

Headquarters U.S. Air Force

Integrity - Service - Excellence

Air Force Accident Investigation Boards

**A Primer for the DoD Task Force on Prevention
of Suicide by Members of the Armed Forces**

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U.S. AIR FORCE



- **Why AIBs?**
 - *Purpose*
- **Who Says?**
 - *Instructions and Statutes*
- **How Did We Get Here?**
 - *History and Development*
- **How Do We Do Them?**
 - *Procedures*



Why AIB's?

The Official (AFI 51-503) Reasons:

- (1)** Provide a publicly releasable report -
 - of the facts and circumstances surrounding the accident,
 - to include a statement of opinion as to cause
- (2)** Gather and preserve evidence for -
 - claims
 - litigation
 - disciplinary and adverse administrative actions
 - other purposes



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Purpose

Overriding Purpose: Promote Safety!



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Purpose

Why Military Safety Privilege?

- **Encourages frank and open communication with witnesses and contractors**
- **Promotes freewheeling discussions/deliberations of safety investigators**
- **Allows commanders to quickly obtain accurate mishap information**
- **Ensures appropriate corrective action, thereby enhancing national security**



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Safety Privilege Has Two Components

■ Deliberative Process

- The board's findings/analysis/recommendations are privileged and protected from public release
- Inherent with the board's purpose, not related to promise of confidentiality

■ Confidential Statements

- Given only when necessary





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Purpose

Inquiring Minds Want To Know



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Purpose

Two Separate Boards Investigate

	<u>Safety Investigation (SIB)</u>	<u>Accident Investigation (AIB)</u>
Governing Instruction:	AFI 91-204, <i>Safety Investigations and Reports</i>	AFI 51-503, <i>Aerospace Accident Investigations</i>
Purpose:	Mishap prevention	Everything else
Witnesses:	No oath; may receive promise of confidentiality	Testify under oath
Media, Next of Kin (NoK):	No interaction	Respond to media requests, personally brief NoK
Product:	Privileged report with findings/recommendations	Public report with BP's opinion as to cause



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Purpose



AIBs Shield the Safety Privilege

- People want to know what happened
- They have a right to the information
- They will get it somewhere
- Providing it through a non-privileged AIB Report prevents attempts to obtain the privileged Safety Report



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Instructions and Statutes

Who Says AIBs?

- DoDI 6055.07 (dated 03 October 2000)
 - Incorporating Change 1, 24 April 2008
- AFI 51-503 (dated 16 July 2004)
 - Incorporating through Change 2, 11 February 2008
- 10 U.S.C. § 2254 (effective 01 April 1993)
- 10 U.S.C. § 2255 (effective 23 March 1997)



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Instructions and Statutes

DoDI 6055.07

- Establishes DoD policy for reporting and investigating all types of accidents
- Applicable to all DoD agencies and military departments
- Requires both a safety investigation and a separate legal investigation for Class A mishaps
- Allows each service to establish its own investigation procedures and regulations



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Instructions and Statutes

Each Service Implements DoDI 6055.07 Its Own Way

- Navy - JAGMAN Investigations
 - JAGINST 5800.7
- Army - Collateral Investigations
 - AR 15-6
- Air Force - Accident Investigations
 - AFI 51-503



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Procedures

How Did We Get Here?

