation Board may rely on the technical analyses conducted by the engineering analysis group in arriving at their findings and conclusions.

**10.2. The Engineering Analysis Group.** Due to the technical nature of space assets, the Convening Authority may utilize an engineering analysis group to assist an accident investigation in analyzing the technical data from a mishap.

10.2.1. The System Program Office and the relevant contractor(s), in coordination with the Convening Authority, determine the composition of the engineering analysis group.

10.2.2. Those individuals appointed must sign confidentiality agreements. **(T-1)**.

10.2.3. If an engineering analysis group or any of its members were or are also involved with the safety investigation, then they shall not discuss Safety Investigation Board comments with the Accident Investigation Board. **(T-1)**.

10.2.4. The engineering analysis group may recommend to the Safety Investigation Board President and the Space Accident Investigation Board President that certain non-privileged evidence and equipment be released in order that space launches may continue. The Space Accident Investigation Board President, with the concurrence of the Safety Investigation Board President and the Convening Authority's Staff Judge Advocate, may release any such evidence or equipment unless doing so will hinder the Safety Investigation Board and Space Accident Investigation Board processes.

10.2.5. The engineering analysis group will not take any action that will hinder the work of the safety investigation or space accident investigation. **(T-2)**. If at any time, the work of the engineering analysis group is thought to be hindering the ability of the space accident investigation to meet its objectives, the Space Accident Investigation Board President shall notify the Office of the Staff Judge Advocate, Air Force Space Command (AFSPC/JA) immediately. **(T-2)**.

**10.3. Guidance for Space Mishaps.** The Accident Investigation Board Legal Advisor shall contact AFSPC/JA for specific guidance regarding the investigation of space mishaps. **(T-2)**.

**10.4. Assembling the Space Accident Investigation Report.**

10.4.1. The Space Accident Investigation Board report will be assembled in the same manner as other accident investigation reports, in accordance with Chapter 7. **(T-1)**.

10.4.2. The Board President will incorporate space-unique evidence in Tabs not otherwise designated in Chapter 7. **(T-1)**.

## Chapter 11

### GROUND ACCIDENT INVESTIGATIONS

#### 11.1. Ground Accident Investigations and Board Composition.

11.1.1. At a minimum, a Ground Accident Investigation Board must include a Board President, Legal Advisor, and Recorder. **(T-1)**.

11.1.2. The Convening Authority will appoint other board members and Subject Matter Experts at his or her discretion and as circumstances require, depending upon the type and complexity of the mishap, to ensure a thorough investigation and production of a high quality report. **(T-1)**.

11.1.3. Accidents that do not involve aerospace assets but still meet the criteria in Chapter 1 are considered ground accidents. The composition of the Board and structure of the investigation report diverge in some areas from aerospace accident investigations, but all of the procedures listed in Chapters 1-9 must be followed for ground accident investigations except as otherwise outlined in this chapter and chapter 12. **(T-1)**.

**11.2. Outline of the Summary of Facts for Ground Accident Investigation Boards.** The Ground Accident Investigation Board must use the following outline listed in paragraphs 11.2.1. through 11.2.12. to construct the Summary of Facts for ground accident investigation reports. **(T-1)**. The Board will address each section, even if to state, “not applicable.” **(T-1)**. The Board may add additional sections to address additional issues as necessary if those issues do not fit in any of the sections listed in the subparagraphs below. However, the Board’s investigation and report will remain within the permissible scope of an accident investigation as outlined in this publication, and the report will not otherwise deviate from this outline. **(T-1)**. The Ground Accident Investigation Board shall not state or imply that any fact was a cause or substantially contributing factor in the mishap if no Statement of Opinion has been authorized. **(T-1)**.

##### 11.2.1. AUTHORITY AND PURPOSE.

11.2.1.1. Authority. Reference the authority for conducting the investigation, including this publication, the Convening Authority, and letters or orders appointing the Ground Accident Investigation Board members. List the Board members and Subject Matter Experts on the Ground Accident Investigation Board. Indicate whether the investigation is an abbreviated ground accident investigation conducted pursuant to Chapter 12. Identify Ground Accident Investigation Board members and Subject Matter Experts by position (e.g., Maj Legal Advisor, MSgt Maintenance Member, etc.).

11.2.1.2. Purpose. Use the following language for the purpose: “In accordance with AFI 51-307, *Aerospace and Ground Accident Investigations*, this Ground Accident Investigation Board conducted a legal investigation to inquire into all the facts and circumstances surrounding this Air Force ground accident, prepare a publicly releasable report, and obtain and preserve all available evidence for use in litigation, claims, disciplinary action, and adverse administrative action.”

11.2.2. **ACCIDENT SUMMARY.** A brief synopsis, similar to that used in the Executive Summary is preferred, and is usually one paragraph. Include the date of the accident, precise location, type of asset and identification number, unit and unit location, pseudonyms of the

mishap personnel (and their respective units and unit locations), numbers of military and civilian casualties, monetary value of government loss, and generally indicate both military and civilian property damage, if any. Do not describe the cause(s) of the accident and/or any substantially contributing factor(s).

**11.2.3. BACKGROUND.** Include current information regarding relevant units, agencies, programs, resources, procedures, and mission tasking.

**11.2.4. SEQUENCE OF EVENTS.**

11.2.4.1. Provide a narrative chronology of relevant events surrounding the accident and the immediate responses to the accident. The chronology includes relevant decisions and actions made by individuals and relevant organizational actions upon notification of the accident. The chronology should make it clear to readers what happened.

11.2.4.2. Search and Rescue. Describe search and rescue assets and the rescue operations. Indicate the time of accident and the time and origin of the first rescue call. Identify the organization responding to the call and the time it found the survivors, fatalities, and wreckage. Describe the sequence of events from the time the initial rescue call was received. List relevant equipment sent to the accident site. Explain any delays between the time the accident was reported, the rescue call, and the time the rescue team left for the accident site. Identify difficulties experienced in the rescue effort such as weather, time of day, topography.

11.2.4.3. Recovery of Remains. Describe the recovery operation and identify the organization that handled the recovery operation.

**11.2.5. MAINTENANCE.**

11.2.5.1. Maintenance Documents. Describe the results of the review of relevant maintenance documents.

11.2.5.2. Maintenance Forms. Describe annotations on maintenance forms and logs that may relate to the accident. Indicate relevant discrepancies, if any. Note the status of all Time Compliance Technical Orders that are relevant to the accident. Report whether historical records reveal any relevant recurring maintenance problems.

11.2.5.3. Scheduled Inspections. Indicate the status of all scheduled inspections, and whether they were satisfactorily completed. Indicate any relevant discrepancies.

