AIRPOL GUIDELINE ON DEALING WITH UNRULY PASSENGERS

2024

FOREWORD

This is a guideline for the airport community on unruly passengers.
It was developed primarily to support the local police in working with an aircraft commander regarding the initial reporting from an aircraft in order to be able to evaluate the situation and to decide on appropriate measures with relevant available resources, but has after discussions with airport stakeholders been developed to address the whole airport community in the prevention work.
The guideline is not binding but should be seen merely as a support.

I hope that this will aid to facilitate co-operation if it is disseminated to airlines, police units as well as discussed with other key stakeholders in the airport community. As always, should you find any unclear parts, or, if you have ideas how to improve the document don't hesitate to contact the Airpol Office.

Peter Nilsson
Police Commissioner,
Head of Airpol

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1. INTRODUCTION

Unruly passengers are a growing problem for the aviation industry. The terms "unruly" and "disruptive" passengers include basically passengers who fail to respect the rules of conduct onboard an aircraft or to follow the instructions of crew members and thereby disturb the good order at an airport or on board an aircraft. The level of bad behaviour varies depending on the cause and circumstances. To some extent, this also includes cultural differences and interpretation of such behaviour. In recent years, there has been an increase in reported incidents involving such passengers.[1] The most common reason for this is recognised to be intoxication - either due to alcohol or drugs. This said, there are other reasons – such as mental health issues, and a combination of factors or simply aggression without any other reasons. Factors such as fear of flying, and/ or, mixing anti-anxiety medication with alcohol has also played a recurring role in incidents. Other reasons, such as fatigue or frustration as a result of personal issues or from travel related incidents are also recognised to be factors.

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[1] IATA Unruly Passengers, Fact Sheet, 2023.

The phenomenon of unruly passengers is discussed by different organisations covering various areas.[2] This aid to verify that it is a problem that affects many actors and ultimately the entire aviation industry indirectly. The document aims primarily to support the co-operation between the aircraft commander and the local police by issuing guidelines defining when police presence is needed, as well as ensuring an appropriate level of response when issues arise.[2a] Efforts have also been made to aid prevention measures, as well as to develop assistance and guidance for further legal procedures regarding unruly passengers. Given this, the document also extends to cover a wider area than the co-operation between local police and the aircraft commander.

When police, or local police, is used in this document, this includes any other agency that perform the same duties locally, i.e. the Border Guard or any other law enforcement agency. It is appropriate to point out that these guidelines are not binding in any way but aim only to support.

In preparing this document, experts from seventeen AIRPOL member states have been consulted. Discussions have also been held with representatives from the International Civil Aviation Association (ICAO), Airport Law Enforcement Agencies Network (ALEAN), Airports Council International (ACI) Europe, In-Flight Security-Officers network (IFSO) as well as with the International Federation of Airline Pilots Association (IFALPA) and the European branch of IFALPA, European Cockpit Association (ECA) and Canadian Police authorities. In addition, discussions have been held with representatives from three European Airlines.
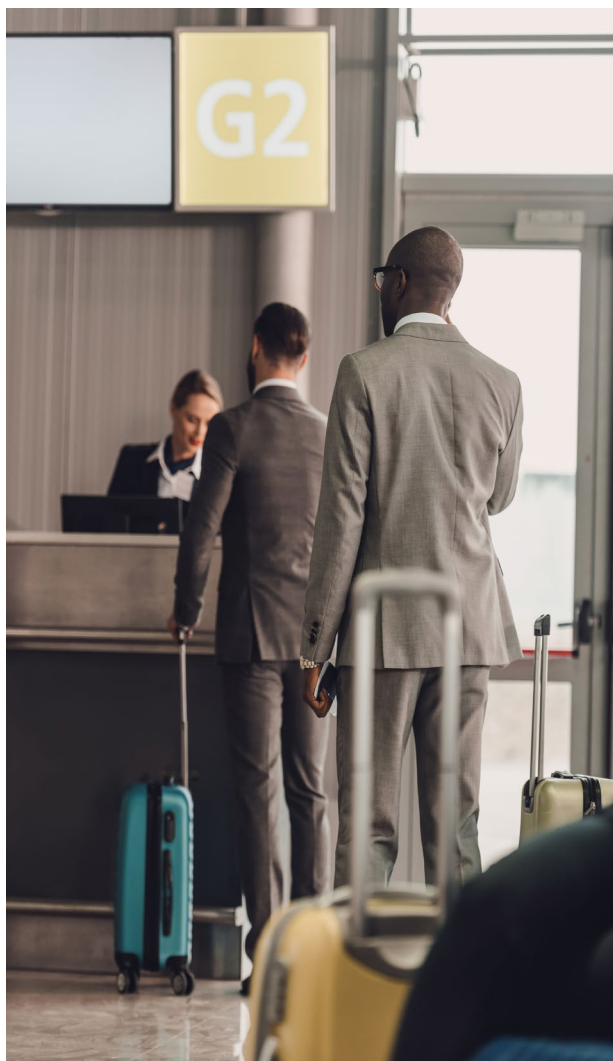
Image: ACI EUROPE

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[2] For example, by: ICAO - various documents and manuals; IATA - various manuals and Fact sheets; Federal Aviation Administration (FAA, US) - Zero Tolerance for Unruly and Dangerous Behaviour Toolkit; European Cockpit Association AISBL (ECA) – Prevention & Prosecution of Unruly Passengers, etc.

[2A] The term aircraft commander is used in this document as it is primarily for European use. There is a global. use of pilot in command but as it is a European document the former is used.

