

# Who Gets to Know What?

## Writing and Sharing Your Investigation Report WRMC 2012

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WRMCMC  
WILDERNESS RISK MANAGEMENT CONFERENCE  
OUTWARD BOUND SGA

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# Agenda

- Purpose of a report
- Mechanics of writing the report
- Sharing the report
- Legal implications

# Objectives of A Report

- To document the factual details
- To convey the complexities
- To provide a response
- To promote organizational learning

# Writing the Report

- Audience
- Organization/Format
  - Demographic info
  - Facts
  - Analysis
  - Conclusion
  - Recommendations
  - Appendices

# Audience

- Who's your audience?
  - Internal
  - Family
  - Media
  - Public
  - Other
- All are legit
  - Start with comprehensive internal
  - Adapt as necessary for other audiences
    - Different versions
    - Version control (different than draft versions)

# Writing the Report

- Organization/Format
  - Demographic information
  - Facts
  - Analysis
  - Conclusion
  - Recommendation

# Writing the Report

- Demographic Information
  - Incident date
  - Course
  - Patient name and age
  - Instructors/leaders names
  - Students names and ages
  - Location: lat/long, country, state, county, geographic names etc.
  - Report author
  - Report date

**NATIONAL OUTDOOR LEADERSHIP SCHOOL**  
**BROWN BEAR ATTACK, TALKEETNA MOUNTAINS ALASKA**

**Course** → Alaska Wilderness Course – AKW1, June 30, 2011

**Course Leader** → CL

**Patrol Leader** → PL

**Instructor** → Inst

**Incident Date** → July 23, 2011

**Location** → Talkeetna Mountains, Alaska (N62° 42.53', W149° 08.66')

**Written By** → Drew Leemon, NOLS director of risk management

**Report Date** → Feb. 29, 2012

**Students**

Student 1, age 17 (Student Expedition Leader)