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

11.2.5.5. Unscheduled Maintenance. Report relevant unscheduled maintenance performed since completion of the last scheduled inspection. 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.

11.2.5.6. Maintenance Personnel and Supervision. Determine if maintenance personnel had the required training, experience, certifications, and/or supervision to complete assigned tasks by reviewing appropriate training and certification records, performance evaluations or reports, and staff progress records. Identify all personnel, units, and

commercial entities that serviced or maintained any of the equipment, vehicles, facilities, or systems relevant to the accident. Review pre-accident maintenance service records, paying attention to the quality of supervision provided to maintenance personnel, as well as to their performance.

#### **11.2.6. EQUIPMENT, VEHICLES, FACILITIES, AND SYSTEMS.**

11.2.6.1. Discuss whether equipment, vehicle, facilities, and systems involved in the accident were functioning properly.

11.2.6.2. Review the maintenance history of the components and the results of any teardown analyses that were conducted.

11.2.6.2.1. Identify manufacturers or vendors of all components, accessory systems, or products that may be relevant to the mishap.

11.2.6.2.2. Identify any repair station involved in overhauling, repairing, bench checking, or testing any components, accessory systems, or units suspected of failure.

11.2.6.3. Describe the condition of the equipment, vehicles, facilities, and systems involved in the accident as they were found after the mishap.

#### **11.2.7. ENVIRONMENTAL CONDITIONS.**

11.2.7.1. Describe the forecast and observed weather for the date of the accident.

11.2.7.1.1. Specify illumination and visibility at time and place of accident. Mention wind conditions, if relevant.

11.2.7.1.2. Describe the post-accident weather, if relevant.

11.2.7.2. Describe topography, geology, elevation, climate, tide, fire, and/or other environmental conditions relevant to the accident.

11.2.7.3. Describe any warnings, restrictions, procedures and/or briefings about environmental conditions persons involved in the accident knew or may have known about, that are relevant to the accident (e.g., fire and water restrictions, winter weather precautions, and high elevation safety measures).

#### **11.2.8. PERSONNEL QUALIFICATIONS.**

11.2.8.1. Describe the relevant training of Air Force military and civilian personnel involved in the accident. Present this information chronologically and note any deficiencies.

11.2.8.2. Describe the training currency, performance, experience level, and qualifications of Air Force military and civilian personnel involved in the accident.

#### **11.2.9. MEDICAL.**

11.2.9.1. Review pre- and post-accident medical examination records of Air Force military and civilian personnel involved in the accident and identify any physical or mental health attributes that are or appear to be relevant to the accident.

11.2.9.2. Generally describe injuries or medical conditions Air Force civilian and military personnel incurred due to the accident. Do not include any graphic details about the injuries.

11.2.9.3. Review autopsy reports of individuals who died as a result of the accident and generally state the cause(s) of death. In describing the cause(s) of death, remain acutely aware of the sensitivities of the next-of-kin. Do not include autopsy reports in the ground accident investigation report.

11.2.9.4. Review and discuss post-mishap toxicology reports. Do not include toxicology reports in the ground accident investigation report.

11.2.9.5. Describe unusual habits, behavior, or stress of relevant personnel involved in the accident.

#### 11.2.10. OPERATIONS AND SUPERVISION.

11.2.10.1. Discuss the relevant operations tempo of Air Force organizations involved in the accident.

11.2.10.2. Discuss the required and actual oversight of the equipment, vehicles, facilities, systems, or activities relevant in the mishap.

#### 11.2.11. GOVERNING DIRECTIVES AND PUBLICATIONS.

11.2.11.1. List all directives and publications relevant to the mishap and indicate which are available on the Air Force e-Publishing web site: <http://www.e-publishing.af.mil>.

11.2.11.2. Give specific paragraph references from the listed directives and publications for any listed known deviations related to the mishap.

11.2.12. **SIGNATURE AND DATE.** The Ground Accident Investigation Board President will sign and date the Summary of Facts with his or her name and signature block as “President, Ground Accident Investigation Board.” (T-1). This occurs when the report is submitted for formal quality review.

**11.3. Statement of Opinion.** The Board’s report shall not contain a Statement of Opinion unless specifically authorized in advance by AFLOA/JACC. (T-1).

**11.4. Tabs.** The Ground Accident Investigation Board shall incorporate the Part 1 materials received from the safety investigation (whether in Tab format or Exhibit format) as the first Tabs in the ground accident investigation report. (T-1). The Safety Investigation Board Part 1 materials incorporated into the ground accident investigation report shall be identical to the safety investigation’s

Part 1, except as otherwise authorized by this instruction and AFLOA/JACC. (T-1). The Ground Accident Investigation Board will add its own investigatory evidence in separate accident investigation board report Tabs, and not add it to the Tabs containing the materials received from the Safety Investigation Board. (T-1).

## Chapter 12

### ABBREVIATED ACCIDENT INVESTIGATIONS

**12.1. General Considerations.** At the Convening Authority's discretion, an abbreviated investigation may be conducted pursuant to this chapter allowing for the investigation procedures and report format to be modified to conserve time and resources. Unless specifically addressed in this chapter, compliance with the rules and procedures in the previous chapters of this publication is mandatory. If during an abbreviated investigation, it becomes apparent that a rights advisement is necessary, the Legal Advisor will consult with the Convening Authority's Staff Judge Advocate, who in turn will determine and advise the Convening Authority whether it is appropriate to continue with an abbreviated investigation, convene a full investigation, or terminate the accident investigation and refer the matter to other investigative channels. **(T-1)**.

**12.2. Abbreviated Aerospace and Ground Accident Investigation Boards.** Abbreviated accident investigations will only be convened under either of the following two circumstances listed below. **(T-1)**.

12.2.1. When an accident investigation is required pursuant to paragraph 1.16., but the mishap does not involve a fatality or permanent serious injury; is not otherwise considered a high-interest mishap; and claims, litigation or disciplinary action are not likely or expected to arise from the mishap.

12.2.2. When convening an accident investigation is discretionary.

**12.3. Abbreviated Accident Investigation Member Qualifications.**

12.3.1. The Board President shall be in a grade equal to, or greater than, the grade of the corresponding Safety Investigation Board President. **(T-2)**. The Accident Investigation Board President shall at a minimum be a field grade officer. **(T-1)**.

12.3.2. An abbreviated Accident Investigation Board shall have a President and Legal Advisor. **(T-1)**. The Convening Authority may appoint other board members and Subject Matter Experts as appropriate to ensure a quality investigation and report.

12.3.3. The Board President should be a graduate of the Board President Course.

12.3.4. The Legal Advisor shall be a graduate of the Accident Investigation Course or have received the Abbreviated Accident Investigation Course training in person. **(T-1)**.

