

Managing the Victim Dimension of Large-Scale Disasters

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ABSTRACT: The most volatile component of all crisis response is victim management. Failure to promptly, humanely, and empathetically see that victims' needs are met will eclipse an organization's response, and even a flawless response will be remembered for its angry survivors, relatives, public officials, sometimes competitors, but almost always the critics. The two most crucial ingredients of crisis management are effective and accurate communication and then prompt resolution of the issues surrounding victims. This paper familiarizes and sensitizes technical expert readers with the extraordinary impact and emotional power victims bring to any crisis situation. Some important techniques and approaches are discussed, including the nature and causes of victimization and why victims have so much power; the behavior of management and its advisers that triggers, initiates, or prolongs victimization; what victims feel and why they tend to act and remain so upset; and what victims need—validation, visibility, vindication, and extreme empathy/apology—along with constructive strategies that can resolve these different situations quickly and often avoid litigation.

When disaster strikes, we do get glimpses of the physical and infrastructure damage, but the news and most of the pictures are about the victims. If anything, while the broken facility, structures, and topography of the land or substructure of the earth do get talked about, it is the relentless pictures, descriptions, interviews, commentary, and desperation of the victims that determine the coverage, the public consciousness, and the legacy of the tragedy. The most glaring deficiency in the crisis and business recovery plans I review each year is the absence of a victim management strategy.

Based on just over 30 years as a senior adviser to top management in crisis situations, it seems to me that almost every function in an organization in crisis focuses on its own activities or those directly allied to it

and leaves the question of victim management to someone else. My major career focus has been management communication and leadership recovery, always within the context of some serious, urgent, or contentious situation (Lukaszewski 2005). I noticed early in my career that the main drivers of contention, confrontation, and conflict, aside from the news media, were generally the victims of the events at hand. They got the air time, they got the print space, and they got the attention of government. Yet managements generally treated victims as perpetrators, malingerers, and people in search of cash. But I also noticed that victims, even more than critics, tended to dominate the outcomes of the crisis and problems I was working on. Victims had enormous power.

In 1999, an extraordinary article appeared in the December issue of the *Annals of Internal Medicine*, "Risk Management: Extreme Honesty May Be the Best Policy" (Kraman and Hamm 1999). This paper

described a 10-year study carried out by the Veterans Administration Hospital in Lexington, Kentucky, for the purpose of determining how to resolve patient-related incidents in ways that might reduce litigation by patients and their families. In the intervening years, a lot has been written on the subject of extreme empathy, candor, and apology, mostly driven by insurance companies who have discovered that these empathetic techniques, promptly applied, can reduce and in many cases eliminate litigation and speed settlement.

Today the most crucial component of all crisis response, victim management, remains missing from most responses. Clearly, it is possible to respond to crisis with a nearly textbook technical performance. But failure to promptly, humanely, and empathetically see that victims' needs are met will eclipse a flawless response, and instead the response will be remembered for its angry survivors, relatives, public officials, occasionally competitors, but almost always the critics, and the emotional voices of the victims.

The two most crucial ingredients of crisis management are effective and accurate communication and then prompt resolution of the issues surrounding victims. This paper familiarizes and sensitizes the technical expert reader with the extraordinary impact and emotional power victims bring to any crisis situation. Some important techniques and approaches will be discussed, including

- The nature of victimization, and why victims have so much power;
- The behavior of management and its advisers that triggers, initiates, or prolongs victimization;
- What victims need, along with constructive strategies that can resolve these different situations quickly and often avoid litigation;
- Who can be victims—people, animals, and living systems;
- Causes of victimization;
- What victims feel and why they tend to act and remain so upset;
- Three crucial states of the victim experience—intellectual deafness, 24/7 immersion, and endless questioning; and
- What victims need—validation, visibility, vindication, and extreme empathy/apology.

While this topic may seem far from the domain of the civil engineer and civil engineering issues in crisis, just remember Hurricane Katrina (2005), the 2007 I-35W bridge collapse in Minneapolis, the 2011 tsunamis in Japan and Indonesia, the Exxon

Valdez oil spill in 1989, and even the *Titanic* disaster of 1912. All were clearly engineering and recovery challenges. However, the big stories, the lasting stories, were always about the victims.

The public memory of these events is rarely about the details of design failure or faulty construction. We remember the faces and the turmoil of the victims. Had the I-35W bridge collapsed without any impact on animals, people, or the surrounding environment, it would have been an interesting, probably 1- or 2-day story. Going forward, of all the disaster-related litigation, it is the litigation concerning restitution and resolution of victim issues that lasts the longest, costs the most, and has the highest profile. Your destiny and reputation will be defined by how you communicate and your treatment of victims far more than by any engineering solution you may accomplish or invent.

Let me prepare you for our conversation today with a little story. It's from a legendary television series called *Paper Chase*. Perhaps some of you remember it. The lead actor was John Houseman. He played Professor Kingsfield, who taught a first-year law school course on contracts. There was a powerful vignette in one of the early episodes in which Professor Kingsfield, inspiring the class, said, "You come to me with minds of mush . . . and you leave here thinking like lawyers." Well, let me warn you that for this particular subject, you begin to read this paper with a finely trained engineering mind, but you will finish reading with a mind full of powerful mush. So, get ready.