Student 2, age 16

Student 3, age 17

Student 4, age 18

Student 5, age 17

Student 6, age 16

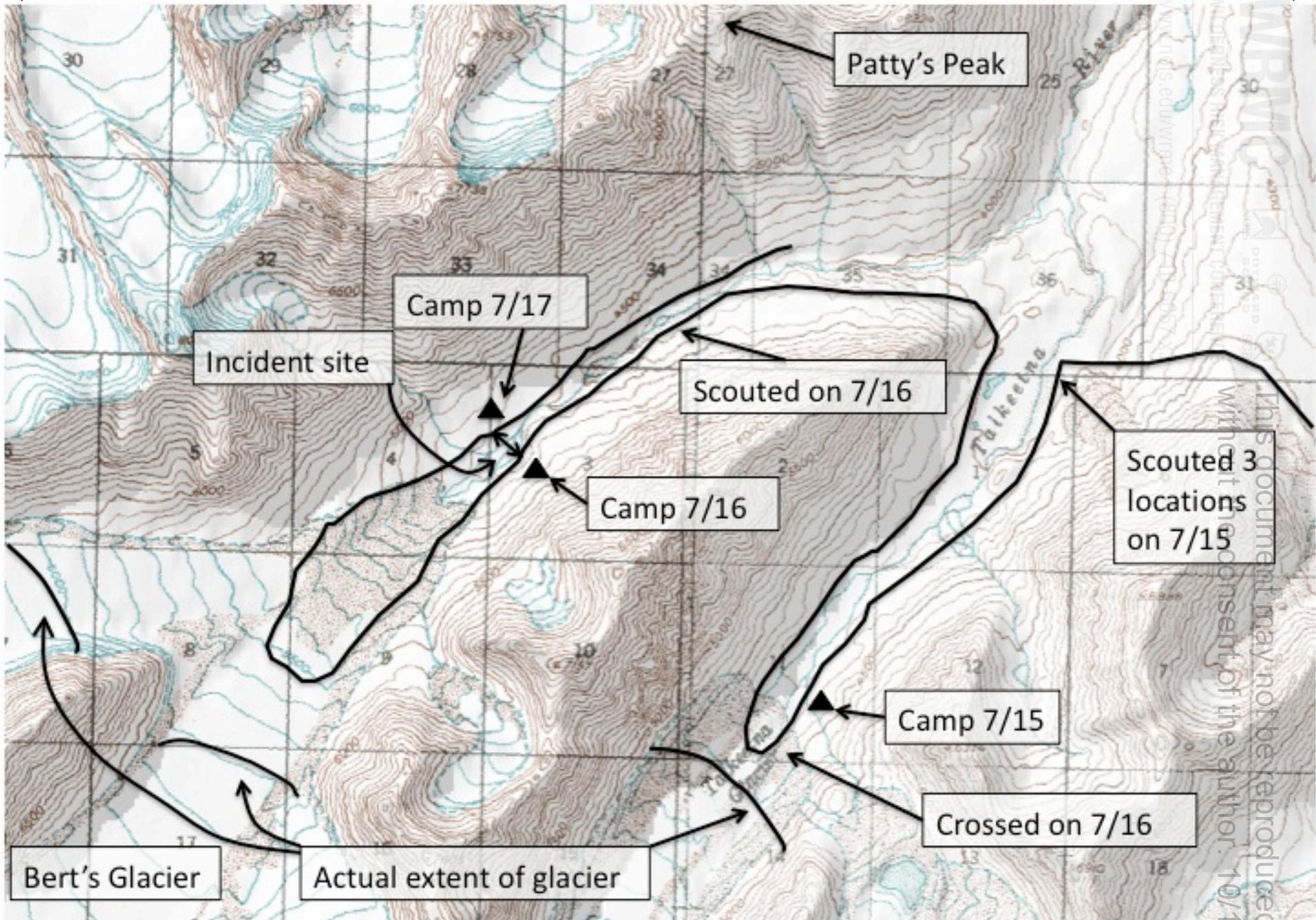
Student 7, age 16

*This description of the incident was compiled from written accounts provided by Student 5, Student 7, Student 4, and Student 2 on July 24, from an interview via Skype with these students plus Student 6, and Student 3 on July 24, from an interview via Skype with the three instructors on July 27, and from an interview via telephone with Student 1 on Aug. 3.*