12.3.5. The Legal Advisor and Board President are not required to travel to the host installation, and all board activities may be conducted electronically and remotely if, in the opinion of the Board President, the quality of the investigation will not be compromised by the lack of the Board's physical presence at the mishap site or the host installation.

**12.4. Collection of Evidence.** An abbreviated accident investigation should proceed along the same lines as a full-scale accident investigation. However, the documentation required, the number of witnesses interviewed, and depth of technical analyses may vary, depending on the circumstances and in the Convening Authority's and the Board President's discretion. Notwithstanding, the abbreviated accident investigation will not sacrifice the quality of a comprehensive investigation because of its abbreviated nature. **(T-1)**.

**12.5. Writing and Assembling the Abbreviated Report.**

12.5.1. All reports must have a Cover Page, an Executive Summary, Summary of Facts, and Statement of Opinion (if applicable). **(T-1)**. However, the content and amount of supporting documentation and other evidence may vary in the discretion of the Board President to ensure a quality investigation and report.

12.5.2. The Summary of Facts shall be fully supported by documentary evidence in the Tabs. **(T-1)**. All factual statements in the Summary of Facts that are used to support the Statement of Opinion (if applicable) will be followed with a citation to supporting materials in the Tabs in the format specified in Chapter 7. **(T-1)**.

12.5.3. Tabs.

12.5.3.1. The Accident Investigation Board shall incorporate the Safety Investigation Board Part 1 materials in the Tab or Exhibit format provided by the safety investigation as the first Tabs in the accident investigation report. **(T-1)**. The remaining Tabs prepared by the Accident Investigation Board may be added if necessary. If any Tabs are not used, the Board will indicate "Tab Not Used" where appropriate. **(T-2)**.

12.5.3.2. When the Safety Investigation Board has not produced a Part 1, Tabs A-S are used as necessary, at the discretion of the Board President, to incorporate non-privileged information received from the safety investigation and produce a quality investigation report.

12.5.4. The report Cover Page and "Authority" paragraph of the Summary of Facts must state: "This investigation is an abbreviated [ground] accident investigation, conducted pursuant to Chapter 12 of AFI 51-307." **(T-1)**.

## **12.6. Disposition of Wreckage and Evidence.**

12.6.1. The Convening Authority's Staff Judge Advocate may release the wreckage, evidence, and other materials, once the Accident Investigation Board report (if applicable) has been approved, if after consulting with AFLOA/JACC no claims or litigation are likely or reasonably anticipated. However, AFLOA/JACC concurrence to release the wreckage, evidence and other materials from legal hold is required if claims or litigation are likely or reasonably anticipated, as determined by AFLOA/JACC.

12.6.2. The Convening Authority's Staff Judge Advocate shall notify AFLOA/JACC in writing when releasing wreckage or evidence from legal hold. **(T-1)**.

12.6.3. For abbreviated accident investigations, the Convening Authority or the Convening Authority's Staff Judge Advocate can approve the aircraft's or asset's repair and return to operational service prior to approval of the abbreviated report after AFLOA/JACC determines that claims or litigation that would justify continued retention on legal hold are not likely or reasonably anticipated.

JEFFREY A. ROCKWELL  
Lieutenant General, USAF  
The Judge Advocate General

**(USAFEAFRICA)**

JAMES H. KENNEDY III, Colonel, USAF  
Staff Judge Advocate

## Attachment 1

## GLOSSARY OF REFERENCES AND SUPPORTING INFORMATION

*References*

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

5 U.S.C. § 552a, Privacy Act of 1974

10 U.S.C. § 130b, Personnel in Overseas, Sensitive, or Routinely Deployable Units: Nondisclosure of Personally Identifying Information

10 U.S.C. §§ 801-946a, Uniform Code of Military Justice

10 U.S.C. § 2254, Treatment of Reports of Aircraft Accident Investigations

10 U.S.C. § 2255, Aircraft Accident Investigation Boards; Composition requirements

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

50 U.S.C. §§ 4601 et seq., Export Administration Act of 1979

**(Added-USAFEAFRICA)** AFI33-322, *Records Management and Information Governance Program*, 22 March 2020

Public Law 104-191, 110 Stat. 1936, Health Insurance Portability and Accountability Act of 1996 DoD 5400.11-R, *Department of Defense Privacy Program*, 14 May 2007

DoD 5500.07-R, *Joint Ethics Regulation (JER)*, 30 August 1993

DoD 6025.18-R, *DoD Health Information Privacy Regulation*, 24 January 2003

DoD 7000.14-R, *Financial Management Regulation*

DoDD 5530.3, *International Agreements*, 11 June 1987 (Incorporating Change 1, 18 February 1991, Certified Current as of 21 November 2003)

DoDI 6055.07, *Mishap Notification, Investigation, Reporting, and Record Keeping*, 6 June 2011

**(Added-USAFEAFRICA)** AFI 33-360, *Publications and Forms Management*, 1 December 2015

**(Added-USAFEAFRICA)** AFI 91-204, *Safety Investigation and Hazard Reporting*, 26 April 2018

AFPD 51-3, *Civil Litigation*, 28 November 2018

AFPD 91-2, *Safety Programs*, 1 May 2017

AFI 10-2501, *Air Force Emergency Management Program*, 19 April 2016

AFI 13-204, Volume 3, *Airfield Operations Procedures and Programs*, 1 September 2010

AFI 16-402, *Aerospace Vehicle Programming, Assignment, Distribution, Accounting, and Termination*, 30 May 2013

AFI 16-1404, *Air Force Information Security Program*, 29 May 2015

AFI 20-110, *Nuclear Weapons-Related Materiel Management*, 4 June 2018

AFI 33-360, *Publications and Forms Management*, 1 December 2015 (AFGM2018-02.01, 15 February 2018)

AFI 34-202, *Procedures for Protecting Nonappropriated Funds Assets*, 22 December 2015

AFI 34-225, *Services Nonappropriated Fund Governance*, 28 August 2018

AFI 34-501, *Mortuary Affairs Program*, 18 August 2015

AFI 36-2706, *Equal Opportunity Program, Military and Civilian*, 5 October 2010

AFI 36-2910, *Line of Duty (LOD) Determination, Medical Continuation (MEDCON) and Incapacitation (INCAP) Pay*, 8 October 2015

AFI 41-210, *TRICARE Operations and Patient Administration Functions*, 6 June 2012

