



Guidance on Unruly Passenger Prevention and Management



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Foreword



Unruly passenger behavior on board aircraft continues to be a significant issue for airlines. Each incident marks an unacceptable inconvenience to passengers and crew and compromises safety and security.

IATA is working with its member airlines to defend the rights of their passengers and crew, who are entitled to enjoy their journeys free from disruptive or other unacceptable behavior. For this reason, we have developed a comprehensive range of measures to assist airlines with this issue.

Prevention and management

A key element of our work has been to draw up this comprehensive *Guidance on Unruly Passenger Prevention and Management*. Created with expert input from the Cabin Operations Safety Task Force and the Security Group, this expanded second edition of the *Guidance* provides airlines with the information and tools necessary to develop or enhance policies and procedures. The aim is to prevent these incidents from happening in the first place and to manage them effectively when they do occur.

While there is no “one-size-fits-all” approach to preventing and managing unruly passengers, I encourage you to draw inspiration from the operational solutions and industry best practices that are presented in this *Guidance*. And, please provide us with your feedback to help us continue to improve this publication.

Deterrent

IATA, with your help, has also been working on other aspects, including strengthening international law so that it acts as an effective deterrent to unruly behavior. Five years of intense work by the industry paid dividends in April 2014 when a Diplomatic Conference convened by the International Civil Aviation Organization (ICAO) adopted the Montreal Protocol 2014 to amend the Tokyo Convention 1963. The key changes are explained in Chapter 2.

Finally, at the 70th IATA Annual General Meeting in June 2014, IATA’s member airlines unanimously endorsed a set of core principles for dealing with unruly passengers (see Appendix J). These set out a balanced approach to tackling the issue, highlighting the need for governments, airlines and the wider industry to work together. Taken together with the core principles, the *Guidance* should be an invaluable tool for mitigating unruly passenger behavior and ensuring that flying remains a safe, secure, and pleasurable experience for all.

A handwritten signature in blue ink, appearing to read 'ATY', with a stylized flourish at the end.

Tony Tyler
Director General and CEO

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0.0 ABBREVIATIONS AND GLOSSARY OF TERMS

ABP	Able Bodied Person
ALARP	As Low As Reasonably Practicable
ATC	Air Traffic Control
CC	Cabin Crew
ICAO	International Civil Aviation Organization
IFE	In-flight Entertainment
IOSA	IATA Operational Safety Audit
ISARP	IOSA Standards and Recommended Practices
MOU	Memorandum of Understanding
NAA	National Aviation Authority
PA	Passenger Address
PIC	Pilot-in-Command
PNR	Passenger Name Record
SARPS	Standards and Recommended Practices
SCCM	Senior Cabin Crew Member
SOP	Standard Operating Procedures

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1.0 INTRODUCTION

1.1 Unruly Passenger Prevention and Management

Unruly and disruptive passenger events continue to be a real challenge and ongoing concern for airlines worldwide. This 2nd Edition of the *Guidance on Unruly Passenger Prevention and Management* has been updated for the purpose of supporting IATA Member airlines to prevent, identify, defuse and manage unruly passenger behavior.

This Guidance also provides analysis including a compilation of significant risk factors and recommendations. This compilation includes a comprehensive set of appendices to assist in the prevention and management of such events.

This publication is designed to help safety officers, training instructors and airline security managers:

- Evaluate Safety and/or Security Risks;
- Develop a Zero Tolerance Unruly Passenger policy;
- Develop Unruly Passenger Prevention and Management procedures;
- Re-evaluate and possibly amend current operator SOPs (if applicable);
- Develop strategies to prevent unruly passenger incidents and the resulting impacts.

The IATA Passenger Services Conference Resolutions Manual currently includes *Recommended Practice 1798a Handling Disruptive/Unruly Passengers*, which calls for the creation of a policy that addresses prevention, training, periodic re-training, handling problem passengers, categorizing of incidents, reporting of incidents, the Captain's responsibility, prosecutions, communication, and procedures to be followed for: boarding, inflight, underage passenger issues (e.g. alcohol service) and alcohol/smoking situations. Since October 2014, the Recommended Practice 1798a has been upgraded to the IATA Resolution 798a (see Appendix E). This upgrade will be reflected in the June 2015 update of the IATA Passenger Services Conference Manual.

Resolution 798a refers to a separately published document that contains additional guidance and samples. The IATA Guidance on Unruly Passenger Prevention and Management 2nd Edition contains this additional guidance including, but not limited to: guidance for policy creation, categorization of incidents, sample passenger warnings and sample incident reporting documents. See Appendix K for a Sample Passenger Awareness Leaflet.

In addition, requirements pertaining to unruly and disruptive passengers are contained in the IATA Operational Safety Audit (IOSA) Standards and Recommended Practices (ISARPs) (see Appendix F).

The IATA Guidance on Unruly Passenger Prevention and Management provides examples, suggestions, and acceptable, but not the only, means of demonstrating compliance with various State regulations, the ISARPs and Resolution 798a. Requirements may be different in your State of Operation; please consult your national civil aviation authority (NAA) and your airline's Corporate Security Department.

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From arrival at the airport to the passenger cabin

Safety in the air begins on the ground, and unruly passenger incidents are best managed in a preventive manner by keeping a passenger displaying unruly behavior on the ground and off the aircraft. Strategies to reduce unruly passenger events revolve around robust SOPs. The strategies in this Guidance would be most effective with an approach that is applied from the arrival at the airport all the way to the passenger cabin.

Cabin crew are in a unique position when it comes to dealing with the unruly passenger problems, as they are not able to escape the situation or to call authorities for assistance on board during flight. Therefore, this document stresses the importance of prevention to best mitigate in-flight unruly passenger events. Any collective solution should include governments and standardization of threat levels and responses. A coordinated approach by the aviation industry would result in significant improvements to the problem of unruly passengers. It is incumbent on all of us within the aviation industry to realize that unruly passengers are a very real and serious safety and security issue, and for all of us to closely monitor and report any factors that may result in or provoke this unacceptable behavior of passengers while in flight.

Incidents are occurring regularly, on all airlines and in every cabin class. In-flight, unruly passenger events can result in aircraft diversion. Because they require unplanned landings, these diversions are costly and create additional safety risks. The following example illustrates the problem:

“Two premium class passengers boarded a flight and were observed by other passengers as being heavily intoxicated. During flight, the two continued to drink, passed out, and woke up to continue consuming alcohol and yelling at one another.

One became increasingly rowdy and abusive and at one point started shouting that he would harm other passengers upon deplaning. A cabin crew member observed one of the two passengers at one point lying belly-down in the aisle and kicking the floor. The other assaulted a cabin crew member and threatened to punch another.

The crew initiated a “lockdown situation” and no passengers were permitted to leave their seats. The cabin crew members handcuffed the two unruly passengers with restraints.

The aircraft diverted to the nearest airport. During the final minutes of the flight, several cabin crew members and assisting passengers restrained the two men. The aircraft was met by authorities upon arrival and the two passengers were taken into police custody. The cost of the diversion was estimated at \$200,000 US dollars and the flight was delayed for several hours.”

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Towards more safety and less cost

IATA seeks to continuously contribute to the reduction of incidents and accidents, and the costs associated with ensuring the safe operation of commercial aircraft. In addition to an unruly event's financial impact, it may negatively impact the airline's public image if reported by the media. Another significant factor to consider is the resulting trauma to witnesses, including other passengers and crew. Despite the complexity of the issue, there are practical steps that an airline can take to prevent and manage unruly passenger incidents which could contribute to increased safety and cost reduction.

Acknowledgements

IATA wishes to thank the Members of the IATA Cabin Operations Safety Task Force (COSTF), the IATA Security Work Group (SEG), the IATA Flight Operation Work Group (FOG), and the Canadian Air Transport Security Authority (CATSA) for their contribution to the development of *the IATA Guidance on Unruly Passenger Prevention and Management 2nd Edition*.

Resources

The IATA Security Manual contains valuable information which is intended to provide airline personnel at the Headquarter, operational, or local level, with security reference material, guidelines and information needed to carry out their airline security duties. The IATA Security Manual deals with many aspects of general airline security, while the ICAO Security Manual contains specific guidance material for States on preventing, and responding to, acts of unlawful interference.

- To order the IATA Security Manual: www.iata.org/security-manual or contact securitymanual@iata.org
- For information on the IATA Course on Unruly Passenger Prevention and Response for Crew, offered by the IATA Training and Development Institute (ITDI): www.iata.org/training-unruly-pax
- To order related documents by the International Civil Aviation Organization (ICAO) via their online store: www.icao.int
- To reference the IATA Operational Safety Audit (IOSA) Manual: www.iata.org/iosa
- To order the IATA Passenger Service Conference Resolutions Manual: www.iata.org/paxresolutions

For further information, or to comment of this guidance material, please contact: cabin_safety@iata.org

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2.0 BACKGROUND

2.1 Offences and other acts committed on board aircraft

The Convention on Offences and Certain Other Acts Committed on Board Aircraft more commonly known as the Tokyo Convention of 1963 (“The Convention”, see Appendix H) makes it unlawful to commit “acts which, whether or not they are offences [against the penal law of a State], may or do jeopardize the safety of the aircraft or of persons or property therein or which jeopardize good order and discipline on board.”

The Convention gives the State of aircraft registration jurisdiction over offenses and other acts that occur whilst the aircraft is in flight. It also vests authority in the Pilot-in-Command (PIC) to disembark or deliver a person to law enforcement. Furthermore, article 10 of the Convention is of specific interest to flight crew and cabin crew members because it grants them immunity from subsequent legal proceedings for actions taken against a perpetrator:

“For actions taken in accordance with this Convention, neither the aircraft commander, any other member of the crew, any passenger, the owner or the operator of the aircraft, nor the person on whose behalf the flight was performed shall be held responsible in any proceeding on account of the treatment undergone by the person against whom the actions were taken.”

In 2009, the increase in unruly passenger incidents led the International Civil Aviation Organization (ICAO) to undertake a detailed review of the Convention. The purpose was to ensure that States have sufficient legal powers to pursue offenders, thereby acting as a deterrent. A detailed and lengthy review process culminated in a Diplomatic Conference that was held from 26 March to 4 April 2014. This adopted the ‘*Protocol to amend the Convention on Offences and Certain other Acts Committed on board Aircraft*’. Also known as the Montreal Protocol 2014 (“MP14”, see Appendix I), it amends the Convention in a number of important ways.

Firstly, it extends mandatory jurisdiction to also include the State of intended landing and the State of operator. Where the aircraft diverts to a third State, that State has the competence to exercise jurisdiction. These important changes should help to close some of the jurisdictional gaps that allow many unruly passengers to avoid facing criminal, administrative or other legal sanctions for their misconduct.

Secondly, MP14 clarifies certain behaviors which should be considered, at a minimum, as an offense and encourages States to take appropriate criminal or other legal proceedings. These include physical assault or a threat to commit such assault against a crew member and refusal to follow a lawful instruction given by or on behalf of the aircraft Commander (for safety purposes). The elaboration of the types of conduct prohibited will improve certainty for passengers, law enforcement authorities and airlines.

Thirdly, MP14 redefines “inflight”, bringing the scope of the Convention in line with other international air law instruments such as the Montreal Convention 1999. This gives greater certainty to carriers.

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Finally, MP14 recognizes that airlines may have a right to seek compensation for costs incurred as a result of unruly passenger behavior. Airlines usually have to bear the costs incurred as a result of unruly passenger incidents. Where this involves diversions to disembark an unruly passenger, the cost can be substantial, in some instances over US\$200,000. The presence of this clause should have strong deterrent value.

