



**National
Transportation
Safety Board**

FAMILY ASSISTANCE OPERATIONS

**Max Green
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Office of Transportation Disaster Assistance**

Motorcoach Accidents Happen

Date	City	State	Passengers	Fatalities	Serious Injuries	Minor Injuries	Minor to Serious Injuries
2012	Umatilla	OR	40	9			
2011	Dodgeville	WI	18	4	14	35	
2011	New York	NY	32	15			17
2009	Dolan Springs	AZ	16	7			9
2008	Sherman	TX	55	17			38
2008	Mexican Hat	UT	52	9			42
2008	Victoria	TX	47	1			46
2007	Atlanta	GA	83	5	7	21	
2006	Leport	IL	3	5	20	28	
2005	Wilke	TX	44	23	2	19	
2004	Turrell	AR	29	14	13	2	
			458	109	56	105	153

FAILING TO PLAN IS PLANNING TO FAIL

QUIZ

Federal legislation exists that requires certain carriers in two modes of transportation to provide family assistance.

TRUE

Federal legislation requires motorcoach companies to develop emergency response plans and be prepared to provide family assistance in the aftermath of an accident.

FALSE

The response to an accident is the responsibility of the local jurisdiction; there's nothing a motorcoach company can do except get in the way.

FALSE

Motorcoach company representatives talking with victims and family members of victims in the aftermath of an accident is a bad idea; they don't want to hear from the motorcoach company.

FALSE

Working with victims and family members of victims requires thoughtful planning and preparation.

TRUE



PRIMARY CONCERNS OF FAMILY MEMBERS

NOTIFICATION OF INVOLVEMENT

- Initial notification
- Immediate information
- Factual information

VICTIM ACCOUNTING

- Search, rescue, hospitalization, release
- Search & recovery of fatally injured victims
- Identification, death certification and repatriation of remains

ACCESS TO RESOURCES

- Disaster mental health
- Financial/Logistic
- Information regarding investigation
- Legal rights
- Roles & responsibilities of agencies

PERSONAL EFFECTS

- Processing and return of personal belongings
- Associated and unassociated

Photographs Redacted



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FAMILY ASSISTANCE MAY PROVIDE

For Families

- ✓ Information (factual)
- ✓ Consistency (routine)
- ✓ Realistic expectations
- ✓ A place and the people to get answers
- ✓ Safety and security (from public and media)
- ✓ Support in the grief process
- ✓ Reduction in stress and anxiety



WHY PROVIDE FAMILY ASSISTANCE?

For Industry/Government

- ✓ “The right thing to do”
- ✓ Provide consistent message
- ✓ Provide realistic expectations
- ✓ Public image
- ✓ Applicable legislation



FAMILY ASSISTANCE COULD BE...

- Accurate information
- Travel arrangements
- Hotel arrangements
- Food and beverages
- Financial assistance
- Someone to listen
- Someone to yell at
- Recovery/return of personal effects
- A presence
- Someone in charge
- Memorial
- Funeral assistance
- A secure location to grieve
- A shoulder to cry on
- Explanation of process
- Transportation home
- Dispelling rumors
- A site visit
- Legal advice
- Spiritual care
- Mental health counseling
- Comfort dogs
- Child care
- Antemortem interviews
- Toiletries
- Locksmith
- Investigative updates
- Recovery/return of a loved one
- Words of encouragement from...?
- **Providing realistic expectations**
- ???



FAMILY ASSISTANCE MIGHT NOT PROVIDE...



**ELIMINATION
OF
LEGAL ACTIONS**



CLOSURE



**ALL
THE
ANSWERS**



**SUPPORT
FOR
ALL NEEDS**



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To COMMUNICATE WITH VICTIMS OR Not to COMMUNICATE WITH VICTIMS...

