



**SPECIAL SUB-COMMITTEE OF THE LEGAL COMMITTEE
FOR THE MODERNIZATION OF THE TOKYO CONVENTION
INCLUDING THE ISSUE OF UNRULY PASSENGERS
SECOND MEETING**

Montréal, 3 – 7 December 2012

**THE VIEWS OF THE INTERNATIONAL AIR TRANSPORT ASSOCIATION (IATA)
ON THE MODERNISATION OF THE TOKYO CONVENTION 1963 AND
THE PROBLEM OF UNRULY AND DISRUPTIVE PASSENGERS**

(Presented by IATA)

1. INTRODUCTION

1.1 IATA continues its commitment to the work of the Special Sub-Committee of the Legal Committee on the Tokyo Convention of 1963¹ (“the Convention”) and the issue of unruly passengers.

1.2 The Convention’s almost universal ratification is a testament to the work of the Diplomatic Conference at which it was adopted.

1.3 However, as identified in our Working Paper for the First Meeting of the Special Sub-Committee,² there are three areas of specific concern for the airline industry which we would like to underline again:

- a) Evidence that the Convention does not provide an adequate deterrent to unruly and disruptive behaviour on board aircraft;
- b) Gaps in the current text of the Convention; and
- c) Inconsistent interpretation of certain key provisions of the Convention.

1.4 In response to the requests of some Member States at the First Meeting of the Special Sub-Committee, we outline recent industry initiatives aimed at the prevention and management of unruly and disruptive behaviour by passengers on board aircraft. We will also provide in a separate Appendix the experiences of some of IATA’s Member airlines on this issue.

1.5 We commend the work of the Chairperson, Rapporteur and Secretariat in the preparation of LC/SC-MOT/2 – Flimsy No. 1 and consider that the draft Protocol contained in that document will form an excellent basis for the work of the Special Sub-Committee. The draft Protocol contains a number of

¹ The Convention on Offences and Certain Other Acts Committed On Board Aircraft, signed at Tokyo on 14 September 1963.

² LC/SC-MOT-WP/2. IATA reiterates its position as set out in that Working Paper and adopts its submissions in their entirety.

elements which are of interest to the airline industry and we look forward to participating in the ongoing discussions on those, and other, aspects of the issue of unruly passengers.

2. DISCUSSION

2.1 **The Convention should be an adequate deterrent to unruly and disruptive behaviour on board aircraft**

2.1.1 IATA considers that the current international regime does not constitute an adequate deterrent to unruly and disruptive behaviour on board aircraft. It is clear that the instances of such behaviour are increasing steadily and consistently.

2.1.2 From January 2007 to June 2011, IATA conducted detailed analysis of unruly passenger incidents and their root causes, based on reports received from Member airlines. That analysis shows the following common types of behaviour:

- a) illegal consumption of narcotics or cigarettes;³
- b) refusal to comply with safety instructions;⁴
- c) verbal confrontation with crew members or other passengers;
- d) physical confrontation with crew members or other passengers;
- e) passengers who interfere with flight crew duties or refuse to follow instructions to board or leave the aircraft;
- f) making threats that could affect the safety of the crew, passengers and aircraft;⁵
- g) sexual abuse or harassment; and
- h) other types of riotous behaviour that could jeopardise the safety or alter good order and discipline on board the aircraft.⁶

2.1.3 Appendix A includes a graph of unruly passenger reports for the years 2007 through 2011, which illustrates the extent of the issue for the industry.

2.1.4 IATA's statistics on unruly passengers are obtained from the Safety Trend Evaluation, Analysis and Data Exchange System (STEADES), a database owned and managed by IATA, to which Member airlines submit periodic reports, including such types of incidents. Statistics obtained and analysed from STEADES include only unidentified data sent by the 145 airlines who participate.