MP14 needs to be ratified by 22 States before it enters into force. IATA has launched an advocacy campaign targeting regulators and governments to promote the urgent ratification of MP14. For more information and resources regarding MP14, please visit www.iata.org/policy.

In addition, IATA members unanimously adopted a set of core principles on unruly passengers in June 2014 during the 70th Annual General Meeting in Doha (see Appendix J). The principles call upon States to ratify MP14, and for governments and airlines to raise awareness of the consequences of unruly behavior. Furthermore, they call for airlines to ensure that they have corporate policies and appropriate training programs for cabin crew and ground staff to enable them to prevent or manage disruptive passenger behavior, including at check-in, during security search, and at the gate. Finally, airports and airport concessionaires such as bars and restaurants are urged to implement procedures that could help prevent unruly behavior on flights.

Other documentation regarding offences and other acts committed on board aircraft includes ICAO Doc. 8973 (*The Security Manual for Safeguarding Civil Aviation Against Acts of Unlawful Interference*) which assists Contracting States in implementing Annex 17 to the Chicago Convention by providing guidance on the application of the Standards and Recommended Practices (SARPs) found in the Annex. This document describes three major types of unlawful interference relevant to cabin crew: unruly passengers, hijackings and bomb threats.

Further ICAO documentation includes *ICAO Circular 288 Guidance Material on the Legal Aspects of Unruly/Disruptive Passengers*, which contains model legislation for States (see Appendix G). This draft model legislation includes three Sections of unruly and disruptive passenger offences committed on board civil aircraft:

Section 1: Assault and Other Acts of Interference against a Crew Member on Board a Civil Aircraft

Any person who commits on board a civil aircraft any of the following acts thereby commits an offence:

- (1) assault, intimidation or threat, whether physical or verbal, against a crew member if such act interferes with the performance of the duties of the crew member or lessens the ability of the crew member to perform those duties;
- (2) refusal to follow a lawful instruction given by the aircraft commander, or on behalf of the aircraft commander by a crew member, for the purpose of ensuring the safety of the aircraft or of any person or property on board or for the purpose of maintaining good order and discipline on board.

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Section 2: Assault and Other Acts Endangering Safety or Jeopardizing Good Order and Discipline on Board a Civil Aircraft

- (1) Any person who commits on board a civil aircraft an act of physical violence against a person or of sexual assault or child molestation thereby commits an offence.
- (2) Any person who commits on board a civil aircraft any of the following acts thereby commits an offence if such act is likely to endanger the safety of the aircraft or of any person on board or if such act jeopardizes the good order and discipline on board the aircraft:
 - (a) assault, intimidation or threat, whether physical or verbal, against another person;
 - (b) intentionally causing damage to, or destruction of, property;
 - (c) consuming alcoholic beverages or drugs resulting in intoxication.

Section 3: Other Offences Committed on Board a Civil Aircraft

Any person who commits on board a civil aircraft any of the following acts thereby commits an offence:

- (1) smoking in a lavatory, or smoking elsewhere in a manner likely to endanger the safety of the aircraft;
- (2) tampering with a smoke detector or any other safety-related device on board the aircraft;
- (3) operating a portable electronic device when such act is prohibited.

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2.2 Definition of Unruly and Disruptive Passenger

The term unruly or disruptive refers to passengers who fail to respect the rules of conduct on board aircraft or to follow the instructions of crew members, thereby disturbing good order and discipline on board and compromising safety.

ICAO Annex 17 to the Convention on International Civil Aviation 1944 (the Chicago Convention), *Security - Safeguarding International Civil Aviation against Acts of Unlawful Interference* (March 2011), defines a disruptive passenger as:

A passenger who fails to respect the rules of conduct at an airport or on board an aircraft or to follow the instructions of the airport staff or crew members and thereby disturbs the good order and discipline at an airport or on board the aircraft.¹

IATA has established the following non-exhaustive list of examples of unruly and disruptive behaviors on board:

- Illegal consumption of narcotics;
- Refusal to comply with safety instructions (examples include not following cabin crew requests, e.g., instructions to fasten a seat belt, not to smoke, turn off a portable electronic device or disrupting the safety announcements);
- Verbal confrontation with crew members or other passengers;
- Physical confrontation with crew members or other passengers;
- Uncooperative passenger (examples include interfering with the crew's duties, refusing to follow instructions to board or leave the aircraft);
- Making threats (includes all types of threats, whether directed against a person, e.g., threat to injure someone, or intended to cause confusion and chaos, such as statements referring to a bomb threat, or simply any threatening behavior that could affect the safety of the crew, passengers and aircraft);
- Sexual abuse/harassment; and
- Other type of riotous behavior (examples include: screaming, annoying behavior, kicking and banging heads on seat backs/tray tables).

¹ An unruly passenger is further defined in ICAO Restricted Doc 8973 (Aviation Security Manual).

3.0 PREVENTING AND MANAGING UNRULY BEHAVIOR

3.1 Safety Risk Management

When formulating a safety-related policy and standard operating procedures (SOPs), hazards and consequences should be considered.

HAZARD: a condition, object or activity with the potential of causing injuries to personnel, damage to equipment/structures or loss of material, or the reduction of ability to perform a prescribed function.

CONSEQUENCES: the potential outcome(s) of the hazard.

The table below is a non-exhaustive list of hazards and consequences that could be considered in the context of unruly behaviour:

Hazards	Consequences
<ul style="list-style-type: none"> ↗ Inadequate or non-adherence to SOPs ↗ Passenger service culture (boarding of passenger despite observed or suspected on-ground unruly passenger behavior) ↗ Insufficient cabin crew for expected service levels ↗ Passenger non-compliance with crew instructions ↗ Personality clashes between crew and passengers ↗ Unexpected psychotic or mental health episode ↗ Continuation of alcohol service 	<ul style="list-style-type: none"> ↗ Distracting cabin crew from safety related duties ↗ Trauma to passengers and crew ↗ Smoking/Fire in a lavatory ↗ Tampered lavatory smoke detector not activating during smoke/fire in lavatory ↗ Tampered security seals causing delays ↗ Injuries to passengers and cabin crew ↗ Trauma resulting in crew member illness or absenteeism ↗ Diversions and delays ↗ Image/Media interest ↗ Negative publicity ↗ Legal proceedings

There is no such thing as absolute safety. In aviation, it is simply not possible to eliminate all risks. However, risks can be managed to a level “as low as reasonably practicable” (ALARP).

Risk mitigation can be measured and balanced against time, cost, and the difficulty of taking measures to reduce or eliminate the risk. Effective risk management seeks to maximize the benefits of accepting a risk (e.g. a reduction in time and/or cost) while minimizing the risk itself.

SAFETY RISK MANAGEMENT: The identification, analysis and elimination (or mitigation to an acceptable or tolerable level) of those hazards. It is a data-driven approach to safety resources allocation, and therefore easier to defend and explain. It aims at balanced allocation of resources to address all risks and viable risk control and mitigation.

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MITIGATION: Measures to address the potential hazard or reduce the safety risk probability or severity of the hazard's consequences.

RISK CONTROL STRATEGIES:

- Avoidance – Operation or activity is cancelled because the risks exceed the benefits of continuing the operation or activity;
- Reduction – Frequency of operation or activity is reduced, or action is taken to reduce magnitude of consequences of accepted risks;
- Segregation of exposure – Action is taken to isolate effects of consequences of hazard or build-in redundancy to protect against it.

For more information on safety management, please consult the IATA Safety Management Manual and the ICAO Safety Management Manual Doc 9859.

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 staff duties;
- Procedures for unruly passenger prevention;
- Procedures for unruly passenger management;
- Communication and coordination;
- Prevention strategies;
- Post-incident actions.

3.3 Company Policy

3.3.1 Management Support

Passengers who behave in an unruly and disruptive manner on board 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 airlines to develop a preventive strategy based on: increased awareness of passengers and among all employees of how the airline will respond to disruptive acts, the implementation of a “Zero Tolerance” policy and the type of response and consequences to unruly behavior. Airlines should have a definitive company policy for dealing with unruly passengers that is robust and fully endorsed by senior management. Nevertheless, it is important that a distinction be

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made between unruly and disruptive behavior that ultimately threatens customer and employee safety and security, and merely rude behavior.

3.3.2 Creating a Policy

The airline could identify one clear internal point of contact who would take ownership of the unruly passenger issues and reports 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 staff 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 staff to take reasonable steps to prevent unruly and intoxicated behavior and, when it occurs, to deal with it as effectively as practicable;
- Supporting crew members and ground staff 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 crew members and ground staff 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 staff 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;

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- Pilot-in-Command responsibilities;
- Prosecution;
- Communication.

The policy may also include procedures to be followed:

- During check-in, boarding, disembarkation or transfer;
- For underage passenger issues (e.g. alcohol service);
- For alcohol/smoking situations;
- In cases of physical and verbal assault;
- In cases of harassment;
- In the event of the situation de-escalating;
- 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 may be created and implemented to inform employees about the existence of the company policy, as well as a specific communication program 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 staff identify potential problems and communicate them effectively to cabin crew and flight crew);
- Physical dangers, particularly the need for preventive 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. Preventing unruly behavior and its escalation would be recommended as the focus of an airline's approach.

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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 frequently 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 so as 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 that an unruly passenger is dealt with on the ground where control of the intervention process can be given to the appropriate authorities if necessary and the assistance of security and/or the authorities is readily available.

3.4.1 Incident Motivators and Triggers

A number of possible causes for unruly and 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, blocking seats from reclining) or hygiene;
- Frustration linked with passenger's journey; long haul flights, inability to smoke, restrictions related to the use of portable electronic devices, dissatisfaction with customer service and service delivery (e.g. 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.

3.4.1.1 Alcohol Policy

Offering superior customer service and ensuring passenger satisfaction are common goals of airlines. Serving alcoholic beverages to passengers is a practice that has occurred for many years and will likely continue well into the future. However, there is a distinction between consuming alcohol for pleasure and becoming intoxicated as a result of consuming alcohol. An intoxicated passenger can become a

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danger to themselves and others on board the aircraft. In the event of an abnormal or emergency situation, the intoxicated passenger would likely be less able to comprehend, cooperate, respond, follow instructions or evacuate the aircraft.

Tolerating intoxicated passenger behavior at or in the check-in counter, terminal building, lounges, the gate and on board the aircraft can undermine the airline’s goal to offer safe, secure and superior passenger service to all passengers on board, as well as the goal of a safe work environment for crew members.

Airlines should authorize their ground staff and crew members to deny boarding to passengers where there are reasonable grounds to believe that their faculties are impaired by alcohol to an extent that will present a hazard to the aircraft, to persons on board (crew or passengers) or to the passengers themselves.

Service of alcoholic beverages should be carried out in a reasonable and safe manner. This could include tactfully refusing to (further) serve a passenger alcohol. Passengers should not be permitted to drink alcohol unless served by the cabin crew and it is important that the cabin crew be attentive to identifying passengers that might be consuming their own alcohol. The company could have a policy which permits the cabin crew to confiscate the passenger’s own alcohol if they are consuming it on board. For example, some airlines, at the discretion of the SCCM, remove private alcohol for safe custody. The alcohol could then be returned on arrival when the passenger leaves the aircraft. On specific routes with increased statistics of unruly passenger incidents, some airlines implement alcohol sales rather than free service as an attempt to mitigate these incidents.