IT'S ABOUT VICTIMS

There are seven powerful reasons why managing victims is so difficult:

1. Victim behavior is emotional and, some would say, irrational.
2. Management is reluctant to promptly assume blame or responsibility, or even admit that errors have occurred.
3. Management's obsession with results over something that is clearly emotional, and by and large immeasurable, forces them to appear antivictim, emotionless, and cold.
4. Management is poorly equipped to deal with emotional circumstances, given that training in anthropology, ethics, and managing emotional circumstances is almost nonexistent in engineering and business schools and in business life.

5. Expectations and performance measures of managers and management advisers are generally based on rational factors and leave little room for imprecise and often suspect emotional circumstances.
6. Management relies too heavily on peer pressure and legal advice to avoid apologizing or even expressing extreme empathy.
7. Managers and leaders responding with empathy and sympathy may be criticized as soft or sentimental.

To begin our discussion, we need three important definitions:

1. *Crisis*: I define a crisis as a people-stopping, show-stopping, product-stopping, reputation-defining, and trust-busting event that creates victims and/or explosive visibility. Crises are caused by human beings intentionally, through commission or omission, and sometimes unintentionally, through accident, negligence, or ignorance.
2. *Disasters*: Disasters can be defined as extraordinary circumstances generally caused by forces beyond the control of persons who could be identified and blamed. Disasters are generally natural events beyond human control—tsunamis, earthquakes, hurricanes, tornadoes, and incredibly powerful storms. Disasters produce victims, but unless responders act negatively, carelessly, or callously, there is far less potential for blame, bad news, or mindless victimization and collateral damage.
3. *Disaster transformed into crisis*: What transforms a disaster into a crisis are responders and leaders who foul up the management of victims.

Katrina was just a hurricane, a very big one, before it became a crisis for responders, government, and the environment. The I-35W collapse was a rather mindless engineering mishap, except that people were injured and killed as a part of the circumstances, and the drama associated with their rescue and recovery transformed that event into a crisis. The extraordinary devastation in Japan from earthquake-driven tsunamis in 2011 exposed extraordinary deficiencies in their readiness and recovery systems and especially in their nuclear facilities. In contrast, the massive devastation by tsunamis in Indonesia, in the same year, triggered a worldwide response. Even though thousands died and many more were left homeless and injured, the extraordinary response and the

country's own efforts really allowed this event to remain very solidly in the disaster category. One contradictory lesson is, as will be illustrated further, that even when victims appear to be treated reasonably, almost any disaster can quickly become a crisis.

FIRST RESPONSE PRIORITIES

To give this discussion context, it's important to understand the power of first response priorities. First response priorities as executed can mitigate reputational damage. Successful crisis (victim-producing) response (victim reduction) is based on sensible, focused, constructive, and positive response option execution, fundamentally sound decision making, and action. Ignoring or shortcutting any of these priorities is what can turn a relatively minor incident into a major, long-term, uncontrollable, reputation-defining, and persistently negative series of events.

MODEL GRAND FIRST RESPONSE STRATEGY

- *Response Priority 1: Stop the production of victims.* Identify problems and set response priorities. Resolve the problem promptly; begin addressing key issues. If it's leaking, foaming, smoking, burning, or otherwise creating victims, deal with the underlying problem first. Failure to stop producing victims makes your crisis response, no matter how competent, look weak, timid, clumsy, and, in fact, incompetent.
- *Response Priority 2: Manage the victim dimension.* It is victims and others who are directly affected that cause incidents to become crises. Be prepared to understand the dynamics of victims and anticipate those dynamics as the response process proceeds.
- *Response Priority 3: Communicate with employees.* Every employee becomes a communicator when something adverse happens. Whether there are 10 employees or 10,000 employees, when questionable activity or crisis occurs, everyone affected becomes a communicator. Inform, educate, and script employees promptly, using brief but frequent, short statements. The counterintuitive result of this strategy is that employees are generally far quieter and will allow management to move forward with its response.
- *Response Priority 4: Contact and assist those indirectly affected.* Every crisis causes damage, injury, or fear in a large number of individuals who are indirectly affected, including friends, families, relatives,

neighbors, regulators, governments, allied organizations, and interest groups. Your emergency may affect other agencies, or your problems may taint your relationship with an ally, allied organization, or interest group. Inform them very promptly.

- *Response Priority 5: Deal with the self-appointed, the self-anointed, and the medias, new and legacy.* Today every crisis brings out individuals and organizations with their own agendas. Any crisis presents the opportunity to activate these agendas. Yes, the legacy news media can still bring substantial attention to a crisis and to the perpetrator. But today, everyone can be a reporter, with the potential to cover any crisis story from his or her own perspective, and it is the victims that will gather the attention, often using the smart-phone production centers of the new-media journalists.

