

# ICAO CIRCULAR

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## GUIDANCE ON ASSISTANCE TO AIRCRAFT ACCIDENT VICTIMS AND THEIR FAMILIES

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and published under his authority*

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# INTRODUCTION

1. An aircraft accident is an unexpected and catastrophic event. Despite improvements in the aviation safety record, the expected increase in air traffic is likely to result in an increasing number of accident victims in the foreseeable future. Distress is an inevitable consequence of any accident in which people are killed or injured. In recent years, concern for persons who have suffered distress and loss as the result of aircraft accidents has led to increased efforts within the aviation industry to establish means by which the anguish can best be mitigated.

2. During its 32nd Session in October 1998, the International Civil Aviation Organization (ICAO) Assembly considered the subject of assistance to aircraft accident victims and their families. Following a discussion, the Assembly adopted Resolution A32-7 which stated that:

- the State of Occurrence should address the most critical needs of persons affected by a civil aviation accident;
- ICAO's policy should be to ensure that the mental, physical and spiritual well-being of aircraft accident victims and their families are considered and accommodated by ICAO and its Contracting States;
- it is essential that ICAO and its Contracting States recognize the importance of timely notification of family members of victims involved in aircraft accidents, the prompt recovery and accurate identification of the fatalities, the return of the victims' personal effects and the dissemination of pertinent information to family members;
- governments of nationals, who are victims of aircraft accidents, have the role of notifying and assisting the families of the victims;
- it is essential that support be provided to family members of aircraft accident victims, wherever the accident may occur, and any lessons learnt from support providers, including effective procedures and policies, be promptly disseminated to ICAO and Contracting States in order to improve States' family support operations;
- harmonization of the regulations for dealing with the needs of aircraft accident victims and their families is a humanitarian duty and an optional function of the ICAO Council contemplated in Article 55 (c) of the Chicago Convention;
- States should provide a homogeneous solution for treatment of aircraft accident victims and their families;
- the aircraft operator involved in an aircraft accident is often best suited to assist families immediately following an accident;
- family members of aircraft accident victims, irrespective of where the accident occurs or the nationality of the victims, have certain fundamental human needs and emotions; and

- public attention will continue to focus on the human-interest aspects of aircraft accidents as well as States' technical investigations of these events.

In consequence, the Assembly:

- called on Contracting States to reaffirm their commitment to support civil aviation accident victims and their families;
- urged Contracting States, in cooperation with ICAO and other States, to promptly review, develop and implement regulations and programmes to provide that support;
- urged States that have regulations and programmes for dealing with the affairs of aircraft accident victims and their families to make them available to ICAO for possible assistance to other States; and
- urged the ICAO Council to develop material citing the need for the establishment of regulations and programmes by Contracting States and their aircraft operators to support aircraft accident victims and their families.

3. Resolution No. 2 of the International Conference on Air Law, which was held in Montreal from 10 to 28 May 1999, recognized the tragic consequences that flow from aircraft accidents. The conference was mindful of the plight of aircraft accident victims and their families and took into account their immediate needs. In so doing, the conference urged air carriers to make advance payments, without delay, based on the immediate economic needs of aircraft accident victims and their families. The conference also encouraged States that are parties to the Convention for the Unification of Certain Rules for International Carriage by Air, adopted on 28 May 1999, at Montreal, to take appropriate measures under national law to promote such action by carriers.

4. Accordingly, the objective of this circular is to provide guidance on the types of family assistance that may be provided to aircraft accident victims and their families and the avenues available for providing that assistance. It aims to better prepare all parties involved, to facilitate the coordination between them and to describe the scope of their involvement. This circular also furnishes guidelines for the establishment of appropriate legislation, regulations and programmes by Contracting States and their aircraft operators in order to support aircraft accident victims and their families.

5. Irrespective of the scale of an accident, the victims and their families should receive appropriate assistance. Because of variations in the size and circumstances of aircraft accidents, the extent of the resources required to provide family assistance will vary considerably. Therefore, planning for such events is necessary to ensure that in the event of a large aircraft accident the assistance provided to the victims and their families does not exhaust the available resources.

6. This circular discusses:

- the terminology used in the circular;
- the persons to whom assistance should be given;
- the types of family assistance;
- when assistance should be given;

- family assistance providers;
- factors which may limit the assistance provided;
- planning for the provision of assistance to the victims and their families; and
- the formulation of legislation and regulations for the provision of assistance to the victims and their families.

This circular should enable States to prepare a plan for the provision of family assistance in the event of an aircraft accident. Such a plan should be readily adaptable to other disasters in which there are a large number of casualties.

7. The appendices provide extracts from one State's legislation on the subject, examples of a family assistance plan and a victim identification plan, as well as one airline's guidance material on laws, customs and culture at international destinations. The material presented in Appendices 1 and 2 is reproduced with the authorization of the National Transportation Safety Board (NTSB) of the United States. The material in Appendix 3 is reproduced from the New Zealand Police's *Manual of Best Practice* by kind permission of the New Zealand Police.

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# **Chapter 1**

## **TERMINOLOGY**

1.1 The following terminology is discussed to ensure that readers understand its intended meaning in the context of this circular: aircraft accident, aircraft accident investigation authority, coordinator, family, family assistance, provider, the State of Occurrence, and victim.

### **AIRCRAFT ACCIDENT**

1.2 The definition of an accident is provided in Annex 13 to the Convention on International Civil Aviation — *Aircraft Accident and Incident Investigation*. The relevant part of the definition states that an accident is:

“An occurrence associated with the operation of an aircraft which takes place between the time any person boards the aircraft with the intention of flight until such time as all persons have disembarked, in which:

- a) a person is fatally or seriously injured as a result of:
  - being in the aircraft, or
  - direct contact with any part of the aircraft, including parts which have become detached from the aircraft, or . . .”.

### **AIRCRAFT ACCIDENT INVESTIGATION AUTHORITY**

1.3 The aircraft accident investigation authority is a government agency, body or commission that has the primary responsibility for the investigation of an accident.

### **COORDINATOR**

1.4 A coordinator is the person or organization required to ensure that the necessary resources and agencies are brought into the proper relationship in order to provide the optimum assistance to the victims and their families.

1.5 The appointment of a coordinator requires careful consideration to ensure that the full potential of the resources will be realized as promptly and economically as practicable. The coordinator must ensure that

the various organizations are not diverted from their predetermined roles by ad hoc arrangements and do not come into conflict when different organizations are required to provide similar forms of assistance.

## **FAMILY**

1.6 A definition of the “extent” of the family is an important prerequisite of planning for the provision of family assistance since the size of the family has a direct effect on the logistics involved.

1.7 Determining who constitutes family will involve cultural considerations as well as social relationships and may well be different to what is generally covered by such terms as next of kin. A definition must be agreed upon that takes due account of the cultures involved.

1.8 A person’s entitlement to the various types of family assistance may depend on the degree of flexibility shown in determining who constitutes family. For example:

- responses to inquiries about persons involved in an accident will be to a large cross-section of callers, many of whom will have no direct connection with those persons;
- the initial notification to the families of passengers may include family members of passengers who survive;
- visits to the accident site and attendance at memorial services may involve persons with a special relationship to those who lost their lives as a result of the accident; and
- immediate financial assistance will be specifically directed to family members who are dependents of a victim.

1.9 To avoid repetition, the words “family” and “families” will be used hereafter when referring to the family members of aircraft accident victims.

## **FAMILY ASSISTANCE**

1.10 Family assistance is the help provided to the families and to the survivors of an aircraft accident. The various types of family assistance that may be relevant in the aftermath of an aircraft accident are discussed in Chapter 3.

1.11 The family assistance envisaged in this circular applies to all aircraft accident victims and their families regardless of the size and circumstances of the accident.

## **PROVIDER**

1.12 Providers of assistance can be government agencies, aircraft operators, private contractors and aid agencies, such as the Red Cross and the Red Crescent. Each agency must have a role that has been predetermined. There may be more than one provider for each type of family assistance.

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## STATE OF OCCURRENCE

1.13 The State of Occurrence is defined in Annex 13 as “The State in the territory of which an accident or incident occurs.”

1.14 Annex 13 contains two Standards relating to the investigation of an accident when the location of the accident site is not established as being in the territory of any State. These Standards, which are part of Chapter 5 of the Annex, read as follows:

### *“State of Registry*

5.3 When the location of the accident or the serious incident cannot definitely be established as being in the territory of any State, the State of Registry shall institute and conduct any necessary investigation of the accident or serious incident. However, it may delegate the whole or any part of the investigation to another State by mutual arrangement and consent.

5.3.1 States nearest the scene of an accident in international waters shall provide such assistance as they are able and shall, likewise, respond to requests by the State of Registry.”

1.15 When an accident occurs outside the territory of any State, the State of Registry of the aircraft may call upon another State to assist with the provision of family assistance.

## VICTIM

1.16 For the purposes of this circular (but not its appendices which were produced independently of ICAO), a victim is an occupant of the aircraft, or any person outside the aircraft, who is unintentionally directly involved in the aircraft accident. Victims may include the crew, revenue passengers, non-revenue passengers and third parties. A survivor is a victim who is not fatally injured as a result of the accident.

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## Chapter 2

### RECIPIENTS OF FAMILY ASSISTANCE

2.1 The aim of family assistance is to address the concerns and the needs of the victims and their families, to the extent possible. The provision of family assistance requires the commitment of significant resources.

2.2 While initial contacts between family members and the staff of the aircraft operator are often made in person at the airport, subsequent telephone inquiries will likely be made by:

- family, friends, colleagues, etc., who know the passenger's itinerary;
- same parties who are not certain of a prospective passenger's travel plans; and
- those persons having no personal connection with the passenger, such as journalists.

The interest that the caller has in the passenger should therefore be discreetly ascertained by the telephone operator who should thereafter direct the inquiry to the relevant family assistance provider.

2.3 Once the identity of the victims has been established, further family assistance should be limited to the survivors and the close family members of the victims who, in the opinion of the family assistance providers, have a *bona fide* entitlement to assistance. Determining who is entitled to assistance is important in order to ensure that the family members and the survivors can be treated equitably.

2.4 The nature of the immediate assistance provided will vary. For example, families of those who have been killed will require assistance with the transfer of the remains and with funeral arrangements, with due respect to cultural sensitivities. On the other hand, injured survivors will expect assistance, particularly with medical expenses and transfer back to their homes.

2.5 Further requests for assistance may include the return of personal effects, counselling, privacy, legal advice, visits to the accident site, assistance with travel and accommodation, and liaison with relevant agencies and organizations. In addition, requests for information on the progress of the investigation of the accident may be expected from the family members and the survivors.

## **Chapter 3**

### **TYPES OF FAMILY ASSISTANCE**

3.1 Family assistance providers must recognize that the families and the survivors may have diverse cultural backgrounds and values that require special understanding and consideration. These considerations may include the grieving process, the form of, and attendance at, religious services, the treatment of human remains and the design of memorials.

3.2 States and aircraft operators having experience in providing family assistance advise that the following types of assistance may be appropriate.

#### **CONFIRMATION OF THE INVOLVEMENT OF A FAMILY MEMBER IN AN AIRCRAFT ACCIDENT**

3.3 Following an aircraft accident, the most immediate form of family assistance is confirmation of whether or not the person about whom a family is concerned was involved in the accident. The ability to provide such information is dependent upon the availability of an accurate passenger manifest with sufficient detail for positive confirmation of each passenger's identity. There will often be a conflict between the need for accuracy and the need for timeliness in producing the manifest. Efforts should be made to produce and update the passenger manifest information as soon as possible.

3.4 Ideally, the closest relative should be the first person notified of the involvement of a family member in an aircraft accident. Once that person has been notified, he or she can then determine if there are any other persons who have a *bona fide* interest in the victim and should be notified. When an inquirer who is not the closest relative of a victim calls for confirmation of the involvement of the victim, the preferred procedure is to try, by tactful inquiry, to ensure that the closest relative has already been notified. The families should also be asked to nominate one or more contact persons in order to ensure the flow of information to and from the other family members affected by the victim's involvement in the accident. Experience has shown that an average of four to five contact persons per family may be required to ensure the flow of information within a family.

#### **COUNSELLING**

3.5 Counselling for the survivors and their families is expected in many societies. Such support can vary from providing common-sense advice on dealing with the practical aspects of life after an accident to more significant mental-health care. Providing support to the families will require well-coordinated logistics which should not be the responsibility of the caregivers. The caregivers should concentrate solely on caring for the well-being of the families.

### **PRIVACY**

3.6 Privacy for the families and the survivors is of utmost importance. The provision of closed and quiet meeting rooms is essential.

### **IMMEDIATE FINANCIAL ASSISTANCE**

3.7 The families and the survivors may require immediate financial assistance. In particular, they may need to be provided with sufficient funds to meet their immediate needs as well as advice on how to take advantage of the other forms of family assistance available.

### **IMMIGRATION AND CUSTOMS FORMALITIES**

3.8 The families and the survivors will often need assistance with immigration and customs formalities. Survivors who have lost their identity papers and tickets in the accident will require assistance to complete their travel. Family members may need to travel to the accident site, a hospital or another location to meet injured survivors, attend memorial services or visit the State of Occurrence for reasons directly related to the accident. Assistance from immigration and customs agencies will also be required for the repatriation of human remains.

### **VISITS TO THE ACCIDENT SITE**

3.9 Where access is practicable, a visit to the accident site by the families and the survivors, as part of the grieving process, is important and has become common practice. The travel necessary to facilitate these visits, the escorting of family members while they are at the accident site and their accommodation until they leave the country are matters which need to be considered. Families may also appreciate assistance with the care of any young children they have brought with them. Experience has shown that the family members of those killed in an accident prefer not to share the visit to the accident site with survivors. Also, it is advisable to arrange the visit for family members of passengers separately from that of the visit for family members of the crew. There will also be occasions when visits to the accident site by family members are impractical due to remoteness or topographical features. In the case of suspected criminal involvement, visits to the site may be restricted by judicial authorities.

### **IDENTIFICATION, CUSTODY AND RETURN OF HUMAN REMAINS**

3.10 The identification, custody and return of human remains are very important forms of family assistance. Remains are often difficult to recover. Identification can be an arduous and time-consuming process, and legislation often requires a post-mortem examination of those killed in an accident. In some accidents, there will be remains that cannot be identified despite exhaustive efforts.

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## **PROTECTION AND RETURN OF PERSONAL EFFECTS**

3.11 The families and the survivors will need reassurance that arrangements have been made to ensure that personal effects will be correctly handled and returned to their legal owners. The protection of personal effects is usually the responsibility of the aircraft operator in conjunction with the police. On occasion, these items will be held as evidence by the accident investigation authority or police. A pictorial record of non-identified personal effects should be made and circulated to family members for identification. The handing over of the pictorial record should take place in the presence of a caregiver, close friend, or clergyman, etc.

## **PROVISION OF INFORMATION**

3.12 The provision of a continuous flow of information is fundamental to an effective family assistance programme. Care should be taken to ensure that each family's contact persons pass on the information to the whole family. The families and the survivors are anxious to be provided, as soon as practicable, with details about items of immediate concern, such as:

- accommodation while away from home;
- onward travel;
- payment for immediate needs;
- identification and return of human remains;
- return of personal effects;
- travel to the accident site (time, aircraft type, ticketing procedure, visa requirements, accommodation, etc.);
- memorial services; and
- information sessions by airline representatives, accident investigation authorities, etc.

In the longer term, the families and the survivors may be provided, through periodic advisories, with updated information on the progress of the accident investigation and what additional assistance they can expect in order to facilitate their adjustment to life after the accident. To the extent appropriate, the families should be invited to attend public hearings related to the accident.

## **LIAISON WITH FAMILIES**

3.13 The provision of family assistance will probably involve government agencies, aircraft operators, aid and humanitarian organizations, and private contractors. Each of these providers has a specific role, and their task will be facilitated if the families and the survivors are aware of that role and how each provider can be contacted. One State has produced a pamphlet which outlines the role of each provider agency involved and contains space to enter the contact details for each agency.

### **MEMORIALS**

3.14 Families need to be assured that they will be able to participate in any memorial services held after the accident and that they will have the opportunity to be involved in the design of any memorial structures erected in memory of those killed in the accident. The involvement of the families in the planning of these services should be facilitated.

### **LEGAL ADVICE**

3.15 The families and the survivors are usually in a state of shock for some time. In these circumstances, it may be too early to address legal matters with them. Nevertheless, it is appropriate that they have access to general information pertaining to legal matters, such as information about immediate financial assistance and potential further entitlements.

### **COCKPIT VOICE RECORDER EXTRACTS**

3.16 Some families and survivors may consider that they should be entitled to listen to the cockpit voice recording and to have access to a transcript of the cockpit voice recording. The disclosure of cockpit voice recordings is dependent upon national policy and legislation. Disclosure of cockpit voice recordings and transcripts is contrary to the international Standards in Annex 13.

### **FAMILY ASSOCIATIONS**

3.17 If requested by the families and the survivors, the operator and government agencies should be prepared to support the establishment of family associations. It is essential that such an initiative originate with the families and the survivors. Family associations provide a good forum to share grief, arrange memorial services and exchange information. However, family assistance providers must ensure that contact is maintained with families and survivors who do not join such associations.

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## **Chapter 4**

### **WHEN FAMILY ASSISTANCE SHOULD BE PROVIDED**

- 4.1 An important planning consideration is to determine the circumstances under which a State may be involved in the provision of family assistance.
- 4.2 The potential need to provide family assistance will arise whenever an aircraft accident that occurs in a State's territory involves loss of life or injury to the aircraft occupants or to third parties who become involved unintentionally.
- 4.3 The need for a State, which is not the State of Occurrence, to provide family assistance may arise when an accident occurs in international waters adjacent to the State or when the State of Occurrence requests such assistance. Several major accidents in international waters have created such situations.
- 4.4 An aircraft accident involving a collision between two wide-bodied aircraft, or occurring in a heavily built-up area, has the potential to involve over 1 000 victims. For smaller accidents, the aircraft operator and the State's normal emergency response teams will have the resources to provide appropriate assistance. The point at which there will be a need to supplement normal emergency response resources must be determined. Some aircraft operators estimate that a minimum of three caregivers per passenger seat of their largest aircraft should be the basis for planning in order to allow for personnel replacement and work schedule planning.
-

## **Chapter 5**

# **FAMILY ASSISTANCE PROVIDERS**

### **STATE OF OCCURRENCE**

5.1 The State of Occurrence has several roles in the provision of family assistance. These include *inter alia*:

- preparing a plan to ensure that aircraft accident victims and their families receive the types of family assistance to which they are entitled, as determined by the State;
- coordinating the resources involved in providing family assistance;
- ensuring that human remains are identified;
- providing for the return of human remains to the home country, where appropriate;
- facilitating travel by family members to the hospitals where injured victims are being treated, the accident site and memorial services;
- facilitating onward travel for survivors; and
- providing families and survivors with information on the progress of the investigation of the accident.

5.2 The aim of the information in the preceding chapters is to assist a State in determining who is entitled to family assistance following an aircraft accident and the nature of that assistance. After a State has determined which persons are entitled to each type of assistance, the next consideration is to establish which agencies will provide that assistance. A coordinator should be designated prior to the occurrence of an accident.

### **COORDINATING AGENCY**

5.3 The provision of family assistance involves many agencies and authorities. The designation of a coordinator is essential to ensure that the various agencies function together to provide the optimum assistance to the families and the survivors. The coordinator may also be the point of contact between the families and the government agencies. The means by which the coordinator may be contacted should be determined in the planning phase and should be promulgated as soon as practicable after the occurrence of an accident.

5.4 Accident investigation authorities are aware that the primary task of their investigators is to investigate the circumstances of the accident. Family assistance should be provided by other agencies or at

least by personnel other than the investigators. One State has considered it practicable to establish a department within its accident investigation authority to coordinate the provision of family assistance.

## THE AIRCRAFT OPERATOR

5.5 The aircraft operator is normally the best entity to establish whether or not a person has been involved in an aircraft accident. Some States have legislation that requires each aircraft operator to maintain an accurate passenger manifest to facilitate the identification of any of their citizens who may be involved in an aircraft accident. The operator may also be required to have a plan for the provision of family assistance in the event of an accident in that State.

5.6 The aircraft operator should have an adequate number of suitably qualified persons available to answer inquiries concerning the passengers involved. The normal means of contacting this team is by telephone, the telephone numbers having been promulgated by the aircraft operator. The aircraft operator should also make every endeavour to ensure that the immediate family of any aircraft accident victim, about whom no inquiry has been made, is notified of the victim's involvement in the accident.

5.7 Other types of family assistance in which the operator can be expected to have a major role are:

- transportation for the families and the survivors;
- the provision of secluded facilities for those persons awaiting an aircraft that will not arrive as the result of an accident and for those returning to the departure point after learning of an accident;
- the provision of privacy for the families and the survivors;
- immediate financial assistance for the dependents of victims;
- the provision of counselling services for the families and the survivors;
- arrangements for a visit to the accident site for the families and the survivors;
- arrangements for memorial services and erection of memorial structures;
- transportation for the families to any memorial service;
- the escorting and sheltering of families and survivors who visit the accident site and attend memorial services;
- the collection of ante-mortem information to assist in the identification of human remains;
- the return of human remains to their home country;
- assistance with funeral arrangements, if desired;
- the location, storage and return of personal effects to the families and the survivors; and
- the provision of information on matters related to the care of the families and the survivors.

In the case of code-share flights and airlines that are members of an alliance, the partner airlines should assist with these tasks, particularly when an accident occurs away from the home base of the airline.

### **THE AIRCRAFT ACCIDENT INVESTIGATION AUTHORITY**

5.8 The provision of family assistance should be separate from the accident investigation. The accident investigation authority's investigator-in-charge must remain focused on the investigation of the accident. Nevertheless, the accident investigation authority has a responsibility to provide relevant and timely information to the families and the accident survivors. Depending upon the allocation of responsibilities for the investigation, the investigation authority may be able to provide to the families and the survivors information on issues of immediate concern, such as the release of human remains and personal effects held as part of the investigation, information on the progress of the investigation in determining the causes of the accident and any safety recommendations being contemplated to prevent similar accidents.

5.9 The investigator-in-charge of an investigation should be aware of the concerns of the families and the survivors and should ensure that they are kept informed. To shield the investigator-in-charge from a large number of direct inquiries, the accident investigation authority should consider appointing a liaison person as a focal point for such inquiries.

### **AUTHORITIES RESPONSIBLE FOR VICTIM IDENTIFICATION**

5.10 Police, coroners, health authorities and the aircraft operator may each have an important role in identifying and caring for the remains of victims. This responsibility may be shared or may be the sole responsibility of a specific authority, depending on the convention of the State of Occurrence. Some airlines may delegate their responsibilities in this matter to an authorized commercial entity.

5.11 Following the identification of fatalities, arrangements must be made for the return of human remains across international boundaries and for the final interment of the victims in accordance with the cultural requirements of the families.

### **THE CIVIL AVIATION AUTHORITY**

5.12 Liaison with the families and the survivors on matters related to relevant aviation regulations, aircraft airworthiness and any safety measures that will be introduced as a consequence of an accident is normally a function of the civil aviation authority.