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PhD Abstract

'Mea culpa' in the courtroom: Juror perceptions
of defendant apology at trial

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CONSULTING, JURY CONSULTING, JURY COMMUNICATION

Apologies are common utterances in everyday life (Scher and Darley 1997). They are offered in recognition of a social predicament or a violated norm and often come in the form of the statement, 'I'm sorry' (Rehm and Beatty 1996). Recent research confirms apology's role in the legal system. Legal scholars argue for its increased use in mediation (Levi 1997, Bolstad 2000), alternative dispute resolution (Wagatsuma and Rosett 1986, Cohen 1999, Shuman 2000) and settlement negotiations (Brown 2004, Cohen 1999, 2002). Scholars agree apology is effective at preventing litigation and is becoming more common as a result (Cohen 1999, 2000, Shuman 2000, Rehm and Beatty 1996, Schneider 2000). Anecdotal evidence from recent cases echoes this finding (Tanner 2004). More than a way to avoid litigation, apology may also be an effective component of trial defense (Bornstein et al. 2002). Defendants, and especially defendants with demonstrable overt responsibility, may benefit

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LITIGATION REPORTER

Aviation

COMMENTARY

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Another Level of Justice: The Public Apology

By Paul J. Hedlund, Esq., and Ronald L. M. Goldman, Esq.*

Introduction

On Jan. 8, 2003, Air Midwest Flight 5481 crashed near Charlotte, N.C., killing all aboard. As in most commercial airline cases, the individual families resolved their respective claims confidentially and quietly moved on without further public comment until May 6, 2005, when the president of Air Midwest, as a term of the settlement in the crash case, publicly apologized to the families involved in the accident.

Client Commitment

In most aviation disasters, the surviving families experience the five stages of grief at varying rates. After the denial stage, the next phase is usually anger. All surviving family members want implementation of corrective action so that no other family will have to experience a similar loss in the future.

Some surviving family members want revenge, most at least want a full investigation, some a private audience and a very, very few demand full accountability through either a public apology or trial. For some families this need for public acceptance of responsibility by trial or public statement rises to a level of determination above all else.

The Shephers were such a family. Pastor Douglas and Teresa Shepher lost their 18-year-old daughter, Christiana, in the crash. They were missionaries, committed to values of acknowledgment of wrongdoing and contrition. They became dedicated to obtain assurances of safety changes, a public announcement of these changes, acknowledgment of responsibility and an apology for this disaster. This unflinching commitment by the family of the deceased provided the impetus to overcome the many obstacles to obtaining this result.

Defendants' Response

Most defendants appear to be guided by the traditional legal thinking of their defense counsel and are averse to

publishing any kind of apology, acknowledgment of fault or other public statement. This refusal to think "outside the box" is an impediment to helping families get through their loss, and it deprives the defendants of the opportunity to enhance their public image in the aftermath of tragedy. Airlines are public service providers. The reputation of their management for being truly customer-oriented could be developed on this occasion, rather than ignored.

Initially the Air Midwest defendants had a hard time accepting that the Shepherd family was committed to requiring a public statement. It wasn't until the Shephers took the position that they were not willing to discuss compensation whatsoever until their safety concerns and public apology had been addressed satisfactorily that the defendants conceded serious consideration to these issues.

Once the breakthrough on the concept occurred, the next impediment with the defendants was the "wording." This again provided a ripe opportunity for both the airlines and its legal counsel to craft a meaningful statement.

At the same time there were concerns about impairing the defendants' indemnity claims against other parties involved in the accident. Specifically, in our case, the manufacturer that wrote the maintenance manual refused to participate at all in the settlement funding or the apology. This lack of participation was handled on the words of the apology itself: "Air Midwest and its maintenance provider, Vertex, acknowledge deficiencies, which together with the wording of the aircraft maintenance manuals, contributed to this accident."

In the end, the public apology component of the settlement expanded the services provided by defense counsel and ultimately enhanced the public image of these defendants and provided all people present at the apology ceremony a very moving experience. Of inestimable importance, the public apology and expressions of determination to put safety first gave a sense of solace and closure to the families that could not be achieved with money alone.