The key concept to remember here is that each of these five steps must be activated in the first hour (the so-called golden hour), or first two hours, of any crisis. Those not activated will cause additional victims, questions, and misunderstandings, which the perpetrator will have to deal with as the crisis unfolds. In other words, act fast, because speed beats smart, every time. This paper deals with the first two priorities: stopping the production of victims and managing the victim dimension.

MANAGEMENT CULTURE PREVENTS ADEQUATE VICTIM MANAGEMENT

In America today, the process of becoming a leader, manager, or professional involves, in part, deliberate and calculated deemotionalization. This is the attitude and practice that only those actions and decisions that can be easily measured, quantified, or metricized are important. This approach generally ignores people and people issues and the things that happen to people or that people care about. Management culture simply deemphasizes and devalues anything that is difficult to quantify—that is, emotional or “soft.”

On top of this, managers, leaders, and professionals are trained to discredit, discount, disregard, disrespect, and even demean virtually every kind of emotional expression. Peers, shareholders, and colleagues in the business community expect crisis-affected managers to tough it out and avoid looking like sissies, at least at first. It is okay to give in after victims have been ignored, insulted, demeaned, and slapped around a bit. The result is that management’s response to crisis often comes across as what it truly is—callous, arrogant, cold, and heartless. It is true that managers,

leaders, and professionals are not compensated for their level of empathy, especially in crisis. The lesson is that what doesn’t get paid for doesn’t get done.

Our country’s business culture systematically avoids emotional issues. Business people are taught a kind of decision-making ritual—one in which even the most urgent decisions are made through a process of conflict, confrontation, and aggressive intellectual and verbal combat. Looked at through the lens of victimization, this approach is time consuming and distracts from the humane immediacy victim response requires. Too much delay, and the perceptions of arrogance, callousness, and culpability take over, especially if management hesitates, acts timidly, or is initially hostile and negative toward victims.

WHAT THE BOSS SHOULD REALLY DO IN A CRISIS

From another perspective, one of the more powerful weaknesses in crisis response is the lack of specific roles and assignments for top management. The result of this crucial gap in crisis management planning is the mismanagement, lack of management, or paralysis that afflicts crisis response efforts. This defect occurs all too frequently in plans I review, responses I analyze, and scenarios I explore with client companies.

In the course of directing crisis response, analyzing past responses to crisis, or developing powerful response strategies, it’s clear that crisis response promptness and effectiveness depend on having five essential responsibilities spelled out carefully in every crisis plan for the CEO and top management (or surviving leaders):

1. Assert the moral authority expected of ethical leadership.
2. Take responsibility for the care of victims.
3. Set the appropriate tone for the organizational response.
4. Set the organization’s voice.
5. Commit acts of leadership at every level.

Assert the Moral Authority Expected of Ethical Leadership

No matter how devastating or catastrophic the crisis is, in most cultures forgiveness is possible provided the organization, through its early behaviors and leadership, takes appropriate and expected steps to learn from and deal with the crisis-causing issues. The behaviors, briefly and in order, are as follows:

- Candor and disclosure (acknowledgment that something adverse has happened or is happening),
- Explanation and revelation about the nature of the problem (some early analysis),
- Commitment to communicate throughout the process (even if there are lots of critics),
- Empathy (intentional acts of helpfulness, kindness, and compassion),
- Oversight (inviting outsiders, even victims, to look over your shoulder),
- Commitment to zero (finding ways to prevent similar events from occurring again), and
- Restitution or penance (paying the price—generally doing more than would be expected, asked for, or required).

Take Responsibility for the Care of Victims

The single most crucial element in any crisis, aside from ending the victim-causing event, is managing the victim dimension. There are three kinds of victims: people, animals, and living systems. It's top management's responsibility to see that appropriate steps are taken to care for victims' needs. This is both a reputation preservation and a litigation reduction activity. Most devastating responses to crises occur when victims are left to their own devices, when victims' needs go unfulfilled, or when for whatever reasons (usually legal) the organization that created the victims refuses to take even the simplest of humane steps to ease the pain, suffering, and victimization of those afflicted. Out of all of the CEO's essential responsibilities, taking a personal interest and an active role in the care of victims is the most important. Senior executives should maintain a positive, constructive pressure to get victim issues resolved promptly.

Set the Appropriate Tone for the Organizational Response

Tone refers to internal management behavior that helps the organization meet the expectations triggered by a crucial, critical, or catastrophic situation. If senior management takes on the posture of being attacked or victimized, the entire organization will react in the same way. Very rarely are large organizations and institutions considered victims. They're generally considered to be the perpetrators at worst or arrogant bystanders at best.

It's the most senior executives who need to set a constructive tone that encourages positive attitudes and language and prompt responses. This approach protects the organization's relationships with various

constituents during the response and recovery period, shows respect for victims, and reduces the threat of further trust or reputation damage.