AFI 44-119, *Medical Quality Operations*, 16 August 2011

AFI 51-301, *Civil Litigation*, 2 October 2018

AFI 90-301, *Inspector General Complaints Resolution*, 28 December 2018

AFI 91-204, *Safety Investigation and Hazard Reporting*, 27 April 2018

AFMAN 33-363, *Management of Records*, 1 March 2008

AF Form 847, *Recommendations for Change of Publication*, 22 September 2009

AFTO Form 781, *ARMS Aircrew/Mission Flight Data Document*, 3 July 2017

JP 1-02, *Department of Defense Dictionary of Military and Associated Terms*, January 2019

*Joint Travel Regulations, Uniformed Service Members and DOD Civilian Employees (JTR)*, 1 December 2018

### ***Adopted Forms***

**(Added-USAFEAFRICA)** AF Form 847,

### ***Abbreviations and Acronyms***

**AF**—Air Force

**(Added-USAFEAFRICA) AFGOMO**—Air Force General Officer Matters Office

**AFI**—Air Force Instruction

**AFMAN**—Air Force Manual

**AFPD**—Air Force Policy Directive

**AFRC**—Air Force Reserve Command

**AFSEC**—Air Force Safety Center

**AFTO**—Air Force Technical Order

**ANG**—Air National Guard

**CD**—Compact Disc

**DoD**—Department of Defense

**DoDI**—Department of Defense Instruction

**DSN**—Defense Switch Network

**DVD**—Digital Video Disc

**JP**—Joint Publication

**(Added-USAFEAFAFRICA) LOA**—Line of Accounting

**MAJCOM**—Major Command

**NAF**—Numbered Air Force

**NDA**—Non-Disclosure Agreement

**(Added-USAFEAFAFRICA) RIP**—Report on Individual Personnel

**UCMJ**—Uniform Code of Military Justice

**USAF**—United States Air Force

**(Added-USAFEAFAFRICA) USAFE-AFAFRICA**—United States Air Forces in Europe Air Forces Africa

**USAFR**—United States Air Force Reserve

**U.S.C.**—United States Code

### ***Terms***

**Accident**—An unplanned occurrence, mishap or series of occurrences, that results in damage or injury and meets Class A, B, C, or D mishap reporting criteria in accordance with DoDI 6055.07 and AFI 91-204. Damage or injury includes: damage to DoD property; occupational illness to DoD military or civilian personnel; injury to DoD military personnel on- or off-duty; injury to on-duty DoD civilian personnel; damage to public or private property; or injury or illness to non-DoD personnel caused by Air Force activities. Unless otherwise indicated, the term “accident” is used interchangeably with the term “mishap” throughout this publication.

**Accident Investigation**—An investigation of an aerospace or ground mishap constituting an accident as defined above, conducted pursuant to the provisions of AFI 51-307. Aerospace accident investigations arise from mishaps involving aircraft, space, or flying operations. Ground accident investigations arise from mishaps occurring on land or while afloat.

**Adverse Information**—Information that constitutes: (1) a violation of criminal law; the UCMJ; DoD 5500.07-R, *Joint Ethics Regulation (JER)*; the Anti-Deficiency Act; DoD Directives and Instructions; Air Force Instructions; or military or civilian personnel policies; (2) an abuse of authority, especially when an element of personal benefit accrues to the official, a family member, or an associate; (3) fraud, waste, and abuse or mismanagement, governed by AFI 90-301 or involving non-appropriated funds or morale, welfare, and recreation assets, including personnel and facilities, as governed by AFI 34-225, *Air Force Services Nonappropriated Fund Governance* and AFI 34-202, *Protecting Non-appropriated Funds Assets*; (4) misconduct by a medical provider requiring actions to suspend, limit, or revoke clinical privileges, as governed by AFI 44-119, *Medical Quality Operations*; (5) prohibited discrimination or sexual harassment as described by AFI 36-2706, *Equal Opportunity Program, Military and Civilian*; or (6) a matter not included above which may reflect adversely on the individual’s judgment or exercise of authority.

**Aerospace Vehicle**—All manned vehicles and remotely piloted aircraft supported in flight by buoyancy or dynamic action. The term includes those vehicles owned or leased by the Air Force, Air Force Reserve, or Air National Guard. 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 United States Government has assumed ground and flight risk; or (3) any aerospace vehicle under test by the Air Force.

**The term “Aerospace Vehicle” does not include**—(1) aerospace vehicles leased to contractors, commercial airlines, or foreign governments when the lessee has assumed risk of loss; (2) aircraft loaned to other United States government agencies or transferred to other governments; (3) civil air carrier aircraft owned by civil operators and flying contractor air missions for the Air Force under civil operating rules or regulations; (4) factory—new production aerospace vehicles not formally accepted by the Air Force; (5) aerospace vehicles of another military service, even when they are taking part in a joint air operation controlled by the Air Force; (6) Air Force Aero Club aircraft; and (7) aircraft assigned to, owned by, or leased by the Civil Air Patrol.

**Cause**—An act, omission, condition, or circumstance that starts, sustains, or creates a condition permitting the mishap, without which the mishap could not have occurred. It may be an element of human, environmental, mechanical performance or a combination thereof. A given act, omission, condition, or circumstance is a “cause” if correcting, eliminating, or avoiding it would have prevented the mishap.

**Colonel (or Civilian Equivalent)**—For purposes of this publication, any Air Force, Air Force Reserve, or ANG officer in the grade of O-6; officer who has been selected for promotion to the grade of O-6 but has not yet assumed that grade; or Air Force civil service employee in the grade of GS-15.

**Convening Authority**—The individual responsible for convening and approving the legal (accident) investigation of an on-duty accident involving Air Force aircraft, RPAs (including unmanned aerial vehicles and aerostat balloons), missiles, space systems or equipment, and other Air Force assets or personnel. The convening authority initiates the accident investigation by convening a board and closes the investigation by approving or disapproving the report prepared about the investigation.

**Department of Defense Civilian Personnel**—A federal civilian employee of the Department of Defense directly hired and paid from appropriated or non-appropriated funds, under permanent or temporary appointment. This includes Reserve Component military technicians (unless in a military duty status), and non-dual status technicians; U.S. Army Corps of Engineers Civil Works employees; Youth or Student Assistance Program employees; and foreign nationals employed by the DoD Components. See also Joint Publication 1-02, *Department of Defense Dictionary of Military and Associated Terms*.

**Department of Defense Components**—The Office of the Secretary of Defense, the Military Departments, the Chairman of the Joint Chiefs of Staff and the Joint Staff, the combatant commands, the Office of the Inspector General of the Department of Defense, the Department of Defense agencies, Department of Defense field activities, and all other organizational entities in the Department of Defense.

