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SECRETARY OF THE AIR FORCE**

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Law

AEROSPACE ACCIDENT INVESTIGATIONS

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This Instruction implements guidance from Air Force Policy Directive (AFPD) 51-5, Section B, *Military Legal Affairs*; Department of Defense Instruction (DoDI) 6055.07, *Accident Investigation, Reporting, and Record Keeping*, as it pertains to legal investigations and reports, and Title 10, United States Code, Sections 2254 and 2255 and complements Air Force Instruction (AFI) 91-204, *Safety Investigations and Reports*, and AFPD 91-2, *Safety Programs*.

This Instruction describes when and how to conduct an aerospace accident investigation, how to prepare and distribute accident reports, and how to store and dispose of accident wreckage, related documents and materials. Aerospace accident investigations are applicable to mishaps involving aircraft, unmanned aerial systems (including unmanned aerial vehicles and aerostat balloons), remotely piloted vehicles, missiles, and space assets, to include rockets and satellites. It also addresses release of accident information and interactions with the next-of-kin (NoK), Congress, media, and other interested parties. It prescribes convening authority, AIB president, AIB legal advisor, other AIB members, and host installation commander duties and responsibilities.

This Instruction applies to all United States Air Force (USAF), Air Force Reserve (USAFR), and Air National Guard (ANG) military and civilian personnel. Failure to observe the prohibitions and mandatory provisions specified in paragraph (para) 7.1.3 of this Instruction by active duty Air Force members, USAFR members on active duty or inactive duty for training, and ANG members in federal service, is a violation of Article 92, Uniform Code of Military Justice (UCMJ). Failure to observe the same prohibitions and mandatory provisions by a civilian employee may result in administrative disciplinary action.

Only Air Force Major Commands (MAJCOMs) may supplement all sections of this Instruction; Numbered Air Forces (NAFs) and Wings may supplement Chapter (Ch) 11 of this Instruction. MAJCOMs shall send one copy of each supplement to AFLOA/JACC, 1501 Wilson Boulevard, Room 835, Arlington, Virginia 22209-2403. Ensures all records created as a result of processes prescribed in this publication are maintained in accordance with Air Force Manual (AFMAN) 33-363, *Management of Records*, and disposed of in accordance with the Air Force Records Information Management System (AFRIMS), Records Disposition Schedule (RDS) located on the Air Force Portal web site at <https://www.my.af.mil/gcss-af61a/afirms/afirms>. Reports generated from this publication are subject to the Privacy Act of 1974, Freedom of Information Act (FOIA) requirements and may contain copyrighted information.

The reporting requirement in this publication (Ch 8, para 8.1, and para 8.5 through para 8.10 of this Instruction) is exempt from licensing in accordance with AFI 33-324, *The Information Collections and Reports Management Program; Controlling Internal, Public, and Interagency Air Force Information Collections*, paragraph 2.11.4.

Refer recommended changes and questions about this publication through the appropriate chain of command to the Office of Primary Responsibility (OPR) using AF Form 847, *Recommendation for Change of Publication*.

SUMMARY OF CHANGES

This document has been substantially revised and must be completely reviewed. This change changes the paragraph to require the convening authority to fund temporary duty (TDY) travel of all AIB members (para 2.8); adds responsibilities for AIB maintenance, medical, pilot, recorder, aerodynamics, aircrew flight equipment, and egress members (para 4.5 through para 4.11); adds paragraph requiring technical order (TO) release authority be included in the Tabs section of the AIB report (para 5.4.2.4 and para 8.7.8.5); changes the report format to allow using a three-ring binder (para 8.2); removes the Circumstances and Media sections of the AIB report (para 8.7.8); and changes the standard of proof for substantially contributing factors to preponderance of evidence (para 8.8.4.2.2).

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Chapter 1

ACCIDENT AND SAFETY INVESTIGATION BOARDS

1.1. General Considerations. Department of Defense Instruction (DoDI) 6055.07, *Accident Investigation, Reporting, and Record Keeping*, requires each Department of Defense (DoD) component to conduct safety investigations and legal investigations for accidental deaths, certain injuries, occupational illness, and property damage. The Services use different terminology to refer to legal investigations. The Air Force uses the term “accident” investigation, the Army uses the term “collateral” investigation, and the Navy uses the term “JAGMAN” investigation. Air Force accident investigations are separate from and independent of safety investigations. Accident investigations are conducted by accident investigation boards (AIB) while safety investigations are conducted by safety investigation boards (SIB). AIBs consist of a board president, legal advisor, and other board members as required. The AIB president is solely responsible for the contents of the AIB report.

1.2. Purpose of Accident Investigations.

1.2.1. An AIB conducts a legal investigation to inquire into the facts surrounding Air Force aircraft and aerospace accidents, to prepare a publicly-releasable report, to gather and preserve evidence for use in litigation, claims, disciplinary actions, administrative proceedings, and for other purposes.

1.2.2. AIB reports are:

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

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

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

1.2.2.4. Used by Air Force commanders to determine whether punitive or adverse administrative action should be taken against persons whose negligence or misconduct contributed to the accident.

1.3. Scope of Accident Investigations. The AIB investigates and reports the cause or causes of the mishap and/or those factors that substantially contributed to the mishap. An AIB is staffed with the appropriate number of personnel, with the required skills, in order to complete the investigation within 30 days of receipt of the completed Part I of the SIB report. An AIB investigates unit deficiencies and other matters only to the extent they are causal or substantially contributed to the mishap. Matters having no direct bearing on the mishap and not otherwise required to be documented in the AIB report by this Instruction should be referred in writing, separate from the AIB report, to the convening authority’s Staff Judge Advocate (SJA). See paragraph (para) 4.3.10 of this Instruction.

1.4. Purpose of Safety Investigations.

1.4.1. Safety investigations are conducted under Air Force Instruction (AFI) 91-204, *Safety Investigations and Reports*. Safety investigations and reports are conducted and written solely to prevent future mishaps. Safety investigations take priority over any corresponding legal investigations.

1.4.2. During certain types of safety investigations, a promise of confidentiality may be granted to witnesses and contractors in order to promote full and timely disclosure of information. SIB statements and documents obtained under a promise of confidentiality, as well as SIB deliberations, findings, and recommendations, are privileged, and they are not disclosed outside of the Air Force safety community. The Air Force cannot use privileged safety information for line-of-duty determinations, claims adjudication, flying evaluation board proceedings, pecuniary liability determinations, or in any civil, criminal, or adverse administrative actions. Access to privileged safety information is limited to those with a need to know for mishap prevention. See DoDI 6055.07, Enclosure E4.5.3.3, for the rare exceptions to this policy. At any time before or during the AIB, AIB members are not authorized access to privileged safety information for the mishap they are investigating. The SIB shall not provide privileged safety information to the AIB either in Part I or in the additional evidence.

1.4.3. The SIB produces a two-part report for Class A mishaps, which are generally defined as mishaps resulting in a total direct cost of \$2,000,000 or more, a fatality or permanent total disability, or destruction of an Air Force aircraft or aerospace asset. Part I contains non-privileged, factual information. Part II contains confidential witness and contractor statements and documents, as well as the SIB deliberations, findings, and recommendations. Part II of the SIB report is privileged and only used for safety purposes. See Attachment 1 of this Instruction for the definition of “direct cost.”

1.4.3.1. A two-part report may be produced following a Class B mishap. It is rarely produced following a Class C mishap.

1.4.4. The SIB Part I is assembled prior to the start of the AIB. The completed SIB Part I hand-off to the AIB marks the AIB start date. The SIB Part I is incorporated as supporting evidence in Tabs A through S of the AIB report. In limited circumstances, Claims and Tort Litigation Division, Air Force Legal Operations Agency (AFLOA/JACC) may authorize the start of an AIB prior to completion of the SIB. See Table 1.1 of this Instruction.

Table 1.1. Distinctions between Safety Investigations and Accident Investigations.

	Safety Investigation	Accident Investigation
Instruction	AFI 91-204	AFI 51-503
Purpose	Mishap prevention	All other purposes
Status	Part I not privileged (facts). Part II privileged (statements and analysis). Part I provided to the AIB (Tabs A through S)	Not privileged; report is publicly-releasable

Format	Two part report	Single report
Contents	Facts, board analysis, findings, causes, and recommendations, with supporting documentation	Facts and statement of opinion on causation and/or substantially contributing factors, with supporting documentation. No recommendations
Minority Opinion	Yes, if any	No

1.5. When AIB Investigations are Required. Except as provided in para 1.8 of this Instruction, an AIB must be convened for on-duty, Class A accidents involving Air Force aircraft, unmanned aerial system (UASs) (including unmanned aerial vehicles and aerostat balloons), missiles, or space accidents. A Class A accident is one resulting in at least one of the following:

1.5.1. A fatality or permanent total disability, as defined by DoDI 6055.07, E7.1.2.

1.5.2. The destruction of an Air Force aircraft, UAS, missile, space launch system, or space asset. An asset is considered destroyed if it is not economically repairable. An asset that is damaged but will not be repaired is not necessarily considered destroyed. See Attachment 1 of this Instruction for definition of “destroyed aircraft, UAS, missile, space launch system, or space asset.”

1.5.2.1. AIBs are not mandatory for destroyed remotely piloted subscale aircraft and aerial targets.

1.5.3. A total mishap cost of \$2,000,000 or more to government and other property. An AIB is not required for mishaps causing damage solely to government property and not involving destruction of an aircraft; however, some type of legal investigation may still be required as described in para 1.6 and para 1.7 of this Instruction.

1.5.3.1. See DoDI 6055.07, Enclosure 2 and AFI 91-204, Chapter (Ch) 1 and Attachment 1 for more information about mishap categories and classes. Calculate total mishap cost in accordance with guidance specified in DoDI 6055.07, E4.12; AFI 91-204, Ch 1; and Air Force Manual (AFMAN) 91-221, *Weapons Safety Investigations and Reports*.

1.5.3.2. Accidents causing damage solely to government property that exceeds \$2,000,000 must be reviewed by the convening authority for a determination whether to convene an AIB or other type of investigation as appropriate. The convening authority’s SJA should document the determination.

1.6. Discretionary AIBs. In instances where DoDI 6055.07 requires a legal investigation for an aerospace accident but the circumstances of the accident do not specifically require an AIB as per para 1.5 of this Instruction, an AIB is discretionary. Conduct either an AIB or another type of legal investigation (as described in para 1.7 of this Instruction) for the following mishap categories requiring a legal investigation pursuant to DoDI 6055.07, E4.6.3:

1.6.1. Mishaps likely to generate a large amount of public, media, or Congressional interest. AIB reports are designed for public access; other investigation reports are releasable only upon request and in compliance with the Freedom of Information Act, 5 U.S.C. § 552. See definition in para 7.5.1 of this Instruction for high-interest mishaps.

1.6.2. Mishaps from which litigation for or against the Government or a Government contractor is anticipated.

1.6.3. Mishaps from which disciplinary or adverse administrative action against an individual is anticipated.

1.7. Other DoDI 6055. 07 Legal Investigations. In addition to AIBs, there are several types of legal investigations which satisfy the DoDI 6055.07 legal investigation/report requirement: Security Forces or Air Force Office of Special Operations (AFOSI) investigations, Commander Directed Investigations, Report of Survey investigations, and Line of Duty determinations. These investigations inquire into all the facts and circumstances surrounding the accident and preserve all available evidence for use in litigation, claims, disciplinary action, or adverse administrative action.

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

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

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

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

1.8.4. All suspected cases of friendly fire. DoDI 6055.07, E2.1.16, E4.6.3.5, and E4.7, requires a legal investigation report for all suspected cases of friendly fire. Such investigations are not AIBs. The commander of the applicable Unified Combatant Command convenes friendly fire investigations, and the combatant commander chooses the Service's regulation that applies. This Instruction does not apply to friendly fire investigations but the Air Force component of a Unified Combatant Command may use it as a guide when the combatant commander has assigned to it the responsibility for conducting a friendly fire investigation.

1.9. Investigation Boards and Reports

1.9.1. Part I of the SIB report must be completed prior to the start of the AIB; in rare cases, AFLOA/JACC may grant exceptions. Ongoing safety investigations generally take precedence over accident investigations, and in the event of conflicts between the two investigations regarding access to the accident site, acquiring and examining evidence, and interviewing witnesses, safety investigations have priority. For this reason, and to facilitate the AIB process, the two investigations should not overlap in time.

1.9.2. In the case of a high-interest mishap, the convening authority may convene an AIB prior to a SIB.

1.9.2.1. If there is no preceding SIB, a trained investigating officer (IO) not currently assigned to a full-time safety position may serve as an AIB functional area expert (FAE) to assist in gathering factual non-privileged evidence. See para 3.5 of this Instruction.

1.9.2.2. In accordance with DoDI 6055.07 Enclosure E4.6.2, personnel currently assigned to full-time safety position will not be appointed a member or FAE of the AIB.

Chapter 2

CONVENING AN ACCIDENT INVESTIGATION BOARD

2.1. Convening Authority.

2.1.1. The Major Command (MAJCOM) commander who convened or would have convened the preceding safety investigation under AFI 91-204, also convenes the accident investigation. See Attachment 1 of this Instruction for definition of “MAJCOM commander.”

2.1.1.1. The MAJCOM vice-commander may convene the accident investigation unless the MAJCOM commander withholds this authorization.

2.1.2. The convening authority initiates an AIB by appointing the AIB president in a convening order. The order may also list additional AIB members.

2.1.2.1. The convening authority’s SJA may sign the convening order “FOR THE COMMANDER” after the convening authority selects a board president unless the MAJCOM commander withholds this authorization.

2.1.3. After the convening order appointing the AIB president is issued, the convening authority’s SJA may appoint or substitute additional AIB members or FAEs unless the MAJCOM commander withholds this authorization.

2.1.4. See a sample convening order at Attachment 2, Figure A2.1 of this Instruction.

2.2. Accidents Involving United States Air Force Reserve (USAFR) and Air National Guard (ANG) Aircraft.

2.2.1. The gaining MAJCOM convenes AIBs for accidents involving Air Force Reserve Command (AFRC) and ANG aerospace vehicles. AFRC and ANG have inherent authority to conduct accident investigations, using this Instruction as a framework, for any accidents not investigated by the active duty Air Force.

2.2.1.1. If the accident investigation will be conducted pursuant to Ch 11 of this Instruction and AFRC aerospace assets are involved, AFRC may convene the AIB unless the gaining MAJCOM withholds this authorization.

2.2.2. When investigating an ANG aircraft accident, the convening authority should appoint an ANG member to the AIB, with the concurrence of the respective State Adjutant General. Contact the ANG/SJA for assistance.

2.2.3. Members of the AFRC and ANG may serve in any capacity on any AIB, to include AIB president.

2.2.4. Rank and training requirements found in Ch 3 of this Instruction apply.

2.3. Accidents Involving Air Force Members Assigned to Another Military Branch. Follow the inter-service participation guidance in DoDI 6055.07, E4.13 for aerospace accidents that involve an Air Force member assigned to another military branch to avoid duplicative investigations and reports.

2.4. Accidents Involving Assets or Personnel from Other MAJCOMS/Military Branches. When an accident involves assets or personnel from more than one MAJCOM or involves assets or personnel from other branches of the Armed Forces, refer to DoDI 6055.07, E4.13. The AIB convening authority shall be the same individual who has authority to convene the preceding SIB. See Ch 3 of this Instruction for additional AIB member qualifications.

2.5. Accidents Involving Civil Aircraft. An aerospace accident in the United States involving both civil aircraft and United States Air Force aircraft and aerospace vehicles shall require the convening authority's SJA contact AFLOA/JACC to determine the potential for and scope of National Transportation Safety Board (NTSB) participation or investigation.

2.5.1. Should the NTSB exercise their prerogative to organize the lead investigation, refer to AFI 91-206(I), *Participation in a Military or Civil Aircraft Accident Safety Investigation*. Additionally, the convening authority's SJA should consult with AFLOA/JACC prior to advising the convening authority whether to conduct a separate AIB.

2.6. Accidents Involving United States Air Force Aircraft in Foreign Countries or Foreign Military Aircraft Accidents in the United States. United States Air Force aerospace accidents in foreign territory (except UAS) or accidents in the United States involving foreign military aircraft shall be subject to a legal investigation regardless of the mishap location or the degree of foreign country involvement.

2.6.1. Treaties, statutes, agreements, and/or other applicable authorities may affect the investigation of accidents that occur outside the United States involving Air Force aerospace assets. Similar authorities may affect the investigation of Air Force accidents involving personnel or property of foreign military forces. When an accident involving Air Force aerospace asset occurs in a foreign territory or involves foreign military personnel or property, comply with this Instruction to the extent allowed by applicable treaties, agreements, and other applicable authorities. The requirement to conduct an AIB and produce an AIB report in accordance with this Instruction remains unaffected by the location of the mishap or the degree of participation of a foreign country in the accident investigation.

2.6.2. The convening authority's SJA or the SJA of the component responsible for air operations where the mishap occurred shall refer to the treaty, statute, regulation, or agreement under which the aircraft 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 observer to the AIB. Consult AFLOA/JACC for guidance regarding the scope and nature of Air Force involvement in a discretionary AIB.

2.7. Accidents Involving Space Assets. Aerospace accidents involving both civil and United States Air Force space assets yield unique issues regarding commercial vendors and other federal agencies conducting independent investigations. Potential issues to consider include: who is the lead investigating office or agency; what are the procedures/protocols for information sharing and the handling of classified/sensitive payloads; what are the existing memorandums of agreement (MOA)/memorandums of understanding (MOU) with other federal agencies; whether the space asset is operational or experimental; and if the asset has been handed over to the Air Force or is still in check-out by the contractor or acquisition agency (Space and Missile Systems Center or SMC). Engage in early and continuous consultation with Air Force Space Command's SJA (AFSPC/JA).

2.8. AIB Funding/Orders.

2.8.1. The convening authority shall fund temporary duty (TDY) travel costs for all board members, FAEs, and witnesses, including personnel from other MAJCOMs. TDY AIB members shall be placed on full per diem for the duration of the AIB. Dual billeting, variations authorized, and rental car shall be authorized. Invited observers from other services, agencies, or governments, such as those described in para 3.6 of this Instruction, should fund their own costs. For joint service boards, each military service funds its own personnel. See AFI 65-601, Volume I, *Budget Guidance and Procedures*, Ch 7 and Ch 10.

2.8.1.1. Each AIB member's unit shall issue his/her orders. Orders should authorize 60 days of travel, variations in travel, dual billeting, excess baggage, rental car, and full per diem.

2.8.2. The convening authority provides funds and support costs associated with leasing vehicles or special equipment, leased communications, transportation, and other contractual services.

2.8.3. The convening authority (including AFRC) 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 the 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 MOA or intra-agency support agreement dictate otherwise.

2.8.4. The convening authority funds costs associated with removal and storage of wreckage, as well as any initial accident site clean up.

2.8.5. The host installation funds all in-house support. "In-house support" includes, but is not limited to: work areas and office work space; computers with Internet access; use of computers, printers, 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 3, Figure A3.1 of this Instruction for a list of AIB support requirements.

2.8.5.1. If the host installation is not assigned to the convening authority's MAJCOM (e.g., the host installation is hosting the AIB for convenience purposes), then the host installation may be reimbursed for AIB expenses from the convening MAJCOM.

Chapter 3

QUALIFICATIONS FOR AIB APPOINTMENT

3.1. General Qualifications.

3.1.1. AIB members should not be from the wing (or equivalent organization) to which the aircraft, UAS, missile, space launch vehicle/system, or crewmembers are/were assigned (the “mishap wing”). If any AIB member is from the mishap wing, then the majority of the AIB members must come from outside the mishap wing.

3.1.1.1. The convening authority may appoint AIB members from the mishap wing provided the individuals are not from the “mishap unit,” which is defined by 10 United States Code, Section 2255 (10 U.S.C. § 2255) 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.”

3.1.1.2. If no qualified and current member is reasonably available outside of the mishap unit, a member from the mishap unit may serve as an AIB FAE.

3.1.2. The convening authority shall not appoint any person to the AIB whose participation in the investigation could create an appearance of conflict of interest or other perceived impropriety.

3.1.3. Interim Safety Board (ISB) and SIB members may not serve as AIB members for the same accident.

3.1.4. Personnel currently assigned to full-time safety positions may not be appointed as AIB members or FAEs.

3.1.4.1. At the discretion of the convening authority or the convening authority’s SJA (unless the convening authority withholds this authorization), a trained IO not currently assigned to a full-time safety position may serve as an AIB FAE to assist in gathering factual non-privileged evidence.

3.1.5. AIB members must not have had access to privileged safety information from the preceding safety investigation (to include SIB message reports and other progress reports).

3.2. AIB President Qualifications.

3.2.1. AIB presidents should be field grade officers, senior in grade to persons involved in the accident, and must come from outside the mishap wing. The requirement that AIB presidents come from outside the mishap wing may be waived by AFLOA/JACC.

3.2.2. For Class A accidents, the AIB president should be equivalent in grade to the corresponding SIB president. For any accident involving a fatality, the AIB president must be a General Officer or Brigadier General select.

3.2.2.1. If compelling or exigent circumstances limit the availability of General Officers, AFLOA/JACC may waive the grade requirement.

3.2.3. For most manned aircraft accidents, AIB presidents shall be rated officers (pilots, navigators, or air battle managers) and should have experience with the same or similar mishap airframe.

3.2.3.1. Depending on the AIB president's airframe qualifications, the convening authority may elect to appoint a pilot/operator AIB member who is qualified and current in the mishap airframe or vehicle. If no current and qualified pilot from outside the mishap wing is available, then a pilot from the mishap wing may serve as an AIB FAE.

3.2.3.2. If an investigation concerns predominantly maintenance issues, the convening authority may appoint a maintenance officer AIB president with mishap airframe or vehicle experience provided a pilot/operator who is current and qualified in the mishap airframe or vehicle is appointed as an AIB member.

3.2.4. For UAS accidents, it is not required the AIB president be a rated officer provided he/she has relevant experience with the mishap UAS.

3.2.5. For missile or space accidents, AIB presidents should have expertise and experience in the mishap missile or system and must be a missile or space operations officer.

3.2.5.1. Depending on the AIB president's missile/system qualifications, the convening authority may appoint a missile or space operations officer who is qualified in the operational use of the mishap missile or space system.

3.2.6. AIB presidents shall complete the Air Force Safety Center (AFSC) Board President's Course prior to conducting an AIB unless conducting an abbreviated AIB pursuant to Ch 11 of this Instruction.

3.3. AIB Legal Advisor Qualifications.

3.3.1. Shall be assigned to a unit outside the mishap wing.

3.3.2. Shall be a graduate of the Aircraft Accident Investigation Course (AAIC) or its predecessor the AIB Legal Advisor Course (AIBLAC).

3.3.3. For fatality AIBs, the legal advisor shall be a judge advocate with AIB legal advisor experience or a field grade officer.

3.4. AIB Composition Requirements.

3.4.1. The composition of the AIB is tailored to reflect the complexity of the accident.

3.4.2. At a minimum, each AIB shall have an AIB president and a legal advisor. Consider appointing an AIB recorder as well.

3.4.3. Other appointed AIB members typically include: a pilot member or missile/space operations officer member, a maintenance member or missile/space materiel officer member, and a medical member. In AIBs resulting in a fatality or serious personal injury, the medical member should be a flight doctor.

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

3.4.5. If an accident is in a foreign country, involves foreign personnel, involves assets from another service or reserve/guard unit, the convening authority may appoint additional AIB members in accordance with para 2.2 through para 2.6 of this Instruction.

3.5. AIB Functional Area Expert (FAE) Qualifications.

3.5.1. One or more FAEs may be detailed to advise the AIB but shall not serve as AIB members. FAEs shall not be appointed on the convening order. No FAE may be currently assigned to a full-time safety position.

3.5.2. All FAEs should be briefed on the requirements of para 7.1.3 of this Instruction, which prohibits the disclosure of information regarding the ongoing AIB investigation prior to public release of the AIB report.