The company may also consider having a written policy that supports all employees in the enforcement of their specific Alcohol Policy. Some IATA Member airlines require cabin crew to attain *Responsible Service of Alcohol (RSA)* statements upon hiring (Australia). Other IATA Member airlines simply use the National Restaurants Association (USA) Traffic Light system to recognize and manage possible intoxication. Observations of the passenger’s behavior can then be classified as green, yellow, or red behavior.

Green Behaviors:	Yellow Behaviors:	Red Behaviors:
<ul style="list-style-type: none"> ● Sociable ● Relaxed ● Comfortable ● Happy 	<ul style="list-style-type: none"> ● Reduced inhibitions ● Impaired judgment ● Talking or laughing louder than normal ● Being overly friendly ● Arguing or baiting ● Increased use of foul language ● Increasing alcohol consumption ● Careless with money 	<ul style="list-style-type: none"> ● Moving in slow motion ● Slow to respond to questions ● Glassy-eyed ● Losing train of thought ● Making irrational statements ● Spilling drinks ● Walking awkwardly ● Stumbling or falling down ● Unable to sit up straight

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Notwithstanding the above behavior indicators, it is important to distinguish behavior that may simply be a person's personality trait (e.g. talking or laughing louder) from behavior that might be a result of cultural background rather than unruly behavior. It is recommended that the company adopt a method for handling disruptive and unruly passengers in a manner that is sensitive to issues of culture and custom.

Furthermore, a concerned, upset or rude customer is best handled using conflict management techniques to defuse and to avoid escalation of the situation.

3.4.1.2 Traffic Light Procedures

The Traffic Light Procedures encourage the serving of passengers responsibly by observing their behaviors. It is recommended to offer food in order to slow a passenger's transition from Green to Yellow behaviors.

If a passenger displays yellow behaviors, it is recommended to:

- Notify the SCCM and the flight crew;
- Not allow the passenger to transition to Red behaviors;
- Delay requests for alcohol by offering food and water with drinks;
- As applicable to the situation, stop serving alcohol to the passenger.

If a passenger displays red behaviors, it is recommended to:

- Notify the SCCM and flight crew that a passenger appears to be intoxicated;
- Stop serving alcohol to the passenger;
- Advise all cabin crew not to serve alcohol to the passenger;
- Inform passenger that the crew will not be serving further alcohol;
- Consider medical attention. Certain medical conditions may cause similar symptoms to those caused by intoxication;
- Consider declaring an appropriate threat level (as required);
- Complete and submit required reports.

When dealing with a passenger who appears to be intoxicated, it is recommended to be tactful and as discreet as possible. It is important to notify the SCCM and flight crew if a passenger appears to be intoxicated or drinks from their own supply of alcohol. If the passenger refuses to comply with crew member requests, the cabin crew should follow their company procedures. Examples are included in Section 4.1 on page 28.

3.4.1.3 No-Smoking Policy

Passengers should be informed and receive instruction on all restrictions pertaining to on board smoking including when, where, and under what conditions smoking is prohibited. In addition, the company should inform them that their compliance with the "No Smoking" ordinance signs and/or placards and instructions from the crew is desired at all times. Passengers should also be advised that lavatories are fitted with smoke detectors to ensure the no-smoking policy, and that tampering with a smoke detector

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is a serious offence that may lead to prosecution by the airline.

3.4.2 Preventive 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 verbal 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 preventive measure is communication. It is vital 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 airline 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.

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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 and/or alcohol;
- Dealing with persons 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 staff 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 unruly passengers to the Pilot-in-Command and the SCCM 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 (1963)* or similar ones enacted in their State of Registration. This information could also be included in the command training course.

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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 and 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 airline may consider having it readily available to employees for reference (e.g. on the Company's intranet site);
- Ground staff 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, or passenger awareness leaflets. See Appendix K for a sample passenger awareness leaflet.

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);

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- 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 PIC 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 Procedural Guidance

3.4.4.1 Check-in

Employees at an airport and ground staff should be encouraged to identify any passengers whose behavior would suggest they might be unsuitable for carriage to their supervisors. For example, if a person appears at the check-in counter in an intoxicated state or acting strangely, their condition and actions should be reported to the ground supervisor before they are accepted onto the flight, allocated a seat and before the checked baggage is accepted for carriage.

For the most part, there are no increased incidents with group travel. However, if a group demonstrates concerning behavior, special efforts could be made to monitor their behavior from the time of check-in to the time they board the flight. It might be necessary to communicate the unruly behavior policy to the group leader and for the airline to ask for their cooperation to ensure adherence to the policy. Often this is all that is required for the group to understand and fully comply. Nevertheless, where a potential problem is identified, an assessment should be made by the identified persons in accordance with the operator's procedures (e.g. Airline Duty Manager, the Pilot-in-Command, the Cabin Service Manager and the SCCM). The right to deny carriage of a passenger should be published in the General Conditions of Carriage, which is available to passengers.

Other points that could be considered when refusing a person's carriage at check-in:

- The person's condition may not be associated with intoxication; he/she may be suffering from a chronic illness, physical or neurological disability with similar symptoms to a person affected by intoxicating liquor;
- If the person contests the airline's decision, it may be necessary to have the person's physical condition examined by a medical practitioner. If the person is examined, the airline should obtain a certificate of the medical practitioner's finding;
- An entry referring to the refusal to carry should be included in the person's travel booking (PNR);
- Arrangements may be made by the airline for the intoxicated person to be re-booked for a flight on a future date. The person's condition should be reassessed on the day of travel and additional conditions of carriage may be imposed;
- A report setting the details of the refusal to carry should be submitted by employees who initiated and confirmed the refusal. The names of others who may give additional information regarding that refusal should be included;
- A copy of that report should be filed as applicable with the operator's procedures (e.g. with the Airport Manager and a copy sent to the Security Manager of the airline).

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3.4.4.2 Security Check-Point – Best Practices

Security screening providers can be part of the mitigation measures. For example, the Canadian Air Transport Security Authority (CATSA) is responsible for providing security screening services at Canadian airports. CATSA considers that people who engage in unruly behavior during screening could be a safety risk to passengers and crew during a flight. After noticing an increase in the number of unruly passenger incidents at screening checkpoints, CATSA developed an Unruly Passenger policy that came into effect in 2008.

The CATSA Unruly Passenger policy, which is based on those used by airlines in Canada, establishes three levels of unruly behavior and sets out corresponding responses. CATSA recognizes the difference between an impolite passenger and a truly unruly passenger who may be a threat to others, so the responses are progressive and engage screening officers, management and aviation security partners appropriately at each level. For Level 3, the most serious unruly behavior under the CATSA Unruly Passenger policy, CATSA has supplemented the policy with a Memorandum of Understanding (MOU) it has signed with some airlines. Under the MOU, an airline may elect to deny boarding to a passenger based on CATSA's assessment of Level 3 unruly behavior. CATSA will provide supporting documents and information to the airline regarding the incident if these are required in the future. CATSA headquarters also follows up directly with the airline following every unruly passenger incident.

As the check-in process becomes more automated, screening officers are increasingly becoming the first people whom passengers encounter at an airport. In this environment, CATSA is well placed to alert airlines to unruly passengers and the MOU establishes an important partnership between CATSA and airlines that supports a consistent, national approach to managing the most serious cases of unruly behavior before these passengers board their flights.

Currently, CATSA has signed MOUs with all major Canadian air carriers, including charters, as well as some major international airlines. CATSA is looking to sign MOUs with additional airlines. For a copy of the CATSA Unruly Passenger policy and the MOU, please contact IATA at: secfal@iata.org

3.4.4.3 Boarding Gate

A passenger's state of agitation, anxiety or intoxication may not be recognized until his or her arrival at the boarding gate. In addition, his or her condition could have changed from the point of check-in to being called to board the flight. A passenger availing his or herself of early check-in or subject to delay in departure time may account for an advanced state of insobriety.

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 observations by the cabin crew are 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

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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 SCCM 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, the presence of any weapons, and their 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 procedures and/or the State's requirements.

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 airline 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 airline 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 airline should file a Report of an Incident of Unlawful Interference/Seizure. In addition to alerting law enforcement authorities, the airline 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 notification will normally be done by the competent Authority of the States involved.*

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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.

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4.0 LEVELS OF THREAT

ICAO Doc 9811 (Restricted) Manual on the Implementation of the Security Provisions of ICAO Annex 6 provides a four-tiered scheme of threat levels, which is a very useful tool for determining the seriousness of an unruly and 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 airline so that it can be used as a reference to describe ongoing incidents. This facilitates communication and understanding of crew members and ground staff 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 ICAO's levels of threat:

- 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 or not turning portable electronic devices to flight mode as per instructions. On the other hand, Level 3 and 4 behaviors are very serious security threats that also impact flight safety.

Please see the following for a **sample** of Level 1 to 4 threats and possible corresponding responses.

4.1 Examples of levels of threat and corresponding crew actions

These are examples of what a company policy *could* contain. It is important to note that each airline must ensure that their policy follows regulations established by the State of Registry and the State(s) in which they operate.

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LEVEL 1	DISRUPTIVE BEHAVIOR (VERBAL)	
MINOR		
Behavioral indicators include, but are not limited to: <ul style="list-style-type: none"> ○ The use of unacceptable or profane language ○ Unacceptable behavior towards a crew member: <ul style="list-style-type: none"> - communicating displeasure through voice tone or rude gesture - provoking an argument or making unreasonable demands (e.g. refusal to give up on a denied request) ○ A display of suspicious behavior: e.g. agitated or numb; distant and unresponsive behavior ○ Not following crew instructions or challenging authority ○ Violation of a safety regulation 		
Cabin Crew Actions		
		<div style="border: 1px solid black; padding: 10px; transform: rotate(-15deg); color: red; font-weight: bold;"> <p>RESTRICTED INFORMATION</p> <p>Please contact cabin_safety@iata.org or secfal@iata.org</p> </div>

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LEVEL 2	PHYSICALLY ABUSIVE BEHAVIOR	
MODERATE		
Behavioral indicators include, but are not limited to: <ul style="list-style-type: none"> ○ Physically abusive behavior towards a crew member: openly or aggressively hostile action that includes physical act or contact ○ Obscene or lewd behavior towards a crew member: actions of an overtly sexual, lecherous or lascivious nature ○ Verbal threats: threatening a crew member or another passenger with physical violence or bodily harm on board or while about to board aircraft, or making threats in an attempt to board aircraft ○ Tampering with any emergency or safety equipment on board the aircraft ○ Deliberately damaging any part of the aircraft or any property on board the aircraft 		
Cabin Crew Actions		
		<div style="border: 1px solid black; padding: 10px; transform: rotate(-15deg); color: red; font-weight: bold;"> <p>RESTRICTED INFORMATION</p> <p>Please contact cabin_safety@iata.org or secfal@iata.org</p> </div>

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LEVEL 3	LIFE THREATENING BEHAVIOR	
SERIOUS		
Behavioral indicators include, but are not limited to, actions creating a fear of imminent death such as: <ul style="list-style-type: none">○ The threat, display or use of a weapon○ Physical or sexual assault with intent to injure (e.g. violent, threatening, intimidating or disorderly behavior)		
Cabin Crew Actions		
		RESTRICTED INFORMATION Please contact cabin_safety@iata.org or secfal@iata.org

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LEVEL 4	ATTEMPTED OR ACTUAL BREACH OF THE FLIGHT DECK
FLIGHT DECK	
<p>An incident which constitutes a security threat and which includes, but is not limited to:</p> <ul style="list-style-type: none">○ An attempted or unauthorized intrusion into the flight deck○ A credible threat of death or serious bodily injury in an attempt to gain control of the aircraft○ The display, use or threat to use a weapon to breach the flight deck○ Sabotage of or the attempt to sabotage an aircraft○ Actions that render the aircraft incapable of flight or that are likely to endanger its safety of flight○ Any attempt to unlawfully seize control of the aircraft	
Cabin Crew Actions	
<p>RESTRICTED INFORMATION Please contact cabin_safety@iata.org or secfal@iata.org</p>	

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4.2 Warning

Unruly and disruptive passengers should be made aware of the consequences of their actions and the type of measures that will be taken to stop their 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 airlines is the notification warning cards presented by crew members to unruly and disruptive passengers while in flight. The notification warning card is a useful tool when utilized judiciously and in an informative manner rather than in a confrontational manner. The card calls for the person to desist its unruly and disruptive behavior 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 and 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 passenger. Some operators have notification warning cards in diverse route languages in order to communicate the information in the passenger's language. See Sample Airline Violation Warning (Appendix A) and Sample Notification Warning Card (Appendix B).

