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Accident Unit's Public Statement and Q&A for Media Engagement

A Centralized Accident Investigation team from the U.S. Army Combat Readiness Center, headquartered at Fort Rucker, Ala., deployed to XX to lead the investigation of an accident that occurred XX and resulted in the death of a XX.

Regulations require all Army accidents be investigated and reported. The USACRC may assume the responsibility of lead investigating agency when accident findings may have an Army-wide impact. However, the unit or organization experiencing the accident may conduct the investigation if it possesses adequate internal resources. Most accident investigations are conducted by the unit, but regardless of scope and impact, the USACRC ultimately holds authority to investigate any Army accident.

The USACRC makes every attempt to investigate Class A Army accidents if teams and resources are available. Class A accident criteria include total property damage of \$2 million or more; a destroyed, missing or abandoned Army aircraft or missile; or injury and/or occupational illness resulting in a fatality or permanent total disability.

The USACRC cannot release any information concerning accident causes or analysis, to include the accident board's findings and recommendations. This information is considered "privileged safety information" by Department of Defense instructions and Army regulations. As a result, the use, sharing, and release of privileged safety information is restricted. This restriction only applies to the safety investigation; it does not apply to other investigations into an accident such as an Army Regulation (AR) 15-6 legal accident investigation.

Approved CAI Q&A

Q1: What do CAI teams look for when investigating an accident?

A. Depending on the circumstances surrounding the accident, investigators are trained to look across the spectrum of possible contributing factors, including human factors, environmental and materiel.

Q2: What is the mission of the CAI team?

A. The CAI team's mission is to examine the facts and circumstances surrounding the accident in order to determine what happened, why the accident occurred and make recommendations to prevent future accidents.

Q3: How long before the accident investigation is complete?

A. Investigations do not have an assigned duration. We will not speculate on an estimated completion date. However, once the USACRC completes its investigation and it is signed by the CG, USACRC, the report is forwarded as a

courtesy to the accident unit for review. We provide the unit 90 days to review the report and return it to the USACRC.

Q4: Is the final report made public?

A. No, the accident investigation report is an internal DOD document used for accident prevention purposes. While the factual portions of the final, endorsed report may be obtained in accordance with the Freedom of Information Act (FOIA), all safety privileged information is redacted under the FOIA. The redactions will include the safety investigation's findings and recommendations. However, units frequently conduct a legal accident investigation under the provisions of Army Regulation 15-6. If conducted, this investigation can also be obtained in accordance with the FOIA. The safety privilege does NOT apply to a legal accident investigation. As a result, an AR 15-6 investigation generally contains more releasable information than the safety accident investigation.

Q5: What are the different phases of the investigation?

A. The investigation consists of three phases; the field investigation, the completion of the technical report, and the command review of the report. The field investigation includes the exploitation of the actual crash site, extensive data collection and analysis followed by investigation board deliberations. The field investigation results in an interim determination of accident cause and appropriate recommendations. The technical report is completed by gathering and compiling all the information supporting the investigation, completing the written report and finalizing the findings and recommendations.

Q6: How much time (how long) does each phase take?

A. We cannot provide a definitive duration. The duration of the investigation is determined by various factors to include complexity of the accident, amount of materiel analysis required, access to the accident location, timeliness of the analytical reports, and timeliness of the command review, to name a few. Every attempt is made to complete the investigation and report within three to six months from the date of the accident.

Q7: Why is the USACRC the lead investigating agency? Will the FAA/NTSB be involved?

A. Personnel from the appropriate military service investigate a military aircraft mishap without civil aircraft involvement. Military regulations and National Policy govern the makeup and conduct of any accident investigation. The FAA/NTSB become involved if there is a mishap involving military aircraft or component equipment with a civilian equivalent, a mishap involving operations applicable to civil aviation, or a mishap involving an FAA function. If there is a military-civil aviation accident, the NTSB will conduct the primary investigation, while the service branch may conduct a separate investigation.

Q8: Once the field investigation phase of the accident investigation is complete, what is involved with the remainder of the investigation?

A. After completing the field investigation, CAI teams bring relevant information back to the USACRC where the team compiles the final accident investigation report. The report is reviewed by the USACRC commanding general and routed through the chain of command to the unit that had the accident. When appropriate, portions of the final report are disseminated to other units and organizations across the Army for accident prevention purposes. This process has been proven to enhance safety programs at all levels and sets the foundation for future success in reducing accidental loss.

In the case of a joint investigation (involving other services), and we will release the findings to other DoD services for accident prevention purposes.

Q9: Now that the investigation is complete what can you tell us about the cause of the accident?

