



Research Request:

Aircraft Security—Unruly Passengers (April 2016)

Research Response:

IATA—GUIDANCE ON UNRULY PASSENGER PREVENTION AND MANAGEMENT

3.3.1 Management Support

Passengers who behave in an unruly and disruptive manner onboard an aircraft in flight are an ongoing concern to the airline industry. The disruption of the good order of a flight may impact the well-being of passengers, interfere with crew performance and/or threaten the safety of a flight. One way to curb such behavior is for air carriers to develop a preventive strategy based on: increased awareness of passengers and among all employees of how the air carrier will respond to disruptive acts, the implementation of a “Zero Tolerance” policy and the type of response and consequences to unruly behavior. Air carriers should have a definitive company policy for dealing with unruly passengers that is robust and fully endorsed by senior management. Dealing firmly with disruptive behavior will likely serve as a deterrent. Nevertheless, it is important that a distinction be made between unruly and disruptive behavior that ultimately threatens customer and employee safety and security, and merely rude behavior.

3.2 Establishment of Standard Operating Procedures

To effectively prevent and manage unruly passenger incidents, SOPs could include the following:

- ◆ “Zero Tolerance” Unruly Passenger policy
- ◆ Conditions of carriage
- ◆ Alcohol policy/No-smoking policy
- ◆ Definition of unlawful interference (in line with State and/or international civil aviation regulations)
- ◆ Definition of unruly passenger
- ◆ Standardized definition of threat levels
- ◆ Cabin Crew, Flight Crew and Ground Employee duties

- ◆ Procedures for unruly passenger prevention
- ◆ Procedures for unruly passenger management
- ◆ Communication and coordination
- ◆ Prevention strategies
- ◆ Post-incident actions

3.3.2 Creating a Policy

The airline could identify one internal clear point of contact, who would take ownership of the unruly passenger issue and report directly to executive management on these matters. This clear point of contact would:

- ◇ Determine responsibility, agree upon the coordination and communication process and identify departments within the carrier to be involved in the creation of the policy.
- ◇ Establish a transparent and straightforward mechanism to ensure that incidents are reported and well documented.
- ◇ Establish a committee to review incidents and determine penalties.
- ◇ Maintain an incident database in order to identify trends (Number and types of incidents) over time.
- ◇ Develop policies that establish appropriate actions against the passenger in question, as well as circumstances that demand such action.

Policies may include provisions:

- ⇒ Encouraging Ground Employees to detect and report unruly passenger behavior at check-in, in the lounges, and at the boarding gate in order to prevent such passengers from boarding.
- ⇒ Keeping Gate Staff, Cabin Crew and Flight Crew aware of potentially unruly passengers.
- ⇒ Recommending to pay particular attention to large groups of travelers and procedures to monitor group travel.
- ⇒ Providing necessary awareness, training or procedures to identify potentially unruly behavior and intervene when unruly behavior occurs.
- ⇒ Empowering Cabin Crew and Ground Employees to take reasonable steps to prevent unruly and intoxicated behavior and, when it occurs, to deal with it as effectively as practicable.
- ⇒ Supporting Crewmembers and Ground Employees taking such action.
- ⇒ Encouraging the police/local authorities to prosecute unruly passengers in appropriate cases, especially when there has been an assault or threats to staff or passengers.

- ⇒ Outlining company policy regarding Crewmembers and Ground Employees who are required to give witness statements to the police after an incident or appear in court proceedings when passengers are prosecuted.
- ⇒ Providing appropriate training to Cabin Crew and Ground Employees in dealing with conflict and its aftermath.

The policy may also address issues of:

- Prevention
- Training and Periodic re-training
- Handling of problematic passengers
- Categorizing of incidents
- Pilot in Command responsibilities
- Prosecution
- Communication

The policy may also include procedures to be followed:

- * During boarding
- * For underage passenger issues (e.g. alcohol service)
- * For alcohol/smoking situations
- * In cases of physical and verbal assault
- * In cases of harassment
- * For cooperating with authorities

3.3.3 Communication of Policy

It is recommended that the company policy be communicated throughout the organization and especially to all employees that are in direct contact with passengers, both on the ground and on the aircraft.

The organization's internal communication of unruly passenger incidents and the airline's response may reassure employees that they are supported by Management on the issue and will likely encourage employees to follow reporting procedures. Where appropriate, or in accordance with local laws, providing feedback on the status of the prosecution on an incident to the involved employees is recommended, particularly in physically violent situations.

A general communication campaign to inform employees about the existence of the company policy, and a specific communication program, may be created and implemented to inform all Ground Staff, Cabin Crew and Flight Crew of:

- ◆ Why the company has created the policy.
- ◆ What the company policy consists of.
- ◆ What the organization expects of all employees (e.g. inform employees of what actions they are empowered to perform and ensure that ground employees identify potential problems and communicate them effectively to Cabin Crew and Flight Crew).
- ◆ Physical dangers, particularly the need for preventative measures and “safety-mindedness.”
- ◆ The company’s full support to all employees in carrying out their duties to ensure safe flight operation.

3.4 Prevention

Prevention is the most effective mitigation measure to unruly passenger incidents and could be promoted as the responsibility of employees throughout the entire organization. The organization could promote this as part of their safety culture by involving employees in the prevention of unruly passenger incidents. In any case, the prevention of unruly behavior and preventing its escalation would be recommended as the focus of an airline’s approach.

Often unruly behavior is not the result of a single event but rather the effect of a series of events that build up. Early signs of potential unruly behavior can often be observed. The focus of the company policy should be on acting on these early signs, rather than dealing exclusively with escalated events. In addition, many incidents are related to alcohol consumption, and Cabin Crew could be reminded to keep this in mind when providing service to passengers and to take a responsible approach to the serving of alcohol.