Note: A notification warning card would never be issued for a Level 3 or 4 Interference due to the nature and severity of the threat.

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 airline 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.

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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 crew member 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.

5.0 LEGAL ASPECTS

5.1 Legal distinction between types of offences

Distinguishing the type of offence is important in determining what legal framework governs the response. Offences can be categorized into 3 main categories:

- 1) **Offences classified as acts of terrorism:** e.g. bomb threats or hijacking. These are currently covered by existing policy, and mechanisms are well in place to deal with these occurrences;
- 2) **Offences that are subject to the Tokyo Convention (1963) (“the Convention”) and which could endanger the safety and good order on board the aircraft:** e.g. failure to follow the directions of the Pilot-in-Command or cabin crew, smoking in lavatories, threatening with intent to cause bodily harm, abuse of alcohol, unauthorized use of electronic devices;
- 3) **General offences which contravene the legal regime in the carrier’s jurisdiction:** e.g. indecent assault (Crew and Passenger), threatening/abusive behavior, public order offences, smoking in unauthorized zones (other than lavatories).

In addition, types of offences should have a clear relationship with the “levels” of disruption, in order to enable frontline employees to make a distinction. Furthermore, incidents could be added to the classification which have no bearing from a legal standpoint but from which the majority of cases require the involvement of front line employees (e.g. verbally abusive passengers).

The existing international legal regime for civil aviation covers acts such as offences and certain acts committed on board aircraft, unlawful interference against the safety of civil aviation, unlawful acts of violence at airports and unlawful seizure of aircraft.

Provision for the prosecution and offloading of unruly and disruptive passengers is provided for by the Convention. The Convention has a jurisdictional gap which does not automatically allow most States to prosecute disruptive passengers on inbound foreign registered aircraft.

It is important to note that the Convention enables the Pilot-in-Command to either disembark or deliver the passenger.

To disembark a passenger, the pilot must land in any State, report the individual passenger and reasons for removal to the State’s authorities, and then remove the passenger from the aircraft. No further coordination with law enforcement or local authorities is necessary. As its name suggests, disembarkation’s sole major consequence is the physical removal of the passenger from the aircraft.

Delivery is a more thorough process, entailing the pilot’s handing over of the passenger to local law enforcement authorities. To deliver a passenger, the pilot must land in a State that is a party to the Convention. Delivery also requires that the passenger, in the pilot’s opinion, has committed a serious offence under the penal law of State where the aircraft is registered. Moreover, in addition to notifying local law enforcement of a pending delivery and handing over the passenger, the pilot must also provide local law enforcement with all legally-collected evidence and information regarding the incident in question.

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Please see Appendix D for Sample Briefing to Authorities Cards:

- Disembarkation Note to Competent Authorities
- Delivery Note to Competent Authority

The deficiency regarding jurisdiction has led a number of States to enact additional national legislation, independent of the Convention provisions, enabling prosecution of this type of behavior. Some States have also extended jurisdiction to cover all outbound foreign registered aircraft where the State in question is the last point of departure.

It should be mentioned that, through the amendment of the Convention by the Montreal Protocol 2014 (“MP14”), the requirements for delivery have been moderated to the extent that the pilot must only have “reasonable grounds” that the unruly passenger has committed, what he believes to be, “a serious offence”. This serious offence need no longer be qualified as such under the penal law of the State where the aircraft is registered. Furthermore, the MP14 enhanced the jurisdiction over unruly passenger offences to that of the State of Landing. However, until the MP14 has been ratified by 22 States, the requirements of the Convention shall remain unchanged.

The International Civil Aviation Organization (ICAO) has developed model legislation on certain offences committed on board civil aircraft, *ICAO Guidance Material on the Legal Aspects of Unruly/Disruptive Passengers 2002 (Circular 288)* and urged ICAO Member States to enact national law and regulations to deal effectively with the problem of unruly and disruptive passengers as soon as possible, incorporating the model legislation as far as practicable. Carriers with no State legislation are encouraged to lobby their National Aviation Authority to incorporate ICAO model legislation (see Appendix G).

Though jurisdiction and the right to prosecute are important issues, airlines are recommended to focus on the safety aspects of the flight, rather than the possible prosecution of the unruly and disruptive passenger.

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 passenger;

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- 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 Convention 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 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 an airline representative if they consider that criminal prosecution should be pursued.

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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 airline representative. It should then be decided if charges are to be brought against the passenger. The SCCM 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 staff 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 airline 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 and clearly define what information is required. 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 airline files an Unruly Passenger Incident Report (see Appendix C). In addition to alerting law enforcement authorities, the airline 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 competent Authorities of the States involved.

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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 airline 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 airline 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 and 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 airline 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 airline.

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6.0 CONCLUSION

Despite the complexity of the issue, there are practical steps that an airline can take to prevent and manage unruly passenger incidents. Cabin crew are in a unique position when it comes to dealing with the unruly passenger problems as they are not able to escape the situation or to call for the authorities for assistance on board during flight. The emphasis on unruly behavior of passengers should be one of prevention and with strong emphasis in doing so from the arrival at the airport through to the passenger cabin of the aircraft in order to best mitigate incidents, and when possible, to keep the unruly behavior on the ground.

A collective and unified approach by the aviation industry would result in significant improvements to the problem of unruly passengers. It is incumbent on all persons within the aviation industry to realize that this is a very real and serious safety issue, and to closely monitor and report any event that may result in the unacceptable behavior of passengers while in flight.

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APPENDIX A – Sample Airline Violation Warning

Sample Final Warning

Your behavior appears to be in violation of [Country] law. If you fail to control your actions, police authorities will be notified and requested to meet this flight.

This is a warning that [Country] law prohibits the following:

- Assaults, threats, intimidation or interference with a crew member in performance of their duties aboard an aircraft being operated.
- Disruptive behavior due to alcohol consumption.
- Alcohol-related disturbance created by passenger.
- Consumption of alcoholic beverages unless served by a crew member.
- Alcohol service to passengers who appear to be intoxicated.
- Failure to follow instructions given by a crew member regarding compliance with passenger safety regulation such as the following:
 - No smoking in the lavatory at any time;
 - No smoking when “No Smoking” sign is illuminated;
 - Tampering with, disabling or destroying smoke detectors installed in any aircraft lavatory;
 - Requirement to keep seat belt fastened while the “Fasten Seat Belt” sign is lit;
 - Operation of an electronic device when prohibited.

An incident report may be filed with the appropriate federal agency if you do not refrain from this behavior. [Country] law provides fines of up to [Amount]. In the case of interference with a crew member in the performance of crew member duties, imprisonment for up to [number] years may be imposed in addition to the fine.

APPENDIX B – Sample Notification Warning Card

[Insert airline/company name and logo here]

PASSENGER NOTIFICATION WARNING CARD

Passenger Name	Seat	Date	Flight No.

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.

(Airline XX's - insert your airline's name) policy and the Tokyo Convention 1963 [insert domestic legislation applicable in your airline's country] prohibits:

- 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 or 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/or the applicable laws including the Tokyo Convention 1963 and the [insert domestic legislation applicable in your airline's country]. 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. Also be advised that you will not be permitted to consume alcoholic beverages for the remainder of this flight.

IT IS (airline XX's - insert your company name) 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 (airline XX - insert your company name) 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.

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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
FLIGHT DECK CREW				
Pilot-in-Command		Employee # & Base		
CABIN CREW MEMBERS				
Name		Employee # & Base		

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1. Level of Interference					
<input type="checkbox"/> Level 1 (Minor) <input type="checkbox"/> Level 2 (Moderate) <input type="checkbox"/> Level 3 (Serious) <input type="checkbox"/> Level 4 (Flight Deck)					
2. Description of Unruly Passenger(s)					
Name	Seat	(F) (M)	Age	Height	Weight
3. Location of Incident					
Zone			Other (specify)		
4. Action Taken by Crew					
<input type="checkbox"/> Pre-flight Off-loaded	<input type="checkbox"/> Notification Warning Card Issued	<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			
5. Medical Assistance				<input type="checkbox"/> Yes	<input type="checkbox"/> No
First Aid administered to:					
<input type="checkbox"/> Passenger(s)		<input type="checkbox"/> Crew		<input type="checkbox"/> Unruly/disruptive passenger(s)	
Description of injuries					
Medication administered (specify type)					
Name(s) of Attending Physician(s)					
Address					
Telephone					

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6. Law Enforcement			<input type="checkbox"/> Yes	<input type="checkbox"/> No
Name of Officer	Badge No.	Complaint #		
Witness 1				
Name		Seat no.		
Address		Telephone		
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.		
Address		Telephone		
Statement				
Willing to give evidence to law enforcement agencies or in court proceedings			<input type="checkbox"/> Yes	<input type="checkbox"/> No
Witness 3				
Name		Seat no.		
Address		Telephone		
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(s)		
Observation SHOULD be objective and sequential. Include complete description of incident, exact words spoken and description of behavior observed. Include your employee number, base and signature. Use additional paper if required.		
Crew Member 1		
Name	Employee # & Base	Signature
Time	Observations	
Crew Member 2		
Name	Employee # & Base	Signature
Time	Observations	

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APPENDIX D – Sample Briefing to Authorities Cards

[Insert airline/company name and logo]

DISEMBARKATION NOTE TO COMPETENT AUTHORITY

The Commander of this Aircraft [*aircraft registration, flight number*] has disembarked this person, [*name, seat number, other details from flight manifest*] pursuant to powers conferred by the Convention on Offences and Certain Other Acts on Board Aircraft, Signed at Tokyo on 14 September 1963 (“the Tokyo Convention (1963)”).

We wish to draw your attention to the relevant provisions of the Tokyo Convention (1963) which deal with disembarkation:

- The Aircraft Commander may disembark a person who he has reasonable grounds to believe has committed, or was about to commit, an act which may jeopardize:
 - the safety of the aircraft or of persons or property therein; or
 - good order and discipline on board. (Article 8, 12)
- The acts of this person on board the aircraft, as reported, may also constitute an offence under your domestic law or in accordance with ICAO Circular 288.
- No action taken by you with regard to this person is considered an immigration admission of the person to your territory and does not prejudice your rights, under your domestic law, to expel this person at a later time. (Article 14)

We believe that domestic law in your country may permit the prosecution of persons who commit offences on board foreign registered aircraft.

We take this opportunity to renew our assurances of our highest consideration and to express our gratitude for such assistance as you may see fit to offer to the Aircraft Commander and crew of this aircraft.