A. Safety investigations serve to preserve vital national defense manpower and hardware. They are conducted for accident prevention purposes only, and contain privileged safety information, which is not releasable to the public. Only factual information may be released in accordance with the FOIA. However, the safety privilege does not apply to a legal accident investigation conducted under the provisions of AR 15-6. As a result, you may want to request a copy of that investigation under the FOIA from the unit's FOIA office.

Q10: What actions is the Army taking as a result of this accident?

A. (accident dependent)

Q11: When will the family receive the results of the investigation?

A. Families may request the safety accident report by submitting a FOIA request directly to the USACRC, or they can submit their FOIA requests through their assigned casualty assistance officer. It normally takes from six months to one year following an accident before the safety accident report is final and available for release.

Q12: If the accident was a result of materiel (equipment) failure, what action is (or can be) taken with the manufacturer?

A. Each accident presents a unique set of facts. The Army cannot take action with the manufacturer based on the results of the Safety Investigation. Recommendations from the safety investigation are made to the appropriate Army agency, (PEO Aviation, TACOM, etc.) for action, not the manufacturer.

Q13: Doesn't the public and the family have a right to know the details of the accident?

A. The accident board's findings, recommendations, opinions, conclusions, analysis and any confidential witness statements are privileged and protected from public release under Exemption 5, FOIA and executive privilege.

Q14: I've seen your FOIA-released reports and all the useful details such as circumstances, cause, effect, recommendations are redacted. Why can't you release the details of the investigation? What is the government/Army/National Guard trying to hide from the tax payers?

A. The deliberative portions of the report are subject to executive privilege and will not be released to any person or entity, except within the Department of Defense for accident prevention purposes. All factual information may be released in accordance with the FOIA.

Q15: Can you explain 'Safety Privilege?'

A: Department of Defense Instruction 6055.07 (Jun 3 5, 2011), is the regulatory document that defines Safety Privilege and provides guidance for mishap notification, investigation, reporting and record keeping.

Safety privilege is based on a national defense need for rapid and accurate assessment of the causes of mishaps to prevent a recurrence and maintain mission readiness. This privilege creates restrictions on handling and releasing information in safety investigation reports. DoD Components protect privileged safety information to ensure commanders quickly obtain accurate mishap information. For a safety investigation, privileged safety information includes:

- Information given to a safety investigator pursuant to a promise of confidentiality and any information derived from that information or direct or indirect references to that information.
- Products of deliberative processes of safety investigators, including:
 - Draft and final findings, evaluations, opinions, preliminary discussions, conclusions, mishap causes, recommendations, analyses, and other material that would reveal the deliberations of safety investigators.
 - Draft and final diagrams and exhibits if they contain information that depicts the analysis of safety investigators.
 - Animations that incorporate privileged safety information. Uninterpreted animations made exclusively from flight recorder raw data, including military flight operations quality assurance data, are not protected by the safety privilege and are generally releasable. However, prior to release, especially in cases where the product is derived from aggregate data, such animations must be reviewed for sensitive national security content. Animations found to include information that could compromise national security to any degree must be handled appropriately.
 - Photographs, films, and videotapes that are staged, reconstructed, or simulated reenactments of possible or probable scenarios developed by or for the analysis of the safety investigator. However, photographs depicting a measuring device or object contrasted against mishap evidence for the

- sole purpose of demonstrating the size or scale of the evidence are not considered privileged safety information and may be released.
- Life sciences material that contains analysis by a safety investigator.
 - Notes taken by safety investigators in the course of their investigation, whether or not they are incorporated, either directly or by reference, in the final safety investigation report.
 - Reviews and endorsements of safety investigation reports.

Q16: A source inside the Army reported that the cause was [insert challenging/uncomfortable human factors or materiel assertion] is that true?

A. We will not speculate on accident information being released from other sources. The accident we investigated is summarized in the final accident investigation report, and is the only official Army accident investigation report.

Q17: How much and how soon will information be shared with the family about the accident cause(s), both initially and when the final report is complete, and is the (family) restricted from revealing the information to others?

A. The factual portions of the safety report will be released to all FOIA requesters upon final approval of the safety accident report.

Q18: If it is determined that the accident is due to a mechanical failure, and not pilot/human error, does the family have the right to sue the government and/or the manufacturer?

A. Yes. This depends on the facts and circumstances of the particular case. If the family does sue the government and/or the manufacturer, they would work with a private attorney at no expense to the military. The USACRC Command Judge Advocate works closely with the U.S. Litigation Division on any lawsuits involving cases that involve a safety investigation.

Q19: Is the accident investigation the same as an AR 15-6 investigation?

A. The two investigations are distinctly different from one another and conducted separately and apart.

The purpose of an AR 15-6 investigation is to collect information for the command so that the command can make an informed decision based on facts and evidence, which is legally sufficient.