In cases where an act of unruly behavior occurs while the aircraft is on the ground, it is best to keep this behavior on the ground, where control of the intervention process can be given to the appropriate authorities if necessary. An unruly person is easier dealt with on the ground where the assistance of security and/or the authorities is readily available.

3.4.2 Preventative Measures

Internally the airline may consider:

- ⇒ Providing employees with a clear written policy on how to deal with unruly behavior, especially in early stages.
- ⇒ Ensuring a smooth operation: diffusing the frustration that occurs over long waiting lines, the flight being overbooked, delays, lack of information, technical deficiencies.
- ⇒ Providing training for frontline employees (Ground Staff, Cabin Crew, Flight Crew) to learn how to recognize the early signs of potentially unruly behavior to ensure that those who are in direct contact with passengers have acquired necessary ver-

bal and de-escalation skills to handle these types of situations.

- ⇒ Imparting enhanced customer service skills to frontline staff which would help them manage rude and aggressive passengers and thus defuse a volatile situation.
- ⇒ Ensuring that employees understand the importance of informing other operational areas of the situation in order to enable them to help deal with the unruly passenger effectively.
- ⇒ Maintaining accurate and updated reports and statistics on incidents that occur to continually monitor types of incidents, trends and, if required, training needs.

An important preventative measure is communication. It is important for all employees to be aware to never simply “pass” the passenger onwards without identifying to colleagues that the passenger is showing signs of potentially problematic behavior.

3.4.3 Training and Awareness

Ground staff and passenger services staff are often the first to notice a potentially disruptive passenger. Their procedures and/or training should endeavor to ensure that minor complaints do not escalate into major incidents. On those occasions when tact, reassurance and interpersonal skills fail to resolve an incident, it is vital that the staff have guidance to identify and handle these behaviors. All front line staff should have guidelines from the air carrier to follow the appropriate procedures to protect themselves, their colleagues and passengers.

In order to cope effectively when confronted with disruptive situations, it is suggested that front-line staff:

- ◆ Have clearly-defined procedures in the company policy that apply to them
- ◆ Know that they have the hierarchy’s support both on the ground and in the air
- ◆ Know that they have the company’s support for the reporting of incidents and guidance through the legal process (as applicable).

As with the reporting of incidents, it is suggested that all training requirements and/or procedures be linked to the over-all company policy. It is suggested that airlines identify specific procedures and/or training needs based on the types of incidents that are experienced.

Some of the suggested areas which an airline may wish to consider including in their procedures and/or training program are:

- * Identification of the reasons for training, company rationale, and risk awareness
- * Understanding of the legal implications associated with the confrontation of disruptive passengers
- * Communication skills/customer service skills
- * Conflict management skills/ verbal social skills

- * Team skills
- * Dealing with persons under the influence of drugs/alcohol/suffering from mental health issues
- * Instructions on how to limit service (e.g. when/how to stop serving alcohol)
- * Physical breakaway and controlling skills
- * Restraint device training
- * Restrained passenger welfare

3.4.3.1 Training

The effectiveness and successful implementation of a company policy regarding unruly passengers will likely require staff training. The training program should comply with the requirements of the competent Authority and/or provide knowledge on how to detect, defuse and prevent critical situations.

Training programs could be designed and adapted to the respective groups of staff and the level of knowledge required. Some staff might only require awareness training; others may require greater training as per requirements from their competent Authority. Some awareness or training to consider:

- Ground employees who deal directly with passengers prior to boarding may receive instruction and/or be provided with procedures for the handling of unruly passengers
- Station managers may ensure that duty managers and senior employees are aware of both their authority to refuse passage and the correct procedures for doing so. Emphasis may be placed on assuring managers that they will receive full organization support. Station managers should also be aware of procedures to follow upon arrival of the aircraft in case of police intervention and prosecution.
- Ground supervisors should be reminded of their responsibility to pass information on potential trouble-makers to the Pilot in Command and the Senior Cabin Crew-member/ Purser of the flight concerned.
- Cabin Crew members should receive instructions at their training sessions on how to preempt and defuse a potential or actual conflict situation and use of the restraint equipment (if applicable).
- Flight crew should be made aware of their rights and powers under their respective national law, which should include the provisions of the Tokyo Convention or similar ones enacted in their State of Registration. This information could also be included in the command training course.

3.4.3.2 Awareness

⇒ Air carriers could ensure that all employees involved with the facilitation of passengers through the airport terminals, onto the aircraft and in flight are familiar with the organization's policy. There are several points where a person's condition could be

assessed before boarding a flight:

- ⇒ All employees should be aware of the organization's policy toward unruly/disruptive behavior and that they have the full support of the organization when dealing with this type of passenger. It is important that the policy is properly documented and the air carrier may consider having it readily available to employees for reference (e.g. on the company's intranet site).
- ⇒ Ground employees at different stations need to recognize that local rules and regulations differ from country to country. If this prevents full compliance, the company can at least adopt the general spirit of the policy, and its legal services should be solicited for advice.
- ⇒ Employees should also be reminded that the essence of safety and security is in prevention and they need to use their discretion to ensure that a potentially problematic passenger does not board the aircraft.

3.4.3.3 Passenger Awareness

The carrier could also raise awareness among passengers in order to promote the success of its preventive strategy to deal with unruly passengers. Method of communication can include the airline's website, Conditions of Carriage (which should include provisions regarding the possibility of denying carriage), the in-flight magazine or IFE.

The clear message could be delivered to passengers that everyone has the right to safe and secure travel and that the airline will not tolerate any behavior that would interfere with the flight or put the safety of passengers and/ or crew members at risk. Moreover, they can be notified that if any of these occur before flight, transport could be denied, and if they occur in flight, that the aircraft may make an unscheduled landing and the competent authorities may meet the aircraft and any resulting costs incurred by the airline may be claimed back from the passenger. In short, the airline wants each passenger to enjoy their flight and to let others enjoy theirs.