### **THE POLICE**

5.13 The police are usually among the first to arrive at the scene of an accident and may have a significant role in the notification of the involvement of a family member in an aircraft accident, as well as in the

security and return of personal effects. In some States, the responsibility for victim identification and notification of death to next of kin rests solely with the police. The disaster victim identification procedure of one such State is reproduced in Appendix 3 to this circular.

### **DIPLOMATIC AND CONSULAR STAFF**

5.14 The international nature of air transportation requires diplomatic and consular staff to have a liaison and coordination role in facilitating the provision of family assistance. This may involve expediting the issuance of travel documentation, expediting or waiving visa requirements and acting as liaison between their own authorities, their citizens and the State of Occurrence.

### **IMMIGRATION AND CUSTOMS AUTHORITIES**

5.15 The immigration and customs authorities in the State of Occurrence have an important role in minimizing the travel formalities for the families, the survivors and the return of human remains.

### **AID AGENCIES**

5.16 Aid agencies have extensive experience in dealing with families and disaster survivors and are often able to provide services, such as crisis counselling and support for the families of accident victims. They may also be called upon to assist in:

- providing areas for families to grieve in private;
- meeting with families who have travelled to the location of the accident and providing childcare, where necessary;
- providing and coordinating crisis counselling services;
- contacting the families who are unable to travel to the location of the accident and providing crisis counselling for them; and
- advising the families of the roles of the aircraft operator and the various agencies involved, as well as providing liaison with these agencies.

### **AUTHORIZED COMMERCIAL COMPANIES**

5.17 Some government agencies and aircraft operators have found the use of authorized commercial entities or consultants to be an efficient way to provide some forms of family assistance. For example, a specialized company is often used by airlines to assist in the identification of disaster victims and the identification, custody and return of personal effects.

**FAMILY ASSOCIATIONS**

5.18 Following a major aircraft accident, associations of the families of the victims have in some instances been established. Family associations provide assistance to their members in various forms and, in some cases, have provided assistance to the families of victims of subsequent aircraft accidents immediately following their occurrence. As existing family associations gain experience, their involvement in the provision of family assistance should also be considered and planned for.

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## **Chapter 6**

### **EXTENT OF FAMILY ASSISTANCE**

6.1 Planning for the provision of family assistance will involve determining the extent of each aspect of that assistance in order to determine the overall resources required. The following are the more important aspects to be considered.

#### **TIME SPAN**

6.2 Determining the length of time for which each type of family assistance should be provided is an important consideration in the planning process. The appropriate duration of most types of assistance should be self-evident. The holding of funerals for the deceased, repatriation of the injured, return of personal effects and advance payments are obvious milestones which may provide natural limits to these types of family assistance.

6.3 The families and the survivors of aircraft accidents may, however, be entitled to some form of assistance until the investigation of the accident has been concluded. Because the investigation into an aircraft accident may take more than one year to complete, the most prolonged form of assistance may be the provision of information on the progress of the investigation.

#### **THE CONCEPT OF FAMILY**

6.4 Determining the extent of the family and who is entitled to assistance is perhaps the most difficult and most important aspect of the planning process. This may involve deciding whether a person's motivation is that of genuine association as a member of the family or the potential for gain by claiming association with a victim.

6.5 There must be a limit to the extent of the family for whom assistance should be provided. Those normally considered for eligibility are the spouse, siblings, dependent children and the parents of victims. Exceptions may need to be made in order to ensure fairness. When taking into account cultural differences, it is important to ensure that all victims are treated equitably.

#### **RESOURCES**

6.6 The family assistance plan should take into account the resources that will be required for the following phases:

- immediately following an accident and prior to family assistance/disaster management teams becoming operational;

- during activation of the planned family assistance/disaster management programme and the subsequent operation of that plan, including the management centre; and
- post-disaster management.

6.7 In order to better utilize available resources, it should be determined whether States could enter into cooperative family assistance/disaster management agreements or whether aircraft operators could pool their available resources.

6.8 Some States have introduced legislation requiring aircraft operators flying into their country to prepare a detailed plan on how they will provide family assistance following an accident involving one of their aircraft.

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## **Chapter 7**

# **PREPARATION OF A FAMILY ASSISTANCE PLAN**

7.1 Concern for the families and the survivors of aircraft accidents and awareness of their need for assistance are becoming increasingly important international social issues. The majority of ICAO Contracting States are aware of their responsibility to provide the type of family assistance that they consider appropriate and practicable in the event of their involvement in a major aircraft accident.

7.2 States and aircraft operators that have neither the resources nor the means of providing a comprehensive family assistance programme should consider entering into appropriate cooperative arrangements with others in order to have a family assistance programme in place.

7.3 A proven plan is critical to the provision of family assistance because the need to provide such assistance will occur with little or no warning, will require an immediate response and will involve large numbers of trained personnel, significant expense and the use of specific resources.

7.4 The seven steps that follow are suggested as a means for a State to prepare a national plan for the provision of family assistance to aircraft accident victims.

### **STEP ONE — DETERMINE THE SIZE OF ACCIDENTS FOR WHICH THE PLAN WILL APPLY**

7.5 Criteria that will assist in determining the size of accidents for which various types of family assistance will be provided are:

- the number of aircraft occupants;
- the scale of assistance envisaged;
- the resources available; and
- the nationality and home base of the aircraft operator.

7.6 The total resources required are directly related to the scale of family assistance envisaged and the number of persons for whom it will be provided. In accidents involving large aircraft, the total number of occupants, rather than the number of dead and injured, may be the key factor in determining the scale of the initial response required. During the initial response, all requests for the confirmation of the involvement of persons in an aircraft accident must be responded to irrespective of the state of incapacitation of those persons.

## STEP TWO — DETERMINE THE TYPES OF ASSISTANCE TO BE PROVIDED

7.7 The types of family assistance commonly expected by the families and the survivors of aircraft accidents are explained below.

7.8 **Confirmation of involvement.** Confirmation of the involvement of a family member requires sufficient telephone lines to cater for upwards of 50 000 calls in the first 24 hours after a major accident. Therefore a team, which should be established and trained in advance, must be available on short notice and for several days to respond to these calls. Experience has shown that such personnel have a tendency to work beyond the call of duty. It is essential that work schedules are maintained and that the provision for relief staff is taken into account in the planning phase.

7.9 **Counselling.** Counselling in this context is normally the provision of experienced persons who can advise the survivors and the families about the challenges of their situation and the practical steps that will help them to cope with their situation. The number of persons requiring counselling may exceed twice the number of accident victims.

7.10 **Privacy.** The need for privacy for the families and the survivors is normally recognized by aircraft operators and airport authorities and should include shelter from public gaze and questioning, as well as protection from specific groups attracted to an accident environment, such as media representatives and lawyers. There may be survivors and family members who wish to speak to the media and their right to do so, if so desired, should not be discouraged. Similarly, even though lawyers may be dissuaded from contacting family representatives, some families may wish to contact lawyers. In their efforts to provide effective privacy, family assistance providers must take care not to infringe on the rights of those whom they seek to protect. One State has enacted legislation prohibiting lawyers from engaging in unsolicited communication with the families and the survivors for 45 days following an accident.

7.11 There may be several other groups that would appreciate the provision of privacy. These groups include those awaiting the aircraft at its destination, those returning to the point of departure of the aircraft when they become aware of the accident, the survivors, and those travelling to be near the accident site to support the survivors or to deal with the consequences of the loss of one or more family members.

7.12 **Information regarding financial assistance.** Information regarding the availability of immediate financial assistance to entitled persons and the applicable procedures to obtain it will be appreciated by the families and the survivors. Assistance for immediate needs in the early stages of post-accident recovery is foreseen in Article 28 — Advance Payments of the *Convention for the Unification of Certain Rules for International Carriage by Air* (Doc 9740).

7.13 **Immigration and customs.** The provision of family assistance is likely to require considerable latitude with regard to immigration and customs formalities in the aftermath of an accident. Survivors are likely to have lost identity papers. The families of foreign victims and injured survivors will appreciate immediate access to, and return from, the State of Occurrence to attend to their responsibilities. The most expeditious procedures practicable should be developed to facilitate the movement of such individuals, as well as the return to the home country of the remains of those who lost their lives in the accident. The provision of family assistance will be facilitated if foreign agencies and organizations are given the maximum latitude practical to enter the State and obtain clearance for their supporting equipment.

7.14 **Identification, custody and return of human remains.** Provision for the identification of human remains and sensitivity in handling the custody and return of such remains are essential.

7.15 **Visits to the site.** Visits to the accident site, and accommodation and care of the families and the survivors at the accident site are humanitarian components of family assistance. This can be one of the more immediate requirements following an accident. In some cultures, it is important for the relatives to visit the accident site. When a visit to the accident site is not possible, arrangements may be made for flowers to be released over the area from the air.

7.16 **Personal effects.** Effective procedures for the protection and return of recovered personal effects has the potential to relieve anxiety among the families and the survivors. The return of property as expeditiously as practicable can significantly reduce the sense of loss and shock. However, secure custody of personal effects is sometimes an acceptable option for the families of the deceased. Relatives of those who lost their lives in the accident may not wish to have any damage to the possessions repaired, but sensitivity and the risk of contamination by blood-borne pathogens will normally require careful cleaning of the possessions.

7.17 **Provision of information.** The provision of accurate and timely information by the aircraft operator and other agencies providing family assistance is an important aspect of assistance to the families and the survivors.

7.18 **Liaison with families.** Liaison with the families and the survivors to explain the roles of the various agencies involved and the progress made during the post-accident activities is an effective method of retaining their confidence.

7.19 **Memorials.** Liaison with the families in the planning of memorial services and memorial structures is important. Memorial services are normally non-denominational and may be held in conjunction with the interment of any unidentified remains.

7.20 **Requests for cockpit voice recorder transcripts.** Requests for cockpit voice recorder transcripts need not be considered when preparing a family assistance plan; such requests should be referred to the accident investigation authority.

7.21 **Legal advice.** Families will appreciate any impartial information made available to them on relevant legal issues. The preparation of an information leaflet or similar guidance material would be a worthwhile supplement to the overall family assistance plan.

7.22 **Cultural considerations.** Cultural considerations are important factors in the preparation of a family assistance plan. The requirements for the treatment of the victims' remains may involve distinct and specialized considerations, as may the provision of memorial services and the design of memorial structures to those who perished in an accident. To assist States in their consideration of the cultural issues which may arise, an example of one airline's guidance to their staff on the laws, customs and culture at international destinations is provided in Appendix 4 to this circular.

### **STEP THREE — DETERMINE THE AGENCIES THAT WILL PROVIDE THE ASSISTANCE**

7.23 In assigning persons to provide assistance, consideration should be given to cultural aspects, such as age, gender and the suitability of the persons chosen. In many cases, personnel who would normally be well-suited for family-assistance tasks will have to attend to their normal duties. Some of the aircraft operator's personnel may be in shock from the loss of friends in the company. Company personnel may also

have a feeling of responsibility or guilt in connection with the accident, and this may interfere with their performance in the event of personal contact with family members. In this respect, utilizing company personnel to provide assistance should be carefully considered and assigning personnel who have been seriously affected should be avoided.

7.24 The sharing of resources amongst different agencies may help in overcoming some of these obstacles. Some airlines have developed emergency response teams which they are prepared to make available to another operator at a time of loss, particularly when there is an association, such as code sharing or an alliance.

7.25 **Confirmation of involvement.** The aircraft operator, using dedicated telephones answered by trained persons, normally provides the initial confirmation of the involvement of victims in an aircraft accident. The telephone numbers should be toll free for calls within the State, but access problems dictate that alternative (non toll-free) numbers be provided for incoming foreign calls. The necessary pre-planning and personnel training required for this task are expected of aircraft operators as part of their accident response planning. Planning for the rapid setting up of a facility to provide information will help to generate goodwill among the families. Some airlines have established comprehensive emergency response centres, which other operators may retain to handle the initial phase following an accident. Because a significant number of telephone inquiries are made by relatives of airline personnel, some airlines have found it necessary to have a “call-home” procedure. The “call-home” procedure requires airline personnel on duty to call home when they receive notification of an accident in order to confirm to their families that they were not involved.

7.26 Experience has shown that the number of telephone inquiries following a major aircraft accident can exceed 50 000 in the first 24 hours. Ideally, each of these inquiries should be answered promptly. Callers with inquiries regarding a victim should be referred, with as little delay as practicable, to a person who has both the required information and the necessary training to respond appropriately.

7.27 **Counselling.** Airlines, commercial entities and aid agencies that specialize in crisis counselling commonly provide this service. One State has employed an aid agency to coordinate the provision of counselling services.

7.28 **Privacy.** Some airport authorities provide for post-accident privacy for the families and the survivors in their emergency response planning. In the case of major accidents, aircraft operators may have to seek suitable accommodation in which to sequester the families at the departure point of the aircraft, at its intended destination and in the vicinity of the accident site. This may involve reserving all the rooms in several hotels. The cooperation of the media may be enhanced by providing them with a dedicated area, scheduling regular briefings on the progress of the investigation and assuring them that they will be advised of any survivors or families who wish to talk to the media. It is advisable to arrange for separate hotels for the families of deceased victims, the families of survivors, the media and family assistance personnel.

7.29 **Immediate financial assistance.** The aircraft operator involved should be aware of the need to provide immediate financial assistance to the families and the survivors. In some States, legislation may provide for advance payments to be made.

7.30 **Immigration and customs formalities.** The immigration and customs authorities should have standard procedures for dealing with the repatriation of the survivors of an accident and the return of human remains to the home country. These procedures may have to be reviewed to ensure that they are suitable for accidents involving large numbers of people.

7.31 **Involvement of diplomatic and consular staff.** Since diplomatic and consular staff will have a supporting role to play, their involvement in family assistance programmes will optimize the support available from these sources.

7.32 **Visits to the accident site.** The planning for visits to the accident site and the escorting of families and survivors will normally be arranged by the aircraft operator.

7.33 **Identification, custody and return of human remains.** The authorities involved in retrieving, identifying and storing human remains may include coroners, police, the military, public health offices, ambulance services, aircraft operators, morticians and special contractors. As regular providers of such services, these agencies are well versed in the delicate protocols involved. An example of a comprehensive police plan for disaster victim identification is provided in Appendix 3 to this circular.

7.34 **Personal effects.** After a large accident has occurred, many agencies may be involved in the recovery of personal effects from the accident site. The police, search and rescue personnel, the aircraft operator and members of the public may all have access to the personal effects of the occupants. The police and the aircraft operator may collaborate to store and return personal effects to their owners. Normally, the aircraft operator is responsible for the storage, cleaning and return of personal effects. The nature of some investigations may dictate that relevant personal effects are held until the investigation is complete.

7.35 **Provision of information.** The initial provision of information to the families after the occurrence of an accident will be almost entirely by the aircraft operator. Subsequently, the provision of information from the various agencies involved may become the responsibility of the coordinator. The coordinator has direct contact with each of the agencies involved and is therefore best suited to provide up-to-date information and to be a liaison officer, as well as a buffer, between the families and the agencies involved. In cases requiring prolonged liaison with the families and the survivors, the responsibility of coordinator should be delegated to a government agency. The use of dedicated Internet web sites, as well as conference telephone calls, are an excellent means of disseminating information rapidly and have been used successfully following recent major accidents.

7.36 **Liaison with the families.** Initial liaison with the families is the responsibility of the aircraft operator until immediate concerns have been dealt with. The provision of information may be shared with or transferred to the coordinator over time. To facilitate liaison, relevant information should be provided to the coordinator from such agencies as the coroner, the police, the aircraft operator, the accident investigation authority and the civil aviation authority. While some of these agencies may wish to deal directly with the families and survivors, others will wish to keep their distance and objectivity and will therefore rely on liaison officers to present prepared briefings.

7.37 **Memorial services and memorials.** The planning for memorial services and the erecting of memorials will be the responsibility of the aircraft operator but may also involve the State of Occurrence. Experience has shown that it is advisable that the content and form of the memorial services and the memorials are determined by or in coordination with the families. While memorial services and the erection of memorials are not standard features of a family assistance programme, they have proven to be appropriate following some large accidents, particularly where the recovery or identification of a number of victims has been impracticable.

7.38 **Legal advice.** Where necessary, specific legal advice to the families and the survivors will ultimately be provided by their chosen legal representative. Nevertheless, prior information on the general areas in which the survivors and the families may require legal assistance will often be appreciated. The preparation of this type of information may be entrusted, in advance of any accident, to a neutral agency or entity, such as a bar association.

7.39 **Requests for cockpit voice recorder transcripts.** Response to requests for cockpit voice recorder transcripts is the responsibility of the accident investigation authority.

#### **STEP FOUR — DRAFT THE PLAN**

7.40 The drafting of a family assistance plan will require input from the service providers and financial stakeholders involved in the provision of the required assistance. Representatives of the agencies normally engaged in projects involving the expenditure of government resources should also participate.

7.41 The family assistance plan may form the basis for empowering legislation. In this case, the legislation should outline the plan and address the practicalities of implementing such a plan.

7.42 There are several ways to tackle the drafting of the assistance plan, including:

- a) engaging consultants to prepare a plan after all interested parties have decided on:
  - the amount and types of family assistance that the State considers appropriate;
  - the agencies that will provide family assistance;
  - the provision of the resources required to provide family assistance;
  - the means of funding a family assistance plan; and
  - the training required to provide family assistance;
- b) contracting a panel of experienced persons to formulate the family assistance plan and draft the legislation necessary to implement it; and
- c) adapting the existing legislation and family assistance plans of another State.

7.43 A detailed model plan, which States might find suitable to adapt to their particular circumstances, is contained in Appendix 2 to this circular.

7.44 The adaptation of such a document would benefit from input from persons who have had first-hand experience with aircraft accidents in which similar family assistance programmes were used. Representatives from the agencies and organizations that will be involved in the implementation of the resulting family assistance plan should also be involved.

#### **STEP FIVE — REVIEW THE PLAN**

7.45 Any plan that has the potential to involve large-scale expenditures of resources must be reviewed and refined to the extent practicable before it is adopted by a State.

7.46 A plan can best be reviewed by conducting tabletop exercises involving all the expected participants. This should be followed by a review of the areas in which improvements are required.

7.47 In addition to tabletop exercises, specific aspects of the plan could be exercised in practice in order to review:

- the practicality of the system to be used to disseminate information;
- the ability to provide a secure area for grieving family members and friends;
- coordination of the activities of the agencies involved;
- the means of recruiting large numbers of suitable personnel at short notice; and
- the practicality of any resource-sharing arrangements.

7.48 The review may reveal conflicts and misunderstandings, particularly where regional and federal agencies are involved and where responsibilities are seen as the province of several agencies or jurisdictions. It is necessary to resolve any such issues before implementation of the plan.

#### **STEP SIX — ENACT THE LEGISLATION NECESSARY TO IMPLEMENT THE PLAN**

7.49 The potential cost of providing family assistance after a major accident is likely to be substantial and therefore prior approval for the expenditure of significant resources is essential. Family assistance is of such importance that it is likely to require national legislation to ensure that the necessary resources and commitment are available at short notice.

7.50 The drafting of appropriate legislation will be facilitated by the existence of a practical family assistance plan. Legislation may also be enacted to define the responsibilities of the providers. For example, in the United States the roles of the National Transportation Safety Board, the American Red Cross and foreign airlines operating into the United States are detailed by legislation.

7.51 An example of one State's legislation for the provision of family assistance is contained in Appendix 1 to this circular. This legislation details the responsibilities of the various governmental agencies, the appointment and duties of a coordinator and the commitment required from each airline that operates into the State.

#### **STEP SEVEN — EXERCISE THE PLAN PERIODICALLY**

7.52 Periodic exercising of a comprehensive family assistance plan is an expensive but necessary insurance against unforeseen difficulties. Once the plan has been approved, provision should be made for an annual tabletop exercise (or practice) to ensure that changes in personnel or circumstances do not reduce the efficacy of the plan.

7.53 The agencies and personnel involved in the provision of family assistance, as well as the aircraft operators flying into a State, will change from time to time. Therefore, any plan involving these agencies and personnel must be reviewed frequently and conscientiously to ensure that the key participants are still

available at the specified contact point and are still able to provide the resources expected of them. States should endeavour to make frequent checks to confirm that all of the resources committed to the plan are still available and that the contacts for their activation are current.

7.54 Few States will ever need to activate a full-scale family assistance plan, and there are likely to be only a few occasions when it needs to be activated at all. Very few States will have resources that are dedicated exclusively to providing family assistance. Most personnel and agencies providing this assistance have other duties that will have to be abandoned when the plan is activated. The challenge for any plan that involves a significant response on short notice is for the personnel and agencies involved to be readily reachable and able to respond on very short notice.

7.55 An effective family assistance programme relies on a core of specially trained staff to ensure the reliability of the programme. Engaging persons whose normal activities involve other types of emergency response, or the detailed organization of large events, can assist in maintaining a pool of trained and properly motivated personnel.

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## **Chapter 8**

### **CONCLUSION**

8.1 Transportation accidents are a fact of life in every State. The procedures in place to deal with the casualties arising from road accidents are in almost daily use.

8.2 An aircraft accident has the potential to place such an increased burden on the normal emergency services that they will most likely not be able to fulfil their intended purpose. Therefore, considerable forethought must be devoted to the means by which additional resources can be made available to supplement existing emergency response services.

8.3 This circular should assist States in preparing for the responsibilities that must be assumed by the State of Occurrence of an accident. Similar responsibilities may be thrust upon States when they are the nearest country to the site of an accident that occurs in international waters. Similarly, the delegation of the investigation of an accident to another State by the State of Occurrence does not necessarily absolve the State of Occurrence of the humanitarian responsibility of ensuring that appropriate family assistance is made available.

8.4 Consolidation of the planning process by the enactment of appropriate legislation to provide the necessary authorization and funding for family assistance programmes is the culmination of a worthwhile humanitarian endeavour. The provision of the family assistance envisaged in ICAO Assembly Resolution A32-7 should be supplemented by the aircraft operator's preparedness for such events and the assistance of international aid agencies well versed in responding to a variety of disasters.

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## Appendix 1<sup>1</sup>

# EXTRACT FROM THE UNITED STATES' LEGISLATION ON THE PROVISION OF FAMILY ASSISTANCE

### TITLE VII — FAMILY ASSISTANCE

#### SEC. 701. SHORT TITLE

This title may be cited as the “Aviation Disaster Family Assistance Act of 1996”.

#### SEC. 702. ASSISTANCE BY NATIONAL TRANSPORTATION SAFETY BOARD TO FAMILIES OF PASSENGERS INVOLVED IN AIRCRAFT ACCIDENTS.