[Name of airline]

[Address, corporate details]

**A LIST OF PARTIES TO THE TOKYO CONVENTION (1963) IS
PRINTED ON THE REVERSE OF THIS CARD.**

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[Insert airline/company name and logo]

DELIVERY NOTE TO COMPETENT AUTHORITY

The Commander of this Aircraft [*aircraft registration, flight number*] has delivered this person, [*name, seat number, other details from flight manifest*], to you, pursuant to powers conferred by the Convention on Offences and Certain Other Acts on Board Aircraft, Signed at Tokyo on 14 September 1963 (“the Tokyo Convention (1963)”).

We wish to draw your attention to the relevant provisions of the Tokyo Convention (1963) which deal with the delivery of such a person to authorities at the place of landing:

- The Aircraft Commander may deliver any person who they have reasonable grounds to believe has committed an act which, in his opinion, is a serious offence on board to competent authorities at the place of landing. (Articles 9, 13)
- Any Contracting State to the Convention shall take delivery of such a person. (Article 13)
- If you are satisfied that the circumstances so warrant, you should take custody of this person or take other measures to secure his or her presence within your State. (Article 13)
- No action taken by you with regard to this person is considered an immigration admission of the person to your territory and does not prejudice your rights, under your domestic law, to expel this person at a later time. (Article 14)

We believe that domestic law in your country may permit the prosecution of persons who commit offences on board foreign registered aircraft.

We take this opportunity to renew our assurances of our highest consideration and to express our gratitude for such assistance as you may see fit to offer to the Aircraft Commander and crew of this aircraft.

[Name of airline/company]

[Address, corporate details]

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APPENDIX E – IATA Resolution 798a

Handling disruptive/unruly passengers PSC(35) 798a

RESOLVED that a method is adopted by Members for handling disruptive and unruly passengers in a manner which is consistent worldwide whilst being sensitive to issues of culture and custom within individual carriers.

1. Members shall create and implement a policy, actively involving all relevant departments which provides for consistent monitoring and handling of incidents by all staff at all times.

1.1 Members shall ensure the full endorsement and involvement of their Senior Executive Officer when implementing this policy within the airline.

1.2 Members shall ensure responsibility and coordination is agreed within their organization in advance. It is important that all relevant departments of the carrier recognize their ownership of the policy, for example:

- Human Resources: for issues such as staff welfare, duty-time for court appearances
- Legal: for the decision on prosecution of offences and advice to staff
- Marketing/Commercial: for communication programs internally and externally
- Safety: for training and communication with flight crew and cabin crew
- Security: to act as the single point of contact and for the interface with police authorities

1.3 Members shall have a Single Point of Contact who takes responsibility for incidents and who reports directly to the Senior Executive Officer on these matters.

2. The Policy shall address the issues of:

- prevention
- training
- periodic re-training
- handling problem passengers

- categorizing of incidents
- reporting of incidents
- pilot in command's responsibility
- prosecutions
- communication
- procedures to be followed for:
 - boarding
 - inflight
 - underage passenger issues (e.g. alcohol service)
 - situations involving alcohol/smoking
 - physical/verbal assaults
 - harassment
 - dealing with authorities

2.1 Regular and consistent communication of the Policy, both internally and externally, shall be carried out to ensure that it is clear that the carrier will act to identify, defuse, respond and prevent incidents where possible.

3. Members shall develop and maintain a close relationship with the relevant national law enforcement and airport security authorities.

3.1 Members shall encourage States to prosecute unruly passengers.

4. Published separately, attachments to this Resolution are:

- Guidelines for policy creation
- Categorization of incidents
- Sample passenger warnings
- Sample incident reporting document
- Sample company policy

For copies of the above-mentioned attachments, contact IATA Cabin Safety (cabin_safety@iata.org) or IATA Security and Facilitation (secfal@iata.org).

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APPENDIX F – IATA Operational Safety Audit (IOSA) Standards Manual

The following are applicable IOSA Standards and Recommended Practices (ISARPs) related to minimizing acts of unlawful interference and unruly/disruptive passenger behavior.

SECTION 2 – FLIGHT OPERATIONS (FLT)

FLT 2.2.42 If the Operator transports passengers or supernumeraries, the Operator shall ensure flight crew members complete security training, which shall be in accordance with requirements of the civil aviation security program of the State and applicable requirements of other states where operations are conducted. Such security training shall:

- i) Address the Operator’s policies and procedures for crew communication, coordination and action in response to acts of unlawful interference and/or disruptive passenger behavior;
- ii) Have a balanced curriculum of theoretical and practical training to ensure flight crew members are able to act in the most appropriate manner to minimize the consequences of acts of unlawful interference and/or disruptive passenger behavior;
- iii) Be administered during initial ground training, and subsequently during recurrent training on a schedule in accordance with requirements of the security program of the State and, if applicable, other states where operations are conducted, but not less than a frequency specified by the Operator as necessary to maintain effectiveness in performing operational duties that involve aviation security responsibilities.
(GM)

Guidance

Refer to the IRM for the definition of *Passenger*.

Flight crew members are directly involved in the implementation of security measures and thereby require an awareness of obligations to the Security Program of the Operator.

A Security training course for flight crew members focuses on the need for the flight crew to maintain control of the flight deck. Such course would typically address:

- Appropriate responses to acts of unlawful interference;
- Security of the flight deck;
- Maintaining control of the flight deck;
- Appropriate self-defense responses and use of non-lethal protective devices;
- Sabotage, hijacking;
- Unruly passengers.

SECTION 5 – CABIN OPERATIONS (CAB)

CAB 2.2.12 If the Operator conducts passenger flights with Cabin Crew, the Operator shall ensure Cabin Crew members receive training in aviation security subjects that address appropriate crew communication, coordination and action in response to acts of unlawful interference. Such training shall be included in the initial and re-qualification training courses and in the recurrent training course, on a frequency in accordance with the civil

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aviation security program of the State and requirements of the Authority, but not less than once during every 24-month period, with all subject areas within the scope of aviation security training addressed not less than once during every 48-month period. As a minimum, subject areas within the scope of aviation security include:

- i) Understanding of terrorist behaviors;
- ii) Threat evaluation;
- iii) Determination of the seriousness of an occurrence;
- iv) Crew coordination and communication;
- v) Security of the flight deck;
- vi) Appropriate self-defense responses;
- vii) Use of non-lethal protective devices;
- viii) Aircraft search procedures;
- ix) Least-risk bomb locations;
- x) Sabotage, hijacking;
- xi) **Unruly passengers;**
- xii) Other acts of unlawful interference. (GM)

Guidance

When developing the syllabus for a recurrent training course, all aviation security subject areas are considered to ensure inclusion of subjects that have been identified through an analysis of actual or likely trends experienced during line operations.

Training for Cabin Crew members as specified in item vi) typically focuses on conflict management and the level of response (e.g. passive, non-passive) to acts of unlawful interference that is appropriate for the operator. Such training would normally be in accordance with applicable regulations and/or the civil aviation security program of the State, and where no regulatory guidance exists, in accordance with the policy of the operator.

CAB 3.4.2 If the Operator conducts passenger flights with or without Cabin Crew, the Operator shall have a policy and associated procedures for addressing passengers that exhibit unruly behavior and/or interfere with a crew member prior to or during flight. Such policy and procedures shall be in accordance with local laws and regulations, and specify reasonable measures for ensuring passengers obey lawful commands from the PIC and/or Cabin Crew for the purpose of securing the safety of the aircraft, persons on board and their property. As a minimum, the policy and procedures shall address:

- i) Identification of disruptive behavior
- ii) Conditions under which passengers may be denied boarding, disembarked or restrained in accordance with the authority of the commander
- iii) Reporting of instances of disruptive behavior. (GM)

Guidance

Procedure would typically be published to ensure awareness by all applicable ground and flight personnel.

To ensure procedures are effective, guidelines are typically created to address all aspects of managing unruly behavior including prevention. For example, because of the increased effect of alcohol at altitude, guidelines

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would normally ensure the service of such beverages is carried out in a reasonable and responsible manner. Additionally, passengers would typically not be permitted to drink alcohol unless served by the Cabin Crew; the Cabin Crew would be attentive to identifying passengers that might be consuming their own alcohol.

SECTION 8 – SECURITY MANAGEMENT (SEC)

SEC 2.1.1 The Operator shall have a security training program that includes initial and recurrent training; initial training shall be completed by personnel prior to being assigned to operational duties. The security training program shall be in accordance with requirements of all applicable states and have a balanced curriculum of theoretical and practical training to ensure:

- i) Personnel, employed by or under the control of the Operator who implement security controls, have the competence to perform their duties;
- ii) Crew members and frontline ground handling personnel are able to act in the most appropriate manner to minimize the consequences of acts of unlawful interference and/or disruptive passenger behavior.
(GM)

Guidance

Training may be sub-divided for line managers/supervisors, aircrew, ramp workers, cargo personnel and other personnel who are directly involved in the implementation of security measures and thereby require an awareness of obligations to the Security Program.

The security training program is typically integrated into the normal training curriculum for operational personnel, and need not be stand-alone training.

The scope of recurrent security training, as well as the specific subject matter included, may vary in accordance with requirements of the applicable authorities and the security policy of the operator.

SEC 3.5.1 If the Operator conducts passenger flights, the Operator shall have a policy and a process that incorporates risk assessment measures to ensure procedures are in place for the transport of potentially disruptive passengers who are obliged to travel because they have been the subject of judicial or administrative proceedings. Such procedures shall be designed to take into consideration the assurance of the safety of the aircraft during the flight. (GM)

Guidance

Refer to the IRM for the definitions of *Deportee* and *Inadmissible Passenger*.

Airlines that have transported people who have been refused entry to a state can be called upon to return such person(s) to the port of embarkation. Such removal is accompanied by a judicial order of removal.

Those responsible within the organization of an operator for compliance with judicial orders (e.g., station managers) inform the Pilot-in-Command and cabin crew at the point of embarkation. Transit and destination airports also need to be advised that such a person is being carried. The original operator advises all other operators involved in the transport of the inadmissible passenger to their final destination.

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The following information is provided to the originating operator, as well as subsequent operators:

- Name and sex of the person identified as the deportee; reason for deportation (nature of crime);
- Willingness or unwillingness to travel by air;
- Whether the person has attempted to escape custody;
- Whether the person has any history of violence;
- Whether the person has a history of self-harm;
- Whether members of the person's family are booked on the same flight;
- Whether the person is likely to be the target of harm during the transportation;
- Identity of escorts (if required);
- The mental and/or physical state of the person;
- Wanted status of the person (by any other authority);
- Other information that would allow an operator to assess the risk of endangering the security of the flight;
- Special conditions and precautions for transport of the person, if any.

To ensure the safety of the aircraft during a flight, an operator typically has a process to assess the information (see above) associated with the transport of passengers that require special attention. For example, a decision might be needed as to whether a passenger will be denied boarding, or whether a passenger might require an escort.

Accordingly, there is usually a well-defined escort policy that is provided to the appropriate immigration authorities. Females travelling under the provisions of a judicial order may require a female escorting officer as a member of the escort team.

Special provisions may exist for flights where transportation of multiple inadmissible passengers is required.

Although a person is involved in travel in response to a judicial or custodial order, while in flight, such passenger is always under the control of the pilot-in-command and crew of the aircraft.

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APPENDIX G – ICAO Model Legislation on Certain Offences Committed on Board Civil Aircraft

Reference: ICAO Cir 288 Guidance Material on the Legal Aspects of Unruly/Disruptive Passengers, June 2002.