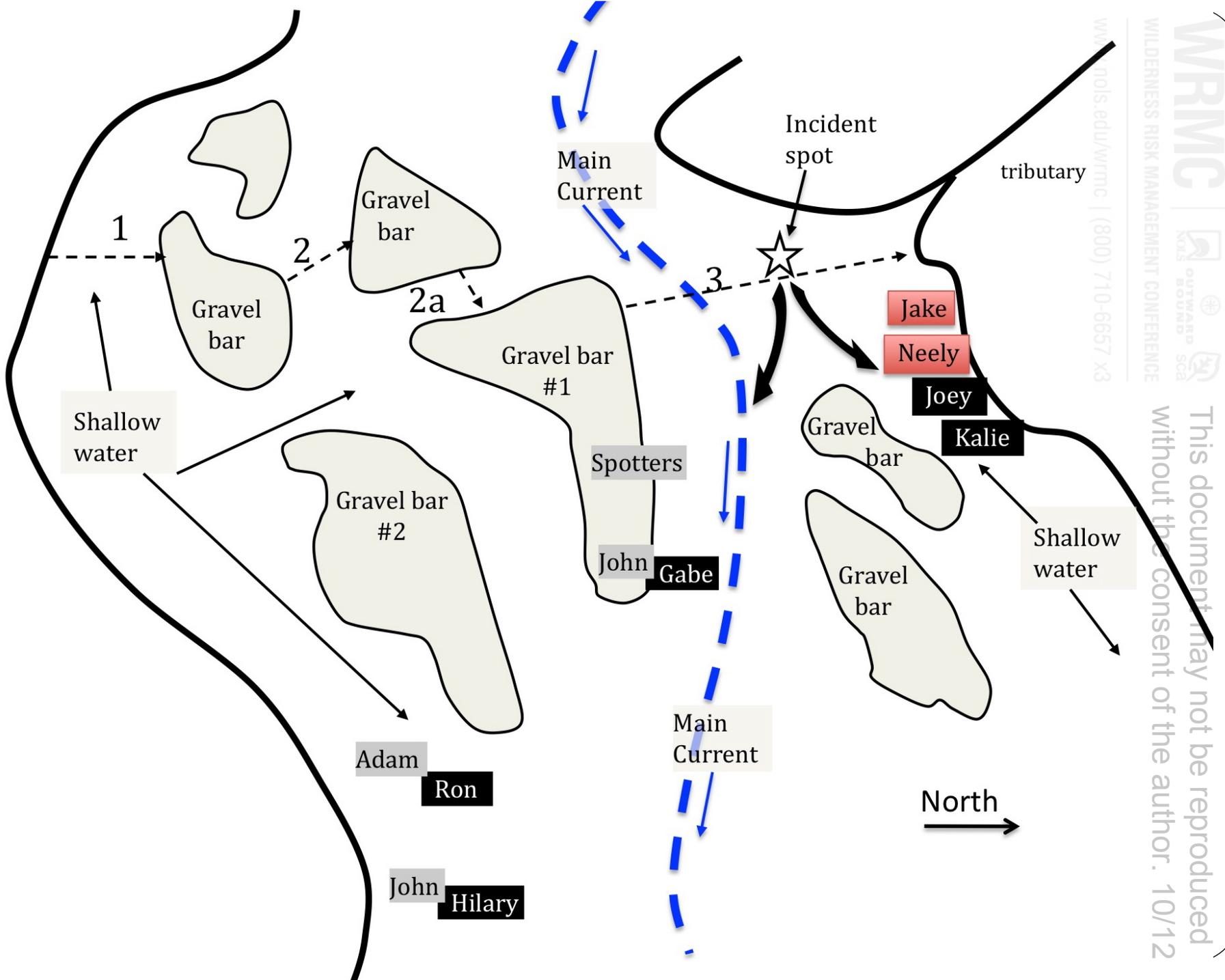
**SUMMARY**

# Writing the Report

- Facts
  - Written witness & instructor accounts
  - Interviews with witnesses & instructors
  - Time logs from emergency response agencies
- Tell the story
  - Sequence of events
  - Timeline vs. narrative
  - Descriptive details
  - Composite vs. individual
  - Injuries
  - Emergency
  - Illustrations



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# Writing the Report

## Analysis

- Purpose IS to:
  - Understand
  - Evaluate
  - Learn
- Purpose is NOT to:
  - Blame
  - Fault

