



UKFSC

GUIDE TO HANDLING DISRUPTIVE PASSENGERS

This guide has been produced by the UKFSC at the request of its members. Members are advised to consult their own company management or solicitors before adopting or adapting the draft for company use

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Introduction

Aggressive and threatening behaviour has unfortunately become more common in our society. The problem of unruly passengers is constantly increasing within the airline industry. Although unruly passengers represent only a minute proportion of our passengers as a whole, we must never forget that one aggressive passenger can jeopardise safety on board. Unruly passengers affect all personnel involved in the process connected with a flight. Passengers who demonstrate behaviour of this kind are unacceptable.

This guide has been produced by the UK Flight Safety Committee to give airlines assistance in handling disruptive passengers. Airlines are strongly encouraged to adapt it for its own use.

Definition

A disruptive passenger may be defined as:

“Any passenger who, on an aircraft carries out any action or pursues a course of conduct which is unlawful according to the United Kingdom legislation or which may amount to an offence under the Air Navigation Order.”

Categories:

The DFT classify the behaviour of an unruly passenger in four general categories:

- Level 1:** Aggressive or abusive but possible to influence. Compliance after staff intervention.
- Level 2:** Aggressive and not easily influenced. The passenger refuses to follow the instructions of staff and thus interferes and hinders them in their duties
- Level 3:** Physical violence, threats and other punishable behaviour.
- Level 4:** Actual breach of the flightdeck

Note:

To decide whether or not a person is to be considered unruly is always a matter of judgement. Wherever possible, it is advisable to discuss the behaviour complained of with colleagues and consider their opinions when making your assessment.

Civil Aviation Act 1982

Section 94 (extract) - Powers of commander of aircraft

If the aircraft **commander** has reasonable grounds for believing that a passenger has done, or is about to do, anything that may jeopardize the safety of the aircraft or persons or property on board, or the good order and discipline on board, then he/she is entitled to take all reasonable measures to:

- *Protect the safety of the aircraft*
- *Protect persons or property on board*

→ *Maintain good order or discipline on board*

→ *Disembark unruly or violent passengers*

Such reasonable measures may include physically restraining any unruly or violent passengers. However, the **commander** should ensure that only such force as is 'reasonably necessary' is used.

The Air Navigation Order 2010

Article 137

A person must not recklessly or negligently act in a manner likely to endanger an aircraft, or any person in an aircraft.

Article 138

A person must not recklessly or negligently cause or permit an aircraft to endanger any person or property

Article 139(1)

A person must not enter any aircraft when drunk, or be drunk in any aircraft.

Article 139(2)

A person must not, when acting as a member of the crew of any aircraft or being carried in any aircraft for the purpose of acting as a member of the crew, be under the influence of drink or a drug to such an extent as to impair their capacity so to act.

Article 140(2)

*A person must not smoke in any compartment of an aircraft registered in the United Kingdom at a time when smoking is prohibited in that compartment by a notice to that effect exhibited by or on behalf of the **commander** of the aircraft.*

Article 141

*Every person in an aircraft must obey all lawful commands which the **commander** of that aircraft may give for the purpose of securing the safety of the aircraft and of persons or property carried in the aircraft, or the safety, efficiency or regularity of air navigation.*

Article 142

A person must not while in an aircraft:

- (a) *use any threatening, abusive or insulting words towards a member of the crew of the aircraft.*
- (b) *behave in a threatening, abusive, insulting or disorderly manner towards the crew of the aircraft; or*
- (c) *intentionally interfere with the performance by a member of the crew of the aircraft of the crew members duties.*

Policy regarding unruly and disruptive passengers

Unruly and disruptive passengers will not be tolerated.

Every reasonable effort to protect passengers and personnel against any offences by unruly and disruptive passengers should be made. Passengers who are likely to be unruly and disruptive must be carefully monitored, and if necessary, refused embarkation or off-loaded if deemed to pose a threat to the safety and security of the flight, fellow passengers or staff.