(a) AUTHORITY TO PROVIDE ASSISTANCE.—

- (1) IN GENERAL.— Subchapter III of chapter 11 is amended by adding at the end the following:

**“Sec 1136. Assistance to families of passengers involved in aircraft accidents**

“(a) IN GENERAL.— As soon as practicable after being notified of an aircraft accident within the United States involving an air carrier or foreign air carrier and resulting in a major loss of life, the Chairman of the National Transportation Safety Board shall —

“(1) designate and publicize the name and phone number of a director of family support services who shall be an employee of the Board and shall be responsible for acting as a point of contact within the Federal Government for the families of passengers involved in the accident and a liaison between the air carrier or foreign air carrier and the families; and

“(2) designate an independent nonprofit organization, with experience in disasters and posttrauma communication with families, which shall have primary responsibility for coordinating the emotional care and support of the families of passengers involved in the accident.

“(b) RESPONSIBILITIES OF THE BOARD.— The Board shall have primary Federal responsibility for facilitating the recovery and identification of fatally-injured passengers involved in an accident described in subsection (a).

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1. See the acknowledgement in paragraph 7 of the Introduction to this circular.

- “(c) RESPONSIBILITIES OF DESIGNATED ORGANIZATION.— The organization designated for an accident under subsection (a)(2) shall have the following responsibilities with respect to the families of passengers involved in the accident:
- “(1) To provide mental health and counseling services, in coordination with the disaster response team of the air carrier or foreign air carrier involved.
  - “(2) To take such actions as may be necessary to provide an environment in which the families may grieve in private.
  - “(3) To meet with the families who have traveled to the location of the accident, to contact the families unable to travel to such location, and to contact all affected families periodically thereafter until such time as the organization, in consultation with the director of family support services designated for the accident under subsection (a)(1), determines that further assistance is no longer needed.
  - “(4) To communicate with the families as to the roles of the organization, government agencies, and the air carrier or foreign air carrier involved with respect to the accident and the post-accident activities.
  - “(5) To arrange a suitable memorial service, in consultation with the families.
- “(d) PASSENGER LISTS.—
- “(1) REQUESTS FOR PASSENGER LISTS.—
    - (A) REQUESTS BY DIRECTOR OF FAMILY SUPPORT SERVICES.— It shall be the responsibility of the director of family support services designated for an accident under subsection (a)(1) to request, as soon as practicable, from the air carrier or foreign air carrier involved in the accident a list, which is based on the best available information at the time of the request, of the names of the passengers that were aboard the aircraft involved in the accident.
    - “(B) REQUESTS BY DESIGNATED ORGANIZATION.— The organization designated for an accident under subsection (a)(2) may request from the air carrier or foreign air carrier involved in the accident a list described in subparagraph (A).
  - “(2) USE OF INFORMATION.— The director of family support services and the organization may not release to any person information on a list obtained under paragraph (1) but may provide information on the list about a passenger to the family of the passenger to the extent that the director of family support services or the organization considers appropriate.
- “(e) CONTINUING RESPONSIBILITIES OF THE BOARD.— In the course of its investigation of an accident described in subsection (a), the Board shall, to the maximum extent practicable, ensure that the families of passengers involved in the accident —
- “(1) are briefed, prior to any public briefing, about the accident, its causes, and any other findings from the investigation; and

- “(2) are individually informed of and allowed to attend any public hearings and meetings of the Board about the accident.
- “(f) USE OF AIR CARRIER RESOURCES.— To the extent practicable, the organization designated for an accident under subsection (a)(2) shall coordinate its activities with the air carrier or foreign air carrier involved in the accident so that the resources of the carrier can be used to the greatest extent possible to carry out the organization’s responsibilities under this section.
- “(g) PROHIBITED ACTIONS.—
- “(1) ACTIONS TO IMPEDE THE BOARD.— No person (including a State or political subdivision) may impede the ability of the Board (including the director of family support services designated for an accident under subsection (a)(1)), or an organization designated for an accident under subsection (a)(2), to carry out its responsibilities under this section or the ability of the families of passengers involved in the accident to have contact with one another.
- “(2) UNSOLICITED COMMUNICATIONS.— In the event of an accident involving an air carrier providing interstate or foreign air transportation, no unsolicited communication concerning a potential action for personal injury or wrongful death may be made by an attorney or any potential party to the litigation to an individual injured in the accident, or to a relative of an individual involved in the accident, before the 30th day following the date of the accident.
- “(h) DEFINITIONS.— In this section, the following definitions apply:
- “(1) AIRCRAFT ACCIDENT.— The term ‘aircraft accident’ means any aviation disaster regardless of its cause or suspected cause.
- “(2) PASSENGER.— The term ‘passenger’ includes an employee of an air carrier aboard an aircraft.”.
- (2) CONFORMING AMENDMENT.— The table of sections for such chapter is amended by inserting after the item relating to section 1135 the following:
- “1136. Assistance to families of passengers involved in aircraft accidents.”.
- (b) PENALTIES.— Section 1155(a)(1) of such title is amended —
- (1) by striking “or 1134(b) or (f)(1)” and inserting “, section 1134(b), section 1134(f)(1), or section 1136(g)”; and
- (2) by striking “either of” and inserting “any of”.

**SEC. 703. AIR CARRIER PLANS TO ADDRESS NEEDS OF FAMILIES OF PASSENGERS INVOLVED IN AIRCRAFT ACCIDENTS.**

- (a) IN GENERAL.— Chapter 411 is amended by adding at the end the following:

“Sec 41113. Plans to address needs of families of passengers involved in aircraft accidents

“(a) SUBMISSION OF PLANS.— Not later than 6 months after the date of the enactment of this section, each air carrier holding a certificate of public convenience and necessity under section 41102 of this title shall submit to the Secretary and the Chairman of the National Transportation Safety Board a plan for addressing the needs of the families of passengers involved in any aircraft accident involving an aircraft of the air carrier and resulting in a major loss of life.

“(b) CONTENTS OF PLANS.— A plan to be submitted by an air carrier under subsection (a) shall include, at a minimum, the following:

“(1) A plan for publicizing a reliable, toll-free telephone number, and for providing staff, to handle calls from the families of the passengers.

“(2) A process for notifying the families of the passengers, before providing any public notice of the names of the passengers, either by utilizing the services of the organization designated for the accident under section 1136(a)(2) of this title or the services of other suitably trained individuals.

“(3) An assurance that the notice described in paragraph (2) will be provided to the family of a passenger as soon as the air carrier has verified that the passenger was aboard the aircraft (whether or not the names of all of the passengers have been verified) and, to the extent practicable, in person.

“(4) An assurance that the air carrier will provide to the director of family support services designated for the accident under section 1136(a)(1) of this title, and to the organization designated for the accident under section 1136(a)(2) of this title, immediately upon request, a list (which is based on the best available information at the time of the request) of the names of the passengers aboard the aircraft (whether or not such names have been verified), and will periodically update the list.

“(5) An assurance that the family of each passenger will be consulted about the disposition of all remains and personal effects of the passenger within the control of the air carrier.

“(6) An assurance that if requested by the family of a passenger, any possession of the passenger within the control of the air carrier (regardless of its condition) will be returned to the family unless the possession is needed for the accident investigation or any criminal investigation.

“(7) An assurance that any unclaimed possession of a passenger within the control of the air carrier will be retained by the air carrier for at least 18 months.

“(8) An assurance that the family of each passenger will be consulted about construction by the air carrier of any monument to the passengers, including any inscription on the monument.

“(9) An assurance that the treatment of the families of nonrevenue passengers (and any other victim of the accident) will be the same as the treatment of the families of revenue passengers.

- “(10) An assurance that the air carrier will work with any organization designated under section 1136(a)(2) of this title on an ongoing basis to ensure that families of passengers receive an appropriate level of services and assistance following each accident.
- “(11) An assurance that the air carrier will provide reasonable compensation to any organization designated under section 1136(a)(2) of this title for services provided by the organization.
- “(12) An assurance that the air carrier will assist the family of a passenger in traveling to the location of the accident and provide for the physical care of the family while the family is staying at such location.
- “(13) An assurance that the air carrier will commit sufficient resources to carry out the plan.
- “(c) CERTIFICATE REQUIREMENT.— After the date that is 6 months after the date of the enactment of this section, the Secretary may not approve an application for a certificate of public convenience and necessity under section 41102 of this title unless the applicant has included as part of such application a plan that meets the requirements of subsection (b).
- “(d) LIMITATION ON LIABILITY.— An air carrier shall not be liable for damages in any action brought in a Federal or State court arising out of the performance of the air carrier in preparing or providing a passenger list pursuant to a plan submitted by the air carrier under subsection (b), unless such liability was caused by conduct of the air carrier which was grossly negligent or which constituted intentional misconduct.
- “(e) AIRCRAFT ACCIDENT AND PASSENGER DEFINED.— In this section, the terms ‘aircraft accident’ and ‘passenger’ have the meanings such terms have in section 1136 of this title.”.
- (b) CONFORMING AMENDMENT.— The table of sections for such chapter is amended by adding at the end the following:
- “41113. Plans to address needs of families of passengers involved in aircraft accidents.”.

**SEC. 704. <<NOTE: 49 USC 41113 note.>> ESTABLISHMENT OF TASK FORCE.**

- (a) ESTABLISHMENT.— The Secretary of Transportation, in cooperation with the National Transportation Safety Board, the Federal Emergency Management Agency, the American Red Cross, air carriers, and families which have been involved in aircraft accidents shall establish a task force consisting of representatives of such entities and families, representatives of air carrier employees, and representatives of such other entities as the Secretary considers appropriate.
- (b) GUIDELINES AND RECOMMENDATIONS.— The task force established pursuant to subsection (a) shall develop —
- (1) guidelines to assist air carriers in responding to aircraft accidents;
  - (2) recommendations on methods to ensure that attorneys and representatives of media organizations do not intrude on the privacy of families of passengers involved in an aircraft accident;

- (3) recommendations on methods to ensure that the families of passengers involved in an aircraft accident who are not citizens of the United States receive appropriate assistance;
- (4) recommendations on methods to ensure that State mental health licensing laws do not act to prevent out-of-state mental health workers from working at the site of an aircraft accident or other related sites;
- (5) recommendations on the extent to which military experts and facilities can be used to aid in the identification of the remains of passengers involved in an aircraft accident; and
- (6) recommendations on methods to improve the timeliness of the notification provided by air carriers to the families of passengers involved in an aircraft accident, including —
  - (A) an analysis of the steps that air carriers would have to take to ensure that an accurate list of passengers on board the aircraft would be available within 1 hour of the accident and an analysis of such steps to ensure that such list would be available within 3 hours of the accident;
  - (B) an analysis of the added costs to air carriers and travel agents that would result if air carriers were required to take the steps described in subparagraph (A);
  - (C) an analysis of any inconvenience to passengers, including flight delays, that would result if air carriers were required to take the steps described in subparagraph (A); and
  - (D) an analysis of the implications for personal privacy that would result if air carriers were required to take the steps described in subparagraph (A).
- (c) REPORT.— Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to Congress a report containing the model plan and recommendations developed by the task force under subsection (b).

**SEC. 705. <<NOTE: 49 USC 41113 note.>> LIMITATION ON STATUTORY CONSTRUCTION.**

Nothing in this title or any amendment made by this title may be construed as limiting the actions that an air carrier may take, or the obligations that an air carrier may have, in providing assistance to the families of passengers involved in an aircraft accident.

**TITLE IV— FAMILY ASSISTANCE**

**SEC. 401. RESPONSIBILITIES OF NATIONAL TRANSPORTATION SAFETY BOARD.**

- a) PROHIBITION ON UNSOLICITED COMMUNICATIONS.—
  - (1) IN GENERAL.— Section 1136(g)(2) is amended —
    - (A) by striking “transportation,” and inserting “transportation and in the event of an accident involving a foreign air carrier that occurs within the United States,”;



- (B) by inserting after “attorney” the following: “(including any associate, agent, employee, or other representative of an attorney)”; and
- (C) by striking “30th day” and inserting “45th day”.
- (2) ENFORCEMENT.— Section 1151 is amended by inserting “1136(g)(2),” before “or 1155(a)” each place it appears.
- (b) PROHIBITION ON ACTIONS TO PREVENT MENTAL HEALTH AND COUNSELING SERVICES.— Section 1136(g) is amended by adding at the end the following:
- “(3) PROHIBITION ON ACTIONS TO PREVENT MENTAL HEALTH AND COUNSELING SERVICES.— No State or political subdivision thereof may prevent the employees, agents, or volunteers of an organization designated for an accident under subsection (a)(2) from providing mental health and counseling services under subsection (c)(1) in the 30-day period beginning on the date of the accident. The director of family support services designated for the accident under subsection (a)(1) may extend such period for not to exceed an additional 30 days if the director determines that the extension is necessary to meet the needs of the families and if State and local authorities are notified of the determination.”.
- (c) INCLUSION OF NONREVENUE PASSENGERS IN FAMILY ASSISTANCE COVERAGE.— Section 1136(h)(2) is amended to read as follows:
- “(2) PASSENGER.— The term ‘passenger’ includes —
- “(A) an employee of an air carrier or foreign air carrier aboard an aircraft; and
- “(B) any other person aboard the aircraft without regard to whether the person paid for the transportation, occupied a seat, or held a reservation for the flight.”.
- (d) STATUTORY CONSTRUCTION.— Section 1136 is amended by adding at the end the following:
- “(i) STATUTORY CONSTRUCTION.— Nothing in this section may be construed as limiting the actions that an air carrier may take, or the obligations that an air carrier may have, in providing assistance to the families of passengers involved in an aircraft accident.”.

## **SEC. 402. AIR CARRIER PLANS.**

- (a) CONTENTS OF PLANS.—
- (1) FLIGHT RESERVATION INFORMATION.— Section 41113(b) is amended by adding at the end the following:
- “(14) An assurance that, upon request of the family of a passenger, the air carrier will inform the family of whether the passenger’s name appeared on a preliminary passenger manifest for the flight involved in the accident.”.
- (2) TRAINING OF EMPLOYEES AND AGENTS.— Section 41113(b) is further amended by adding at the end the following:

- “(15) An assurance that the air carrier will provide adequate training to the employees and agents of the carrier to meet the needs of survivors and family members following an accident.”.
- (3) CONSULTATION ON CARRIER RESPONSE NOT COVERED BY PLAN.— Section 4113(b) is further amended by adding at the end the following:
- “(16) An assurance that the air carrier, in the event that the air carrier volunteers assistance to United States citizens within the United States with respect to an aircraft accident outside the United States involving major loss of life, the air carrier will consult with the Board and the Department of State on the provision of the assistance.”.
- (4) SUBMISSION <<NOTE: 49 USC 4113 NOTE.>> OF UPDATED PLANS.— The amendments made by paragraphs (1), (2), and (3) shall take effect on the 180th day following the date of the enactment of this Act. On or before such 180th day, each air carrier holding a certificate of public convenience and necessity under section 41102 of title 49, United States Code, shall submit to the Secretary and the Chairman of the National Transportation Safety Board an updated plan under section 4113 of such title that meets the requirements of the amendments made by paragraphs (1), (2), and (3).
- (5) CONFORMING AMENDMENTS.— Section 4113 is amended —
- (A) in subsection (a) by striking “Not later than 6 months after the date of the enactment of this section, each air carrier” and inserting “Each air carrier”; and
- (B) in subsection (c) by striking “After the date that is 6 months after the date of the enactment of this section, the Secretary” and inserting “The Secretary”.
- (b) LIMITATION ON LIABILITY.— Section 4113(d) is amended by inserting “, or in providing information concerning a preliminary passenger manifest,” before “pursuant to a plan”.
- (c) STATUTORY CONSTRUCTION.— Section 4113 is amended by adding at the end the following:
- “(f) STATUTORY CONSTRUCTION.— Nothing in this section may be construed as limiting the actions that an air carrier may take, or the obligations that an air carrier may have, in providing assistance to the families of passengers involved in an aircraft accident.”.

#### **SEC. 403. FOREIGN AIR CARRIER PLANS.**

- (a) INCLUSION OF NONREVENUE PASSENGERS IN FAMILY ASSISTANCE COVERAGE.— Section 41313(a)(2) is amended to read as follows:
- “(2) PASSENGER.— The term ‘passenger’ has the meaning given such term by section 1136.”.
- (b) ACCIDENTS FOR WHICH PLAN IS REQUIRED.— Section 41313(b) is amended by striking “significant” and inserting “major”.
- (c) CONTENTS OF PLANS.—

- (1) IN GENERAL.— Section 41313(c) is amended by adding at the end the following:
- (15) TRAINING OF EMPLOYEES AND AGENTS.— An assurance that the foreign air carrier will provide adequate training to the employees and agents of the carrier to meet the needs of survivors and family members following an accident.
- “(16) CONSULTATION ON CARRIER RESPONSE NOT COVERED BY PLAN.— An assurance that the foreign air carrier, in the event that the foreign air carrier volunteers assistance to United States citizens within the United States with respect to an aircraft accident outside the United States involving major loss of life, the foreign air carrier will consult with the Board and the Department of State on the provision of the assistance.”.
- (2) SUBMISSION <<NOTE: 49 USC 41313 NOTE.>> OF UPDATED PLANS.— The amendment made by paragraph (1) shall take effect on the 180th day following the date of the enactment of this Act. On or before such 180th day, each foreign air carrier providing foreign air transportation under chapter 413 of title 49, United States Code, shall submit to the Secretary and the Chairman of the National Transportation Safety Board an updated plan under section 41313 of such title that meets the requirements of the amendment made by paragraph (1).

Public Law 105-148  
105th Congress

An Act

To amend title 49, United States Code, to require the National Transportation Safety Board and individual foreign air carriers to address the needs of families of passengers involved in aircraft accidents involving foreign air carriers. <<NOTE: Dec. 16, 1997 — [H.R. 2476]>>

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PLANS TO ADDRESS NEEDS OF FAMILIES OF PASSENGERS INVOLVED IN FOREIGN AIR CARRIER ACCIDENTS.

- (a) IN GENERAL.— Chapter 413 of title 49, United States Code, is amended by adding at the end the following:
- “Sec. 41313. Plans to address needs of families of passengers involved in foreign air carrier accidents
- “(a) DEFINITIONS.— In this section, the following definitions apply:
- “(1) AIRCRAFT ACCIDENT.— The term ‘aircraft accident’ means any aviation disaster, regardless of its cause or suspected cause, that occurs within the United States; and
- “(2) PASSENGER.— The term ‘passenger’ includes an employee of a foreign air carrier or air carrier aboard an aircraft.
- “(b) SUBMISSION OF PLANS.— A foreign air carrier providing foreign air transportation under this chapter shall transmit to the Secretary of Transportation and the Chairman of the National

Transportation Safety Board a plan for addressing the needs of the families of passengers involved in an aircraft accident that involves an aircraft under the control of the foreign air carrier and results in a significant loss of life.

- “(c) CONTENTS OF PLANS.— To the extent permitted by foreign law which was in effect on the date of the enactment of this section, a plan submitted by a foreign air carrier under subsection (b) shall include the following:
- “(1) TELEPHONE NUMBER.— A plan for publicizing a reliable, toll-free telephone number and staff to take calls to such number from families of passengers involved in an aircraft accident that involves an aircraft under the control of the foreign air carrier and results in a significant loss of life.
- “(2) NOTIFICATION OF FAMILIES.— A process for notifying, in person to the extent practicable, the families of passengers involved in an aircraft accident that involves an aircraft under the control of the foreign air carrier and results in a significant loss of life before providing any public notice of the names of such passengers. Such notice shall be provided by using the services of —
- “(A) the organization designated for the accident under section 1136(a)(2); or
- “(B) other suitably trained individuals.
- “(3) NOTICE PROVIDED AS SOON AS POSSIBLE.— An assurance that the notice required by paragraph (2) shall be provided as soon as practicable after the foreign air carrier has verified the identity of a passenger on the foreign aircraft, whether or not the names of all of the passengers have been verified.
- “(4) LIST OF PASSENGERS.—An assurance that the foreign air carrier shall provide, immediately upon request, and update a list (based on the best available information at the time of the request) of the names of the passengers aboard the aircraft (whether or not such names have been verified), to —
- “(A) the director of family support services designated for the accident under section 1136(a)(1); and
- “(B) the organization designated for the accident under section 1136(a)(2).
- “(5) CONSULTATION REGARDING DISPOSITION OF REMAINS AND EFFECTS.— An assurance that the family of each passenger will be consulted about the disposition of any remains and personal effects of the passenger that are within the control of the foreign air carrier.
- “(6) RETURN OF POSSESSIONS.— An assurance that, if requested by the family of a passenger, any possession (regardless of its condition) of that passenger that is within the control of the foreign air carrier will be returned to the family unless the possession is needed for the accident investigation or a criminal investigation.
- “(7) UNCLAIMED POSSESSIONS RETAINED.— An assurance that any unclaimed possession of a passenger within the control of the foreign air carrier will be retained by the foreign air carrier for not less than 18 months after the date of the accident.

- “(8) MONUMENTS.— An assurance that the family of each passenger will be consulted about construction by the foreign air carrier of any monument to the passengers built in the United States, including any inscription on the monument.
- “(9) EQUAL TREATMENT OF PASSENGERS.— An assurance that the treatment of the families of nonrevenue passengers will be the same as the treatment of the families of revenue passengers.
- “(10) SERVICE AND ASSISTANCE TO FAMILIES OF PASSENGERS.— An assurance that the foreign air carrier will work with any organization designated under section 1136(a)(2) on an ongoing basis to ensure that families of passengers receive an appropriate level of services and assistance following an accident.
- “(11) COMPENSATION TO SERVICE ORGANIZATIONS.— An assurance that the foreign air carrier will provide reasonable compensation to any organization designated under section 1136(a)(2) for services and assistance provided by the organization.
- “(12) TRAVEL AND CARE EXPENSES.— An assurance that the foreign air carrier will assist the family of any passenger in traveling to the location of the accident and provide for the physical care of the family while the family is staying at such location.
- “(13) RESOURCES FOR PLAN.— An assurance that the foreign air carrier will commit sufficient resources to carry out the plan.
- “(14) SUBSTITUTE MEASURES.— If a foreign air carrier does not wish to comply with paragraph (10), (11), or (12), a description of proposed adequate substitute measures for the requirements of each paragraph with which the foreign air carrier does not wish to comply.
- “(d) PERMIT AND EXEMPTION REQUIREMENT.— The Secretary shall not approve an application for a permit under section 41302 unless the applicant has included as part of the application or request for exemption a plan that meets the requirements of subsection (c).
- “(e) LIMITATION ON LIABILITY.— A foreign air carrier shall not be liable for damages in any action brought in a Federal or State court arising out of the performance of the foreign air carrier in preparing or providing a passenger list pursuant to a plan submitted by the foreign air carrier under subsection (c), unless the liability was caused by conduct of the foreign air carrier which was grossly negligent or which constituted intentional misconduct.”.
- (b) CONFORMING AMENDMENT.— The table of sections for such chapter is amended by adding at the end the following:
- “41313. Plans to address needs of families of passengers involved in foreign air carrier accidents.”.
- (c) <<NOTE: 49 USC 41313 NOTE.>> EFFECTIVE DATE.— The amendments made by this section shall take effect on the 180th day following the date of the enactment of this Act.

Approved December 16, 1997.