2.1.5 These statistics show that the number of incidents per 1,000 sectors increased from 0.57 in 2009 to almost 1.0 in 2010, a 75 per cent increase. In other words, in 2009, there was 1 unruly passenger incident for every 1,760 flights which increased to 1 unruly passenger incident for every 1,000 flights in 2010. This increase is consistent with earlier statistics, which had noted a strong increase in incidents between 2007 and 2008.⁷ A lower **rate** is recorded for 2011, although the data shows an

³ The illegal consumption of alcohol from private supply is also a reported problem although not captured as a specific category by the IATA analysis.

⁴ e.g. a demand to fasten a seat belt or disrupting a safety announcement.

⁵ e.g. threat to kill or injure someone, bomb threat. Attempting to enter the cockpit has also been reported by airlines as a concern.

⁶ e.g. screaming, annoying behaviour, kicking and banging heads in seats.

⁷ IATA submission to ICAO AVSEC Panel, AVSECP/21-WP/21 (2010).

increase in the number of incidents in absolute terms. It should also be noted that not all STEADES airlines had filed their 2011 data at the time of writing.

2.1.6 In addition to the basic data, IATA Member airlines have confirmed the growing trend towards unruly and disruptive behaviour and we have produced, in a supplementary appendix, a number of reports from different jurisdictions which highlight common operational experiences and demonstrate that this issue affects airlines operating in all parts of the world and is not confined to particular regions.

2.2 Gaps in the current drafting of the Convention

2.2.1 We consider that a number of gaps exist in the Convention regime which require to be addressed:

a) Jurisdiction

2.2.2 Jurisdiction over offences and other acts committed on board aircraft is given to the State of registration of the aircraft.⁸

2.2.3 The identity of an unruly passenger can usually be easily ascertained, which should, in principle, facilitate the job of the law enforcement authorities. However, this does not automatically mean that the passenger will always be prosecuted. In many cases, following an incident, the State where the passenger is disembarked does not have jurisdiction as the State of landing when the aircraft is registered in another State.

2.2.4 Furthermore, the State where the aircraft is registered will not necessarily be the State of the aircraft operator. This situation arises, for example, when an aircraft is leased to the operator by a lessor in a different State party. Today, this is a common industry practice that was not necessarily envisaged when the Convention was drafted in 1963. By way of illustration, in 1980 airlines leased 3 per cent of all aircraft and owned 97 per cent. Yet in 2012, airlines now lease approximately 40 per cent of all aircraft and own approximately 60 per cent; this number is projected to increase to 50 per cent leased and 50 per cent owned by 2015.⁹ Thus, it will become less and less likely over time that the State of registration is the same as the State of the operator.

2.2.5 Our previous Working Paper highlighted the problems that the Courts and prosecutors have faced with respect to the exercise of jurisdiction over unruly passengers.¹⁰

2.2.6 The jurisdictional lacuna for certain types of passenger conduct has been expressly recognised by the Courts, in the following terms:

*“I express the hope that signatories to the Tokyo Convention will be astute in seeking the extradition for prosecution of those who commit offences aboard their registered or controlled aircraft. Failing this, “crime” committed aboard aircraft may go unchecked.”*¹¹

2.2.7 However since, in reality, the State of registration rarely seeks extradition for minor property or conduct offences, and since the State where the passenger is disembarked usually does not have jurisdiction as the State of landing, many incidents are simply left unpunished.

⁸ Article 3.1.

⁹ Data sourced from Ascend, 2012.

¹⁰ LC/SC-MOT-WP/2, para 2.2.6 to 2.2.16.

¹¹ *The Queen v Duggan* 1995, No. 96 Hong Kong Court of Appeal (Criminal), 5 (per Justice Mortimer).

2.2.8 In other words, expanding the scope of the jurisdiction provision would obviate the requirement for a proactive approach to extradition to prevent unruly behaviour going “unchecked”.

b) Lack of clear definition of what constitutes a criminal offence

2.2.9 The Convention does not provide for a definition of what constitutes a criminal offence, leaving this issue to be determined by the law of the State having jurisdiction.