Set the Organization's Voice

Top management must put a face and a voice on the organization or institution as it moves through the crisis. This action is directed first toward the internal world, then second toward the external world—how you describe yourself, what you're doing, how the response is going, what responsibilities you're taking, and what outside scrutiny you're inviting. Selecting a spokesperson who understands what the various publics and audiences are expecting, as well as what the various medias require, is essential in successfully managing the visibility of any crisis situation. The complexity of crises today, as well as the complexity of coverage, probably requires a range of expertise and more than one individual to be responsible, ready, and prepared to present an organization's case internally and externally. Depending on the severity of the situation, this duty often falls to the chief executive. Generally, the more severe the level of damage and number of victims, the more senior the operating individual needs to be to become the face of the organization and its voice. The more extensive the crisis, the more likely it is that there will be a number of spokespeople, including professional communicators, subject matter experts, and operating executives.

The weight of crisis management falls most heavily on organizational leaders and leadership, primarily the chief executive. Recent trends demonstrate that no matter how effectively a chief executive leads the response to a crisis situation, the likelihood seems extremely high that this person will be relieved of his or her duties at some point relatively soon, often well before the crisis itself is totally resolved. Even if a senior executive has someone else carry out these duties, public expectations have been shaped toward placing blame on and seeking retribution from the highest individual on duty at the time of the circumstance.

Commit Acts of Leadership at Every Level

Leaders acting like leaders have significance during urgent situations. Senior executives should literally walk around and talk to people. They should encourage, suggest, knock down barriers, and help everyone stay focused on the ultimate goals of the response process. Random acts of leadership are always welcome in any environment, but especially during crisis. Rather than huddling in their executive offices trying to

determine what steps should be taken to resolve the situation, 90% of senior executive activities should have them out and about, being leaders, motivators, and instigators of empathy, rather than sitting in their offices or bugging responders in the command center.

All crises are management problems first. Preplanning executive actions focused on the most essential and important circumstance—that is, the victims—can avoid career-defining moments. Another crucial strategic responsibility of company leadership is to have in place a victim response unit and special victim action teams, reflecting participation by communicators, the legal department, and human resources, to immediately help management avoid the collateral damage and devastating consequences of mismanaging the victim dimension and to keep management focused on the significant benefits to reputation, public trust, and legal liability reduction that will be achieved by prompt, empathetic, and apologetic management of victims.

CRISES AND DISASTERS CREATE MANY KINDS OF VICTIMS

Almost every postmortem on crisis communication failure and management decision-making deficiencies identifies the failure to promptly address victims as the emotionally negative energizing force that causes trust to break down. Bad news of any consequence is about victims and victimization, or the potential for both.

When the emotionality of victimization meets the rational decision-making regimentation of management, there will almost always be casualties in top management. In every recent high-profile disaster and crisis, one expected casualty among the responders is the person on whose watch the bungled disaster response occurred.

Some Cannot Be Victims

Unless they are directly attacked or obviously adversely affected, corporations and large organizations, like government agencies, are almost never, from a public perspective, considered victims. Yes, Tylenol was a victim of a product tampering murderer in 1982 in Chicago and in 1986 in Westchester County, New York. Yes, the airlines whose planes were hijacked and flown into the World Trade Center in 2001 were victims. The syringe tampering incidents in 1993 made Pepsi, an icon American brand, a victim for 7 days. The government building bombed in Oklahoma City in 1996 was also a victim. Yes, there

are circumstances—although very few in number—where one could genuinely consider a large organization and its leadership to be victims.

Generally speaking, however, it is more likely that large organizations that cause or fumble the response to a disaster will be immediately viewed as perpetrators, or at least as having culpability in the creation of victims. In these situations, it is equally true, but perhaps not as intuitively apparent, that some employees are victims in every scenario. If the response of the organization is to stumble, mumble, fumble, and bumble, any opportunity for the perpetrator to be perceived as a victim is lost.

While civil engineers may actually be on the periphery of the victim response, they are trusted advisers to those who do or direct the responding. Understanding the victim dimension helps advisers keep those at the center of the response focused on what needs to be done and on reducing the production of future victims. Management advisers, like attorneys and other professionals, need to recognize the crucial and important realities of the victim dimension and be prepared to coach management for victim response readiness and for the important humane behaviors required as disasters unfold.

Who Can Be a Victim?

There are three kinds of victims: people, animals, and living systems. Living systems are things like estuaries, deserts, jungles, rain forests, river valleys, and someone's own backyard. The fact is, you can blow something up, burn something down, or otherwise destroy something, but so long as no one is injured or killed, no animals are injured or killed, and no one's living system is harmed, the situation may be bad news, but it is not a crisis. Instead, it could be a disaster or simply a bad day or problem for someone's schedule, budget, reputation, or career. All crises are problems, but very few problems are crises.

CAUSES OF VICTIMIZATION

In the list of causes of victimization in Fig. 1, it's a little surprising to note that the vast majority of causes of victimization are communications related. Only three items on this list are physical in nature: abuse, assault, and bullying. And most bullying is verbal in nature. Keep in mind that all of the areas come into play as a disaster (or crisis) unfolds over a period of time. In order to effectively reduce the production of victims, all early response thinking and action must take into account what causes victimization in the first

Abuse	Commission	Dismissiveness	Negligence
Arrogance	Confrontation	Disparagement	Omission
Assault	Contention	Embarrassment	Sarcasm
Bullying	Deception	Fear	Shame
Callousness	Discrediting	Lies	Surprise
Carelessness			

Figure 1. Causes of victimization

place and end the production of victims as early as possible. In 2011, the British Petroleum oil leak, which occurred more than 5,000 ft below the surface of the Gulf of Mexico, took more than 100 days to stop. That's more than 100 days of victim production.