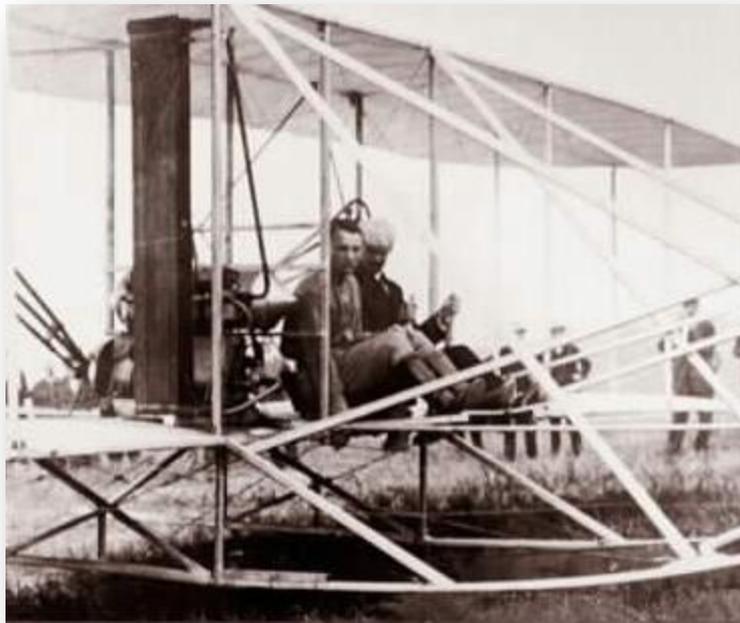


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History and Development



The First Military Aviation Accident

17 September 1908
Fort Myer, VA



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History and Development

The Early Years

- From the beginning – clear recognition of need to investigate each military aviation mishap
 - Determine the cause
 - Prevent future mishaps
- All mishap reports classified as “restricted”
 - Not released to the public
- Few “Inquiring Minds”
 - Most mishaps occurred in unpopulated areas, causing minor damage and raising little or no public interest



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History and Development

World War II Era

- By the 1940s, mishaps were occurring in more populated areas, causing greater damage and injuring civilians
- Army recognized people outside safety community had the need and right to know facts surrounding mishaps
 - Regulations began to permit separate, factual, publicly releasable investigations following safety investigation
 - These “collateral investigations” were not mandatory and provided only facts – no findings of causation
 - Findings reserved for the classified safety report



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History and Development

World War II Era (Continued)

- Advent of collateral investigations allowed Army Air Forces to impose added restrictions on safety reports
- AAFR 62-14, dated 26 February 1947
 - Directed the conduct of safety investigations
 - Sole purpose: mishap prevention and flight safety
 - Information derived from safety investigations, including witness statements, could not be used for disciplinary or adverse actions



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History and Development

From Army to Air Force

- Continued philosophy that underlying purpose of safety investigations was mishap prevention
- Commander initiated separate collateral investigation to gather facts/circumstances needed to support any disciplinary action arising from mishap
- No regulatory guidance for collateral investigation until AFR 110-14 in 1958





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History and Development

Evolution of AFR 110-14 (1958 to 1994)

- Initially, factual “findings” allowed but no opinions, conclusions, or recommendations
- Later, both findings and recommendations allowed
- Then required summary of facts in lieu of findings and limited recommendations to areas other than safety
- Subsequent changes
 - “Collateral Investigation” became “Accident Investigation”
 - No findings of causation or recommendations of any kind
 - Formal, fully releasable report for every Class A mishap



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History and Development

Major Accidents Cause Major Changes

- 1987 A-7 crash results in Aspin-Rice Agreement
- Series of 1990s mishaps bring about changes in AF procedures and passage of 10 U.S.C. §§ 2254, 2255
 - 1992 C-130 crash into hotel/restaurant in Evansville, IN
 - 1994 C-130 gunship crash in Indian Ocean
 - 1994 F-16/C-130 midair collision at Pope AFB
 - 1996 C-130 crash in Pacific Ocean
- 1996 CT-43 crash leads to first waiver of SIB and improved support and assistance to next of kin (NoK)



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History and Development

1987 A-7D Crash in Indianapolis



- Crashed into lobby of Ramada Inn
 - Attempted flameout landing at IND
- Nine employees killed at the scene
 - One bystander died two weeks later
- AF paid \$17.7 million in claims

- NoK, members of Congress all demanded to know cause
 - AIB Report provided facts only
- Legislation introduced to require releasing SIB Reports to Congress