3.5.3. The Executive Director for United States DoD Policy Board on Federal Aviation (AF/A30-AYI) is the official civil aviation interface for Headquarters United States Air Force and all MAJCOMs. The convening authority should contact AF/A30-AYI to obtain advice and assistance regarding interaction with civil aviation agencies for mishap investigations involving civil aircraft.

3.5.4. For mishap investigations involving airfield operation (ATC or airfield management) issues, the convening authority is encouraged to contact Air Force Flight Standards Agency (AFFSA/A301) or MAJCOM Airfield Operations staff when deciding appropriate airfield operations representation.

3.5.4.1. Airfield Operations AIB members should be field grade officers. ATC and Airfield Management Senior NCOs may serve as FAEs.

3.5.4.2. AFFSA/A301 is the office of primary responsibility (OPR) for flight rules and instrument flight procedures for HQ SAF and all MAJCOMs. The convening authority is encouraged to seek AFFSA advice and assistance in matters involving flight rules or instrument procedures.

3.5.5. In unique cases, technical assistance from contractor personnel may be needed. Contractor personnel may be appointed as a FAE if: 1) assistance from the contractor is vital to the investigation; 2) there are no other reasonable governmental alternatives; 3) there is no indication of contractor culpability or other conflict of interest; 4) the contractor's service as an FAE is within the scope of the contract; and 5) the contractor personnel completes a nondisclosure agreement (See Figure A2.20 of this Instruction).

3.6. Foreign Military and Country Representatives.

3.6.1. When an accident involves foreign military personnel or property, an appropriate representative of each foreign military service whose resources were involved in the mishap may be appointed as an AIB member or serve as an AIB observer or advisor. See para 2.6 of this Instruction for guidance on accidents involving foreign military resources. See Figure A2.2 of this Instruction for the foreign military representative appointment letter.

3.6.1.1. A foreign military service representative should be appointed as an AIB member if a foreign military service representative was appointed as a member on the SIB.

3.6.1.2. Consult the Air Force Operations and International Law Division (AF/JAO) if questions arise about the appropriate way to request or invite foreign military service representatives.

3.6.2. For an accident that occurs in a foreign country or other area outside the United States, an appropriate foreign country representative may be appointed as an AIB member or serve

as an AIB advisor. See para 2.6 of this Instruction for guidance on accidents in foreign territory.

3.6.2.1. The foreign country representative should be appointed as an AIB member if a foreign country representative was appointed as a member on the SIB.

3.6.2.2. Consult AF/JAO if questions arise about the appropriate way to request or invite foreign country representatives.

3.6.3. The convening authority shall not appoint foreign military services representatives and foreign country representatives to serve as AIB members or AIB advisors and shall not authorize foreign military services representatives and foreign country representatives to observe AIB proceedings unless the representatives first agree in writing to comply with the provisions of this Instruction that prohibit disclosure of information until the AIB report has been released to the public.

3.6.4. The convening authority may authorize a foreign military service representative and a foreign country representative as an observer to AIB proceedings. See para 2.8 of this Instruction for funding issues.

Chapter 4

RESPONSIBILITIES

4.1. Convening Authority.

4.1.1. Directs Numbered Air Force (NAF) commanders or MAJCOM functional staff directors to nominate qualified personnel to serve on AIBs.

4.1.2. Initiates the investigation by appointing the AIB president and issuing a convening order. See Attachment 2, Figure A2.1 of this Instruction.

4.1.3. Identifies the installation which shall provide logistical and administrative support for the AIB, through the convening authority's SJA, and announces the identification by memorandum to the host installation commander. See Attachment 2, Figure A2.3 of this Instruction.

4.1.3.1. When the desired host installation is not part of the convening MAJCOM, the convening authority should coordinate with the host installation's MAJCOM commander.

4.1.4. Funds the AIB in accordance with para 2.8 of this Instruction.

4.1.5. Determines whether factual information and documents must be released to the public prior to completion of the investigation in accordance with Ch 7 of this Instruction.

4.1.6. Approves the AIB report. Approval indicates the AIB report meets statutory and regulatory requirements. Approval does not indicate whether the convening authority agrees or disagrees with the Statement of Opinion of the AIB president. See para 10.3 of this Instruction.

4.1.6.1. The convening authority's SJA serves as the release authority for his/her MAJCOM's respective approved AIB reports unless the convening authority withholds this authorization.

4.1.7. Approves the Public Affairs (PA) notification and release plan for high-interest mishaps.

4.1.8. Prior to the completion of the AIB investigation, ensures the family liaison officer (FLO) notifies the NoK and/or seriously injured personnel of the opportunity to be personally briefed and/or receive a copy of the report. See Attachment 2, Figure A2.8 of this Instruction.

4.1.9. Ensures that the requirements of AFI 90-301, *Inspector General Complaints Resolution*, Ch 3, are met whenever adverse information, misconduct, or inappropriate or improper conduct of senior officials and colonels (or civilian equivalent) is documented in the AIB report, or otherwise uncovered by the AIB investigation. See Attachment 1 of this Instruction for definition of "colonels (or civilian equivalent)."

4.2. Convening Authority's Staff Judge Advocate (SJA).

4.2.1. Updates the Judge Advocate General's Unified Automated Reporting System (JAGUARS) AIB mishap table with known and potential Class A mishaps that occur within the convening authority's command when the investigation process moves to the next critical phase or when necessary to provide up-to-date information. Critical phases include: mishap

occurrence, classification pending, board appointments in progress, SIB in progress, decision to convene board pending, board convened, board in progress, report at MAJCOM for review/approval, report approved, report briefed to the NoK and/or seriously injured personnel, report released to the public, and decision not to convene a board.

4.2.1.1. If no changes are made in the process of the AIB, the convening authority's SJA will update JAGUARS by close of business (COB) of the first duty day of each week.

4.2.2. Advises the convening authority on whether or not convening an AIB is required for a specific accident. If AIB is deemed discretionary, then advises on propriety of convening an AIB.

4.2.2.1. If foreign interests are involved in the mishap, the convening authority's SJA shall advise on international legal requirements and how an AIB may affect foreign military and civilian authorities.

4.2.2.2. Depending on the circumstances, the convening authority's SJA shall advise as to whether personally identifying information, including names (particularly of non-employee civilian witnesses), are releasable under FOIA in accordance with DoD Regulation 5400.7/AF Supplement, *DoD Freedom of Information Act (FOIA) Program*, and therefore not included in the publicly-releasable AIB report. Further, if the mishap occurs outside of the United States and United States territories, the convening authority's SJA shall advise the convening authority whether personally identifying information of DoD personnel involved in the mishap should be omitted from the AIB report (to include the narrative portion and tabs) pursuant to 10 United States Code, Section 130b (10 U.S.C. § 130b), *Personnel in Overseas, Sensitive, or Routinely Deployable Units: Nondisclosure of Personally Identifying Information*, 2002. See para 8.3.12 of this Instruction.

4.2.3. Identifies the AIB legal advisor and other board members from a list of nominees provided by staff offices for the convening authority's approval.

4.2.3.1. The convening authority's SJA may coordinate with AFLOA/JACC to check availability of a legal advisor from the AIB Field Support Center (AFLOA/JACC-AIB FSC).

4.2.4. Notifies the mishap squadron commander in writing and requests a member of the mishap squadron (usually a junior officer who was not involved in the mishap) to serve as the AIB point of contact (POC) to assist with coordination of witness interviews and access to evidence stored at the squadron. See Attachment 2, Figure A2.4 of this Instruction.

4.2.5. Provides oversight, substantive guidance, and assistance as necessary to the AIB legal advisor throughout the accident investigation process.

4.2.6. Prior to approval of the report, verifies all necessary deletions from the Tabs have been made so the report is in publicly-releasable format in accordance with DoD Regulation 5400.7/AF Supplement.

4.2.7. Staffs the completed report with MAJCOM directorates as appropriate. MAJCOM Safety Office (MAJCOM/SE) may be provided a draft report for informational purposes.

4.2.7.1. Directorate comments shall be forwarded by the convening authority's SJA to the AIB president for consideration prior to sending the report to the convening authority for approval.

4.2.7.2. The AIB president may elect, but is not required, to revise the AIB report based on directorate comments.

4.2.8. Contacts the Environmental Law and Litigation Division Field Support Center, AFLOA (AFLOA/JACE-FSC) for guidance regarding environmental clean-up legal issues that may arise.

4.2.9. Reviews the AIB report for legal sufficiency and compliance with this Instruction.

4.2.10. Prepares the convening authority's action. See Attachment 2, Figure A2.9 of this Instruction.

4.2.11. Submits the AIB report to the convening authority for final action. Staff comments and the legal review are provided to the convening authority separate from the AIB report.

4.2.12. Coordinates with the convening authority's PA regarding the notification and release plan created by PA.

4.2.13. Coordinates personal face-to-face briefing(s) regarding the results of the AIB for the NoK and seriously injured personnel. See Attachment 2, Figure A2.8 of this Instruction.

4.2.13.1. If the NoK and/or seriously injured personnel decline a personal briefing, the convening authority's SJA shall prepare a letter (signed by an appropriate official) to transmit the AIB report.

4.2.14. Distributes the AIB report in accordance with Ch 10 of this Instruction.

4.2.15. Serves as release authority for the approved AIB report, unless release authority was withheld by the convening authority.

4.2.16. Reviews the AIB report and advises the convening authority whenever adverse information, misconduct, or inappropriate or improper conduct of senior officials or colonels (or civilian equivalent) is documented in the AIB report, or has otherwise been uncovered by the AIB investigation. See Attachment 1 of this Instruction for definitions of "adverse information" and "colonels (or civilian equivalent)." See AFI 90-301 for definitions of "improper conduct," "inappropriate conduct," and "misconduct."

4.2.16.1. The convening authority's SJA shall notify the responsible host installation's SJA of such misconduct as necessary.

4.3. AIB President.

4.3.1. Following accidents involving a fatality and/or serious injury, must proceed to the accident site (or to the location where the SIB convenes) no later than 48 hours after arrival of the SIB in order to contact the FLO, to meet NoK and/or seriously injured personnel, address media concerns, and view the mishap site. In all other cases, the convening authority should consider the advantages of having the AIB president proceed to the accident site shortly after the arrival of the SIB in order to view first-hand the mishap scene.

- 4.3.1.1. This requirement may be waived by the convening authority in unusual cases where it is neither practical nor necessary to immediately have the AIB president at the accident scene.
- 4.3.1.2. A waiver does not relieve an AIB president of his/her responsibilities, once appointed, to coordinate all NoK, seriously injured personnel, public, and media requests for investigation information.
- 4.3.1.2.1. The lack of an AIB president on-scene does not create a situation in which the SIB president, or anyone else, should assume these responsibilities.
- 4.3.1.3. Upon approval of the convening authority or designee, the AIB president may thereafter depart the accident site, pending receipt of Part I of the SIB report.
- 4.3.2. Provides information about the status and progress of the accident investigation to the NoK and/or seriously injured personnel. See para 7.2 through para 7.5 of this Instruction.
- 4.3.3. Coordinates with the AIB legal advisor and convening authority's SJA for early release of information.
- 4.3.3.1. Interfaces with foreign local government officials, if appropriate, for accidents in foreign territories. All interfaces should be previously coordinated with the AIB legal advisor who should consult with the host installation's SJA and convening authority's SJA.
- 4.3.4. Serves as the primary briefing officer to the NoK and seriously injured personnel.
- 4.3.5. Ensures appointed AIB members have not had access to privileged safety information from the preceding safety investigation and do not have conflicts of interest or access to privileged safety information from the preceding safety investigation that would prevent an impartial accident investigation. See Attachment 1 of this Instruction for the definition of "privileged safety information."
- 4.3.6. Ensures all AIB members and FAEs are briefed on the requirements of para 7.1.3 of this Instruction, which prohibits the disclosure of information regarding the ongoing AIB investigation until the convening authority has approved the AIB report.
- 4.3.7. Requests, as necessary, appointment of additional AIB members or FAEs to serve as advisors regarding medical, human factors, maintenance, airfield operations (ATC and/or airfield management), propulsion, aerodynamics, aircrew flight equipment, operations (e.g., tactics, flight rules, instrument procedures), metallurgy, forensics, weather, security, public affairs, or other areas of expertise.
- 4.3.8. Completes a thorough investigation and AIB report in compliance with this Instruction within 30 calendar days of receipt of the completed Part I SIB report. An extension may be authorized by the convening authority's SJA, unless the convening authority withholds this authorization.
- 4.3.9. Writes the AIB report and is solely responsible for the contents of the report, to include the Statement of Opinion.
- 4.3.10. Notifies the convening authority's SJA, in writing separate from the AIB report, of any allegations of wrongdoing or adverse information uncovered during the investigation and

not reported in the Summary of Facts or Statement of Opinion (e.g., inadvertent discovery of evidence of fraternization that was not causal or substantially contributory to the mishap).

4.3.11. Upon approval of the report, ensures all AIB members' personal notes and drafts are destroyed in accordance with para 9.1 of this Instruction.

4.3.12. Briefs the convening authority and other officials regarding the investigation results, as directed. See para 10.5 of this Instruction.

4.3.13. Prepares the post-investigation memorandum. See para 9.2 of this Instruction.

4.3.13.1. Transfers mishap wreckage in writing to the host installation commander for storage until AFLOA/JACC approves wreckage release from legal hold. See Attachment 1 of this Instruction for the definition of "wreckage."

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

4.3.15. Upon receipt of the SIB Part I report, shall be relieved of all other duties until the AIB investigation is complete; and AIB tasks shall remain their primary duty until the report is approved.

4.4. Legal Advisor.

4.4.1. Provides legal advice and assistance to the AIB president until the report is approved.

4.4.2. Before the AIB president and members receive evidence from any SIB convened to investigate the mishap, reviews the evidence to make sure it does not contain privileged safety information. Contacts the convening authority's SJA and AFSC's SJA (AFSC/JA) for guidance if the review finds privileged safety information or AFI 91-204 privilege markings on any document.

4.4.2.1. NOTE: "72-hour and 14-day histories" prepared by mishap aircrew or maintainers at the SIB's request are routinely obtained through a promise of confidentiality. If histories are not labeled either "privileged" or "non-privileged," the AIB legal advisor shall confirm with the SIB whether the histories are "non-privileged" before allowing other AIB members and FAEs access to them.

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

4.4.4. Coordinates with AFSC/JA to obtain factual data animations from AFSC/SEFE, if such animations exist. See Attachment 1 of this Instruction for the definition of "factual data animation."

4.4.5. Coordinates early release of information with the AIB president, the convening authority's SJA, and the convening authority's PA.

4.4.6. Advises, supports, and accompanies the AIB president in AIB-related media interviews, as appropriate.

4.4.7. Oversees collection, preservation, and disposition of evidence.

4.4.8. Participates in all witness interviews and ensures rights advisements and questions are proper. See para 6.1.2.2 of this Instruction.

4.4.9. Drafts the Governing Directives and Publications section of the Summary of Facts.

4.4.10. Edits the entire AIB report to ensure a clear and consistent writing style with appropriately defined acronyms and technical terms to enhance public understanding.

4.4.11. Reviews the AIB report for legal sufficiency, and ensures information required to be withheld under DoD regulation 5400.7/AF Supplement or federal law is not included in the publicly-releasable report. See para 8.3 of this Instruction.

4.4.11.1. Confirms with proper release authorities any information identified as protected from public release, including but not limited to material covered by the Arms Export Control Act, the Export Administration Act of 1979, properly classified information, or other information required to be withheld under DoD Regulation 5400.7/AF Supplement or federal law.

4.4.12. Exercises oversight of the recorder to assure compliance with this Instruction and proper tasking, etc.

4.4.13. Consults with the convening authority's SJA and SE about substituting finalized reports for draft reports in Tabs A through S.

4.4.14. Ensures Statement of Opinion meets legal standards.

4.4.15. Upon receipt of SIB Part 1, shall be relieved of all other duties until the AIB is completed.

4.4.16. Provide a list of the name of SIB members and advisors to the AIB members.

4.5. AIB Maintenance Member.

4.5.1. Reviews maintenance documentation, personnel records, and supervision reports.

4.5.2. Inspects wreckage and reviews equipment analysis reports.

4.5.3. Proposes witness interview questions.

4.5.4. Drafts the Maintenance section; Aircraft, Airframe, Missile, or Space Vehicle Systems section; and Governing Directives and Publications section in the Summary of Facts.

4.5.5. Gathers and reviews relevant Technical Orders (TOs) and Time Compliance Technical Orders (TCTOs).

4.5.6. Screens and identifies controlled unclassified military information (CUMI) in the final AIB report before it is transmitted to the convening authority's SJA.

4.5.7. Performs other duties to support the AIB as assigned by the AIB president.

4.5.8. Returns all maintenance related documents, records, models, parts and resources are returned to the proper custodian upon release by the AIB.

4.5.8.1. Ensures the proper custodian signs a transmittal records documenting the return of all maintenance related documents, records, models, parts and resources to be included in the post-investigation memorandum in accordance with para 9.2.2.5 of this Instruction. A sample transmittal letter is at Attachment 2, Figure A2.14 of this Instruction.

4.6. AIB Medical Member.

- 4.6.1. Obtains and reviews all relevant medical evidence, including medical records, autopsy and post-mortem reports, X-rays, and toxicology reports.
- 4.6.2. Requests the mishap pilot(s) and mishap flight/maintenance crew complete non-privileged 72-hour and 14-day histories as necessary.
- 4.6.3. Reviews post-accident medical examination records of survivors.
- 4.6.4. Proposes witness interview questions.
- 4.6.5. Drafts Statements of Injury or Death for inclusion in Tab X, if appropriate.
- 4.6.6. Drafts the Medical, Human Factors, and Governing Directives and Publications sections of the Summary of the Facts.
- 4.6.7. Performs other duties to support the AIB as assigned by the AIB president.
- 4.6.8. Returns all medical records to the proper custodian upon release by the AIB.
 - 4.6.8.1. Ensures the proper custodian signs a transmittal records documenting the return of all medical records to be included in the post-investigation memorandum in accordance with para 9.2.2.5 of this Instruction. A sample transmittal letter is at Attachment 2, Figure A2.14 of this Instruction.

4.7. AIB Pilot Member.

- 4.7.1. Reviews the mishap crew's flight qualifications and training records, mishap flight-planning or mission records, Federal Aviation Administration (FAA) bookings, weather documents, and search and rescue (SAR) reports.
- 4.7.2. Reviews relevant Cockpit Voice Recorder (CVR), Head-Up Display (HUD), and data tapes.
- 4.7.3. Flies the mishap mission in a flight simulator as necessary.
- 4.7.4. Proposes witness interview questions.
- 4.7.5. Drafts the Summary of Accident, Sequence of Events, Weather, Crew Qualifications, and Governing Directives and Publications sections of the Summary of Facts.
- 4.7.6. Screens and identifies CUMI in the final AIB report before it is transmitted to the convening authority's SJA.
- 4.7.7. Performs other duties to support the AIB as assigned by the AIB president.
- 4.7.8. Returns all flight training records and squadron resources to the proper custodian upon release by the AIB.
 - 4.7.8.1. Ensures the proper custodian signs a transmittal records documenting the return of all flight training records and squadron resources to be included in the post-investigation memorandum in accordance with para 9.2.2.5 of this Instruction. A sample transmittal letter is at Attachment 2, Figure A2.14 of this Instruction.

4.8. AIB Recorder.

- 4.8.1. The recorder is normally an enlisted member or junior officer who possesses an administrative background. Although not required, the position is usually filled by a paralegal.

- 4.8.2. Serves as custodian of all the AIB documents and evidence.
- 4.8.3. Manages and formats all Tabs. See Attachment 2, Figure A2.18 of this Instruction.
- 4.8.4. Assists with transcriptions, as necessary.
- 4.8.5. Drafts the Authority and Purpose, Background, and Governing Directives and Publications sections of the Summary of Facts.
- 4.8.6. Assists with Tab redactions.
- 4.8.7. Assists with assembling the AIB report.
- 4.8.8. Collects AIB witness and member contact information for the post-investigation memorandum. See Attachment 2, Figures A2.15 and A2.16 of this Instruction.
- 4.8.9. Assists with assembling the post-investigation memorandum and mailing reports and evidence to convening authority's SJA.
- 4.8.10. Performs other duties to support the AIB as assigned by the AIB president.

4.9. AIB Aerodynamics Member.

- 4.9.1. Examines airframe evidence and flight parameter analysis reports.
- 4.9.2. Proposes witness interview questions.
- 4.9.3. Drafts the Aircraft and Airframe, Missile, or Space Vehicle System section of the Summary of Facts.
- 4.9.4. Performs other duties to support the AIB as assigned by the AIB president.

4.10. AIB Aircrew Flight Equipment Member.

- 4.10.1. Examines the personal and aircrew flight equipment.
- 4.10.2. Proposes witness interview questions.
- 4.10.3. Drafts the aircrew flight equipment portion in the Sequence of Events section of the Summary of Facts.
- 4.10.4. Performs other duties to support the AIB as assigned by the AIB president.

4.11. AIB Egress Member.

- 4.11.1. Examines the egress system.
- 4.11.2. Proposes witness interview questions.
- 4.11.3. Drafts the Egress portion in the Sequence of Events section of the Summary of Facts.
- 4.11.4. Performs other duties to support the AIB as assigned by the AIB president.

4.12. Host Installation Commander.

- 4.12.1. Appoints a host installation liaison officer to assist the AIB in obtaining accommodations and administrative support prior to the arrival of the AIB.
- 4.12.2. Provides/funds "in-house support" which includes, but is not limited to: work areas and office work space; computers with Internet access; use of computers, printers, 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 3, Figure A3.1 of this Instruction, for a list of AIB support requirements.

4.12.2.1. If the host installation is not part of the convening MAJCOM, the host installation may seek reimbursement for AIB expenses from the convening authority. See para 2.8.5 and para 2.8.5.1 of this Instruction.

4.12.2.2. The host installation shall provide an AIB work area which is convenient for both the AIB and the witnesses.

4.12.3. Removes, stores, and secures the wreckage at the direction of the convening authority until AFLOA/JACC releases the wreckage from legal hold. See para 9.6 and para 11.8 of this Instruction.

4.12.3.1. Upon wreckage being released from legal hold, ensures compliance with T.O. 1-1-638, *Repair and Disposal of Aerospace Vehicles*. Also, ensures compliance with AFMAN 23-110, *USAF Supply Manual*, Volume 6, *Excess and Surplus Personal Property*. NOTE: Wreckage that will not be returned to service shall be offered to the Maintenance Training Device (MTD) community before disposal through the Defense Reutilization and Marketing Office (DRMO).

4.12.3.1.1. The MTD community consists of AETC/DOO, the applicable System Program Director (See <https://afmc-dr.wpafb.af.mil/Bluebk/Bluebook.asp>), and the lead and all using MAJCOM Directors of Logistics (A3) for the mishap aircraft mission design series (MDS).

4.12.4. Assists the convening authority with initial cleanup of mishap site.

4.13. Host Installation's SJA.

4.13.1. Assists the AIB and legal advisor as necessary.

4.13.2. With the concurrence of the installation commander, shall designate a POC with the legal office for legal liaison support to the AIB.

4.13.3. May store the SIB Part I and evidence before transfer to the AIB if a face-to-face transfer does not occur.

4.13.3.1. If storing SIB Part I and evidence, the host installation's SJA shall secure the material which shall only be reviewed by the AIB legal advisor.

4.13.4. Assists the AIB legal advisor in identifying union employees and applicable restrictions of collective bargaining agreements.

4.13.4.1. Assists the AIB legal advisor with the appearance of civilian employees and (if required) their accompanying labor union representative for AIB witness interviews. See para 6.12.3 and para 6.12.4 of this Instruction.

4.13.5. Assists the AIB legal advisor with the appearance of contractor employees for AIB witness interviews; obtains assistance from the contracting officer, as necessary; and assists in obtaining and reviewing copies of relevant contracts.