WHAT DOES IT MEAN TO BE A VICTIM?

Victimhood is a self-designated state. Whether there are wounds, bullet holes, or any other visible or invisible damage, human beings have the capacity to choose to feel victimized. They can also choose to be victimized on behalf of other people, animals, or living systems.

I've worked with victims in many parts of the world, and all seem to have very similar behaviors. Most of those injured, whatever the cause, tend to get up off the ground, dust themselves off, and try to figure out how to get home, get the kids home from school, get dinner made, and get back to work or their regular lives the following day. In the context of this article, victims are those who act on their victimization. They locate an attorney, call a local news channel, or find or initiate a support group process to help them almost before they get up off the ground or once they get to a place of safety. Those who are truly victims, those acting on their victimization, are generally extremely small in number. It is a self-designated state.

One response I often hear is, "Wait a minute, Jim. Someone gets their leg crushed by some flying debris; they have a head injury and have difficulty remembering where they are and who they are. These are not victims?" The answer is, in this discussion, victims are those who act on their victimization, hire a lawyer, go to the media, begin or join an advocacy group, or take some action other than getting medical help in support of their injuries or other necessary help to correct their situation. Even in mass casualty situations, victimization is an individual circumstance. It's the trial lawyers who work to get these people into groups for the purpose of legal action, media response, or other kinds of attention. Even that's quite difficult

to accomplish. Most victims desire simply to get on with it and get their life back on track.

Victimhood is self-sustaining. Being a victim is a self-perpetuating state. That is, it is up to the individual to choose how long he or she will remain in a situation or state of mind that makes him or her feel victimized. Insurance companies are usually the ones who drive trying to limit the length of time a person can be a victim. It's done by setting arbitrary standards; for example, a broken arm might be worth \$500 and a day off work. The problem is that being a victim is much more complicated. For example, if the arm got broken by a coworker twisting it until it snapped, and the victim hid in her office for 4½ hours out of fear before she sought help with her injury, this broken arm is likely to be much more than a \$500 day off work. The circumstances of victimization are crucially important. Despite the pressure of insurance companies, corporate legal staffs, and outside counsel hired to contain and more promptly end the victim experience, victims get to be victims as long they feel victimized.

Victimhood is self-terminating. Victimhood ends or abates when the victims, largely by themselves, begin to come to terms with or let go of what is affecting them and get on with the rest of their lives. No matter how damaging an event, only a small number of individuals continue to act on their feelings and emotions of being victimized. Some may begin their recovery by blaming others for their feelings of helplessness, demoralization, frustration, or betrayal. Most injured or wounded just suck it up and deal with it.

Victims suffer alone. Even though there may be mass casualty circumstances in which many are injured or wounded at the same time, each person suffers alone. Even the phrase "mass casualties" is a serious, sometimes devastating mischaracterization. Every person suffers differently, experiences pain differently, and needs to be treated individually. Bob VandePol, president of Crisis Care Network of Grandville, Michigan, and a global expert on critical incident response, said recently that current trauma research strongly emphasizes that "how people make sense of what happened to them and their experience of posttrauma symptoms is a strong predictor of their outcomes" (personal communication, March 14, 2012; see also VandePol and Beyer 2009).

Too often, the victimization, the sense of frustration, and the sense of helplessness and being misunderstood persist because the perpetrators, the media, the bloviators and commentators, and sometimes society lump individual circumstances together

into joint suffering too quickly. This is very frustrating to victims. Each victim suffers by himself or herself.

THE VOCABULARY OF VICTIMIZATION

As any seasoned investigator will tell you, if appropriately questioned and listened to, the language people use in adverse circumstances can be diagnostic of their situation. In the case of victims, there is specific vocabulary that crops up constantly that validates the fact that they truly are victims of the circumstances as they claim to be. The language victims use to illustrate their circumstances frequently includes the following terms:

- Anger: betrayal, disbelief, dread, anxiousness, anxiety.
- Frustration: powerlessness, helplessness, fearfulness.
- Inadequacy: self-blame, agonizing, lonely, luckless, worrying.
- Betrayal: trust no one, no one to trust, irritable, anxious.

VICTIM BEHAVIOR IS PREDICTABLE: KEY INDICATORS

Victims' behaviors are driven by extraordinarily powerful emotions. Being a victim is, in my judgment, the most highly emotionalized state a human being can achieve. To the observer, many of these individuals seem to be so caught up in their circumstances that they are acting irrationally. Most critical incident response experts recoil at this characterization. But those in corporations and organizations who are creating victims tend to look at victims' behavior this way. In the minds of the perpetrator, the victim is behaving this way intentionally to gain power and compensation.

This is one of the extraordinary realities of being a victim—their behavior comes across as an irrational state. Perhaps the single most important reason victims are created is because those trying to help them are approaching them rationally when the victims themselves are emotionally energized and intellectually confused.