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History and Development

Aspin-Rice Agreement

- Negotiated by Les Aspin, Chairman of the House Armed Services Committee, and SECAF Donald Rice
 - Upon request, AF will brief Safety Report to chairman or ranking minority member of either House or Senate Armed Services Committee pursuant to their oversight responsibilities for national security
- Averted passage of damaging legislation
 - A statute requiring release of privileged SIB Reports to Congress would have eviscerated the safety privilege
- Applied to NASA's investigation of Columbia mishap



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History and Development

1992 C-130B Crash in Evansville



- Crashed into Drury Inn/Restaurant
 - KY ANG training at local airport
- Killed 11 civilians, 5 crewmembers
- AF paid \$38.2 million in claims
- Again, tremendous outcry for SIB's causal findings
- Again, legislation proposed
- 10 U.S.C. § 2254 enacted with input from military





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History and Development

10 U.S.C. § 2254

- Applies only to non-safety aircraft investigations
- Allows release of factual information prior to completion of AIB, provided:
 - Information includable, releasable in final AIB Report
 - Release does not undermine SIB, AIB, national security
 - SIB members do not make the release
- Requires Statement of Opinion
 - Must state cause or substantially contributing factors
 - May not be considered as evidence or an admission of liability in civil or criminal proceedings

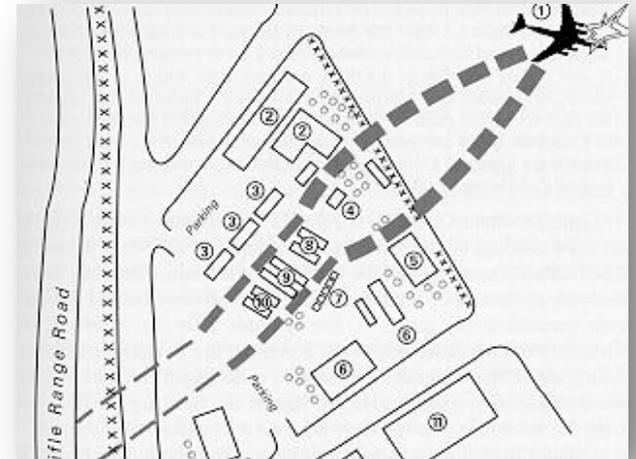


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History and Development

1994 F-16/C-130 Midair Collision at Pope AFB

- Aircraft collided on short final
 - C-130E recovered, landed safety
 - F-16D pilots ejected, plane crashed on ramp, striking C-141
 - Fireball rolled through staging area for Fort Bragg paratroopers
- Killed 23, injured more than 100
- Under 10 U.S.C. 2254, AF was able to quickly answer concerns of NoK, politicians, and public





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History and Development

10 U.S.C. § 2255

- Passed to correct what Congress perceived to be deficiencies in military aircraft mishap investigations
- Requires majority of members to come from outside mishap unit, defined as equivalent to squadron level
 - AF uses wing level where possible
 - SECAF may waive requirement where necessary if AIB objectivity and independence not compromised
- Requires at least one member to have knowledge and expertise relevant to aircraft accident investigations
 - AF trains both AIB presidents and legal advisors



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History and Development

1996 CT-43A Crash in Croatia



- Crashed on approach to Dubrovnik
- Killed all 34 passengers and crew
 - Including Secretary of Commerce Ron Brown and severable corp. executives
- AF paid \$95.6 million in claims
- Waived SIB, so no privilege issues
 - Allowed NTSB, FAA participation, diffusing “self-investigation” criticism
 - AIB Report released to public sooner
- Expanded support/assistance to NoK





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History and Development

Evolution of AFI 51-503

- First issued July 1994
 - Implemented 10 U.S.C. § 2254
- December 1998
 - Implemented recommendations of CSAF Blue Ribbon Safety Panel Report dated 5 Sep 1995
 - MAJCOM CC is Convening Authority (CA) for all Class A SIBs/AIBs
 - No briefing report to intermediate commands prior to CA approval
 - AIB President must attend Board President's Course
 - Implemented 10 U.S.C. § 2255

