

VOLUME 14 COMPLIANCE AND ENFORCEMENT

CHAPTER 2 INVESTIGATION AND ENFORCEMENT-RELATED TASKS

Section 1 Interviews and Investigations Supplemental Information

14-2-1-1 INVESTIGATIVE TECHNIQUES. The current edition of Federal Aviation Administration (FAA) Order 2150.3, FAA Compliance and Enforcement Program, contains a detailed discussion of investigation in addition to procedures found in the appropriate sections of this order. Supplemental information concerning investigative techniques is included in the following paragraphs.

A. Elements of an Enforcement Investigation. The sole purpose of conducting an enforcement investigation is to develop the facts and gather evidence and circumstances of the incident in order to ensure future compliance.

- 1) An investigation of a specific incident seeks to discover what exactly did occur based on concrete facts and substantiated evidence.
- 2) An investigation uncovers why something occurred, including the aggravating and mitigating circumstances which led to the event.
- 3) An investigation examines all facts and evidence.
- 4) An investigation ensures effective corrective action is applied that is consistent with FAA policy, guidance, and regulatory requirements.

B. Flight Standards Service (AFS) Role. Inspectors, supervisors, managers, and support personnel must promote and encourage internally and externally an attitude of trust and open data sharing. Individuals must be empowered to exercise critical thinking in order to fix issues that arise in today's complex aviation environment. AFS personnel must ensure proper and consistent disposition of the issues in accordance with FAA policy, guidance, and regulatory requirements.

C. Role of the Inspector. The inspector is the primary point of contact (POC) for the collection of all facts and evidence.

- 1) Because the investigation must support a recommended action, it is incumbent upon the inspector to gather all relevant facts.
- 2) The investigation must reveal all the evidence, including any mitigating, aggravating, or extenuating circumstances. The deliberate omission of such evidence is unprofessional and unacceptable.
- 3) Inspectors should accept information from any source (except as specifically prohibited by Order 2150.3). Through later analysis, the inspector can evaluate the admissibility and reliability of gathered evidence.

4) In developing information from witnesses and from the airman, the inspector must exercise his or her best interpersonal and communication skills. Information is freely provided when both communicators establish a barrier-free exchange. Verbal communication skills as well as listening skills are very important to ensure that no essential item of information is overlooked.

D. Active Listening. Communication is a two-way process that involves both speaking and listening. Proper listening is crucial in ensuring that the receiver of the communication gets the message accurately.

1) An inspector must gather information from many sources, but the predominant source is people. The inspector conducts personal interviews as part of an investigation, and this is often a source of a great deal of valuable information. For the information obtained in the interview to be valuable and accurate, the inspector must exercise effective listening skills. The first step toward effective listening is to stop talking.

2) Witnesses, and especially the subject of the investigation, may be nervous and apprehensive when faced with an interview with an FAA inspector. The inspector involved in this sort of personal contact is representing the FAA. The inspector must accept and understand an interviewee's natural apprehension and should assume an attitude of active listening and helpfulness. The inspector's demeanor should be calm, restrained, and respectful. The intent is to provide an environment in which the interviewee can remain calm and willing to provide all necessary information.

3) Another aspect of active listening is to be aware of the tendency for an interviewer to have a preconceived idea of the event and, although not intentional, only receive information from the interview that supports that idea. An inspector must truly listen for what is actually said, not for what he or she wants to hear. Make certain that all information is documented for later analysis.

E. Interview Technique. One of the best ways to obtain evidence from witnesses and airmen is through a one-on-one interview. The following are techniques that can be used to enhance the interview.

1) The airman should be interviewed in private with just the interviewing inspector present, unless the airman specifically requests someone else to be present (such as their legal counsel). The inspector must honor this request and not attach any inferences of guilt to it.

2) Witnesses should be interviewed individually. This means that the inspector is more likely to obtain untainted information about what that person saw or heard. If Witness B is allowed to hear the information provided by Witness A, Witness B's account may be influenced by what he or she has heard.

3) An interview means a meeting where the interviewer approaches the interviewee as a peer. The interviewee is encouraged to cooperate and allowed to relate observations or information without interruption or intimidation. An interview is usually conducted informally, with a voluntary answering of questions.