The awareness to passengers could include:

- ◇ What constitutes unruly behavior
- ◇ That the refusal to comply with a reasonable directive of the Pilot in command and/ or a member of the crew is included within the meaning of unruly and disorderly behavior
- ◇ The application of a "Zero-tolerance policy" and how the carrier is likely to respond to unruly acts
- ◇ The type of consequences applicable in response to this behavior
- ◇ The applicable law while the aircraft is in flight (meaning the laws of the State of Registration of the aircraft or the State of the Operator)
- ◇ The powers of arrest for criminal offenses and the ability to admonish passengers for disorderly or unruly behavior being extended to include the flight's Pilot in Command and crew

In addition, on identified higher-risk unruly passenger flights (e.g. with possible hooliganism), the ground staff, lounge staff and/or crew may consider including a pre-flight briefing or announcement requesting cooperation by explaining the policy and importance of complying with the instructions of the crew.

3.4.4.4 Prior to Take Off

The risk of potentially disruptive passengers could be part of the pre-flight crew briefing, especially on routes well known to carry a usually high number of such passengers.

Pre-flight observation by the Cabin Crew is very important to identify potentially problematic behavior. Cabin Crew should trust their judgment and recognize that every situation is unique. There is no consistent single solution to deal with a passenger disturbance. They should note passengers who are extremely nervous, loud or belligerent, distant and numb, intoxicated or appear suspicious. The first step would be for Cabin Crew to attempt speaking with the passenger. Often this contact is all that is required to defuse the behavior and gain the passenger's cooperation. If not, then the Cabin Crew should handle the situation as per the level of unruly behavior. If a passenger engages in disruptive behavior while the aircraft is still on the ground, and unless the situation can be resolved to the satisfaction of the on board crew members, he/she should be removed along with his/her baggage.

3.4.4.5 During Flight

Flight crew members are no longer able to exit the flight deck area in order to assess a problem or to assist in resolving such matters. Responsibility to assess the situation and respond now lies in the hands of the Cabin Crew. In order to fulfill these responsibilities, Cabin Crew training has become significantly more comprehensive as per the various applicable State regulations.

Cabin Crew will invariably have early knowledge of an incident involving a disruptive/unruly passenger. Such incidents can arise from various stress factors that develop prior to and during flight.

In any developing incident in the aircraft; the SCC/Purser and flight crew should be notified immediately. Cabin Crew should communicate the type and level of threat, the number of disruptive/unruly passengers and their physical description, any weapons, assigned seat numbers.

Lines of command should be kept very simple when there is a disruptive passenger situation. Clear and simple communication between the Cabin Crew and the Flight Crew is crucial to coordinate teamwork and successfully defuse an incident which could affect the safety of the flight, the aircraft and persons on board. The Flight Crew should be updated regularly on the progress of the situation by Cabin Crew. The Flight Crew should relay this information to the ground immediately as per their company pro-

cedures and/or the State's requirements.

3.4.1 Incident Motivators and Triggers

A number of possible causes for unruly/or disruptive passenger behavior in flight have been identified:

- ◆ Intoxication (e.g., through alcohol, narcotics or medications). It should be noted that in many cases the ingestion and consequent influence of alcohol, narcotics and/or medication starts before the passenger boarded the aircraft;
- ◆ Irritation with other passengers' actions on-board (e.g., kicking in seats, sharing the armrest) or hygiene;
- ◆ Frustration linked with passenger's journey; long haul flights, inability to smoke or use personal/portable electronic devices (e.g. mobile phones), dissatisfaction with customer service and service delivery (too slow, too long, meals, inoperative equipment: IFE, lavatories, chair tables, seats);
- ◆ Mental breakdowns / episodes e.g., acute anxiety, panic disorder or phobias;
- ◆ Mental conditions e.g. psychosis, dementia or other mental health related disorders;
- ◆ Personality differences amongst passengers or between crew members and passengers;
- ◆ Emotional triggers originating outside the flight (e.g. loss of a job)
- ◆ Lack of medication or alcohol withdrawal symptoms.

Keep in mind that a passenger may also be subject to some form of dramatic reaction to unfamiliar surroundings that may generate an act of aggression. Environmental factors that surround the act of flying, such as large crowds at airports, having to sit and travel in a confined space, fear of flying or height and media reports of possible terrorist events can also contribute to passenger anxiety. The effects of phobia often decrease once the person leaves the aircraft's closed quarter environment that caused the reaction. A mental breakdown and/or illness can also be exasperated by the stress of air travel and the enclosed aircraft cabin.

4.0 LEVELS OF THREAT

ICAO Doc 9811 (Restricted) Manual on the Implementation of the Security Provisions of Annex 6 provides a four-tiered scheme of threat levels, which is a very useful tool for determining the seriousness of an unruly/disruptive passenger incident. Levels of threat vary amongst States. It is important for each carrier to follow their respective competent authorities' regulations. The carrier's classification scheme should be promoted throughout the air carrier so that it can be used as a reference to describe ongoing incidents. This facilitates communication and understanding of crew members and ground personnel on the level of seriousness that the on-board situation has reached. In the absence of specific State regulations, a carrier may want to consider the following.

ICAO's levels of threat are as follows:

Level 1 — Disruptive behavior (verbal);

Level 2 — Physically abusive behavior;

Level 3 — Life-threatening behavior (or display of a weapon);

Level 4 — Attempted or actual breach of the flight crew compartment.

The identification and categorization of incidents is an effective approach. It establishes four levels of threat, and the operator can set out corresponding responses as per the requirements of their State and/or SOPs. It is important that these levels recognize the difference between an impolite passenger and a truly unruly passenger who may be a threat to others, and that the responses are progressive and engage the Cabin Crew and Flight Crew (as applicable).

