

**VOLUME 14 COMPLIANCE AND ENFORCEMENT****CHAPTER 3 SPECIAL CONSIDERATIONS****Section 12 Events Excluded from an Aviation Safety Action Program**

**14-3-12-1 GENERAL.** Reported events that are excluded from an Aviation Safety Action Program (ASAP) will be referred to the Federal Aviation Administration (FAA) for possible Compliance Action, enforcement action, and/or reexamination.

**14-3-12-3 EXCLUDED EVIDENCE.** Neither the written ASAP report nor the content of the written ASAP report, including the content of an ASAP event review committee (ERC) investigation or interview concerning a reported event, will be used as evidence for any purpose in an FAA Action, except as noted in paragraph 14-3-12-5.

**14-3-12-5 ADMISSIBLE EVIDENCE.**

**A. Usable Reports.** The FAA may use reports of events for enforcement purposes or may refer reports to other law enforcement agencies, if appropriate, when the events appear to involve:

- Criminal activity,
- Substance abuse,
- Controlled substances,
- Alcohol, or
- Intentional falsification.

**B. Unproven Activities.** Upon completion of a subsequent investigation, if it is determined that the event did not involve any of the aforementioned activities, then the report will be referred back to the ASAP ERC for a determination of acceptability.

**14-3-12-7 Compliance Action Decision Process (CADP).** For events that are excluded for other reasons than those cited in paragraph 14-3-12-5, the FAA may employ the CADP in Volume 14, Chapter 1, Section 2, to conduct an investigation using knowledge (e.g., facts) of the event (date, time, flight number, tail number, other equipment and apparent deviation/violation) which may be disclosed in the excluded ASAP report.

**14-3-12-9 through 14-3-12-23 RESERVED.**