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## CHAPTER 165 INTRODUCTION TO ACCIDENT/INCIDENT RELATED TASKS

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**1. ACCIDENT/INCIDENT INVESTIGATION.** Chapters 166 through 169 of this handbook contain guidelines for performing accident/telephone standby and investigating incidents, accidents, and near mid-air collisions. FAA Order 8020.11, Aircraft Accident and Incident Notification, Investigation, and Reporting, is not superseded by this order. It is highly recommended that inspectors use both the *most current edition* of Order 8020.11 and the pertinent chapters of this handbook during accident and incident investigations.

**3. PURPOSE OF ACCIDENT/INCIDENT INVESTIGATIONS.** The purpose of an accident or incident investigation is to assure that all facts and circumstances leading to an accident or incident are recorded and evaluated and that action is taken to prevent similar occurrences in the future.

**5. AUTHORITIES AND RESPONSIBILITIES.** Situations arise during accident or incident investigations that require the investigator to know or to cite authority for ordering autopsies, taking possession of wreckage, testing components, taking depositions, etc. The Federal Aviation Act of 1958 cites the role of the National Transportation Safety Board (NTSB) and the Federal Aviation Administration (FAA) in aircraft accident or incident investigation. FAA duties are defined further in the Department of Transportation (DOT) Act of 1966. NTSB duties are defined further in the Transportation Safety Act of 1974.

**A. Responsibilities of the NTSB.** The NTSB is responsible for and has the duty to --

- (1) Make rules and regulation governing notification and reporting of accidents involving civil aircraft
- (2) Investigate these accidents and report the facts, conditions, and circumstances relating to each accident and its probable cause
- (3) Make recommendations to the Administrator that, in NTSB's opinion, will tend to prevent similar accidents in the future
- (4) Make public reports in a form that the NTSB deems to be in the public interest

(5) Determine what will best tend to reduce or eliminate the possibility of accidents or their recurrence by conducting special studies and investigations on matters with regard to safety in air navigation and accident prevention

**B. Responsibilities of the FAA.**

(1) FAA specific responsibility in the investigation of all accidents involving civil aircraft is to determine whether or not:

- (a) Performance of FAA facilities was a factor
- (b) Performance of non-FAA owned and operated ATC facilities or navigational aids was a factor
- (c) Airworthiness of FAA-certificated aircraft was a factor
- (d) Competency of FAA-certificated airmen, air agencies, commercial operators, or air carriers was involved
- (e) The FAR were adequate
- (f) Airport certification safety standards operations were involved
- (g) Airport security standards or operations involved
- (h) Airman medical qualifications were involved
- (i) There was a violation of the FAR

(2) It is through the FAA's principal representative, the FAA Inspector-in-Charge (IIC), that the NTSB provides the FAA documents, reports, and other evidence obtained and developed during the investigation, together with any tentative recommendations, so that the FAA may immediately take whatever corrective action is deemed necessary. **(However, the inspector, under the FA Act of 1958, cannot use information obtained from an NTSB investigation in any FAA enforcement investigation.)** The FAA IIC shall work with the NTSB investigator-in-charge in conducting any IIC activities.

**C. *Delegation of Authority.*** In Public Notice PN-1, issued April 1975, the NTSB specified certain types of aircraft accidents the FAA may investigate on behalf of the NTSB.

(1) The FAA investigates all aerial application accidents, all amateur-built aircraft accidents, all restricted category aircraft accidents, all non-fatal general aviation rotorcraft accidents, and all non-fatal, non-air carrier, small (less than 12,500 pounds) fixed-wing aircraft accidents.

(2) The NTSB investigates all fatal rotorcraft accidents, all accidents involving large (greater than 12,500 pounds) aircraft, all mid-air collisions, all accidents involving air-taxi and commercial operators of small aircraft (Part 135), all air carrier accidents, and all fatal accidents involving small aircraft except for aerial application, amateur-built aircraft, and restricted category aircraft accidents.

(3) The NTSB may also request the assistance of the FAA to investigate specific types of accidents (e.g., ultralight vehicle accidents) to establish data concerning those types of accidents.

(4) The NTSB has agreed to investigate all accidents involving FAA aircraft. The NTSB also investigates certain FAA incidents on an individual basis at the specific request of the Associate Administrator for Regulation and Certification, AVR-1.

(5) After delegation of responsibility for any or all accidents indicated above, the NTSB may also resume authority for any or all of them.

**D. *Order 1100.2.*** Order 1100.2 assigns to the Office of Accident Investigation, AAI-1, the responsibility for developing and managing reporting programs for aircraft incidents.