2.2.10 Conduct that may constitute a criminal offence in the State of embarkation, the State of registration of the aircraft, the State of the operator or the State of the perpetrator or victim, may not be a criminal offence in the country where an unruly passenger is disembarked.

2.2.11 Police or prosecution authorities, in practice, will often not pursue an unruly passenger at all because they are not certain how the conduct complained of fits into the scope of their domestic criminal law. In many cases, authorities simply prefer to release the passenger to his or her onward journey.

c) Temporal scope

2.2.12 The Convention only applies when the aircraft is “in flight”, which is considered “from the moment when power is applied for the purpose of take-off until the moment when the landing run ends.”¹²

2.2.13 This is at odds with the Warsaw Convention 1929 and Montreal Convention 1999 regimes on air carrier liability. Under those Conventions, the carrier is potentially liable to its passengers for an accident which occurs from the point of initial embarkation up until the point of disembarkation.¹³

2.2.14 Thus, an unruly passenger could cause injury to another passenger during embarkation and for which the airline would be liable under the Warsaw/Montreal regime. However, that same unruly passenger would not be capable of committing an offence or other unlawful act under the Convention.

2.2.15 Similarly, the new Beijing Convention adopts a broader scope to that of the Tokyo Convention.¹⁴ Under the Beijing Convention, “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”.¹⁵

2.2.16 In IATA’s view, the temporal scope of the Convention should reflect the period during which the aircraft commander’s powers apply.

d) Lack of harmonised enforcement procedures and international cooperation

2.2.17 The Convention does not impose any obligation on the State of disembarkation to exercise jurisdiction over an offender. Neither is there any obligation to assert jurisdiction in relation to offences and crimes committed on board a foreign aircraft. The only duties imposed on the State of disembarkation are to:

¹² Article 1.3.

¹³ See Convention for the Unification of Certain Rules to International Carriage by Air, signed at Warsaw on 12 October 1929, article 17; Convention for the Unification of Certain Rules relating to International Carriage by Air, signed at Montreal on 28 May 1999, article 17.

¹⁴ Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation, signed at Beijing on 10 September 2010.

¹⁵ Article 2(a).

- a) allow the aircraft commander to disembark any passenger who he has reasonable grounds to believe has committed, or is about to commit an offence; and
- b) take delivery of any person whom the aircraft commander has reasonable grounds to believe has committed a serious offence according to the penal law of the State of registration of the aircraft.

2.2.18 These obligations are significantly different from any positive obligation to prosecute acts committed by unruly passengers or, alternatively, to collect evidence in relation to an incident and consider, in good faith, prosecution based on the facts of the case.

2.2.19 The Convention, as a result, fails to directly address what has become today a practical reality: the necessity to deal with an unruly passenger appropriately at the nearest stopping place where an incident can be dealt with in a safe, secure and appropriate way.

2.2.20 Many prosecuting authorities have encountered difficulties collecting evidence for the purpose of prosecution. These range from logistical problems in obtaining crew to appear as witnesses,¹⁶ to the inability to obtain supporting information from the national authorities of States where there is no official procedure in place for such cooperation.

2.2.21 Experience also suggests that extradition is not commonly sought in unruly passenger cases. There is, importantly, no obligation upon any State to seek extradition and no framework by which States commit to consider extradition in serious unruly passenger cases.

- e) Lack of right recourse by carriers against unruly and disruptive passengers

2.2.22 Unscheduled landings to disembark or deliver unruly passengers to State authorities have a significant impact on carrier operating costs. A single diversion can cost anything from USD 10,000 to 200,000. Large aircraft will often be required to dump large quantities of fuel before landing for safety reasons. Other costs, such as landing fees, accommodation, ground handling charges, passenger compensation and new fuel for the onward journey are also typically incurred.