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## Appendix 2<sup>1</sup>

### EXTRACT FROM THE UNITED STATES' FAMILY ASSISTANCE PLAN FOR AVIATION DISASTERS

**SUBJECT:** Federal Family Assistance Plan for Aviation Disasters

1. **REFERENCES.**

- a. Presidential Executive Memorandum, Subject: Assistance to Families Affected by Aviation and Other Transportation Disasters, September 9, 1996
- b. Public Law 104-264, Title VII, Aviation Disaster Family Assistance Act of 1996, October 9, 1996
- c. Memorandum of Understanding between Department of Defense and National Transportation Safety Board, April 3, 1997
- d. Memorandum of Understanding between Department of Health and Human Services and National Transportation Safety Board, June 19, 1997
- e. Memorandum of Understanding between Department of Justice and National Transportation Safety Board, January 28, 1997
- f. Memorandum of Understanding between Department of State and National Transportation Safety Board, June 18, 1997
- g. Memorandum of Understanding between Federal Emergency Management Agency and National Transportation Safety Board, October 24, 1998
- h. Statement of Understanding between American Red Cross and National Transportation Safety Board, September 28, 1998
- i. Memorandum of Understanding between Department of Transportation and National Transportation Safety Board, June 19, 1997
- j. Department of Transportation and National Transportation Safety Board, *Final Report, Task Force on Assistance to Families of Aviation Disasters*, October 29, 1997
- k. Public Law 105-148, Foreign Air Carrier Family Support Act, December 16, 1997

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1. See the acknowledgement in paragraph 7 of the Introduction to this circular.

## 2. PURPOSE.

This plan assigns responsibilities and describes the airline and Federal response to an aviation crash involving a significant number of passenger fatalities and/or injuries. It is the basic document for organizations which have been given responsibilities under this plan to develop supporting plans and establish procedures.

## 3. IMPLEMENTATION.

This plan shall be executed in full or part by the Director, Office of Family Affairs (FA), at the direction of the Chairman, National Transportation Safety Board (NTSB).

- a. The Director shall recommend to the Chairman activation of the plan or portions thereof.
- b. Federal agencies that have responsibilities under this plan shall maintain control of their resources while supporting the NTSB in accordance with the above references. (For purposes of this document the terms "Federal agencies" and "Federal staff" includes the American Red Cross.)
- c. The NTSB, through its communications center, will initiate notification of Federal agencies to activate planning and coordinating with the airline an appropriate response based upon the magnitude of the aviation crash. As information about the incident becomes more concise, additional resources may be called to support the incident. Upon direction from the Director, the NTSB communications center will notify any or all of the following operations centers:

(1) American Red Cross (ARC)	(703) 206-8822
(2) Department of State (DOS)	(202) 647-1512
(3) Department of Health and Human Services (DHHS)	(301) 443-1167, Ext. 0 1-800-872-6367
(4) Federal Bureau of Investigation Operations Center (FBI)	(202) 324-6700
(5) Federal Emergency Management Agency (FEMA)	(202) 898-6100
(6) Department of Defense (DOD)	(703) 697-0218
(7) Department of Justice (DOJ)	(202) 514-5000

- d. The role of the NTSB can generally be described as a coordinator to integrate the resources of the Federal Government and other organizations to support the efforts of the local and state government and the airline to meet the needs of aviation disaster victims and their families. The NTSB assists in coordinating Federal resources to local authorities and the airlines. Family counseling, victim identification and forensic services, communicating with foreign governments, and translation services are among the services with which the Federal government can help local authorities and the airlines deal with a major aviation disaster. It is recommended that the local government emergency services provide a representative to the Joint Family Support Operations Center (JFSOC) to participate in the local, airline, and Federal response. Details of the JFSOC are provided at Appendix B. It is recognized that the JFSOC layout is dependent on the facilities and rooms available at the time.

- e. Local authorities will maintain the same jurisdiction in regards to the initial accident response, recovery, security, site cleanup and medical examiner operations. The NTSB will lead the aviation crash investigation until it is determined to have been caused by a criminal act. The FBI will then become the lead investigative agency.
- f. The airline continues to have a fundamental responsibility to the victims and their families affected by an aviation crash. The airline is primarily responsible for family notification and all aspects of victim and family logistical support. Although their major responsibilities have not changed, the “Aviation Disaster Family Assistance Act of 1996” and the “Foreign Air Carrier Family Support Act” places the airline, as well as other support organizations, in a more collaborative relationship with families.
- g. All personnel involved in providing services to assist the victims and their family members should be trained in crisis response and must demonstrate compassion, sympathy, technical expertise, and professionalism. Information provided by family members and victims through discussions, interviews, counseling, and any other form of exchange of personal information must remain confidential and shall not be used for future litigation purposes.

#### 4. SCOPE.

- a. This plan pertains to any domestic or foreign commercial aviation crash that occurs within the United States, its territories, possessions and territorial seas.
- b. This plan is written with three possible crash scales supporting organizations should consider in their development of supporting plans and asset allocation calculations.
  - (1) Crash scale 1. This involves an aviation crash that involves 100 or fewer passengers and crew who are either fatalities or require medical assistance.
  - (2) Crash scale 2. This involves an aviation crash that involves 101 – 200 passengers and crew who are either fatalities or require medical assistance.
  - (3) Crash scale 3. This involves an aviation crash that involves 201 or more passengers and crew who are either fatalities or require medical assistance.

#### 5. ASSUMPTIONS.

- a. The Chairman of the NTSB will request Federal agencies to support the NTSB in accordance with the above references.
- b. The local medical examiner/coroner having jurisdiction will allow the Federal government to provide assistance. (It is noted that there are differences between a medical examiner and coroner. For purposes of this document the term “medical examiner” is used interchangeably with “coroner”.)
- c. There will be fatalities and seriously injured passengers and crew for each of the above three scenarios.



- d. Large numbers of families of fatalities will travel to the city closest to the incident and will utilize the accommodations provided by the airline. The remainder of families of fatalities will remain at their local residence.
- e. Most, if not all, families of seriously injured personnel will travel to the location where the injured are hospitalized, and once the injured are released from the hospital, will return home.

## 6. GENERAL.

The family assistance mission tasks that follow an aviation crash are:

- a. Make initial notification to family members of victims involved in the aviation crash based on manifest documents and other available information.
- b. Monitor search and recovery operations conducted by the local jurisdiction and offer assistance where needed.
- c. Determine the status and location of victims.
- d. Obtain approval of the local medical examiner to provide Federal assistance.
- e. Assist the local medical examiner in the identification of fatalities and the notification of their families.
- f. Provide psychological and logistical support and services to victims and their family members.
- g. Provide daily briefings to families on the progress of recovery efforts, identification of victims, the investigation, and other areas of concern.
- h. Arrange for a memorial service for the fatalities and their family members.
- i. Provide for the return of personal effects.
- j. Maintain contact with victims and their families to provide updates on the progress of the investigation and other related matters.

## 7. RESPONSIBILITIES.

There are seven Victim Support Tasks (VSTs). VSTs are tasks which participating organizations may be required to perform based upon the size and circumstances of the actual incident. The seven VSTs are NTSB Tasks; Airline Tasks; Family Care and Mental Health (ARC); Victim Identification, Forensic and Medical Services (DHHS); Assisting Families of Foreign Victims (DOS); Communications (FEMA); and Assisting Victims of Crime (DOJ). Each aviation crash is unique, and all of the following responsibilities may or may not be employed. Agencies and organizations should consider this and the three crash level scales when developing their supporting plans.

- a. NTSB: VST 1, "NTSB Tasks".

- (1) Coordinate Federal assistance and serve as liaison between airline and family members.
- (2) Provide NTSB toll-free number to family members to obtain information on the recovery and identification effort, accident investigation, and other concerns. This number will normally be provided to families on site during the initial family briefing and repeated in subsequent briefings. The NTSB will coordinate with the airline to have airline family representatives provide the toll-free number to the families that do not travel to the site.
- (3) Request a copy of the passenger manifest from the airline.
- (4) Coordinate with Department of Transportation for marine search and rescue.
- (5) Review with the airline family support logistics with special consideration toward security, quality of rooms and facilities, and privacy for family members.
- (6) Integrate local and Federal government officials and airline staff to form a Joint Family Support Operations Center to facilitate close coordination of services and activities.
- (7) Coordinate assistance effort with local and state authorities, to include the medical examiner, local law enforcement, emergency management, hospitals, and other emergency support personnel.
- (8) Maintain communications with the involved airline to receive frequent updates on the status of notification of victims' families.
- (9) Conduct daily coordination meetings with the airline and local and Federal government representatives to review daily activities, resolve problem areas, and to synchronize future family support operations and activities. An example of information that may be needed at the daily coordination meeting is at Appendix B.
- (10) Provide and coordinate family briefings to those at the site and those who decide not to be at the site.
- (11) Discuss with the medical examiner the subject of DNA testing: i.e., under what conditions would it be used; to what extent would it be used; whom the medical examiner would use to collect and test samples; and whom would pay for testing of samples.
- (12) Coordinate with investigator in charge for a possible visit to the crash site for family members.
- (13) Provide information releases to the media pertaining to the types of support that have been brought in to assist family members.
- (14) Maintain contact with family members to keep them informed about the progress of the investigation and continue to meet their future needs.
  - a) Approximately 2 to 4 months after the date of the crash, factual reports written by the NTSB investigators are made available in a public docket. Families should be informed approximately 4 weeks prior to the factual report being made public that they may request the NTSB provide a copy of the report. The report will be provided to them at no cost.

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- b) Families will also be notified of a public hearing concerning the crash if the NTSB decides a public hearing is necessary. The hearing is designed to gather additional facts from individuals selected to testify. Travel and lodging for the hearing is at the family's expense. Families will be provided seating and copies of official exhibits discussed at the hearing.
  - c) Families will be invited to attend, at their own expense, the board meeting at NTSB's Washington, DC, headquarters. The NTSB investigative staff presents to the full five Member Board a draft accident report for member discussion and approval at this board meeting. This report documents the NTSB's determination of the probable cause of the crash and recommendations on ways to prevent future aviation crashes.
- (15) Consolidate and review after action reports to resolve problem areas and update operating plans and procedures.
- b. Airline: VST 2, "Airline Tasks".
- (1) In addition to accident notification required by 49 Code of Federal Regulations (CFR) 830.5, notify the NTSB communications center at (202) 314-6290 immediately upon knowledge of a crash.
    - a) Provide place of incident (or general vicinity of incident), number of passengers and crew based on preliminary departure information and number of injured and fatalities (if known).
    - b) Provide flight number, origination, connection points and final destination (if known), and whether the flight was domestic or international.
    - c) Provide name and telephone number of the person who is in overall charge of the incident site.
    - d) Provide name, telephone number and location of the hotel that has been designated as the JFSOC.
    - e) Provide name and telephone number of the person responsible for the passenger manifest.
    - f) Provide name and telephone number of the person responsible for family notification.
  - (2) Provide the public a reliable publicized toll-free number with sufficient telephone capacity.
    - a) When disseminating the toll-free number, the carrier should ask the media to inform the public that this number should only be used by individuals who have a reason to believe a family member or friend was a passenger on the flight.
    - b) The media notice should emphasize that initial calls to the airline are to provide a point of contact with the airline, provide basic flight information to the caller, and gather information so the airline may obtain points of contact for each passenger.
    - c) The media should be asked to reemphasize the carrier involved, the flight number, airport of origination, connection and final destination. This may reduce the number of callers who know someone who was on another carrier's flight traveling to a different destination.

- d) The “message” heard by callers on hold should urge anyone who does not have reason to believe that a family member or friend was a passenger or is unable to provide relevant information on the passenger to please clear the line. The “message” also should restate the carrier involved, the flight number, airport of origination, connection and final destination.
- (3) Provide timely notification to family members of passengers which may consist of a continuous process of updates based upon manifest reconciliation with boarding documents (ticket lifts, ticket readers, final gate check-in name list). It is recommended that passenger information be provided to family members as it becomes known. Do not wait until all names on the check-in manifest are confirmed before notifying individual family members. For example, the family should be provided information as to whether the passenger is shown checked in or not, but that the passenger’s status cannot be confirmed until the check-in manifest is reconciled with the boarding documents collected at the gate. Once contact is established with family members, it must be maintained, regardless if additional information becomes available. Personnel should be trained in crisis response and techniques to notify a person that a family member may have been involved in a disaster.
  - (4) Provide the NTSB, upon request, the most current reconciled copy of the passenger manifest. Each copy should be numbered or annotated so it can be distinguished from previous copies.
  - (5) Secure facilities at departure, arrival, and connecting airports where family members may be initially gathered to protect them from media and solicitors, as well as to receive continuous updates on the reconciliation of the passenger manifest and other information on the crash. If at a secured facility, family members will be notified personally and privately by personnel trained in crisis response and death notification that their loved one was on the plane.
  - (6) Provide logistical support to family members who desire to travel to the incident site (or to a hospital location), which includes, but is not limited to, transportation, lodging, meals, security, communications, and incidentals. Factors to consider in selecting a facility are quality of rooms and size of facilities, privacy for family members, and relative location to medical examiner’s office, temporary morgue, airport operations, crash site, NTSB investigation Headquarters, and medical treatment facilities.
  - (7) Inform family members (or family friends or clergy who are with the family) at an appropriate time, but as early as possible after being notified, that it is critical that they contact their family dentist to obtain the dental records and dental x-rays of their loved one. Ask the family to have the records and x-rays overnight expressed to the address of the hotel where the JFSOC will be located. Packages should be addressed to the Deputy Director, FA, NTSB. If the family is coming to the site within the next 48 hours, the family may arrange to hand carry these documents. It should be explained that dental records and x-rays are critical in the victim identification process. If the family is already at the site or arrives without making arrangements with their dentist, Disaster Mortuary Operational Response Team (DMORT) personnel will coordinate with the family’s dentist to obtain dental records and x-rays.
  - (8) Make provisions for a JFSOC to include space, communication and logistical support for the assisting local and Federal staff. Details of the JFSOC are provided at Appendix B.
  - (9) Make provisions for private areas within the hotel for DMORT and medical examiner personnel to collect ante mortem information from families at the site. Also provide quiet space

and communications for DMORT and medical examiner personnel to telephonically collect ante mortem information from families who decide to stay away from the site. Plan to provide the following rooms for crisis counseling/DMORT use:

- a) Crash scale 1: 6 rooms
- b) Crash scale 2: 12 rooms
- c) Crash scale 3: 15 rooms

Support requirements for planning purposes are at Appendix B. These facilities will also be used to inform families when positive identification has been made by the medical examiner. By having the DMORT/medical examiner team representative located within the family assistance center, transportation of victim's remains and other logistical considerations can be better coordinated without having an airline reservation specialist at the morgue location.

- (10) Provide DOS representative necessary information on foreign passengers to facilitate interaction with appropriate foreign government embassies.
- (11) Provide notification to family members prior to releasing passenger names to the public. Family members should be given appropriate time to notify other family members and friends prior to public release of the victim's name. While it may be necessary for some families to have more than one contact point with the airline, families may be requested to designate one primary contact point for purposes of information sharing among the family. This will allow the airline to use their personnel in a more efficient manner. The carrier is under no obligation to release the victim's name if family members do not wish the victim's name to be released.
- (12) Inquire at the time of notification or soon after if family members desire, ARC crisis assistance or an ARC person just to talk to. If they are undecided or say no, ask them to inform their airline representative if they reconsider. Pass all requests for assistance to the ARC representative who will coordinate for an ARC staff member in the family member's local area to contact the family.
- (13) Provide the media with continuous updates on the progress of the notification process, such as providing the number of victims' families notified as of a certain time and the number remaining to be notified. This process will continue until all victims' families have been notified.
- (14) Assist family members as they travel to and from the site by informing flight crews and airport personnel that family members are on particular flights. At departure, connecting, and arrival airports, family members should have airline personnel meet and assist them while on airport grounds. If necessary, seek assistance from other carriers who may have a larger presence at the airport. Assist family members as they depart the incident site and provide a contact person who will continue to be the airline interface with the family after the family returns to their residence.
- (15) Provide a contact person to meet family members as they arrive and accompany them at the incident site. This person will be responsible for assisting the family while at the site and should continue to be the airline interface with the family until the family returns to their residence. At that time the airline may decide to designate a single contact person for all family members.

- (16) Maintain daily contact with family members who do not travel to the incident site by providing a contact person from the airline.
  - (17) Establish a badging system to identify family members.
  - (18) Establish a joint liaison with ARC at each supporting medical treatment facility to track the status of injured victims and to provide assistance to their families.
  - (19) Develop procedures for the handling of personal effects not being held as evidence for purposes of a criminal or accident investigation. Utilizing a third party who has experience in the return of personal effects associated with aviation disasters should be considered. Done properly it is time consuming and resource intensive. Consideration should also be given to protecting airline employees from re-experiencing the crash, which could result in future psychological and physical health problems. Provisions will be made for unclaimed possessions to be retained for at least 18 months from the date of the crash as required by law.
  - (20) Designate an individual who will be the airline's representative to the Deputy Director of FA. This individual will travel to various locations, such as accident site, morgue, JFSOC, and family assistance center with the Deputy Director of FA. The designated individual should have the authority or ready access to those who have sufficient authority to make decisions on behalf of the airline.
  - (21) Consult with family members about any airline-sponsored monument, including any inscriptions.
  - (22) Provide reasonable reimbursement to the ARC for the services provided to the family, airline, and supporting personnel.
  - (23) Coordinate with DOJ in arranging meetings with family members to explain their rights under the victims of crime legislation, if the crash is declared a crime.
  - (24) Provide the same support and treatment of families of non-revenue passengers (and any other victim of the accident) as for revenue passengers.
  - (25) Participate in daily coordination meetings to review daily activities, resolve problem areas, and to synchronize future family support operations and activities. Information that may be needed at the daily coordination meeting is at Appendix B. This information is helpful to plan logistical requirements, such as food, lodging, and transportation, as well as providing everyone with an update of current and future support operations.
- c. ARC: VST 3, "Family Care and Mental Health".
- (1) Provide a representative to the JFSOC to coordinate with other members of the operations center staff ARC related issues and family requests for assistance. Additional personnel may be needed for crash scale 2 or 3 scenarios.
  - (2) Coordinate and manage the numerous organizations and personnel that will offer counseling, religious and other support services to the operation. A staff processing center, away from the Family Assistance Center, should be set up to screen, monitor and manage personnel (paid and volunteer) so that families are not outnumbered and overwhelmed by well-intentioned

organizations and individuals. The staff processing center will also be responsible for the badging of personnel, matching volunteer skills with organizational needs, assigning work schedules, briefing and debriefing of support staff, personnel and planning for future activities.

- a) Qualified local resources should be integrated with ARC personnel to provide crisis and grief counseling, food services, administrative assistance, and other support services to family members and support organizations.
  - b) Crisis and grief counseling should be coordinated with the airline to contact and set up an appointment, if appropriate, with family members who do not travel to the site.
- (3) Employ an accounting system to accurately record cost data in specific cost categories for later reimbursement.
  - (4) Activate local, state and national ARC personnel to provide crisis and grief counseling to family members and support personnel. This includes coordinating with the airline to contact and set up an appointment, if appropriate, with family members who do not travel to the site.
  - (5) Assess the needs and available resources of other agencies and coordinate with them to ensure ongoing emotional support for workers during the operation and provide debriefings before departure.
  - (6) Establish a joint liaison with the airline at each supporting medical treatment facility to track the status of injured victims and to provide assistance to their families.
  - (7) Coordinate with the airline to establish areas for families to grieve privately.
  - (8) Coordinate on site child care services for families who bring young children.
  - (9) Arrange a suitable inter-faith memorial service days following the crash and a memorial service for any future burial of unidentified remains.
  - (10) Provide families, at their request with referrals to mental health professionals and support groups that are in the family member's local area.
- d. DHHS: VST 4, "Victim Identification, Forensic and Medical Services".
- (1) Provide a representative to the JFSOC to coordinate with other members of the operations center staff DHHS related issues and family requests for assistance. Additional personnel may be needed for crash scale 2 or 3 scenarios.
  - (2) Provide necessary DMORT team members to assist the medical examiner in victim identification and mortuary services. Configuration of team and skills required will be determined by details of the crash, medical examiner's request for assistance, and crash scale 1, 2, or 3 factors.
  - (3) Provide, if appropriate, a portable morgue facility and the necessary equipment and supplies to augment the local medical examiner's capabilities.

- (4) Monitor the status of incoming dental records and x-rays to insure that all records have been received. If not, take steps to obtain the records and x-rays. Request assistance from DOS for acquiring necessary records for foreign passengers and crew.
  - (5) Develop a standard ante mortem questionnaire and disposition of remains form that can be adapted to meet local medical examiner and state requirements. The disposition of remains form will be used to obtain directions from the lawfully authorized next of kin on what he/she desires the medical examiner to do with remains that may later be identified as those of their family member. Information collected from family members is strictly confidential and will be used only for medical examiner purposes.
  - (6) Interview family members who are both on site and off site for ante mortem identification information and disposition of remains information.
  - (7) Coordinate with the medical examiner to integrate non-DMORT personnel who are providing assistance to the medical examiner's office into the morgue operation.
  - (8) Assist the medical examiner in notifying family members of positive identification and include an explanation of how identification was determined. Notification team may include, if appropriate, ARC crisis counselor, clergy, and airline family escort.
  - (9) Check remains prior to release to local funeral director. Insure that all documentation is correct and a chain of custody is established.
  - (10) Provide the NTSB with names of victims and their next of kin (NOK), relationship to victim, and addresses and telephone numbers of NOK. A source for this information is the ante mortem questionnaire.
  - (11) Assist the airlines, if requested, with finding next of kin to be notified by use of established cooperative relationships with local, state, and Federal law enforcement agencies.
  - (12) Provide, if requested, professional medical staff and technicians to assist in the care and recovery of injured victims.
  - (13) Assist the ARC, if requested, with additional trained and experienced crisis counselors.
- e. DOD: Supports DHHS in VST 4, "Victim Identification, Forensic and Medical Services". If required:
- (1) Provide the use of a military installation, such as Dover Air Force Base, for mortuary support operations.
  - (2) Provide personnel from the Armed Forces Institute Pathology (AFIP), Office of the Armed Forces Medical Examiner (OAFME), to assist in the identification effort and to conduct appropriate DNA comparison testing on specimens submitted by the medical examiner.
  - (3) Provide assets from the US Navy's Support Salvage (SUPSALV) for the purposes of offshore search, salvage, and recovery of non-military aircraft wreckage, when these services are not locally available. SUPSALV is delegated the responsibility for technical, and when tasked,



operational control of aircraft search, identification, and/or underwater recovery operations. NTSB and SUPSALV will jointly determine if assets should be deployed and SUPSALV will advise the NTSB on alternate search and recovery methods that may be employed.