In fact, the behavior of victims is often quite puzzling. For example, friendly gestures are often interpreted as threats. The interests of someone trying to help may be perceived as intrusive or as a betrayal. Well-meant advice, even sensible advice, is often perceived as insulting or controlling. There is a pattern of

victim behaviors beyond those that are clearly recognizable that need to be understood as a part of dealing with those who are victimized and for preventing additional injured, threatened individuals from becoming victims.

THE THREE SIMULTANEOUS STATES OF VICTIMIZATION

Victims become intellectually deaf. When people are victimized, the first thing that happens is our inner voice begins shouting, interpreting what happened, how stupid we were, and how careless we probably had to be to get into this kind of jam. Our outer voice (the one everyone else can hear) is telling others about what we are suffering, what is happening to us, and warning others about avoiding what happened to us. This is what often makes dealing with victims so difficult. Victims instantly become self-absorbed and self-focused on the problems and afflictions that being a victim causes. They hear little. Their inner voice continuously rehearses their problems and circumstances. They use their outer voice to complain, whine, and warn. They notice little, and they are primarily stimulated by additional negative information about their circumstances or similar ideas and by people trying to help them.

Victims are emotionally engaged 24/7. Put yourself in their place. If you are an adult, you have experienced being victimized by something or someone. Once it happened to you, you were consumed by it, at least for a time. It is this 24/7 focus that gives victims their power. Their relentless suffering and communication about it can overcome even the most empathetic organizational efforts, for a while.

Everything is a question. When the victims' inner voice and outer voice are working at the same time, these individuals are incapable of taking in new information. So they ask questions. Victims generally, and repeatedly, ask the same questions, like "Who's responsible?" "Why did this happen to me?" "Why couldn't this have been prevented?" "Why didn't someone head off this problem before it happened?" "Who is going to pay all my bills while I suffer these problems?" "Why didn't you warn me if you knew this could happen?"

Despite the responder's most humane efforts to respond, until victims can focus on their own recovery, they tend to ask the same questions repeatedly. Responders and helpers must learn to answer these questions repeatedly until the victim can absorb the answer.

VICTIM-CREATING PERPETRATOR BEHAVIORS ARE ALSO PREDICTABLE

Victim-creating behaviors cause most litigation. They are identifiable and preventable. Here are seven victim-causing perpetrator behaviors I refer to as “Profiles in Jell-O” (a pun on the title of President John F. Kennedy’s book *Profiles in Courage*):

1. *Denial*: Refusal to accept that something bad has happened and that there may be victims or others directly affected who require prompt public acknowledgment. There is denial that the crisis is serious; denial that the media or public has any real stake or interest in whatever the problem happens to be; denial that the situation should take anyone’s time in the organization except those in top management specifically tasked to deal with it; denial that the problem is of any particular consequence to the organization provided no one talks about it except those directly involved. “Let’s not overreact.” “Let’s keep it to ourselves.” “We don’t need to tell the people in public affairs and public relations just yet. They’ll just blab it all over.” “If we don’t talk, no one will know.”
2. *Victim confusion*: Irritable reaction to reporters, employees, angry neighbors, whistle-blowers, and victims’ families when they call asking for help, information, explanation, or apology. “Hey! We’re victims too.” Symptoms include time-wasting explanations of how “we’ve been such good corporate citizens,” how “we’ve contributed to the opera [the Little League, the shelter program].” “We don’t deserve to be treated this badly.” “Mistakes can happen, even to the best of companies.” “We’re only human.” When these behaviors don’t pass the community, media, or victim straight-face test or are criticized or laughed at, a stream of defensive threats follows: “If the government enforces new regulations, they will destroy our competitiveness.” “If we have to close this plant, it’s their fault.” “It’s the only decision we can make.” “If this decision stands, many more will suffer needlessly.” “If we didn’t do this, someone else would.” “We didn’t tell them because we wanted to spare them the additional fear and agony.”
3. *Testosterosis*: Looking for ways to hit back, to “slap some sense” into “them” rather than deal with problems and emotional circumstances.
4. *Arrogance*: Reluctance to apologize, express concern or empathy, or take appropriate responsibility. “If we do that, we’ll be liable.” “We’ll look weak.” “We’ll set bad precedents.” “There’ll be copycats.” “We’ll legitimize bad actions or people.” “We can’t give them what they don’t deserve.” Arrogance is contempt for adversaries, sometimes even for victims, and almost always for the news media. It is the opposite of empathy.
5. *Blame shifting, search for the guilty*: Attempts to identify traitors, turncoats, troublemakers, those who push back, and the unconvinced to shift the blame back to the perpetrators. “They simply weren’t hurt enough to warrant the demands they’re making.” “The allegations are outrageous, not provable, and self-serving.” “Obviously, these people have their own agenda, and we have become the victim of it.”
6. *Fear of exposure*: Fear that arises when those who should have been communicating recognize that a tremendous gap has been created in their credibility and in their ability to be trusted and that it will be nearly impossible to explain their way back again for having been silent, or only minimally communicative, for such a long period of time. This fear is reflected in angry, callous responses to bad news coverage, employee animosity, and humiliating, embarrassing, and damaging questions by the media and victims, such as “What did you know, and when did you know it?” “What have you done, and when did you do it?” Angry, callous responses create even more victims or harden the attitudes of existing victims. And attack plaintiff attorneys line up.
7. *Management by whining around*: The organizational tendency to talk only about its own pain, expense, and inconvenience when the decision is made to make some accommodation and move toward settlement. Whining makes victims, employees, neighbors, and the government