**E. *Order 1100.5.*** Order 1100.5 assigns the responsibility for investigation and the reporting of incidents to the regional Flight Standards Divisions. In some instances an aircraft incident may occur within one region's geographical area, but the aircraft may continue flight to or through one or more regional areas before flight termination. In these instances the Flight Standards Division in the region in which the aircraft first lands following the occurrence is responsible for ensuring that the FAA investigative responsibilities are

accomplished. (The exception is near mid-air collision. See Related Task #169, Investigate a Near Mid-Air Collision.)

**F. *Regional Air Traffic Division.*** Regional Air Traffic Division Managers are responsible for the investigation and reporting of incidents which involve only air traffic functions (e.g., operational errors/deviations.)

**G. *Autopsies.*** The authority to conduct autopsies and tests of the remains of persons aboard the aircraft at the time of the accident may be delegated by the Administrator to any medically qualified official or employee of the FAA. Designated aviation medical examiners are not deemed to be officials or employees for this purpose.

**7. AVIATION SAFETY INSPECTOR RESPONSIBILITIES.** An inspector may have one of three roles in accident investigations: as a delegated authority of the NTSB, as an FAA Investigator-in-Charge, or as an FAA participant. In many investigations, the inspector serves concurrently as the FAA IIC and the authorized representative of the NTSB. However, every accident requires an FAA IIC.

**A. *Authorized Representative of NTSB.*** When investigating accidents delegated to the FAA by the NTSB, the FAA IIC becomes an authorized representative of the NTSB and all investigative authority prescribed in the applicable NTSB regulations is delegated to the FAA IIC. Refer to Order 8020.11 concerning the designation of the FAA IIC.

**B. *FAA Investigator-in-Charge.*** The FAA IIC directs and controls all FAA participation in the investigation until the accident investigation is completed. FAA activity at hearings and depositions, however, is under the direction and control of the FAA spokesperson who is designated by the Accident Investigation Division, AAI-100. During the assignment as an FAA IIC in an accident investigation, the FAA IIC is directly responsible to the Director of Accident Investigation, AAI-1, through the Manager of AAI-100.

(1) FAA personnel assigned to a particular group shall work under the direction of the group chairman and shall remain with the assigned group until that phase of the investigation has been completed or they are relieved by the NTSB investigator-in-charge and the FAA IIC.

(2) FAA personnel provide the group chairman whatever information they obtain during the course of the investigation.

(3) Although the IIC's investigation is safety-motivated, the IIC may unwittingly interfere with the social justice aspects of an accident or incident by the careless handling and documentation of evidence. The IIC's obligation to exercise "due care" while having custody of the property of others, and while establishing a public record, is inherent in the IIC's official duties and powers. If any IIC documents the factual findings, functional tests, or other examinations in a manner that raises doubt about the IIC's thoroughness or objectivity, the IIC may be forced to spend considerable time explaining what he or she did in any subsequent litigation proceedings. Because of the disruptive effect of a disaster, the IIC's emotions should be controlled and a calm and competent behavior should be used to preclude frantic or ill-advised action. IIC's should conduct themselves in a firm, friendly, but fair manner when dealing with the public.

### C. *FAA Participants.*

(1) Participants are responsible to the FAA IIC in all matters related to the functions assigned by and/or agreed to by the FAA IIC in an investigation and shall not withdraw without the concurrence of the FAA IIC. Participants shall submit reports when requested by the FAA IIC.

(2) Participants shall not supply information or reports to any person outside their assigned group except with the full knowledge and concurrence of the FAA IIC.

(3) Personnel representing the FAA organizational element authorized access to the accident scene are subject to the requirements of paragraph (1) and (2) above. These personnel shall provide the FAA IIC with reproducible copies of all reports which they have prepared or received during the investigation.

D. *Inspector Conduct.* At all times during an investigation, the inspector must maintain objectivity. The nature of an accident or incident may cause emotional trauma or stress in witnesses, other crewmembers, the media, etc. The inspector's objectivity is essential to preclude inflammatory situations with the media or perhaps victims' families.

(1) An inspector shall refrain from participating in an investigation when the accident or incident involves members of the inspector's families or personal friends.

(2) An inspector may withdraw from an investigation any time the inspector feels personal objectivity cannot be maintained.

(1) Professional conduct and cooperation with all persons involved in the investigation must be maintained at all times. Inspectors are expected NOT to abuse any authority they have or have been delegated.

E. *Other FAA Personnel.* FAA personnel not specifically assigned as participants or support personnel are not permitted at the scene of an accident without the knowledge and consent of the FAA IIC.

F. *Other Agency or Organization Responsibilities.* Detailed responsibilities for other agencies or organizations can be found in the appropriate chapters of Order 8020.11.

G. *Restrictions.* It should be noted that organizations represented by Aerospace Management Services International (AMSI) or employees of AMSI are not allowed to participate in accident investigations conducted by the NTSB or those delegated to the FAA. Questions concerning this restriction should be referred to the manager of the nearest NTSB field office.