Flight crew, cabin crew and ground staff should be properly trained and be in possession of suitable procedures to deal with unruly and disruptive passengers.

Reporting shall be included in existing Flight Crew/Cabin/Station report systems. Reports shall include name/seat number/address of passenger and names of witnesses, if applicable. Examples are included in other sections of this document. Instances of passengers posing a threat to flight safety or the security of fellow passengers or other personnel shall be reported to the police authorities according to local law and civil aviation requirements.

[Company] will economically and legally support personnel required to give witness statements to the police or to appear in court proceedings following an incident.

Alcohol Policy (In relation to passengers)

Introduction to Alcohol Policy

Alcohol is served on most airline routes and this policy is likely to continue. Drunken passengers are a danger to themselves and others when on board the aircraft, especially in the event of an emergency situation. It is, therefore, an offence to be drunk on an aircraft (ANO 139).

Alcohol policy

General

Drunken behaviour at check-in, at the gate, in sales offices, in lounges or on board the aircraft is in conflict with the goal to be a safe and secure airline and lowers the category of customer satisfaction experienced by other passengers. It also places additional and often unacceptable burdens on crew members and ground staff.

Boarding

Airlines must not permit any person to enter an aircraft under the influence of alcohol or drugs.

On board

Crew must exercise discretion in serving alcohol to passengers who appear to be approaching the state of drunkenness. If there is any doubt in the minds of the crew

they should act on the side of caution and tactfully refuse to serve the passenger in question with more alcoholic beverages if signs of drunkenness are manifested.

Passengers under 18 years

Alcohol must never be served to any passenger under 18 years. This rule applies even when the child or young adult is travelling with its parents or an adult and that parent or adult has requested that alcohol should be served.

Alcohol brought aboard by passengers

Alcoholic beverages carried onboard by passengers may not be consumed when on board an aircraft. The crew may remove private supplies of alcohol for safe custody. It must be returned when the passenger leaves the aircraft.

The airline should have a written policy that supports staff in the enforcement of the policy.

Handling procedures for unruly passengers

Affected staff: Flight and ground personnel.

Co-operation and the use of disciplinary action.

Be attentive to early signs of aggression. Intervene as early as possible and de-escalate.

Flight personnel when onboard

Consent or approval from the **commander** or senior cabin crew member is required before implementing the following action.

In the case of refusal to serve alcohol, the senior cabin crew member must be consulted.

The decision to deliver warning cards or apply restraints to a passenger must be made by the **commander** after consultation with the senior cabin crew member.

At the airport

Take the unruly and disruptive passenger(s) aside to explain company policy. Remember to pass on information concerning category 2 and 3 unruly passengers to the staff who are next in the passenger handling line. Airline lounge personnel, gate personnel, **commander** and senior cabin crew member, must always be informed by check-in and/or lounge personnel when a category 2 or 3 passenger is detected and should receive information concerning category 1 unruly passengers if time permits. Category 3 passengers are to be denied boarding at gate and may be stopped at check-in or lounge area. Airport police should be called at any stage if appropriate.

Boarding

Category I

The passenger is disruptive or aggressive and fails to show due consideration to other passengers and/or cabin personnel. He/she disregards the rules or objects to them. The gate personnel or supervisor, senior cabin crew member will ask the passenger to comply with the rules. If possible, take the passenger aside before asking him/her to respect the rules.

If the passenger maintains a disruptive behaviour, see category 2.

Category 2

The passenger repeatedly refuses to comply with the rules. He/she is very demanding and aggressive. It is very difficult to reason with him/her. At the gate, the passenger should be taken aside, preferably by a station supervisor, and be informed that his or her behaviour will not be tolerated.

The passenger must be informed of the requirements concerning air travel. · If the passenger accepts the requirements, and boards the aircraft, the station staff will inform the senior cabin crew member and **commander** of what has taken place.

Should the passenger's behaviour or condition be such that continued boarding is doubtful, the station staff shall consult the senior cabin crew member and/or the **commander** for a final assessment.