4.13.6. Assists the AIB legal advisor with the appearance of foreign nationals for AIB witness interviews and ensures compliance with applicable international agreements.

4.13.7. Provides personnel and transcription equipment to support AIB transcription as necessary.

4.13.8. Forwards requests for wreckage release through the convening authority's SJA to AFLOA/JACC.

4.14. AFLOA/JACC.

4.14.1. Develops policy and procedures for conducting accident investigations of aircraft, UAS, missile, and space systems.

4.14.2. Adjudicates administrative tort claims arising out of aircraft, UAS, missile, and space accidents, in accordance with AFI 51-501, *Tort Claims*.

4.14.3. Provides litigation support to the Department of Justice in litigation arising out of aircraft, UAS, missile, and space accidents, in accordance with AFI 51-301, *Civil Litigation*.

4.14.4. Oversees the AFLOA/JACC-AIB FSC. The AFLOA/JACC-AIB FSC staffs, trains, and equips a cadre of judge advocates and paralegals to serve as AIB legal advisors and recorders at the request of Air Force MAJCOMs.

4.14.5. Training.

4.14.5.1. In coordination with the Air Force Judge Advocate General's School, provides Air Force-wide technical training and guidance to judge advocates (legal advisors) and paralegals (recorders) on how to conduct AIBs and prepare AIB reports.

4.14.5.2. In coordination with the AFSC, provides Air Force-wide training and guidance to AIB presidents at the AFSC Board Presidents Course.

4.14.6. Provides assistance to convening authorities when appropriate. Normally, AFLOA/JACC will provide advice and support through the appropriate convening authority's SJAs and/or AIB legal advisors.

4.14.7. Approves wreckage release from legal hold for Class A mishaps (except for those covered by para 9.6.1. and para 11.8.1. of this Instruction) and coordinates with MAJCOM and host installation for access to investigation evidence after approval of the AIB report.

Chapter 5

CONDUCTING THE ACCIDENT INVESTIGATION

5.1. AIB Resource Guidance. Prior to arriving at the host installation, all AIB members should review this Instruction, any applicable MAJCOM supplement, and the following publications, as necessary:

5.1.1. AFI 90-301, *Inspector General Complaints Resolution*, provides detailed guidance for other types of administrative investigations. Ch 2 and Attachments 8 through 10 contain useful information about witness interviews, rights advisements, and handling evidence.

5.1.2. AFI 34-1101, *Assistance to Survivors of Persons Killed in Air Force Aviation Mishaps and Other Incidents*, provides guidance on rendering assistance to family members of those killed in aviation accidents.

5.1.3. AFI 91-204, *Safety Investigations and Reports*, governs the safety investigation and describes the contents of Part I of the SIB report, which shall form Tabs A through S of the AIB report.

5.1.4. AFI 33-332, *Privacy Act Program*, implements the Privacy Act within the Air Force. Prior to publishing the AIB report, personal information must be redacted to protect privacy interests.

5.1.5. AFI 31-401, *Information Security Program Management*. This implements Air Force Policy Directive (AFPD) 31-4, *Information Security*, and supplements DoD 5200.1-R, *Information Security Program*, which describes how to protect classified information.

5.1.6. DoD Regulation 5400.7/AF Supplement describes how to process FOIA requests.

5.1.7. Air Force Pamphlet (AFPAM) 91-211, *USAF Guide to Aviation Safety Investigation*, describes the safety investigation process.

5.2. AIB Initial Actions.

5.2.1. The AIB president should contact the AIB legal advisor for an initial briefing. If the AIB legal advisor has not been identified, then the AIB president should contact the convening authority's SJA.

5.2.2. For accidents involving foreign interests, the AIB legal advisor shall consult the convening authority's SJA and host installation's SJA regarding immediate responsibilities to foreign military and civilian authorities. The AIB legal advisor shall, in turn, brief the AIB president.

5.2.3. Following accidents involving a fatality and/or serious injury, the AIB president and legal advisor shall proceed to the accident site (or to the location where the SIB convenes) within 48 hours of the SIB's arrival in order to contact the FLO, to meet NoK and/or seriously injured personnel, address media concerns, and view the mishap site.

5.2.3.1. Waiver of the 48 hour visit by the convening authority does not relieve an AIB president of his/her responsibilities, once appointed, to coordinate all NoK, seriously injured personnel, public, and media requests for investigation information, to include status update immediately after the mishap.

5.2.3.2. The AIB president is responsible for providing information to the NoK and seriously injured personnel regarding the status of the SIB and AIB investigations. See para 7.2 through para 7.5 of this Instruction.

5.2.3.3. Lack of an on-scene AIB president does not warrant the SIB president assuming the AIB president's responsibilities.

5.2.3.4. The AIB president coordinates with the incident commander (if applicable), the AIB legal advisor, the convening authority's SJA, and the FLO regarding NoK requests to visit the mishap site.

5.2.4. To avoid the inadvertent receipt of safety-privileged information, the AIB president should not contact the SIB president without consulting with the AIB legal advisor or obtaining an initial briefing from the convening authority's SJA. Thereafter, the AIB president, or the legal advisor on the AIB president's behalf, may engage with the SIB president to:

5.2.4.1. Determine the status of SAR, recovery of remains, and salvage operations.

5.2.4.2. Coordinate a visit to the mishap site prior to removal of the wreckage, if the AIB president so requests.

5.2.4.3. Determine the status of the safety investigation and decide when and where to proceed with the AIB.

5.2.4.3.1. The SIB president may not discuss privileged safety information, but he/she may relay the facts of the accident and describe the technical reports that will be in the SIB Part I to the AIB president.

5.2.4.3.2. In any substantive discussions (e.g., phone calls, e-mails) between the SIB and AIB presidents, the AIB legal advisor should be present when possible. The AIB legal advisor ensures that safety-privileged information is not inadvertently relayed to the AIB president.

5.2.5. The AIB president coordinates with the AIB legal advisor and contacts the host installation commander or the host installation liaison officer to obtain work areas, equipment, and administrative support. See Attachment 3, Figure A3.1 of this Instruction for a listing of AIB support requirements.

5.2.6. The SIB president shall transfer custody of the wreckage to the AIB president in writing.

5.2.7. The AIB legal advisor should coordinate and be present for a face-to-face transfer of the SIB Part I from the SIB to the AIB. The AIB president may also be present for the face-to-face transfer of the SIB Part I from the SIB to the AIB. The SIB must transfer all non-privileged documents, including all original documents, gathered by the SIB but not included in the SIB Part I to the AIB.

5.2.7.1. If safety privilege markings appear on any document or if the AIB legal advisor suspects any document to contain privileged information, the AIB legal advisor shall consult with the convening authority's SJA and AFSC/JA before releasing the information to the rest of the AIB.

5.2.7.2. If the SIB provides an electronic copy of the SIB Part I, the AIB legal advisor should ensure the AIB also obtains the original documents constituting the SIB Part I.

5.2.8. The AIB legal advisor should brief members of the board on the purpose and format of the AIB report and explain the AIB process. See para 5.3 of this Instruction for a suggested AIB schedule.

5.2.9. The AIB president shall assign each AIB member sections of the report to draft in accordance with AIB member duties outlined in para 4.4 through para 4.11 of this Instruction.

5.2.10. After the AIB legal advisor screens the SIB Part I and other SIB materials to remove all privileged safety material contained therein, the AIB legal advisor shall provide all materials to the AIB members to review, and the AIB:

5.2.10.1. Determines which additional tests, if any, should be conducted (e.g., metallurgy, hydraulics, simulator, forensics, control surfaces, etc.).

5.2.10.2. Formulates witness interview questions designed to elicit additional information to aid in finding the cause and/or substantially contributing factors and drafting the AIB report.

5.2.11. The SIB shall provide a list of all released witnesses (including witnesses promised confidentiality and regardless of whether the SIB reduced their statement to writing). The list should include telephone numbers and description of each witness's role in the accident (e.g., crewmember, maintainer, observer, or NoK/family member) to aid in identifying witnesses the AIB desires to interview.

5.2.12. The AIB president consults with the AIB legal advisor and convening authority's SJA regarding requests for wreckage repair, release of salvageable wreckage parts, and release of mishap aircraft servicing equipment prior to completion of the accident investigation. See para 9.6 and para 9.7 of this Instruction.

5.3. Suggested AIB Schedule. Plan to complete the accident investigation and report within 30 days from receipt of the completed Part I of the SIB report.

Table 5.1. Suggested AIB Schedule.

Week, Day	Activity
Pre AIB Start	Following accidents involving a fatality and/or serious injury, AIB president (BP) and legal advisor (LA) proceed to the accident site (or to the location where the SIB convenes) no later than 48 hours after arrival of the SIB in order to visit mishap site, contact the FLO, meet NoK and/or seriously injured personnel, and address the media. Host base liaison reserves AIB office & interview rooms, establishes Internet access, orders tabs and office supplies. LA coordinates transfer of SIB Part I and non-privileged materials from the SIB to the AIB.
Week 1	LA screens Part I and non-privileged SIB materials and briefs the AIB members on the AIB purpose and process. BP assigns sections to AIB

Day 1 - 3	members according to para 4.4 through para 4.11 of this Instruction. AIB members review SIB Part I and SIB materials, visit the mishap site, prepare interview questions, and schedule witnesses for interviews. Recorder initiates process to reproduce the AIB report with the Document Automation and Production Service (DAPS).
Week 1 Day 4-7	AIB members interview witnesses, conduct additional testing, and begin initial analysis. BP provides status information on the investigation, as required, through the FLO to the NoK and/or seriously injured personnel.
Week Two Day 8-11	AIB members continue witness interviews, begin drafting the Summary of Facts, conduct follow-up interviews as necessary, and ensure necessary testing has been ordered.
Week Two Day 12-14	AIB members finish interviewing and reviewing equipment analysis reports, discuss cause and substantially contributing factors, and request release authority for TO, TCTO, For Official Use Only (FOUO), and other information required to be withheld under DoD Regulation 5400.7/AF Supplement or federal law.
Week Three Day 15	AIB members continue drafting the Summary of Facts and monitor progress of testing.
Week Three Day 16-20	LA edits Statement of Facts and Executive Summary. Recorder builds tabs. BP finalizes the Summary of Facts, Statement of Opinion, and Executive Summary and submits them to the convening authority's SJA for an informal review.
Week Four Day 21-27	With the AIB members, BP reviews the convening authority's staff's suggestions, makes revisions to the report as necessary, and makes final edits to the Statement of Opinion. The AIB members collect information for the post-investigation memorandum, return personnel medical and training files to custodians, and draft letters of appreciation. BP releases wreckage to host installation commander.
Week Four Day 27 -30	LA and recorder send the Executive Summary, Summary of Facts, Statement of Opinion, and Tabs to DAPS for printing; prepare one original report and as many copies as requested by the convening authority; finalize the post-investigation memorandum; express mail the original AIB report, additional copies, and evidence/materials to the convening authority's SJA. BP prepares for NoK and/or seriously injured personnel briefing as necessary.

5.4. Gathering and Reviewing Additional Evidence. During the course of the investigation, AIB members shall review all non-privileged mishap-related evidence. Consider the following when handling evidence and preparing it for inclusion in the AIB report:

5.4.1. CVR and HUD Tapes. AIB shall review CVR and HUD tapes relevant to the accident. The video and audio tapes shall NOT be released to the public unless required to be released under DoD Regulation 5400.7/AF Supplement and in accordance with applicable third party privacy concerns. However, CVR and HUD transcripts are publicly releasable and may be included in the AIB report. Transcribe the CVR and/or HUD tapes as soon as practicable.

5.4.1.1. Requests from family members to listen to CVR and/or see HUD tapes shall be forwarded through the convening authority's SJA to AFLOA/JACC, for consideration under DoD Regulation 5400.7/AF Supplement, in coordination with the Air Force Administrative Law Division (AF/JAA).

5.4.1.2. Classified information, information protected from public release, inappropriate comments, and non-relevant conversations shall be redacted from CVR and/or HUD transcripts as necessary to protect national security or privacy interests. Consult with the convening authority's SJA for guidance.

5.4.1.3. Upon completion of the investigation, the AIB legal advisor or recorder shall forward the original CVR and HUD tapes to the convening authority's SJA for storage with the additional evidentiary materials until AFLOA/JACC releases the wreckage from legal hold.

5.4.2. Sensitive AFIs, TOs, Maintenance Manuals, and Flight Manuals. The AIB may gather and review documents that are restricted from public release, such as documents protected by the Privacy Act, the Arms Export Control Act, and the Export Administration Act of 1979. The AIB will frequently need to reference excerpts of restricted access documents in the AIB Tabs to support factual information in the AIB report. The AIB must obtain written permission from the proper release authority before including restricted information in the AIB report.

5.4.2.1. Contact the OPR listed on the cover of the instruction, order, or manual. See AFI 61-204, *Disseminating Scientific and Technical Information*, for further guidance.

5.4.2.2. Include only the cover page and the minimum excerpted information necessary to support the Summary of Facts and Statement of Opinion.

5.4.2.3. Submit a written request, email or otherwise, to the named OPR articulating that the AIB produces a publicly-releasable report and is requesting release authority for specific pages or excerpts from the document.

5.4.2.4. If the OPR grants release authority, include the OPR's written response along with the releasable TO excerpt in the Tab section of the AIB report. Additionally, include a copy of the release authority's response (with contact information intact) in post-investigation memorandum. Alternatively, if the OPR denies release authority consult the convening authority's SJA.

5.4.3. Classified Information. AIB members who have the appropriate security clearances may review classified evidence, as needed, during the investigation. However, the AIB report should NOT contain classified information. See para 6.3 of this Instruction.

5.4.3.1. If it is essential to include classified information to support the Statement of Opinion, then include classified testimony, documents, and information in a separate

classified addendum. This allows the unclassified portion of the AIB report to be publicly released without redacting text.

5.4.4. Foreign Evidence. For accidents in foreign territories or involving significant foreign interests, consult with the host installation's SJA and convening authority's SJA or AF/JAO, for procedures to gather evidence, gain access to evidence, or request evidence from foreign military or civilian authorities.

5.4.5. Obtain and review all relevant medical evidence, including medical records, autopsy protocols, X-rays, and toxicology reports. Because of privacy concerns, it may not be appropriate to include these documents in the AIB report. There is generally no reason to include copies of medical records or extracts from them in the AIB report unless that information is directly related to the cause of the accident or a substantially contributing factor. Caution: A "72 Hour History" prepared for the SIB medical member by a witness is almost always obtained through a promise of confidentiality. The AIB legal advisor must ensure this document is not accidentally transferred with the Part I. The AIB medical member may, nevertheless, request that an aircrew member prepare a new, non-privileged "72 Hour History" to be adopted as testimony during a formal witness interview.

5.4.6. Original Documents. Forward all original documents to the convening authority's SJA with the post-investigation memorandum at the conclusion of the investigation. See para 9.2 of this Instruction. However, some documents, such as medical, dental, and personnel records, should be returned to their proper custodians after the AIB report is approved. Transmittal letters of original documents returned to their custodians should be included in the post-investigation memorandum.

Chapter 6

INTERVIEWING WITNESSES

6.1. General Considerations.

6.1.1. The AIB shall not interview a witness until the SIB president releases the witness. The SIB president may, at his or her sole discretion and if he or she believes it will not interfere with or compromise the safety investigation, grant the AIB access to non-privileged written witness statements, transcripts, and recordings before witnesses are released.

6.1.2. The SIB shall provide the AIB with a list of all SIB witnesses. The AIB is not restricted to interviewing only those witnesses interviewed by the SIB, nor is the AIB required to formally interview all of the witnesses interviewed by the SIB. However, the AIB should contact all the SIB witnesses to screen them for potential interviews.

6.1.2.1. If the AIB chooses to not interview a witness who was interviewed by the SIB, document on the post-investigation memorandum witness list why the SIB witness was not interviewed (redundant testimony, witness unavailable, relevant testimony obtained through another witness, etc).

6.1.2.2. The AIB legal advisor shall review the AIB members' proposed witness questions to eliminate opinion questions, safety questions, and to identify questions that warrant rights advisement.

6.1.3. Determine the most appropriate order to interview witnesses. Consider interviewing key witnesses last or perhaps twice, once at the outset and once more after other witnesses have developed the background of the case. Avoid using the installation courtroom for interviews since a judicial atmosphere may intimidate witnesses.

6.1.4. USAFR and ANG Accidents. The AIB legal advisor shall determine what type of duty orders the witness was on at the time of the accident for purposes of rights advisement. Direct the witness to bring a copy of his/her orders (and any other proof of duty status) that were in effect on the date of the mishap and the date of the interview.

6.1.4.1. Attach a copy of the witness's orders and any other proof of duty status to the post-investigation memorandum.

6.1.5. Pre-Interview Meeting. The AIB legal advisor should meet with each witness prior to the interview to explain the differences between the SIB and the AIB, explain the purpose of the AIB, cover interview protocol, remind witnesses to avoid speculation or making corrective or disciplinary recommendations, address witness concerns, and collect witness contact information (e.g., name, address, Social Security Number) for the post-investigation memorandum at Attachment 2, Figure A2.15 of this Instruction. Do not collect personal information during the recorded interview.

6.1.5.1. Explain that gathering this personal information is authorized by the Privacy Act of 1974 and provide each witness with the Privacy Act Statement at Attachment 2, Figure A2.19 of this Instruction.

6.1.5.2. If a military witness requests an attorney, the AIB legal advisor should provide contact information for the host installation's Area Defense Counsel (ADC).

6.1.6. Witnesses who were interviewed by the SIB.

6.1.6.1. Direct each witness not to reference the SIB during the AIB interview. AIB members should not know the questions asked and answered during a privileged interview.

6.1.6.2. Instruct the witnesses to not state they provided any particular response to the SIB under a promise of confidentiality.

6.1.7. Do not offer promises of confidentiality to witnesses.

6.1.8. Administer the oath or affirmation to all witnesses on the record prior to initiating questioning.

6.1.9. DoD military members and civilian employees must appear when called. A witness may not refuse to answer questions simply because the answer may adversely affect another person. A witness may only refuse to answer questions to prevent self-incrimination.

6.1.10. Instruct witnesses to refrain from talking with their hands, since it cannot be transcribed. Tell the witnesses to answer "yes" or "no" rather than gesturing.

6.1.10.1. If a witness describes distance with his/her hands, translate the distance for the record (e.g., "The witness is holding his hands approximately three feet apart"). As necessary, photograph gestures or models showing relative positions to preserve information for the record.

6.1.10.2. If a witness refers to a diagram while testifying, ask him/her to mark where events or actions occurred. Include the diagram or a photograph of the diagram in the witness's transcript.

6.1.11. Instruct the witness to refrain from using technical jargon or acronyms during the interview since it may not be understood by the public.

6.1.11.1. If acronyms and technical jargon are unavoidable, ask the witness to provide definitions or explanation on the record and list the acronyms in the Commonly Used Acronyms and Abbreviations Table. See para 8.6 of this Instruction.

6.1.12. Interviewing Medical Personnel. In accordance with DoD 6025.18-R, *DoD Health Information Privacy Regulation*, and the Health Insurance Portability and Accountability Act (HIPAA), the AIB is authorized to interview medical personnel regarding individuals involved in the mishap without the authorization of the individual.

6.1.13. If a witness is known to be represented by an attorney, the AIB legal advisor shall contact the attorney prior to the interview rather than contacting the witness.

6.2. Administrative Matters.

6.2.1. Consider instructing witnesses to bring documents or other items to the interview for use during their interview, as necessary. All documents should be the original document if possible. Attach all such documents as exhibits to the applicable witness interviews and/or statements.

6.2.2. Verify the suitability and quality of the recording equipment before commencing the interviews.

6.3. Classified Interviews. Witnesses, AIB members and FAEs, and court reporters or stenographers must be properly cleared before they may participate in classified interviews.

6.3.1. Safeguard classified information in accordance with AFPD 31-4. NOTE: A classified interview must be conducted using an appropriately classified recording device.

6.3.2. If classified information is germane to the investigation, conduct two separate interviews (one classified and one unclassified) and include as much unclassified testimony as possible in the unclassified portion of the report.

6.3.3. If a classified interview does not yield relevant information, do not transcribe it. The AIB will forward the classified recording to the convening authority's SJA in accordance with para 9.2.2.1.1.1 of this Instruction.

6.4. Foreign National Interviews. Consult with the convening authority's SJA for guidance in arranging, conducting, and documenting interviews with foreign military personnel and foreign nationals. The convening authority's SJA shall consult with AF/JAO.

6.4.1. The host installation's SJA and host installation's liaison officer shall assist in arranging for an interpreter to participate in interviews of foreign military personnel and foreign national witnesses.

6.5. Persons Attending Interviews.

6.5.1. The AIB president should conduct all interviews.

6.5.2. The AIB president may allow other AIB members to question the witness during the interview. The AIB member questioning the witness shall identify him/herself on the record.

6.5.3. The AIB legal advisor shall be present during all interviews and ensure proper procedures are followed in questioning witnesses, placing them under oath, and advising them of their rights.

6.5.4. Consider which AIB members should attend each interview; it may not be necessary to have the entire AIB present for an interview regarding a technical matter.

6.5.5. A witness, if suspected of a crime or upon his/her request, may have his/her attorney present during the AIB interview. However, the witness's attorney may not ask or answer questions on behalf of his/her client.

6.6. Witness Speculation. Witnesses shall not be asked to speculate, guess, or provide an opinion as to the ultimate cause or causes of the accident. If an expert provides an opinion within his/her area of expertise, ask for the factual basis of his/her opinion. However, speculation by expert witnesses should be limited to the facts and circumstances surrounding the subject accident rather than fleet-wide concerns or Air Force-wide practices.

6.7. Testimony of Absent Witnesses. If a witness is unavailable to interview in person (e.g., due to deployment, permanent change of station (PCS), or TDY) conduct a telephone or video teleconference (VTC) interview.

6.7.1. Inform all parties to the interview both prior to and on the record that the interview will be recorded.

6.7.2. The witness must consent to being recorded with the AIB's recording device, and the witness may not use his/her own recording device to record the interview.

6.7.3. The AIB president or legal advisor shall take appropriate steps to confirm the witness's identity on the record.

6.7.4. The AIB president or legal advisor or any active duty officer or active duty senior non-commissioned officer shall administer the oath or affirmation to the witness on the record.

6.7.5. If the interview is conducted via VTC, it is not necessary to record the video portion of the interview. To enable the AIB team to both view and hear a VTC interviewee, the interview may be conducted via live-feed VTC with only the audio portion recorded by the AIB's recording device.

6.8. Witness Introduction. Use the following witness introduction for all interviews:

6.8.1. Witnesses who testified before the SIB:

My name is _____. I am/We are investigating the aircraft/missile device/UAS/space vehicle accident that occurred on _____, near _____. This investigation, conducted under AFI 51-503, is separate and apart from the safety investigation conducted under AFI 91-204. This accident investigation board is a legal investigation that was convened to inquire into the facts surrounding the aircraft/aerospace accident, to prepare a publicly-releasable report, and to gather and preserve all available evidence for use in litigation, claims, disciplinary actions, administrative proceedings, 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 accident 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 me/us may be used for any proper purpose. Additionally, your testimony can be released to the public. Do you understand the difference between your testimony before the safety board and this accident board?

6.8.2. Witnesses who did not testify before the SIB:

My name is _____. I am/We are investigating the aircraft/missile device/UAS/space vehicle accident that occurred on _____, near _____. This investigation, conducted under AFI 51-503, is separate and apart from the safety investigation conducted under AFI 91-204. This accident investigation board is a legal investigation that was convened to inquire into the facts surrounding the aircraft/aerospace accident, to prepare a publicly-releasable report, and to gather and preserve all available evidence for use in litigation, claims, disciplinary actions, administrative proceedings, 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 me/us 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?