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History and Development

Evolution of AFI 51-503 (Continued)

- August 2002
 - AIB president, legal advisor must report to crash site within 48 hours of the SIB president in fatal mishaps
 - Legal advisor must attend Aircraft Accident Investigation Course
 - Recorder added to board
- July 2004
 - AIBs not mandatory for Class A mishaps damaging only government property, unless aircraft is destroyed
 - Any non-safety investigation (CDI, ROS, etc.) meets DoD “legal investigation” requirement in such cases



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History and Development

Evolution of AFI 51-503 (Continued)

- February 2008
 - Eliminated requirement that legal advisors to AIBs investigating fatal mishaps be field grade officers
 - Allows abbreviated AIBs for Class A mishaps that damage only government property but destroy the aircraft when aircraft is propeller-powered UAV
- Complete revision underway for 2010
 - Will consolidate interim changes, clarify guidance, resolve inconsistencies, and incorporate AIB FSC lessons learned



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History and Development

The AIB FSC

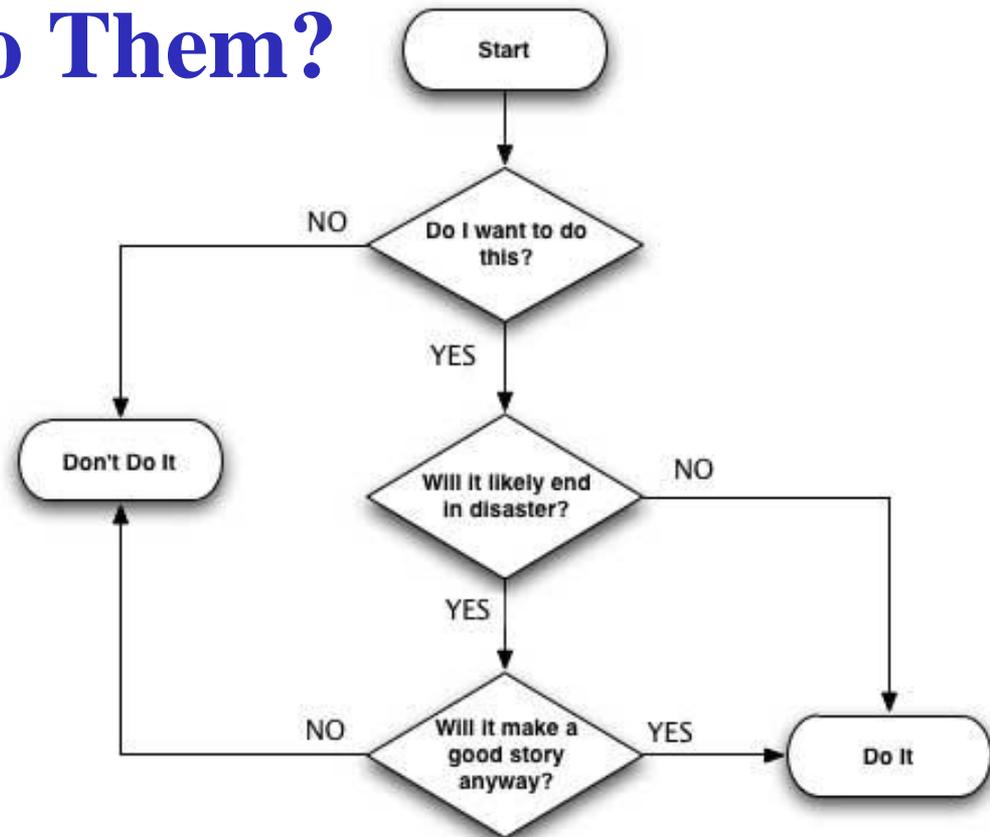
- AIB Field Support Center stood up in September 2007
- A JAG Corps 21 initiative
- JAGs serve as Legal Advisors; paralegals as Recorders
- Handles about half of AIBs AF-wide
 - Plus ups planned at AIB FSC but trained legal advisors and experienced recorders still needed in the field
- Rave reviews from MAJCOMs and board presidents



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Procedures

How Do We Do Them?