Gate staff may deny the passenger boarding on the basis of the company's conditions of carriage.

Copies must always be available.

If the incident occurs on board, the senior cabin crew member shall consult the **commander** or, if in the absence of a **commander** on board, seek assistance from station staff for a possible off loading of the passenger. In the latter case, the **commander** shall be informed immediately upon arrival at the aircraft. · If on board, the **commander** may use his authority to offload the passenger. ·

Category 3

The passenger is very aggressive, threatening, and may even be violent. Deny the passenger boarding based on the company's conditions of carriage. If the passenger becomes too difficult to handle, contact Senior Supervisor, security or police for assistance.

If the incident took place on board, the **commander** shall use his authority to offload the passenger, and ask ground person net for help. If the passenger refuses to leave the aircraft, police or security should be contacted.

Taxiing

Evaluate the situation. Take necessary action. For detailed instructions see in-flight procedures. It is often easier to return to stand to offload the passenger at this stage than to continue with the flight.

In-flight

Category 1

Verbally caution the passenger and request compliance. Inform the **commander** and senior cabin crew member.

Category 2

Inform the senior cabin crew member and **commander**. · The Senior cabin crew member should inform the passenger of the regulations and may take the passenger aside to do so.

Stop serving alcohol if he/she is drunk. The senior cabin crew member should consider re-seating the passenger. · The **commander** and senior cabin crew member should consider using the warning card. ·

Category 3

Inform the **commander** and senior cabin crew member immediately. Further action must be co-ordinated with the crew. · Take notes of any threats as soon as-possible, even physical violence. When applicable log all times.

The **commander** may, after consultation with the senior cabin crew member, use the warning card. Re-seat the passenger or those next to him/her if possible. If the passenger is violent, the pilots must lock the flight deck door. · The **commander** should consider informing ATC and/or the arrival station for assistance and action.

To assist the UK police in providing the correct response to an incident, the following information should, where possible, be obtained and forwarded to the police at the time of your first request for assistance:

- What is the precise nature of the incident, including any injuries which may have been sustained?
- What is the name and seat number of the offender(s), passport number or ticket number if possible?
- What action has been taken by crew members, or other assistance given by passengers?
- What are the details of all crew and passengers involved?
- Who is the principal witness? (If not interviewed immediately they should be made available at a later time for the purpose of obtaining statements of evidence. In the event of a witness not being available for a court case, due to travelling distance to the court (i.e. they live outside the UK), provision can be made for the statement of that witness to be admissible in evidence (under Section 23, Criminal Justice Act 1988). You should therefore be aware that a witness does not always have to attend court in person).
- Advise your crew members who witnessed the incident to make an immediate written record of the circumstances including words that were used, and what people were seen to do (diagrams can also be used). Accurate “original notes” are very useful for a successful prosecution.

The **commander** should ensure that, following any incident, the crew are fit to continue operations.

Company operations should be made aware of any incident as soon as possible in case of media interest.

Arrival of aircraft

The support from local ground services may vary. The **commander** should endeavour to ascertain procedures at the destination whilst en route. The police may be unwilling to prosecute (this may occur even if the **commander** has classified the situation a safety risk).

However, you can still instigate action against an individual who is disruptive on a flight outbound from the UK:

- Get all details as for an inbound flight (see above);
- You have an option to report the matter to the police at the destination airport, or to send a report later to the police at the UK airport from which you departed – your decision will be dependent upon seriousness of the circumstances, urgency and company policy.
- Upon return of the aircraft to the UK, all details should be passed to the UK police who will then make the necessary arrangements to meet and interview the offender(s) upon their return to the UK. This will allow the police to obtain statements of evidence from crew members involved without adverse disruption to their schedules.

Reporting

Appropriate reports should be completed by both ground crew and air crew.

Examples of these may be found as appendices.