6.9. Witness Oath.

6.9.1. Administer 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?

6.9.2. NOTE: If a witness chooses to “affirm,” omit the word "solemnly" and phrase "so help you God" when administering the oath.

6.10. Recorded Preamble.

6.10.1. Record both the witness introduction and oath/affirmation. After administering the oath or affirmation, the interviewer shall identify the date, time, place of interview, persons present, and state the witness has been sworn or affirmed. Then ask the witness to state his or her full name, rank, job title, present duty assignment, and location, as appropriate.

6.10.2. NOTE: The convening authority has discretion to omit names of individuals involved in the mishap from the AIB report (to include the narrative portion and all Tabs). See para 8.3.12 of this Instruction.

6.11. Adopting SIB Witness Testimony. If a witness’s testimony before the SIB was non-privileged, the AIB should receive a recording or transcript of the non-privileged testimony.

6.11.1. During an AIB interview and after the witness has been placed under oath, the AIB may ask him/her to adopt prior, non-privileged, SIB testimony, so as to make it a sworn statement, before proceeding with additional interview questions. The prior testimony should be referenced by date and page number if included in Part I of the SIB. The AIB can ask the witness additional questions, as necessary.

6.11.2. If a SIB witness interview is adopted by the AIB but a transcript or summary of the testimony is not included in Tab R, a copy of the prior testimony shall be added to the end of the witness's interview within Tab V.

6.12. Rights and Privileges of Witnesses.

6.12.1. General Guidance. Interviews should still be initiated even if the interviewer expects the witness to invoke his or her rights or privileges against self-incrimination, in order to make the invocation a matter of record.

6.12.2. Military Witnesses.

6.12.2.1. Before the AIB questions a military member suspected of committing an offense punishable under the Uniform Code of Military Justice (UCMJ) (10 U.S.C. §§ 801-940), the military member must be advised of his or her rights provided by Articles 31(a) and (b) of the UCMJ. Use the rights advisement at Figure 6.1 of this Instruction.

6.12.2.2. Articles 31(a) and (b) of the UCMJ provide that no persons subject to the UCMJ may be compelled to incriminate themselves or answer any question the answer to which may tend to incriminate them.

6.12.2.3. When 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 6.1 of this Instruction.

6.12.2.4. If, after being advised of his or her Article 31, UCMJ rights, the military witness requests a lawyer or elects to remain silent, the AIB interviewer shall stop the

interview and refer the witness to the host installation's ADC. After the witness has had an opportunity to consult with an attorney, the AIB legal advisor shall contact the witness' attorney to inquire whether the witness is willing to testify. If the witness is willing to testify, the AIB interviewer shall re-administer the rights advisement on the record before questioning the witness. The witness' attorney may attend the interview and provide legal advice to the witness during the interview. However, the attorney may not ask or answer questions on behalf of the witness and may not interrupt or improperly interfere with the interview.

6.12.2.5. 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, refer the witness to the host installation ADC.

6.12.2.6. If there is not an ADC available at the host installation, contact the host installation's SJA to obtain contact information for other defense counsel the witness may contact.

6.12.2.7. If, after rights advisement and (if requested) consultation with a defense attorney, a military member suspected of committing an offense punishable under the UCMJ agrees to testify under oath or affirmation, then the following statement should appear immediately before the witness' testimony:

“Having been duly sworn and advised of the allegations, of [his/her] rights under Article 31, Uniform Code of Military Justice, and of [his/her] rights to counsel, and having acknowledged [his/her] understanding of those rights, and having affirmatively waived those rights, the witness testified as follows:”

6.12.2.8. For accidents involving Air Reserve Components (ARC) personnel, the AIB president must determine what the duty status of the USAFR or ANG member being interviewed was at the time of the accident. The determination must be made prior to the interview because different duty statuses require different protections during the interview process. Consult the AIB legal advisor for assistance in determining duty status and required protections. Include a copy of the witness' orders, civilian or military pay stub, or duty roster for drill days in the post-investigation memorandum. When ARC personnel are suspected of a crime, provide the appropriate rights advisement in Figure 6.1 or Figure 6.2 of this Instruction after verifying the witness' duty status at the time of incident and at the time of the interview. Whenever possible, the AIB should arrange to interview the witness at a time he/she is on federal military status.

6.12.3. Federal Civilian Employee Witnesses.

6.12.3.1. General Considerations.

6.12.3.1.1. Consult with the host installation's SJA and a labor relations officer for guidance prior to interviewing federal civilian witnesses covered by a bargaining unit. NOTE: Many Air Reserve Technicians (ARTs) are represented by bargaining units.

6.12.3.1.2. You may ask employees if they are members of a certified bargaining unit. However, it is improper to ask employees whether they belong to a union for purposes of determining whether they have *Weingarten* rights. (See para 6.12.3.2.1.1 of this Instruction.)

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

6.12.3.2.1. Disciplinary Examinations.

6.12.3.2.1.1. If the employee is a member of a certified bargaining unit represented by a labor organization and both (1) reasonably believes that he or she might be disciplined as a result of the interview, and (2) requests union representation, then the employee is entitled to have a union official or steward present during the interview. This right is found in 5 U.S.C. § 7114(a)(2)(B), *Rights and Duties of Agencies and Labor Organizations*, and is frequently referred to as the employee's *Weingarten* rights, after the Supreme Court decision in *National Labor Relations Board v. J. Weingarten, Inc.*, 420 U.S. 251 (1975).

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

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

6.12.3.2.1.4. The Civil Service Reform Act does not require employee notification of the right to representation prior to each interview. Rather, the Act requires management annually inform its employees of this right. However, some local union contracts stipulate that management officials of an installation shall provide notice before each interview. Exercise caution when interviewing federal civilian employees to ensure there are no violations of the terms of a local contract.

6.12.3.2.2. Formal Discussions.

6.12.3.2.2.1. Under the provisions of the Federal Sector Labor Management Relations Statute, 5 U.S.C. § 7114(a)(2)(A), *Rights and Duties of Agencies and Labor Organizations*, unions have a right to be given notice of a formal discussion between one or more agency representatives and one or more bargaining unit employees. However, in most circumstances, an investigatory interview with a civilian bargaining unit employee is not a formal discussion that would require advance notice to the union and an opportunity for a union official to attend the interview. This is because the labor statute provision only applies to

discussions that concern a grievance, personnel policy or practice, or other general condition of employment. These terms are defined broadly by the Federal Labor Relations Authority. These are not normally the subjects of an AIB witness interview, which more likely would seek to establish an employee's specific actions, conduct, and observations relevant to the mishap at issue. However, questions about workplace actions, the workplace atmosphere, or general environment of the work center (e.g., how often did personnel use government owned or leased vehicles for personal use) are considered discussions about "general conditions of employment."

6.12.3.2.2.2. The employee must be advised of his/her *Brookhaven* rights (e.g., certain safeguards set out by the Federal Labor Relations Authority to protect employees from coercive questioning concerning matters involving their statutorily protected rights).

6.12.3.2.2.3. If there is any question whether an interview might constitute a formal discussion, which would require union notice, the AIB legal advisor should consult with the host installation's SJA or the Labor Law Field Support Center at the Civil Litigation Division, AFLOA (AFLOA/JACL).

6.12.3.3. Rights Adviseements.

6.12.3.3.1. If the AIB decides to interview witnesses suspected of committing a violation of a criminal law, consult the convening authority's SJA for guidance on how to proceed. The Fifth Amendment to the United States Constitution provides rights to persons who are not subject to the UCMJ. The convening authority's SJA should consider whether to consult with the host installation's SJA in order to determine whether or not civilian criminal investigators should become involved. If the AIB president decides to interview the witness under such circumstances, first advise the witness of his or her Constitutional right against self-incrimination. See Figure 6.2 of this Instruction.

6.12.3.3.2. If the witness is willing to testify, the AIB interviewer shall re-administer the rights advisement on the record before questioning the witness. The witness' attorney may attend the interview and provide legal advice to the witness during the interview. However, the attorney may not ask or answer questions on behalf of the witness and may not interrupt or improperly interfere with the interview.

6.12.3.3.3. If after rights advisement, the civilian employee agrees to testify under oath or affirmation, then the following statement should appear immediately before the witness' testimony:

"Having been duly sworn and advised of [his/her] rights under the Fifth Amendment to the Constitution of the United States, and of [his/her] rights to counsel, and having acknowledged [his/her] understanding of those rights, and having affirmatively waived those rights, the witness testified as follows:"

6.12.3.4. An individual may have both union representation and legal counsel present during an interview. A union official, steward, other representative, or attorney attending an AIB witness interview may advise the federal employee who is being interviewed, but

may not ask or answer questions on behalf of the witness, and may not interrupt or improperly interfere with the interview.

6.12.4. DoD Contractor Employee Witnesses.

6.12.4.1. The AIB president may choose to have an Air Force contract management representative present when interviewing employees of DoD contractors. The contract management representative may be able to help obtain company records, company policies, and applicable contract provisions. In addition, this representative may provide assistance if the employee contends that rights under a contractor's labor-management agreement are being abridged.

6.12.4.2. Rights Advisements.

6.12.4.2.1. If the AIB decides to interview witnesses suspected of committing a violation of a criminal law, consult the convening authority's SJA for guidance on how to proceed. The Fifth Amendment to the United States Constitution provides rights to persons that are not subject to the UCMJ. The convening authority's SJA should consider whether to consult with the host installation's SJA in order to determine whether or not civilian criminal investigators should become involved. If the AIB president decides to interview the witness under such circumstances, the witness shall be advised of his or her Constitutional right against self-incrimination. See Figure 6.2 of this Instruction.

6.12.4.2.2. If the witness is willing to testify, the AIB interviewer shall re-administer the rights advisement on the record before questioning the witness. The witness' attorney may attend the interview and provide legal advice to the witness during the interview. However, the attorney may not ask or answer questions on behalf of the witness, and may not interrupt or improperly interfere with the interview.

6.12.4.2.3. If after rights advisement, the contractor employee agrees to testify under oath or affirmation, then the following statement should appear immediately before the witness' testimony:

“Having been duly sworn and advised of [his/her] rights under the Fifth Amendment to the Constitution of the United States, and of [his/her] rights to counsel, and having acknowledged [his/her] understanding of those rights, and having affirmatively waived those rights, the witness testified as follows:”

6.12.5. Other Witnesses.

6.12.5.1. The AIB president should allow other witnesses to bring appropriate advisors to an interview. However, only the AIB members may ask questions, and only the witness may answer questions during the interview.

6.12.5.2. Rights Advisements.

6.12.5.2.1. If the AIB decides to interview witnesses suspected of committing a violation of a criminal law, consult the convening authority's SJA for guidance on how to proceed. The Fifth Amendment to the United States Constitution provides rights to persons who are not subject to the UCMJ. The convening authority's SJA should consider whether to consult with the host installation's SJA in order to determine whether or not civilian criminal investigators should become involved. If

the AIB president decides to interview the witness under such circumstances, first advise the witness of his or her Constitutional right against self-incrimination. See Figure 6.2 of this Instruction.

6.12.5.2.2. If the witness is willing to testify, the AIB interviewer shall re-administer the rights advisement on the record before questioning the witness. The witness' attorney may attend the interview and provide legal advice to the witness during the interview. However, the attorney may not ask or answer questions on behalf of the witness, and may not interrupt or improperly interfere with the interview.

6.12.5.2.3. If after rights advisement, the civilian witness agrees to testify under oath or affirmation, then the following statement should appear immediately before the witness' testimony:

“Having been duly sworn and advised of [his/her] rights under the Fifth Amendment to the Constitution of the United States, and of [his/her] rights to counsel, and having acknowledged [his/her] understanding of those rights, and having affirmatively waived those rights, the witness testified as follows:”

6.12.5.3. Consult the convening authority's SJA for guidance on interviewing foreign military personnel and foreign nationals that the AIB interviewer suspects, or comes to suspect, of acting in violation of United States (federal and state) criminal laws or the criminal laws of the witness' country of citizenship.

6.13. Concluding the Interview.

6.13.1. Conclude each interview by reminding the witness on the record of the official nature of the interview and instruct him/her to refrain from discussing his/her testimony with anyone without the AIB president's permission until the AIB report has been released to the public.

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

6.14. Verbatim or Summarized Testimony. Preserve all witness testimony with audio recording. Thereafter, testimony can be transcribed verbatim, or summarized and signed by the witness.

6.14.1. If the AIB elects to summarize a witness' testimony, take notes during the interview and draft a coherent, accurate summary. See Attachment 2, Figure A2.21 of this Instruction for a recommended format for summarized testimony.

6.14.2. The witness's 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.

6.14.3. If a witness declines to sign a summarized statement on the grounds it does not accurately reflect his or her testimony, review the audio recording and notes with the witness and reach an agreement on what the witness said or intended. It is important the witness concurs with the summarized statement of his or her testimony. If you cannot reach an agreement, transcribe the testimony verbatim instead.

6.14.4. Package and label all audio recordings. Send them to the convening authority's SJA with the post-investigation memorandum.

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

Figure 6.1. Rights Advisement for Military Suspects:

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

Figure 6.2. Rights Advisement for Civilian Suspects:

“I advise you that under the Fifth Amendment to the Constitution, you have the right to remain silent, that is, to say nothing at all. Any statement you make, oral or written, may be used as evidence against you in a trial or in other judicial or administrative proceedings. You have the right to consult with a lawyer, if you desire, and to have a lawyer present during this interview. You may obtain a civilian lawyer of your own choosing at your own expense. However, the military will not provide you with a lawyer. You may request a lawyer at any time during this interview, and if you decide to answer questions without a lawyer present, you may stop the questioning at any time. Do you understand your rights? Do you wish to remain silent or will you answer my questions? Do you want a lawyer?”

Chapter 7

EARLY PUBLIC RELEASE OF INFORMATION

7.1. General Considerations.

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

7.1.2. Unauthorized Disclosure of Mishap Information. Unauthorized disclosure of information or documents gathered during the AIB investigation compromises the integrity of the AIB process.

7.1.3. Specific Prohibition. Prior to the official public release of the AIB report, AIB members, FAEs, contractors, and federal government employees who have been given or have obtained access to AIB information or documents are prohibited from disclosing that information or the contents of the AIB report for other than official and authorized purposes. Prior to public release of the AIB report, the only authorized disclosures of AIB information or the contents of an AIB report are for the purpose of facilitating the AIB investigation. Any other disclosures must be specifically approved by the convening authority's SJA. This restriction does not apply to information or documents released under para 7.2 of this Instruction.

7.1.3.1. Failure to observe the prohibition in para 7.1.3 of this Instruction 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 by federal civilian employees may result in administrative disciplinary actions without regard to otherwise applicable criminal or civil sanctions for violations of related laws.

7.1.3.2. This prohibition does not preclude the AIB from seeking information from any source during the investigation process to include disclosing information to a witness in order to fully develop questioning. In such cases, the witness shall be instructed not to disclose any information learned during the interview.

7.2. Early Release of Factual Information. When the requirements of 10 U.S.C. § 2254, listed under para 7.2.1 of this Instruction, have been satisfied, the convening authority, or his/her SJA unless such authority is withheld, shall authorize the public disclosure of unclassified recordings, scientific reports, and other factual information regarding the accident prior to public release of the AIB report. However, the requirements of para 7.2.1 of this Instruction shall not limit the convening authority's ability to release factual information prior to public release of the AIB report when the convening authority deems it appropriate.

7.2.1. In accordance with 10 U.S.C. § 2254, early release of factual information shall occur if:

7.2.1.1. The information is requested; and

7.2.1.2. The information will be included in the releasable AIB report; and

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

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

7.2.2. The AIB president shall coordinate early release of factual information with the convening authority's SJA and PA. In high-interest mishaps (defined in para 7.5.1 of this Instruction), also comply with para 7.5 of this Instruction.

7.2.3. If the accident involved personnel from other MAJCOMs, other DoD components, allied forces, or if it involved prominent public officials, it may be necessary or appropriate to advise organizations and officials outside the convening authority's command prior to approving the public release of factual information under 10 U.S.C. § 2254. Consult with the convening authority's SJA and PA and with AFLOA/JACC for additional guidance if an unusual situation arises.

7.3. Releasing AIB Procedural Status Information. It is important to keep NoK, seriously injured personnel, and the public apprised of AIB procedural status information, such as the start of each phase of the investigation, SAR, recovery of remains, salvage operations, etc. To this end, make contact with the FLO shortly after arriving at the host installation. AIB procedural status information does not include substantive findings of the AIB.

7.3.1. Command authorities may release AIB procedural status information to the extent such releases will have no effect or bearing on the ongoing SIB or AIB investigation and do not conflict with command policy. Releasing AIB procedural status information for high-interest (defined in para 7.5.1 of this Instruction) mishaps does not require Headquarters Air Force notification in accordance with para 7.5.3 of this Instruction prior to release. However, NoK and seriously injured personnel shall be notified by the FLO prior to release of any AIB procedural status information to the public or media.

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

7.3.3. The AIB may create a web site containing AIB procedural status information; however, information should be posted on the web site only after it has been provided to NoK or seriously injured personnel.

7.3.4. The AIB may conduct a press conference or issue a press release; however, release information in this manner only after providing it to NoK or seriously injured personnel.

7.4. Release of Specific Accident Investigation Details.

7.4.1. The AIB president is responsible for the public release of all information regarding the investigation, to include the release of factual information regarding the accident.

7.4.2. Releasing AIB-specific accident investigation details does not require prior approval from the convening authority or notice to the Headquarters Air Force unless it involves a high-interest mishap (defined in para 7.5.1 of this Instruction). In high-interest mishaps,

comply with para 7.5.3 of this Instruction prior to releasing this information to the NoK, seriously injured personnel, or the public.

7.4.3. Releasing specific accident investigation details to NoK or seriously injured personnel constitutes public release. Therefore, always coordinate release of accident investigation details with the convening authority's SJA and PA, even if such release is to NoK or seriously injured personnel.

7.4.4. In relaying specific accident investigation details to NoK, seriously injured personnel, and the public, use the following guidance:

7.4.4.1. Use FLOs from the mishap wing rather than the AIB president or members to provide investigation details to NoK and seriously injured personnel to avoid a situation where the AIB members could be perceived to have lost their objectivity with regard to the investigation. Ideally, AIB members should only contact NoK or seriously injured personnel to initially introduce themselves, to conduct formal interviews, or to perform post-investigation briefings.

7.5. High-Interest Mishaps.

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

7.5.2. In high-interest mishap cases, early release of specific accident investigation details requires approval from the convening authority and notice to the Headquarters Air Force, followed by notification to NoK and seriously injured personnel, prior to public release.

7.5.3. Prior to releasing specific accident investigation detail information to the NoK, seriously injured personnel, and the public, the convening authority's SJA shall forward such information by e-mail or fax to AFLOA/JACC for immediate distribution through The Judge Advocate General to the Air Force Chief of Staff (AF/CC) and Secretary of the Air Force (SECAF) and/or their designees for review. Upon receipt, the aforementioned organizations shall have two duty days to review the information after which AFLOA/JACC shall notify the convening authority's SJA the release can be made.

7.5.4. In fatality mishaps, the AIB president may initiate a release of status information on the investigations following arrival at the accident scene (or the location where the SIB is based). See Attachment 2, Figure A2.17 of this Instruction.

7.5.4.1. If the first release of status information on the investigation substantially follows the example found at Attachment 2, Figure A2.17 of this Instruction, and no specific investigation information is added, the prior notification and approval requirement of para 7.5.3 of this Instruction does not apply.

Chapter 8

THE AIB REPORT

8.1. Overview.

8.1.1. The AIB report is comprised of six sections: the cover sheet, three separate written sections (the Executive Summary, the Summary of Facts, and the Statement of Opinion), the Index of Tabs, and the Tabs which contain supporting documentation.

8.1.1.1. Each of the three written sections should be self-contained meaning each section reiterates 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 support the cause(s) and/or substantially contributing factor(s) for the Statement of Opinion). Re-define acronyms and aviation concepts in each section.

8.1.2. Report Format. The report format described in this Chapter is applicable for all AIBs. Modify it only to the extent allowed in Ch 11 and Ch 12 of this Instruction.

8.2. Assembling the Report. Assemble the completed report on 8 1/2 inch x 11 inch paper secured either at the top or on the left side in a three-ring binder.

8.2.1. The cover sheet, Executive Summary, Summary of Facts (with Table of Contents and List of Commonly Used Acronyms and Abbreviations), and the Statement of Opinion shall be single sided. The Tab sections should normally be double-sided. If the report is secured at the top, ensure all double-sided copies are printed head to foot.

8.2.2. Excluding the cover sheet, Executive Summary, and any SIB Part I portion (Tabs A through S), all pages of the AIB report should have a centered footer in 11 point italicized font indicating the airframe, tail number, and date of the mishap on one line and page number on the next line.

8.2.2.1. The SIB Part I portion included in the AIB report may have a different header/footer, and the AIB should not alter it.

8.2.3. If there is no formal SIB report, insert the appropriate, non-privileged evidence received from the safety investigation in the relevant Tabs A through S of the AIB report.

8.2.4. If the AIB report is secured at the top, the thickness of each hardcopy volume may not exceed two (2) inches. If the AIB report is secured in a three-ring binder and the report exceeds the thickness of the binder, assemble it in multiple volumes. Label the volumes (e.g., 1 of 2, 2 of 2).

8.2.5. Upon the convening authority's approval of the AIB report, the convening authority's SJA may reduce the report to an electronic file. However, NoK and seriously injured personnel shall be offered hard copies of the report.

8.3. Publicly-Releasable Report. Include only publicly-releasable information in the AIB report. If questions arise regarding releasability, contact the convening authority's SJA. Do not include the following items in the report:

8.3.1. Privileged safety information. See Attachment 1 of this Instruction for the definition of "privileged safety information."

8.3.2. Information required to be withheld under the FOIA, such as sensitive personal identifying information, to include Social Security Numbers, birth dates, ages, home addresses, and home telephone numbers that appear in documents. See DoD Regulation 5400.7/AF Supplement and AFI 33-332.

8.3.2.1. Remove non relevant information concerning persons not involved in the mishap event from the Tab materials (e.g., redact the non-mishap parties from the letter of Xs, redact non-mishap parties from training attendee lists, redact names from previous/post non-mishap related sorties, and be selective of which maintenance records and maintenance training records should be included).

8.3.3. Information protected by the Arms Export Control Act (22 U.S.C. § 2751, *et seq.*) and the Export Administration Act of 1979, as amended (50 U.S.C. app. 2401, *et seq.*) These statutes apply to TOs, flight checklist/manual information, and engineering/analysis reports.

8.3.3.1. Obtain written approval from the technical content manager (TCM) listed as the OPR before including extracts of these publications in the report. Include the TCM's written approval with the excerpt in an AIB Tab and as an attachment to the post-investigation memorandum. See para 5.4.2.4 and para 8.7.8.5 of this Instruction.

8.3.3.2. The convening authority's SJA may have a TCM review the entire AIB report after it is submitted for final review. See para 10.1.2 of this Instruction. Alternatively, if a TCM final review at the MAJCOM level is not anticipated, the AIB legal advisor may consider asking the TCM to review the SIB Part I to ensure all technical data has been approved for public release.

8.3.4. For Official Use Only (FOUO), CUMI and similar markings. Confirm that all documents in the AIB report are appropriate for public release. Ensure FOUO, CUMI and similar markings are removed from any documents included in the AIB report.

8.3.5. Contractor proprietary data. Do not include proprietary data unless the AIB obtains written approval from the contractor for release of such information. If written approval is granted remove "proprietary" demarcation and include a copy of the release authorization with the document in an AIB Tab and as an attachment to the post-investigation memorandum.

8.3.6. Recommendations or suggested corrective actions. Use caution when identifying the lack of a specific procedure, remedy, or solution as a causal factor. Such "causes" can amount to inappropriate recommendations or suggested corrective actions in disguise.

8.3.7. Original personnel, training, medical, or flight records of mishap personnel. If releasable under FOIA, copies of these documents may be included in the Tabs. The originals must be returned to the proper record custodians when the AIB has completed its investigation.