3. **METHOD OF INVESTIGATION.** The type of incident or accident or district office guidelines dictate what action the IIC should take (e.g., on-site investigation, by telephone, etc.)

A. *Office Investigation.* Accidents or incidents other than those involving aircraft damage often do not require an on-site investigation. Therefore, the IIC can usually conduct an incident investigation using the telephone. When specific airman or aircraft data is required, it can be obtained from microfiche, ASAS, or from a reputable and trusted operator (e.g., A & P, chief pilot, etc.).

B. *On-Site Investigation.* Although some accident or incident investigations can be handled by the use of the telephone, there will more often be circumstances which require an on-site investigation. The circumstances vary from district to district and depends on many variables (e.g., geographic location, type of

incident, the depth of the FAA's involvement, etc.) FAA policy emphasizes on-site investigations wherever circumstances warrant. The IIC determines whether an on-site investigation is necessary based on the initial information received regarding the incident.

## 11. ORGANIZING THE INVESTIGATION.

A. **Dynamic Process.** Organizing an incident investigation is a dynamic process which begins with the initial notification and continues throughout the investigation. There may be occasions when the IIC is the only participant in the investigation. In this instance, the IIC should still formulate a plan that can be followed throughout the investigation.

B. **Catastrophic Accidents.** Catastrophic accidents may require a "team concept" to investigate the wreckage, establish security, and write reports. Teams may be established for operations and airworthiness groups and can be divided into specialized sections (See Table 1 for an example).

(1) In such accidents an NTSB IIC or an FAA IIC needs to manage the activities of the groups properly. Additionally, the IIC must consider proper coordination of industry representatives, insurance investigators, law enforcement personnel, and other selected experts who can contribute to the investigation.

(2) Regardless of the nature or catastrophe of an accident and the required number of investigators, the same procedures apply.

**13. DEALING WITH THE NEWS MEDIA.** Answering requests from the news media for information is always secondary to the con-

duct of the investigation. FAA inspectors shall not be concerned with release of information to meet media deadlines. **ACCORDINGLY, INSPECTORS SHALL READ AND FAMILIARIZE THEMSELVES WITH THE FOLLOWING PARAGRAPHS.**

A. **Release of Information.** To ensure that the public interest is served, the official government policy in an accident or incident investigation is one of openness. All the facts uncovered during the investigation are available to the public ONCE THE INVESTIGATION IS COMPLETED. The integrity of the investigation process is threatened when the media and the public speculate on causes because of premature or out-of-context release of unconfirmed information during the field phase of an investigation.

(1) FAA Order 1200.23, Public Availability of Information, provides instructions which govern the public disclosure of the FAA records under the Freedom of Information Act (FOIA). In addition, that order provides the FAA's policy and procedures concerning the release of information by FAA employees.

(2) The FAA, as an agency of the Federal Government, is obligated to respond to press and public inquiries concerning aircraft accidents and incidents. Information released under this requirement shall be LIMITED TO KNOWN FACTS OR CIRCUMSTANCES which have been seen, are known, or are a matter of record. Accident or incident information shall not be released by the FAA if it involves analysis, conclusions, opinion, conjecture, statements reflecting on the character or integrity of the person or persons involved, or is the content of any message

TABLE 1

Operations Group	Airworthiness Group
Operations	Structures
Air Traffic	Systems
Weather	Powerplants
Human Factors	Records
Aircraft Performance	Flight Data Recorder

transmitted over FAA communications systems and for which the agency is reimbursed.

(3) Release of accident and incident information to the news media is the respon-

sibility of the agency (FAA/NTSB, military service) which is conducting the investigation of the occurrence. For the FAA the Regional Public Affairs Office provides a control point to answer and coordinate requests for information from the news media and the general public.

(4) Information release guidelines in this chapter are not intended to restrict the free exchange of factual information between individuals or organizations such as the manufacturers of the products involved (airframe, engines, etc.) or industry organizations which may be able to contribute to the accident or incident investigation.

(5) Regardless of whichever agency (FAA, NTSB) is conducting the investigation, no aircraft accident or incident information is to be released by the FAA that would or could reasonably be expected to interfere with or impair the investigation efforts. Coordination with the investigating agency's IIC concerning the release of information is essential.

(6) Basically, when the NTSB is in charge of an investigation, the NTSB makes all releases. When the FAA is conducting the investigation, the public affairs office in the appropriate region or in Washington Headquarters makes releases in coordination with the FAA IIC.

**B. Information that may be Released by the FAA.** Until such time that the probable cause of an accident is DETERMINED BY THE NTSB, the investigation shall be considered "in progress," and requests for information shall be handled accordingly. (Order 8020.11)

(1) Certain preliminary facts pertaining to an incident may be released by the FAA as soon as the facts are known. When the release is made by other than an FAA employee assigned to an FAA Public Affairs Office, the contents of the release shall be brought to the attention of the Regional Public Affairs Officer as soon as practicable.