Tokyo Convention and the commander's authority

The Tokyo Convention describes, among other things, the role and mandate of the **commander**. It states that the **commander** has the right of decision concerning necessary measures, including the use of force, when he/she has reasonable grounds for believing that flight safety can be endangered. The **commander** also has the right to require the assistance of other crew members and delegate them in connection with the execution of such measures.

The **commander** can also urge other passengers to come to his assistance but does not have the right to demand their assistance.

The Tokyo Convention gives the **commander** the right to land and hand over a passenger to the police authorities in countries which are contracting states, when the **commander** judges that the passenger is a danger to flight safety or in some other way has committed a criminal act onboard.

In other countries, the right to land can be obtained but the assistance of the police cannot always be expected. Furthermore, the Tokyo Convention gives all crew members the right to carry out preventive measures in relation to flight safety when the situation requires immediate action, without the need to obtain the authorisation of the **commander**.

Training

To enable policy regarding unruly and disruptive passengers to be effective and implemented in practice, staff training should be initiated. The training should provide knowledge on how to detect, defuse and prevent critical situations, about the causes of various types of behaviour and on how critical situations should be handled and reported. The training must be designed for individual airlines' operations but should include ground staff, cabin crew and flight deck crew.

Support

When an incident occurs, whether on the ground or on board an aircraft, there can be lasting effects on the staff involved. A distinction can be made between: - a serious incident (e.g. physical aggression, use of restraints) - less serious incidents (e.g. verbal abuse).

In the end, the seriousness of the incident depends on how it was experienced by the victim.

The company has a duty of care to see that affected staff is taken care of after an incident.

After all serious incidents on board it is the duty of the **commander** to report the incident through appropriate channels. When an incident has occurred, the airline should support the staff members involved both from a legal point of view and in practical terms. This might take the form of a debriefing with a senior supervisor/manager and/or a professional staff consultant depending on the circumstances. Such help is also available if the individual experiences problems at a later stage.

APPENDICES:

- A** Example of Initial **commander's** Warning Letter
- B** Example of **commander's** Final Warning
- C** Example of Pilots' Self-Briefing Sheet (2 Pages)
- D** Example of Best Evidence Report (4 Pages)

(Name of Airline)

Notice to Passenger

Your behaviour on this flight has caused discomfort to other people.

You will be aware that any offence which can be committed on the ground is also an offence if committed on this aircraft. You may not be aware that while on board this aircraft you are also subject to additional special rules and regulations contained in the Air Navigation Order 2010.

If your behaviour falls into one of the following categories you are likely to be breaking the law and could be arrested on arrival at destination, or at any other airport where the Captain may choose to land.

- **Endangering the safety of an aircraft and persons therein**
- **Drunkenness in aircraft**
- **Smoking in an aircraft**
- **Failure to obey commands of aircraft commander**
- **Acting in a disruptive manner by:**
 - (a) **the use of any threatening , abusive or insulting words towards a member of the crew;**
 - (b) **behaving in a threatening, abusive, insulting or disorderly manner towards a member of the crew;**
 - (c) **intentionally interfering with the performance of a crew member.**

The commander has asked me to make you aware of these points of law and to require you to alter your behaviour accordingly. Failure to do so may result in your restraint or arrest.

APPENDIX B

**ANY FURTHER DISTURBANCE CAUSED BY YOU
OR YOUR TRAVELLING COMPANIONS MAY
RESULT IN THE COMMANDER LANDING AS SOON
AS POSSIBLE AT THE NEAREST AVAILABLE
AIRPORT, AND YOUR PROBABLE RESTRAINT,
ARREST AND DETENTION.**

***ANY COSTS INVOLVED AS A RESULT OF THIS
ACTION WILL BE RECOVERED FROM YOU
THROUGH LEGAL PROCESS***

APPENDIX C

The following “quick guide” advice is provided for pilots of UK registered aircraft who have problems with:

DISRUPTIVE PASSENGERS

Prevention - the overall aim is to **PREVENT** disruption. People who are disorderly and/or drunk when boarding an aircraft are a “risk”. It is your decision how effectively you manage the risk.