8.3.8. Audio recordings of radio communications with Air Force or FAA ATC. Transcripts may be released.

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

8.3.10. Any document that estimates or gives monetary damage amounts of potential or actual third-party claims against the government. Coordinate with the General Torts Branch at AFLOA/JACC to ensure they have received this information.

8.3.11. Classified information. See para 5.4.3 and para 6.3 of this Instruction.

8.3.12. When possible, names of individuals involved in a mishap event should be disclosed in the AIB report. However, DoD policy and federal law (The FOIA) requires names not to be released if it is determined doing so would or could constitute a clearly unwarranted invasion of personal privacy that is not outweighed by the public's right to know how the Air Force performs its statutory mission. Usually, names of witnesses not involved in the mishap – particularly non-employee civilian witnesses – will not be included in the publicly-releasable report as their names in and of themselves provide no information of how the Air Force conducts its mission. The inclusion of mishap personnel, AIB members, and witness names in the publicly-releasable AIB report shall be consistent with DoD policy on the release of DoD personnel names, The FOIA, and privacy concerns. The AIB legal advisor shall consult with the convening authority's SJA with regards to whether names of individuals involved in a mishap event will be included in the AIB report.

8.3.12.1. Additionally, for DoD personnel in overseas, sensitive, or routinely-deployable units, personally identifiable information, including names, may be withheld. The FOIA office for the Information Management Operations Branch, Headquarters Chief Information Office (HAF/IMII) maintains an updated list of overseas, sensitive, and routinely deployable units that are covered under this policy, which is based on 10 U.S.C. § 130b. The list may also be obtained through AF/JAA.

8.3.12.1.1. 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.

8.3.12.1.2. According to DoD 5400.11-R, *Department of Defense 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.

8.3.12.2. If names of individuals involved in the mishap are omitted from the AIB report, include an attachment to the post-investigation memorandum listing their names, their Social Security Numbers, contact information, and a FOIA analysis provided by the convening authority's SJA supporting the name omissions.

8.3.12.2.1. Omitted names shall be replaced by job identifiers or roles in the mishap such as, mishap pilot, mishap navigator, mishap sensor operator, witness 1, etc.

8.3.13. Signatures. Remove all or part of all signatures from the report so the actual signature cannot be misused. If the signature is relevant to the mishap or investigation and the entire signature is removed, replace it with a marking that states, "signed." If the signature is not relevant, it may be removed entirely.

8.3.13.1. The signature of the board president is not removed from the copy of the report provided to the NoK or seriously injured personnel.

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

- 8.4.1. Cover Sheet (See Attachment 2, Figure A2.5 of this Instruction)
- 8.4.2. Action of the convening authority (added by the MAJCOM)
- 8.4.3. Executive Summary
- 8.4.4. Summary of Facts
 - 8.4.4.1. Table of Contents
 - 8.4.4.2. Commonly Used Acronyms and Abbreviations
 - 8.4.4.3. Summary of Facts
- 8.4.5. Statement of Opinion
- 8.4.6. Index of Tabs
- 8.4.7. Tabs (supporting documentation and witness statements/testimony)

8.5. Executive Summary. The Executive Summary shall be single spaced on a single page, in a style most easily understood by the general public, much like a press release. Provide the following information in the Executive Summary:

- 8.5.1. Date, time, and location of the accident.
- 8.5.2. Identification of the aircraft by type and tail number, unit, and unit location.
 - 8.5.2.1. Indicate the unit and unit location of the mishap crew if it is different from that of the aircraft (e.g., active duty unit flying a reserve aircraft).
- 8.5.3. Brief summary of the facts and circumstances of the accident.
- 8.5.4. Number of injuries/deaths, both military and civilian.
- 8.5.5. General description of damage to aircraft and other property damage. Include an estimated government loss value.
- 8.5.6. Abbreviated Statement of Opinion on the cause(s) of the accident and/or factor(s) that substantially contributed to the accident and the legal standards applied.
- 8.5.7. Do not name personnel involved in the mishap in the Executive Summary. Instead refer to their position, e.g., “Mishap Pilot” or “Mishap Pilot 1,” etc.
- 8.5.8. State the findings in the third person; for instance, “The AIB president found ...”
- 8.5.9. The AIB president shall not sign the Executive Summary.
- 8.5.10. Include the following statement in a text box (11 point italicized 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 of the United States or by any person referred to in those conclusions or statements.

8.6. Commonly Used Acronyms and Abbreviations.

8.6.1. It is important the general public have a basic understanding of the language used in the report.

8.6.2. Any acronyms (military acronyms, common usage abbreviations, symbols) in the AIB report (to include the witness testimony in Tab V) shall be listed and defined in the Commonly Used Acronyms and Abbreviations.

8.7. Summary of Facts.

8.7.1. The Summary of Facts presents a thorough discussion of the facts relevant to the accident in a narrative style. Explain all technical terms in the report for the general public. Anticipate the audience will not have a technical background.

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

8.7.3. The Summary of Facts shall be single spaced on single-sided pages.

8.7.4. The Summary of Facts shall be fully supported by documentary evidence in the Tabs. Following each fact stated in the Summary of Facts, a parenthetical reference shall reference the source document in the Tabs. For example, "Several witnesses observed lightning strikes just before the accident (Tabs V-1.6, V-4.9, V-5.16)" or "Air Weather Service reports indicated severe thunderstorms in the area at the time (Tab W-3)."

8.7.5. Do not include opinions regarding the cause of the accident in the Summary of Facts.

8.7.6. The Summary of Facts should be self-contained. A reader should not have to refer to any other documents to understand the complete story of the accident. Include the date of the accident, precise location, type of airframe and tail number of the aircraft, unit and unit location, names of crewmembers and passengers (and their respective units and unit locations), and the monetary value of government loss. See para 8.3.12.1 of this Instruction regarding withholding names of personnel assigned to overseas, sensitive, or routinely deployable units.

8.7.7. Scope of the Summary of Facts. The Summary of Facts must be comprehensive enough to meet the composition requirements below, yet remain within the designated scope of the AIB. See para 1.3 of this Instruction.

8.7.8. Outline of the Summary of Facts. Use the following outline to construct the Summary of Facts. Address each paragraph, even if to state, "not applicable." Add additional paragraphs to address additional issues as necessary.

8.7.8.1. AUTHORITY AND PURPOSE

8.7.8.1.1. Authority. Reference the authority for conducting the investigation, including this Instruction, the convening authority, and letters/orders appointing the AIB members. List the members and FAEs of the AIB. Indicate whether the investigation is an Abbreviated Accident Investigation in accordance with Ch 11 of this Instruction.

8.7.8.1.2. Purpose. Use the following language for the purpose: "This is a legal investigation convened to inquire into the facts surrounding the aircraft or aerospace accident, to prepare a publicly-releasable report, and to gather and preserve all

available evidence for use in litigation, claims, disciplinary actions, administrative proceedings, and for other purposes.”

8.7.8.2. **ACCIDENT SUMMARY.** A brief synopsis similar to that used in the Executive Summary is appropriate. In addition, list the names of persons involved in the mishap (including fatalities), unless para 8.3.12 or 8.3.12.1 of this Instruction applies; provide numbers of other casualties; and generally indicate both military and civilian property damage, if any. Do not describe the causes of the crash. See para 8.3 of this Instruction for information that is not releasable to the public.

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

8.7.8.4. **SEQUENCE OF EVENTS**

8.7.8.4.1. **Mission.** Describe the mission or purpose of the mishap aircraft, UAS, missile, or space vehicle. Identify the authority that authorized the mission.

8.7.8.4.2. **Planning.** Discuss adequacy of mission planning and whether standard procedures were used. Identify the briefing officer and the briefing guide he or she used. Note whether squadron supervisory personnel attended the briefing. Describe the crew briefing.

8.7.8.4.3. **Preflight.** Describe crew assembly, Notices to Airmen (NOTAMs), flight plans, aircraft configuration, “Stepping to the aircraft” (the final actions the crew takes prior to beginning their aircraft inspection and preflight to include: gathering NOTAMs, filing their flight plan with ATC, receiving a weather report, inspection of aircrew flight equipment, and finishing final required briefing items), and engine start procedures.

8.7.8.4.4. **Summary of Accident.** Describe the accident flight and mission sequence, including taxi, takeoff, departure time, any weather encountered, flight parameters and route, ATC assistance, communications, terrain encountered, and navigation.

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

8.7.8.4.6. **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.

8.7.8.4.7. **Search and Rescue (SAR).** Describe SAR assets and the rescue operations. Indicate the time of crash and the time and origin of the first rescue call. Identify the 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 equipment sent to the crash site. Explain any delays between the time the accident was reported, the rescue call, and the time the rescue team left for the crash site. Identify difficulties experienced in the rescue effort such as weather, time of day, topography, or civilians at the crash scene.

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

8.7.8.5. **MAINTENANCE.** Summarize aspects of the aircraft maintenance documents, personnel records and supervisory mechanisms related to the mishap. Maintenance documents, including flight manuals, maintenance manuals, TOs, and TCTOs, may be subject to the Arms Export Control Act or the Export Administration Act of 1979. Obtain written approval from the TCM before including extracts of these publications in the AIB report. See para 5.4.2 of this Instruction. Include the TCM release authority with the excerpt in a Tab and as an attachment to the post-investigation memorandum. See Attachment 2, Figure A2.11 of this Instruction.

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

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

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

8.7.8.5.4. Maintenance Personnel and Supervision. Identify all personnel, units, and commercial entities that serviced or maintained any systems which may have been a factor in the accident. Review preflight servicing of the mishap aircraft, and consider the supervision provided over aircraft maintenance personnel and their performance. Determine if maintenance personnel were trained, experienced, and/or certified to complete assigned tasks by reviewing:

8.7.8.5.4.1. AF Form 623, *Individual Training Record Folder*.

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

8.7.8.5.4.3. Staff progress records.

8.7.8.5.4.4. Staff certifications.

8.7.8.5.5. Fuel, Hydraulic, and Oil Inspection Analyses. Report status of fluid analyses records. Note pre- and post-accident fluid analyses results.

8.7.8.5.6. 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. 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.

8.7.8.6. **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.

8.7.8.6. 1. Engineering Evaluations, Analyses, and Reports are routinely subject to the Arms Export Control Act or the Export Administration Act of 1979. See para 5.4.2 of this Instruction.

8.7.8.6.2. 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 FAA approved or certified that station, if applicable.

8.7.8.6.3. Discuss whether required aircraft equipment was functioning adequately.

8.7.8.6.4. Review the components and accessories of system reports. State the nature of teardown analyses. Identify the organization that provided each analysis.

8.7.8.7. **WEATHER**

8.7.8.7.1. Forecast Weather. Describe the forecasted weather for the date of the mishap, including precipitation, cloud cover at applicable altitudes, and visibility.

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

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

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

8.7.8.8. **CREW QUALIFICATIONS**

8.7.8.8.1. Describe the training each crewmember completed chronologically, noting any deficiencies relevant to the mishap. Indicate each crewmember's training currency, performance, experience level, and overall qualifications.

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

8.7.8.9. **MEDICAL.** Do not include copies of medical records or extracts from them in the AIB report unless the information is critical to explain the cause(s) of the accident or substantially contributing factor(s) and the AIB legal advisor determines that the information is releasable under FOIA. NOTE: This is a very sensitive section with regard to privacy concerns.

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

8.7.8.9.2. Health. Review the mishap survivor's post-accident medical examination record and state whether any results appear related to the accident.

8.7.8.9.3. Pathology. Review autopsy protocols and briefly state the cause of death. Do not include the autopsies in the AIB report. In describing the causes of death of deceased individuals, remain aware of the sensitivities of surviving family members. Review and discuss postmortem toxicology reports.

8.7.8.9.4. Lifestyle. Describe unusual habits, behavior, or stress of the crew or maintainers that are causal or substantially contributory to the mishap. If none, write "No lifestyle factors were found to be relevant to the mishap." For privacy reasons, do not discuss unusual habits, behavior, or stress of the crew or maintainers that were not causal or substantially contributory to the mishap.

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

8.7.8.10. **OPERATIONS AND SUPERVISION**

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

8.7.8.10.2. Supervision. Discuss the oversight of the mission.

8.7.8.11. **HUMAN FACTORS ANALYSIS.** Discuss human factors that directly relate to the mishap using the DoD Human Factors Analysis and Classification System (DoD HFACS) definitions in AFI 91-204 Attachment 5. These may include the following: perceived crew or maintainer complacency, overconfidence, under-motivation or over-motivation to succeed, distraction, disruption, pressure, channelized attention, uncharacteristic mistake, or other degradation that may have led to the accident.

8.7.8.12. **GOVERNING DIRECTIVES AND PUBLICATIONS**

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

8.7.8.12.2. For directives and publications that significantly relate to the cause of the mishap and are not available on the AF e-Publishing web site, follow the guidance provided in para 5.4.2 of this Instruction.

8.7.8.12.3. State any known deviations from the listed directives and publications by the mishap crew or others involved in the mission relevant to the mishap, giving specific paragraph references in each directive or publication.

8.7.8.13. **ADDITIONAL AREAS OF CONCERN.** Address additional areas of concern relevant to the mishap but not covered elsewhere in the Summary of Facts such as navigational aids and facilities, Visual Flight Rules (VFR) and Instrument Flight Rules (IFR), procedures for operating under VFR and IFR, ATC and landing systems, and electromagnetic environmental effects (E3).

8.7.8.14. **SIGNATURE AND DATE.** The AIB president dates and signs the Summary of Facts as "President, Accident Investigation Board."

8.8. Statement of Opinion. One of the primary objectives of the accident investigation is to formulate an opinion as to the cause(s) and/or substantially contributing factor(s) of mishap as required by 10 U.S.C. § 2254(c). The opinion is publicly-releasable along with the rest of the AIB report. The opinion must be clear, complete, and concise. It should be written in the first person and reference specific facts supporting the conclusion.

8.8.1. Scope of the Statement of Opinion. The opinion should be no more than three pages and offer a brief re-cap of the mishap mission focusing on cause(s) and/or substantially contributing factor(s). The opinion shall be within the scope of the AIB (See para 1.3 of this Instruction). Any opinion as to cause(s) or substantially contributing factor(s) must be supported by facts stated in the Summary of Facts, which must be supported by evidence included in the Tabs, unless otherwise restricted.

8.8.2. The legal standard must be clearly stated, e.g. “I find by clear and convincing evidence that the cause of the mishap was” and/or “I find by a preponderance of evidence that each of the following factors substantially contributed to the mishap....” See para 8.8.4 of this Instruction.

8.8.3. Liability and Litigation. The opinion is not considered an admission of liability by the United States or by any person referred to therein, and may not be considered as evidence in any civil or criminal proceeding arising from the aerospace accident (See 10 U.S.C. § 2254(d)). At the beginning of the Statement of Opinion, include the statement provided in para 8.5.10 of this Instruction.

8.8.4. Standard of Proof.

8.8.4.1. Cause. Provide an opinion regarding the cause(s) of the mishap only when clear and convincing evidence supports the opinion.

8.8.4.1.1. Each individual mishap cause cited must be supported by clear and convincing evidence.

8.8.4.1.2. Clear and convincing evidence means the accident investigator was able to reach a conclusion without serious or substantial doubt. In other words, the opinion must be supported by credible evidence that shows it is highly probable that the conclusion is correct. However, clear and convincing evidence does not mean that another person, looking at the same facts, may not reach a different conclusion.

8.8.4.1.3. The AIB president shall consult the legal advisor to determine if available evidence meets the clear and convincing standard of proof.

8.8.4.2. Substantially Contributing Factors. If the AIB president is unable to determine a cause, he/she shall describe the factors, if any, which substantially contributed to the mishap. In cases where the AIB president is able to determine the cause(s) of the mishap, he/she may also describe substantially contributing factors.

8.8.4.2.1. Explain the connection between each substantially contributing factor and the mishap.

8.8.4.2.2. Each substantially contributing factor must be supported by a preponderance of the evidence.

8.8.4.2.3. Preponderance of evidence is the greater weight of credible evidence. That evidence that, when fairly considered, produces the stronger impression and is more convincing as to its truth when weighed against the opposing evidence.

8.8.4.3. Evidence Considered. When weighing the evidence, consider all available evidence including:

8.8.4.3.1. Direct evidence, e.g., that is based on actual knowledge or observation of witnesses, and

8.8.4.3.2. Indirect evidence, e.g., facts or statements from which reasonable inferences, deductions, and conclusions may be drawn to establish an unobserved fact, knowledge, or state of mind.

8.8.4.4. Weighing Evidence. The weight of the evidence is not determined by the number of witnesses or exhibits but by considering all the evidence and evaluating factors such as a witness' behavior, opportunity for knowledge, information possessed, ability to recall and relate events, and relationship to the matter being considered.

8.8.5. Format, Signature, and Date.

8.8.5.1. The Statement of Opinion shall begin on a new page, and be single spaced on single-sided pages.

8.8.5.2. The AIB president shall date and sign the Statement of Opinion as "President, Accident Investigation Board."

8.9. Index of Tabs.

8.9.1. The Index of Tabs is inserted in the report after the Statement of Opinion. Also, the first page of each Tab shall include an index of sub-tabs, if applicable. For example, under Tab V there might be an index of sub-tabs, as follows:

Table 8.1. Index of Tabs.

Witness Testimony and Statements	Tab V
Amn Tom Knight	V-1.1
TSgt Abigail Goddess	V-2.1
Col Peter Emperor	V-3.1
Maj Katrina Queen	V-4.1

8.10. Tabs (supporting documentation and witness interviews).

8.10.1. Tabs A through S of the AIB report shall be identical to Tabs A through S of the SIB Part I, except for redactions of privileged information, protected information, classified information, proprietary information, Arms Export Control Act or Export Administration Act of 1979 restricted documents, and otherwise non-releasable documents or information (e.g., autopsy protocols, sensitive personally identifiable information, such as Social Security Numbers, medical information, home addresses, birth dates, home phone numbers, etc.).

8.10.1.1. The AIB report may include documents or excerpts from documents subject to the Arms Export Control Act and the Export Administration Act of 1979 (such as maintenance documents, including flight manuals, maintenance manuals, TOs, and TCTOs) if written permission is obtained. See para 5.4.2 of this Instruction.

8.10.2. To keep the SIB Part I and the AIB report's Tabs A through S identical, any additional information gathered by the AIB that would logically fit under Tabs A through S should be placed under separate Tabs beginning with Tab T.

8.10.3. Original documents reviewed by the AIB should be properly safeguarded. Do not make any marks on the original documents. Make alterations and redactions on scanned or photocopies using appropriate computer software or correction tape.

8.10.4. Do not attach tab markers for each sub-tabbed item. However, include an index of sub-tabs on the first page of each Tab.

8.10.5. Include the following Tabs in the report:

8.10.5.1. Tab A - Distribution Memorandum and Safety Investigator Information

8.10.5.2. Tab B - Not Used

8.10.5.3. Tab C - Preliminary Message Report

8.10.5.4. Tab D - Maintenance Report, Records, and Data

8.10.5.5. Tab E - Not Used

8.10.5.6. Tab F - Weather and Environmental Records and Data

8.10.5.7. Tab G - Personnel Records

8.10.5.8. Tab H - Egress, Impact, and Crashworthy Analysis

8.10.5.9. Tab I - Deficiency Reports

8.10.5.10. Tab J - Releasable Technical Reports and Engineering Evaluations

8.10.5.11. Tab K - Mission Records and Data

8.10.5.12. Tab L - Data From On-Board Recorders

8.10.5.13. Tab M - Data From Ground Radar and Other Sources

8.10.5.14. Tab N - Transcripts of Voice Communications

8.10.5.15. Tab O - Any Additional Substantiating Data and Reports

8.10.5.16. Tab P - Damage and Injury Summaries

8.10.5.17. Tab Q - AIB Transfer Documents

8.10.5.18. Tab R - Releasable Witness Testimony

8.10.5.18.1. The AIB report may exclude any non relevant or inappropriate interviews contained in Tab R.

8.10.5.19. Tab S - Releasable Photographs, Videos, and Diagrams

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

8.10.5.21. Tab U - Aircraft Maintenance Records, not included Tab D

8.10.5.22. Tab V - Witness Testimony and Statements.

8.10.5.22.1. Each interview in Tab V shall have a header and/or footer stating the name of the interviewee. For example, "Interview of Major Katrina Queen." If a name is not releasable in accordance with para 4.2.2.2 of this Instruction, replace the name with either the interviewee's initials (e.g., "Major K. Q.") or position (e.g., "Mishap Pilot").

8.10.5.23. Tab W - Weather Observations not included in Tab F

8.10.5.24. Tab X - Statements of Injury or Death. Observe Privacy Act provisions of AFI 33-332 and do not include items that constitute an unwarranted invasion of personal privacy under DoD Regulation 5400.7/AF Supplement. Also, limit injury or death details to information sufficient to support the findings and conclusions. Avoid graphic descriptions of trauma or injuries. Do not include the autopsy protocol. Be mindful of potential NoK sensitivities. The medical member should draft a general statement indicating the cause of death or injury and describe any abnormal laboratory test results or other medical factors affecting crew performance.

8.10.5.25. Tab Y - Documents appointing the AIB members

8.10.5.26. Tab Z - Photographs not included in Tab S

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

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

8.10.5.28.1. Do not include AFIs in Tabs if they are readily available on the Air Force e-Publishing web site: <http://www.e-publishing.af.mil>.

8.11. Draft AIB Report Review.

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

8.11.1.1. All comments received from staff personnel will be provided through the convening authority's SJA to the AIB president and will not be attributed to any individual. Staff officials, other than the SJA or his representative, should not communicate directly in any way with the AIB president concerning the content of the draft AIB report prior to approval of the AIB report. The convening authority's SJA may

approve, on a case-by-case basis, direct “operator to operator” or “expert to expert” discussions when necessary to resolve concerns raised during the review. It is imperative that no undue influence, real or perceived, be placed upon the AIB president or other board members by members of the convening authority’s staff.

8.11.2. The convening authority’s SJA shall provide suggested edits within 48 hours of receipt.

8.12. Sending the AIB Report to the Convening Authority’s SJA.

8.12.1. The AIB shall mail (via civilian courier) the original AIB report and as many copies (paper and electronic) as was specified by the AIB convening documents, MAJCOM supplement to this Instruction, or MAJCOM guidance directly to the convening authority’s SJA.

8.12.1.1. The report shall not be mailed through the military postal system.

8.12.1.2. Upload an electronic copy of the AIB report and Tabs to a secure web site accessible to the convening authority’s SJA.

8.12.2. AIB members may not discuss the AIB report with anyone other than AIB members and the convening authority’s staff until the AIB report is officially released to the public.

Chapter 9

POST-INVESTIGATION MATTERS

9.1. Personal Notes and Drafts. After the convening authority approves the AIB report, the AIB president will instruct all AIB members to destroy all investigation-related notes, emails, and draft reports. Following approval of the AIB report, the only investigation-related records that should exist are the approved AIB report and the ancillary documents/evidence forwarded to the convening authority's SJA with the post-investigation memorandum.

9.2. Post-Investigation Memorandum. Forward the post-investigation memorandum and ancillary evidence to the convening authority's SJA no later than 15 calendar days of forwarding the completed AIB report to the convening authority's SJA. The investigation process is not complete until AIB members have returned original records to the proper custodians, disposed of or transferred custody of wreckage, and forwarded the post-investigation memorandum with ancillary documents/evidence to the convening authority's SJA.

9.2.1. Purpose of the Memorandum. The memorandum serves as a formal record of transmittal of all investigative evidence and documents to the convening authority's SJA. The memorandum consists of a cover letter with attachments. It should be properly marked "PERSONAL DATA – PRIVACY ACT OF 1974 (5 U.S.C. § 552a)" in recognition of witness and AIB member personal information. See Attachment 2, Figure A2.11 of this Instruction.