Section 1: Assault and Other Acts of Interference Against a Crew Member on Board a Civil Aircraft

Any person who commits on board a civil aircraft any of the following acts thereby commits an offence:

- (1) assault, intimidation or threat, whether physical or verbal, against a crew member if such act interferes with the performance of the duties of the crew member or lessens the ability of the crew member to perform those duties;
- (2) refusal to follow a lawful instruction given by the aircraft commander, or on behalf of the aircraft commander by a crew member, for the purpose of ensuring the safety of the aircraft or of any person or property on board or for the purpose of maintaining good order and discipline on board.

Section 2: Assault and Other Acts Endangering Safety or Jeopardizing Good Order and Discipline on Board a Civil Aircraft

- (1) Any person who commits on board a civil aircraft an act of physical violence against a person or of sexual assault or child molestation thereby commits an offence.
- (2) Any person who commits on board a civil aircraft any of the following acts thereby commits an offence if such act is likely to endanger the safety of the aircraft or of any person on board or if such act jeopardizes the good order and discipline on board the aircraft:
 - (a) assault, intimidation or threat, whether physical or verbal, against another person;
 - (b) intentionally causing damage to, or destruction of, property;
 - (c) consuming alcoholic beverages or drugs resulting in intoxication.

Section 3: Other Offences Committed on Board a Civil Aircraft

Any person who commits on board a civil aircraft any of the following acts thereby commits an offence:

- (1) smoking in a lavatory, or smoking elsewhere in a manner likely to endanger the safety of the aircraft;
- (2) tampering with a smoke detector or any other safety-related device on board the aircraft;
- (3) operating a portable electronic device when such act is prohibited.

Section 4: Jurisdiction

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1. The jurisdiction of (Name of State) shall extend to any offence under Sections 1, 2, or 3 of this Act if the act constituting the offence took place on board:

- (1) any civil aircraft registered in (Name of State); or
- (2) any civil aircraft leased with or without crew to an operator whose principal place of business is in (Name of State) or, if the operator does not have a principal place of business, whose permanent residence is in (Name of State); or
- (3) any civil aircraft on or over the territory of (Name of State); or
- (4) any other civil aircraft in flight outside (Name of State), if
 - (a) the next landing of the aircraft is in (Name of State); and
 - (b) the aircraft commander has delivered the suspected offender to the competent authorities of (Name of State), with the request that the authorities prosecute the suspected offender and with the affirmation that no similar request has been or will be made by the commander or the operator to any other State.

2 . The term 'in flight' as used in this section means the period from the moment when power is applied for the purpose of take-off until the moment when the landing run ends.

APPENDIX H – Tokyo Convention 1963

Convention on Offences and Certain Other Acts Committed on Board Aircraft, Signed at Tokyo, on 14 September 1963

Reference: www.icao.int

THE STATES Parties to this Convention HAVE AGREED as follows:

CHAPTER I – SCOPE OF THE CONVENTION

Article 1

1. This Convention shall apply in respect of:

- (a) offences against penal law;
- (b) acts which, whether or not they are offences, may or do jeopardize the safety of the aircraft or of persons or property therein or which jeopardize good order and discipline on board.

2. Except as provided in Chapter III, this Convention shall apply in respect of offences committed or acts done by a person on board any aircraft registered in a Contracting State, while that aircraft is in flight or on the surface of the high seas or of any other area outside the territory of any State.

3. For the purposes of this Convention, an aircraft is considered to be in flight from the moment when power is applied for the purpose of takeoff until the moment when the landing run ends.

4. This Convention shall not apply to aircraft used in military, customs or police services.

Article 2

Without prejudice to the provisions of Article 4 and except when the safety of the aircraft or of persons or property on board so requires, no provision of this Convention shall be interpreted as authorizing or requiring any action in respect of offences against penal laws of a political nature or those based on racial or religious discrimination.

CHAPTER II – JURISDICTION

Article 3

1. The State of registration of the aircraft is competent to exercise jurisdiction over offences and acts committed on board.

2. Each Contracting State shall take such measures as may be necessary to establish its jurisdiction as the

State of registration over offences committed on board aircraft registered in such State.

3. This Convention does not exclude any criminal jurisdiction exercised in accordance with national law.

Article 4

A Contracting State which is not the State of registration may not interfere with an aircraft in flight in order to exercise its criminal jurisdiction over an offence committed on board except in the following cases:

- (a) the offence has effect on the territory of such State;
- (b) the offence has been committed by or against a national or permanent resident of such State;
- (c) the offence is against the security of such State;
- (d) the offence consists of a breach of any rules or regulations relating to the flight or manoeuvre of aircraft in force in such State;
- (e) the exercise of jurisdiction is necessary to ensure the observance of any obligation of such State under a multilateral international agreement.

CHAPTER III – POWERS OF THE AIRCRAFT COMMANDER

Article 5

1. The provisions of this Chapter shall not apply to offences and acts committed or about to be committed by a person on board an aircraft in flight in the airspace of the State of registration or over the high seas or any other area outside the territory of any State unless the last point of takeoff or the next point of intended landing is situated in a State other than that of registration, or the aircraft subsequently flies in the airspace of a State other than that of registration with such person still on board.

2. Notwithstanding the provisions of Article 1, paragraph 3, an aircraft shall for the purposes of this Chapter, be considered to be in flight at any time

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from the moment when all its external doors are closed following embarkation until the moment when any such door is opened for disembarkation. In the case of a forced landing, the provisions of this Chapter shall continue to apply with respect to offences and acts committed on board until competent authorities of a State take over the responsibility for the aircraft and for the persons and property on board.

Article 6

1. The aircraft commander may, when he has reasonable grounds to believe that a person has committed, or is about to commit, on board the aircraft, an offence or act contemplated in Article 1, paragraph 1, impose upon such person reasonable measures including restraint which are necessary:

- (a) to protect the safety of the aircraft, or of persons or property therein; or
- (b) to maintain good order and discipline on board; or
- (c) to enable him to deliver such person to competent authorities or to disembark him in accordance with the provisions of this Chapter.

2. The aircraft commander may require or authorize the assistance of other crew members and may request or authorize, but not require, the assistance of passengers to restrain any person whom he is entitled to restrain. Any crew member or passenger may also take reasonable preventive measures without such authorization when he has reasonable grounds to believe that such action is immediately necessary to protect the safety of the aircraft, or of persons or property therein.

Article 7

1. Measures of restraint imposed upon a person in accordance with Article 6 shall not be continued beyond any point at which the aircraft lands unless:

- (a) such point is in the territory of a non-Contracting State and its authorities refuse to permit disembarkation of that person or those measures have been imposed in accordance with Article 6, paragraph 1(c) in order to enable his delivery to competent authorities;

(b) the aircraft makes a forced landing and the aircraft commander is unable to deliver that person to competent authorities; or

(c) that person agrees to onward carriage under restraint.

2. The aircraft commander shall as soon as practicable, and if possible before landing in the territory of a State with a person on board who has been placed under restraint in accordance with the provisions of Article 6, notify the authorities of such State of the fact that a person on board is under restraint and of the reasons for such restraint.

Article 8

1. The aircraft commander may, in so far as it is necessary for the purpose of subparagraph (a) or (b) or paragraph 1 of Article 6, disembark in the territory of any State in which the aircraft lands any person who he has reasonable grounds to believe has committed, or is about to commit, on board the aircraft an act contemplated in Article 1, paragraph 1(b).

2. The aircraft commander shall report to the authorities of the State in which he disembarks any person pursuant to this Article, the fact of, and the reasons for, such disembarkation.

Article 9

1. The aircraft commander may deliver to the competent authorities of any Contracting State in the territory of which the aircraft lands any person who he has reasonable grounds to believe has committed on board the aircraft an act which, in his opinion, is a serious offence according to the penal law of the State of registration of the aircraft.

2. The aircraft commander shall as soon as practicable and if possible before landing in the territory of a Contracting State with a person on board whom the aircraft commander intends to deliver in accordance with the preceding paragraph, notify the authorities of such State of his intention to deliver such person and the reasons therefor.

3. The aircraft commander shall furnish the authorities to whom any suspected offender is delivered in accordance with the provisions of this Article with evidence and information which, under

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the law of the State of registration of the aircraft, are lawfully in his possession.

Article 10

For actions taken in accordance with this Convention, neither the aircraft commander, any other member of the crew, any passenger, the owner or operator of the aircraft, nor the person on whose behalf the flight was performed shall be held responsible in any proceeding on account of the treatment undergone by the person against whom the actions were taken.

CHAPTER IV – UNLAWFUL SEIZURE OF AIRCRAFT

Article 11

1. When a person on board has unlawfully committed by force or threat thereof an act of interference, seizure, or other wrongful exercise of control of an aircraft in flight or when such an act is about to be committed, Contracting States shall take all appropriate measures to restore control of the aircraft to its lawful commander or to preserve his control of the aircraft.

2. In the cases contemplated in the preceding paragraph, the Contracting State in which the aircraft lands shall permit its passengers and crew to continue their journey as soon as practicable, and shall return the aircraft and its cargo to the persons lawfully entitled to possession.

CHAPTER V – POWERS AND DUTIES OF STATES

Article 12

Any Contracting State shall allow the commander of an aircraft registered in another Contracting State to disembark any person pursuant to Article 8, paragraph 1.

Article 13

1. Any Contracting State shall take delivery of any person whom the aircraft commander delivers pursuant to Article 9, paragraph 1.

2. Upon being satisfied that the circumstances so warrant, any Contracting State shall take custody or other measures to ensure the presence of any person suspected of an act contemplated in Article 11, paragraph 1 and of any person of whom it has taken delivery. The custody and other measures shall be as provided in the law of that State but may only be

continued for such time as is reasonably necessary to enable any criminal or extradition proceedings to be instituted.

3. Any person in custody pursuant to the previous paragraph shall be assisted in communicating immediately with the nearest appropriate representative of the State of which he is a national.

4. Any Contracting State, to which a person is delivered pursuant to Article 9, paragraph 1, or in whose territory an aircraft lands following the commission of an act contemplated in Article 11, paragraph 1, shall immediately make a preliminary enquiry into the facts.

5. When a State, pursuant to this Article, has taken a person into custody, it shall immediately notify the State of registration of the aircraft and the State of nationality of the detained person and, if it considers it advisable, any other interested State of the fact that such person is in custody and of the circumstances which warrant his detention. The State which makes the preliminary enquiry contemplated in paragraph 4 of this Article shall promptly report its findings to the said States and shall indicate whether it intends to exercise jurisdiction.

Article 14

1. When any person has been disembarked in accordance with Article 8, paragraph 1, or delivered in accordance with Article 9, paragraph 1, or has disembarked after committing an act contemplated in Article 11, paragraph 1, and when such person cannot or does not desire to continue his journey and the State of landing refuses to admit him, that State may, if the person in question is not a national or permanent resident of that State, return him to the territory of the State of which he is a national or permanent resident or to the territory of the State in which he began his journey by air.

2. Neither disembarkation, nor delivery, nor the taking of custody or other measures contemplated in Article 13, paragraph 2, nor return of the person concerned, shall be considered as admission to the territory of the Contracting State concerned for the purpose of its law relating to entry or admission of persons and nothing in this Convention shall affect

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the law of a Contracting State relating to the expulsion of persons from its territory.

Article 15

1. Without prejudice to Article 14, any person who has been disembarked in accordance with Article 8, paragraph 1, or delivered in accordance with Article 9, paragraph 1, or has disembarked after committing an act contemplated in Article 11, paragraph 1, and who desires to continue his journey shall be at liberty as soon as practicable to proceed to any destination of his choice unless his presence is required by the law of the State of landing for the purpose of extradition or criminal proceedings.