**Department of Defense Military Personnel**—All U.S. military personnel, including members of the Army, Navy, Air Force, and Marine Corps Reserve, the Army National Guard of the United States, and the Air National Guard of the United States, on active duty or inactive duty for training under the provisions of Title 10 U.S.C. or Title 32 U.S.C.; cadets of the United States Military Academy and the United States Air Force Academy; midshipmen of the United States Naval Academy; Reserve Officer Training Corps cadets when engaged in directed training activities; and foreign national military personnel assigned to the DoD Components.

**Destroyed Aircraft, Missile, Space Launch System, or Space Asset**—An aircraft that cannot be repaired and returned to service. A damaged aircraft not repaired is not automatically a “destroyed” aircraft. The decision whether or not to return a damaged aircraft to service is independent of the mishap class. When the aircraft will not be returned to service, classify the mishap damage according to the total estimated repair cost as if it had been returned to service. Detailed procedures for obtaining disposition recommendations from the program manager can be found in

*AFI 16—402, Aerospace Vehicle Programming, Assignment, Distribution, Accounting, and Termination.*

**Direct Evidence**—Evidence that proves a fact without any interpretation. Includes all evidence that directly states a claim or a fact. For example, watching the snow fall from the sky is direct evidence of the fact that it snowed.

**DoD Human Factors Analysis & Classification System**—A taxonomy developed to identify mishap hazards and risks. Developed by the Human Factors Working Group of the Aviation Safety Improvements Task Force at the direction of the Joint Services Safety Chiefs. The purpose of this analysis was to provide for the cross-feed of human error data using a common human error categorization system that involves human factor taxonomy accepted among the DoD Components and the U.S. Coast Guard. It is intended for use by all persons who investigate, report, and analyze DoD mishaps.

**Early Release of Information**—Any release of mishap information, through any means or mediums, prior to the official public release of the accident investigation report.

**Engineering Analysis Group**—An independent group of contractor personnel, Air Force representatives, and other experts established to assist the Safety Investigation Board and Space Accident Investigation Board in analyzing the technical data from a space mishap investigation.

**Evidence**—Information or data upon which a conclusion or judgment may be based. Evidence is information that tends to prove or disprove the existence of a fact. Evidence can include, but is not limited to, documents, witness testimony or statements, drawings, photographs, videotapes or other recorded information in any medium, wreckage, physical objects, test reports and analysis. Evidence includes direct and circumstantial evidence.

**Executive Summary**—A one-page statement of the basic facts surrounding the accident being investigated. For Aerospace Accident Investigation Boards, and Ground Accident Investigation Boards if authorized, the Executive Summary also presents the Board President’s opinion regarding the cause(s) and/or factor(s) that substantially contributed to the mishap. The Executive Summary is a stand-alone document often used in press releases. It must be complete and make sense without reference to any other document.

**Factual Data Animation**—An aircraft accident animation based on non-privileged factual data (also known as a raw cut animation). Air Force Safety Center technicians sometimes prepare an animation of the mishap for the Safety Investigation Board. As the raw cut of that animation does not contain any privileged safety information, the accident investigation may use it as part of its investigation.

**Family Assistance Representative**—A military member recommended by the commander of the deceased and appointed by the installation commander, who assists the next-of-kin, as outlined in AFI 34-501, *Mortuary Affairs Program*.

**Friendly Fire**—A circumstance in which authorized members of U.S. or friendly military forces, U.S. or friendly official government employees, U.S. DoD or friendly nation contractor personnel, and nongovernmental organizations or private volunteer organizations, who, while accompanying or operating with the U.S. Armed Forces, are mistakenly or accidentally killed or wounded in action by U.S. 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. This also includes incidents that result in only damage or destruction of U.S. or friendly nation's military property mistakenly or accidentally damaged in action by U.S. 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.

**High—Interest Mishap** - A mishap that results in death or serious personal injury, significant civilian property damage, or is likely to generate high public, media, or congressional interest.

**Host Installation**—The Air Force installation nearest to the accident, unless host installation responsibilities are assigned to an alternate installation or an Air Reserve Component installation. The host installation initially responds to the mishap and provides administrative and logistical support to ensuing safety and accident investigations. The host installation or designee also provides storage and security for evidence and wreckage, as directed. Upon release from legal hold, the host installation disposes of the wreckage. The host installation normally has responsibility for initial clean-up of the accident site and any required follow-on environmental remediation or restoration. For joint bases where the Air Force is not the host service or in control of the installation, the Air Force active duty wing (or group if there is no active duty wing) takes on the responsibilities of "host installation" to the extent practicable, under the guidance of the Convening Authority, and subject to any interservice support agreements. If there is no active duty/component Air Force organization of the joint installation, the Air Force Reserve wing (if any) or Air National Guard wing (if there is no Air Force Reserve wing) takes on the responsibilities of "host installation" to the extent practicable, under the guidance of the Convening Authority, and subject to any inter-service support agreements.

**Incident Commander**—The individual responsible for all incident activities, including the development of strategies and tactics and the ordering and release of resources. The Incident Commander has overall authority and responsibility for conducting incident operations and is responsible for the management of all incident operations at the incident site. See AFI 10-2501, *Air Force Emergency Management Program*.

**Indirect (Circumstantial) Evidence**—Evidence of one fact that implies another. This evidence is not drawn from direct observation, knowledge or a state of mind but rather relies on reasonable inferences and analysis to connect it to deductions or conclusions. Any fact presumed from another fact is indirect. For example, landing in one's destination airport and seeing snow on the ground is circumstantial evidence of the fact that it snowed.

**In—House Support** - Equipment and personnel funded and provided to the accident investigation by the host installation. It includes, but is not limited to: work areas and office work space; computers with Internet access; use of computers, printers, color copy machines, and fax machines; office supplies; paper supplies and computer CDs or DVDs; telephone service; use of government owned or leased vehicles; use of audio-visual equipment and services; and transcription equipment. Attachment 2 contains a list of accident investigation support requirements.

**Installation**—A base, camp, post, station, yard, center, or other DoD activity under the jurisdiction of the Secretary of one of the DoD’s military departments. An installation might be located in the United States or in a territory, commonwealth, or possession of the United States. An installation might also be located in an area outside the United States. An installation may be a grouping of facilities, located in the same vicinity, which support particular functions.

**International Agreement**—A multilateral or bilateral agreement, such as a base rights or access agreement, a status of forces agreement, including practices and standards established pursuant to such agreement, or any other instrument defined as a binding international agreement under DoD Directive 5530.3, *International Agreements*.

**JAGMAN**—Manual of the Judge Advocate General that contains basic regulations governing various types of investigations in the Department of the Navy.

**Legal Investigation**—An investigation of a DoD accident conducted for any purpose other than mishap prevention. A legal investigation inquires into the facts and circumstances surrounding an accident, but does not focus on mishap prevention. A legal investigation obtains and preserves evidence for use in litigation, adjudication of tort claims, disciplinary action, adverse administrative action, and all other purposes except mishap prevention. A legal investigation can include an accident investigation, Commander Directed Investigation, or any other formal investigative process.