Level 1 and 2 are for the most part behaviors that would be considered safety hazards. The carrier may consider categorizing the types of incidents that are occurring at those levels in order to develop SOPs to mitigate and respond to them. For example: smoking, alcohol-related or intoxication, delaying flight by refusing to comply with instructions, not turning off portable electronic devices as per instructions. On the other hand Level 3 and 4 behaviors are very serious security threats that also impact flight safety.

4.2 Warning

Unruly or disruptive passengers should be made aware of the consequences of their actions and the type of measures that will be taken to stop the disruptive behavior. Those conditions can be conveyed verbally or in writing and should include as a minimum restricting the unruly passenger's alcohol consumption; prohibiting the unruly passenger from behaving in a manner that might cause concern to other passengers and crew members; and the passenger's mandatory compliance with all directions given to him or her by any member of the crew.

An example used by some air carriers is the notification warning cards presented by crew members to unruly/disruptive passengers while in flight. The notification warning card is a useful tool when utilized judiciously and in an informative manner rather than confrontational manner. The cards call for the person to desist or suffer the consequences of having the incident referred to the police and face the possibility of a fine, arrest, prosecution, or imprisonment.

It is recommended that the seatbelt sign be turned on so that all passengers are seated when issuing the notification warning card. Remember that an act of unruly/disruptive behavior could be a diversion for an accomplice to action a more serious act of unlawful interference. It is also good practice to request another Cabin Crew member or airline employee (deadheading or on staff travel) to witness the issuance of the notification warning card. If the passenger is unable to read the card (e.g. due to illiteracy, agitation or intoxication) a Cabin Crew member can read the card to the passen-

ger. Some operators have notification warning cards in diverse route languages in order to communicate the information in the passenger's language.

4.3 Restraining Devices

Crew need to be aware that a situation can escalate at any moment and sometimes without warning. In turn, Crew members must attempt to defuse a critical situation until it becomes clear that there is no way to resolve it verbally. Some carriers carry devices to restrain a physically confronting passenger. Applying restraining devices should be used when all conciliatory approaches have been exhausted. Once restraints have been used, they should remain on the passenger for the duration of the flight even if he/she promises good behavior.

Securing the restraining device to a combative, agitated and violent passenger can be extremely difficult for the crew. Able Bodied Passengers (ABPs) can assist Cabin Crew in restraining the unruly passenger(s). It should be made clear by the cabin crew that they are to remain in charge and that ABPs should only act according to the directives provided by cabin crew members no matter their profession or rank. Cabin crew should never relinquish control of the cabin to either perpetrators or ABPs, even if they are air carrier employees or law enforcement officers. Cabin crew should control the amount of force used by ABPs in order to restrain or subdue a perpetrator and make sure it is not excessive.

When asking an ABP for help, cabin crew should be firm and exert authority. Cabin crew members need to be aware that some passengers have shown that they are willing to assist crew members (in most cases). However, some are not. There is no guarantee of support and the crewmember must be prepared to act accordingly.

Flight crew need to quickly assess if the Cabin Crew can control the disturbance. If the answer is negative, the flight crew should relay this information to the applicable persons on the ground and land as quickly as possible.

3.4.4.6 Post Incident

The Pilot in Command should report whenever a serious passenger disruption occurs during flight, according to company policy. If deemed necessary, the operator might request to be met on arrival by local law enforcement authorities and a representative of the air carrier if they consider that criminal prosecution is desirable. The crew should record contact information of all passengers who witnessed the incident, as their testimony might be required in later legal proceedings. The perpetrator should be held by the authorities until an air carrier representative properly debriefs the crew. It should then be decided if charges are to be brought against the perpetrator.

If charges are to be brought, all crew members should be prepared to undergo police or aviation authority debriefings. Statements of evidence might also be required for judicial proceedings. The air carrier should file a Report of an Incident of Unlawful Inter-

ference/Seizure. In addition to alerting law enforcement authorities, the air carrier will also have to notify the State of Registry of the aircraft, the State of the Operator and States whose citizens were killed or injured. ICAO will also have to be notified if it is judged that the event is an Act of Unlawful Interference under the ICAO definition. However, this will normally be done by the competent Authority of the States involved.

When an incident occurs, there could be lasting effects on the staff involved. Post-incident management plays a crucial part in the successful handling of unruly passenger incidents. When employees are made aware that an incident is handled properly, including post-incident, it reassures them and encourages them to act according to the company policy and SOPs in future incidents. Open information sharing, such as informing crew/staff members involved in the case of the final outcome (e.g. legal action, police action, and possible court decision), is an important consideration.

Support programs for staff subjected to disruptive behavior aim at recovery from those incidents. A distinction can be made between:

- ◆ A serious incident (e.g. a physical altercation, being threatened)
- ◆ Less serious incidents (verbal abuse)

The seriousness of the incident depends on how it was experienced by the victim. Usually serious incidents will be recognized by staff or colleagues and brought to the attention of management. At times, professional counseling services may be considered. The intent is to prevent buildup of stress and/or an extended period of absence and/or illness.

5.2 Police Involvement

The laws of a Sovereign State, in which police have jurisdiction, define the degree of action that law enforcement agencies are empowered to take. Those powers sometimes do not extend to actions committed on board a foreign registered aircraft. States should be encouraged to enact additional legislation empowering the law enforcement agency to respond to an allegation of disruptive or unruly passengers on foreign registered aircraft landing on their territory.

Specific details may assist the police in researching the offender's antecedents. Where practicable, the following information should be relayed to the police before landing through air traffic control services:

- ◇ Nature of the incident
- ◇ Identity of the offender and the complainant
- ◇ Time, date and location of incident
- ◇ If the offender and/or the complainant has sustained any injury requiring medical attention
- ◇ If the complainant is prepared to institute proceedings against the offending pas-

senger

- ◇ The location where the aircraft is going to park at the airport. (In the case of a difficult or violent passenger, the police may require the aircraft to be parked on a remote stand.)