Coordination with SIB

- SIB takes priority over witnesses, wreckage, etc.
- SIB Report has two parts:
 - Part I contains purely factual, non-privileged information
 - Part II contains deliberations, findings, and recommendations – all protected by the safety privilege
- AIB does not begin until receipt of Part I and all other non-privileged material gathered by the SIB
- AIB President serves as liaison with the media and NoK during pendency of the SIB's investigation



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AIB Convening Authority

- MAJCOM/CC or CV convenes all Class A mishaps
 - Includes active, reserve, and Air National Guard mishaps
- Convening authority appoints AIB President
 - Appointment or substitution of other AIB members can be delegated to MAJCOM SJA or other MAJCOM official
 - Appointments are in writing



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AIB Composition

- Board Members
 - President
 - Legal Advisor
 - Pilot or Missile/Space Operations Officer
 - Maintenance or Missile/Space Materiel Officer/NCO
 - Flight Surgeon
 - Recorder



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AIB Composition

- Technical Advisors (as required)
 - Engines
 - Egress Systems
 - Metallurgy
 - Engineering
 - Human Factors
 - Airfield Operations
 - Flight Operations
 - Public Affairs



General Qualifications

- AIB Board members/advisors:
 - Must be from outside mishap wing (or squadron in limited circumstances)
 - Not involved in SIB investigation
 - No prior access to privileged safety information from SIB investigation
 - Not currently assigned to a safety billet
- AFRC and ANG members may serve on AIB in any capacity



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AIB President Qualifications

- O-5 and above, senior in grade to mishap crew
- For fatality mishaps: General Officer (or select)
- For aircraft mishaps: rated officer experienced in same or similar aircraft (or maintenance officer in limited circumstances)
- For missile/space mishaps: missile or space operations officer, experienced in same or similar weapon or space system
- Graduate of Board President Course (mandatory)



Duties of AIB President

- Overall responsibility for conduct of AIB investigation and issuance of AIB Report
- Ensures no AIB members/advisors had access to privileged safety information
- Ensures no AIB members/advisors have any conflicts of interest relating to mishap
 - Close personal or professional relationship with mishap crew that would affect their objectivity, or
 - Fact witness in mishap



Duties of AIB President

- Completes AIB Report within 30 days of receipt of Part I from SIB
 - Convening authority may grant extensions
- Solely responsible for Statement of Opinion
 - No voting or minority reporting
- Coordinates early releases of investigative information to NoK, media and the public
- Serves as primary NoK briefing officer



Duties of AIB President

- Prepares Post-Investigation Memorandum
- Responds to post-investigation inquiries and issues through convening authority's SJA
- Notifies the convening authority's SJA in writing of all allegations of wrongdoing or other adverse information uncovered during the investigation, which is beyond the scope of the investigation
- Relieved of all other duties upon receipt of Part I



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AIB Legal Advisor Qualifications

- Experienced Judge Advocate, generally field grade officer
 - Company grade JAGs appointed in fatal mishap investigations only if they have AIB experience
- May come from same Wing as AIB President
- Must be graduates of Aircraft Accident Investigation Course (mandatory)



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Procedures

AIB Field Support Center (AIBFSC)

- AFLOA/JACC trains, equips, and maintains a cadre of experienced Legal Advisors and paralegal recorders for AF-wide AIB service
- Once appointed, AIBFSC Legal Advisor's responsibility is to the BP and, by extension, to the Convening Authority
- Substantive guidance comes from the MAJCOM legal office, not from the AIBFSC
 - AFLOA/JACC still consults with MAJCOM legal office on request



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Procedures

Duties of AIB Legal Advisor

- Primary source of legal advice to AIB President
- Oversees collection, preservation, and disposition of evidence
- Conducts initial review of Part I of SIB Report and all evidentiary material received from SIB
 - Ensures no privileged safety information in documents
 - Completed prior to AIB President's and team's review to prevent tainting of AIB team