Psychology Today

The Power of Apology

How to Give and Receive an Apology. And it's Worth it, on Both Ends.

By Beverly Engel, Published July 01, 2002

The Connection Between Apology and Empathy

To forgive, most people need to gain some empathy and compassion for the wrongdoer. This is where apology comes in. When someone apologizes, it is a lot easier to view him or her in a compassionate way. When wrongdoers apologize, we find it easier to forgive them.

This is likely because when someone confesses to and apologizes for hurting us, we are then able to develop a new image of that person. Instead of seeing him through anger and bitterness, the person's humility and apology cause us to see him as a fallible, vulnerable human being. We see the wrongdoer as more human, more like ourselves and this moves us.

Michael E. McCullough, Ph.D., Steven J. Sandage, M.S., and Everett L. Worthington Jr., Ph.D., examined whether the effect of apology on our capacity to forgive is due to our increased empathy toward an apologetic offender. They discovered that much of why people find it easy to forgive an apologetic wrongdoer is that apology and confession increase empathy, which heightens the ability to forgive.

McCullough, who is the director of research at the privately funded National Institute for Healthcare Research in Rockville, Maryland, believes that apology encourages forgiveness by eliciting sympathy. He and his colleagues published research in the *Journal of Personality and Social Psychology* that supports this hypothesis.

FAMILY ASSISTANCE BEYOND NTSB

- Aviation family assistance legislation
 - ICAO initiatives
 - European Union, Brazil, South Korea, Australia, China
 - Japanese TSB
- Corporate aviation (Parts 135/91)
- Other transportation modes
 - Cruise lines, commuter rail
- Federal/Government
 - Mine Safety Health Administration
 - Internal Revenue Service
 - US Senate/US House of Representatives
- Cities/States
 - New York City area, Las Vegas, DC Metro



IMPACT OF AN INCIDENT



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OPERATIONAL CONSIDERATIONS – THE BIG PICTURE

- Local, state, Federal, non-profit and private sector planning
- Multi-agency operation
- Applicable Federal legislation
- Varying degrees of responsibility



OPERATIONAL CONSIDERATIONS

- Emergency response plan (w/family assistance plan)
- Business continuity plan
- Media plan
- Insurance policy coverage and limitations
- Capabilities, limitations and gaps
- Primary roles and responsibilities
- Staffing capabilities and limitations (scheduling)
- Partner companies, agencies, and others
- Response partner's capabilities and limitations
- Response partner's roles and responsibilities
- Locations where you should have representation
- Support and recovery plan



OPERATIONAL CONSIDERATIONS: PERSONAL EFFECTS

Significance:

- Evidentiary
- Sentimental
- Financial

BE PREPARED... DEVELOP A PLAN...

Photographs Redacted



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OPERATIONAL CONSIDERATIONS: PASSENGER MANIFEST

- How is it captured? Is it captured? Is it accurate?
- Reconciliation
 - When? By whom? How?
- Charter trips (Manifest reconciliation?)
- Contact with family members
- Incoming inquiries regarding status of passengers
- Public release of the names of passengers

BE PREPARED... DEVELOP A PLAN



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OPERATIONAL CONSIDERATIONS: KEY LOCATIONS

- Agency / company Emergency Operations Centers (EOC) / Command Centers / Crisis Operations Centers
- Citywide EOCs
- Crash site / Command Post
- Friends and Relatives Center (FRC)
- Family Assistance Center (FAC)
- Joint Family Support Operations Center (JFSOC)
- Joint Information Center (JIC)
- Departure city
- Accident city
- Arrival city
- Media location



FRIENDS AND RELATIVES CENTER (FRC)

Photographs Redacted



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FRIENDS AND RELATIVES CENTER (FRC)

- A temporary secure location (accident + ~12 hours)
- Privacy from the public
- Updates from the carrier and responding agencies
- Communications (cellular phone reception, telephones (landlines): local/long distance, internet)
- Available television (separate room for those that wish to view news coverage)
- Food, beverages, restrooms
- Typically established by local jurisdiction