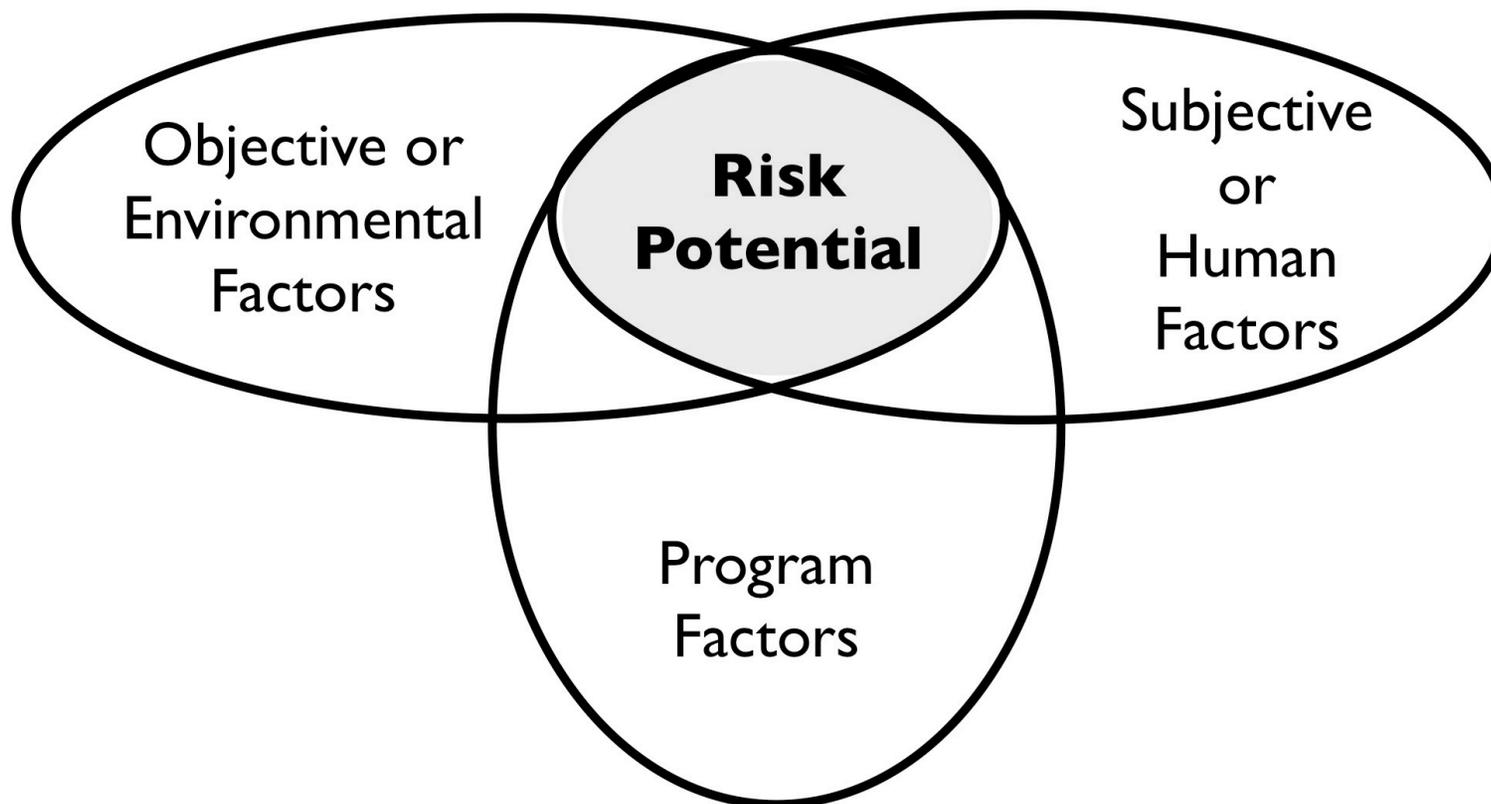
“One of the basic principles of error management is that the best people can sometimes make the worst errors.”

James Reason

# Writing the Report

- Analysis

## Risk Potential Diagram



# Writing the Report

- Analysis
  - Objective or Environmental Factors
    - The condition of the environment
      - Terrain
        - Angle, surface, runout, vegetation etc.
      - Weather
        - Hot, cold, raining, dry, windy etc.
      - Animals
    - Illustrations

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The angle of the picture doesn't show all the details of the rock outcrop that he fell off of.