When the police attend the parked aircraft they will likely require:

- ⇒ All other passengers not involved in the incident to disembark (some authorities prefer to immediately embark and remove the offender prior to passenger deplaning)
- ⇒ A briefing of the allegation by the crew members involved in the incident
- ⇒ An interview with the complainant
- ⇒ Particulars of the complainant
- ⇒ Details of all other persons involved in the incident who may give corroborative evidence
- ⇒ Details of time, date and place on the aircraft where the offence(s) took place
- ⇒ A record of “first person” conversation with the offender and crew members involved in the incident, which should be recorded in written notes made at the time or shortly after the incident

Depending on local criminal procedure, the police may require the complainant to be present at the time that the allegation is put to the offender.

5.3 The Role of the Pilot in Command

When an incident occurs on board an aircraft, the Pilot in Command has the ultimate authority on how to address the situation. The Pilot in Command should ensure that the crew has filled out the required documentation, assist with the collection of data, ensure that witness statements are made upon arrival, and be prepared to help with prosecution and internally with the aftermath of the incident.

Training staff and legal counsel should ensure that the Pilot in Command is aware of the Powers and Immunities bestowed upon them by the Tokyo Convention 1963 to assess and deal effectively with unruly passenger behavior on board and underline the fact that the organization will give them full backing anytime these Powers are legally used.

With a locked flight deck door the flight crew must rely on the Cabin Crew to assess and manage unruly passenger situations in the cabin. Pilots should consider restraint whenever they assess that a situation will in any way affect the safety of the aircraft, its passengers and Cabin Crew, and/or at the advice of the Cabin Crew.

5.4 Mandatory Reporting and Required Documentation for Prosecution

An airline should implement procedures to ensure that all unruly passenger incidents

are reported and documented in an effective manner, not only to gain an understanding of the incidents themselves but also to ensure that sufficient and appropriate information is available for legal and judicial purposes in the event of prosecution.

The Pilot in Command should advise air traffic control services (ATC) whenever a serious passenger disruption has taken place during the flight and request to be met at the gate by local law enforcement authorities and a representative of the air carrier if they consider that criminal prosecution should be pursued.

The crew should gather contact information from all passengers who witnessed the incident as their testimony might be required in later legal proceedings. It is preferable if the passenger in question is held by the competent authorities until a proper debriefing of the crew is done by an air carrier representative. It should then be decided if charges are to be brought against the passenger. The Senior Cabin Crewmember / Purser should ascertain the name of the police officer investigating the allegation; his/her contact particulars and where they are stationed.

A report should be submitted giving details of the incident.

The Head of Security and other Heads of Departments who need to know of the incident should receive copies of the report.

If the offending passenger is charged, an airline could consider:

- ◆ Giving support to the crew and ground employees taking the action
- ◆ Ensuring that the complainant and witnesses in the employ of the airline meet with the police to make written statements and attend the court hearing
- ◆ Paying for applicable medical costs for employees involved in the incident
- ◆ Providing counseling, as required, for those involved in the incident
- ◆ Considering any time spent in the prosecution of the offender as “duty” and ensure that all salaries and expenses involved in attending meetings with the police and court hearings be covered by the airline

It is recommended that the reporting of these types of incidents be distinguished from the “normal trip report”. The appropriate place for publishing such documentation is the airline's Operations Manual where procedures are addressed, as well as in the relevant Cabin Crew manuals. The organization's policy on the issue of disruptive/unruly passengers should be communicated in all relevant airline documentation, e.g. Operations Manuals, Passenger Service Manuals, and Training Manuals.

Clear guidance should be provided by the air carrier on the use and completion of the reporting forms. All documentation should meet the specific security, crew and legal requirements. Reporting forms should be user-friendly, simple, with clearly defined information requirements. A reference number could be assigned to each document to

assist the central co-ordination department. It is customary that various departments within an airline will require the incident report; therefore routing within the airline should be identified on the report. It is important to note that all documentation should link to the overall organization policy on the issue of handling disruptive/unruly passengers.

If charges are to be brought, all crew members should be prepared for law enforcement authority and aviation authority debriefings. Statements of evidence might also be required for judicial proceedings.

It is recommended that the air carrier file an Unruly Passenger Incident Report. In addition to alerting law enforcement authorities, the air carrier will also have to notify the State of Registry of the aircraft, the State of the Operator and States whose citizens may have been injured.

ICAO will also have to be notified if it is judged that the event is an Act of Unlawful Interference under the ICAO definition. However this should be done by the States involved.

5.5 Post-Incident Response Program

Not all incidents would require a prosecution or equivalent intervention by law enforcement authorities. Nevertheless, an incident may be serious enough for the air carrier to require some level of follow-up with the passenger before he or she travels on its aircraft again.

The conditions of carriage of certain carriers allows the airline to delay or refuse to carry any passenger whose conduct or condition threatens the safety of its employees or other passengers. A passenger whose previous conduct could threaten the safety of others is a serious issue and likely should be addressed prior to their boarding another flight. As applicable, and where necessary to ensure safety, the air carrier may take action to delay or prevent future travel.

Carriers may consider implementing a post-incident response program to address the future travel of someone involved in a serious unruly/disruptive passenger incident on board their aircraft. Such a program could involve input from different internal stakeholders to assess the incident and/or carry out an investigation and then determine the appropriate corporate response. The air carrier may consider one of several potential responses, including no action, a warning letter, loss of frequent flyer status or mileage, and up to, under the most egregious circumstances, being disinvited to fly on the air carrier.