2.2.23 Carriers can, in some cases, seek to recover these expenses from unruly and disruptive passengers through civil proceedings or, alternatively, by a judicial restitution order. However, if the passenger in question leaves the jurisdiction, it will often be difficult or impossible to recover these losses. The Convention is silent on a right to recourse and carriers are usually left to bear the significant cost of these events themselves.

2.2.24 IATA believes that in order to allow carriers to recover the costs arising from an unruly passenger incident, the Convention should expressly provide for a right of recourse against the passenger concerned.

2.3 **Inconsistent application of article 6 of the Convention by the Courts**

2.3.1 One of the key provisions of the Convention is contained in article 6:

“The aircraft commander may, when he has reasonable grounds to believe that a person has committed, or is about to commit, on board an aircraft, an offence or act [that jeopardizes safety on board], impose upon such person reasonable measures including restraint which are necessary:

¹⁶ See IATA’s *Guidance on Unruly Passenger Prevention and Management* (2012), section 6.4, and para 2.4.6. below.

- (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.”

2.3.2 In this scenario, the aircraft commander and the airline are given immunity from suit, in the following terms:

*“Neither the aircraft commander ... [nor] the operator ... shall be held responsible in any proceedings on account of the treatment undergone by the person against whom the actions were taken.”*¹⁷

2.3.3 The original drafting of article 6 was subject to much discussion at the Tokyo Diplomatic Conference that adopted the Convention, in particular, the standard to be adopted in order to assess reasonableness. It has been argued that “reasonable” and “necessary” provide an element of objectivity and subjectivity respectively when determining the commander’s conduct. Therefore, one must consider the extent to which the Convention was intended to avoid second-guessing the actions of the commander under article 6 when dealing with emergency situations in a controlled environment without necessarily having complete information. That the text that was finally adopted represents something of a compromise is evidenced by the clear lack of uniformity in the case law in different jurisdictions around the world.¹⁸

2.3.4 IATA considers that immunity for the airline and its employees is critical if crews are to have the confidence to deal with any challenge to safety and security aboard an aircraft and the legal standard to be applied under article 6 of the Convention must be clarified.

2.4 Industry Guidance Material

2.4.1 The airline industry, through IATA, has developed guidance material and recommended practices to help address unruly and disruptive behaviour on board aircraft.

2.4.2 The Special Sub-Committee will note the considerable efforts that the airline industry has made to enhance the prevention of unruly passenger behaviour and improve the management of such incidents.

2.4.3 However, it is IATA’s view that prevention and management are only one side of the equation. The legal framework established by the Convention must be enhanced as outlined above. This will allow law enforcement authorities adequate means to pursue offenders. A stronger legal framework that the carriers can rely upon would doubtless also have a strong deterrent effect.

a) IATA Guidance Material

2.4.4 IATA has consolidated policy guidance and practical legal materials in a recent industry publication for airlines entitled *Guidance on Unruly Passenger Prevention and Management*.¹⁹

2.4.5 The guidance material contains a model Passenger Notification Warning Card that can be handed to a disruptive passenger.²⁰ The Warning Card outlines in plain language the Captain’s powers

¹⁷ Article 10.

¹⁸ See LC/SC-MOT-WP/2, para 2.3.5 to 2.3.13.

¹⁹ See IATA’s *Guidance on Unruly Passenger Prevention and Management* (2012).

²⁰ See Appendix B.

under the Convention and warns of the immediate consequences of continued misbehaviour, including the possibility of criminal penalties.

2.4.6 IATA has also developed model Briefing Cards to be handed over to law enforcement authorities by a captain when either disembarking or delivering passengers under the Convention.²¹ The cards explain the powers of the Captain, the right to disembark or deliver passengers and the rights and obligations of local authorities under the Convention. These cards are intended to address the lack of awareness demonstrated by many law enforcement officials of their powers and obligations under the Convention.

