



“Star Princess”

Alleged failure to render assistance at sea

On 10 March 2012

Summary report based on the Technical Report submitted to Director of Public Prosecution (DPP) by the Department of Maritime Administration (DMA), Bermuda

Summary

The passenger ship Star Princess, GT 108977 operated by Princess Cruises Lines, Ltd., rounded Cape Horn into the Pacific Ocean on 26 February 2012 and travelling North, calling at various ports including Valparaiso, Chile on 03 March to end its last South American cruise of the season, and to start the re-positioning cruise to San Francisco, from where it would commence cruises to Hawaii.

In the afternoon of Saturday, 10 March, between Manta and Puntarenas, the Star Princess was on a heading of approximately 339 degrees and about 200 miles offshore, where some passengers saw a white shape off the Starboard side of the ship.

The passengers were bird watching and were able to use binoculars and scopes to see the shape more closely. They believed that a person was standing in a small boat waving vigorously.

On seeing this, one of the passengers managed to get a member of the ship's staff to telephone the Bridge to inform them what they had seen. The call was answered, but the ship continued to travel on its course.

The cruise ended in San Francisco on 19 March 2012.

On 22 March 2012 a newscast on a radio in San Francisco had reported that a small boat was found drifting off the Islands of Galapagos with one survivor on board. One of the ex-passengers (a bird watcher) who had travelled on Star Princess on her last voyage to San Francisco, hearing of this news item had contacted the ship owner and informed of the news.

Sometime later, the Bermuda Maritime Administration was contacted by a news media correspondent from USA advising of the finding of above boat off Galapagos Islands, and alleging that Star Princess may have passed the above boat without rendering assistance.

Investigation

Bermuda being the flag Administration for the vessel “Star Princess” the Government of Bermuda launched an immediate inquiry into the alleged reporting.

As it was considered that the investigation would have both criminal and marine safety implications the Bermuda Director of Public Prosecutions was consulted from the start.

It was decided that the investigation would be undertaken by a representative from the DMA and from the Bermuda Police Service.

A total of four trips were made; two to the ship to interview ships staff, first between Ensenada and San Francisco, and the second off Victoria, due to the Master at the time of the alleged incident being on leave during the first interviews.

The other two trips were to interview the bird watchers in Portland, Oregon, and the alleged survivor in Panama; the latter being unproductive due to the plaintiff’s lawyer preventing Bermuda investigators, on site, from even attending the deposition.

The first interviews were undertaken on 26 April 2012, eight days after Bermuda DMA learnt of the incident. The Company (ship’s managers) had their Vice President (VP) of Marine Operation’s and a Company lawyer attend on the first occasion, and a Company lawyer on each of the subsequent occasions.

Equipment utilized included a video camera, microphone and a DVD recorder capable of recording three DVDs simultaneously.

Aside from the interviewing of personnel, the following actions were taken:

The Panamanian & Ecuadorian Coast Guard authorities were contacted and questions asked by the head of RCC Bermuda since he was fluent in both English & Spanish.

The ship’s LRIT records were reviewed to determine the location of the ship at the time of the alleged incident.

VDR records were downloaded; although these were of dates much later than the time of the alleged incident, there were audio records which were enlightening regarding the Company’s interview process of the Bridge Officers.

The records of the lengths of telephone calls to the bridge were reviewed, and one call was found to have been made from a telephone located in the area where the bird watchers had been sitting, and the Bridge, at the time and on the date in question.

The photograph that had been provided by the bird watchers, of the boat alleged to have been in distress was analysed to determine its distance off the ship.

At the request of the Bermuda Rescue Coordination Centre (RCC), a reverse drift plot was produced by the RCC Norfolk, to ascertain the possible original location of the small boat that was found off the Islands of Galapagos.

The Official Log Book, Bridge Log, Master's Night Orders, Navtex records and GMDSS Radio Log of 'Star Princess' were all reviewed.

Conclusions

The overall conclusion of this investigation is that there was a telephone call made by a member of the ship's staff to Bridge to report a boat in distress. Somebody on the Bridge answered the call and was either disinterested, distracted, or dismissive, and failed to pass the message to the officer in charge of the watch and ultimately to the ship's Master. The contents of the message had not been recorded and the bridge team was unable to recollect the incident.

On the basis of above findings, the investigators could not conclude that the alleged distress message was conveyed to the Master of the Star Princess or that any record of the message content remains, and therefore the Master was not aware of the alleged distress message.

Recommendations

1. Following the investigation it was apparent that the ship owner had not provided the information sought by the ex-passengers (bird watchers) relating to the message they had conveyed to the bridge of Star Princess concerning a boat in distress. The delay or reluctance in providing the requested information, appears to have contributed the passenger believing that she wasn't being taken seriously

As always, it is important to get the facts communicated accurately. Ship Owners Customer Service, from whom public seeks advice, or confirmation, need to ensure that the facts are communicated accurately and promptly.

2. The ship owner's delay in notifying the Maritime Administration of the above incident had caused a delay in conducting the investigation in a timely manner as a result some of the key witnesses including the Master at the time of the incident, were not available for interviewing immediately.

In this respect it is recommended that the ship owner adopt an open policy of ensuring that the Flag Administration is promptly notified when incidents and accidents occur that are likely to be of concern to the Flag Administration as to how the ship owner and his sea-going Staff are managing his ships.

3. The procedure for answering, recording and reporting of telephone messages received on the bridge was found to be less than satisfactory.

The ship owner must ensure through the ship board SMS that a robust telephone recording and answering procedures are adopted on board the ship and monitored by a responsible person.

Post investigation note:

Police Investigation

Under the guidance of the Director of Public Prosecution (DPP), the Bermuda Police Service conducted a comprehensive criminal investigation into the alleged violation of section 101 of the Merchant Shipping Act 2002, concerning duty to assist ships, etc., in distress, by 'Star Princess'.

On conclusion of the Police Investigation a report was submitted to the DPP for consideration. Due to insufficient evidence the DPP ruled out the prosecution of the master and owner of the ship.

Legal action by the survivor (Panamanian National)

The Legal Counsel of the Panamanian survivor filed a case against the ship owner in Miami, USA on failure to assist a vessel in distress.

During the hearing the sole witness had stated that he had seen a number of large white ships and was unable to confirm that, on the day in question the ship in question was 'Star Princess'.

Also, the birdwatchers were unable to confirm that the small boat that they had seen, on the day in question, was the same boat that was found drifting off the Islands of Galapagos.

Following deliberations, the Miami Court dismissed the case due to insufficient evidence.

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