AR 15-6 procedures generally govern investigations requiring detailed fact gathering and analysis along with recommendations based on those facts. AR 15-6 sets forth procedures for both informal and formal investigations. Informal investigations usually have a single investigating officer, who ascertains and considers the evidence on all sides of an issue; is thorough and impartial; makes findings and recommendations warranted by the facts; complies with the instructions of the appointing authority; and reports the findings and recommendations to the appointing authority. In contrast, formal investigations

normally involve due process hearings for a designated respondent before a board of several officers. Formal procedures are required whenever a respondent is designated.

The purpose of an accident investigation is to determine what happened and is for accident prevention purposes only. Regardless of whether it is a centralized accident investigation (CAI) led by the USACRC, or an installation-level accident investigation (IAI) led by the unit that suffered the loss, accident investigation boards collect data, interview witnesses, review historical records and develop pre- and post-accident timelines to reconstruct accidents. Team members analyze all available information and develop findings and recommendations for dissemination to the accident unit and leaders Army-wide. All investigations seek to answer three primary questions: what happened during the accident sequence, why the accident happened, and what can be done to prevent similar accidents in the future. Safety investigations commonly uses terms such as suspects, concludes and determined in the report findings, and unlike the AR 15-6, have the latitude to speculate when insufficient information is available to definitively determine.

Q20: Was there a flight data recorder on the aircraft?

A. (accident dependent).

Q21: What is a flight data recorder and how is it used for accident investigation?

A. The flight data recorder (FDR) system is a crash-survivable digital recorder that preserves the recent history of a flight through the recording of various parameters collected several times per second from different locations throughout the aircraft. The recorder begins to record data as soon as ac and dc power is applied to the helicopters. The cockpit voice recorder (CVR) preserves the recent history of the sounds in the cockpit including the conversation of the pilots. Together, the FDR and CVR give an accurate testimony, narrating the aircraft's flight history, to assist in any later investigation.

Q22: What are the classes of Army accidents?

A. Accident classes are used to determine the appropriate investigative and reporting procedures. Accident classes are as follows:

Class A accident. An Army accident in which - 1) The resulting total cost of property damage is \$2 million or more; 2) An Army aircraft is destroyed, missing, or abandoned; or 3) An injury and/or occupational illness results in a fatality or permanent total disability.

Unmanned Aircraft System (UAS) accidents are classified based on the cost to repair or replace the UAS. A destroyed, missing, or abandoned UAS will not constitute a Class A accident unless replacement or repair cost is \$2 million or more.

Class B accident. An Army accident in which - 1) The resulting total cost of property damage is \$500,000 or more but less than \$2 million; 2) An injury and/or occupational illness results in permanent partial disability; or 3) When three or more personnel are hospitalized as inpatients as the result of a single occurrence.

Class C accident. An Army accident in which - 1) The resulting total cost of property damage is \$50,000 or more but less than \$500,000; 2) A nonfatal injury or occupational illness that causes 1 or more days away from work or training beyond the day or shift on which it occurred; or 3) Disability at any time (that does not meet the definition of Class A or Class B and is a day(s)-away-from-work case).

Class D accident. An Army accident in which - 1) The resulting total cost of property damage is \$20,000 or more but less than \$50,000; 2) A nonfatal injury or illness results in restricted work, transfer to another job, medical treatment greater than first aid, needle stick injuries, and cuts from sharps that are contaminated from another person's blood or other potentially infectious material, medical removal under medical surveillance requirements of an OSHA standard, occupational hearing loss; or 3) A work-related tuberculosis case.

Class E ground accident. An Army ground accident in which the resulting total cost of property damage is \$5,000 or more but less than \$20,000.

Class E aviation accident. An Army aviation accident in which the resulting total cost of property damage is \$5,000 or more but less than \$20,000.

Class F aviation incident. Recordable incidents are confined to aircraft turbine engine damage because of unavoidable internal or external foreign object damage, where that is the only damage (does not include installed aircraft auxiliary power units). These incidents will be reported using DA Form 2397-AB (Abbreviated Aviation Accident Report (AAAR) for All Class C, D, E, F, Combat A and B, and All Aircraft Ground); check "F" in the "Accident Classification" block.

Q23 How do I go about requesting the final accident report via FOIA?

A. You have four methods available in requesting an accident report.

- 1) Write a letter to the address below:
U.S. Army Combat Readiness Center
ATTN: CSSC-SS (FOIA)
4905 5th Avenue
Fort Rucker, AL 36362-5363
- 2) Send a fax to the phone number below:
(334) 255-2652

- 3) Send an email to the address below:
usarmy.rucker.hqda-secarmy.mbx.safe-foia@mail.mil
- 4) Or fill out an online request at the URL below:
<https://safety.army.mil/HOME/FOIA/FOIARquestForm.aspx>

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