**Line of Duty Determination**—A finding made after an investigation into the circumstances of a member’s illness, injury, disease or death. The finding determines: (1) whether or not the illness, injury or disease existed prior to service (EPTS) and if an EPTS condition was aggravated by military service; (2) whether or not the illness, injury, disease or death occurred while the member was absent without authority and (3) whether or not the illness, injury, disease or death was due to the member’s misconduct. See AFI 36-2910, *Line of Duty (LOD) Determination, Medical Continuation (MEDCON) and Incapacitation (INCAP) Pay*.

**Major Command (MAJCOM)**—A primary subdivision directly subordinate to Headquarters United States Air Force. The Air Force Major Commands are Air Combat Command, Air Education and Training Command, Air Force Global Strike Command, Air Force Materiel Command, Air Force Reserve Command, Air Force Space Command, Air Force Special Operations Command, Air Mobility Command, Pacific Air Forces, and United States Air Forces in Europe - Air Forces Africa. In addition, for purposes of this publication, this term includes the Air Force District of Washington, the United States Air Force Academy, or as otherwise directed by AFLOA/JACC with respect to convening Accident Investigation Boards.

**Mishap**—See “Accident.”

**Mishap Unit**—In accordance with 10 U.S.C. § 2255, Aircraft Accident Investigation Boards; Composition Requirements, it is defined as “the unit of the armed forces (at the squadron or

battalion level or equivalent) to which was assigned the flight crew of the aircraft that sustained the accident that is the subject of the investigation.” For the purposes of this publication, it is the squadron whose personnel or property experienced the accident resulting in the fatality, injury, disability or damage.

**Next-of-Kin (NoK)**—The person(s) most closely related to another person. Normally, the NoK for a married person is the decedent’s widow or widower. For single individuals without children, the NoK normally is the surviving parents or, if none, surviving siblings. The Convening Authority and Board President should not use this definition as a firm limitation on who may attend the NoK briefing. Sensitivities to family relations and circumstances should dictate how many people and who may attend the NoK briefing, or if separate briefings are more appropriate. Ultimately the Convening Authority determines who will be treated as NoK for the purposes of this publication.

**Off—Duty** - DoD personnel are off-duty when they are not on-duty. Reserve Component personnel performing inactive duty training (IDT) (e.g., drill, Additional Flight Training program flights) shall be considered off-duty: When traveling to or from the place at which such duty is performed; or while remaining overnight, immediately before the commencement of IDT; or while remaining overnight between successive periods of IDT, at or in the vicinity of the site of the IDT, unless the site of the IDT is outside reasonable commuting distance of the member’s residence.

**On—Duty** - DoD personnel are on-duty when: (1) physically present at any location where they are to perform their officially assigned work (officially assigned work includes organization-sponsored events an employee is permitted to attend, regardless of location, and includes those activities incident to normal work activities that occur on DoD installations, such as lunch, coffee, or rest breaks, and all activities aboard military vessels); (2) being transported by DoD or commercial conveyance to perform officially assigned work (includes travel in private motor vehicles or commercial conveyances while performing official duty but does not include routine travel to and from work or employee travel during a permanent change of station move); and (3) on temporary duty or additional duty (while on temporary duty, personnel are on-duty 24-hours a day for any injury that results from activities essential or incidental to the temporary duty assignment; however, when personnel deviate from the normal incidents of the trip and become involved in activities, personal or otherwise, that are not reasonably incidental to the duties of the temporary duty assignment contemplated by the employer, the person ceases to be considered on-duty for purposes of this publication). See DoDI 6055.07, *Mishap Notification, Investigation, Reporting, and Record Keeping*, for additional information.

**Personally Identifying/Identifiable Information**—According to 10 U.S.C. § 130b, “personally identifying information,” with respect to any person, means the person’s name, rank, duty address, and official title and information regarding the person’s pay. According to DoD 5400.11-R, *DoD Privacy Program*, “personally identifiable information” means information which can be used to distinguish or trace an individual’s identity, such as their name, social security number, date and place of birth, mother’s maiden name, biometric records, including any other personal information which is linked or linkable to a specified individual.

**Post-Investigation Memorandum**—A formal record of transmittal of all investigative documents and evidence from the Accident Investigation Board to the Convening Authority’s Staff Judge Advocate. This memorandum is submitted at the conclusion of an accident investigation and

accompanies the evidence that will be retained by the Convening Authority's Staff Judge Advocate.

**Preponderance of Evidence**—The greater weight of credible evidence. Evidence, which, as a whole, shows that the fact sought to be proved is more probable than not. In other words, a preponderance of the evidence means such evidence as, when considered and compared with the evidence opposed to it, has more convincing force, and produces in your mind's belief that what is sought to be proved is more likely true than not true.

**Privileged Safety Information**—Privileged safety information refers to information that is exempt by case law from disclosure outside the Air Force safety community. Privileged safety information shall only be used for mishap prevention. The Air Force treats privileged safety information as confidential information to ensure Commanders quickly obtain accurate mishap information thereby promoting safety, combat readiness, and mission accomplishment. Privileged information includes: (1) Findings, conclusions, causes, recommendations, analysis, and the deliberative process of safety investigators; (2) Diagrams and Exhibits if they contain information which depicts the analysis of safety investigators. This includes draft versions of the above material; (3) Information given to safety investigators pursuant to a promise of confidentiality, including any information derived from that information or direct/indirect references to that information; (4) Computer generated animations, simulations, or simulator reenactments in which safety investigator analysis or hypotheticals are incorporated. Animations made exclusively from recorder data are not privileged; (5) Photographs, imagery, and animations that reveal the deliberative process of the board, including photographs with markings; and (6) In accordance with AFI 91-204 the Safety Investigation Board's life sciences material, particularly 14-day and 72-hour histories, are only privileged if a promise of confidentiality was granted. However, if histories are not labeled either "privileged" or "non-privileged," then the Legal Advisor shall confirm with the Safety Investigation Board whether the histories are "non-privileged" before allowing other board members and Subject Matter Experts access.

**Remotely Piloted Aircraft**—A powered aerial vehicle that does not carry a human operator, uses aerodynamic forces (including buoyancy or dynamic action) to provide vehicle lift, can fly autonomously or be piloted remotely, can be expendable or recoverable, and can carry a lethal or nonlethal payload. This includes aerostat balloons. For purposes of this publication, this does not include ballistic or semi-ballistic vehicles, cruise missiles, and artillery projectiles. Remotely piloted aircraft are operated and exclusively controlled by a DoD Component, or furnished by the Government or in bailment to a non-DoD organization for modification, maintenance, repair, test, contract training, or experimental project for a DoD Component, when the Government has assumed ground and flight risk.