**FAMILY ASSISTANCE CENTER
(FAC)
&
JOINT FAMILY SUPPORT OPERATIONS CENTER
(JFSOC)**

Photographs Redacted



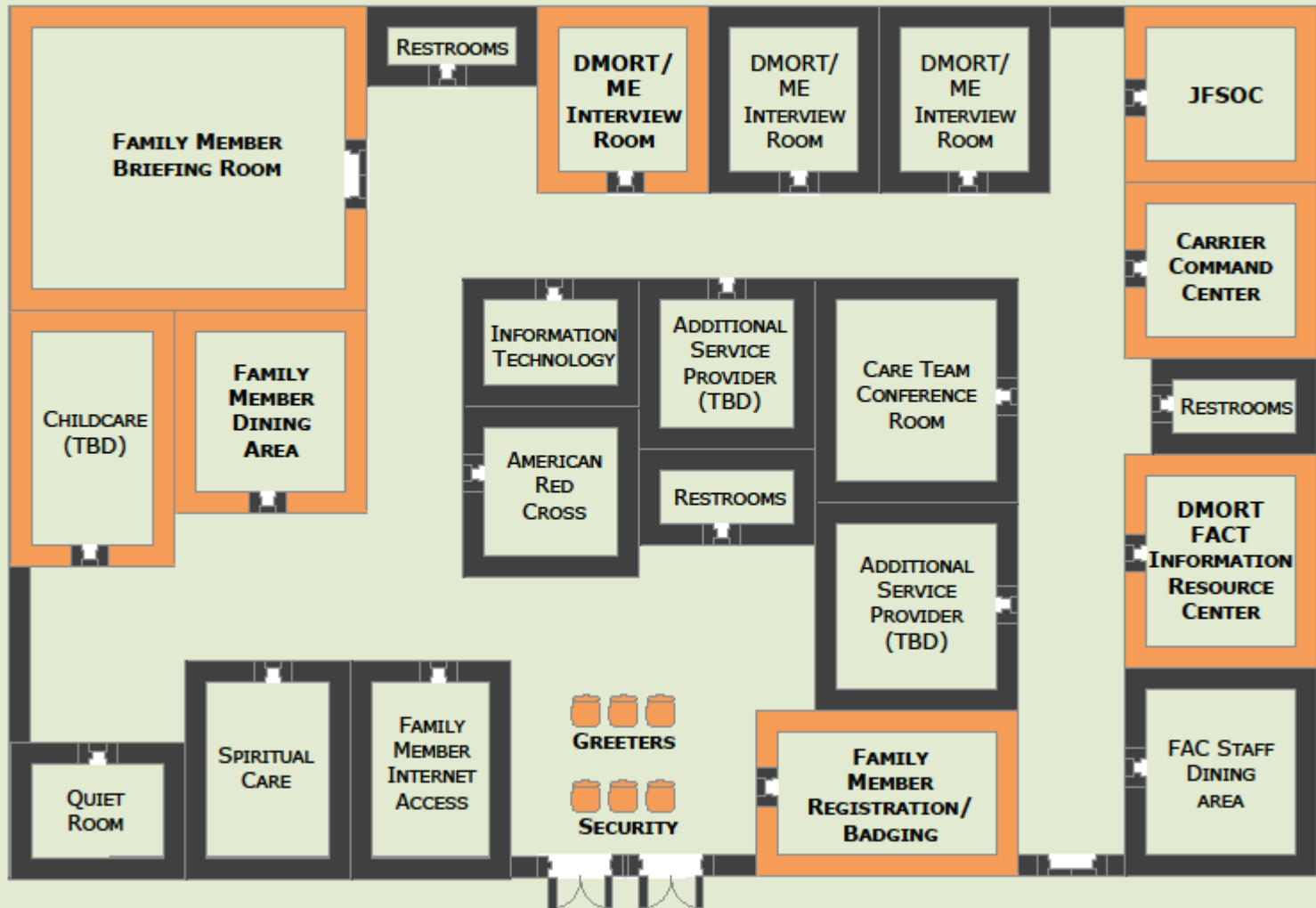
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FAMILY ASSISTANCE CENTER (FAC)