Inbound Flights

To assist the UK police in providing the correct response to an incident, the following information should, where possible, be obtained and forwarded to the police at the time of your first request for assistance:

- What is the precise nature of the incident, including any injuries which may have been sustained?
- What is the name and seat number of the offender(s)?
- What action has been taken by crew members, or other assistance given by passengers?
- What are the details of all crew and passengers involved?
- Who is the principal witness? (If not interviewed immediately they should be made available at a later time for the purpose of obtaining statements of evidence. In the event of a witness not being available for a court case, due to travelling distance to the court [i.e. they live outside the UK], then provision can be made for the statement made by that witness to be admissible in evidence (under Section 23, Criminal Justice Act 1988). You should therefore be aware that a witness does not always have to attend court in person).
- Advise your crew members who witnessed the incident to make an immediate written record of the circumstances including words that were said, and what people were seen to do (diagrams can also be used). Accurate “original notes” are very useful for a successful prosecution.**

Outbound Flights

You can still instigate action against an individual who is disruptive on a flight outbound from the UK:

- Get all details as for an inbound flight (see above);
- You have an option to report the matter to the police at the destination airport, or to send a report later to the police at the UK airport from which you departed - your decision will be dependent upon seriousness of the circumstances, urgency and company policy.

☒ Upon return of the aircraft to the UK, all details should be passed to the UK police who will then make the necessary arrangements to meet and interview the offender(s) upon their return to the UK. This will allow the police to obtain statements of evidence from crew members involved without adverse disruption to their schedules.

All the criminal offences which can take place on the ground in public places can take place on your aircraft, these include:

Murder, assault, rape, sexual assault, arson, criminal damage, theft, robbery, and a wide variety of public order offences such as affray, threatening and abusive words and behaviour, conduct causing harassment distress and alarm, etc.

Your passengers can be victims of these crimes as much as you, your crew, and your airline. Bear in mind that if you or your staff do not report the matters listed above to the police, the passengers who are victims almost certainly will.

More usually you will be concerned with the following offences which are for the protection and safety of you, your crew, your passengers and your aircraft.

The really serious “in flight” offences are fortunately extremely rare - they include hijacking, and damaging or endangering an aircraft with intent to do so (plus a number of other offences under the Aviation Security Act 1982). “In flight”, under this Act means any period from the moment when all **external doors are closed** following embarkation, until the moment when any such **doors are opened** for disembarkation.

The more usual offences include those under the Air Navigation Order 2010. For this Act “In flight” means from the moment when after the embarkation of its crew for the purpose of taking off, the aircraft **first moves under its own power, until the moment when it comes to rest after landing**. The offences include:

☒ **Endangering the safety of an aircraft and persons therein** - A person shall not recklessly OR negligently act in a manner likely to endanger an aircraft OR any person therein Article 137 Air Navigation Order, 2010.

☒ **Drunkenness in aircraft** - A person shall not enter any aircraft when drunk OR be drunk in any aircraft. Article 139 (1) Air Navigation Order, 2010.

☒ **Drunkenness in aircraft by CREW** - A person shall not when acting as a member of the crew of any aircraft, OR being carried in any aircraft for the purpose of so acting, be under the influence of drink, OR a drug to such an extent as to impair his capacity so to act. Article 139 (2) Air Navigation Order, 2010.

☒ **Smoking in an aircraft** - A person shall not smoke in any compartment of an aircraft registered in the UK at a time when smoking is prohibited in that compartment by a notice to that effect exhibited by or on behalf of the **commander** of the aircraft. Article 140(2) Air Navigation Order, 2010.

☒ **Duty to obey commands of aircraft commander** - It is an offence for a person in an aircraft registered in the UK to disobey all lawful commands which the **commander** of that aircraft may give for the purpose of securing the safety of the aircraft and of persons OR property carried therein OR the safety, efficiency or regularity of air navigation. Article 141 Air Navigation Order, 2010.