- (4) Provide within 24 hours a trained Graves Registration and Recovery Team to assist in the recovery efforts at the crash site.
  - (5) Provide within 72 hours available dental records and x-rays of military fatalities that are active duty, retired, veteran, or reserve.
  - (6) Provide pouches and transfer cases for human remains.
- f. DOS: VST 5, “Assisting Families of Foreign Victims”. If required:
- (1) Provide a representative to the JFSOC to coordinate with other members of the operations center staff DOS related issues, such as obtaining dental records and dental x-rays from foreign families and responding to family requests for assistance. Additional personnel may be needed for crash scale scenarios involving international flights.
  - (2) Provide official notification to foreign governments that have citizens involved in the aviation incident after obtaining necessary information on foreign passengers from the airline.
  - (3) Assist the airline in notifying US citizens who may reside or are traveling outside the United States that a member of their family has been involved in an aviation accident.
  - (4) Provide translation services to facilitate communications with the victim’s family and all interested parties.
  - (5) Assist the airline, the Federal support staff, and others in maintaining daily contact with foreign families who do not travel to the United States.
  - (6) Assist foreign air carrier’s employees and families of foreign victims with entry into the United States and extend or grant visas.
  - (7) Facilitate necessary consulate and customs services for the return of remains and personal effects into the country of destination.
  - (8) Assist in the effort to provide the medical examiner the necessary information on foreign victims to complete death certificates.
- g. FEMA: VST 6, “Communications”. If required:
- (1) Provide a representative to the JFSOC to coordinate with other members of the operations center staff and local and state officials emergency management related issues. Additional personnel may be needed for crash scale scenarios involving a major city emergency response.
  - (2) Provide personnel, upon request of the NTSB, to assist in public information dissemination, to include assistance in establishing and staffing external media support centers at the crash site, wreckage hanger, family support operations center, airport, and other areas that may attract media interest.

- (3) Provide voice and data communication assets to communicate from the incident site to
  - (4) the NTSB Communications Center.
- h. DOJ: VST 7, “Assisting Victims of Crime”. If required:
- (1) Provide, upon NTSB request, an FBI Disaster Squad with sufficient personnel to obtain fingerprint identification of aviation crash fatalities. This team will work with the medical examiner and the DMORT personnel at the morgue location.
  - (2) The following responsibilities will only be implemented if the airline disaster is officially declared a criminal act:
    - a) Provide a representative to the JFSOC to coordinate with other members of the operations center on DOJ-related issues.
    - b) Provide information to victims and their family members, on site and off site, as required under the Victims of Crime Act of 1984, the Victim and Witness Protection Act of 1982 as amended, other relevant statutes, and the 1995 Attorney General Guidelines for Victim and Witness Assistance.
    - c) Assist the ARC, if requested, with additional trained and experienced crisis counselors through the Office for Victims of Crimes Community Crisis Response Program.
    - d) Provide updates to victims and their family members on the progress of the criminal investigation.

## 8. COORDINATING INSTRUCTIONS.

- a. The point of contact for this plan is the Deputy Director, FA, NTSB. The telephone number is (202) 314-6185. The office fax number is (202) 314-6638.
- b. Upon implementation and until the NTSB’s family affairs staff is situated at the JFSOC, calls should be directed to the NTSB Communications Center at (202) 314-6290 (voice) or (202) 314-6293 (fax). The Communications Center will pass any information or messages to the appropriate NTSB family affairs staff member.
- c. It is recommended that supporting agencies make the same individual or individuals available to each aviation crash as their representative to the JFSOC. Major aviation incidents do not occur frequently. When they do occur, however, people and organizations in the past have had very little or no experience dealing with the many sensitive issues of an aviation disaster. By developing a core group of experienced staff, operational procedures will continually improve and individual and group experiential bases will increase, all culminating in the better delivery of support services to victims and their families. Agencies are not precluded from designating and training alternate personnel.
- d. It is recommended that Federal personnel involved at the incident site wear clothing articles, such as hats, shirts, and/or jackets that identify the agency or group with which they are associated. This will be helpful for families, as well as for all those involved in supporting the operation.

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- e. Agencies that participate in supporting victims and their family members under this plan are requested to submit an after action report to the Deputy Director, FA, within 30 days of completion of their tasks. This information must be captured so appropriate lessons can be derived, corrective actions taken, and plans changed accordingly. A sample format is at Appendix C.
  - f. Other than the media releases by the airline on the progress of family notification and release of passenger names described in paragraph 7b, all media inquiries and releases that pertain to the family affairs operation will be referred to the NTSB family affairs officer. The NTSB will advise and assist the local medical examiner on any media affairs in his or her area of responsibility. Support organizations may provide press releases or briefings on their specific agency mission/action during this event. There are no restrictions on victims or family members meeting with the media if they so desire.
  - g. Due to differences in individual airline and airline underwriter policies, as well as the aviation crash itself, reimbursement of costs associated with participation in an aviation disaster will be made after discussions with the airline and their insurance underwriter.

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**Appendix A****DRAFT MEDIA RELEASES  
AND BACKGROUND PAPERS****Media Topic**

Federal Agencies Supporting the Victims of (Accident)

National Disaster Mortuary Operational Response Team (DMORT)

Victim Identification Process

Aviation Disaster Family Assistance Act of 1996 (Background Paper)

Return of Personal Effects (Background Paper)

FOR IMMEDIATE RELEASE:

FEDERAL AGENCIES SUPPORTING THE VICTIMS OF **(ACCIDENT)**

**(LOCATION)**— The Aviation Disaster Family Assistance Act of 1996 (PL 104-264, Title VII), was passed by the Congress and signed by President Clinton on October 9, 1996. This Act gave the National Transportation Safety Board (NTSB) the additional responsibility of aiding the families of victims of aircraft accidents occurring in U.S. territory. An earlier Presidential Executive Memorandum, dated September 9, 1996, complements the new law, in which President Clinton designated the NTSB as the coordinator of Federal services for families of major transportation disasters.

The NTSB, in a cooperative effort with local, state and **(AIRLINE)** authorities, is coordinating Federal support to assist **(CITY)** in meeting the needs of the victims' families of **(ACCIDENT)**. Federal and other agencies that are involved in the family support area are: **(American Red Cross (ARC); Department of State (DOS); Department of Health and Human Services (DHHS); Federal Emergency Management Agency (FEMA); Department of Justice (DOJ); and Department of Defense (DOD).**

The ARC is providing crisis and grief counseling not only to the families that are here in **(CITY)**, but also for those families who have decided to remain home. The ARC has activated local, state, and national ARC personnel to augment local resources to support the families affected by this tragic disaster. ARC personnel and local volunteers are also at key locations, such as the airport, family assistance center and the morgue, assisting all the support workers who have contributed so much to this operation.

The Department of Health and Human Services (DHHS) is primarily responsible for assisting the **(CITY)** medical examiner in the identification and return of deceased victims to their families.

The National Disaster Mortuary Operational Response Team (DMORT) is currently assisting the city medical examiner. The team is composed of forensic pathologists, odontologists, anthropologists, finger print experts, and other technical personnel. DHHS is also providing a fully equipped mobile mortuary to expand the medical examiner's capabilities.

**(Since there are foreign passengers involved in this accident, The Department of State (DOS) is assisting the airline in officially notifying the victim's government and helping those affected foreign families travel to the US. They are also providing translation services to facilitate communication with all interested parties.)**

**(The NTSB has also called on the Federal Emergency Management Agency (FEMA) to augment NTSB public information efforts with additional staff. This will enable the NTSB to staff additional media support locations, such as XXXXX)**

**(Now that this tragedy has been officially declared a criminal act by (LAW ENFORCEMENT AGENCY), the Department of Justice (DOJ) is providing information to family members on the services and assistance provided under the Victims of Crime Act of 1984. Such services and assistance may include compensation for loss of support, loss of wages, medical and mental health counseling expenses, and funeral costs. DOJ is also responsible for keeping the family members up to date on the progress of the criminal investigation.)**

FOR IMMEDIATE RELEASE:

DISASTER MORTUARY OPERATIONAL RESPONSE TEAM (DMORT)

**(LOCATION)** — Immediately upon being notified of the **(ACCIDENT)**, the National Transportation Safety Board contacted the local **medical examiner (NAME)** to jointly assess the situation to determine if the Federal government can assist in the recovery and identification of fatalities of **(ACCIDENT)**.

**(ME's name)** requested Federal assistance and the NTSB requested the Office of Emergency Preparedness, United States Public Health Service (USPHS) to activate the Disaster Mortuary Operational Response Team (DMORT). Approximately **(time and date)** the first elements of DMORT arrived on site.

The DMORT members are composed of private citizens each with a particular field of expertise. Their licensure and certification is recognized by all states and they are compensated for their duty time by the Federal government. They will assist the medical examiner with recovery, identification and body preparation of the deceased victims. The team consists of forensic pathologists, medical examiners, odontologists, anthropologists, funeral directors, finger print experts, and other skilled technicians. Many have experience with other aviation disasters, as well as experience involving natural disasters.

The NTSB also requested the delivery of an emergency mobile mortuary. The facility, which is maintained in Rockville, Maryland, contains a complete morgue with the necessary prepackaged equipment and supplies to support each workstation. It **(arrived...time/date) (is expected to arrive approximately time/date)**. It **(has been/will be)** located in the vicinity of **(location)** and **(is/will be)** considered a secure site.

This has been a cooperative effort between local, state, and Federal officials, as well as **(airline)** with the shared goal of recovering, identifying and returning all victims of this disaster to their loved ones as quickly as possible.

FOR IMMEDIATE RELEASE:

## VICTIM IDENTIFICATION PROCESS

**(LOCATION)**—**(NAME)**, the local medical examiner is leading the effort to identify the victims of **(ACCIDENT)**. As the medical examiner, **(NAME)** is legally responsible and retains jurisdiction on victim identification and cause of death determination.

The Aviation Disaster Family Assistance Act of 1996 designates the National Transportation Safety Board (NTSB) to coordinate Federal assistance in response to aviation accidents, such as the **(ACCIDENT)**. The NTSB, at the request of **(NAME)**, has provided the medical examiner's office the services of the Disaster Mortuary Operational Response Team (DMORT). The team consists of forensic pathologists, medical examiners, odontologists, anthropologists, funeral directors, finger print experts, and other skilled technicians. Many have experience with other aviation disasters, as well as experience involving natural disasters. The NTSB also requested the delivery of an emergency mobile mortuary, which is maintained in Maryland. It contains a complete morgue with the necessary prepackaged equipment and supplies to expand the operational capacity of the medical examiner's office.

The identification process is very deliberate and time consuming. Consequently, family members and the media are cautioned not to expect immediate identifications to be made. In some cases, unfortunately not all victims may be identified. To minimize this possibility, the NTSB has called on this team of experienced experts.

The identification process utilizes a number of media to make a positive identification. The process may start with documents found on the victim, as well as descriptions of clothing, jewelry, and other characteristics described by family members. Family members have been requested to provide dental records and x-rays that will assist the forensic odontologists with their work. The fingerprint experts of the FBI Disaster Squad will also make fingerprint comparisons. Forensic pathologists and anthropologists can also assist by providing information on general age, sex, size, color of hair and eyes, and race of the victim. Based upon past medical information collected from family members, they may be able to determine a victim by a previous broken arm that was reported by the family and the comparison of a x-ray taken by the medical examiner. Collectively, all these procedures' findings must support one another prior to a positive identification being determined by the medical examiner.

Once **(NAME)** makes a positive identification, the medical examiner's office will personally notify the victim's family. Health care and other support professionals will be available to assist family members through this experience.

## FOR BACKGROUND INFORMATION

## AVIATION DISASTER FAMILY ASSISTANCE ACT OF 1996 (PL 104-264, Title VII)

The National Transportation Safety Board (NTSB) has been investigating the nation's aviation accidents for nearly thirty years and has been to the scene of nearly 100,000 general and commercial airplane accidents. The Aviation Disaster Family Assistance Act of 1996 (PL 104-264, Title VII), was passed by Congress and signed by President Clinton on October 9, 1996. The Act gave the NTSB the additional responsibility of aiding the families of victims of aircraft accidents. The new law is complemented by an earlier Presidential Executive Memorandum dated September 9, 1996, in which President Clinton designated the NTSB as the coordinator of Federal services for families of major transportation disasters in the U.S. This authority enables the NTSB to harness the collective resources of the Federal government and direct aid to any area in which it is needed.

Before President Clinton's Presidential Memorandum, the families of people killed or injured in a commercial aircraft accident had been primarily assisted in the aftermath of the accident by the involved airline. Often local and state agencies, including volunteer organizations also responded, but often times the effort was uncoordinated and divisive. While the airline remains a major participant, the NTSB is now able to apply Federal resources to augment local and state efforts and coordinate the overall family assistance support system.

The following are highlights of the Aviation Disaster Family Assistance Act of 1996:

1. The Chairman of the NTSB designates and publicizes the name and telephone number of the Director of the Office of Family Affairs who will be the liaison between family members and the airline.
2. The Chairman of the NTSB designates a nonprofit organization (American Red Cross) whose primary responsibility will be to coordinate the emotional care and support to victims and their families.
3. Upon request, the airline will provide a copy of the latest available passenger manifest to the Director of the Office of Family Affairs.
4. No person (including a State or political subdivision) will impede the ability of the NTSB and/or the Director of the Office of Family Affairs to carry out its responsibilities or the ability of the families of passengers involved in the accident to have contact with one another.
5. Provides a 30-day waiting period in which unsolicited communications by attorneys, representatives of an attorney, insurance company, or airline litigation representative to victims or their families are prohibited.



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## FOR BACKGROUND INFORMATION

### RETURN OF PERSONAL EFFECTS

At the time victims of an accident are removed from the incident site, their personal effects are also being recovered. All recovered items are stored in a secure area. There are two types of personal effects, associated and unassociated.

Associated personal effects are those personal items that can be identified to a specific individual. Examples are items such as rings or earrings that are found on the victim or articles such as a wallet found in a carry on bag with driver's license, credit cards, and other items with a specific person's name.

Unassociated personal effects are those items that can not be identified to a specific person. Examples may be a necklace or earrings found near, but not on, a victim or clothing that has spilled out of a suitcase.

Sometimes authorities retain personal effects if needed as evidence or as part of the investigation. Once the authorities no longer need retained items, the items are returned to the airline to be returned to the appropriate owner.

The airline or their representative returns associated items by contacting the survivor or victim's family and asking them how they would like the recovered items returned. The airline or its representative then carries out the desires of the survivor or the victim's family.

The process for the return of unassociated personal effects is deliberate and time consuming. The primary problem is determining ownership of items that may number in the thousands. Normally, all items are first inventoried, numbered, and photographed. Once completed, a photo catalogue is produced and provided to all families who request a copy. Instructions are provided for claiming an item. Once all families have responded, items that are claimed by only one family are returned according to their instructions. Claims by more than one party must be substantiated and proven by pictures, invoices, or other means. The item in question is returned once ownership is determined.

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## Appendix B

### JOINT FAMILY SUPPORT OPERATIONS CENTER

The Joint Family Support Operations Center (JFSOC) is an important element in the control and coordination of the responses and resources of supporting organizations involved in an aviation accident.

Although the JFSOC concept is not new, historically there has been no element such as the JFSOC that has been utilized at an aviation accident that specifically focused on coordinating support to families affected by an aviation disaster.

The JFSOC comes from the well-utilized and regarded concept of the Emergency Operations Center (EOC). It is a central location where participating organizations can be brought together to monitor, plan, coordinate, and execute a response operation maximizing the utilization of all available resources. Communication or sharing of information has always been and will always be the major obstacle to a successful emergency response. The JFSOC is designed to address this common problem.

Organizations that will normally be involved in the JFSOC are the NTSB, airline, ARC, local government and law enforcement. Depending on the extent of the disaster, other organizations may also be involved in the JFSOC. They may be the Department of State (DOS), Department of Justice (DOJ), Federal Emergency Management Agency (FEMA), Department of Defense (DOD), and foreign consulates.

The responsibilities of the JFSOC are as follows:

1. Serves as the central focal point for coordination and sharing of information among participating organizations.
2. Monitors ongoing family support activities and tracks mission activities of each organization, such as the status of the resources available, whether is has been assigned or is out of service.
3. Maintains current list of locations and key telephone numbers of involved organizations and personnel.
4. Provides responses to calls and requests or provides an appropriate hand off with the primary organization responsible for the issue.
5. Maintains a daily journal of organizational activities and responses.
6. Maintains a record of coverage of family affairs activities by the media.

The staff of the JFSOC is responsible for the following tasks:

1. Maintains current status of family support activities.
2. Prepares input for the NTSB family web site.
3. Provides input for the daily family briefing.

4. Agencies represented in the JFSOC will be briefed on activities concerning family support via daily briefings.
5. Coordinates and shares information among all organizational representatives.
6. Maintains locations and telephone numbers of organizational entities along with key personnel (family assistance center, medical examiner, staff processing center, NTSB investigation HQs, airline, crash site, supporting organizations, local law enforcement, local government, etc.).
7. Responds to requests with an appropriate reply or by directing requests to the appropriate organization with primary responsibility.
8. Monitors and collects media reports on the family support area.
9. Maintains and updates daily plan and future operations.
10. Maintains status and location of injured victims.
11. Maintains status of identification effort utilizing information provided by ME/coroner.
12. Updates information on numbers of families at site and projected departures/arrivals (24/48 hours).
13. Tracks status of ante mortem interviews.

An aviation accident may take place anywhere, from an isolated area to a major metropolitan area. Due to the need to provide flexible planning guidance, the location of the JFSOC will be determined on a basis of available space, such as hotels, local government buildings, mobile command posts, and also the location and severity of the aviation disaster.

The involved air carrier should plan on securing a hotel area that can accommodate the people, equipment, and activities that will be involved in the JFSOC. Although hotel space for family members and the Family Assistance Center (FAC) will be at a premium, the JFSOC should be located in a same hotel. A small ballroom or large conference room would be ideal. Planning guidance for people and equipment is provided for the three crash scales.

While the air carrier is reserving space for the families, FAC, and the JFSOC, the NTSB will be in contact with local authorities to see if their EOC is suitable and available, as well as other local facilities. If the local government can accommodate the JFSOC, the NTSB will coordinate with the air carrier to determine the best location for the JFSOC.

The following is a general description of the duties and responsibilities of members of the JFSOC:

1. Coordinator: The JFSOC Coordinator represents the NTSB and is charged with managing the day to day activities of the JFSOC. The coordinator is responsible to the Board's family affairs specialist managing the FAC. The coordinator may assign responsibilities to JFSOC members; facilitates the exchange of information among the JFSOC participants; ensures critical information is kept current; informs other participants of significant developments; collects

information that may be used for family briefings; ensures individual logs are kept current; coordinates with NTSB HQs on information to be placed on the Board's web site; and other duties relating to the specific requirements of the accident.

2. Deputy Coordinator: A Deputy Coordinator may be designated to assist the Coordinator. The Deputy Coordinator may be from the carrier or from the local emergency management group.
3. Administrative Officer: An Administrative Officer will assist the Coordinator with administrative functions, such as preparing drafts of documents, collecting and posting of logs; assembling clips of media coverage of the accident; providing supplies; and other duties relating to the specific requirements of the accident.
4. Airline representative: The airline representative is responsible for representing the carrier in the JFSOC. The representative serves primarily in a coordinating role for the carrier. Such things as passing information to the carrier's command center on passengers that have been positively identified (after families have been notified); questions relating to current and future support provided to families by the airline; other agencies' current and future plans and developments; meetings and agendas; and other informative issues are examples of things that the representative may be doing in the JFSOC. Other tasks are maintaining a daily log; monitoring status of injured victims and numbers of family members on and off site; providing input for daily briefings to family members; updating other JFSOC participants on the carrier's activities and developments, and general sharing of information.
5. Local government representative: The local government representative is the coordinating point for JFSOC participants on issues of security of the morgue, FAC, hotels for family members and other designated sensitive areas. The representative is also responsible for keeping his/her organization informed of family affairs activities and meetings; updating other JFSOC participants on the local government's activities and developments; maintaining a daily log; providing input for daily briefings to family members; identifying local assets and resources that can be utilized in support of the operation; and assisting other participants in their understanding of the local community and their leaders.
6. ARC representative: The ARC representative serves primarily in a coordinating role for the ARC and its FAC coordinator and staff processing center; responding to questions that relate to current and future support being provided to families and support workers by the ARC; answering questions related to persons and organizations who want to volunteer services or support; informing the ARC of scheduled meetings; and other informative issues are examples of things that the representative may be doing in the JFSOC. Other tasks are maintaining a daily log; monitoring status of support personnel in the FAC and other sites; answering or redirecting calls from family members who may be off site; providing input for daily briefings to family members; updating other JFSOC participants on the organization's activities and developments; and general sharing of information.
7. DOS representative: The DOS representative serves in a coordinating role between the JFSOC and the DOS. The representative will coordinate issues involving foreign passengers and the support they will need from DOS, the victim's embassy/consulate, and other participants of the JFSOC. Other tasks include maintaining a daily log; monitoring status of foreign victims and their families; providing advice on cultural issues; answering or redirecting calls from foreign government officials; providing input for daily briefings to family members; updating other

JFSOC participants on the organization's activities and developments; and general sharing of information. If foreign consulate officials participate in the activities of the JFSOC, the DOS representative will serve as their sponsor.

8. DOJ representative: The DOJ representative is responsible for representing DOJ in the JFSOC. DOJ will not normally be involved in the JFSOC, unless the disaster is considered to be caused by a criminal act. The representative serves primarily in a coordinating and informational role for DOJ. Since the ARC's and DOJ's role of assisting victims is closely related, it is imperative that both organizations closely work with one another. Synchronization of current and future support provided to families by both organizations is critical. Other representative tasks are maintaining a daily log; monitoring of support provided to families; providing input for daily briefings to family members; updating other JFSOC participants on organizational activities and developments; and general sharing of information.
9. FEMA representative: The FEMA representative is not normally involved in the JFSOC, unless the disaster requires substantial Federal government assistance. This may be a disaster that takes place in a highly populated area causing severe structural damage and a substantial number of ground casualties. The representative will be primarily responsible for coordinating the local and state emergency management agency efforts with the family support operation.

### Manpower Planning Guidance

Manpower: Person(s) must have decision-making authority or have access to those who do and must be knowledgeable about the structure of their organization.