Managers may refuse to give in or to respect those who have a difference of opinion or a legitimate issue. Another testosterosis indicator is the use of military terminology—tactics, strategy, enemy, beachhead, attack, retreat, and truce—all of which trigger a more insensitive, macho internal environment. This command-and-control mentality sets the stage for predictable errors, omissions, and mistakes and creates resistance to what is truly needed.

angrier and the media more aggressively negative, creating even more plaintiffs and accusations. Whining is never an effective strategic tool or strategy.

SERIOUS VICTIM-CREATING MANAGEMENT ERRORS

Silence is the most toxic strategy. It empowers and energizes victims. Where there's trouble, lawyers routinely keep their clients from talking, and managers and leaders would rather avoid conveying negative news. The result is a toxic silence where there should be robust conversations and engagement. The most predictable casualty of silence during these major adverse events will usually be the chief executive of the perpetrating organization, and perhaps others. Silence creates gaps in the unfolding sequence of events. These silences are simply not acceptable, and they turn out to be impossible to explain with a straight face once they have occurred. Silence negatively magnifies every mistake and corrective action.

Failure to engage creates victims. Managers often believe and say that if they answer the questions of "these people" or comment on "their issues," they give victims power and recognition they may not deserve and will hurt the organization in the long run. This is devastatingly stupid thinking. Victims come packed with the power to change the course of an organization and even reorganize and replace its top management. A single victim, driven by the negative or nonresponse of perpetrators and callous organizations, and probably ignored by the very people who should be communicating, can have the power, the determination, and the commitment to make important changes in organizations, political structures, communities of interest, and sometimes even a culture. Perpetrators can decrease the power of victims through simple, sensible, positive, constructive, and prompt response to victims' needs.

Stalling, delaying, and acting timidly create victims. Speed beats smart every time. Waiting to act until an appropriate level of factual information is available is a foolish decision. The longer an organization waits to do something that needs to be done, the more likely it is that whatever it does will be insufficient, unfocused, off-point, outside the target zone, and defensive. Excuses will have to be made for the resulting delay. The metric of my experience is that as a crisis persists, responders spend 50% of their energy and 25% of their resources fixing the bad decisions made yesterday. Having said that, the most worrisome

decisions and poorest strategies are those that require waiting to do something until more is known. One of the most significant ways to reduce the production of victims is to do meaningful things immediately. It is essential to your credibility and to the level of public and victim trust, even if mistaken and likely to be changed. Action beats inaction every time. Faster is smarter.

WHAT VICTIMS NEED

Victims have four powerful needs: validation, visibility, vindication, and extreme empathy/apology. If these four needs are provided promptly—preferably by the perpetrator—victims will more easily move through their state of victimization and be less likely to call or respond to attorneys or the media, or even to call attention to themselves. The reality is that if the perpetrator fails to meet their needs or does so only partially, victims will find ways to provide for their own needs, often at the perpetrator's reputational expense.

Victims require validation that they are indeed victims. This recognition is best rendered by the perpetrator. If not, public groups, government, or the news media will do it. Victims will seek it. "I'm not crazy, this really did happen, and someone else is responsible." Victims rarely sue because they are angry, because their life has been changed dramatically, or because lots of plaintiff attorneys are chasing them around. Generally, victims sue because their situation is not acknowledged and their feelings are ignored, belittled, or trivialized. If they are prevented from publicly discussing what happened to them in meaningful ways, and no one is taking prompt constructive action to prevent similarly situated individuals, animals, or living systems from suffering the same fate, victims will be looking to take more aggressive action.

Visibility involves a platform from which victims can describe their pain and warn others. Preferably, again, the platform should come from the perpetrator or a credible independent organization that can help victims explain what happened for the purpose of both talking it out and convincing others to avoid similar risks or take appropriate preventive action. Some victimization lasts a lifetime. In the case of major disasters, invariably there will be monuments, remembrance sites, even living memorials that victims, survivors, and responders visit, talk about, and rely on. These are permanent visible symbols that recognize, redescribe, and remind the world of the suffering and sacrifice that took place. Name any major disaster

dating back hundreds of years, and there is a memorial someplace, perhaps a place of worship, a graveyard, even some extraordinary monuments. And even to this day you'll find tourists, relatives, survivors, and responders at these places, visiting and coping.

Vindication occurs when victims take credit for any actions the perpetrator takes to ensure that whatever happened to them will never be allowed to happen to others. Victims will describe these remedial actions and decisions as proof that they had an impact and that their suffering will now benefit others because of these new decisions, actions, and practices. Let it happen; let them take credit. It's part of their rehabilitation and part of the restoration of the perpetrator's reputation.

