



European Maritime Safety Agency

**SAFEMED III Seminar  
on Marine Accident Investigation  
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**Initial assessment and  
response, strategy and  
planning**

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European Maritime Safety Agency

**Initial assessment and response,  
strategy and planning**

Estimated duration:

- ✓ 30 minutes.

Content:

- ✓ Initial assessment and response;
- ✓ Strategy and planning.

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## Initial assessment and response

### Considerations for investigation



- The seriousness of the marine casualty or incident;
- The type of vessel and/or cargo involved;
- The potential safety value that may be gained by conducting an investigation;
- The public profile of the casualty;
- Whether the casualty is part of an identifiable trend;
- The potential (as opposed to actual) consequences of the casualty or incident;
- The extent of resources available and projected to be available in the event of conflicting priorities and the extent of any investigation backlog;
- Any risks associated with not investigating;
- Serious injuries occurring on board to crew and/or passengers;
- The pollution of environmentally sensitive areas;
- Ships subject to significant structural damage;
- Casualties which disrupt, or have the potential to disrupt, major port operations.

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## Initial assessment and response

### Coordination with other states

- Initial notification usually received by coastal of Flag state
- Need to determine who is substantially interested
- Coordinate between notified and substantial interested states to determine:
  - Whether to investigate;
  - Who is the lead investigating State;
  - The initial strategy;
  - The likely scope of the investigation;
  - The initial practical measures and the investigative body best placed to carry them out
  - Access to a vessel and crew;
  - Use of another investigative body's powers of investigation;
  - Who will populate EMCIP.



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## Initial assessment and response Potentially interested parties



- The casualty vessel owner/operator and legal representatives;
- The Flag Administration;
- Police or other judicial authority;
- Search and Rescue/emergency response authorities;
- Port authority;
- Next-of-kin;
- P&I Club surveyors and lawyers;
- Classification Society;
- Salvage Association;
- Lawyers representing cargo interests;
- Lawyers representing individual crew members, and salvors;
- Industry representatives (eg fishing);
- The media.



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## Initial assessment and response Initial site preservation

Have plans and arrangements for:

- Notifying the rescue coordination centre;
- Securing the casualty site from fire hazards and further damage;
- Checking for the presence of dangerous goods, where possible, and taking appropriate action;
- Placing barriers to ensure potential evidence is not tampered with or disturbed;
- Taking steps to preserve, through photography or other appropriate means, any evidence of a transitory nature, such as floating debris;
- Obtaining the names and contact details of all witnesses whose testimony may aid in the investigation of the accident.



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## Initial assessment and response VDR- data preservation

- Essential to determine if ships involved in casualty have VDR
- If ship still intact:
  - determine manufacturer
  - establish how to save data (only 12 hrs of data saved?)
  - How best to retrieve it

([www.maibresource.net](http://www.maibresource.net))



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## Strategy and planning Timing

- Human recollection deteriorates rapidly with time
- Ship's involved may continue in service and need to sail and investigation should not cause unreasonable delay
- Detention of ship should not be ruled out if it is believed important evidence will be lost
- Arriving swiftly at the scene of accident can:
  - Enable safety investigators to establish themselves before other investigative authorities
  - Help in evidence collection



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## Strategy and planning

### Powers of investigation

- Vary between States as dependent on national legislation
- Need to gain appreciation from substantially interested States what evidence is likely to be retrievable
- Powers should only be used where necessary and with utmost discretion
- Initial aim- atmosphere of co-operation not confrontation
- Investigators must, however, be fully aware of the powers they can exercise



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## Strategy and planning

### Investigator deployment

- Number of investigators assigned important
- Depends on:
  - Scale of investigation
  - The need for speed
  - Location of accident
  - Availability of investigators
  - Individual strengths and skills of investigators
- Large scale investigation may require multi-disciplinary team
- Small scale investigation normally requires 2 investigators
- One investigator may be all that is available:
  - Not ideal
  - Will take longer to collect evidence



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## Strategy and planning

### Working with other agencies

- Good liaison essential (police, rescue and fire services, etc)
- Early on site brief to explain:
  - The objective and status of the safety investigation
  - The intended extent of cooperation with other investigations
  - The intended procedure for witness interviews
  - The intended procedures for dealing with witness and material evidence
  - The intended arrangements for updating the next-of-kin, and other interested parties, on the progress of the safety investigation

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## Strategy and planning

### Judicial investigations

- States will have judicial authorities, whose powers and procedures vary
- Police will have primacy normally and will conduct interviews and seize evidence
- Prosecution role clearly in contradiction with safety investigation
- Important to recognise safety investigation does not take place at expense of fair and thorough judicial proceedings
- In early briefing:
  - Emphasis role
  - Ability to conduct parallel investigations
  - Areas of possible mutual cooperation

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## Strategy and planning Legal representatives

- Litigation will frequently be involved after an accident
  - Lawyers may well be on scene before investigators
  - Have every right to be there
  - Represent interests of their clients
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- Important to liaise with owners and the ship concerned to minimise conflict and enable parallel investigation

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## Strategy and planning Handling the media/press

- Good rapport with media can be an asset!
- Develop procedure for dealing with press
- Do not speculate, stick with facts:
  - What happened
  - Where it happened
  - When it happened
  - What the immediate consequences were
  - What can still be expected
  - Launch of an investigation process

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## Strategy and planning

### Next of kin

- Consider early contact in investigation process if welcomed by next of kin
- Provide:
  - Basic factual information
  - Details of process underway and what is to come
  - Reassurance case is being taken seriously
  - Emphasis aim of investigation is not to blame and find anyone responsible
- Keep next of kin updated on progress of investigation

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## Strategy and planning

### Investigation planning



Need to plan over short term:

- Dynamic process as investigation progresses
- Prioritise collection of evidence, given:
  - Key witnesses' recollection will degrade over time
  - Witnesses may be repatriated quickly
  - Availability of supporting evidence before interviews
  - Accidents may need to be cleared or areas repaired

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Need to plan over longer term:

- Reports should be published in shortest feasible timeframe without compromising investigation
- Within 12 months at very least (Dir. 2009/18/EC)
- Plan to take into account other work, training and leave commitments, as well report reviewing and publication





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Thanks for listening!