	Crash scale 1	Crash scale 2	Crash scale 3
NTSB	2	2	2
Airline	2	2	3
ARC	1	2	3
HHS	0	0	0
DOS	*	*	*
FEMA	#	#	#
DOJ	#	#	#
DOD	\$	\$	\$
Local Government	2	3	4

\* Person required if foreign (non-U.S.) personnel are on the flight and additional personnel required if it is an international flight

# Required only if having a role in operation and additional personnel required if organization has a large role

\$ Required if carrier is chartered military flight

### Communications (Telephone) Planning Guidance

	Crash scale 1	Crash scale 2	Crash scale 3
NTSB	4	4	4
Airline	4	4	4
ARC	4	4	4
HHS	0	0	0
DOS #	2	2	2
FEMA #	2	2	2
DOJ #	2	2	2
Local Government	4	4	4

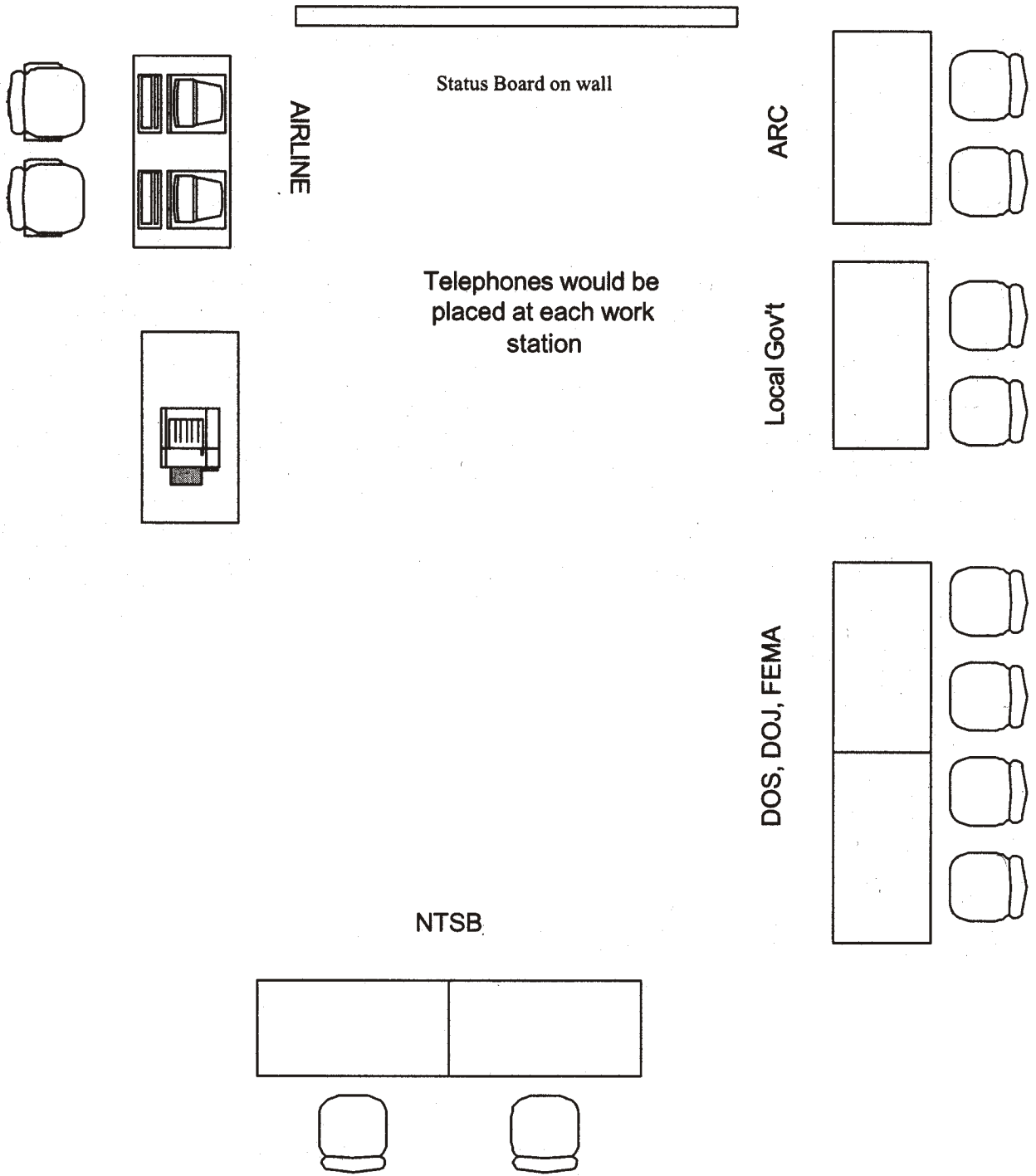
# Necessary if agency is involved in accident response.

Each agency should have access to data ports for computer systems.

### Other Resource Planning Guidance

	Crash scale 1	Crash scale 2	Crash scale 3
Fax machines	2	2	3
Copying machines (high speed)			
Copier should collate and sort	1	1	2
Printers	2	2	2
Paper shredder	1	1	1

**SUGGESTED LAYOUT FOR JOINT FAMILY SUPPORT OPERATIONS CENTER (JFSOC)**



**JOINT FAMILY SUPPORT OPERATIONS CENTER  
DAILY STATUS REPORT INFORMATION**

1. Number families notified/number pending notification	AIRLINE
2. Number families on site /number of families at home	AIRLINE
3. Number of total family members at the hotel	AIRLINE
4. Number of families expected to arrive within next 24 hours	AIRLINE
5. Number of families expected to depart within the next 24 hours	AIRLINE
6. Number of families at home that have been contacted by their airline representative within the last 24 hours	AIRLINE
7. Status of injured personnel and location of family members	AIRLINE
8. Number of families at the site that have requested ARC assistance and have been assisted by ARC personnel within the last 24 hours	ARC
9. Number of families at home that have requested ARC assistance and have been contacted by their ARC representative within the last 24 hours	ARC
10. Number of workers that have received ARC assistance in last 24 hours	ARC
11. Number of injured emergency personnel that have received ARC assistance	ARC
12. Status of dental records and x-rays	ME
13. Status of ante mortem and disposition of remains interviews	ME
14. Status of identification efforts	ME
15. Status of families notified of positive identification	ME
16. Status of release of remains	ME
17. Update on assistance provided to foreign families	DOS
18. Update on assistance provided to victims and families	DOJ
19. Number of Federal support personnel, to include DMORT and ARC personnel on site and their locations.	ALL
20. Remarks on daily activities.	ALL
21. Remarks on next 24 hours activities.	ALL

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**Appendix C**

**SAMPLE AFTER-ACTION REPORT FORMAT**

National Transportation Safety Board  
Director, Office of Family Affairs  
490 L'Enfant Plaza East, SW  
Washington, DC 20594-2000

**SUBJECT: (AVIATION ACCIDENT) AFTER-ACTION REPORT**

Describe such items as how the organization was organized; relationships to other organizations; what the organization's mission was; how many of the organization's personnel were involved; what other resources were provided; transportation and equipment requirements; date arrived/departed; daily activities; and any other item the organization feels important to add to this document. This outline is not intended to limit the content of the input.

Attach as separate enclosures specific areas observed throughout the operation that were both successful and problem areas. The following format is provided:

Topic:

Discussion:

Recommendations:

Also enclose any programs, associated ceremonial material, or video coverage.

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## Appendix D

### FREQUENTLY ASKED QUESTIONS

*Note.*— *This section was in response to many inquiries for clarification about various topics of the basic plan from some small and foreign air carriers. This is not a substitute for reading and understanding the basic plan.*

- ***Is there a specific definition of who constitutes a family member?***

U.S. Federal and state laws define who constitutes a family member from a legal point of view. These legal definitions may also vary from state to state. The traditional view included spouse, children, mother, father, brother, and sister. Terms such as stepparents, step siblings and life partners have become more common in recent years in defining some family environments. It is suggested that airlines should plan on dealing with a variety of family member scenarios and to take each one on a case by case basis.

- ***During the initial hours of an aviation disaster there is a significant amount of verification of facts that the airline needs to do. What information should be given to a family member if they call while the verification process is still in progress?***

Airlines must establish contact with the family of a victim as soon as possible following an accident. In some cases, a family member may call the airline **before** the airline has reached out to contact the family that has just called in. During this process it is important to give whatever passenger information about the victim that is available. There are cases in which notifying an additional family member may be necessary. There may be a family member who will be calmer or more helpful to the airline in dealing with his or her family. This person may also be able to assist in other situations, such as families that do not use English as their primary language.

- ***Are there any special considerations for employees assigned to be family escorts?***

As specialized airline escorts are assigned to family members, it is important to identify any immediate needs the family may have. This may include monetary, childcare, medical or religious needs.

- ***Are there any steps that an airline can take to be better prepared to manage the manifest reconciliation process during an emergency?***

It is strongly suggested that airlines periodically and randomly select flights that have departed and verify the manifest using each airline's specific emergency procedures for manifest reconciliation. This exercise provides an opportunity for employees to develop the habit of checking manifests against boarding documents. It may also identify procedural problems that can be corrected prior to an accident. After a period of time the airline will be able to establish a confidence level based on the accuracy of the initial manifests.

- ***Is there a requirement by an airline to release the names of the passengers and crew to the media?***

There is no requirement to release the names of passengers and crew to the media. However, once notification has been made, it is acceptable to ask a family how much time they will need to establish contact with other family members. There should be consideration in delaying any release of names until a family has had an opportunity to contact other family members.

It is important to keep family members informed, even if there is no additional news. Family members should receive regular updates. Please remember that if the airline states they will call a family member back within a specific time frame, then those calls must be done as close to the time set as possible.

- ***Are there any steps an airline can take to limit the number of inquiry calls that follow a disaster?***

When the media asks the airline for an 800/888 number, it is important for the airline to stress that the numbers are “only for those family members who have reason to believe that their loved one was onboard the flight”. Also, the media should continue to reemphasize the name of the carrier, flight number, airport origination, connection and final destination.

The airline should also have an internal “call home” system. Upon learning that the airline has had a major accident, crews and employees should be advised through the company’s internal communications network of the event to call home and advise family members of their well being.

- ***Are there any special considerations for family members who wish to travel to the accident city?***

Legislation requires that airlines will “assure” that they will provide transportation to the accident city and that they “assure” they will assist with the immediate needs of family members, including lodging.

It is unreasonable to ask a family member to travel alone to an accident site in which a loved one has been killed or injured. It is important for the airline to consider requests on a case-by-case basis as there are numerous factors that may require more than one family member or a non-family member to travel to the accident city.

Some family members may request to travel to the accident city via an alternate air carrier or alternate mode of travel (rental car, bus, or train). It is suggested that the airline try to honor such requests.

- ***Are there any training topics that can help teach employees how to assist families following an accident?***

It is required that airlines train the employees in a number of areas, including, but not limited to: an understanding of the range of physical and emotional reaction to trauma, including long-term effects from post traumatic stress disorder; understanding the need for information by family members and victims; skills to assist with age groups that range from children to the elderly; how to remain caring, non-judgmental and compassionate while assisting those who are suffering or who are extremely demanding or angry.

There should be a variety of methods used, including, but not limited to: small groups with role play scenarios; use of survivors and family members who relate their experiences in person or by video tape;

time line of the response from the first hour to the return of the remains and personal effects and first year anniversary; introduction to representatives of Federal agencies that would be involved in the accident and the American Red Cross.

It is also very important to tell employees about the effects they may encounter while responding to a major accident. Training should include methods employees can use take care of themselves during and after the response. It should also train them how to look out for co-workers who may be having difficulties.

After initial training there should be **annual** recurrent training.

- ***Does an airline need to file their plan?***

All carriers that are required to file their assurances must file with both the NTSB and the US DOT.

- ***What issues should an airline consider in managing personal effects?***

Due to the physical and psychological impact that the recovery process can have on airline employees, it is strongly suggested that a professional third party be employed to respond to and manage the recovery and cataloging of the personal effects effort.

Airlines need to allow family members the opportunity to view non-associated personal effects. This can be done via a catalog or a CD with photographs of the items.

- ***What is the AIR Team?***

The local Red Cross chapter will initiate the Red Cross response in accordance with local planning. These activities may be supported as needed by other Red Cross chapters from within the state. The Aviation Incident Response Team (AIR Team) made up of trained and experienced Red Cross disaster management specialists will mobilize within 4 hours, travel to the site and blend with the existing Red Cross response and coordinate and manage the resulting Red Cross response.

- ***Why was the American Red Cross selected?***

The NTSB designated the ARC because it met the requirements that were set forth in the legislation. The legislation required an organization that was independent and nonprofit, that had experience in disasters and post trauma communications with families, and could take the responsibility of coordinating the emotional care and support of the families of passengers involved in the accident.

- ***Is there any requirement by an airline to meet with the ARC before a disaster occurs?***

There are no mandates for an airline to meet with the ARC before a disaster. However, it is important that local airline station management and Red Cross chapters coordinate their local planning activities where appropriate to ensure each group's awareness of the other's plans.

This will enhance the coordination of the immediate response. An annual pre-disaster meeting can eliminate any misunderstandings or confusion on services that may or may not be provided.

- ***What other services can the ARC provide to an airline, family members, or the community where the disaster occurred?***

The ARC can also provide emotional or critical incident stress debriefing (as required) for local agencies that may not have specialists or training in this area. If needed, they will assist with referrals to families for long-term mental health service providers.

- ***What is the role of the U.S. State Department during an aviation disaster in the United States or its territories?***

The U.S. Department of State will be responsible for notifying a foreign government that citizens from their country were involved in an aviation disaster.

- ***What assistance can the State Department offer to a foreign air carrier that has had an accident in the United States or its territories?***

They can assist the affected foreign air carrier with alerting Customs and Immigration that a corporate “Go Team” is en route to the accident city. They can assist with obtaining required visas or other documents required to gain entry into the United States.

Assistance can also be given to family members en route to the accident city. The State Department will work with Customs and Immigrations to ensure that entry into the United States by these families is done in a timely and professional manner.

- ***What is the difference between the Friends and Family reception center and the Family Assistance Center (FAC)?***

The Friends and Family reception center will be located at the arriving and departing airports. This is a temporary location for family members to gather until a Family Assistance Center is established. The Family Assistance Center will typically be located in a hotel, but may be located in another type of facility, such as a college or community center. This is the location where families will gather to obtain information and assistance.

- ***Who is responsible for the FAC?***

The airline should secure a facility to accommodate all family members traveling to the accident city. Agencies providing support and services to families will work together to insure families are served properly. The NTSB has the overall responsibility to make certain the FAC runs smoothly, but relies upon the cooperation and support of all contributing organizations.

- ***How will professionals and other service agencies in the local community be utilized?***

ARC has been designated as the non-profit organization responsible for family care and mental health. In this capacity they will manage the recruitment, training and support of all volunteers, including those in the local community, through a Staff Processing Center. It is the intent of the ARC and the NTSB that local professionals and organizations affiliated with a disaster response agency/organization, spontaneous individual volunteers and groups are integrated in order to provide support to the incident as required.

- ***Who is considered family for access to the FAC?***

Today's family often does not have traditional boundaries. Any definition of "family member" should take into consideration that many individuals consider themselves to be the family of the victim, even though the law does not formally recognize the relationship. This would be the case for a fiancé or long-time companion. Family member will be defined in broad terms for the purpose of FAC access.

- ***How do families not traveling to the accident city get information and support?***

A conference call bridge will be used during family member briefings. Families not traveling to the accident city will be provided a toll-free number to connect to the bridge. In addition, the airlines will maintain contact and provide support to the family and the ARC can provide support through their chapters in the local community.

- ***Who is responsible for the expenses associated with the FAC?***

The airline is generally responsible for reasonable expenses associated with the set-up and operation of the Family Assistance Center.

- ***How do other service providers interact with the American Red Cross?***

The ARC is interested in the assistance of others that can help at an accident. They will establish a staff-processing center to insure the best use of all resources. Other providers can contact the ARC through the processing center or can contact their local chapter of the ARC in advance if interested in assisting.

- ***How will the airlines, local emergency responders, ARC, and other Federal agencies coordinate the services delivered to family members?***

These services for families will be coordinated through a Joint Family Support Operation Center (JFSOC). The operations center will be facilitated by a member of the NTSB Office of Family Affairs and will have representation from each organization providing assistance. This will insure efficient use of resources and sharing of information.

- ***What type of training will airline escorts need to work with the family members?***

Many airlines have initiated extensive training for their family member escorts. For those who have not, it is important that the escorts understand the dynamics of working in this environment, what is expected of them, basic understanding of grief and trauma, and effective communication with families experiencing complicated grief.

- ***How do the family members get answers to their individual questions?***

First, they should ask their airline escort/representative for answers to their questions. If the airline representative can not answer the question, they will notify their supervisor. The supervisor will either provide the answer or ask assistance from the agency that is most likely to have the answer.

- ***What areas of consideration should airports have in planning to assist families during the first few hours of an aviation disaster?***

Although airports are not currently required to plan for family assistance issues, airports should plan to assist passengers and their families during the initial hours of a disaster. This is especially critical for those airlines that have limited manpower or are charter operations that may have no company representation at the airport.

Consideration should be given to providing family members a secluded Friends and Family reception area in which to gather while awaiting information from the airline about their loved one. Airline clubs, conference rooms, or restaurants can serve this purpose. This room should be away from the media and should have restrooms in or nearby. Police officers should be used to secure the room and the immediate area from the general public. If at all possible, choose a room that does not have a view that overlooks the crash site or recovery operation. Local Red Cross chapters should be included in planning sessions as they can provide mental health and health (nurses) services personnel to assist airline staff with families at this location.

If the room or airline club has a television(s), it would be best to leave at least one television on and give family members the option to stay in that room or to stay in an area that does not have a television or one that is turned off. This option will allow those family members that wish to watch the news coverage of the disaster to do so.

- ***What areas of consideration should be given when airports are reviewing their airport emergency plans?***

If an airport's plan calls for sealing off access to the airport or terminals during an emergency, consideration should be given to asking local airline management to determine a list of those employees who would be required to have access to the airport or terminal(s) during such a period. Airport operations access (AOA) badges for these individuals should be issued with a unique indicator. Some airports have used the following indicators, "COMMAND POST", "EMERGENCY ACCESS", "INCIDENT RESPONSE", "DISASTER RESPONSE" or a large letter "E". Once a format is chosen, the information is relayed to all law enforcement agencies that would be used to seal off the airport. This should allow those airline/airport personnel to gain access when roadways are closed.

Airports should consider placing large signs at their predetermined staging and emergency access areas and gates. These signs should be reflective, preferably white on red wording and in simple text. For example, STAGING AREA "A" or MUTUAL AID ACCESS GATE #5. These simple signs would assist in eliminating any confusion for mutual aid agencies that may respond to the airport or who have periodic personnel changes.

Airports should review and contact all of the emergency service agencies within a five (5) mile radius of the airport. These agencies should receive aircraft emergency ingress/egress familiarization and training. Airport fire services can coordinate with airlines to arrange familiarization tours of various airline aircraft types.

There should be pre-accident meetings with local emergency planners, hospitals, American Red Cross, city, county, state police and fire services, and clergy.

- *Are there any special considerations about moving wreckage after life safety efforts have been completed?*

Once the event has moved from a **rescue** to a **recovery** operation, the area should be sealed off until the first NTSB representative arrives on the scene and takes charge. **If at all possible, pieces of wreckage should not be moved.** If there is a need to move pieces of the wreckage, every effort to photograph the wreckage should be made prior to disturbing the items.

- *If the accident is caused by a criminal act, who will be in charge?*

In a scenario in which the accident was caused by a criminal act, the FBI will be the lead agency. The NTSB will support the FBI with technical expertise. Even if it is not a criminal act, local authorities must ensure that all wreckage is preserved and not moved unless necessary for life safety activities.

- *What resources can the NTSB provide to a medical examiner or coroner in the way of personnel, equipment and temporary morgue facilities?*

Under the Federal Family Assistance Plan for Aviation Disasters, the NTSB will coordinate and integrate the resources of the Federal Government to support the efforts of the local and state government. The Department of Health and Human Services/Office of Emergency Preparedness (DHHS/OEP) has been designated as the primary agency for “Victim Identification and Forensic and Medical Services.”

The Public Health Service, a division of DHHS has developed a Disaster Mortuary Operational Response Team (DMORT) and mobile morgue to provide manpower and technical assistance to support local medical examiners or coroners in times of an aviation disaster.

In addition, under the Federal plan, the NTSB can call upon the resources of the Department of Defense (DOD) and Federal Bureau of Investigation (FBI) Disaster Squad to provide additional support.

- *What is DMORT?*

DMORT stands for Disaster Mortuary Operational Response Team. The team is set up to provide professional personnel and technical support and assistance to the local medical examiner or coroner in forensic services and victim identification. The team is composed of forensic pathologists, forensic anthropologists, forensic dentists, medical investigators, funeral directors and other technical support staff.

- *What is the Portable Morgue Unit?*

The DMORT Portable Morgue Unit (DPMU) has been developed to support the processing and identification of victims in the event of a mass fatality incident. The DPMU is a packaged system containing all the equipment and supplies required to establish and operate a temporary morgue facility under austere field conditions and/or augment local morgue capabilities. It is designed to be deployed by land, sea and air transport.



- ***What is the FBI Disaster Squad?***

The FBI has a team of highly trained experts in the area of fingerprint identification. This team is normally activated simultaneously with the DMORT and will provide any assistance to the local medical examiner or coroner in the area of fingerprint identification.

- ***In addition to the conventional means of identification, can DNA be used as another method of identification?***

Dental records and x-rays along with fingerprints are normally the primary methods used in victim identification. DNA will be used as a last resort and only after all conventional means of identification are exhausted.

- ***Will autopsies be performed on all flight crew and passengers?***

Generally speaking, the local medical examiner or coroner has jurisdiction and determines if autopsies will be conducted. The NTSB has specific requirements that the flight crew is autopsied and full toxicology tests are performed. Depending on the circumstances of the crash, the NTSB investigator-in-charge will consult with the medical examiner or coroner to determine if additional autopsies are required.

- ***What is a FAA toxicology kit and how do I go about getting one?***

An FAA toxicology kit is a kit that provides specimen collection vessels and instructions to the medical examiner in obtaining fluid and tissue samples needed by the FAA to test for drugs and alcohol in the blood system of the flight crew.

Generally, medical examiner offices throughout the country should have at least four kits on hand in their facility. If the medical examiner or coroner does not have access to kits, the NTSB team through the FAA representative will provide them.

- ***How is ante mortem information obtained from family members?***

Generally, the local medical examiner or coroner is responsible for obtaining medical record information from family members. However, in the event the local jurisdiction does not have enough staff to interview family members, trained DMORT members can be used to assist the local jurisdiction in interviewing family members.

- ***Is the NTSB responsible for making positive identification of victims in the disaster?***

The local coroner or medical examiner is responsible for making positive identification of victims. The NTSB can provide additional resources, such as the DMORT and/or the mobile morgue from the Department of Health and Human Services. These resources are available to help local authorities manage a large number of victims.

- ***How does the local medical examiner or coroner request assistance?***

The medical examiner or coroner should contact the Forensic Specialist, Office of Family Affairs, at the NTSB in Washington, DC. The specialist will ask them specific questions on the number of fatalities and what resources the medical examiner/coroner has or doesn't have in order to meet their responsibilities. The NTSB will activate the DMORT and FBI Disaster Squad at the request of the medical examiner or coroner. The telephone number is (202) 314-6290.

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## Appendix 3<sup>1</sup>

# EXTRACT ON DISASTER VICTIM IDENTIFICATION FROM THE NEW ZEALAND POLICE'S *MANUAL OF BEST PRACTICE*

## INTRODUCTION

Disaster Victim Identification (DVI) is a multi-disciplinary procedure used to identify the bodies of disaster victims. Because these bodies are often mutilated or burned, it is unpleasant and sometimes impossible for next of kin to identify them. They must, however, be positively identified to the satisfaction of the Coroner and relatives.