2. Without prejudice to its law as to entry and admission to, and extradition and expulsion from its territory, a Contracting State in whose territory a person has been disembarked in accordance with Article 8, paragraph 1, or delivered in accordance with Article 9, paragraph 1 or has disembarked and is suspected of having committed an act contemplated in Article 11, paragraph 1, shall accord to such person treatment which is no less favourable for his protection and security than that accorded to nationals of such Contracting State in like circumstances.

CHAPTER VI – OTHER PROVISIONS

Article 16

1. Offences committed on aircraft registered in a Contracting State shall be treated, for the purpose of extradition, as if they had been committed not only in the place in which they have occurred but also in the territory of the State of registration of the aircraft.

2. Without prejudice to the provisions of the preceding paragraph, nothing in this Convention shall be deemed to create an obligation to grant extradition.

Article 17

In taking any measures for investigation or arrest or otherwise exercising jurisdiction in connection with any offence committed on board an aircraft the Contracting States shall pay due regard to the safety and other interests of air navigation and shall so act

as to avoid unnecessary delay of the aircraft, passengers, crew or cargo.

Article 18

If Contracting States establish joint air transport operating organizations or international operating agencies, which operate aircraft not registered in any one State those States shall, according to the circumstances of the case, designate the State among them which, for the purposes of this Convention, shall be considered as the State of registration and shall give notice thereof to the International Civil Aviation Organization which shall communicate the notice to all States Parties to this Convention.

CHAPTER VII – FINAL CLAUSES

Article 19

Until the date on which this Convention comes into force in accordance with the provisions of Article 21, it shall remain open for signature on behalf of any State which at that date is a Member of the United Nations or of any of the Specialized Agencies.

Article 20

1. This Convention shall be subject to ratification by the signatory States in accordance with their constitutional procedures.
2. The instruments of ratification shall be deposited with the International Civil Aviation Organization.

Article 21

1. As soon as twelve of the signatory States have deposited their instruments of ratification of this Convention, it shall come into force between them on the ninetieth day after the date of the deposit of the twelfth instrument of ratification. It shall come into force for each State ratifying thereafter on the ninetieth day after the deposit of its instrument of ratification.

2. As soon as this Convention comes into force, it shall be registered with the Secretary-General of the United Nations by the International Civil Aviation Organization.

Article 22

1. This Convention shall, after it has come into force, be open for accession by any State Member of the United Nations or of any of the Specialized Agencies.

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2. The accession of a State shall be effected by the deposit of an instrument of accession with the International Civil Aviation Organization and shall take effect on the ninetieth day after the date of such deposit.

Article 23

1. Any Contracting State may denounce this Convention by notification addressed to the International Civil Aviation Organization.

2. Denunciation shall take effect six months after the date of receipt by the International Civil Aviation Organization of the notification of denunciation.

Article 24

1. Any dispute between two or more Contracting States concerning the interpretation or application of this Convention which cannot be settled through negotiation, shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the Parties are unable to agree on the organization of the arbitration, any one of those Parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.

2. Each State may at the time of signature or ratification of this Convention or accession thereto, declare that it does not consider itself bound by the preceding paragraph. The other Contracting States shall not be bound by the preceding paragraph with respect to any Contracting State having made such a reservation.

3. Any Contracting State having made a reservation in accordance with the preceding paragraph may at any time withdraw this reservation by notification to the International Civil Aviation Organization.

Article 25

Except as provided in Article 24 no reservation may be made to this Convention.

Article 26

The International Civil Aviation Organization shall give notice to all States Members of the United Nations or of any of the Specialized

Agencies:

(a) of any signature of this Convention and the date thereof;

(b) of the deposit of any instrument of ratification or accession and the date thereof;

(c) of the date on which this Convention comes into force in accordance with Article 21, paragraph 1;

(d) of the receipt of any notification of denunciation and the date thereof; and

(e) of the receipt of any declaration or notification made under Article 24 and the date thereof.

IN WITNESS WHEREOF the undersigned Plenipotentiaries, having been duly authorized, have signed this Convention.

DONE at Tokyo on the fourteenth day of September One Thousand Nine Hundred and Sixty-three in three authentic texts drawn up in the English, French and Spanish languages.

This Convention shall be deposited with the International Civil Aviation Organization with which, in accordance with Article 19, it shall remain open for signature and the said Organization shall send certified copies thereof to all States Members of the United Nations or of any Specialized Agency.

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APPENDIX I – Montreal Protocol 2014

PROTOCOL TO AMEND THE CONVENTION ON OFFENCES AND CERTAIN OTHER ACTS COMMITTED ON BOARD AIRCRAFT

THE CONTRACTING STATES TO THIS PROTOCOL,

NOTING that States have expressed their concern about the escalation of the severity and frequency of unruly behaviour on board aircraft that may jeopardize the safety of the aircraft or of persons or property therein or jeopardize good order and discipline on board;

RECOGNIZING the desire of many States to assist each other in curbing unruly behaviour and restoring good order and discipline on board aircraft;

BELIEVING that in order to address these concerns, it is necessary to adopt provisions to amend those of the *Convention on Offences and Certain Other Acts Committed on Board Aircraft* signed at Tokyo on 14 September 1963;

HAVE AGREED AS FOLLOWS:

Article I

This Protocol amends the Convention on Offences and Certain Other Acts Committed on Board Aircraft, signed at Tokyo on 14 September 1963 (hereinafter referred to as “the Convention”).

Article II

Article 1, paragraph 3, of the Convention shall be replaced by the following:

“Article 1

3. For the purposes of this Convention:

- a) an aircraft is considered to be in flight at any time from the moment when all its external doors are closed following embarkation until the moment when any such door is opened for disembarkation; in the case of a forced landing, the flight shall be deemed to continue until the competent authorities take over the responsibility for the aircraft and for persons and property on board; and
- b) when the State of the operator is not the same as the State of registration, the term “the State of registration”, as used in Articles 4, 5 and 13 of this Convention shall be deemed to be the State of the operator.”

Article III

Article 2 of the Convention shall be replaced by the following:

“Article 2

Without prejudice to the provisions of Article 4 and except when the safety of the aircraft or of persons or property on board so requires, no provision of this Convention shall be interpreted as authorizing or requiring any action in respect of offences against penal laws of a political nature or those based on discrimination on any ground such as race, religion, nationality, ethnic origin, political opinion or gender.”

Article IV

Article 3 of the Convention shall be replaced by the following:

“Article 3

1. The State of registration of the aircraft is competent to exercise jurisdiction over offences and acts committed on board.

1 *bis*. A State is also competent to exercise jurisdiction over offences and acts committed on board:

- a) as the State of landing, when the aircraft on board which the offence or act is committed lands in its territory with the alleged offender still on board; and
- b) as the State of the operator, when the offence or act is committed on board an aircraft leased without crew to a lessee whose principal place of business or,

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if the lessee has no such place of business, whose permanent residence, is in that State.

2. Each Contracting State shall take such measures as may be necessary to establish its jurisdiction as the State of registration over offences committed on board aircraft registered in such State.

2 *bis*. Each Contracting State shall also take such measures as may be necessary to establish its jurisdiction over offences committed on board aircraft in the following cases:

a) as the State of landing, when:

(i) the aircraft on board which the offence is committed has its last point of take-off or next point of intended landing within its territory, and the aircraft subsequently lands in its territory with the alleged offender still on board; and

(ii) the safety of the aircraft or of persons or property therein, or good order and discipline on board, is jeopardised;

b) as the State of the operator, when the offence is committed on board an aircraft leased without crew to a lessee whose principal place of business or, if the lessee has no such place of business, whose permanent residence, is in that State.

2 *ter*. In exercising its jurisdiction as State of landing, a State shall consider whether the offence in question is an offence in the State of the operator.

3. This Convention does not exclude any criminal jurisdiction exercised in accordance with national law.”

Article V

The following shall be added as Article 3 *bis* of the Convention:

“Article 3 bis

If a Contracting State, exercising its jurisdiction under Article 3, has been notified or has otherwise learned that one or more other Contracting States are conducting an investigation, prosecution or judicial proceeding in respect of the same offences or acts, that Contracting State shall, as appropriate, consult those other Contracting States with a view to coordinating their actions. The obligations in this Article are without prejudice to the obligations of a Contracting State under Article 13.”

Article VI

Article 5, paragraph 2, of the Convention shall be deleted.

Article VII

Article 6 of the Convention shall be replaced by the following:

“Article 6

1. The aircraft commander may, when he has reasonable grounds to believe that a person has committed, or is about to commit, on board the aircraft, an offence or act contemplated in Article 1, paragraph 1, impose upon such person reasonable measures including restraint which are necessary:

a) to protect the safety of the aircraft, or of persons or property therein; or

b) to maintain good order and discipline on board; or

c) to enable him to deliver such person to competent authorities or to disembark him in accordance with the provisions of this Chapter.

2. The aircraft commander may require or authorize the assistance of other crew members and may request or authorize, but not require, the assistance of in-flight security officers or passengers to restrain any person whom he is entitled to restrain. Any crew member or passenger may also take reasonable preventive measures without such authorization when he has reasonable grounds to believe that such action is immediately necessary to protect the safety of the aircraft, or of persons or property therein.

3. An in-flight security officer deployed pursuant to a bilateral or multilateral agreement or arrangement between the relevant Contracting States may take reasonable preventive measures without such authorization when he has reasonable grounds to believe that such action is immediately necessary to protect the safety of the aircraft or persons therein from an act of unlawful interference, and, if the agreement or arrangement so allows, from the commission of serious offences.

4. Nothing in this Convention shall be deemed to create an obligation for a Contracting State to establish an in-flight security officer programme or to agree to a bilateral or multilateral agreement or

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arrangement authorizing foreign in-flight security officers to operate in its territory.”

Article VIII

Article 9 of the Convention shall be replaced by the following:

“Article 9

1. The aircraft commander may deliver to the competent authorities of any Contracting State in the territory of which the aircraft lands any person who he has reasonable grounds to believe has committed on board the aircraft an act which, in his opinion, is a serious offence.
2. The aircraft commander shall as soon as practicable and if possible before landing in the territory of a Contracting State with a person on board whom the aircraft commander intends to deliver in accordance with the preceding paragraph, notify the authorities of such State of his intention to deliver such person and the reasons therefor.
3. The aircraft commander shall furnish the authorities to whom any suspected offender is delivered in accordance with the provisions of this Article with evidence and information which are lawfully in his possession

Article IX

Article 10 of the Convention shall be replaced by the following:

“Article 10

For actions taken in accordance with this Convention, neither the aircraft commander, any other member of the crew, any passenger, any in-flight security officer, the owner or operator of the aircraft, nor the person on whose behalf the flight was performed shall be held responsible in any proceeding on account of the treatment undergone by the person against whom the actions were taken.”

Article X

The following shall be added as Article 15 *bis* of the Convention:

“Article 15 *bis*

1. Each Contracting State is encouraged to take such measures as may be necessary to initiate appropriate criminal, administrative or any other forms of legal proceedings against any person who commits on board an aircraft an offence or act referred to in Article 1, paragraph 1, in particular:
 - a) physical assault or a threat to commit such assault against a crew member; or
 - b) refusal to follow a lawful instruction given by or on behalf of the aircraft commander for the purpose of protecting the safety of the aircraft or of persons or property therein.
2. Nothing in this Convention shall affect the right of each Contracting State to introduce or maintain in its national legislation appropriate measures in order to punish unruly and disruptive acts committed on board.”

