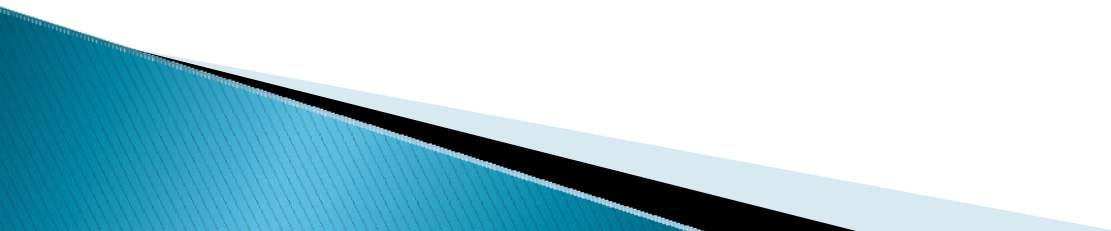


# Advice From the Experts on How to Protect Yourself From Potential Criminal Indictments...

*...Bearing in mind that business aviation and charter industry flight crews tend to be more exposed than their airline counterparts because they fly just about everywhere and tend not to have the luxury of large infrastructures like major airlines, pilot unions, the ATA and IATA, supporting them. Consequently, they have to be extra vigilant and thoroughly cognizant of the host country's aviation regulations and unique practices, i.e., what to look out for, like nonstandard procedures, that could lead to trouble.*

## Bill Voss, President, Flight Safety Foundation

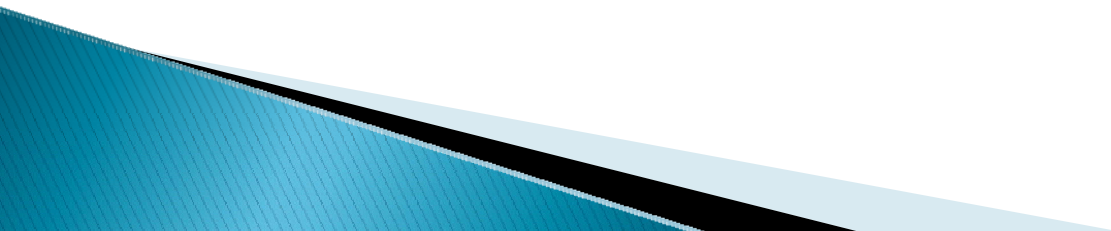
- “Make sure your processes and documentation are straight, as they will form a critical part of your defense if you have one of these unfortunate [incidents].”
  - “Also, have a contingency plan on how to handle these kind of circumstances. Under what situations would you evacuate your crews from a foreign country if they were about to be charged [ as ExcelAire Legacy 600 pilots were in Brazil]?”
  - “[W]hen you’re operating overseas you need to be familiar with ICAO rules and procedures [PanOps] which are in use in many foreign countries. Don’t make the assumption that the American way is the international way – it often is not.”
  - Adopt a safety management system (SMS) and keep a copy of it in your aircraft, especially when flying in the U.K., any current or former British Commonwealth countries, and anywhere in the European Union.
  - Same for IS–BAO [IBAC’s International Standard for Business Aircraft Operations] compliance, as well as adoption of a flight–data monitoring program. (FSF just happens to have one.)
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## Paul McCarthy, International Federation of Air Line Pilots Associations

→ “You are in their country, and their rules apply. First, demand your rights as an American, because in a criminal indictment, you don’t have any, since you get the rights that anyone would have when hauled before their bar.”

→ “If you ask for an attorney, that is taken as culpability in some countries like Japan. So number one, keep your mouth shut, and number two, have your employer get you a lawyer in the U.S. who can work with the lawyers in the country you’re in. You need someone who understands the issues – this is crucial.”

## Eileen Gleimer, Aviation Attorney

- “If you’re flying in the U.S., the likelihood that an accident will result in criminal charges is probably small, but I think any time people die, potential criminal action cannot be ruled out. If you’re flying abroad, you need to be wary because you’re the outsider and crimes may be defined differently.”
  - If something happens, “first make sure you take whatever action is necessary for the safety of the passengers and crew, and then secure the aircraft. Contact your employer and insurance company. Hold onto your documents, and if they are requested or taken by the authorities, keep copies, if possible; otherwise, make a list of what they have taken and who took it.”
  - “Don’t talk to the media; don’t speculate. Make no statements until you have a representative there, a company rep or an attorney. If you’re in a situation where you can’t have representation, and the FAA and NTSB want to talk, stick to the most basic facts – don’t guess or assume, don’t volunteer any information for which you haven’t been asked.”
  - And... “Fly safely.”
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## Steve Brown, VP Operations, National Business Aviation Association

→ “Everything that has come out of the recent [criminalization] cases indicates that you should be clear about your own company’s policies regarding travel provisions and training and be much more familiar with foreign ATC providers so that whenever you have a concern, like a nonstandard procedure, to question it or refuse to do it. There is less risk following standard procedures.”

## Don Spruston, Director General, International Business Aviation Council

→ “If you have the training, systems, and processes down and are doing the right thing, it is unlikely that you will be subject to any sanctions by either the aviation regulation system or the courts. If you make an inadvertent, unintentional error, the aviation system is set up to understand that and treat it appropriately. (You have to have insurance in place, too, as well as the processes.) If you are doing what a reasonable person would do, you shouldn’t be subject to prosecution.”

→ Don’t forget the issue of corporate liability. “As you look back there have been a number of cases where management people have been subject to criminal liability because they were managers of the flight department. In the case of Brazil, it is the controllers who are hung out to dry, but in other countries, it’s the operator’s managers who have been taken to court.”

And...

**Don't Do Anything Stupid**