2.4.7 IATA's guidance outlines what airlines should expect when dealing with police authorities and provides recommendations on the documentation and other information needed to make a complaint and, ultimately, support a prosecution. For example, the Sample Unruly Passenger Incident Report form can be used by airlines to ensure that all relevant details and evidence about a given event are appropriately recorded.²²

2.4.8 Finally, the guidance material also emphasises the importance of airlines at a corporate level providing all necessary support and assistance to employees in giving evidence as part of a prosecution, in the following terms:²³

“if the offending passenger is charged, an airline should consider:

- a) *Giving support to the crew and ground crews taking the action*
- b) *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*
- c) *Paying for applicable medical costs for employees involved in the incident*
- d) *Providing counselling, as required, for those involved in the incident*
- e) *Considering any time spent in the prosecution of the offender as “duty” and ensure that all salaries and expenses involved in attending meetings with police and court hearings be covered by the airline”.*

b) IOSA Standards

2.4.9 The *IATA Operational Safety Audit (IOSA) Standards Manual* and the *IATA Passenger Services Conference Resolutions Manual* contain detailed industry standards and recommended practices for identifying and dealing with unruly and disruptive behaviour.

2.4.10 It is an IOSA requirement, for instance, that flight and cabin crew receive security training specific to threats posed by unruly and disruptive passengers. This content must be provided as part of both initial training and recurrent training curricula. These policies and procedures must be communicated to all applicable ground and flight personnel. All IATA Member airlines must meet IOSA certification as a condition of IATA membership.²⁴

²¹ See Appendix C.

²² See Appendix D.

²³ See IATA's *Guidance on Unruly Passenger Prevention and Management* (2012), section 6.4.

²⁴ A list of IOSA-registered airlines is available at:

<http://www.iata.org/ps/certification/iosa/Pages/registry.aspx?Query=all>

- 2.4.11 IOSA also requires that carriers have policies and procedures in place to:²⁵
- a) identify and manage disruptive behaviour;
 - b) clarify the circumstances in which passengers may be denied boarding, disembarked or restrained; and
 - c) report and record instances of disruptive behaviour.
- 2.4.12 IATA Recommended Practice 1798a²⁶ suggests that Member airlines adopt policies that:
- a) involve all corporate departments and provide for consistent handling and monitoring of incidents by airline employees;
 - b) vest specific responsibilities in human resources, legal, marketing and commercial, safety and security departments and provide for a system of close co-ordination;
 - c) establish a single point of contact within the airline who reports, on unruly and disruptive behaviour, to senior management;
 - d) cover IATA's ten recommended policy subject areas;²⁷
 - e) ensure regular and consistent communication of established policy to employees; and
 - f) encourage close relationships with law enforcement and airport security authorities.

3. CONCLUSION

3.1. IATA requests the Special Sub-Committee to note the concerns identified in this Working Paper.

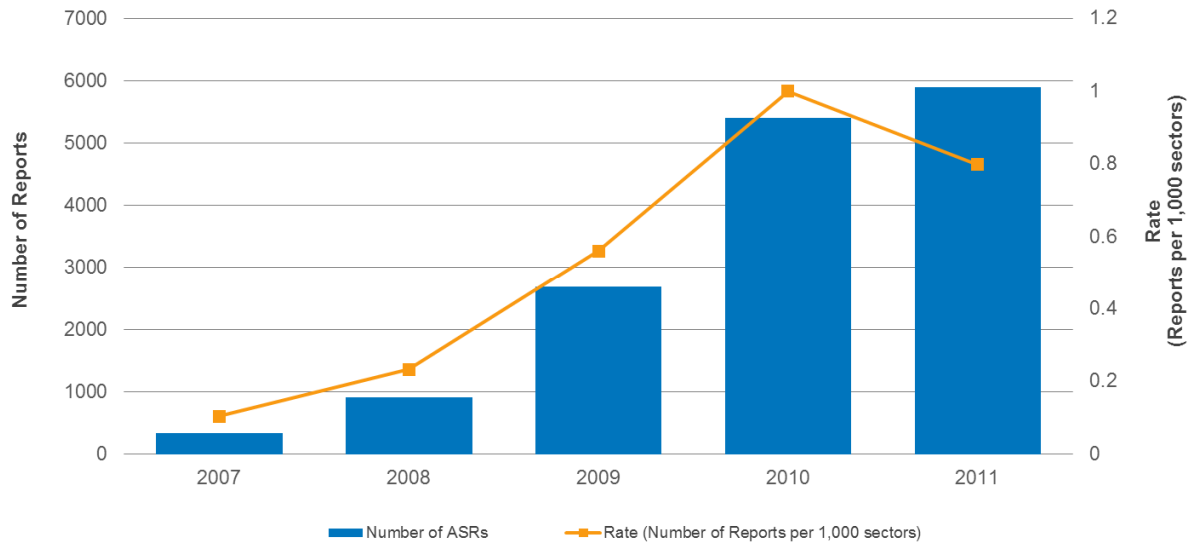
3.2. IATA considers that it would be appropriate to conduct a revision of the Convention in order to produce tangible and uniform solutions to the many problems which have emerged since the Convention was adopted in 1963.