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Procedures

Duties of AIB Legal Advisor

- Participates in all witness interviews
 - Ensures proper witness advisements and questioning
 - Ensures questioning elicits facts only
- Advises AIB President on legal standards for Statement of Opinion
- Serves as liaison with SJA of host installation and convening authority



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Procedures

Duties of AIB Legal Advisor

- Reviews final AIB Report for legal sufficiency and compliance with regulatory/statutory requirements
- Ensures all documents in AIB Report are releasable
 - Redaction of Privacy Act information, to include unnecessary personal medical information (autopsy reports, annual physicals, etc.)
 - Release of FOUO information
- Relieved of all other duties upon receipt of Part I



Overall Objective

- AIB is not limited to contents of Part I
- AIB President determines nature and breath of investigation
 - Objective is to gather and preserve all relevant documents relating to the mishap
 - To support the basis for the Statement of Opinion, and
 - To fully explain and document the mishap sequence of events



Interviewing Witnesses

- No promises of confidentiality
- All witnesses testify under oath/affirmation
- Review need to advise witness of rights under UCMJ or Fifth Amendment
 - Is witness a suspect?
 - Does AIB have credible evidence of a criminal act or an offense under the UCMJ?



Interviewing Witnesses

- Determine the appropriate location and set-up of the interview room to create a non-threatening atmosphere
 - Number of team members present
 - Appropriate uniform for team members
 - Never use court room for interviews
- Determine appropriate length for interviews, to include respite breaks



Interviewing Witnesses

- Keep your reader in mind
 - Avoid gory descriptions of injuries
 - Avoid head/hand gestures by witness
 - Describe acronyms and operational terms
 - Have witness explain unique terminology and procedures
 - Public must be able to understand testimony



Interviewing Witnesses

- End all interviews with an opportunity for witness to clarify or explain any aspect of testimony
 - May provide additional sources of information or facts on mishap
- Keep a “follow-up” listing of leads for additional witness interviews or recalls
- Keep AIB members updated on testimony



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Procedures

Major Sections of AIB Report

- Executive Summary
- Summary of Facts
- Statement of Opinion
- Supporting Documents



Drafting the Summary of Facts

- Summary of all relevant facts related to the accident
- No opinions or recommendations
- Use outline in AFI 51-503
- Write in narrative style
- Define all technical terms and acronyms
- Reference all facts to source document in report
 - Tab and page number



Drafting the Statement of Opinion

- Personal Opinion of AIB President
 - On cause or causes of mishap, or
 - Factors substantially contributing to mishap
 - Cannot be changed by Convening Authority
- Opinion must be fully supported by the facts contained in the AIB Report
 - Reference specific facts to support conclusion
 - Clear, complete, and concise
- Opinion is part of AIB Report and will be released to the public



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Drafting the Executive Summary

- Concise synopsis of accident and cause
 - Normally one page, single spaced
- Discusses Summary of Facts and Statement of Opinion
- Routinely provided to SAF/PA for release



Next of Kin Briefings

- AIB President will personally deliver AIB Report to NOK family and brief them on the results of the investigation
- Convening authority's PA will prepare NOK Release Plan, to include Q&As
 - Coordinated with convening authority's SJA
 - Must ensure all NOK families are briefed prior to any other briefings or public release



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Procedures

Preparing for NoK Briefings

- Presentations by
 - Flight surgeon on cause of death and pre-impact suffering
 - Mental health professional and chaplain on grieving process and dealing with the family during the briefing
 - Public affairs officer on dealing with the media
- Input from family liaison officers and casualty affairs officers regarding family dynamics and individual family situation



NoK Briefing Follow-up

- Unanswered questions from NoK families submitted to convening authority's SJA
 - Appropriate staffing and written responses provided to families
- After action reports submitted to convening authority's SJA



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Questions?



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