NBAA—Best Practices for Business Aviation Security

The following was developed by the NBAA Security Council following September 11, 2001, as they worked to develop a method to document and present to the FAA the best practices for business aviation security. NBAA Members are urged to review these best practices to help ensure the best possible security for aircraft both at and away from home base.

People

- Establish a Security Champion role (much like the Safety Champion's role)
- Establish and maintain a communications link with the company security department or the equivalent
- Flight department personnel to complete annual security training
- Remain diligent to changes in emotional well-being and health of all crewmembers, ground personnel and passengers

Facilities

- Ensure home facility perimeter security with effective fencing, lighting, security patrols (as appropriate), gates and limited access areas
- Ensure street-side gates and doors are closed and locked at all times
- Require positive access control for all external gates and doors
- Close and lock hangar doors when that area is unattended
- Secure all key storage areas (food and liquor, parts and tools, etc.)
- Have an access control management system for keys and passes
- Confirm the identity and authority of each passenger, vendor and visitor prior to allowing access to facilities and aircraft
- Escort all visitors on the ramp and in the hangar area
- Use a government issued photo ID to verify identity of any visitor or vendor
- Post emergency numbers prominently around facility
- Ensure easy access to phones or "panic buttons" in various facility locations (break room, hangar bay, etc.)
- Confirm security of destination facilities
- Be aware of your surroundings and do not be complacent—challenge strangers

Aircraft

- A flight crewmember must be present at all times when the aircraft is being serviced

(fueling, catering, etc.)

- Check lavatories, baggage compartments and all cavities for unauthorized people or objects prior to every departure
- Use the aircraft's security system (locks and alarms) whenever it is unattended to prevent unauthorized entry

Procedures

- Require that aviation department members participate in security training
- Maintain a security information program
- Require an accurate and accessible passenger manifest for all trip legs
- Only company personnel and authorized guests, identified in advance, are allowed to board a company aircraft
- Passengers or flight department members must maintain positive control of luggage
- Positively identify all luggage and match luggage to specific passengers (color-coded bag tags can be helpful)
- Crewmembers must display photo IDs
- Have a security plan specific to your location and operation
- Develop, maintain and exercise an Emergency Response Plan and its associated resources

Securing General Aviation

Security Best Practices for Business and Charter Aviation

In addition to agricultural aviation and flight schools, another sector of GA with unique security needs is business aviation. Larger, faster business jets introduce unique security concerns because of their size and speed as well as their relatively high value and, in some instances, the prominence of passengers carried on board these aircraft.

While business jets make up a relatively small percentage of general aviation aircraft, their larger size, heavier payload, and faster speed introduce unique risks. Chartered business jets and turboprops also pose a unique risk because, unlike corporate or privately owned aircraft, flight crews often do not know their passengers.

In coordination with the TSA, the National Business Aviation Association has implemented a program promoting aviation security best practices among business aircraft operators.⁸² The program focuses on various facets of operator security including identifying security roles within an operator's organization; providing security training to flight department personnel; establishing sound physical security measures to control access to facilities and aircraft; issuing photo IDs for crew members; conducting pre-

flight security inspections of aircraft; matching baggage to passengers; maintaining positive control of baggage; and developing and keeping up to date site-specific security and emergency response plans.

Security Measures for Charter Operations

While corporate and privately owned aircraft primarily deal with passengers known to the pilots and operators, passenger charter aircraft present unique security challenges because customers are sometimes unknown or unfamiliar. Charter aircraft weighing more than 12,500 pounds maximum takeoff weight must adhere to specific security regulations referred to as the twelve-five security program in reference to the aircraft weight criteria.⁸⁶ Twelve-five security program requirements include passenger identification checks, fingerprint-based criminal history records checks for flight crew members, application of specific bomb and hijacking notification procedures and requirements, and implementation of a TSA-approved operator security program. Each operator must designate a security coordinator within the organization, provide training and information to employees with security-related duties, and have procedures in place to coordinate with law enforcement entities responding to security threats. Although cockpit doors are not required for twelve-five operations, if an aircraft has a cockpit door, procedures must be in place to restrict access to the flight deck.

In addition to these requirements of the twelve-five security program, operators of passenger charter flights in aircraft weighing more than 100,300 pounds maximum gross weight or an aircraft with 61 or more passenger seats must implement additional security measures laid out in the TSA's Private Charter Standard Security Program (PCSSP), including a requirement for physical screening of passengers and accessible baggage.⁸⁷ Also, regardless of aircraft weight, if a passenger-carrying charter flight loads or unloads passengers at a designated sterile area of a commercial airport (that is, beyond the security screening checkpoint), that operation must also adopt the private charter security program. The private charter program prohibits passengers from carrying weapons, explosives, and incendiary devices, and requires that metal detectors and x-ray systems used in the screening of charter passengers meet standards established by the TSA. However, physical screening of passengers can be conducted by TSA-approved private screeners and is not typically carried out by federal screeners unless arrangements are made to enplane and deplane from the sterile area of commercial airports. Private charter operators of these larger aircraft must establish procedures to prevent unauthorized access to aircraft and other access controlled areas as specified in the operator's security program and must carry out a security inspection of aircraft whenever access control measures, such as posted security guards or adequate access controls to aircraft, are not maintained. In addition to flight crew members, other employees of private charter operating large aircraft that have unescorted access to aircraft and secured areas must submit to fingerprint-based criminal history records checks, and security coordinators and crew members must complete annual recurrent security training.