**Remotely Piloted Vehicle**—An unmanned vehicle capable of being controlled from a distant location through a communication link. It is normally designed to be recoverable. A remotely piloted vehicle may be used as a target, attack reconnaissance, electronic counter measure, or test bed-carrying vehicle. It may be an aircraft specifically designed as a remotely piloted vehicle or a formerly manned aircraft modified to the remotely piloted configuration. For purposes of this publication, all remotely piloted vehicles are aerospace vehicles.

**Safety Investigation**—An investigation of a DoD accident conducted solely to prevent future mishaps. A safety investigation tries to determine why a mishap occurred and identifies actions

that can be taken to prevent similar accidents from happening in the future. AFI 91-204 prescribes when and how to conduct an Air Force safety investigation.

**Senior Official**—Any active or retired Regular Air Force, Air Force Reserve, or Air National Guard military officer in the grade of O-7 (Brigadier General) select and above, and Air National Guard Colonels with a Certificate of Eligibility. Current or former members of the Senior Executive Service or equivalent and current and former Air Force civilian Presidential appointees are also considered senior officials. (NOTE: under DoD policy, an officer becomes an O-7 select, and therefore a senior official, at the time the selection board that selects the officer adjourns.)

**Serious Injury**—An injury or occupational illness that, in the opinion of competent medical authority, results in permanent total disability or permanent partial disability.

**Seriously Injured Personnel**—An individual involved in an accident or mishap as defined in this publication, who sustains an injury which in the opinion of competent medical authority results in permanent total disability or permanent partial disability.

**Space Mishap**—A mishap involving space systems or unique space support equipment. Space anomalies or other occurrences (e.g., no damage occurred, mission was successful, etc.) that do not meet the definition of “accident” in this publication are not space mishaps.

**Statement of Opinion**—A written narrative of the Board President’s personal opinion on the cause(s) and/or substantially contributing factor(s) of the accident being investigated. The Statement of Opinion is a stand-alone document and does not address matters outside the scope of the accident investigation. A Statement of Opinion is prepared and included in the investigation report.

**Subject Matter Expert**—An advisor to the Accident Investigation Board whose involvement is limited in scope to his or her area of expertise and in duration to the time necessary to resolve the issue for which he or she is detailed. A Subject Matter Expert must have sufficient knowledge, skill, or training in a specific matter to be considered an expert in that subject area. Subject Matter Experts are not members of the board, do not participate in the board deliberations, and are not appointed on the convening orders.

**Substantially Contributing Factor**—An act, omission, condition, or circumstance that is shown by a preponderance of evidence to have played an important role, directly or indirectly, in the mishap, but its correction, elimination, or avoidance would not, by itself, have prevented the mishap.

**Summary of Facts**—A written narrative of the relevant facts regarding the accident being investigated. The Summary of Facts does not include conclusions or opinions about the cause(s) and/or factor(s) that substantially contributed to the accident. The Summary of Facts should be written in a manner that the general public can comprehend and must explain all technical terms. Statements of fact in this section must be cited to a specific Tab in the report.

**Technical Content Manager**—An individual who may authorize (as appropriate) a Time Compliance Technical Order, Technical Order, flight manual excerpt, engineering analysis report, or For Official Use Only document for inclusion in a publicly releasable report.

**Undue Influence**—An attempt to direct the Board President to reach a specific opinion or conclusion, improperly influence the Board President, or mandate changes to the investigation report, or the perception thereof. Undue influence, real or perceived, could call into question the

credibility of the investigation, the contents of the accident investigation report, or the exercise of independent judgment by one or more accident investigation board members.

**Unmanned Aerial System**—For the purposes of this publication, see “Remotely Piloted Aircraft” and “Remotely Piloted Vehicle.”

**Unmanned Aerial Vehicle**—For the purposes of this publication, see “Remotely Piloted Aircraft” and “Remotely Piloted Vehicle.”

**Wreckage**—For purposes of this publication, “wreckage” includes all structures, components, parts or pieces (including but not limited to engines and ground control stations/systems) of the aircraft/asset, damaged or destroyed in the mishap. The following exceptions apply: (1) “Wreckage” does not include explosive ordnance, seat rockets/explosives, or other similar components, the immediate disposal of which is appropriate for safety reasons, unless the Board 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 substantially 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) “Wreckage” does not include electronic countermeasures or other electronic pods or attachments to the vehicle unless the Board President reasonably suspects these components to be causal or substantially contributory to the mishap or of investigatory value; and (3) “Wreckage” does not include the personal effects of crewmembers or passengers unless the Board President reasonably suspects those personal effects to be causal or substantially contributory to the mishap or of investigatory value.

**72—Hour Visit** - In accidents involving a fatality or serious injury, this is the Accident Investigation Board President’s and Legal Advisor’s initial visit to the accident site or the location where the Safety Investigation Board convenes, in order to contact the Family Assistance Representative(s), meet with the next-of-kin and/or seriously injured personnel, view the mishap site, and address media questions. This visit takes place no later than 72 hours after arrival of the Safety Investigation Board. Once the Board President’s duties are completed, the Board President and Legal Advisor will depart the accident site, pending receipt of the non-privileged safety information from the Safety Investigation Board.

## Attachment 2

## SUPPORT REQUIREMENTS

Figure A2.1. Listing of Accident Investigation Support Requirements.

**PURPOSE:** This accident investigation support requirements list is included in this publication 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 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 with a conference style seating arrangement capable of accommodating all board members. This room serves as the main meeting room.
2. One private office for the Board President.
3. One office for conducting interviews. This room must accommodate all of the board members, the witness, the court reporter and his or her equipment. This room must also have a conference table in which the attendees can sit around.
4. Key to the building for every board member.

**Note:** All rooms shall be located together and must be capable of being secured and locked.

**COMPUTERS/PERIPHERALS/SOFTWARE**

**Note:** Each piece of equipment will have identical capabilities in accordance with host base standard hardware and software configuration and be compatible with all listed peripherals and software.

Computers:

1. One computer for each board member.
2. Each board-dedicated computer will:
  - a. Reside on the same LAN.
  - b. Have access to the internet.
  - c. Have access to a common colored printer.
  - d. Have access to a Shared Drive established for and used by board members only.
  - e. Have the ability to burn a CD and DVD.
3. One standalone computer with a projector to project documents on a screen or the wall.
4. One standalone computer with USB and external drive capability.