4) It is important to remember that the goal to is to obtain information through a free exchange and not to interrogate. Interrogation presumes noncooperation and an adversarial relationship. The FAA inspector must avoid questioning that is devious, shrewd, or clever with the intention of tricking, trapping, or antagonizing the interviewee.

5) Generally, when offered the opportunity to act as witnesses and assist in aviation safety by voluntarily giving a statement in an atmosphere of mutual respect and courtesy, most people willingly provide information. Information given voluntarily by witnesses is generally untainted and will aid in the recommendation to correct the noncompliance. See Table 14-2-1A, Tips for Active Listening, and Table 14-2-1B, How to Destroy an Interview or Lose a Witness, below for more information.

Table 14-2-1A. Tips for Active Listening

1.	Stop talking.
2.	Empathize with the other person.
3.	Ask questions.
4.	Be patient.
5.	Concentrate on what the person is saying.
6.	Show the other person that you want to listen and that you are listening.
7.	Put the talker at ease.
8.	Be aware of your emotions and prejudices.
9.	Control your anger.
10.	Get rid of distractions.
11.	Get the speaker's main points.
12.	React to ideas, not to the person.
13.	Don't argue with the speaker mentally.
14.	Listen for what is not said.
15.	Listen to how something is said.
16.	Don't antagonize the speaker.
17.	Listen for the speaker's personality.
18.	Avoid classifying the speaker prematurely.
19.	Avoid jumping to conclusions.
20.	Stop talking.

Table 14-2-1B. How to Destroy an Interview or Lose a Witness

WAIT	No need to contact the witness now; give the witness time to forget.
ARGUE	Especially if the witness thinks he or she is smart.
RUSH	Don't take the time to get acquainted; let the witness know by your words and actions that you can't waste time talking to him or her.
OVERREACT	Be sure to convey your values and philosophy concerning the witness response.
PHONE	Just call and ask the witness to send a statement.
BERATE	Reprimand the witness; let the witness know how dumb he or she is.
FRIGHTEN	Use words like "confession," "stool pigeon," "thief," etc.
BLUFF	Tell the witness that he or she is obligated by law to answer your questions; demand to see the witness' records.
USE LEGALESE	Impress the witness with big, legal-sounding words.
INTERROGATE	Really press the witness for facts.
BE FORMAL	Keep the witness at a distance; never befriend a witness—the witness may want to communicate.
INTERRUPT	Don't let the witness finish replying; get on with it.
ACCUSE	Convince the witness that he or she has done something wrong or you wouldn't be there.
BE IMPOLITE	The bandit deserves it.
BE RUDE	The witness' thoughts and feelings mean nothing. Anybody is stupid if he or she doesn't understand the question, so never rephrase it. Make the witness respond to whatever you ask.
TALK	Especially if the witness doesn't want to.
DON'T REPLY	After all, YOU are the investigator.
DON'T LISTEN	Never admit you didn't understand what the witness said; the witness might think you're stupid.
INTERVIEW IN A CROWD	Especially if the witness is a hostile one; be sure everyone can hear.
BE UNINTERESTED	By all means, don't show any sympathy or empathy.
CALL THE WITNESS A LIAR	Any witness who says he or she doesn't remember is bound to be a liar.
LET THE WITNESS CONTROL	Let the witness pick the subjects and stray from the issues.
SHOW SUSPICION	Let the witness know that you know he or she is guilty from the start.
WRITE QUICKLY	Be sure your clipboard and pen are in hand as soon as the witness starts talking so you can get every word.

ASK MULTIPLE QUESTIONS	“When did you do it and why?” That should confuse the witness.
BE DISORGANIZED	Don’t organize your objective beforehand; just ask questions at random; something useful will surely come of it.
PROCRASTINATE	Put it off until tomorrow. Don’t set any priority on an interview; maybe it will go away.
WAIT	They’ll forget, flee, lie, or die. They’ll also get cooled off, told off, paid off, or laid off, or otherwise be subjected to social, political, or economic pressures.

14-2-1-3 through 14-2-1-17 RESERVED.