While the twelve-five and private charter security programs specifically apply to charter

operations, the TSA requires GA operators authorized to enplane or deplane into the sterile area of commercial passenger airports to conduct TSA-approved physical screening of passengers, flight crew members, and their carry on items.⁸⁸ While these regulations are in place to make allowances for certain GA operations that might be permitted to enplane and deplane at sterile airport areas while preventing the introduction of weapons, explosives, or incendiary devices into the commercial passenger aircraft environment, corporate and privately owned GA aircraft are rarely granted access to sterile areas. Also, while the required adoption of a twelve-five security program is only required of charter operators, regulations stipulate that GA operators of aircraft weighing more than 12,500 pounds maximum takeoff weight could be required to conduct preflight security searches and screen passengers, crew members, and carry-on items before boarding in accordance with security procedures approved by TSA if notified to do so by the TSA.⁸⁹ While these security measures have never been implemented, they could become effective upon notification to operators through means such as the Notices to Airman (NOTAM) system and may be carried out, for example, upon receipt of specific, credible intelligence suggesting a terrorist plot to hijack business jets.

Proposed Security Measures for Large Private and Corporate Aircraft

There has been considerable debate over options to expand the security measures implemented for charter operations to flight operations of other large general aviation aircraft. These would primarily be directed at large privately-owned and corporate jets and jet aircraft operated as part of fractional ownership fleets. Security experts have remained concerned over the potential damage that can be done by certain large aircraft. General aviation advocates, however, have argued that extensive security measures, similar to those applied for charter operations, are not necessary for private and corporate aircraft because passengers are typically well known to pilots and aircraft operators and do not pose a security threat.⁹⁰ Despite these arguments, the TSA has proposed to implement a variety of security measures for operators of all large general aviation aircraft, weighing more than 12,500 pounds, including privately-owned, fractionally-owned, and corporate aircraft. The proposed security measures include:

- ⇒ Fingerprint-based criminal history records checks (CHRCs) for all flight crew members;
- ⇒ Terrorist watch-list checks of all passengers;
- ⇒ Security inspections of aircraft for unauthorized property or persons on board; and
- ⇒ Completion of security compliance audits every two years.

In addition, operators of aircraft weighing more than 45,500 kg would be required to screen passengers and their accessible property.

Under the proposal, the TSA would establish third party watchlist service providers to carry out passenger checks against the no-fly and selectee lists maintained by the Terrorist Screening Center (TSC). The TSA has proposed to establish these watchlist ser-

vice providers as a mechanism to limit the distribution of watchlist information. The TSA also proposes to use TSA-designated third party auditing entities to carry out the biennial security compliance audits of large aircraft operators.

GA advocacy groups, like the NBAA and the AOPA, oppose the use of third party oversight, arguing that it goes against post-9/11 initiatives to federalize other aspects of aviation security. More fundamentally, critics of the proposed rules have argued that the TSA's approach fails to recognize and accommodate the unique aspects of business and private aircraft operations, where passengers and clients are known to operators and crews, compared to commercial airline operations, where passengers largely pose an unknown risk. The groups are also concerned that 12,500 pound weight threshold is too low and will result in unjustified burdens to operators of small and mid-sized business jets and turboprops.

The NBAA and the AOPA, along with the General Aviation Manufacturing Association (GAMA) and the Experimental Aircraft Association (EAA), have notified the TSA that they believe that the large aircraft security program, as proposed, "... will do little to improve general aviation security and will have disastrous consequences on the industry."⁹³ They have asked the TSA to scrap the proposed rulemaking and instead take steps to form a "rulemaking committee" to allow for stakeholder input in the development of future rules for enhancing general aviation security.

The notion of a "rulemaking committee" is a bit of a misnomer and likely refers to the FAA's Aviation Rulemaking Advisory Committee (ARAC) as a model for the type of input sought by GA industry stakeholders in the TSA's rulemaking process. The important point to note, however, is that the ARAC, like other Executive Branch advisory committees are strictly advisory in nature, and can be formed at the discretion of an Executive Branch agency under provisions in the Federal Advisory Committees Act (FACA).⁹⁴ The TSA had an industry advisory committee, the Aviation Security Advisory Committee (ASAC), that provided stakeholder input to the TSA from 2002-2006. The TSA is currently in the process of reestablishing the ASAC.⁹⁵ Either the ASAC or some other advisory committee could serve in the role of advising the TSA on stakeholder perspectives regarding proposed GA security rulemaking. However, the input of any such committee would only be advisory in nature, and it would be ultimately up to the TSA to promulgate any rulemaking action within the scope of its authority over transportation security. It is, therefore, unclear, whether the creation or use of any advisory committee would have any specific impact on the rulemaking process. Nonetheless, such a committee could potentially provide a forum for discussion and collaboration on rulemaking options in its advisory capacity that may not otherwise be considered. Such a process, in addition to the standard rulemaking process may be able to identify alternative approaches for securing large GA aircraft operations that have less of an impact or a burden on GA operators.

APPENDIX B – Sample Notification Warning Card

PASSENGER NOTIFICATION WARNING CARD	
<u>(Insert company name and logo here)</u>	
Passenger name: _____	
Seat number: _____	Flight Number: _____
THIS IS A FORMAL WARNING ON BEHALF ON THE PILOT IN COMMAND OF THIS AIRCRAFT.	
Unruly and disruptive behaviour on board an aircraft and unlawful interference with airline operations will not be tolerated. Your behavior has resulted in this FORMAL WARNING being issued to you.	
<u>(Airline XX's - insert your airline's name)</u> policy and the Tokyo Convention 1963 [<u>insert domestic legislation applicable in your airline's country</u>] prohibits:	
<ul style="list-style-type: none">▪ Passengers who behave in an unruly/disruptive or lewd manner;▪ Passengers who could jeopardize the safety and security of our passengers, employees, property on board and our aircraft;▪ Passengers who do not comply with lawful instructions given by the Pilot in Command or any crew member of this flight;	
You are warned that you might be committing a criminal offence if your behavior continues to violate our policy and the applicable laws including the Tokyo Convention 1963 and the [<u>insert domestic legislation applicable in your airline's country</u>]. If you fail to comply with our instructions immediately , you may be restrained and handed over to the authorities at the port of arrival. Please conduct yourself accordingly. Be also advised that you will not be permitted to consume alcoholic beverages for the remainder of this flight.	
IT IS <u>(airline XX's - insert your company name)</u> POLICY TO PROSECUTE ANY PERSON WHO CONTRAVENES ANY STATUTORY REGULATIONS WHICH MAY AFFECT THE SAFETY OF THIS AIRCRAFT AND THE WELL BEING OF OTHER PASSENGERS AND EMPLOYEES ON BOARD. FURTHERMORE, BE ADVISED THAT <u>(airline XX - insert your company name)</u> IS ENTITLED TO REFUSE YOU CARRIAGE ON ITS FLIGHTS UNLESS YOU CAN DEMONSTRATE THAT YOU DO NOT POSE A THREAT TO THE SAFETY AND SECURITY OF OUR PASSENGERS AND EMPLOYEES.	

