



# Dealing With the Media After an Accident: Everything You Can't Say and How to Say It

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Fox  
Rothschild

# Who Do You Have To Notify After An Accident?

- NTSB
- FAA
- Depends on the accident
- Department of Defense
- US Postal Service

# Who Should You Notify After An Accident?

- Corporate security
- Public relations/communications departments
- Outside counsel
- Insurance broker/underwriters

# Role of NTSB

- The local field office of the NTSB must be notified of an accident “immediately and by the most expeditious means available,” which typically means by telephone. (See 49 CFR § 830.5.) The aircraft operator may also report an accident or incident by calling the NTSB Operations Center
- The notification must include, to the extent then available: the type, nationality and registration marks of the aircraft; name of the owner and operator of the aircraft; name of the pilot in command; date and time of the accident; last point of departure and intended point of landing; position of aircraft with reference to some easily defined geographical point; number of persons aboard, number killed, and number seriously injured; nature of the accident, the weather, and extent of damage to the aircraft; and a description of any explosives, radioactive materials and other dangerous articles aboard. (See 49 CFR § 830.6.)
- Staff/Investigators
- Board Members

# Discussing the Accident

- NTSB
  - No one should give an impromptu interview to the NTSB. All such interviews should be arranged through the airline's Party Coordinator to the NTSB. Counsel should be present for all employee interviews, which is a right provided by NTSB regulations. (See 49 CFR § 831.7.) If anyone observes an unapproved NTSB interview, he or she should intervene to stop the interview and reschedule it for a later time
- Press
  - All press contacts and all requests for information should be directed to the corporate communications department or some other person or department designated to be the primary press contact. You should emphasize corporate policy on contacts with the press, which typically requires employees to refer reporters to a particular person or department

# Discussing the Accident

- Law Enforcement
  - Be mindful that it is illegal to instruct employees not to speak with law enforcement officials. You may, however, advise employees that they are free to speak with law enforcement personnel, if they choose to do so, but are urged to coordinate interviews with the airline's in-house or outside legal counsel
- Employee Communications
  - All employee communications should be made through normal company channels. It should be assumed that all communications, even those to be distributed internally, will be made public. The rules for public disclosures should apply
- Cause of Accident and Admission of Liability
  - Under no circumstances should anyone speculate about the cause of an accident or admit liability or wrongdoing on the part of the airline or any employee

# What Can Be Said: In General

Anything that could have been said the day before the accident can be said the day of the accident and thereafter.

# What the Airline Can Say

- Aircraft
  - Registration and serial numbers
  - Dates of manufacture and acquisition Cabin configuration and cargo capacity
  - Systems aboard the aircraft (use caution)
  - When it last underwent a major inspection and its general inspection schedule
  - Whether it is fly-by-wire or not
  - How many of these aircraft are in the airline's fleet
  - Manifest information like numbers of passengers aboard (in-lap infants if known) and cargo listed on the manifest
- Crew
  - Their names (and personal information like their ages)
  - How long they've been employed by the carrier
  - What aircraft they're type-rated for
  - Where they were on their trip (the second day of the three-day trip, for example)
  - What previous legs they flew that day and how long they'd been on duty
  - (All of this information should be given by your company to the NTSB first under any circumstances.)

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- Company
  - In general terms, factual information about corporate philosophy, structure, practices on training, maintenance, and operations
  - Company size, number of employees
  - History (including previous accidents)
  - Business alliance
  - Size and makeup of aircraft fleet

# What the Airline Can Say

- Family Assistance
  - Virtually anything connected with this is well within the carrier's purview for post-accident press conferences at any time. An airline should feel free to discuss its family disaster plan and publicize its toll-free number. Carriers are strongly encouraged to keep the media informed about the carrier's progress in contacting family members of the passengers and crew involved in the accident
  - Ex: Let the media know that 24 families of the 120 passengers have been contacted. An hour later, the airline could report that 52 families have been contacted. Such reports should continue until all passengers' families have been contacted
- Review by legal counsel

# What the Airline Can't Say

- Aircraft
  - Characterizations of what is in the maintenance records or any other characterization that calls for a judgment or implies involvement or non-involvement in the accident
  - Any speculation about the possible role the plane's components might have played
  - Any discussion of wreckage patterns or aircraft breakup
- Crew
  - Actions of the crew leading up to the accident
  - Any relationship between crew training and the accident
  - Any speculation about what the crew might have done or not done during the accident sequence or to prevent the accident
  - While there is nothing wrong with saying the captain is a good pilot, stay away from statements that suggest the unlikelihood of the crew doing something wrong, or that implicitly or explicitly point fingers at others

# What the Airline Can't Say

- Accident
  - Descriptions of the plane's "final moments"
  - What the investigation will focus on or how it will be structured
  - Descriptions about wreckage path or suppositions about break-up sequence
  - Announcements about finding flight recorders and how they will be handled
  - Descriptions of airport equipment and capabilities
  - Speculation on the role elements like the weather or air traffic control might have played in the accident
  - No judgments about what the issues in the investigation are going to be and nothing that implicitly or explicitly points the finger at another potential party to the investigation
- Family Assistance
  - Avoid commenting on areas that the medical examiner or coroner should officially address:
    - Identification procedures and length of time to complete all positive identifications
    - Search and recovery process
    - Condition of recovered remains
    - Names of the fatalities that were positively identified

# Rules of Effective Crisis Communication

- Establish official channels/pages where people can regularly seek updated information
- Airline establish itself as the authoritative source of information
- Keep an eye out for rumors and quash them sooner than later
- **Follow-up is critical** – A single, quick statement within two minutes is useless unless you follow-up regularly with updates, displaying your commitment to the cause