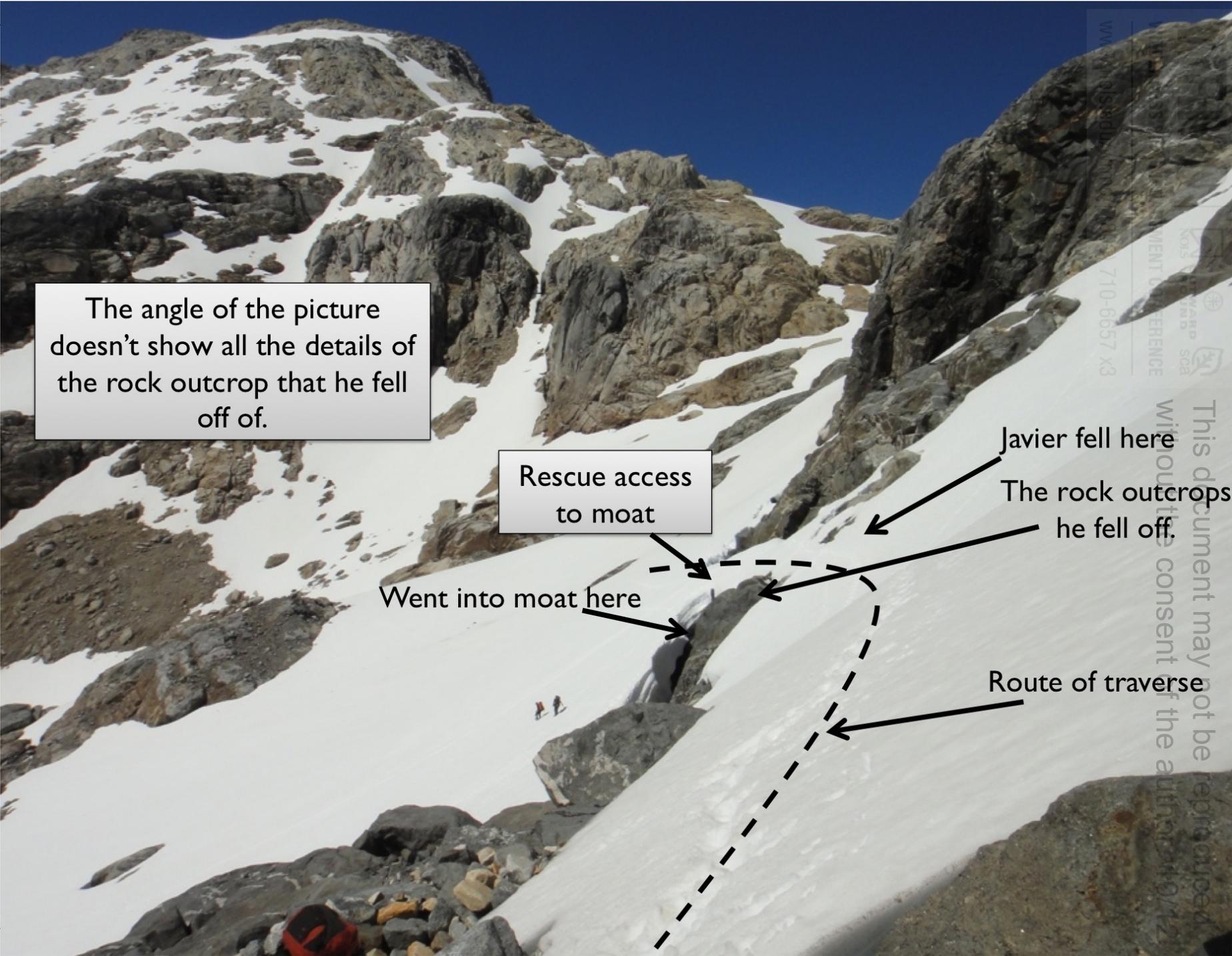
Rescue access to moat

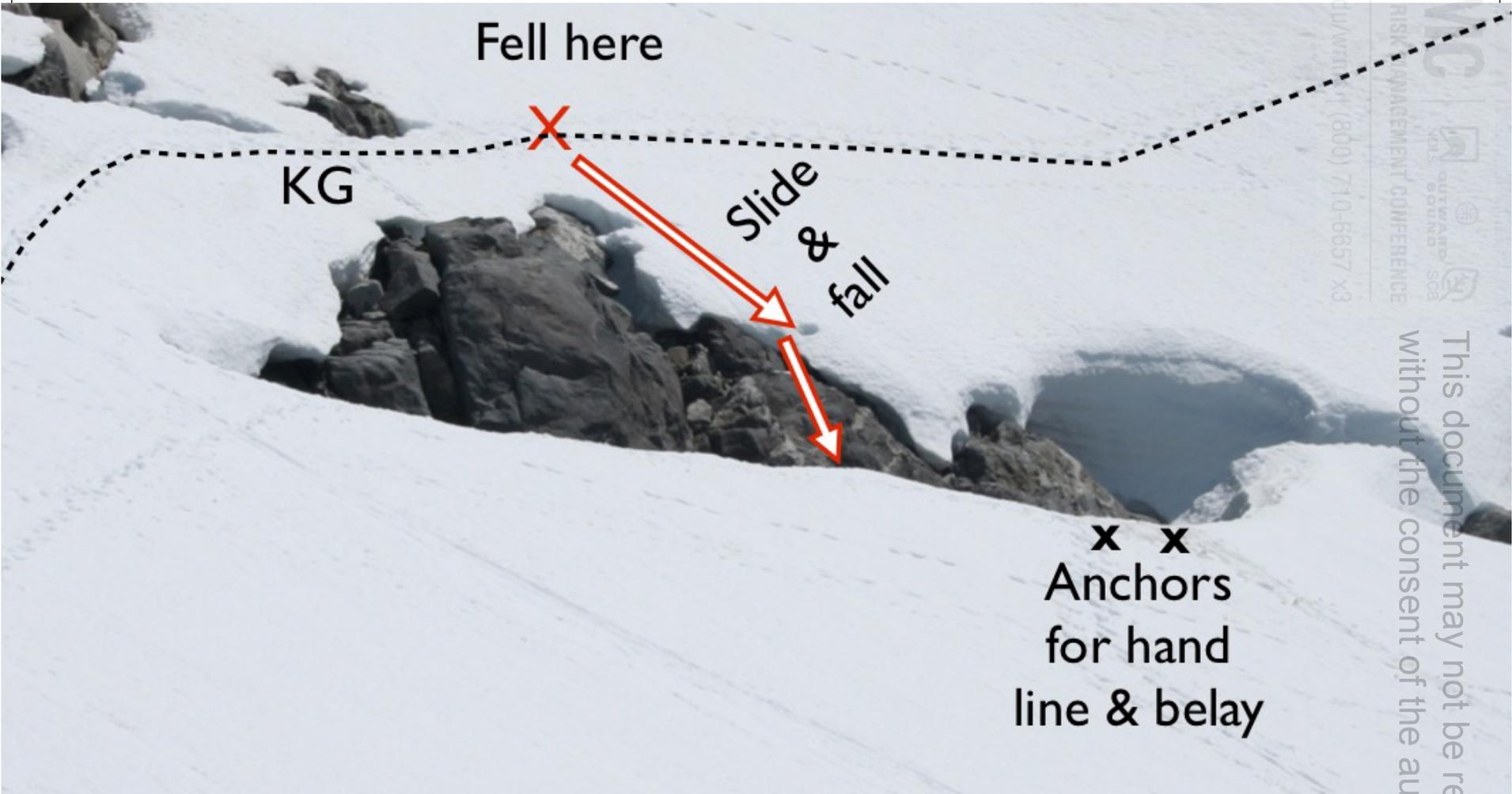
Went into moat here

Javier fell here

The rock outcrops he fell off.