9.2.2. Attachments. Attach the following documents to the post-investigation memorandum:

9.2.2.1. Evidence Inventory. Inventory all documents, audiocassettes, videotapes, etc., being forwarded to the convening authority's SJA. If some items are not releasable under the FOIA (such as autopsy photos, Privacy Act information, Arms Export Control Act information, and the Export Administration Act of 1979), clearly identify and segregate those items on the inventory.

9.2.2.1.1. Forward original documents regarding destroyed aircraft or deceased mishap personnel; video recordings; audio recordings of witness interviews; photographs; and digital media. Original records such as medical, dental, and personnel and training records should be returned to the proper record custodians.

9.2.2.1.2. If a classified interview was conducted, forward the classified recording separately in accordance with the proper guidance for forwarding classified information.

9.2.2.1.3. File the documents in an appropriate box. Place each document or item in a labeled or numbered file folder or envelope so it is easily identifiable and retrievable. Label boxes with date of accident, location of accident, convening authority, aircraft tail number, and item numbers contained therein (e.g., Box 2 of 3, containing Items #42 - #86). Include in each box an inventory sheet. A sample inventory sheet is at Attachment 2, Figure A2.12 of this Instruction.

9.2.2.1.4. Original ATC tapes shall be retained for six months by the Airfield Operations Flight (AOF) Commander in accordance with the Air Force Records Information Management System (AFRIMS), Records Disposition Schedule (RDS)

located on the Air Force Portal web site at <https://www.my.af.mil/gcss-af61a/afirms/afirms>, and AFI 13-204, *Functional Management of Airfield Operations*, Ch 4. Forward a certified copy of the relevant portions of the ATC tapes in accordance with AFI 51-301, *Civil Litigation*, Ch 8.

9.2.2.2. Photo Inventory. Indicate the number of digital camera memory cards and/or compact discs (and the number of images on each). Generally identify the subject matter of the photographs and identify and provide contact information for each photographer. This can be included as part of the basic inventory above or as a separate document.

9.2.2.3. Wreckage Location. 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. See Attachment 2, Figure A2.13 of this Instruction.

9.2.2.4. Wreckage Disposition Transmittal Letters. Include copies of letters to the host installation commander and other organizations regarding transfer of wreckage. Include copies of memorandums documenting transfer of any parts for laboratory testing or repairs. Include any AFLOA/JACC memorandums approving early disposal of the wreckage.

9.2.2.5. Record Transmittal Letters. Include copies of letters reflecting the return of medical, dental, personnel, flight, maintenance, or other records to the original custodian. Ensure the letters include the full address of the unit or person to whom records were returned. A sample records transmittal letter is at Attachment 2, Figure A2.14 of this Instruction.

9.2.2.6. Technical Content Manager (TCM) Approval Letters. Include letters approving the inclusion of TOs extracts, engineering analysis reports, contractor proprietary information, FOUO documents, classified documents, or other documents that are subject to the Arms Export Control Act, the Export Administration Act of 1979, or proprietary protections.

9.2.2.7. Witness List. Include a consolidated list of witnesses, including full names, units, Social Security Numbers, DSN and commercial work telephone numbers, and duty addresses. A sample witness list is at Attachment 2, Figure A2.15 of this Instruction.

9.2.2.8. USAFR and ANG duty orders and/or any other proof of duty status. Include a copy of each USAFR and ANG witness's duty orders from the time and date of the mishap.

9.2.2.9. AIB Members and FAEs. Include a list of AIB members and FAEs, including full names, AIB positions, DSN and commercial work telephone numbers, units, duty e-mail addresses, and duty addresses. See Attachment 2, Figure A2.16 of this Instruction.

9.2.2.10. Names. If names of individuals involved in the mishap are omitted from the AIB report, include a list of their names, Social Security Numbers, DSN and commercial work telephone numbers, duty e-mail addresses, duty addresses, and reason for redacting their names from the AIB report.

9.2.3. The convening authority's SJA shall forward a copy of the post-investigation memorandum, with attachments, to AFLOA/JACC.

9.2.4. Forward a separate memorandum to the convening authority concerning matters unrelated to the mishap but requiring further review. See para 1.3 and para 4.3.10 of this Instruction.

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

9.3.1. The convening authority's SJA:

9.3.1.1. Secures the AIB report with original signatures.

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

9.3.1.3. Retains the CVR tapes for storage until AFLOA/JACC releases the wreckage from legal hold.

9.3.1.4. Ensures the retention of classified HUD tapes by the appropriate office at the MAJCOM or NAF.

9.3.1.5. Responds to requests for copies of the AIB report.

9.3.1.6. Retains the AIB report with original signatures for a period ending three years from the date of the mishap, then retires it to the National Records Center. The AIB report is destroyed 25 years from the date of the mishap, unless it was deemed historically significant.

9.3.2. Unless there are pending claims or litigation, the ancillary documents and evidence gathered by the AIB should be returned to the source agency or disposed of in accordance with applicable regulations. Consult with the convening authority's SJA and AFLOA/JACC to determine if further retention is warranted.

9.4. Wreckage Custody. Custody of the wreckage shall vest first in the incident commander. The incident commander, at his or her discretion, transfers custody of the wreckage to the SIB president. The SIB president then transfers custody of the wreckage, in writing, to the AIB president. After the wreckage is no longer required for the AIB investigation, the AIB president transfers custody of the wreckage, in writing, to the host installation commander or designee. In the event an AIB is not convened, the SIB shall notify the convening authority's SJA regarding wreckage storage.

9.5. Removing and Storing Wreckage. The host installation commander is responsible for removing and storing the wreckage. The convening authority, at its discretion, may fund removal and storage of the wreckage if the host installation is incapable.

9.6. Request for Wreckage Release. Wreckage from Class A mishaps (except for those covered by para 9.6.1. and 11.8.1. of this Instruction) must be retained and preserved until specifically released from legal hold by AFLOA/JACC.

9.6.1. For a Class A mishap that resulted solely in damage to government property and did not involve loss of an Air Force aircraft, UAS, missile, or space vehicle, the convening authority's SJA may release the wreckage once the report has been approved.

9.6.2. If the request for release of wreckage is initiated prior to the approval of the AIB report, then the AIB president and the convening authority or designee shall concur with the wreckage release request before it is forwarded to AFLOA/JACC for approval.

9.6.3. After the AIB has completed its investigation, the host installation's SJA can submit a written request for wreckage to be released from legal hold through the convening authority's SJA to AFLOA/JACC.

9.6.4. Provide the following information in wreckage release requests:

9.6.4.1. Date of accident.

9.6.4.2. Type and tail number of aircraft, UAS, missile, or space vehicle involved.

9.6.4.3. Location of accident.

9.6.4.4. Persons killed and status of injured personnel.

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

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

9.6.5. A release from legal hold by AFLOA/JACC is not a disposal authorization. Those in possession of the wreckage must further comply with T.O. 1-1-638 prior to disposal. In addition, ensure compliance with other applicable instructions, including AFMAN 23-110, Volume 6 prior to disposal.

9.7. Request for Authorization to Repair Aircraft, UAS, Missile, or Space Vehicle. No aircraft, UAS, missile, or space vehicle involved in a Class A mishap shall be repaired and returned to service until AFLOA/JACC releases it from legal hold. However, if the mishap resulted solely in damage to government property and did not involve loss of an Air Force aircraft, UAS, missile, or space vehicle, the convening authority's SJA may authorize repair and return to service.

9.8. Release of Aero Club Aircraft Wreckage and Ancillary Documents. Retain all Aero Club aircraft mishap wreckage and ancillary documents for NTSB investigation if the mishap involved a fatality, serious personal injury, the aircraft was destroyed, or potential third party claims/litigation.

9.8.1. The Aero Club aircraft may not be repaired and returned to service until AFLOA/JACC releases it from legal hold.

9.8.2. 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.

9.8.3. Send written requests for release from legal hold to AFLOA/JACC, with an informational copy to Office of Legal Counsel, Air Force Services Agency (AFSVA/SVL), San Antonio, TX. Provide the information listed in para 9.6.4 of this Instruction.

9.8.4. Release from legal hold from AFLOA/JACC is not a disposal authorization. Those in possession of Aero Club wreckage must coordinate with AFSVA/SVPAR for guidance on proper disposal/disposition of the wreckage.

9.9. Accident Site Remediation. For information concerning environmental remediation, see AFI 32-7020, *The Environmental Restoration Program*, or overseas, see AFI 32-7006, *Environmental Program in Foreign Countries*. Questions regarding accident site restoration, as well as obtaining access and easements to the accident site when the owner of the property denies access, may be directed to AFLOA/JACE-FSC. Also, see para 2.8.3 of this Instruction.

9.10. Allegations Against Senior Officials or Colonels (or civilian equivalent). Following approval of the AIB report, if there is an allegation made against a senior official or colonels (or civilian equivalent), the convening authority's SJA shall notify the convening authority and immediately report it to Air Force Inspector General's Senior Official Inquiries Directorate (SAF/IGS) as required under AFI 90-301, Ch 3, Senior Official Complaints. The convening authority may notify intermediate commanders. See Attachment 1 of this Instruction for definition of "colonels (or civilian equivalent)" and "senior officials."

Chapter 10

APPROVAL, DISTRIBUTION AND NOK BRIEFINGS

10.1. Formal Staffing and Legal Review. The convening authority's SJA staffs the AIB report to the appropriate staff offices for comments (See Attachment 2, Figure A2.6 and Figure A2.7 of this Instruction), forwards comments to the AIB president, receives any revisions, completes a final legal review, and forwards the AIB report to the convening authority within 30 days when possible. The legal review assesses whether the AIB report meets the requirements of this Instruction and addresses legal issues, including potential or pending claims and litigation. The legal review is forwarded with the AIB report to the convening authority, but is not publicly-releasable and is not incorporated into the AIB report.

10.1.1. Prior to the convening authority's approval, the AIB report may not be provided to any intermediate commands.

10.1.2. At the discretion of the convening authority's SJA, a TCM shall review the AIB report to confirm technical data included in the report is approved for public release.

10.1.3. All substantive comments from the staff concerning the report are forwarded, through the convening authority's SJA, to the AIB legal advisor for the AIB president's review and evaluation.

10.1.4. Based upon the staff comments, the AIB president may elect to continue the investigation, modify the report, or make no changes. The AIB legal advisor shall advise the convening authority's SJA of the intended course of action.

10.1.5. Staff comments are not publicly-releasable and are not incorporated into the AIB report.

10.1.6. On a case-by-case basis, the convening authority's SJA may approve a direct "operator to operator" or "expert to expert" discussion to resolve questions.

10.2. Undue Influence. It is imperative the AIB president or other board members are not subject to undue influence, real or perceived, by members of the convening authority's staff.

10.3. Approval of the AIB Report. The convening authority reviews the AIB report, and decides whether to approve the report as written, approve it with comments, or return it to the AIB president for further action. See Attachment 2, Figure A2.9 of this Instruction for required format of the convening authority's approval action.

10.3.1. Approval of the AIB report does not indicate the convening authority agrees with the AIB president's Statement of Opinion. Rather, approval of the AIB report by the convening authority indicates the convening authority determined the report complies with applicable laws and regulations.

10.3.2. Place the convening authority's action, approving the AIB report, under the front cover of the AIB report and distributed with the AIB report.

10.4. Reopening the AIB. Following approval of the AIB report, the convening authority has discretion to reopen the AIB upon discovery of additional evidence that could affect the Statement of Opinion.

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

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

10.6.1. After the convening authority approves the AIB report, the convening authority's SJA coordinates with the convening authority's PA for AIB report distribution.

10.6.2. After the AIB report is approved, the convening authority's SJA shall e-mail or fax a copy of the convening authority's Action, Executive Summary, Summary of Facts, and Statement of Opinion to AFLOA/JACC. Annotate on the e-mail or fax transmission that the report is "CLOSE HOLD UNTIL PUBLIC RELEASE."

10.6.3. In addition to the above and prior to release of the report to the public or the media, provide a copy of the convening authority's Action, Executive Summary, Summary of Facts, and the Statement of Opinion to the following offices. Annotate on the transmittal document that the report is "CLOSE HOLD UNTIL PUBLIC RELEASE."

10.6.3.1. Mishap wing commander and intermediate commanders.

10.6.3.2. The SJA of any MAJCOM commander whose assets or personnel were involved in the mishap.

10.6.3.3. Members of Congress, if requested. See para 10.9 of this Instruction.

10.6.3.4. Foreign military and civilian authorities, as appropriate.

10.7. Distributing the AIB Report: High-Interest Mishaps

10.7.1. If the AIB report involves a high-interest mishap, certain documents must be forwarded by e-mail to AFLOA/JACC immediately following approval of the report. AFLOA/JACC shall forward the AIB report through The Judge Advocate General to the AF/CC and SECAF and/or their designees. In order to allow sufficient time for the AF/CC and SECAF and/or their designees review, do not schedule the NoK and/or seriously injured personnel briefings until the AIB report is delivered to the AF/CC and SECAF and/or their designees. Then ensure the briefings do not begin sooner than two duty days after the approved AIB report is received by the AF/CC and SECAF and/or their designees. The AIB document forwarded to AFLOA/JACC shall be considered "close hold" until the public release date, which will be after the briefings to the NoK and/or seriously injured personnel. The documents to be forwarded are:

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

10.7.1.2. Cover Sheet

10.7.1.3. Convening Authority's Action

10.7.1.4. Executive Summary

10.7.1.5. Summary of Facts, including the Table of Contents and Commonly Used Acronyms and Abbreviations

10.7.1.6. Statement of Opinion

10.7.1.7. Index of Tabs

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

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

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

10.7.1.8.3. Proposed press release and anticipated questions and answers.

10.7.1.8.4. Do not put the names of involved personnel in the AIB press release, but refer to their position, e.g., "Mishap Pilot" or "Mishap Pilot 1," etc.

10.7.2. In addition, prior to briefing NoK and/or seriously injured personnel or public release of the report, forward a copy of the convening authority's Action, Executive Summary, Summary of Facts, and Statement of Opinion to the following offices (annotate on each report copy "CLOSE HOLD UNTIL PUBLIC RELEASE"):

10.7.2.1. Mishap wing commander and intermediate commanders.

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

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

10.8. High-Interest Mishaps: Briefings to NoK and/or Seriously Injured Personnel.

10.8.1. Before public release of the AIB report, brief the results of the investigation to the NoK and/or seriously injured personnel. The convening authority may, within his/her discretion, direct briefings for other close relatives or friends of the deceased member(s). Usually the AIB president serves as the primary NoK and/or seriously injured personnel briefing officer. If multiple briefings are required, then the convening authority may select additional briefing officers to ensure the NoK, other family members, and/or seriously injured personnel are simultaneously briefed. See AFI 34-1101 for further guidance on persons eligible to receive information regarding the results of the AIB investigation.

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

10.8.3. Briefing officers serve three purposes:

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

10.8.3.2. To personally deliver a copy of the AIB report; and

10.8.3.3. To provide a basic briefing on the investigation results, including the cause(s) and/or the substantially contributing factor(s) of the mishap, and to answer questions of the NoK, family members, or seriously injured personnel, based upon the facts contained in the AIB report.

10.8.4. The convening authority's SJA with the assistance of command representatives from PA, Chaplain, Mental Health, Casualty Assistance, Mortuary Affairs, and Surgeon General, as appropriate, prepares the briefing team to provide NoK and/or seriously injured personnel briefings.

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

10.9.1. Following the briefings to the NoK and/or seriously injured personnel, but before public release, provide a copy of the report and a briefing to congressional members, if requested. Contact Air Force Legislative Liaison Program (SAF/LLP) for further guidance.

10.9.2. 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 following the briefings to the NoK and/or seriously injured personnel. Consult with the convening authority's SJA and PA for assistance in identifying and coordinating these additional briefings.

10.10. All Mishaps. The convening authority's SJA shall ensure the following offices/entities are provided, at the appropriate time, a complete electronic copy of the AIB report. See Attachment 2, Figure A2.10 of this Instruction.

10.10.1. Mishap wing and intermediate commands.

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

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

10.10.4. AFLOA/JACC.

10.10.5. Responsible claims officer, if claims are anticipated.

10.10.6. AFSC/JA.

10.10.7. For mishap involving contractors subject to potential contractual liability as a result of the accident, Staff Judge Advocate, Headquarters, Air Force Materiel Command (AFMC/JA).

10.10.8. For mishaps involving ANG aircraft or personnel, Chief, National Guard Bureau, Arlington, Virginia, and appropriate State Adjutant General.

10.10.9. For mishaps involving suspected defective or non-conforming products, Air Force Office of Special Investigations, Fraud Investigations Divisions (AFOSI/XOG).

10.11. Requests for Copies of the Approved AIB Report.

10.11.1. The convening authority's SJA is the release authority for the AIB report unless this authorization is withheld by the convening authority.

10.11.2. The release authority responds to requests for copies of the AIB report in accordance with DoD Regulation 5400.7/AF Supplement.

10.11.2.1. Upon request, provide one free copy of the AIB report to any individual who suffered non-serious personal injury or substantial property damage as a result of the mishap.

10.11.2.2. If the requester is a NoK, close family member, or was seriously injured in the accident, do not charge for a reasonable number of copies.

10.11.3. Upon public inquiry or media request, the convening authority's PA office should provide a copy of the publicly-releasable AIB report within a three-year period from the date of the report.

10.12. Request for General Information Regarding AIB Reports. Refer requests for general information on AIB reports to the AFLOA/JACC-maintained public web site which contains copies of the Executive Summaries of approved AIB reports (<http://usaf.aib.law.af.mil>).

Chapter 11

ABBREVIATED ACCIDENT INVESTIGATIONS

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

11.1.1. When an AIB is required pursuant to para 1.5 of this Instruction and the mishap is not a high-interest mishap and involves a propeller-driven unmanned aerial vehicle (other than a sub-scale remotely piloted vehicle) or a Full Scale Aerial Target Remotely Piloted Vehicle (FSAT RPV) and claims, litigation, disciplinary or adverse administrative action, serious personal injury or death are not likely or expected to arise from the mishap.

11.1.2. When convening an AIB is discretionary. See para 1.6 of this Instruction regarding factors to consider when determining whether to convene a discretionary AIB.

11.1.3. When the SIB does not produce a formal two-part report (engine-confined incidents, miscellaneous air operation mishaps, etc.).

11.2. Abbreviated AIB Member Qualifications.

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

11.2.2. In cases where a single SIB investigator is appointed in lieu of a full board, an AIB president and legal advisor should be appointed to the subsequent Abbreviated AIB. Consider appointing a recorder, other board members, and FAEs, as needed.

11.2.3. The AIB president need not be a graduate of the Board President's Course. However, the AIB president should be a graduate of either the Flight Safety Officer Course or the Aircraft Mishap Investigation Course.

11.2.4. The AIB legal advisor shall be a graduate of the AAIC or its predecessor the AIBLAC unless AFLOA/JACC waives the training requirement.

11.3. Convening Authority. The same level of command that convened the corresponding SIB shall convene the abbreviated AIB.

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

11.4.1. An abbreviated AIB may be convened by the appropriate wing or equivalent commander if it meets the criteria of para 11.1.1 of this Instruction.

11.4.1.1. The AIB president need not be a graduate of the Board President's Course nor must he/she meet the rating requirements otherwise mandated in this Instruction. However, he/she shall be at least a field grade officer.

11.4.2. If the Class A mishap results in third party property damage of \$50,000 or less and no personal injury or death, an AIB investigation is not required. However, some other type of legal investigation is required. See para 1.7 of this Instruction.

11.5. Collection of Evidence.

11.5.1. Generally, an abbreviated AIB shall proceed along the same lines as a full scale AIB. Physical evidence may be viewed and tested, witnesses interviewed, and FAEs used to analyze the facts and data available. However, the documentation required, the number of witnesses interviewed, and depth of technical analyses may vary, depending on the circumstances.

11.5.2. Witnesses shall testify under oath.

11.5.2.1. If it becomes apparent that a rights advisement is necessary, then suspend the abbreviated AIB and seek further guidance from the convening authority's SJA.

11.5.2.2. Witnesses may be interviewed in-person or telephonically, and the content of their testimony can be incorporated in a summarized witness statement or a memorandum for record. There is no requirement the witness sign the witness statement.

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

11.6.1. When the SIB, or the single investigator, has produced a two-part report, the AIB shall incorporate the SIB Part I as Tabs A through S of the AIB report. The remaining Tabs, normally Tabs T-BB, may be added, as necessary, but are not mandated. Information that would normally be included in these Tabs may be summarized in the Summary of Facts.

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

11.6.3. It must be stated in the "Authority" paragraph of the Summary of Facts, and on the title page, that the investigation is an "Abbreviated Accident Investigation, conducted pursuant to Chapter 11 of AFI 51-503."

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

11.7.1. The convening authority's SJA shall review and the convening authority shall approve legally sufficient abbreviated AIB reports.

11.7.2. The distribution scheme (para 10.6 and para 10.10 of this Instruction) of the approved AIB report may be modified to meet unique circumstances. At a minimum, the convening authority's MAJCOM/JA (if the AIB is not convened by the MAJCOM), AFLOA/JACC, and the mishap wing must receive a copy of the report.

11.7.3. An abbreviated AIB report is releasable in its entirety. The convening authority's SJA is the release authority for the approved report unless this authorization is withheld by the convening authority.

11.8. Disposition of Wreckage.

11.8.1. The convening authority's SJA may release wreckage from legal hold once the abbreviated AIB report has been approved.

11.8.2. The convening authority's SJA shall notify AFLOA/JACC in writing when releasing wreckage from legal hold.

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

11.8.4. A release from legal hold is not a disposal authorization. Those in possession of the wreckage must further comply with T.O. 1-1-638 prior to disposal. In addition, ensure compliance with other applicable instructions, including AFMAN 23-110, Volume 6 prior to disposal.

Chapter 12

INVESTIGATING SPACE MISHAPS

12.1. General Policy.

12.1.1. The unique nature of the space industry forms the basis for Air Force policy authorizing the release of relevant space mishap evidence and equipment to commercial space users with a direct interest in the information, and to other federal space agencies, prior to the completion of the SIB and AIB processes, if such release will not hamper either process. The releases allow space launch contractors to make necessary changes and continue with scheduled launches, thus enabling rapid reuse of launch platforms and equipment. The commercial users are instructed to maintain the confidentiality of the information provided to them and to refrain from releasing it without specific Air Force authorization. See Attachment 2, Figure A2.20 of this Instruction.

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

12.1.2.1. Due to classified nature of space assets, coordinate early with AFSPC/JA and AFLOA/JACC to obtain a waiver of the public release requirement and produce a classified report.

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

12.1.4. There are many unique aspects of a space accident investigation, including:

12.1.4.1. Often, there is no mishap site; the only tie to the ground will be the launch or operations center.

12.1.4.2. With on-orbit mishaps, there is usually no physical evidence, just telemetry data that can only be deciphered by those who built the craft.

12.1.4.3. Space systems often do not have DoD maintenance personnel; contractors provide support for launch and on-orbit operations.

12.1.4.4. Most military satellites are bought in limited quantities; after the last is launched, contractor support quickly dwindles as those who built the craft and have the most knowledge of it have moved on to other projects.

12.1.4.5. Many space mishaps, particularly on-orbit, are classified.

12.2. The Engineering Analysis Group (EAG). The contractor and the system program office, in coordination with the SIB and AIB presidents, may establish an EAG to assist in analyzing the technical data from a mishap.

12.2.1. The group is composed of contractor personnel (who sign confidentiality agreements), Air Force representatives, and other experts, as necessary. See Attachment 2, Figure A2.20 of this Instruction.

12.2.2. The EAG is not required to identify causes or to make recommendations, but may do so.

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

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

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

12.2.4.1. The AIB president, with the concurrence of the SIB president, shall release any such evidence or equipment unless doing so will hinder the SIB and AIB investigation processes.