²⁵ See *IATA Operational Safety Audit (IOSA) Standards Manual*, SECTION 2 – FLIGHT OPERATIONS (FLT); SECTION 5 – CABIN OPERATIONS (CAB); SECTION 8 – SECURITY MANAGEMENT (SEC).

²⁶ IATA Passenger Services Conference Resolutions Manual, Recommended Practice 1798a. See Appendix E.

²⁷ The issues that IATA recommends should be addressed in an unruly and disruptive behaviour policy include: (1) prevention; (2) training; (3) periodic re-training; (4) handling of problem passengers; (5) categorisation of incidents; (6) reporting of incidents; (7) the responsibility of the captain; (8) prosecution; (9) communication and (10) procedures for specific tactical scenarios (boarding, inflight, underage passengers, alcohol and smoking; physical/verbal assaults; harassment, dealings with authorities).

Appendix A ²⁸ - Graph: Unruly Passenger Reports 2007 to 2011



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²⁸ Source: STEADES © 2010-2012 International Air Transport Association (IATA). All Rights Reserved. No part of these graphs may be reproduced, recast, reformatted or transmitted in any form by any means, electronic or mechanical, including photocopying, recording or any information storage and retrieval system, without the prior written consent of IATA, Senior Vice President Safety, Operations and Infrastructure.

Appendix B – Sample Passenger Notification Warning Card

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

Appendix C – Sample Briefing to Authorities Cards

[Name of airline]

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”).

We wish to draw your attention to the relevant provisions of the Tokyo Convention 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 IS
PRINTED ON THE REVERSE OF THIS CARD.**

Appendix C – Sample Briefing to Authorities Cards cont.

[Name of airline]

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”).

We wish to draw your attention to the relevant provisions of the Tokyo Convention 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]
[address, corporate details]