Article XI

Article 16, paragraph 1, of the Convention shall be replaced by the following:

“Article 16

1. Offences committed on board aircraft shall be treated, for the purpose of extradition between the Contracting States, as if they had been committed not only in the place in which they occurred but also in the territories of the Contracting States required to establish their jurisdiction in accordance with paragraphs 2 and 2 *bis* of Article 3.”

Article XII

Article 17 of the Convention shall be replaced by the following:

“Article 17

1. In taking any measures for investigation or arrest or otherwise exercising jurisdiction in connection with any offence committed on board an aircraft, the Contracting States shall pay due regard to the safety and other interests of air navigation and shall so act as to avoid unnecessary delay of the aircraft, passengers, crew or cargo.
2. Each Contracting State, when fulfilling its obligations, or exercising a permitted discretion under this Convention, shall act in accordance with the obligations and responsibilities of States under

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international law. In this respect, each Contracting State shall have regard for the principles of due process and fair treatment.”

Article XIII

The following shall be added as Article 18 *bis* of the Convention:

“Article 18 bis

Nothing in this Convention shall preclude any right to seek the recovery, under national law, of damages incurred, from a person disembarked or delivered pursuant to Article 8 or 9 respectively.”

Article XIV

The texts of the Convention in the Arabic, Chinese and Russian languages annexed to this Protocol shall, together with the texts of the Convention in the English, French and Spanish languages, constitute texts equally authentic in the six languages.

Article XV

As between the Contracting States to this Protocol, the Convention and this Protocol shall be read and interpreted together as one single instrument and shall be known as the Tokyo Convention as amended by the Montréal Protocol, 2014.

Article XVI

This Protocol shall be open for signature in Montréal on 4 April 2014 by States participating in the International Air Law Conference held at Montréal from 26 March to 4 April 2014. After 4 April 2014, this Protocol shall be open to all States for signature at the Headquarters of the International Civil Aviation Organization in Montréal until it enters into force in accordance with Article XVIII.

Article XVII

1. This Protocol is subject to ratification, acceptance or approval by the signatory States. The instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the International Civil Aviation Organization, who is hereby designated as the Depositary.

2. Any State which does not ratify, accept or approve this Protocol in accordance with paragraph 1 of this Article may accede to it at any time. The instruments of accession shall be deposited with the Depositary.

3. Ratification, acceptance, approval or accession to this Protocol by any State which is not a Contracting State to the Convention shall have the effect of ratification, acceptance, approval or accession to the Tokyo Convention as amended by the Montréal Protocol, 2014.

Article XVIII

1. This Protocol shall enter into force on the first day of the second month following the date of the deposit of the twenty-second instrument of ratification, acceptance, approval or accession with the Depositary.

2. For each State ratifying, accepting, approving or acceding to this Protocol after the deposit of the twenty-second instrument of ratification, acceptance, approval or accession, this Protocol shall enter into force on the first day of the second month following the date of the deposit by such State of its instrument of ratification, acceptance, approval or accession.

3. As soon as this Protocol enters into force, it shall be registered with the United Nations by the Depositary.

Article XIX

1. Any Contracting States may denounce this Protocol by written notification to the Depositary.

2. Denunciation shall take effect one year following the date on which notification is received by the Depositary.

Article XX

The Depositary shall promptly notify all signatory and Contracting States to this Protocol of the date of each signature, the date of deposit of each instrument of ratification, acceptance, approval or accession, the date of coming into force of this Protocol, and other relevant information.

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Airlines should always comply with the regulations and requirements of their competent Authority.*

IN WITNESS WHEREOF the undersigned Plenipotentiaries, having been duly authorized, have signed this Protocol.

DONE at Montréal on the fourth day of April of the year Two Thousand and Fourteen in the English, Arabic, Chinese, French, Russian and Spanish languages, all texts being equally authentic, such authenticity to take effect upon verification by the Secretariat of the Conference under the authority of the President of the Conference within ninety days hereof as to the conformity of the texts with one another. This Protocol shall be deposited with the International Civil Aviation Organization, and certified copies thereof shall be transmitted by the Depositary to all Contracting States to this Protocol.

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Airlines should always comply with the regulations and requirements of their competent Authority.*

APPENDIX J – IATA AGM Resolution on Unruly Passengers

The AGM resolution was adopted unanimously during IATA’s 70th Annual General Meeting on 2 June, 2014 in Doha, Qatar.

WHEREAS member airlines reaffirm their commitment to a safe and comfortable travel experience for all passengers;

RECOGNIZING that passengers are legally obliged to observe crew instructions and certain rules of conduct to ensure safety, good order and discipline on board aircraft;

EXPRESSING CONCERN at an increase in the number of unruly and disruptive events on board aircraft reported in recent years, including many serious offenses against crew and passengers;

ACKNOWLEDGING that such events may have grave implications for safety and security, as well as significant additional cost and delay for airline operations;

NOTING that the Tokyo Convention 1963, as amended by the recently adopted Montreal Protocol 2014, addresses many of the international legal aspects of this problem;

EMPHASIZING that a united approach between governments and industry would better deter future instances of unruly and disruptive behavior;

The 70th IATA Annual General Meeting:

1. Calls upon all States to become parties to the Montreal Protocol 2014 as soon as possible;
2. Endorses the IATA Core Principles on Unruly Passengers;
3. Urges governments and national authorities to consider robust policy responses to the serious problem of unruly passengers and, where appropriate, initiate criminal or other proceedings against offenders; and
4. Calls upon all member airlines to utilize IATA Recommended Practice 1798a and the IATA Guidance on Unruly Passenger Prevention and Management.

IATA CORE PRINCIPLES ON UNRULY PASSENGERS

1. The Tokyo Convention 1963 as amended by the Montreal Protocol 2014 is a modern and effective international legal framework to deal with unruly and disruptive behavior on board aircraft. Therefore, States should ratify the Montreal Protocol 2014 and implement consequential changes to national legislation as soon as possible;
2. As an important complementary measure, governments should consider legislation to establish jurisdiction over offenses and acts committed on board foreign civil aircraft that subsequently land in their territory with an offender still on board;

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

3. Governments should apply ICAO Circular 288 – Guidance Material on the Legal Aspects of Unruly/Disruptive Passengers, and any subsequent updates thereto, as a guide for the development of national legislation;
4. Governments and national authorities should seek to raise public awareness of the consequences resulting from a failure to follow crew instructions or other behavior which disturbs good order and discipline on board aircraft;
5. Where not already in place, member airlines should implement a policy for the consistent and effective handling of unruly passengers that reflects IATA Recommended Practice 1798a and the IATA Guidance on Unruly Passenger Prevention and Management;
6. Member airlines should develop appropriate training programs for crew and ground service personnel that focus on prevention and management and include components dealing with the responsible service of alcohol (where applicable) and conflict de-escalation techniques;
7. Member airlines should clearly communicate to passengers the consequences and sanctions applicable to unruly and disruptive behavior on board aircraft, generally and through the use of graduated warnings, as appropriate in specific cases; and
8. Airport operators, airport concessionaires and security providers are urged to engage with industry efforts by establishing procedures in respect of unruly and disruptive behavior and, in particular, reporting their relevant observations about conduct on the ground.

*Enjoy your flight
and allow others
to enjoy theirs!*



Welcome on board!

We hope that you will enjoy your flight and of course allow others to enjoy theirs.

All passengers have the right to safe, secure and comfortable travel on board our aircraft. Unruly or disruptive behavior would ruin this experience and could also be traumatizing for passengers or crew.

Unruly behavior prior to flight:

If unruly or disruptive behavior is noticed prior to the flight, please be aware that transport may be denied.

Unruly behavior during the flight:

If such behavior is demonstrated during the flight, please be aware that there may be serious consequences to these actions. The aircraft may divert and make an unscheduled landing, the authorities may meet the flight, and the person responsible for the unruly or disruptive behavior may be arrested, fined, charged and/or prosecuted.

It is for this reason that we ask all passengers to always:

1. Follow crewmember instructions promptly;
2. Respect your crewmembers and fellow passengers;
3. Behave in a safe and appropriate manner;
4. Refrain from endangering the safety of the aircraft or its occupants.



Dina, 21, is part of a university cultural exchange program.

Kay-li, 26, is a medical researcher on a field-work assignment.

Rosario, 41, is on a disaster relief mission for UNICEF.

Komi, 32, is a farmer taking his cargo of flowers to market and visiting new clients.

Raj, 35, is off to the U.S.A to do a Masters in Geology.

Solveig, 29, has seen the world, working for her airline.

Carole, 73, is travelling to Cambodia with her best friend.

Sione, 38, is leaving his island to find medical care abroad.

Khaled, 46, is a construction materials trader visiting a client.

Hazel, 54, is moving abroad to start a new nursing job.

Offences and other acts committed on board aircraft

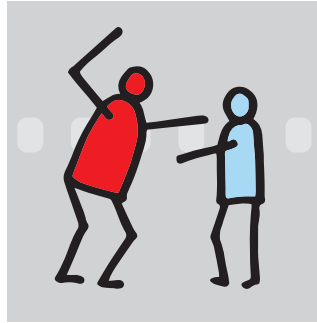
Under the [insert applicable law(s) and/or regulation(s)] the following are considered as unacceptable behaviors on board:

1. Assault and Other Acts of Interference Against a Crew Member on Board a Civil Aircraft
2. Assault and Other Acts Endangering Safety or Jeopardizing Good Order and Discipline on Board a Civil Aircraft
3. Other Offences Committed on Board a Civil Aircraft

Examples of these offences or acts include:

- Harassment
- Verbal abuse
- Physical assault
- Sexual offences and/or lewd behavior
- Intimidating behavior
- Intoxication or disorderly conduct
- Refusing to follow crew instructions
- Ignoring smoking regulations
- Tampering with smoke detectors
- Damaging the aircraft or on board equipment (includes theft)
- Endangering an aircraft occupant and/or the safety of flight
- Using a portable electronic device when prohibited to do so

Offences to avoid:



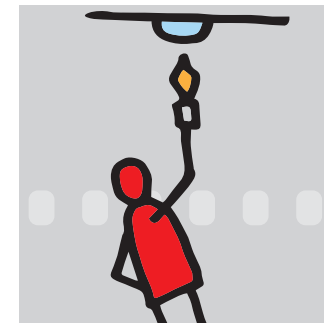
Assaulting, intimidating, threatening a crew member or passenger



Smoking anywhere on board, including in the lavatories



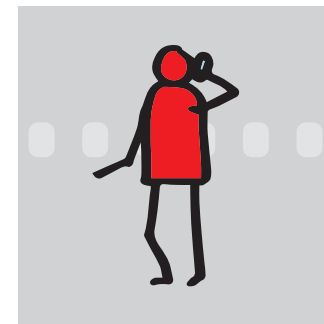
Refusing to follow instructions from the crew



Tampering with the smoke detectors



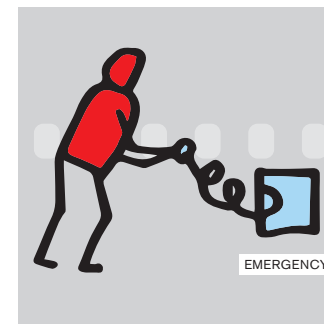
Intoxicated or disorderly conduct or consuming alcohol which was not provided by crew members



Using a portable electronic device when not permitted to do so



Engaging or displaying in any indecent or lewd behavior



Removing or damaging safety or emergency equipment, the aircraft or property on board