12.2.5. Under no circumstances will the EAG take any action that will hinder the work of the SIB or AIB. If at any time, the work of the EAG is thought to be hindering the ability of the AIB to meet its objectives, the AIB president shall notify AFSPC/JA immediately.

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

12.3. The AIB should contact AFSPC/JA for specific guidance regarding the investigation of space mishaps.

12.4. Assembling the Space AIB report.

12.4.1. Assemble the AIB report in the same manner as other AIB reports, in accordance with Ch 8 of this Instruction. Include all the Tabs designated in para 8.10.5 of this Instruction. Mark unused Tabs as such but do not omit them or use them for other documentary evidence.

12.4.2. Incorporate space-unique evidence in Tabs not otherwise designated in Ch 8 of this Instruction.

12.5. Information Collections, Records, and Forms

12.5.1. Information Collections. No information collections are created by this publication.

12.5.2. Records. The program records created as a result of the processes prescribed in this publication are maintained in accordance with the AFRIMS RDS located on the Air Force Portal web site at <https://www.my.af.mil/gcss-af61a/afrims/afrims>.

12.5.3. Forms. (Adopted and Prescribed).

12.5.3.1. Adopted Forms.

AF Form 847, *Recommendation for Change of Publication*.

AF Form 623, *Individual Training Record Folder*.

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

12.5.3.2. Prescribed Forms.

No prescribed forms are implemented by this Instruction.

RICHARD C. HARDING, Lieutenant General, USAF
The Judge Advocate General

Attachment 1**GLOSSARY OF REFERENCES AND SUPPORTING INFORMATION*****References***

5 U.S.C. § 552, *Freedom of Information Act*, 1966 (reformed 1986, electronic FOIA 1996)

5 U.S.C. § 552a, *Privacy Act*, 1974

5 U.S.C. § 7114, *Rights and Duties of Agencies and Labor Organizations*, 1978

10 U.S.C. § 130b, *Personnel in Overseas, Sensitive, or Routinely Deployable Units: Nondisclosure of Personally Identifying Information*, 2002

10 U.S.C. §§ 801-940, *Uniform Code of Military Justice (UCMJ)*, 2008

10 U.S.C. § 2254, *Treatment of Reports of Aircraft Investigations*, 1992

10 U.S.C. § 2255, *Aircraft Investigation Boards: Composition Requirements*, 2003

22 U.S.C. § 2751, *et seq.*, *Arms Export Control Act*, 1981

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

AFI 10-2501, *Air Force Emergency Management (EM) Program Planning and Operations*, 26 February 2010

AFI 13-204, *Functional Management of Airfield Operations*, 10 January 2005

AFI 31-401, *Information Security Program Management*, 1 November 2005

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DoD 5500.7-R, *Joint Ethics Regulation (JER)*, 1993

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

DoD Directive 5530.3, *International Agreements*, 1987

DoD Regulation 5400.7/Air Force Supplement, *DoD Freedom of Information Act (FOIA) Program*, 2002

DoDI 6055.07, *Accident Investigation, Reporting, and Record Keeping*, 2000 (incorporating change dated 24 April 2008)

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Abbreviations and Acronyms

A3— Director of Logistics

AAIC— Aircraft Accident Investigation Course (replaced AIBLAC)

ADC— Area Defense Counsel

AF— Air Force

AF/A30 -AYI— Executive Director for United States DoD Policy Board on Federal Aviation

AF/CC— Air Force Chief of Staff

AF/JAA— Air Force Administrative Law Division

AF/JAO— Air Force Operations and International Law Division

AFFSA/A301— Air Force Flight Standards Agency

AFI— Air Force Instruction

AFLOA/JACC— Claims and Tort Litigation Division, Air Force Legal Operations Agency

AFLOA/JACC—AIB FSC - Accident Investigation Board Field Support Center, Claims and Tort Litigation Division, Air Force Legal Operations Agency

AFLOA/JACE—FSC - Environmental Law and Litigation Division Field Support Center, Air Force Legal Operations Agency

AFLOA/JACL— Civil Litigation Division, Air Force Legal Operations Agency

AFMAN— Air Force Manual

AFMC— Air Force Materiel Command

AFPD— Air Force Policy Directive

AFRC— Air Force Reserve Command (formerly AFRES)

AFRIMS— Air Force Records Information Management System

AFSC— Air Force Safety Center

AFSC/JA— Air Force Safety Center's Staff Judge Advocate

AFSPC/JA— Air Force Space Command's Staff Judge Advocate

AIB— Accident Investigation Board

AIBLAC— Accident Investigation Board Legal Advisors Course

ANG— Air National Guard

AOF— Airfield Operations Flight

ARC— Air Reserve Component

ART— Air Reserve Technicians

ATC— Air Traffic Control

Ch— Chapter

CUMI— Controlled Unclassified Military Information

CVR— Cockpit Voice Recorder

DAPS— Document Automation and Production Service

DoD— Department of Defense

DoD HFACS— DoD Human Factors Analysis and Classification System

DoDI— Department of Defense Instruction

DRMO— Defense Reutilization and Marketing Office
E3— Electromagnetic Environmental Effects
EAG— Engineering Analysis Group
ECM— Electronic Counter Measure
FAA— Federal Aviation Administration
FAE— Functional Area Expert
FLO— Family Liaison Officer
FOIA— Freedom of Information Act
FOUO— For Official Use Only
FSAT— Full Scale Aerial Target
FSC— Field Support Center
GFE— Government Furnished Equipment
GFP— Government Furnished Property
HAF/IMII— Information Management Operations Branch, Headquarters Chief Information Office
HIPAA— Health Insurance Portability and Accountability Act
HUD— Head-Up Display
IFR— Instrument Flight Rules
IO— Investigating Officer
ISB— Interim Safety Board
JAGUARS— Judge Advocate General Unified Automated Reporting System
JQS— Job Quality Standard
LA— Legal Advisor
MAJCOM— Major Command
MOA— Memorandum of Agreement
MOU— Memorandum of Understanding
MTD— Maintenance Training Device
NAF— Numbered Air Force
NoK— Next-of-Kin
NSPS— National Security Personnel System
NOTAMs— Notices to Airmen
NTSB— National Transportation Safety Board
OPR— Office of Primary Responsibility

PA— Public Affairs

Para— Paragraph

PCS— Permanent Change of Station

POC— Point of Contact

RDS— Records Disposition Schedule

RPV— Remotely Piloted Vehicle

SAF/IGS— Air Force Inspector General’s Senior Official Inquiries Directorate

SAF/LLP— Air Force Legislative Liaison Program

SAR— Search and Rescue

SE— Safety Office

SECAF— Secretary of the Air Force

SIB— Safety Investigation Board

SJA— Staff Judge Advocate

SMC— Space and Missile Systems Center

SOFA— Status of Forces Agreement

SSN— Social Security Number

TCM— Technical Content Manager

TCTO— Time Compliance Technical Order

TDY— Temporary Duty

TO— Technical Order

UAS— Unmanned Aerial System

UCMJ— Uniform Code of Military Justice

USAF— United States Air Force

USAFR— United States Air Force Reserve

VFR— Visual Flight Rules

VTC— Video Teleconference

Term Definitions

Accident— An unplanned occurrence, 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, Ch 1 and Attachment 1. 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 operations. Unless otherwise

indicated, the term “accident” is used interchangeably with the term “mishap” throughout this Instruction.

Accident Investigation—A legal investigation into the facts and circumstances surrounding an accident that involves personal injury, death, and/or property damage. Accident investigations conducted under this Instruction focus on Air Force accidents involving aircraft, UASs (including unmanned aerial vehicles and aerostat balloons), missiles, and space systems or equipment. AFI 51-507, *Ground Accident Investigations*, provides rules and procedures for investigation of ground or afloat on-duty mishaps involving Air Force military members, civilian employees, and/or structures, vehicles, systems, facilities, or other property. Air Force accident investigations may be used to preserve evidence for use in litigation, adjudication of tort claims, disciplinary actions, adverse administrative actions, and for other purposes.

Adverse Information— Information that constitutes: 1) a violation of criminal law; the UCMJ; DoD 5500.7-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 34-124, *Air Force Morale, Welfare, and Recreation Advisory Board (AFMWRAB)* 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, *Military Equal Opportunity (MEO) Program* and AFI 36-1201, *Equal Employment Opportunity Complaints*; 6) a matter not included above which may reflect adversely on the individual’s judgment or exercise of authority.

Adverse Personnel Action— Any proceeding or action taken that adversely affects or has a potential to adversely affect the current position or career of a member of the Armed Forces. Such actions include, but are not limited to, discharge, demotion, bar to reenlistment, court-martial, nonjudicial punishment, Letter of Reprimand, or adverse performance evaluation.

Advisor— A functional area expert whose involvement with the board is limited to his/her area of expertise. Typically, an advisor does not participate in board deliberations or witness interviews. FAEs shall not be appointed on the convening order.

AIB— An accident investigation board is a group of individuals appointed to investigate and prepare a report about an Air Force accident involving aircraft, UASs (including unmanned aerial vehicles and aerostat balloons), missiles, or space systems or equipment that results in personal injury, death, and/or property damage. At a minimum, the AIB shall include an AIB president and AIB legal advisor.

AIB Members— All individuals appointed via the convening order to the AIB.

AIB President— Air Force military officer or civilian employee appointed to conduct an accident investigation pursuant to this Instruction. The AIB president investigates and reports on the facts and causes of an accident. Other AIB members and advisors may assist the AIB president, but it is the AIB president’s responsibility to investigate the accident and prepare the AIB report.

AIB Report— Written product prepared by the AIB president to document the efforts of the AIB during an accident investigation. The AIB report presents the AIB President's findings about how and why the accident happened. The report contains several parts: an Executive Summary, Summary of Facts, Statement of Opinion, and supporting evidence (organized by Tabs).

Air Reserve Component— The combined units, organizations, members, equipment, and other property resources of the ANG and the AFRC when the units, organizations, and members are on Title 10 active duty. ANG and AFRC technicians are part of the Air Reserve Component. Military status starts upon beginning duty for military pay or points and ends when duty stops.

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

Clear and Convincing Evidence— Evidence that enables the AIB president to make a determination without serious or substantial doubt. In other words, evidence that shows that it is highly probable that the conclusion is correct. This standard of proof applies to accident investigations. It requires less certainty than the "beyond a reasonable doubt" standard which requires determinations be made based on almost absolute certainty, but more certainty than the "preponderance of evidence" standard which only requires conclusions be supported by the greater weight of credible evidence. The weight of evidence supporting a conclusion is not determined by the sheer number of witnesses or the volume of documents presented, but rather by the evidence which best accords with reason and probability.

Colonel (or civilian equivalent)— Any Regular Air Force active duty, USAFR or ANG officer in the grade of O-6; or an officer who has been selected for promotion to the grade of O-6, but has not yet assumed that grade; or an Air Force civil service employee in the grade of GS-15 or National Security Personnel System (NSPS) Pay Band 3. For purposes of this Instruction, these individuals will be referred to as colonels (or civilian equivalent).

Convening Authority— The individual responsible for conducting the legal (accident) investigation of an on-duty accident involving Air Force aircraft, UASs (including unmanned aerial vehicles and aerostat balloons), missiles, and space systems or equipment. The convening authority initiates the accident investigation by convening an AIB and closes the investigation by approving the AIB report prepared about the investigation.

Destroyed aircraft, UAS, missile, space launch system, or space asset— Aircraft, UAS (including unmanned aerial vehicles and aerostat balloons), missile, space launch system, or space asset will be considered destroyed when the man-hours required to repair the aircraft, UAS, missile, space launch system, or space asset exceeds the maximum stated in the "major repairman-hours" column of TO 1-1-638.

Direct Cost— Direct mishap costs ONLY include property damage costs (DoD and non-DoD) and environmental cleanup costs. According to DoDI 6055.07, E4.12.2, calculate the direct cost of an accident by adding all costs of damaged or destroyed assets, including resultant costs such as environmental decontamination, property clean-up, and restoration. The direct cost of damage to DoD or non-DoD property will be computed using the actual cost of repair or replacement (including work hours for repair), or the best official estimate available.

DoD Accident— An unplanned event, or series of events, that results in damage to DoD property, occupational illness to DoD military or civilian personnel, injury to DoD military or civilian personnel while on-duty, injury to DoD military personnel while off-duty, damage to public or private property, or injury or illness to non-DoD personnel caused by DoD operations.

DoD Component— The Department of Defense and all its parts and subordinate organizations, to include all military departments, all military services, and all DoD agencies.

Engineering Analysis Group (EAG)— An independent group of contractor personnel, Air Force representatives, and other experts established to assist the SIB and AIB in analyzing the technical data from a space mishap investigation. The EAG may recommend to the SIB and AIB presidents that certain non-privileged evidence and equipment be released while the investigations are pending in order that space launches may continue.

Evidence— Information or data upon which a conclusion or judgment may be based. Evidence is simply information that tends to prove or disprove the existence of a fact.

Executive Summary— A one-page statement of the basic facts surrounding the accident being investigated and the AIB 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. 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). AFSC technicians sometimes prepare an animation of the mishap for the SIB; the raw cut of that animation which does not reflect any confidential witness statements or of the deliberations or findings of the SIB, and thus may be used by the AIB.

Fatal Injury— Injuries resulting in death, either in the mishap or at a later time, to include within 30 days subsequent to the medical discharge, retirement, or separation from the service, due to complications arising from mishap injuries.

Foreign Country— Any land, water, or airspace that is subject to competent exercise of jurisdiction by one or more foreign governments or international organizations; a nation, territory, or geographic area that is outside the United States.

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

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

Gaining Major Command— The active duty Air Force MAJCOM to which an Air Reserve Component (AFRC or ANG) unit is assigned upon mobilization.

Host Installation— The Air Force installation nearest to the accident, unless host installation responsibilities are assigned to an Air Reserve Component installation. The host installation responds to the mishap and provides administrative and logistics support to safety and legal (accident) investigations of the mishap. The host installation also provides storage and security

for investigation evidence, including wreckage, as directed. Upon release from legal hold, the host installation disposes of evidence. The host installation normally has responsibility for initial clean up of the accident site and any required follow-on environmental remediation or restoration. In some circumstances, such as those where the mishap occurs in certain overseas locations, host installation responsibilities may be assigned to an installation otherwise not connected with the mishap to provide the required logistical and administrative support necessary to conduct the investigation.

Incident Commander— A trained and experienced responder who provides on-scene tactical control using subject matter experts (SME) and support from other functionals. Normally, incident commanders are SMEs from the Fire, Medical, or Security Forces response elements. The incident commander uses the Air Force Incident Management System (AFIMS) to manage the incident. AFIMS is a methodology designed to incorporate the requirements of Homeland Security Presidential Directive-5, the National Incident Management System (NIMS), and the National Response Plan (NRP). AFIMS has replaced the term “on scene commander” with “incident commander” to be consistent with NIMS and NRP terminology. See AFI 10-2501, *Air Force Emergency Management (EM) Program Planning and Operations*.

Installation— A base, camp, post, station, yard, center, or other 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. In addition, an installation might 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 (SOFA), 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*.

Joint Service Accident— A single mishap involving two or more military services of the DoD in which one or more services experiences reportable injuries or damages.

Legal Investigation— An investigation of a DoD accident conducted for any purpose other than accident prevention. A legal investigation inquires into the facts and circumstances surrounding an accident, but does not focus on accident prevention. A legal investigation obtains and preserves evidence for use in litigation, adjudication of tort claims, disciplinary actions, adverse administrative actions, and all other purposes except accident prevention.

MAJCOM— Major Command. The term “MAJCOM,” as used in this Instruction, means major command and includes the ANG, direct reporting units, and field operating agencies.

MAJCOM Commander— Commander of an Air Force Major Command. The Air Force Major Commands are Air Combat Command, Air Education and Training Command, Air Force Materiel Command, Air Force Space Command, Air Force Reserve Command, Air National Guard, Air Force Special Operations Command, Air Mobility Command, Pacific Air Forces, and United States Air Forces in Europe. For purposes of this Instruction, the term includes the commander of a field operating agency or direct reporting unit, as well as system program directors (or equivalent). In addition, this term includes the air component commander of a unified combatant command during contingency or combat operations.

Military— All United States military personnel on active or reserve status under the provisions of 10 U.S.C.; National Guard personnel under the provisions of 32 U.S.C.; Service Academy cadets; Reserve Officer Training Corps Cadets when engaged in directed training activities; foreign national military personnel assigned to the DoD components.

Miscellaneous Air Operations Mishap— An accident resulting in a fatality or injury to Air Force personnel where intent for flight exists but not involving a DoD aircraft. This type of mishap involves intent for flight in non-DoD aircraft (commercial, foreign, and civil aircraft) and Aero Club aircraft.

Mishap— See definition of “accident.”

Mishap Costs— See definition of “direct costs.”

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

Next—of-Kin (NoK) – The person or persons most closely related to another person. For purposes of this Instruction, a deceased person’s NoK is the person or persons who would be entitled to the deceased person’s estate under the intestate laws of the state, region, or country where the deceased person was domiciled. 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.

Overseas— A nation, territory, or geographic area that is outside the United States; a foreign country or territory.

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, *Department of Defense 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.

Preponderance of Evidence— The greater weight of credible evidence. That evidence that, when fairly considered, produces the stronger impression and is more convincing as to its truth when weighed against the opposing evidence.

Privileged Safety Information— Privileged safety information refers to information that is exempt by statute or case law from disclosure outside the Air Force safety community. The military safety privilege is judicially recognized and protects the military investigative process. 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. Diagrams and exhibits if they contain information which depicts the analysis of safety investigators. This includes draft versions of the above material.
2. Information given to safety investigators pursuant to a promise of confidentiality.

3. Computer generated animations, simulations, or simulator reenactments in which safety investigator analysis is incorporated. Animations made exclusively from recorder data (including Military Flight Operations Quality Assurance data) are not privileged.
4. Photographs, imagery, and animations that reveal the deliberative process of the board, including photographs with markings.
5. In accordance with AFI 91-204, para 3.2.1.5, the SIB's life sciences material, particularly 14-day and 72-hour histories, are only privileged if privilege was granted by a safety or life sciences investigator. However, if histories are not labeled either "privileged" or "non-privileged," then the AIB legal advisor shall confirm with the SIB whether the histories are "non-privileged" before allowing other AIB members and FAEs access

Recorder— A DoD military member or civilian employee that is familiar with administrative procedures. A recorder may be detailed to the AIB to provide administrative assistance as directed by the AIB president. A paralegal may serve as recorder.

Remotely Piloted Vehicle (RPV)— An unmanned vehicle capable of being controlled from a distant location through a communication link. It is normally designed to be recoverable. An RPV may be used as a target, attack reconnaissance, electronic counter measure (ECM), or test bed-carrying vehicle. It may be an aircraft specifically designed as an RPV or a formerly manned aircraft modified to the remotely piloted configuration. For purposes of this Instruction, all RPVs 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 identify 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— All Air Force active duty or retired Regular Air Force, USAFR or ANG military officer in grades O-7 (brigadier general) select and above; ANG Colonels with a Certificate of Eligibility (COE); current or former members of the Senior Executive Service (SES) or equivalent; and current and former Air Force civilian Presidential appointees.

Serious Injury— An injury or occupational illness that, in the opinion of competent medical authority, results in permanent total disability or permanent partial disability.

Site— Any single parcel of land, regardless of size, used and maintained by a DoD Component.

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

Statement of Opinion— A short written disclosure of the AIB president's personal opinion regarding 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 AIB report.

Status of Forces Agreement (SOFA)— A bilateral or multilateral international agreement that defines the rights and responsibilities of two or more nations with regard to the presence and activities of DoD personnel in the countries subject to the agreement.

Step to the Aircraft— The final actions the crew takes prior to beginning their aircraft inspection and preflight which normally include: gathering NOTAMs, filing their flight plan

with ATC, receiving a weather report, inspection of aircrew flight equipment, and finishing final required briefing items, and engine start procedures.

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 sequence of events.

Summary of Facts— A written statement of the relevant facts regarding the accident being investigated. The Summary of Facts provides a thorough discussion of the facts in a narrative style. It does not include conclusions or opinions about the cause(s) and/or factor(s) that substantially contributed to the accident.

Tabs— Portion of the AIB report containing the documents and other evidence gathered by the AIB and referenced in the Summary of Facts. AIB report Tabs are numbered consecutively from A to Z, and then they are numbered AA, BB, and so on to ZZ. Each Tab contains different information. An Index of Tabs appears before Tab A that identifies all Tabs contained in the AIB report.

Technical Content Manager (TCM)— An individual who may authorize a TCTO, TO, flight manual excerpt, engineering analysis report, or FOUO document for inclusion in a publicly-releasable AIB report.

Unified Combatant Command— A command that has a broad continuing mission under a single commander and is composed of significant assigned components of two or more Military Departments. A Unified Combatant Command is established and so designated by the President through the Secretary of Defense with the advice and assistance of the Chairman of the Joint Chiefs of Staff. Also called a Unified Command.

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

1. Operated and exclusively controlled or directed by the Air Force.
2. Furnished or leased by the Air Force to a non-Air Force organization when the United States Government has assumed ground and flight risk.
3. Any aerospace vehicle under test by the Air Force, including aircraft furnished by a contractor when operated by an Air Force aircrew.

The term "United States Air Force Aerospace Vehicle" does not include:

1. Aerospace vehicles leased to contractors, commercial airlines, or foreign governments when the lessee has assumed risk of loss.
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.
7. Aircraft assigned to, owned by, or leased by the Civil Air Patrol (CAP).

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

United States Air Force guided missiles are:

1. Owned in part or in whole by the Air Force, or
2. Operationally controlled by the Air Force, or
3. Furnished by the Air Force (Government Furnished Property [GFP] or Government Furnished Equipment [GFE] or leased to a non-Air Force organization for modifications, tests, or experimental projects for the Air Force, except when the lessee has assumed risk of loss), or
4. Under test by Air Force commands or agencies.

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

1. Injury or death to Air Force military personnel, or
2. Injury or death to on-duty Air Force civilian personnel, or
3. Injury or death to non-Air Force personnel resulting from Air Force operations, or
4. Occupational illness of Air Force military or civilian personnel, or
5. Illness of non-Air Force personnel caused by Air Force operations, or
6. Damage to Air Force property. The intentional destruction of an aerial target remotely piloted vehicle is not a mishap, or
7. Damage to non-Air Force property resulting from Air Force operations.

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

1. Owned in whole or in part or leased by the Air Force, or
2. Operated and controlled or directed by the Air Force, or
3. Furnished by the Air Force or leased to a non-Air Force organization when the Air Force has retained the risk of loss, or
4. Systems for which the Air Force has contractual development, contractual launch, or procurement responsibility, or
5. Under test by the Air Force.

Unmanned Aerial System (UAS)— A system whose components include the necessary equipment, network, and personnel to control an unmanned aircraft. DoD UASs are owned or leased by the DoD Components and are operated and exclusively controlled or directed by a DoD Component, to include RPVs and FSAT RPVs. This includes UASs furnished by the Government or on bailment to a non-DoD organization for modification, maintenance, repair,

test, contract training, or experimental project for a DoD Component. This also includes UASs furnished by a contractor or another government agency when operated by a DoD crew in official status and a DD Form 250, *Material Inspection and Receiving Report*, has been executed to certify that the DoD has accepted the vehicle.

Unmanned Aerial Vehicles (UAV)— A powered aerial vehicle that does not carry a human operator, uses aerodynamic forces to provide vehicle lift, can fly autonomously or be piloted remotely, can be expendable or recoverable, and can carry a lethal or nonlethal payload. This includes aerostat balloons. Ballistic or semi-ballistic vehicles, cruise missiles, and artillery projectiles are not considered unmanned aerial vehicles.