Route of traverse





# Writing the Report

- Analysis
  - Program Factors
    - Aspects of the program that may influence decisions and set the stage for the level of risk that is accepted.
      - Course Objectives
      - Known challenges, hazards and risks
      - Curriculum
      - Field practices/policies
      - Equipment
      - Emergency and crisis response

# Writing the Report

- Analysis
  - Subjective or Human Factors
    - The condition of the people involved affecting perceptions and responses.
      - Participant performance—physical and emotional
      - Instruction
      - Decisions made

# Writing the Report

- Conclusion
  - Summation
    - Primary elements of facts and analysis
    - Organizational opinion
    - Sincere and compassionate

# Writing the Report

- Recommendations
  - List of items that need further review or attention
    - Cautiously vague
    - Allow for time
    - State a reasonable deadline

# Appendices

- Supporting documents
  - Field practice documents
  - Illustrations
  - Evaluations

## After the report is drafted

- Review by other people
  - Field staff
  - Attorney
  - Head of organization
  - Media relations?
  - Insurance carrier?
- Process for sharing drafts

## Discoverability of internal report

- Timing—After a lawsuit filed
- Depends on:
  - Internal policy
  - Who initiates report
- Pros/Cons of protecting investigation
- NOLS' approach

# NOLS Bear Attack in Alaska

- What happened
- Relationship with the families
- Investigation and report

# How to say What you say

- Purpose of the report
  - “The purpose of discussing these contributing factors is not to lay blame or fault on any individual but to understand what happened and promote individual and organizational learning.”

## Possible legal language

- “We are not attempting to establish whether anyone acted negligently or fell below the standard of care; rather, we are considering any and all contributing factors, even those which were not reasonably foreseeable.”

## After the report is finalized

- Who will get information from the report?
  - Family / injured?
  - Media?
  - Staff / Board?
  - Others?

# Family

- Pros
  - Provides detailed information
  - Shows did a thorough investigation
  - Shows we don't think we were negligent
  - Helps maintain positive relationship
- Cons
  - Might try to use against us
  - Might encourage them to sue us
  - Might anger them
  - Can change the scope and content of the report

# Media

- Pros

- Presents our version of the facts
- Allows us to correct erroneous facts
- Shows we are not hiding information
- Service to the public

- Cons

- Could create more negative media attention

- Would subject us to further scrutiny

# Staff

- Pros
  - Gives detailed, accurate information
  - Educates staff about what we learned
  - Shows transparency of organization
- Cons
  - Report has confidential information (field staff names, student names, etc.)

## Decisions in bear incident

- Decided to provide information to:
  - Family
  - Media
  - Staff

# What should we give them?

- Providing full internal report
  - Pros
    - Can say we have released our original internal report
    - Provides comprehensive information
  - Cons
    - Provides comprehensive information intended for a different purpose and different audience
    - Must address confidential content
    - Could misconstrue our language or anger them

# What should we give them?

- Providing a revised report
  - Pros
    - Could tailor language to this audience
    - Could delete confidential information
  - Cons
    - Might raise questions about what the differences were
    - Might suggest that we were hiding something when we weren't

## Decisions in bear incident

- Family
  - Give full internal report
  - Multiple versions to address confidentiality
  - Not given to one student
- Public version

# Public version

- Differences from internal version
  - Deleted all staff and student names
  - Deleted details about injuries and medical treatment
  - Deleted photos of injuries
  - Removed all attachments
  - Shorter, more readable version
  - Condensed an extensive timeline into a summary
- Left in:
  - The analysis and data related to our previous bear incidents
  - Information about a bear sighting by the instructors

# Results

- Family
  - Continue to have good relationships with families
  - Student no longer pursuing a claim against us?
- Media
  - Had some further media attention from one source but not significant
- Staff
  - Have formulated all recommendations and implemented them

# Take Home Action Steps

- Discuss policy for whether or when you will conduct an internal investigation
- Practice investigating and writing up less significant incidents
- Discuss your philosophy for sharing information with leadership, your attorney, and your insurers
- Confer with counsel about the legal implications of your internal report

# Questions?