Victims need extreme empathy/apology. Apology is the atomic energy of empathy. If you want to stop bad news almost dead in its tracks, apologize. If you want to generally stop litigation and move to settlement, apologize. If you want to dramatically decrease the newsworthiness of almost any adverse situation, apologize. If you want to demonstrate that you truly care about the victims or the victimization you caused, apologize. While the lawyers may strongly advise against any form of apology because, under law, an apology is an admission, there is a growing body of evidence and data to demonstrate that apologies, promptly and sincerely delivered, virtually eliminate the potential for litigation. This means that while the lawyer's advice needs to be listened to, if the victim refuses to sue, it may be time to find a lawyer to negotiate an effective settlement rather than pursuing a futile effort to deny what the victim needs most—acknowledgment through settlement.

Apology Strategies Remain Controversial

Perhaps the most dramatic ongoing example of the power of apology is happening in the U.S. health care industry. Forced by their insurance carriers, these institutions have learned the power of apology or of extreme empathy. Evidence grows every single day that apologies eliminate the desire to litigate. Thirty-four U.S. states have "I'm Sorry" laws in place to protect physicians and health care workers who apologize during malpractice litigation. Such apologies are inadmissible as evidence in setting damages. The exact statute terms do vary state by state. Even more states have similar laws in place that make voluntary apologies at automobile accidents inadmissible as evidence for setting liability and damage awards. For more helpful information on the power of apologies, here are some important references:

- A pioneering article published in *Annals of Internal Medicine* in December 1999 outlined a litigation risk reduction strategy instituted by the Veterans Administration (Kraman and Hamm 1999). In this strategy, when mistakes, errors, and adverse outcomes have occurred, apologies are offered, and the patient is then kept in the information loop and constantly updated.
- The *National Law Journal* (nlj.com) publishes articles on this issue a couple of times every year, following hospitals in Michigan, Texas, and other locations who are studying the impact of apologies on the reduction of litigation, risk, and liability.
- Sorryworks.net is a website that chronicles the successes and failures of the use of apology throughout the health care industry.
- Advice on how to apologize is available at theperfectapology.com, or simply search "apology" on your favorite browser.
- CrisisCare.com is an organization specializing in victim response that provides assistance to companies and organizations worldwide.

Fake and Phony Apologies Turn Out to be Humiliating, Embarrassing Failures

If an organization wants to make matters worse, the easiest way, since victims, employees, customers, regulators, and public policymakers are all expecting a sincere apology, is to fake one or to deny that one is even needed. There is probably a one-credit course in management school on apology avoidance strategies. Such a course would teach four lame but often used strategies. Strategy 1 is self-forgiveness:

- It's an industry problem; we're not the only ones.
- This isn't the first time this has happened, and it won't be the last.
- Let's not blow this out of proportion.
- We couldn't have known.
- It's not systemic.
- Don't our good deeds count for something?

Strategy 2 is self-talk (excuses we use that only we believe, but others doubt immediately):

- It's an isolated incident.
- It couldn't have been done by our people.
- Not very many were involved.
- If we don't do it, someone else will.
- Let's not get ahead of ourselves.

Strategy 3 is self-delusion:

- It's not our fault.
- It's not our problem.

- We can't be responsible for everything.
- It won't happen again.
- It was only one death, in one place, at one time. Why is everyone so angry?
- Life can't exist without risk.

Finally, Strategy 4 is lying:

- I don't know.
- We've never done that.
- It hasn't happened before.
- It can't happen to you.
- We won't give up without a fight.
- We are not crooks.
- We did not have sex with that woman.

Apology avoidance is ingrained in management and very difficult to combat. However, when the situation arises, you should share these avoidance strategies with top executives and their advisers to inoculate them against using them. Let me warn you, though: The urge for avoidance is so strong that top managers will begin thinking up new strategies and excuses, beyond your most recent list, immediately. As you hear new avoidance language, build another list and circulate it immediately.

THE SEVEN MAJOR LESSONS IN THIS ARTICLE

1. The news will be bad from the beginning. This bad news will ripen badly for a time regardless of how aggressive, constructive, credible, and truthful your actions, decisions, and behaviors are.
2. It is the number-one task of disaster management to end the production of victims at the earliest possible time. Speed beats smart every time.
3. Managing the victim dimension is more crucial than even the most creative, constructive, and effective engineering strategy for recovery.
4. Even the most brilliant, comprehensive, effective response, if communicated poorly, with hesitation and timidity, arrogance, or annoyance, will be characterized forever as a poorly executed, timid, clumsy, arrogant response.
5. Silence is toxic, even while searching for or exploring appropriate response options. Your brightest idea and potential success advantage will be lost, even derided, if you hesitate to speak and act promptly. Gaps in communication are

always interpreted to mean that you are hiding or covering up, and those questions or assumptions tend to last forever.

6. Perpetrators can decrease the power of victims through simple, sensible, positive, constructive, and prompt response to victim needs.
7. Apology is the atomic energy of empathy. Failing to apologize promptly or, worse, faking or feigning apology will create even more victims, critics, damage, and embarrassing questions.

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