Peripherals (installed with current drivers):

1. Common color printer will have double-sided print capability (with extra toner).
2. Common scanner.

3. At least 24 DVD+R.

Software (installed and configured):

1. Most current AF-approved version of Microsoft Office.
2. File compression and PDF (Adobe Acrobat Pro) software. Members must have access to the full version of Adobe Acrobat and have the capability to create PDF files themselves. Adobe Acrobat Reader, which only allows users to view PDF files, is not sufficient.

**PHONES**

1. Speakerphones with the following capabilities: mute, hold, transfer, conference, and voice mail.
  - a. One in the Board President's office.
  - b. One in the interview room.
  - c. At least two in the main meeting room.
2. All board phones interconnected so any other board phone can answer a ringing line or forward a call to another line.
3. Defense Switch Network (DSN) with immediate access capability.
4. Federal Telecommunications System/Commercial long distance capability on phones.

**SOUND/VOICE RECORDERS**

1. At least two digital recorders (with the ability to export audio files) with extra batteries.
2. Transcription software and equipment for transcribing witness interviews.

**INTERNATIONAL MERCHANT PURCHASE AUTHORIZATION CARD**

Government Purchase Card point of contact from host wing so board may acquire supplies, as needed, via a local source.

**OFFICE EQUIPMENT/SUPPLIES**

1. One desk and chair for each board member.
2. Tables and chairs to accommodate all board members, the witness, the court reporter, and an additional chair for an Area Defense Counsel or union representative.
3. Safe for classified information, as needed.
4. Locking four-drawer file cabinets, as needed.
5. One large shredder (not a wastebasket type).
6. Large white dry erase boards.
7. Heavy-duty three-hole punch with large holes, as needed.
8. Staplers (at least one heavy duty) with extra staples.
9. External hard drives.
10. Hanging file folders with tabs, as needed.
11. File folders, as needed.

12. Multiple color dry erase markers.
13. Multi-color ink pens, black permanent markers, mechanical pencils, and yellow highlighters.
14. Steno pads.
15. Letter-size legal pads.
16. Cases of 8.5" x 11" printer paper, as needed.
17. Binder clips (various sizes), as needed.
18. Paper clips.
19. Base Phone Book or Directory.
20. Tape dispensers and tape.
21. Sticky Notes (various sizes).
22. Sets of tabs A through Z and AA through ZZ.
23. Three-ring (D-ring) blue or white binders with clear front display pocket, or its equivalent, for accident investigation reports (size and quantity will vary depending on the report).
24. Appropriate PPE (e.g., work gloves, masks, etc.) for use when inspecting the aircraft wreckage.

#### **SUPPLY/OTHER FACILITIES**

1. Points of contact and priority use for equipment such as engine hoists, special tools, and any other needed equipment.
2. Points of contact and priority use of special use facilities such as labs, hush house, etc., as necessary.

#### **PHOTOGRAPHY SUPPORT**

1. Photography support with digital camera capability, 24 hours a day, and seven days a week, as needed.

#### **SERVICES/MISCELLANEOUS SUPPORT**

1. Support from DLA Document Services (DAPS) to meet accident investigation requirements. If DAPS is not available, the use of the Government Purchase Card for the use of a commercial printing company.
2. Access to communications and computer support, seven days a week.

**Attachment 3****SAMPLE CSAF OVERDUE NOTIFICATION AND EXTENSION REPORT**

[MAJCOM LETTERHEAD]

[DATE]

MEMORANDUM FOR AF/CC

FROM: [MAJCOM]/CC

SUBJECT: [Initial][Updated] CSAF Overdue Notification and Extension Report – [Ground] Accident Investigation Board Report – [MAJCOM][Mishap Identifier, Location, Date]

## 1. MISHAP SYNOPSIS:

## 2. MISHAP TIMELINE TO DATE (list all that apply as of date of memo)

- a. Mishap Date:
- b. Date SIB Convened:
- c. Date SIB Completed:
- d. Date G/AIB Convened:
- e. Date G/AIB Started:
  - (1) Date Informal Review Started:
  - (2) Date Informal Review Completed:
  - (3) If AFLOA/JACC informal review requested, list inclusive dates:
- f. Date G/AIB completed:
- g. Date Formal Review Started:
  - (1) Date formal review inputs provided to Board President:
  - (2) Date final report submitted to MAJCOM JA by Board President:
  - (3) Date MAJCOM Legal Review Completed:
- h. Date of Convening Authority Action:
- i. Date Forwarded to AFLOA/JACC:

## 1. CURRENT STEP:

## 2. NEXT STEP AND ESTIMATED DATE IT WILL BE COMPLETED:

## 1. DATE OF NEXT UPDATE:

## 2. ISSUES THAT HAVE IMPACTED EXECUTION TO DATE AND MITIGATION EFFORTS:

## 7. COMMANDER'S ASSESSMENT:

[MAJCOM/CC's Signature]  
[MAJCOM/CC's Signature Block]

cc:  
AF/CV  
HAF/DS  
AF/JA  
[MAJCOM]/JA

## Attachment 4

## SAMPLE NON-DISCLOSURE AGREEMENT

[ACCIDENT INVESTIGATION BOARD LETTERHEAD]

[DATE]

MEMORANDUM FOR

\_\_\_\_\_  
Name and Company/Organization

FROM: ACCIDENT INVESTIGATION BOARD

SUBJECT: Non-Disclosure Agreement - Accident Investigation Board – F-15D Mishap;  
T/N XX-XXXX; [Accident Date]; [Accident Location]

1. In response to my request for assistance to the subject Accident Investigation Board, you and your employer have agreed to safeguard and preserve the confidentiality of information related to the accident investigation and any information obtained during the accident investigation, unless given advance express written permission by me to release the information. You also agree that unless otherwise required to do so by statute, regulation, or court order, you will not divulge any investigation-related information to any individual not authorized to receive it, and if ordered by competent authority to release information you will first notify me in advance prior to releasing any information. You also agree to return any information or evidence provided to you by the Air Force for the purposes of assisting the accident investigation upon my request (or the request of a board member) or the conclusion of the investigation, unless I indicate otherwise, and to not keep any copies of the information provided unless specifically authorized to do so in writing.

2. Any questions concerning the releasability of investigation-related information after the investigation has concluded will be directed to the Air Force through the legal office of the convening authority that convened the accident investigation. Before beginning your service to this accident investigation, please sign and date the 1st Indorsement below. You will be provided a copy of this memorandum.

JOHN P. RYAN, Colonel, USAF  
President, Accident Investigation Board

1st Indorsement

To: Accident Investigation Board

I acknowledge understanding of the contents of this memorandum and receipt of a copy thereof, and I agree to comply with the duties and responsibilities stated therein.

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Signature

Printed Name

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