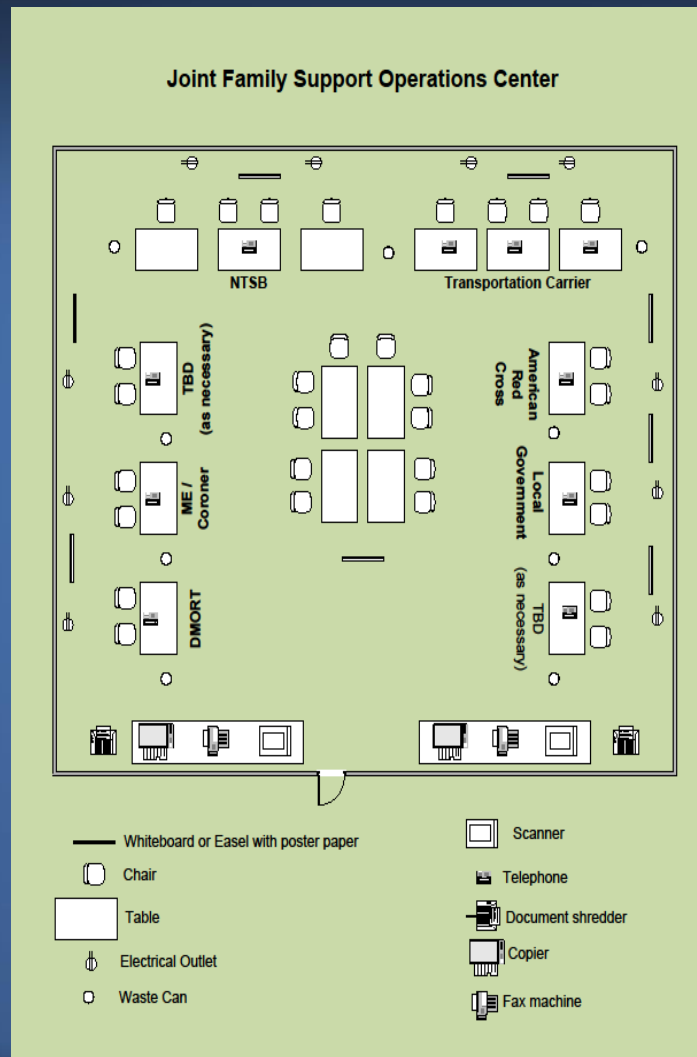
- A private, safe and secure location
- Factual updates and information from the carrier and responding agencies
- “One-stop-shop” for services and information
- Identify and organize all service providers in one location
- Interagency collaboration and coordination
- Prevent duplication of services and efforts
- Local Medical Examiner / Coroner operation



Family Assistance Center



POSSIBLE JFSOC FLOOR PLAN



FAMILY MEMBER BRIEFINGS

Photographs Redacted



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FAMILY MEMBER BRIEFINGS

- Provide structure / routine
- Explain process
- Cultivate realistic expectations
- Provide factual information
- Rumor control
- Provide investigative updates to family members prior to press conferences
- Answer questions and address concerns



SITE VISITS

Photographs Redacted



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SITE VISITS: WHY?

- One reason:
 - Family members' request
- Why would a family member want to participate in a site visit?
 - Hoping for "Closure"?
 - Memorialization of the crash site
 - Other reasons

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Resources

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NTSB Website:

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NTSB TDA Webpage:

<http://www.nts.gov/tda/index.html>

NTSB Training Center:

<http://www.nts.gov/trainingcenter/TrainingCenter.htm>



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