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

Appendix D – 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 Crewmembers								
_____	_____	_____	_____	_____	_____	_____	_____	_____
Name	Employee # & Base	Name	Employee # & Base	Name	Employee # & Base	Name	Employee # & Base	Name
_____	_____	_____	_____	_____	_____	_____	_____	_____
Name	Employee # & Base	Name	Employee # & Base	Name	Employee # & Base	Name	Employee # & Base	Name
_____	_____	_____	_____	_____	_____	_____	_____	_____
Name	Employee # & Base	Name	Employee # & Base	Name	Employee # & Base	Name	Employee # & Base	Name
_____	_____	_____	_____	_____	_____	_____	_____	_____
Name	Employee # & Base	Name	Employee # & Base	Name	Employee # & Base	Name	Employee # & Base	Name
_____	_____	_____	_____	_____	_____	_____	_____	_____
1 Level of Interference								
<input type="checkbox"/> Level 1 (Light) <input type="checkbox"/> Level 2 (Moderate) <input type="checkbox"/> Level 3(Serious) <input type="checkbox"/> Level 4 (Flight Deck)								
2 Description of Unruly Passenger(s)								
_____	_____	_____	_____	_____	_____	_____	_____	_____
Name	Seat #	Name	Seat #	Name	Seat #	Name	Seat #	Name
<input type="checkbox"/> Male	<input type="checkbox"/> Female	Height:	Age:	Weight:				
3 Location of Incident								
Zone _____ Other (specify): _____								
4 Action Taken by crew								
<input type="checkbox"/> Off-loaded Pre-flight			<input type="checkbox"/> Notification Warning Card Issues			<input type="checkbox"/> Incident Resolved		
<input type="checkbox"/> Restraints Applied			<input type="checkbox"/> Unscheduled Landing			<input type="checkbox"/> Disembarked		
<input type="checkbox"/> Delivered to Authorities on Landing								
5 Medical Assistance:								
<input type="checkbox"/> Yes <input type="checkbox"/> No								
First Aid Administered								
<input type="checkbox"/> To Passenger			<input type="checkbox"/> To Crew			<input type="checkbox"/> To Unruly/Disruptive Passenger		
Medication Administered (Specify type) _____								

Name(s) of Attending Physician: Address: Telephone: _____		
Description of Injuries: 		
6 Law Enforcement <input type="checkbox"/> Yes <input type="checkbox"/> No		
Name of Officer: Name of Officer:	Badge No. Badge No.	Complaint # Complaint #
Witness 1		
Name:	Seat No.	Telephone:
Address:		
Witness 1 Statement: Willing to give evidence to law enforcement agencies or in court proceedings: <input type="checkbox"/> Yes <input type="checkbox"/> No		
Witness 2		
Name:	Seat No.	Telephone:
Address:		
Witness 2 Statement: Willing to give evidence to law enforcement agencies or in court proceedings: <input type="checkbox"/> Yes <input type="checkbox"/> No		
7 Crew Member Statement		
TIME	<i>Observation SHOULD be objective and sequential. Include complete description of incident, exact words spoken and description of behavior observed. Sign and indicate your employee number following your statement. Use additional paper if required.</i>	

Appendix E – IATA RP1798a



Passenger Services Conference Resolutions Manual

RECOMMENDED PRACTICE 1798a

HANDLING DISRUPTIVE/UNRULY PASSENGERS

PSC(20)1798a

RECOMMENDED 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.

1.1 Members should 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.

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

1.3 Members should ensure responsibility and coordination is agreed within their organisation in advance. It is important that all relevant departments of the carrier recognise their ownership of the policy, for example:

Human Resources: for issues such as staff welfare, duty-time for court appearances

Inflight Management: for training and communication with cabin crew

Legal: for the decision on prosecution of offences and advice to staff

Marketing/Commercial: for communication programmes internally and externally

Safety: for training and communication with flight crew

Security: to act as the single point of contact and for the interface with police authorities

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

2.1 The Policy should address the issues of:

prevention

training

periodic re-training

handling problem passengers

categorising of incidents

reporting of incidents

captain's responsibility

prosecutions

communication

procedures to be followed for:

— boarding

— inflight

— underage passenger issues (e.g. alcohol service)

— alcohol/smoking situations

— physical/verbal assaults

— harassment

— dealing with authorities

2.2 Regular and consistent communication of the Policy, both internally and externally, should be carried out to ensure that it is clear that the carrier will act to prevent and respond to incidents.

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

3.1 Members should demonstrate a willingness to prosecute and to publicise prosecutions and convictions.

4. Published separately, attachments to this recommended practice are:

Guidelines for policy creation

Categorisation of incidents

Sample passenger warnings

Sample incident reporting document

Examples of company policies

For copies of the above-mentioned attachments, contact IATA Inflight Services (inflight@iata.org) or GVABSXB.