☒ **Acting in a disruptive manner** - No person shall while in an aircraft:

- (a) use any threatening , abusive or insulting words towards a member of the crew of the aircraft;
- (b) behave in a threatening, abusive, insulting or disorderly manner towards a member of the crew of the aircraft;
- (c) intentionally interfere with the performance by a member of the crew of the aircraft of his duties. Article 142 Air Navigation Order 2010.

☒ **Stowaways** - A person shall not secrete himself for the purpose of being carried in an aircraft without the consent of either the operator OR **commander** OR any other person entitled to give consent to his being carried in the aircraft. Article 143 Air Navigation Order, 2010.

☒ **Restraint of disruptive passengers** - Where the **commander** of an aircraft “in flight” has reasonable grounds; any person on board has done OR is about to do any act which may **jeopardise** the safety of aircraft, passengers property, good order, discipline (not political, racial, religious discrimination) he may take **reasonable measures** including restraint (provided the person is released on landing AND appropriate authorities are notified). Section 94 Civil Aviation Act, 1982.

DO NOT FORGET

If you believe it is illegal it probably is.

Get your crew to gather the evidence and the police/Crown Prosecution Service will decide the actual offence for which someone is prosecuted.

What has been done?

What has been said?

Who did and said what?

APPENDIX D

InFlight Incident : Original Notes

To help the police investigate the incident, please complete this questionnaire. Answer All questions, drawing a line through any which do not apply to you. You should complete This form as soon after the incident as is practicable.

WITNESS	
Full name	_____
Age (if over 18 enter 'over 18')	_____
Address	_____
Tel. (home)	Tel. (work) _____
Occupation	_____

FLIGHT DETAILS	
The type of aircraft	A330 A321 A320 B767 B757 DC10-30 DC 10-10*
British Registered or Controlled Yes / No	Flight Number _____
In / Outbound from _____	Destination _____
Approx. duration of flight _____ Hrs.	_____ Mins.
Airline / Company	_____
The Captain's name	_____
State the time (24 hour clock) _____ Hrs., the day _____	
And the date _____	that this incident occurred. Local Time / GMT
Describe your duties on this flight _____	

* Please only 'mark' the aircraft that applies

PASSENGER DETAILS	
Describe the person(s) involved in the incident :	
(1) Name (if known) _____	
Sex _____	Approx. Age _____ Ethnic Origin _____
Approx. Height _____	Build _____ Hair Colour _____
Any Distinguishing Marks / Features _____	
Clothing _____	
Occupying Seat Number _____	
(2) Name (if known) _____	
Sex _____	Approx. Age _____ Ethnic Origin _____
Approx. Height _____	Build _____ Hair Colour _____
Any Distinguishing Marks / Features _____	
Clothing _____	
Occupying Seat Number _____	
Any other persons involved; please continue on page 'Any Other Details'	

*Was the cabin illuminated? Yes / No

*In what light did you observe the incident? _____

*Had any person involved been drinking alcohol during the flight? Yes / No

*In your opinion, was any of those persons involved drunk? Yes / No

*If Yes, whom? And why? (include details of demeanour etc)

*Was the alcohol consumed that person's own supply, or was it served to them?

*Can you say how much they consumed on the flight? _____

*Had anyone involved in the incident been smoking? Yes / No

*If Yes, whom? _____

*Were you injured in the incident Yes / No

*If Yes, what is the nature of your injury? _____

*Was any damage caused to your property? Yes / No

*If Yes, give details _____

*Was any damage caused to the aircraft? Yes / No

*Was the aircraft's equipment interfered with in any way? Yes / No

*If Yes, give details of the nature of the damage / interference; and if the aircraft was endangered in any way as a consequence. _____

Are there any other details you wish to add?

Lined area for additional details.

*** I will support the police in whatever action they deem necessary and will provide a Statement if required.**

Signed Time..... am/pm(Local time/GMT*)Date/...../.....

* Please delete that which does not apply