*This Guidance is not intended to replace or to contradict any current State regulations.
Air Carriers should always comply with the regulations and requirements of their competent Authority.*

APPENDIX C – Sample Unruly Passenger Incident Report

Note: requirements may be different in your State of Operation, please consult your national Civil Aviation Authority and the Airline’s Corporate Security Department.

UNRULY PASSENGER REPORT																								
Date:		Flight No.:		FIN No.:		Flight Leg:		Phase of Flight:																
<p>Flight Deck Crew</p> <p>Pilot in Command _____ Employee # & Base _____</p> <p>Cabin Crewmembers</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%; border-bottom: 1px solid black;">Name</td> <td style="width: 25%; border-bottom: 1px solid black;">Employee # & Base</td> <td style="width: 25%; border-bottom: 1px solid black;">Name</td> <td style="width: 25%; border-bottom: 1px solid black;">Employee # & Base</td> </tr> <tr> <td style="border-bottom: 1px solid black;">Name</td> <td style="border-bottom: 1px solid black;">Employee # & Base</td> <td style="border-bottom: 1px solid black;">Name</td> <td style="border-bottom: 1px solid black;">Employee # & Base</td> </tr> <tr> <td style="border-bottom: 1px solid black;">Name</td> <td style="border-bottom: 1px solid black;">Employee # & Base</td> <td style="border-bottom: 1px solid black;">Name</td> <td style="border-bottom: 1px solid black;">Employee # & Base</td> </tr> <tr> <td style="border-bottom: 1px solid black;">Name</td> <td style="border-bottom: 1px solid black;">Employee # & Base</td> <td style="border-bottom: 1px solid black;">Name</td> <td style="border-bottom: 1px solid black;">Employee # & Base</td> </tr> </table>									Name	Employee # & Base	Name	Employee # & Base	Name	Employee # & Base	Name	Employee # & Base	Name	Employee # & Base	Name	Employee # & Base	Name	Employee # & Base	Name	Employee # & Base
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Name	Employee # & Base	Name	Employee # & Base																					
<p>1 Level of Interference</p> <p> <input type="checkbox"/> Level 1 (Light) <input type="checkbox"/> Level 2 (Moderate) <input type="checkbox"/> Level 3(Serious) <input type="checkbox"/> Level 4 (Flight Deck) </p>																								
<p>2 Description of Unruly Passenger(s)</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%; border-bottom: 1px solid black;">Name</td> <td style="width: 25%; border-bottom: 1px solid black;">Seat #</td> <td style="width: 25%; border-bottom: 1px solid black;">Name</td> <td style="width: 25%; border-bottom: 1px solid black;">Seat #</td> </tr> <tr> <td><input type="checkbox"/> Male</td> <td><input type="checkbox"/> Female</td> <td>Height:</td> <td>Age:</td> </tr> <tr> <td></td> <td></td> <td></td> <td>Weight:</td> </tr> </table>									Name	Seat #	Name	Seat #	<input type="checkbox"/> Male	<input type="checkbox"/> Female	Height:	Age:				Weight:				
Name	Seat #	Name	Seat #																					
<input type="checkbox"/> Male	<input type="checkbox"/> Female	Height:	Age:																					
			Weight:																					
<p>3 Location of Incident</p> <p>Zone _____ Other (specify): _____</p>																								
<p>4 Action Taken by crew</p> <p> <input type="checkbox"/> Off-loaded Pre-flight <input type="checkbox"/> Notification Warning Card Issues <input type="checkbox"/> Incident Resolved <input type="checkbox"/> Restraints Applied <input type="checkbox"/> Unscheduled Landing <input type="checkbox"/> Disembarked <input type="checkbox"/> Delivered to Authorities on Landing </p>																								

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5 Medical Assistance:		
<input type="checkbox"/> Yes <input type="checkbox"/> No		
First Aid Administered		
<input type="checkbox"/> To Passenger <input type="checkbox"/> To Crew <input type="checkbox"/> To Unruly/Disruptive Passenger		
Medication Administered (Specify type) _____		
Name(s) of Attending Physician:		
Address:		
Telephone:		

Description of Injuries:		
6 Law Enforcement <input type="checkbox"/> Yes <input type="checkbox"/> No		
Name of Officer:	Badge No.	Complaint #
Name of Officer:	Badge No.	Complaint #
Witness 1		
Name:	Seat No.	Telephone:
Address:		
Witness 1 Statement:		
Willing to give evidence to law enforcement agencies or in court proceedings: <input type="checkbox"/> Yes <input type="checkbox"/> No		
Witness 2		
Name:	Seat No.	Telephone:
Address:		
Witness 2 Statement:		
Willing to give evidence to law enforcement agencies or in court proceedings: <input type="checkbox"/> Yes <input type="checkbox"/> No		

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7 Crew Member Statement	
TIME	<i>Observation SHOULD be objective and sequential. Include complete description of incident, exact words spoken and description of behavior observed. Sign and indicate your employee number following your statement. Use additional paper if required.</i>