(2) All or any part of the following factual information may be released by the FAA IIC by the applicable facility, center, or regional office as soon as the information is available.

(a) Identification information such as aircraft make, model, registration number, and crew names.

(b) Nature of the flight (e.g., general aviation, air carrier, agricultural, etc.)

(c) History of the flight, such as flight plan information, route of flight, destination, etc.

(d) Pilot's aeronautical qualifications, i.e., type of airman certificate and ratings held, certificate status and limitations, if any.

(e) Aircraft's operational status, such as status and contents of airworthiness certificate, including approved operating limitations and any factual data involving the aircraft airworthiness or whether a certificate of waiver or special flight permit was issued and, if so, the limitations imposed.

(f) Contents of pertinent recorded weather observations.

## 15. WITNESS STATEMENTS.

**A. Conduct of Witness Interviews.** The NTSB conducts witness interviews and obtains witness statements when the NTSB is in charge of an accident investigation. For delegated accidents and for incidents, the FAA performs this function. One of the IIC's first actions should be to obtain the name and addresses of witnesses. Good witness statements depend largely upon the interviewer. The interviewer's words, actions, and attitude can determine to a large extent the tone and effectiveness of an interview. Most witnesses are willing to tell what they know when they are informed that the information is to be used to prevent similar accidents in the future. The qualifications of witnesses should always be considered.

**B. Witness Statement Philosophy.** The philosophy of questioning witnesses to aircraft accidents is to interview rather than interrogate.

(1) "Interview" means a cooperative, informal meeting where the interviewer approaches the witness as an equal. The witness is encouraged to cooperate and allowed to relate observations without interruption or intimidation. An interview is usually conducted informally, with a voluntary answering of questions.

(2) "Interrogation" means formal questioning done on an authoritative level, such as a

lawyer-witness situation, a police officer questioning a suspect, etc. Here the questioning may be devious, shrewd, or clever with the objective of tricking, trapping, or antagonizing the witness to get information at any cost.

**(3) IT IS THE "INTERVIEW" RATHER THAN THE "INTERROGATION" PHILOSOPHY WHICH IS DESIRABLE IN THE QUESTIONING OF WITNESSES BY ACCIDENT INVESTIGATORS.**

When a witness is offered the opportunity to assist in aviation safety with a statement, most are in favor of this goal and willingly narrate their observations.

**C. Documentation.** NTSB Form 6120.11, Statement of Witness, should be used to record when practicable. For delegated FAA incidents, record witness statements on FAA Form 1360-33, Record of Visit, Conference, or Telephone Call. It is good practice to have the witness give an oral account first. This gives the inspector an opportunity to develop the significant features of the witness testimony. Statements from the family physician, other professional sources, and relatives or close associates of the pilot should be obtained when medical aspects appear to be involved. (For passenger statements use NTSB Form 6120.9, Passenger Statement).

**D. Refusal of Written Statement.** A witness may refuse to provide a written statement but will give oral testimony. The inspector should preface his or her written account of an oral statement with a brief explanation, e.g., "John Doe, age 42, a home builder, said he was working on a new house about 200 feet from the accident scene. He declined to give a written statement." Any oral statement transcribed by an inspector must be done accurately. A tape recorder may be used provided the witness gives consent. Indication of the consent must be included with the introductory statements at the beginning of the re-

ording. If the witness does not want to record an oral statement, have a third person present for confirmation of the written account of the oral statement. The third person should be an impartial person or another FAA employee. The third person should sign the written statement, certifying it to be what the witness stated.

**E. Enforcement Action Associated with an Accident or Incident.** The following requirements exist for witness statements when an alleged violation is involved.

(1) Ask the witness if he or she objects to a copy of the statement being used if enforcement action becomes necessary in the future.

(2) If the witness does object, inform the witness that he or she may be subpoenaed.

(3) If the witness does not object, request a copy of the statement from the NTSB investigator-in-charge on NTSB investigated accidents. If NTSB forms are used for witness statements, all NTSB references on the form should be removed before using the statement for enforcement purposes.

(4) For delegated investigations, the original statement is forwarded to NTSB with the accident report. The inspector retains a copy, if required, for enforcement purposes.

**17. VIOLATIONS OF THE FAR.** If at any time during the investigation of an accident or incident, facts indicate that there was a violation or a suspected violation of the FAR, the FAA IIC should follow the procedures in Related Task #182, Conduct a Violation Investigation.

**19. RECORDS DISPOSAL.** Accident and incident investigation records shall be disposed of in accordance with Order 8020.11.