# Airline Crew/Employees

- All employee communications should be made through normal company channels. It should be assumed that all communications, even those to be distributed internally, will be made public. The rules for public disclosures should apply
- Briefing/training on what to say
- Only certain individuals are authorized to make statements on company's behalf
  - Primary press contact at company
  - General counsel

# Role of General Counsel After Accident

- Review and approve press releases and statements
- Be present at interviews

# Family Members/Survivors

- Role of the airline
- Role of the NTSB
- Briefing family members
- Process should begin immediately after accident
- Airline's prerogative to determine how often and in what manner it wishes to brief the public on its efforts to support the survivors and the families of those involved

# What Happens After The On Scene Investigation

- ATC Tapes
  - After authorized, FAA release recorded ATC communication and transcript to public
- CVR
  - Audio portion never released to public
  - Original tape returned to the airline
  - CVR transcript released by NTSB when it opens the public docket
- Public Docket
- Investigator in Charge (IIC)

# Accidents in the U.S. vs. Accidents Outside the U.S.

- Similarities and differences in the responses
- ICAO Annex 13
- Role of NTSB
- Talking to media

# Special Issues/Problems

- Dealing with incorrect media reports
- Dealing with incorrect statements by Board Members
- Use of "surrogates"
- Consequences of "stepping over the line"
- Does response vary depending on type of accident
- Responses when dealing with an accident vs incident
- Obligation and role of news outlets and journalists

# Special Issues/Problems

- Social Media
  - Videos, Photos, Opinions, etc. are posted by laypersons
  - Used to distribute timely and reliable information
  - Ease anxiety of passengers and protect goodwill of company
  - Suppress spreading of rumors
  - AI to assist in monitoring responses and posts

# Resource

- [Fox Rothschild Aviation Emergency Response Handbook](#)

# Questions?

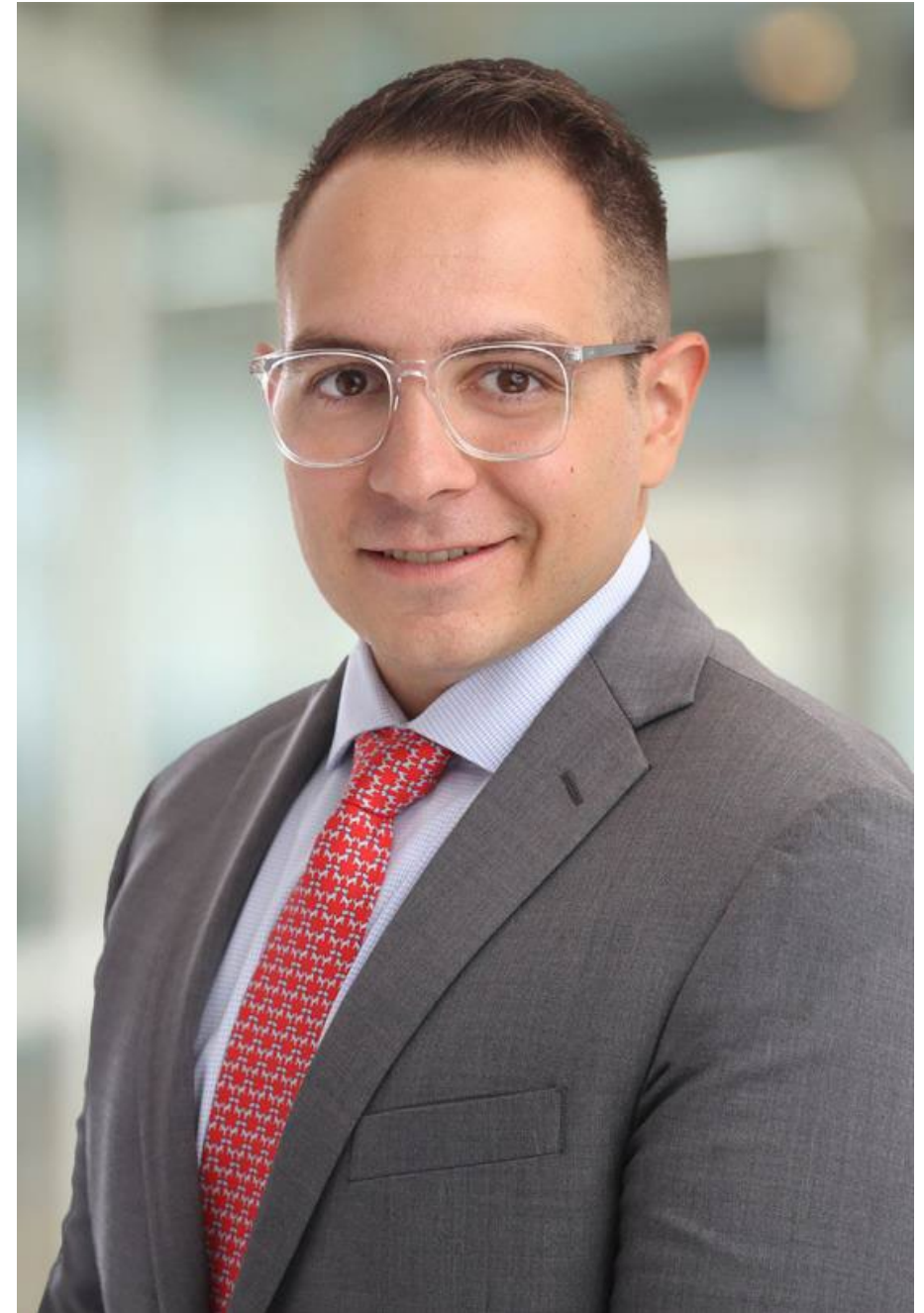
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