Wreckage—For purposes of this Instruction, “wreckage” includes all structures, components, parts or pieces, of the aircraft, UAS, missile, rocket and satellite, to include engines, damaged or destroyed in the mishap with the following exceptions:

1. “Wreckage” does not include explosive ordnance, seat rockets/explosives, or other components, the immediate disposal of which is appropriate for safety reasons, unless the AIB president reasonably suspects these components to be causal or substantially contributory to the mishap or of investigatory value. If such components are reasonably suspected of being causal or contributory to the mishap or of investigatory value, they should be retained, but only if it can be done in a manner which ensures the safety of investigators and others.
2. “Wreckage” does not include electronic counter measure (ECM) or other electronic pods or attachments to the vehicle unless the AIB president reasonably suspects these components to be causal or substantially contributory to the mishap or of investigatory value.
3. “Wreckage” does not include the personal effects of crewmembers or passengers unless the AIB president reasonably suspects those personal effects to be causal or contributory to the mishap or of investigatory value.

Attachment 2
SAMPLE LETTERS

Figure A2.1. Sample Convening Order.

MEMORANDUM FOR [AIB PRESIDENT]

FROM: [CONVENING AUTHORITY]

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

An accident investigation board is hereby convened under the provisions of AFI 51-503 to investigate the subject mishap. This appointment letter is your authority to interview witnesses, take sworn testimony, and review all documents, files, and wreckage relevant to your investigation. Upon receipt of a complete Part I of the safety investigation board (SIB) report, you and other detailed members are relieved of all other duties until the AIB report is submitted for approval. You may consider releasing any member when his/her AIB responsibilities are complete. The following personnel are detailed to serve on the AIB:

- [NAME, ORGANIZATION] President
- [NAME, ORGANIZATION] Legal Advisor
- [NAME, ORGANIZATION] Pilot Member
- [NAME, ORGANIZATION] Maintenance Member
- [NAME, ORGANIZATION] Medical Member
- [NAME, ORGANIZATION] Recorder

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

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

Travel and billeting will be funded by [CONVENING MAJCOM]. Travel orders should be issued locally and authorize variations in travel for all members of the AIB. A fund cite will be provided by [CONVENING AUTHORITY'S SJA]. All travel costs needed for witness

interviews outside the [HOST INSTALLATION] area should be coordinated with [CONVENING AUTHORITY'S SJA] in advance.

In accordance with AFI 51-503, [HOST INSTALLATION] will assist you with logistical and administrative support. A host installation liaison officer will be appointed by [HOST INSTALLATION/CC] to assist with arranging billeting, vehicles (if available), facilities, administrative support, and reproduction services. Make contact with the host installation liaison officer through the office of the [HOST INSTALLATION/CC]. Additionally, the mishap squadron shall appoint a point of contact to assist the AIB with access to witnesses and evidence secured by the unit.

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

[INSERT THIS PARAGRAPH IF THE ACCIDENT INVOLVED IS A HIGH-INTEREST MISHAP] In addition to your duties as AIB president, you will serve as the conduit for accident investigation information to the next-of-kin (NoK) and family members of the deceased, to seriously injured personnel, and to the public. In order to provide timely information to these individuals, you should proceed to the scene of the accident no later than 48 hours after the arrival of the SIB. After assessing the situation, you may prepare and process an Early Release of Information for release to the NoK and to the public in accordance with AFI 51-503, paragraphs 7.4 and 7.5. You may then seek [CONVENING AUTHORITY'S] approval to depart the accident site, pending receipt of the Part I of the SIB report.

My point of contact for any questions is [POC AT CONVENING AUTHORITY'S SJA, phone, fax, e-mail].

Signature of convening authority

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

Figure A2.2. Sample Foreign Military Representative Appointment Letter

MEMORANDUM FOR [FOREIGN MILITARY REPRESENTATIVE]

FROM: [CONVENING AUTHORITY]

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

On [DATE], an accident investigation board (AIB) was convened to investigate the [AIRFRAME T/N] accident identified above. [CONVENING AUTHORITY] has appointed [AIB PRESIDENT] as board president. The board will be held at [LOCATION]. The following members have been appointed to the AIB:

[RANK, NAME, ORGANIZATION]	President
[RANK, NAME, ORGANIZATION]	Legal Advisor
[RANK, NAME, ORGANIZATION]	[subject area] Member
[RANK, NAME, ORGANIZATION]	[subject area] Member
[RANK, NAME, ORGANIZATION]	Recorder

As with all members of the AIB, as an observer to the board you are not authorized to disclose board findings or opinions, except to members of my staff, prior to my approval of the AIB report.

This appointment letter will be provided to the personnel listed below. Contact [CONVENING AUTHORITY'S SJA] at [DSN and COMMERCIAL PHONE NUMBER, FAX NUMBER, AND E-MAIL ADDRESS] if you have any questions about this letter. We look forward to working with you.

Signature of convening authority

cc:
SAF/IARP
AFLOA/JACC

Figure A2.3. Sample Memorandum to Host Installation Commander.

MEMORANDUM FOR [HOST INSTALLATION COMMANDER]

FROM: [CONVENING AUTHORITY]

SUBJECT: Host Installation Support for Accident Investigation Board (AIB); Class A, P-51 Mishap, 23 Dec 44, T/N 43-1001, 77 FS, Elmendorf AFB AK 99506-5000.

The attached Memorandum convenes an AIB to investigate the subject mishap. Your installation has been designated as the host installation for the AIB. AFI 51-503, paragraph 4.12 details the logistical and administrative support required from the host installation. A list of support requirements normally required by an AIB can be found in AFI 51-503, Attachment 3, Figure A3.1.

It is your responsibility to appoint a host installation liaison officer before the AIB arrives at your installation.

The AIB president, [NAME], has been directed to contact your office to make arrangements for the investigation and to obtain the above support. My POC at this headquarters is [POC AT CONVENING AUTHORITY'S SJA].

Signature of convening authority

Attachment:

Convening order

cc:

AIB president

AIB legal advisor

Intermediate commander

Convening authority's SJA

Figure A2.4. Sample Memorandum to Mishap Squadron Commander.

MEMORANDUM FOR [MISHAP SQUADRON COMMANDER]

FROM: [CONVENING AUTHORITY'S SJA]

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

An AIB has been convened to investigate the above referenced mishap. In accordance with AFI 51-503, paragraph 4.2.4, I request your support in providing a point of contact from your squadron to support the AIB members in accessing witnesses and evidence.

The AIB president, [NAME], has been directed to contact your office to make arrangements for the investigation and to obtain the above support. My POC at this headquarters is _____.

Signature of convening authority's SJA

Attachment:
Convening Order

cc:
AIB president
AIB legal advisor

Figure A2.5. Sample Report Cover Sheet.

UNITED STATES AIR FORCE
AIRCRAFT ACCIDENT INVESTIGATION
BOARD REPORT

[MAJCOM EMBLEM]

F-XX, T/N XX-XXX

[SQUADRON]

[WING]

[INSTALLATION]

[CLIP ART]

[OF MISHAP]

[AIRCRAFT]

[TYPE]

LOCATION: [MISHAP LOCATION]

DATE OF ACCIDENT: [DATE]

BOARD PRESIDENT: COLONEL XXXXXXXXXXXXX

Conducted in accordance with Air Force Instruction 51-503
[If Abbreviated Investigation, add “Abbreviated Accident
Investigation pursuant to Chapter 11”]

Volume One of Two (if applicable)

Figure A2.6. Sample Routing Cover Sheet for Convening Authority's Staff.**ACCIDENT INVESTIGATION BOARD REPORT****CONTROLLED DOCUMENT**

FOR OFFICIAL USE ONLY

SENSITIVE DATA

NO REPRODUCTION OR ACCESS WITHOUT

EXPRESS APPROVAL OF

[CONVENING AUTHORITY OR CONVENING AUTHORITY'S SJA]

ALL INDIVIDUALS AUTHORIZED TO REVIEW THIS DOCUMENT MUST SIGN BELOW. ALL COPIES MUST BE ACCOUNTED FOR AND HAND CARRIED TO [CONVENING AUTHORITY'S SJA] FOR DESTRUCTION.

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

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

NAME/RANK

SIGNATURE

DATE

Figure A2.7. Sample Tasker to Convening Authority's Staff.

MEMORANDUM FOR [CONVENING AUTHORITY'S STAFF]

FROM: [CONVENING AUTHORITY'S SJA]

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

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

Provide written comments and recommendation for action on the report for [THE CONVENING AUTHORITY'S] review. Limit comments to deficiencies or inaccuracies, or to any follow-up investigation actions that may be warranted. Do not make any comments or recommendations concerning disciplinary action. Note that the AIB president was not provided privileged safety information from the SIB report. Base your comments on the facts contained in the AIB report, not on privileged safety information that is only found in the SIB report. Although testimony may discuss matters similar to that which may have been gathered in the previous safety investigation, SE and A3 should also review the report to ensure no improper or privileged safety information is included in the report.

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

Comments with two-letter endorsement are requested by _____. POC for this matter is [NAME, RANK, TELEPHONE NUMBER] After completing your review, hand carry the report back to [CONVENING AUTHORITY'S SJA]. Do not place the report in distribution.

Signature of convening authority's SJA

Attachment:
AIB report

Figure A2.8. Sample Letter to NoK or Seriously Injured Personnel.

[NAME & ADDRESS OF NOK OR SERIOUSLY INJURED PERSONNEL]

Dear [MR. AND MRS.]

On behalf of the Air Force, [CONDOLENCES AS APPROPRIATE].

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

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

Please contact [POC] if you have any questions. [HE/SHE] may be reached at (XXX) XXX-XXXX. Again, [CONDOLENCES].

Signature of convening authority [or designee]

Figure A2.9. Sample Convening Authority's Action.

ACTION OF THE CONVENING AUTHORITY

The report of the accident investigation board, conducted under the provisions of AFI 51-503, that investigated the 10 Dec 99 mishap near Augusta, GA, involving F-4E, T/N 66-455, assigned to the 55 FW, Charleston AFB SC 29404-5000, complies with applicable regulatory and statutory guidance and on that basis is approved.

Signature of convening authority

Figure A2.10. Sample Distribution Memorandum to Air Force Offices.

MEMORANDUM FOR [POST-PUBLIC RELEASE DISTRIBUTION]

FROM: [CONVENING AUTHORITY'S SJA]

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

Subject accident investigation board (AIB) report has been approved by [convening authority] for release to the public. Attached is a copy for your use.

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

Signature of convening authority's SJA

Attachment:
AIB report

Figure A2.11. Sample Post-Investigation Memorandum.

PERSONAL DATA – PRIVACY ACT OF 1974 (5 USC 522a)

MEMORANDUM FOR [CONVENING AUTHORITY'S SJA]

FROM: [AIB PRESIDENT]

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

This memorandum is being forwarded in accordance with AFI 51-503, para 9.2., and serves as a formal record of transmittal to your office of all investigative evidence and documents created or obtained by subject AIB.

Signature of AIB president

Attachments:

1. Evidence inventory
2. Ancillary evidence and wreckage location listing
3. Records transmittal letters
4. Technical content manager approval letters
5. AGR orders
6. AIB witness list
7. AIB member list

Figure A2.12. Sample Evidence Inventory for Post-Investigation Memorandum.

EVIDENCE INVENTORY - Accident Investigation Board (AIB); Class A, P-51 Mishap, 23 Dec 44, T/N 43-1001, 77 FS, Elmendorf AFB AK 99506-5000

1. CD of testimony:
 - a. 2 Feb 88 interview of Lt Col Menino [track 1];
 - b. 4 Feb 88 interview of Mrs. Fenway [track 2];
 - c. 5 Feb 88 interview of Mrs. Romney [track 3];
 - d. 6 Feb 88 interview of Mr. Greenmonster [track 4]
 - e. 7 Feb 88 interview of Mr. Brady [track 5];
2. One regular size Maxell cassette tape of the 5 Feb 99 statement of Capt Kraft.
3. CAMS Computer Generated Aircraft Maintenance History Report for T/N 132; from 2 Jun 87 to 23 Jul 88 (34 computer printout size pages).
4. Warner-Robins Air Logistic Center Acceptance Inspection Report for P-38, T/N 8909, undated (9 pages).
5. Hand receipt and aircraft system check at Elmendorf AFB AK 99506-5000 prior to cross-country PDM delivery sortie; P-38, dated 14 Jun 87. Includes AFTO 345, *Aerospace Vehicle Transfer Inspection Checklist and Certification*, and AF Form 2692, *Aircraft/Missile Equipment Transfer/Shipping Listing* (8 pages total).
6. Oil Analysis Request, dated 4 Jul 87 (one page), and Aircraft T/N 007700 Mission Debrief report, dated 13 Jul 87 (one page).
7. Worksheet to calculate total aircraft weight after refueling to determine maximum G force limit, dated 7 Aug 88 (6 pages).
8. Witness List Provided by SIB.
9. Telephone records of calls made to/from Elmendorf AFB AK 99506-5000 between 1 and 12 Jul 97.
10. Four 5x7 photographs and negatives for nine photographs (5 of which were used in final report).

Figure A2.13. Sample Ancillary Evidence and Wreckage Location Listing.

ANCILLARY EVIDENCE AND WRECKAGE LOCATION LISTING

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

Figure A2.14. Sample Records Transmittal Memorandum.

MEMORANDUM FOR [RECORDS CUSTODIAN]

FROM: [AIB PRESIDENT]

SUBJECT: [MEDICAL, PERSONNEL, TRAINING RECORDS, ETC] - Accident Investigation Board (AIB); Class A, P-51 Mishap, 23 Dec 44, T/N 43-1001, 77 FS, Elmendorf AFB AK 99506-5000

The attached [medical, personnel, training] records are no longer needed by the accident investigation board (AIB) convened under AFI 51-503 to investigate the crash of an F-16 at Northern Pines AFB, NC, on 12 Sep 01.

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

The following records are enclosed:

NAME, RANK, SSN (Last 4), TYPE OF RECORD.

Please contact [POC] at DSN 777-0000 if you have any questions.

Signature of AIB president

Received by [print name]:

Signature:

Unit/Phone Number

Date:

Figure A2.15. Sample Witness List.

PERSONAL DATA – PRIVACY ACT OF 1974 (5 USC 522a)

WITNESS LIST

Captain Dee Weevil (Mishap Pilot)

SSN

USAFFWS/OGOA

1220 Duffy Ave, Suite 835

Nellis AFB NV 89191-5000

DSN: 900-1989

Mr. Jay Hood (General Manager)

SSN

CME Aviation Inc.

Acme Flight Services

2 Dude Road

Crooked Foot Airport

Jennifer, Ohio 89832

(800) 437-1905

Mr. Fred Nerdly (Electronics Specialist)

SSN

9 WG/OGXE

222 Rambo Ave, Suite 111

Robins AFB GA 31098-5000

DSN: 777-0000

Colonel Wilbur Muchmore (Commander)

SSN

3 WG/OG

155 Tough Guy Ave, Suite 222

Elmendorf AFB AK 99506-5000

DSN: 677-8983

Figure A2.16. Sample AIB Member Listing.

PERSONAL DATA – PRIVACY ACT OF 1974 (5 USC 522a)

AIB MEMBER LISTING

Colonel Bobby Joe Smith (AIB president)

USAFFWS/OGOA

1220 Dufis Ave., Suite 835

Nellis AFB NV 89191-5000

DSN: 900-1989

Major Wilbur Jones (Pilot member)

3 WG/OG

155 Tough Guy Ave. Suite 222

Elmendorf AFB AK 99506-5000

DSN: 677-8983

Major I.M. Good (Legal advisor)

AFLOA/JACC

1501 Wilson Blvd. Suite 835

Arlington, VA 22209-2403

DSN: 677-8983

Capt Bob Smith (Maintenance member)

56 LG/MOON

1333 Swimmer Ave.

MacDill AFB FL 33621-5000

DSN: 677-8983

Figure A2.17. Sample First Release of Investigatory Status Information (Fatality Mishaps).

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

The commander, [MAJCOM], convened a safety investigation board (SIB) immediately after the mishap in order to quickly determine the cause of the crash and to recommend measures necessary to prevent a recurrence. The SIB will not produce a publicly-releasable report.

The commander, [MAJCOM], also convened an accident investigation board (AIB) to investigate the matter and to produce a publicly-releasable report. The AIB president is Brigadier General Robert O. Smith, 315 Bombardment Wing, Orlando AFB, Florida.

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

Figure A2.18. Sample AIB Tab

TAB AA

FLIGHT DOCUMENTS

AA1.	HAZARDOUS AIR TRAFFIC REPORT (HATR).....	AA-3
AA2.	TOWER DEPARTURE STRIP TALLAHASSEE.....	AA-6

Figure A2.19. Privacy Act**Privacy Act Statement**

Authority: Title 10, United States Code, Sections 2254 and 2255, DoD Instruction 6055.07, *Accident Investigation, Reporting, and Record Keeping*, AFPD 51-5, *Military Legal Affairs*, and AFI 51-503, *Aerospace Accident Investigations*.

Purpose: This information is used by the DoD to locate witnesses for any civil or criminal proceeding arising from an aircraft accident.

Routine Uses: The information may be: forwarded to Federal, State, or local law enforcement agencies for their use; used as a basis for summaries, briefings, or responses to Members of Congress or other agencies in the Executive Branch of the Federal Government; or provided to Congress or other Federal, State, and local agencies, when determined necessary.

Disclosure: **For Military Personnel:** Disclosure of personal information is mandatory and failure to do so may subject the individual to disciplinary action. **For DoD Civilians:** Failure to disclose personal information in relation to individual's position responsibilities may subject the individual to adverse personnel action. **For All Other Personnel:** Disclosure of personal information is voluntary and no adverse action can be taken against individuals for refusing to provide personal information.

Figure A2.20. Memorandum for Contractors Serving as Technical Experts to Accident Investigations.

MEMORANDUM FOR [NON-AIR FORCE REPRESENTATIVE'S NAME AND COMPANY/ORGANIZATION]

FROM: [AIB PRESIDENT]

SUBJECT: Nondisclosure Agreement - Accident Investigation Board (AIB); Class A, P-51 Mishap, 23 Dec 44, T/N 43-1001, 77 FS, Elmendorf AFB AK 99506-5000

1. In response to my request for technical assistance, the Air Force and your employer have agreed that you will serve as a technical expert for the accident investigation board (AIB) referenced above over which I preside. Any technical report you provide to the AIB will be included in the publicly-releasable AIB report.
2. In accepting your appointment to serve as technical expert, you must agree to preserve the confidentiality of information related to the AIB and any information obtained during the AIB, including any facts, evidence, interviews, or deliberations, unless given express permission by me.
3. You must also agree you will not divulge any AIB-related information covered under the memorandum to any individual not authorized to receive it.
4. Before beginning your service to this AIB, please sign and date the 1st Indorsement below. I will give you a copy of this memorandum.

Signature of AIB president

1st Indorsement

To: [AIB PRESIDENT]

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.

Signature of technical expert

[Date]

Figure A2.21. Recommended Format for Preserving Summarized Testimony.**SUMMARIZED STATEMENT OF CAPTAIN JOE WITNESS**

I, [RANK/NAME], of the [UNIT/SQUADRON] at ____ Air Force Base, ____, after being placed under [OATH/AFFIRMATION], hereby state that before my interview, the difference between the nature of an accident investigation board (AIB) under AFI 51-503 and a safety investigation board (SIB) under AFI 91-204 was explained to me. An AIB is a legal investigation convened to inquire into the facts surrounding aircraft or aerospace accidents, to prepare a publicly-releasable report, and to gather and preserve all available evidence for use in litigation, claims, disciplinary actions, administrative proceedings, and for other purposes. I understand the difference between an AIB and SIB. I understand that my AIB testimony may be used for any purpose and can be released to the public.

[Summary of important points, what was seen or known or heard by this witness that is important to determining the cause of the accident, or bears on the qualifications, training, skills, etc., of the aircrew, maintenance, controllers, etc.]

Signature block of witness

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

Signature block of AIB interview

Attachment 3

SUPPORT REQUIREMENTS

Figure A3.1. Listing of AIB Support Requirements.

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

FACILITIES

1. One large room capable of accommodating 15 people in a conference style seating arrangement. This room serves as the main AIB meeting room.
 2. One office for the AIB president.
 3. One office for conducting interviews.
 4. Key to the building for every AIB member.
- NOTE:** All rooms will be located together and be capable of being secured and locked.

COMPUTER/PERIPHERALS/SOFTWARE

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

Computers:

1. One computer for each AIB member.
2. Each AIB-dedicated computer will:
 - a. Reside on the same LAN.
 - b. Have local email account for each AIB member.
 - c. Have access to the Internet.
 - d. Have access to a common printer.
 - e. Have access to a Shared Drive established for AIB members only.
 - f. Have the ability to burn a CD and DVD.
3. At least one computer will have a projector to project documents on a screen on the wall.

Peripherals (installed with current drivers):

1. Common color printer will have double-sided print capability and produce a minimum of 1200dpi print quality.
2. Common scanner with 1200dpi minimum scan quality and Optical Character Recognition compatible with installed word processing software.
3. At least 24 DVD+R.

Software (installed and configured):

1. Word processing and presentation software.
2. Anti-Virus software.

3. File compression and PDF (Adobe Acrobat) 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.
4. At least two licenses for Adobe Acrobat 9.0 Professional software.

PHONES

1. At least four speakerphones with the following capabilities: mute, hold, transfer, conference, and voice mail.
 - a. One in the AIB president's office.
 - b. One in the interview room.
 - c. At least two in the main AIB meeting room.
2. All AIB phones interconnected so any other AIB phone can answer a ringing line or call forward to another line.
3. DSN with immediate access capability.
4. FTS/Commercial long distance capability on phones.

COPY/FAX MACHINES

1. One black and white photocopier capable of dual sided printing and collating (with extra toner).
2. 24-hour access to color photocopier (with extra toner).
3. One plain paper fax machine (with extra toner).

RECORDERS

1. Two high quality, regular sized recorders, with headphones for interview transcribing.
2. High quality microphones.
3. At least one digital recorder.
4. Foot pedal-operated playback units for transcribing.

IMPAC CARD

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

OFFICE EQUIPMENT/SUPPLIES

1. One desk and chair for each AIB member.
2. Tables and chairs to accommodate at least 12 people in the interview room.
3. Safe for classified information.
4. Two locking four-drawer file cabinets.
5. One large shredder (not a wastebasket type).
6. Four large white dry erase boards (one in the AIB president's office and three in the main AIB meeting room).
7. At least one easel with paper.
8. One large refrigerator.
9. One 12-cup coffee pot.
10. One heavy duty three-hole punch with large holes.
11. One two-hole punch.
12. Three staplers (two of them regular desk-type and one heavy duty) with staples.
13. One precision paper cutter.

14. At least 5 external hard drives (250 GB).
15. 50 hanging file folders with tabs.
16. 50 file folders.
17. Three boxes of multiple colors dry erase markers.
18. Several boxes of multi-color ink pens (including a black Sharpie) and mechanical pencils.
19. 20 steno pads.
20. 20 letter-size legal pads.
21. Two cases of 8" x 11" printer paper.
22. One roll of butcher paper.
23. Boxes of binder clips (various sizes).
24. Paper clips.
25. Base Phone Book or Directory.
26. At least 2 Scotch tape dispensers and Scotch tape.
27. Masking or Duct tape.
28. Post-it Notes (various sizes).
29. At least four correction tape dispensers.
30. At least five litigation boxes.
31. At least 10 sets of tabs A through Z and AA through ZZ.
32. Three-ring (D-ring) blue binders or its equivalent for AIB reports (size and quantity will vary depending on the AIB report) or report covers.
33. At least one box (100 count) of two-prong paper fasteners (4").

SUPPLY/OTHER FACILITIES

1. Letter from Supply commander authorizing AIB priority for equipment such as engine hoists, special tools, and any other needed equipment.
2. Priority use of special use facilities such as labs, hush house, etc., as necessary.

PHOTOGRAPHY SUPPORT

Photography support with digital camera capability, seven days a week.

SERVICES/MISCELLANEOUS SUPPORT

1. Billeting for all AIB members in the same building.
2. Support from DAPS to meet AIB requirements.
3. Access to communications and computer support, seven days a week.