The DVI procedure involves three stages:

1. Recovering and examining each body to obtain a reliable post-mortem physical description.
2. Obtaining ante-mortem physical descriptions of all people who may be victims.
3. Comparing both descriptions in an attempt to identify each body. This process is known as reconciliation. Except in the case of a civil defence emergency, reconciliation is the responsibility of the police.

This chapter contains details of the duties and responsibilities of personnel involved in DVI, and the DVI procedures.

## LEGISLATION

Members of the police must assist at all inquests, inquiries and investigations under this Act.  
**Coroners Act 1988 s37**

Such assistance includes, where necessary, the recovery and identification of bodies.

## DUTIES AND RESPONSIBILITIES

### *Operation Commander*

The Operation Commander is responsible for:

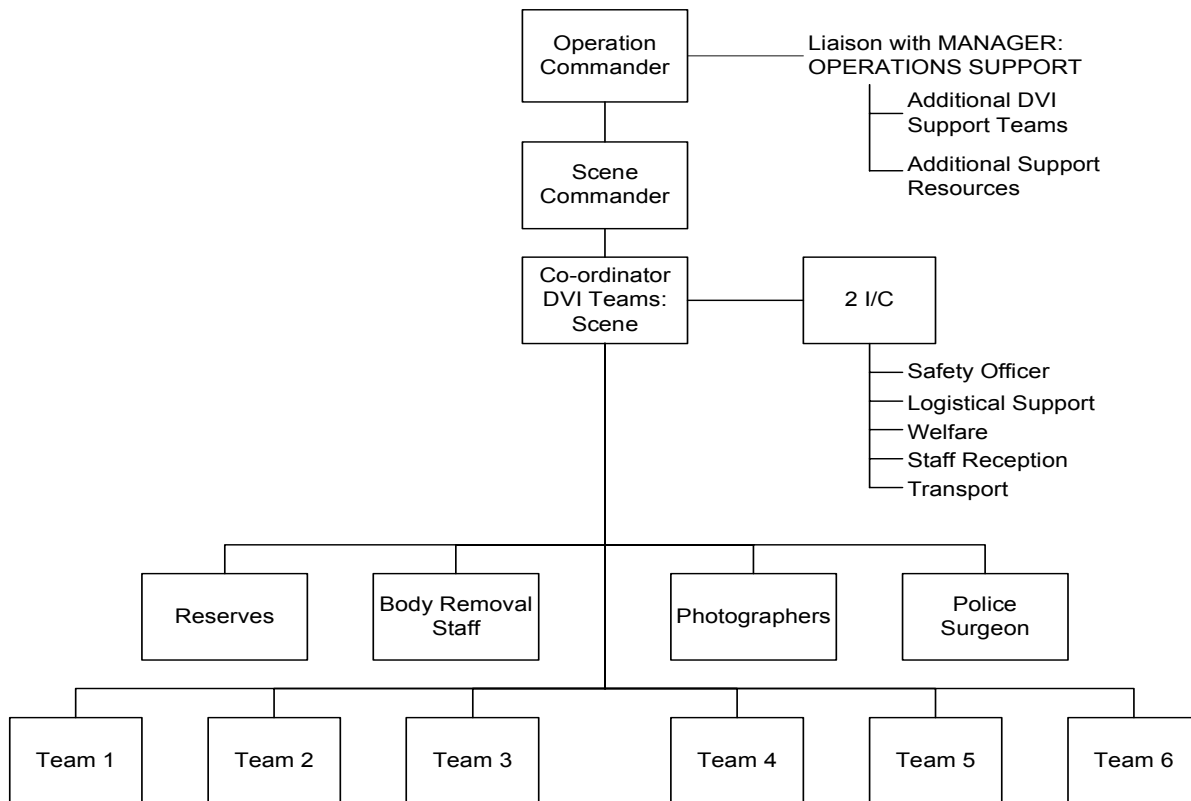
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1. Refer to the acknowledgement in paragraph 7 of the Introduction to this circular.

- Establishing Operation Headquarters and ensuring that the tasks allocated to its group appointments are achieved.
- The overall direction and control of all subunits.
- Establishing a communications network.
- Establishing standard operation procedures.
- Determining areas of responsibility.
- Determining the magnitude of the disaster, the degree of urgency and the direct action needed.
- Carrying out processing and analysis.
- Receiving all situation and task reports.

### ***Organization Chart – DVI Teams: Scene***

This is a suggested basic organisation for deployment of DVI Teams at the scene.



### ***Scene Commander***

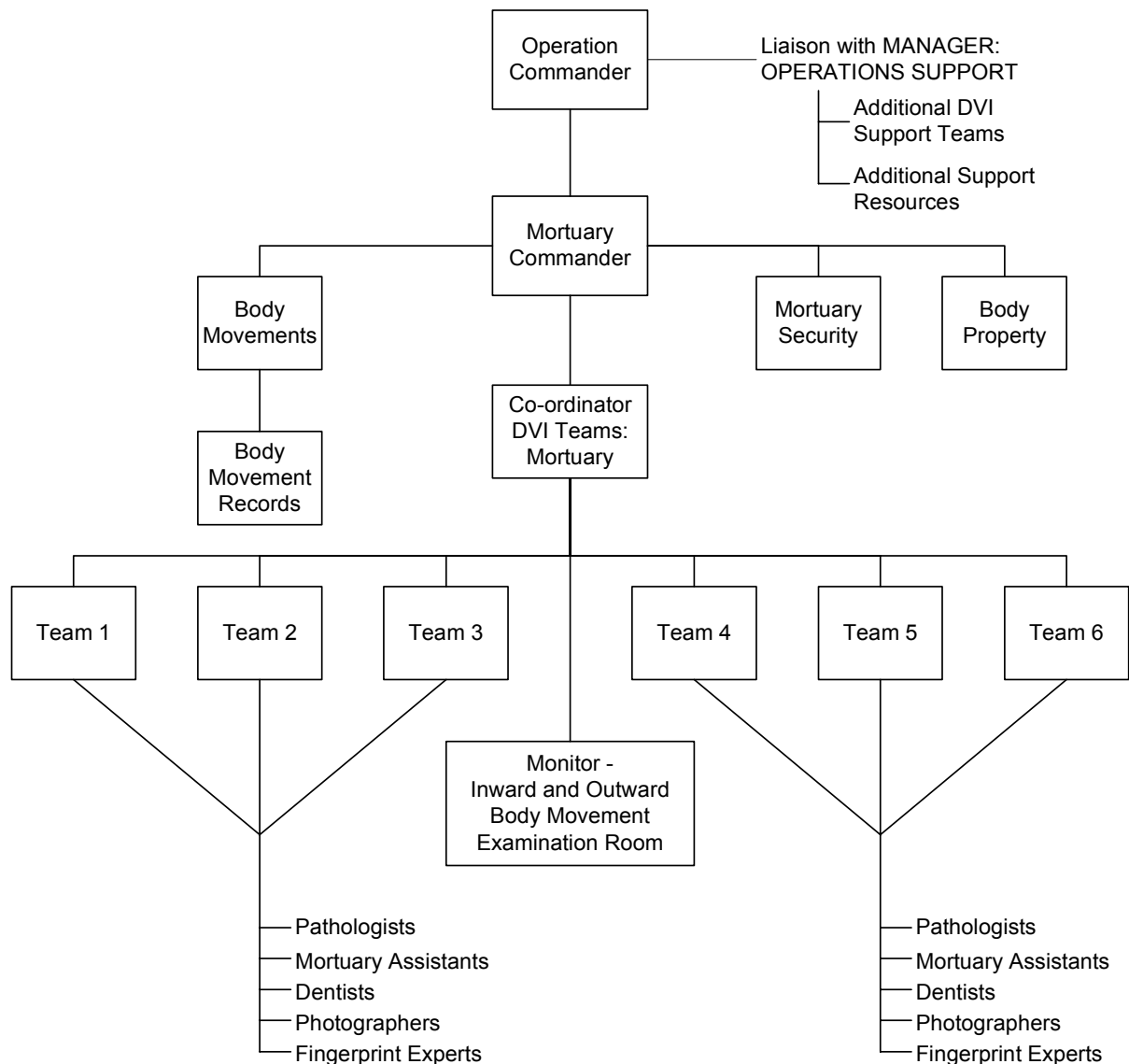
The Scene Commander is responsible for:

- Staffing and equipping the Scene Headquarters.
- Appointing a Deputy Scene Commander.
- Evacuating people from the disaster scene where required.
- Designating, in consultation with other services, suitable access and egress routes.

- Facilitating the movement and co-ordination of emergency services at the scene.
- Maintaining a written log of action taken, orders received and instructions given.
- Supervising all police action at the scene in relation to:
  - securing the scene
  - recovering the dead
  - transporting the dead to the mortuary
  - ensuring that the correct DVI procedures are observed
  - recovering and securing all property that is not worn on, or attached to, a body
  - providing SITREPS to the Operation Commander.
- Providing a safe and healthy work environment for all staff deployed at the scene (as far as is practicable) that is in accordance with organisational policy on health and safety issues.

**Organisation chart – DVI Teams: Mortuary**

This is a suggested basic organisation for deployment of DVI Teams at the mortuary.



### ***Mortuary Commander***

The Mortuary Commander is responsible for:

- Staffing and equipping a mortuary at the most suitable premises.
- Arranging for the reception and storage of all bodies.
- Liaising with any temporary or scene mortuaries to regulate the arrival of bodies at the main mortuary.
- Ensuring that the DVI procedures have been correctly carried out.
- Initiating any enquiries, security arrangements and procedures necessary for the mortuary to function properly.
- Liaising with the coroner, pathologists, embalmers, funeral directors, dentists and other medical specialists as required.
- Co-ordinating the enquiries made for reconciliation purposes.
- Providing a safe and healthy work environment for all staff deployed at the scene (as far as is practicable) that is in accordance with organisational policy on health and safety issues.

If the disaster is very large, the O/C Reconciliation Enquiries is responsible for all enquiries made for reconciliation purposes. He or she is responsible to the Operation Commander. See “O/C Reconciliation Enquiries”, page 82.

### ***Co-ordinator: Disaster Victim Identification***

If several DVI Teams are required at the scene, a commissioned officer or senior NCO is appointed as Co-ordinator: DVI. If a number of DVI Teams are required at the mortuary, two co-ordinators are appointed; a Co-ordinator: DVI (Scene) and a Co-ordinator: DVI (Mortuary).

The Co-ordinator: DVI must:

- Establish an appropriate reference system and:
  - instruct the DVI Teams in its use
  - advise the Mortuary Commander of the system before mortuary staff begin handling the bodies.
- Allocate grid sections to each DVI Team and arrange for those sections to be clearly marked out.
- Co-ordinate the DVI Teams and liaise with other groups at the scene and mortuary to facilitate the task of identification.
- Establish early liaison with the coroner and senior pathologist and, if necessary, arrange for them to attend the scene.
- Obtain specialist assistance for the DVI Teams from local resources or through the O/C Operations Support Group.
- In consultation with the senior member of each specialist group, organise the deployment of its members. Keep a record of such deployment.

**Note:** Each specialist group will appoint its own co-ordinator. A close liaison must be maintained with him or her.

- Obtain medical advice on inoculating staff.
- Provide adequate hygiene facilities and impress upon staff the importance of maintaining personal hygiene.
- Assess what additional resources are required, and arrange for their supply. This includes establishing temporary mortuaries, where necessary, and providing the means for transporting the bodies.

- Where the circumstances require that untrained staff be used, ensure that they are supervised by DVI-trained staff when these become available.
- Be mindful of the stressful nature of the work and ensure that DVI Teams receive adequate relief.
- Give frequent SITREPS to the Scene or Mortuary Commander, as the case may be.
- Ensure that all team leaders are responsible for, and address, health and safety issues in their work locations. These issues must be dealt with in accordance with the Health and Safety in Employment Act 1992 and organisational policy on health and safety issues.

If the number of DVI Teams requires two co-ordinators, the Co-ordinator: DVI – Scene is responsible to the Scene Commander and the Co-ordinator: DVI – Mortuary, to the Mortuary Commander.

### ***Police surgeons***

In a disaster situation, the police surgeons are likely to be busy treating the wounded. However, where possible, they must:

- In consultation with the pathologist, advise the Co-ordinator: DVI on how to obtain from hospitals, insurance companies and the like, information that will help identify the victims.
- Where necessary, initiate those enquiries when requested to by the Co-ordinator: DVI.
- Ensure that staff dealing with bodies adopt a high standard of personal hygiene and have adequate facilities for maintaining it.
- Monitor the psychological state of DVI Team members and advise the Co-ordinator: DVI if anyone needs to be relieved from duty.

### ***Reception and Body Movement Group***

The Reception and Body Movement Group must undertake the handling and recording of bodies from the time they arrive at the mortuary until they are released to the next of kin. This includes:

- Checking all bodies and part bodies to confirm that they have been properly labelled.
- Checking that the labels remain firmly attached each time the bodies are moved.
- Sorting and categorising the bodies under the guidance of a pathologist.
- Storing the bodies under refrigeration.
- Recording the location of each body in the storage area and its destination when it is removed.
- Checking that the partially-completed DVI Form (Police 61) accompanies the body into the examination room and that the correctly completed form is returned to the Records Section when the examination is over.

### ***Fingerprint technicians***

The fingerprint technicians are responsible to the Mortuary Commander. Their tasks include:

- Fingerprinting the victims at the mortuary.
- Through their supervisors, initiating a search for comparison fingerprints in:
  - the victim's home or workplace or any other place the victim frequented
  - police records.

Where the victim was a foreign national, the technicians should request the Enquiry Section to obtain comparison fingerprints through the Interpol Office, PNHQ.

### ***Photographers***

Photographers are responsible to the Scene or Mortuary Commander, as appropriate. Their task is to obtain a photographic record of all the evidence discovered by the DVI Teams at both scene and mortuary.

This involves:

- At the scene, photographing:
  - each victim in situ
  - a full frontal view of each victim's face, if possible
  - anything else needed to establish the victims' identities.
- At the mortuary, photographing:
  - each victim, before the body is stripped of clothing or other identifying property
  - the whole body, after the clothing is removed
  - a full frontal view of each victim's face, if possible
  - anything else, such as jewellery or unusual body features, that may help to establish the victim's identity.

Each view should be photographed twice, on colour print film. Polaroid photographs may be taken **in addition** to these. **All photographs of bodies and body parts must show the assigned body number.**

Where necessary, the photographers must arrange for facilities for developing the films.

As a rule, there should be one photographer per DVI Team at the scene, although the nature of the disaster or the degree of mutilation may dictate otherwise. A lesser number will be required at the mortuary. If there are insufficient photographers in the District, assistance should be sought through the Manager: Operations Support Group.

### ***Recorders***

Recorders are responsible to their respective O/Cs and must:

- Accurately and legibly describe all items on the Police 61 forms.
- Perform any other tasks as required.

### ***Deceased's Property Section***

The Deceased's Property Section must elicit all information about the property that might help to identify the body. This section's tasks include:

- Receiving, cleaning, examining, securing and accurately describing all items of property.
- Preparing and maintaining a deceased's property index for all identifiable items. This index is simply a list of the property. It is divided into categories such as watches, rings, cameras and the like. As the ownership of each item is discovered, the owner's name is written alongside.



- Preparing photographic records of property to assist with enquiries from the deceased's relatives and friends.
- As appropriate, referring problems relating to property for further investigation.
- Liaising with the Records and Analysis Sections to ensure that there is a continuous flow of information.
- Disposing of the deceased's property in accordance with the directions of the Operation or Mortuary Commander.
- Depending on the circumstances, deal with property recovered from the scene. This function is separate from DVI procedures at the mortuary.

### ***Records Section***

The Records Section must receive, record, index and distribute all the information gathered in the DVI process. Tasks include:

- Compiling separate lists of known dead, injured and missing persons and allocating a number or other identifying symbol to each person.
- Dividing each list into sub-groups — such as male/female, passenger/crew — to assist with processing the information.
- Preparing a separate base file for each known victim, item of human remains and missing person. The Police 61 is the basis of this file.
- Ensuring that all documents, exhibits and messages relating to a victim or missing person bear the number allocated to that person.
- Preparing an alphabetical/numerical card index system in conjunction with the base file. Each card must show:
  - the particulars and description of the victim or missing person
  - the details of the person's next of kin and whether they have been notified
  - the sub-group into which the person has been placed
  - where appropriate, the person's body reference number
  - any movement of the base file from the records area.
- Receiving and recording on the base files all information:
  - from the scene and mortuary
  - from the Enquiry Section
  - from the Deceased's Property Section.
- Receiving, storing, and recording the disposition of all exhibits, samples and records relating to each victim or missing person.
- Maintaining, for reconciliation purposes, an up-to-date register (a computerised or manual database) of bodies and missing persons. Record any body identification details that may assist.
- When a body has been identified, attaching the human remains base file to the corresponding missing person file and forwarding them to the member responsible for preparing the inquest papers.

### ***Enquiry Section***

The Enquiry Section must obtain information about known victims and missing people who may be victims, so that this can be matched against the information obtained from the bodies.

This information must include the person's:

- Physical description.
- Clothing, property and jewellery.

- Fingerprints.
- Medical and pathological details, x-ray records and blood group.
- Dental characteristics.
- Identifying features, if any, such as tattoos.

To obtain this information, the Enquiry Section must:

- Contact the person's employers, friends, dentist, doctor and anyone else who may hold personal information about him or her.
- Visit the next of kin. The approach should be made as soon as the next of kin have had time to collect their thoughts. A visit is preferable to a telephone call because:
  - a personal approach results in a more detailed physical description and a freer discussion of possibly embarrassing medical histories
  - evidence such as photographs, medical and dental records, and samples of fabric may be available
  - the person's belongings can be fingerprinted.

Each member of the Enquiry Section should be assigned to a specific group of victims. This facilitates a rapport between the member and next of kin and gives the latter a constant point of contact should he or she wish to provide, or seek, further information. Female members have shown a particular aptitude for this task.

If enquiries in another District are necessary, its District Manager should be asked to make one member responsible for co-ordinating all enquiries there.

### ***Analysis Section***

The Analysis Section must compare information received from the scene and mortuary with information gathered on persons who are known to be dead or missing. The section's tasks include:

- Carefully examining each pink Police 61 form to establish points of identification.
- Using the Body Identification register (charts, database and so on) and yellow Police 61 forms to reconcile the pink and yellow forms, thereby establishing an identification.

### ***O/C Analysis Section***

The O/C Analysis Section is responsible to the Mortuary Commander. His or her tasks include:

- Allocating Police 61 forms to staff for analysis.
- Ensuring that staff are methodical, are paying strict attention to detail and are avoiding hasty conclusions.
- Checking that each preliminary identification is soundly based and initiating any enquiries necessary to confirm or invalidate it.
- Liaising with the Mortuary, Records, Property and Enquiry Sections to ensure that there is a continuous flow of information.
- Consulting regularly with the pathology, dental, fingerprint and other experts.
- Analysing all evidence that may assist with identification.
- Advising the O/C Records Section of each confirmed identification and the method by which it was achieved.
- Giving the Mortuary Commander regular SITREPs on the number of identifications made and the progress in identifying the remainder.

### ***O/C Reconciliation Enquiries***

The O/C Reconciliation Enquiries would exist only in a large operation. In small operations, the Mortuary Commander is responsible for enquiries.

The O/C Reconciliation Enquiries is responsible to the Operation Commander and must:

- Direct, control and supervise enquiries relating to:
  - unidentified human remains
  - known disaster victims
  - missing persons
  - deceased's property
  - sources of information that might assist in the identification
  - inquests.
- Organise enquiries so that, where practicable, those relating to a particular victim are conducted by the same member.
- As appropriate, initiate enquiries in other Districts on behalf of the Mortuary Commander or Enquiry Group personnel.
- Refer the results of enquiries to the appropriate section in the reconciliation process.
- Where necessary, liaise with the O/C General Enquiries so that work is not duplicated.
- Liaise closely with the Records and Analysis Sections.

### ***Inquest Section***

The Inquest Section must:

- Notify the Coroner of the identified victims' names, as these become available, and of the opening of an inquest for each victim.
- Prepare inquest papers, arrange for the swearing of depositions, and notify relatives and legal counsel of the time and place of the inquest.
- Establish a system to ensure the documented release of bodies for burial or repatriation in accordance with the directions of the Coroner.
- Collate all papers relating to the victim.
- Attend to sundry matters requiring completion, such as the return of photographs, property and records.

## **DVI TEAMS**

All police SAR personnel and a number of GDB staff throughout New Zealand are trained and equipped for DVI procedures. In an operation, the location and nature of the disaster scene determines which staff are selected for DVI Teams.

The teams are responsible for gathering all evidence from the scene and the bodies, documenting it and passing it on to those appointed to carry out the reconciliation. They comprise:

- An O/C. This should be a uniformed NCO, although a constable who is also trained in Search and Rescue may be in charge of a team when this is necessary.
- A recorder. This should be a constable.

- One or more constables to help with body handling and to arrange, through the Co-ordinator: DVI, any other logistics required.

The O/C DVI Team may ask the Co-ordinator: DVI for:

- Further personnel to assist with such matters as lighting, shelter, transport, body removal and the security of property.
- The assistance of experts such as pathologists, dentists, fingerprint technicians and photographers.

In large operations, teams can be brought in from other Districts at the request of the O/C Operations Support Group. Where a number of teams are deployed at the scene, a commissioned officer or senior NCO is appointed as Co-ordinator: DVI Scene. Where a number of teams are deployed in the mortuary, a Co-ordinator: DVI Mortuary is also appointed.

### **EXPERT SUPPORT**

Any expert support required should be obtained from local sources. If this is not possible, the Manager: Operations Support Group will arrange for experts to be sent from other Districts.

Where the number of experts requires that their activities be co-ordinated, the Manager: Operations Support Group will arrange for senior representatives from each field to act as liaison officers.

#### ***Coroner***

When a considerable number of victims must be processed, the police should involve the coroner, at both the scene and the mortuary, as early as practicable. He or she decides, in consultation with the pathologist, whether some bodies can be identified without a full post-mortem, whether a full post-mortem on some or all bodies will secure valuable evidence, and therefore which bodies should be examined. The coroner has absolute say in the control of the bodies.

The coroner will also advise on the procedures to adopt when:

- Completing the documentation necessary for inquests.
- Disposing of identified remains.
- Opening and conducting inquests.

#### ***Pathologists***

The evidence obtained by pathologists plays a major role in establishing the causes of death and the identities of victims, and may throw light on the cause of a disaster. Therefore, the assistance of a pathologist should be sought as soon as possible.

To obtain this evidence, full post-mortem examinations may be necessary. The victims may be mutilated beyond recognition, or their external appearance may provide no clues to the cause of death. In cases involving passenger transport, full post-mortem examinations are routinely carried out on the driver and crew in order to establish whether the accident was caused by drugs or alcohol, or a death by natural causes.

However, full post-mortem examinations are not always practicable, and at times are unnecessary. The senior pathologist should attend the scene and form an opinion on the pathological requirements and the number of full examinations necessary. In some circumstances, he or she may feel able to certify the cause of death from the nature of the disaster and the circumstances under which the bodies were found. The final decision on these matters rests with the coroner.

Bodies that require a full post-mortem must be removed to a properly constituted mortuary; the others can be examined at a temporary mortuary.

At the mortuary, the pathologist must:

- Remove the clothes from the body and examine it.
- Describe the body and each item of clothing and other property. These details are recorded by the member responsible for the body.

Unless a match can be achieved through fingerprints, it is the pathologist's responsibility to match body parts.

### ***Aircraft accidents***

In the case of aircraft accidents, the pathologist must complete an Aircraft Accident Autopsy Examination Report (MOT 1441) for each member of the crew and, if requested by the Transport Accident Investigation Commission (TAIC) Inspector of Transport Accidents, each passenger. The form is usually filled out by the pathologist's colleague.

A list of pathologists approved to undertake post-mortem examinations on aircraft accident victims and to advise on aviation pathology is held by:

- Coroners.
- The Civil Aviation Authority of New Zealand.
- TAIC Inspectors of Transport Accidents.
- O/C Operations Support Group.

Where the Chief Inspector of Accidents considers it necessary, the Principal Medical Officer: Civil Aviation Authority of New Zealand will visit the scene to co-ordinate the activities of specialist pathologists.

If the pathologists are unable to attend the scene, the bodies must be forwarded to them. The TAIC will pay any costs beyond the point where the bodies would ordinarily have been taken.

### ***Dentists***

The assistance of local dentists should be sought through the Regional Forensic Dentistry Advisor. Where a body is sent to a temporary mortuary, the Co-ordinator: DVI should respect the dentist's wishes in determining whether the examination can be delayed until the body is sent on to a permanent mortuary.

Their findings in respect of each body are recorded on the tear-off dental examination form that is attached to the Police 61. Usually, another dentist completes the form on the examining dentist's behalf, but this task is sometimes performed by the recorder of the DVI Team responsible for the body.

The examining dentist must record the victim's body number on all documents used, so that these can later be directed to the main file.

If the victim was a foreign national, dental records can be obtained through the Interpol Office, PNHQ. The Mortuary Commander should liaise with the National Advisor on Forensic Dentistry before approaching the Office.

### ***Embalmers***

The bodies should be embalmed as soon as the post-mortem examination is complete. Final identification may be delayed, and embalming will help preserve the body for both forensic and visual identification.

The embalming requirements should be discussed between a representative of the New Zealand Embalmers' Association and the senior pathologist.

If requested to do so, representatives of the Embalmers' Association or the New Zealand Funeral Directors' Association will liaise with police on preparing bodies for burial or returning them to other centres or countries. The request should be made through the O/C Operations Support Group.

## **PROCEDURES**

Generally, DVI Teams should not begin recovering bodies until:

- A reference system has been devised.
- Facilities have been established for storing and examining the bodies.

Circumstances may require that they be recovered earlier. For example, bodies will deteriorate rapidly in hot weather.

### **Make a referencing system**

Devise a reference system suitable for the location. If the disaster occurred inside a building, you will need a floor plan. If the disaster involved a train, note the relative position of the carriages and obtain a seating plan. If the disaster occurred outside, you may need a grid plan.

In the event of an aircraft accident, the TAIC Inspector of Transport Accidents will usually have a surveyed plan of the crash site prepared. The Co-ordinator: DVI – Scene should liaise with the Inspector so that a mutually suitable plan is prepared.

### ***The grid plan***

The example on the following page is simple to lay out, easily understood and adaptable. With necessary modifications, it should be used wherever possible so that the system is standard throughout the country.

When making a grid:

- Divide the area into appropriately-sized sections. The size of each section will depend on the parameters of the disaster site and the concentration of bodies. The Erebus site measured 700 m x 100 m and was divided into 30 m squares.
- Mark out the sections and number them consecutively.
- Choose a prominent physical feature that will mark the reference point or base line. This will make it easier for a draftsman to construct a plan later.

This should be a direction indicator for a map

10	11	12
7	8	9
4	5	6
1	2	3

**X** Reference point or permanent feature

Allocate a team number and grid section to each DVI Team. This will be represented on the plan in the following way:

- If Team 1 is allocated section 4, this is represented as 1/4.
- If Team 2 is allocated section 10, this is represented as 2/10.

### ***The body numbering system***

As each body or body part is located within a section, a unique reference number is allocated.

For example, the teams described in the example above, found several bodies:

- Team 1, allocated section 4, numbers bodies found in this section 1/4/1, 1/4/2, 1/4/3 and so on.
- Team 2, allocated section 10, numbers bodies found in this section 2/10/1, 2/10/2, 2/10/3 and so on.

Record the number allocated to each body on the Dead Body Label and in the pink (scene and mortuary) copy of the Police 61. This form is used to record all information relating to that body.

## **Establishing a mortuary**

### ***Choosing the site***

Temporary mortuaries should be as close as possible to the scene. An existing building containing telephones and adequate lighting should be used, if one is available. Ideally, only one facility should be used, although the number of bodies may necessitate more. However, remember that a fragmented operation spread over several locations will require a considerably larger manpower and logistics resource.

When choosing a site, consider its location in relation to the scene and also the availability of:

- Refrigerated storage facilities.
- Vehicle access and parking.
- Space for the processing of bodies, their viewing by relatives, and documentation.
- Communication facilities.
- Lighting and water.

Also consider whether it will be easy to secure the working area from the view of the public, news media, and relatives.

Commercial premises with cool storage facilities are ideal, but refrigerated ships, trucks and containers may also be used to store bodies awaiting processing or burial. When utilising any of these facilities, ensure that:

- The containers used to hold the bodies have a one-piece moulded interior to facilitate cleaning and sterilisation.
- Sufficient record is kept to identify the facility later. This is a Ministry of Health requirement.
- The Medical Officer of Health, Ministry of Health, is informed of what you are doing. When you have finished with the facility, ask the MOH to order and supervise its cleaning and disinfection.

### ***Staffing the mortuary***

Whether the mortuary is temporary or permanent, ensure that there are sufficient staff to:



- Assist the DVI Teams with the physical, pathological and dental examinations of the bodies.
- Assist with the movement of bodies and property.
- Make enquiries.
- Maintain records.
- Assist with making reconciliations.
- Staff the reception.

Body handling and recording body movements are physically and mentally demanding tasks. Choose staff carefully and ensure that they are given adequate relief.

Locate the Records Section in, or adjacent to, the mortuary building in an area large enough to accommodate the staff and set out the files. The Analysis Section should be adjacent to the Records Section and must have sufficient space for the Body Identification Charts.

### **At the scene**

#### ***Recovering a body or body part***

The location and posture of the victims can provide evidence about their identity and the cause of the accident. For this reason, the identification process must begin before the bodies are moved in any way. Secure the scene as soon as you arrive so that it remains undisturbed, but do not hamper efforts to remove the injured, as treatment of the injured must be given the highest priority.

Unless there is good reason to the contrary, no bodies should be recovered until the DVI Teams have been deployed.

If the disaster is an air accident, the DVI Teams should co-operate with the TAIC Inspector of Transport Accidents, but they need not wait for his or her arrival before they begin work.

#### ***Completing the Dead Body Label***

- Number the body or body part. See “The body numbering system”, page 87. Do not assume that body parts found in close proximity belong to each other, unless there are no other bodies in the near vicinity or all other bodies are intact. Number, label and record each part as a separate body.
- Record the number on the Dead Body Label in water resistant ink or paint. Write the number on the rear of the label in large figures. Attach the label to the body in such a way that it can be moved when the body is photographed.
- As far as is practicable, mark off the items on the Dead Body Label as the tasks are completed. These items are:
  - Certified dead by Dr.
  - Date/time
  - Tagged for identification
  - Position stated
  - Photographed in situ
  - Examined – pathologist

The other section of the Label that lists fingerprints, photographs and dental examination is completed at the mortuary.

***Certifying death***

As soon as possible, arrange for a medical practitioner to certify death. Print the date and time and the name of the medical practitioner on the Dead Body Label.

***Photographing the body***

Write the number of the body or body part in large figures on the rear of the Dead Body Label and ensure that it appears clearly in each photograph.

Photograph:

- The victim in situ.
- The victim's face, from the front if possible.
- Anything else needed to establish the victim's identity.

***Marking the body's position***

Mark the position of the body or body part. Where appropriate, use the scene stake and aluminium scene tag provided in the DVI Kit. Record the body number on the scene tag. This will later be used in preparing a detailed plan of the scene.

If this method is unsuitable, devise another. For example, if the body is inside an aircraft or other structure, tie or otherwise secure the scene tag to an appropriate part of the structure. Where it is impractical to use the tag, use paint, crayon or the like.

***Preparing the body for removal***

Wherever possible, cover the victim's hands with plastic bags to preserve the fingerprints. Leave intact all clothing or property worn or carried on the body.

Put the body or body part in a body bag.

Do not assume that property located close to a body belongs to that body. It must be dealt with separately, although its proximity to the body should be noted.

Complete section B of the Police 61. This form must accompany the body or body part to the mortuary.

***Transporting the body***

If you are using land transport, keep to a small number of pre-designated and clearly marked access routes so that evidence such as impact scars is not obliterated.

If the body is to be transported in an unpressurised aircraft at high altitude, puncture the bag so that air pressure can be equalised. Position the hole where body fluids or items of property cannot escape.

Obtain any necessary assistance through the Co-ordinator: DVI – Scene.

### ***Recovering property***

Only property that is actually worn on, or attached to, the body is assumed to belong to that person. Such property is recovered by the DVI Teams who record the body number on a tag or label. This number is also recorded on any subsequent correspondence relating to that property.

Property that is not worn on, or attached to, a particular body is recovered by staff who are responsible to the Scene Commander. If any such property appears to be associated with a particular body, this fact must be noted on the property label. The information may assist DVI Teams to make an identification.

## **At the mortuary**

### ***Photographing the body***

Photograph the clothed body or part body. If the face needs cleaning, obtain further full facial photographs after this has been done. Ensure that the body number is clearly displayed in each photograph taken.

If the body is unrecognisable from the facial features, also photograph any item of property or unusual body feature that may assist in identification. Other items of property will be photographed by the Property Section after removal from the body.

### ***Fingerprinting the body***

Where possible, fingerprinting should be done by experts. This is particularly important when bodies are so mutilated that fingerprinting is the only method of identification.

Take fingerprints from every body, and every part body that has a hand attached. Ensure that the body number appears on the fingerprint form.

As soon as a body has been fingerprinted, place a small coloured sticker on the Dead Body Label so that staff can see at a glance that this has been done. Use the same colour on all Labels. Such stickers are readily available from stationers.

### ***Completing the Police 61***

As the pathologist removes the clothing from the body, he or she will describe each item. Accurately record the descriptions in Parts C1 – C3 of the Police 61, taking particular care to record identifying marks such as dry cleaning tags and manufacturers' labels. Draw the item if you think this could be useful.

**Note:** Do not make assumptions about an item's composition. For example, describe a ring as "gold coloured with colourless stones" rather than "a gold ring with diamonds".

The pathologist will also describe the body. Note these details in Parts D1 – D4 of the form, taking care not to omit any identifying mark or scar.

When the dental examination is complete, the O/C DVI Team must check that the Police 61 is complete and legible and that the recorder's name is printed in the space provided. If the handwriting has deteriorated, the O/C must point this out to the recorder, and take appropriate action if the deterioration seems to be due to fatigue or stress.

### ***Property***

As each item is removed, place it in a separate bag. Label both item and bag with the appropriate body number.

### **Reconciliation**

Reconciliation is primarily the task of the Analysis Section, whose duties and responsibilities are described on page 81. The duties and responsibilities of the O/C Analysis are immediately following.

The reconciliation method used depends on the data available.

The following general principles apply:

- Carefully examine each Police 61 received from the mortuary, in order to establish as many different potential points of identification as possible. Begin with the victim that seems easiest to identify and work your way down to the hardest. This speeds up the process by quickly removing data from the system.
- Use the Body Identification Charts to progressively eliminate the possibilities until you can make a tentative identification, or only a few possibilities remain. You must base each identification on at least two independent factors.
- Seek information through the Mortuary or Enquiry Sections to validate or eliminate your identification, or further narrow the field.

Do not rush the process. Accuracy and attention to detail are essential.

### ***Inquests***

The Inquest Section requires adequate office space to assemble inquest files, and suitable areas for dealing with bereaved relatives.

Where circumstances permit, staff with previous experience of inquest procedures should be selected for the Inquest Section. When staffing this section, remember that female members have shown a particular aptitude for dealing with next of kin. For details of the duties and responsibilities of the Inquest Section, see page 82.

### **Releasing bodies**

The procedure for releasing bodies depends on the wishes of the coroner.

Do not, however, release any body until you have sighted the coroner's "Order for Burial". This form must be endorsed with the body number. At every stage of the release procedure, the member concerned must compare the number on the form with the number on the Dead Body Label to ensure that the correct body is being released.

***Unidentified remains***

If all means of identification have been exhausted and the victim's identity is still unknown, ask the coroner what to do with the remains. Do not carry out his or her instructions, however, until you have forwarded the details to the Chief Legal Advisor, PNHQ, for approval.

Where the victim's identity seems certain but cannot be confirmed, try to ascertain how the next of kin wish to dispose of the body.

Present their wishes to the coroner, along with the evidence of the victim's identity. The coroner will act on the information presented but has the final say in what will happen.

**EQUIPMENT*****Disaster Victim Identification Kit***

DVI Kits and equipment can be obtained from District Headquarters SAR stores.

The kits are usually contained in framed tramping packs but any other suitable container can be used. Each kit should be numbered.

The contents of each kit are usually sufficient for several bodies. The O/C SAR Store must ensure that they are replenished after each operation or exercise. He or she must also find out where DVI equipment can be obtained locally on a 24 hour basis, and list the firm's name, a contact name, and telephone numbers for both in the local emergency plan. The Police National Store can supply the equipment listed on page 92.

The kits are designed to meet the needs of most kinds of disasters. If they prove inadequate for a particular situation, members must use their initiative in supplementing and/or adapting their contents.

***DVI Kit contents***

Items supplied by the National Store:

1 set	Disaster Victim Identification procedures.
50	Police 61 forms.
50	Dead Body Labels.
50	scene stakes (wire), for marking the location of the body.
100	scene labels. These are attached to the scene stakes.
50	white plastic body bags.

Items recommended as Region/District responsibility:

- Clipboards.
- Stationery.
- Ball point pens.
- Indelible pencils.
- Packet of small coloured stickers.

- Waterproof felt pens, for writing the body number on scene labels and the backs of Dead Body Labels.
- Yellow crayons and spray cans of fluorescent paint, for marking the location of bodies at the scene where stakes and labels are unsuitable.
- Protective clothing:
  - gloves (leather or rubber)
  - aprons (rubber, vinyl or plastic)
  - overalls
  - surgical masks
  - safety glasses/goggles.

These are to maintain safety and comfort when handling bodies.

- Bottle of Vicks Vapour Rub. When applied to your upper lip, it masks unpleasant odours.
- Plastic armbands: DVI personnel identification.
- Cord or string, and pocket knife or scissors, for securing labels.
- Medical hygiene products, for personal hygiene and cleaning hands without water.
- First Aid Kits, for minor accidents on-site.
- Plastic bags of assorted sizes, for small body parts, items of property and the like.

### ***Mortuary staff requirements***

If a regular mortuary is used, the necessary clothing, plastic bags, labels and other equipment and materials will usually be available on-site. In other cases, they may be obtained from other mortuaries. Hospitals may be able to supply clothing.

### ***Computer equipment***

A computerised database is the best means of recording the details of bodies and missing persons. For advice on the best system to use, contact your Region's computer manager.

### ***Other equipment***

The additional equipment required will depend on the type and magnitude of the disaster. It may include:

- Wooden stakes
  - Axes
  - Coveralls
  - Safety boots
  - Heavy duty rubber aprons
  - Additional plastic bags.
-

## **Appendix 4**

### **EXAMPLE OF ONE AIRLINE'S GUIDANCE MATERIAL ON LAWS, CUSTOMS AND CULTURE AT INTERNATIONAL DESTINATIONS**

1. Embassy of the home country of the airline, head of embassy – name, title, address and telephone numbers.
2. Confidentiality of the passenger manifest is important in protecting the right to privacy for the families involved. Who, other than the airline, has access to this information:
  - Does this station print the manifest for every departing flight?
  - Is this procedure required by law?
  - If this procedure is required by law, provide the name and telephone numbers of the department/agency to which you supply copies of the manifest.
3. Which government agency will be in charge of an accident investigation?
4. If any other government agencies are involved, who are they and what will be their roles?
5. What outside companies/agencies could the airline employ to work with the families in grief counselling? What are their principal contacts and telephone numbers?
6. In what areas would this country welcome support from the airline and in which areas would it perhaps not be welcome?
7. What type of security passes will the airline head office emergency team need for access to the airport in this country and who will be responsible for processing these?
8. Is there an agreement with another airline operating into the airport for assistance in the event of an accident involving one of our aircraft? If so, name the airline and the nature of its assistance.
9. Which agency will be responsible for identifying the deceased?
10. Which of the following will be used to identify the deceased: visual, fingerprinting, dental records, x-rays and DNA?
11. Will an aircraft accident be treated as a criminal act?
12. Will officers of the airline be able to enter this country without risk of arrest?

13. Is there a particular person or agency that, by law, must be the person to make a death notification?
14. Will the airline personnel be expected or allowed to make death notifications?
15. Recent large accidents have generated 50 000 to 60 000 telephone calls during the first 24 hours following the occurrence. What might be the typical response to a major aircraft accident in this country? Should the airline expect thousands of calls? Would the families be more likely to inquire personally at the airport? Would the families be likely to do nothing and wait for the airline to call them?
16. Will the airline be expected to collect ante-mortem information? (Ante-mortem information is anything known about a person before death that, in this context, could be used to assist in identifying that person). If the airline did not perform that function, which agency would?
17. Should the airline send flowers to the families? Is there anything else we should do in addition or instead?
18. In some countries, it is the custom or the law to pay a set amount shortly after an accident to families of those fatally injured in the accident. Is this expected in this country? If so, how much would be required or appropriate? To whom is it paid? If this custom has a name, what is it?
19. Will the airline personnel be recognized by the families as a reliable source of information?
20. If an accident occurred near the airport, what hospitals would be used? Has anyone from this station met with these hospitals and shared the airline response plans with regard to working with the injured and the families? List the hospitals' names, addresses, telephone numbers, distance from the airport and the date they were last contacted.
21. Will airline personnel be allowed access to the survivors in hospital?
22. Will the airline be allowed to talk with the families of victims and form relationships?
23. How best would the airline serve the needs of the families with regard to funeral services?
24. What are the four main religious groups in this country?
25. Describe, as far as you can, the following details of the religious groups:
  - a) mourning period;
  - b) pre-burial/cremation activities;
  - c) special clothing for mourners;
  - d) special clothing for the deceased;
  - e) Is food or a meal for the mourners included as any part of the ritual?
  - f) funeral preparations for cremation and burial;



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- g) funeral ceremony;
  - h) burial/cremation rites/rituals;
  - i) Would a monetary donation be required or appropriate for those involved in the formal ceremony?  
If so how much and to whom (e.g. minister, rabbi, organist)?
  - j) post burial/cremation activities;
  - k) memorialization (e.g. shrines, public notices).
26. Is there a particular rank or level of airline employee expected for contacts with the families?
  27. What would be the typical components of a funeral in this country? Include specific information regarding preparation of remains for burial, viewing, ceremonies and burial/cremation.
  28. Will airline team members be welcome to attend funeral services? Would they be expected to participate in the services in any manner? What dress would be appropriate?
  29. Will airline team members be expected or allowed to attend viewing or visitations?
  30. What services, information and/or other support would the families expect from the airline?
  31. Does it make any difference if airline team members working with the families are male or female?
  32. Will the age of the airline team members working with the families be a concern?
  33. What are the most commonly spoken languages in this country?
  34. What percentage of the people in this country speaks English?
  35. Are there gestures, words or non-verbal actions that are inappropriate in this country?
  36. Are there certain subjects or comments that are considered inappropriate in this country?
  37. Are there certain laws or customs in this country of which airline team members should be aware that go beyond the work of the special assistance team?
  38. Is there anything else that is important for the airline team members working in this country to know?
  39. In the event of an accident at this station, if all the hotels were booked, or if hotel space were minimal, what would be the options for housing the families and the site team?
  40. Cultural tips
    - a) Language, local words for:
      - Hello
      - Goodbye

- Thank you
  - I do not understand (the local language)
- b) Greetings
  - c) Appointments
  - d) Climate
  - e) Currency
  - f) Airport departure tax
  - g) Tipping
  - h) Government
  - i) Cultural etiquette
  - j) General “Dos”
  - k) General “Don’ts”.

— END —

## ICAO TECHNICAL PUBLICATIONS

*The following summary gives the status, and also describes in general terms the contents of the various series of technical publications issued by the International Civil Aviation Organization. It does not include specialized publications that do not fall specifically within one of the series, such as the Aeronautical Chart Catalogue or the Meteorological Tables for International Air Navigation.*

**International Standards and Recommended Practices** are adopted by the Council in accordance with Articles 54, 37 and 90 of the Convention on International Civil Aviation and are designated, for convenience, as Annexes to the Convention. The uniform application by Contracting States of the specifications contained in the International Standards is recognized as necessary for the safety or regularity of international air navigation while the uniform application of the specifications in the Recommended Practices is regarded as desirable in the interest of safety, regularity or efficiency of international air navigation. Knowledge of any differences between the national regulations or practices of a State and those established by an International Standard is essential to the safety or regularity of international air navigation. In the event of non-compliance with an International Standard, a State has, in fact, an obligation, under Article 38 of the Convention, to notify the Council of any differences. Knowledge of differences from Recommended Practices may also be important for the safety of air navigation and, although the Convention does not impose any obligation with regard thereto, the Council has invited Contracting States to notify such differences in addition to those relating to International Standards.

**Procedures for Air Navigation Services (PANS)** are approved by the Council for worldwide application. They contain, for the most part, operating procedures regarded as not yet having attained a sufficient degree of

maturity for adoption as International Standards and Recommended Practices, as well as material of a more permanent character which is considered too detailed for incorporation in an Annex, or is susceptible to frequent amendment, for which the processes of the Convention would be too cumbersome.

**Regional Supplementary Procedures (SUPPS)** have a status similar to that of PANS in that they are approved by the Council, but only for application in the respective regions. They are prepared in consolidated form, since certain of the procedures apply to overlapping regions or are common to two or more regions.

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*The following publications are prepared by authority of the Secretary General in accordance with the principles and policies approved by the Council.*

**Technical Manuals** provide guidance and information in amplification of the International Standards, Recommended Practices and PANS, the implementation of which they are designed to facilitate.

**Air Navigation Plans** detail requirements for facilities and services for international air navigation in the respective ICAO Air Navigation Regions. They are prepared on the authority of the Secretary General on the basis of recommendations of regional air navigation meetings and of the Council action thereon. The plans are amended periodically to reflect changes in requirements and in the status of implementation of the recommended facilities and services.

**ICAO Circulars** make available specialized information of interest to Contracting States. This includes studies on technical subjects.

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