2. DEFINITIONS

As part of the background work for this document, discussions have been held on what constitutes a disruptive or unruly passenger compared to bad behaviour in general. When the term passenger is used, it may include persons who may be anywhere at the airport including the relevant surrounding area. It also includes persons, therefore, not necessarily intending to travel.

The Tokyo Convention 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." [3]

ICAO 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." [4]

It is normally recognised, however, that an unruly or disruptive passenger is associated with an activity within an aircraft. This document therefore aims to support the co-operation between the local police and the aircraft commander within this demarcation, although taking a holistic approach to the phenomenon to prevent the emergence of unruly or disruptive passengers. The terms disturbing and/or unruly behaviour are used in partially different ways in the literature, which makes a definition less useful. This document therefore focuses on the actual behaviour rather than categorising the behaviour and follows the ICAO definition of the four threat levels: [5]

Level 1 — Disruptive behaviour (verbal);
Level 2 — Physically abusive behaviour;
Level 3 — Life-threatening behaviour (or display of a weapon);
Level 4 — Attempted or actual breach of the flight crew compartment.

It is recognised that the 4th level is invariably a police matter, while situations regarding levels 1-3 are also specifically identified as falling within the scope of this document.

Unruly passenger behaviour can occur and originate before entering an aircraft. For this reason, preventative work has also been included. Annex 9 to the Chicago Convention identifies the responsibility of governments to undertake awareness measures to deal with unruly passengers. [6] If proper efforts are made, including at the airport, the number of incidents regarding unruly and disruptive passenger (including onboard an aircraft) are likely to decrease.

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[3] The Tokyo Convention (1963), The Convention on Offences and Certain Other Acts Committed on Board Aircraft.
[4] The Chicago Convention (1944), Annex 17 (the Convention on International Civil Aviation).
[5] ICAO Aviation Security Manual, Doc 8973 (Restr).
[6] Standard 6.45 of Annex 9 to the Chicago Convention (1944)

3.PREVENTION

Awareness initiatives – a Common Policy approach

The best management and mitigation strategy aim to avert unruly passenger events and is therefore based upon a preventative approach. Prevention should be viewed as having an impact on not only unruly passengers but on all passengers in terms of ensuring public order in general. To achieve this, it is important to develop a standard procedure, a preventative policy, that is based on increased awareness of passenger behaviour and training of all employees. It is therefore crucial to start by having in place a policy, for the airport, relating to prevention of unruly passengers. One of the most important activities relates to raising awareness from the outset amongst all the relevant actors at, and around, the airport. This means that all key stakeholders that are in direct contact with passengers – depending upon the airport (i.e. at the check in desks, handling personal in general, restaurants, bars, pubs, tax free stores, lounges, boarding gates etc.) should be involved in awareness training and establishing a common policy approach. All key stakeholders should feed into establishing the common policy, which should be robust and fully endorsed by senior management. The AIRPOL model for airport co-operation is expanded upon further within the AIRPOL document Securing the Airport Community. [7]

Another useful part in preventing passengers from behaving badly is to inform the public about the condition to behave considerate and possible consequences of behaving badly. This could be done in different ways, by leaflets, on the various web-sites, signs etc. Dealing firmly with disruptive behaviour will likely serve as a deterrent for unruly passenger events or certainly minimising escalations.
This includes the following elements:
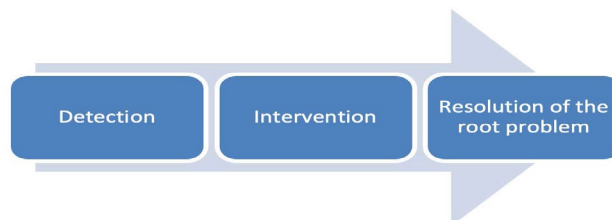
Determining if staff require more specific or substantive training on related topics may depend on their role and, of course, on their contact with passengers (and other persons) at the airport.

Basic awareness training/information may include aspects of some rather obvious advice -such as the importance of not selling alcohol to an already intoxicated person. However, advice on how to work co-operatively and more effectively amongst the variable stakeholders is also a prudent and key factor to be included. This may, for instance include awareness as to how services at the airport are overseen and administered – e.g. issuing permissions and permits for selling alcohol, amongst airport officials, as well as law enforcement. Information in this document may also serve as a basis for information/training on this topic.

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[7] AIRPOL Securing the Airport Community p9ff, 2018

The training could also include information about what to look for, what to report and where to report a passenger behaving badly. It is important, when undertaking awareness training to include both landside and airside staff. Note specifically airports with a considerable commercial area on landside, which may include bars and restaurants, that could be located quite far away from the airport main building but should also be included in training/awareness provisions.

Identification and mitigation measures for the prevention of, or the control of, an unruly passenger incident must occur at all stages, beginning when the passenger checks a web site linked to the airport or enters the terminal at the point of origin. To do this, all actors must be vigilant when interacting with the travelling public.

Key Stakeholders responsibilities
There are variable points which serve as a means to pre-warn of acceptable and unacceptable behaviour; and, to take preventative measures and/or necessary actions for passengers who attend the airport with the intention to board a flight. As it could vary a lot from airport to airport the responsibilities or locations are mentioned and not the actual stakeholder.

Pre-Airport measures
It is important to factor in pre-attendance information for passengers and other persons prior to attending the airport. For example: Information about behaving correctly could be made more widely available – i.e. on all airport key actor's websites.

Check-in desk
Passengers could be both abusive and /or intoxicated when approaching the check in. Check-in staff should be encouraged to identify, and to report, any passenger whose behaviour would suggest that they might be unsuitable for boarding. As an example, if a person appears to be highly intoxicated or is acting strangely, their condition and actions should be reported to a supervisor before they are processed for acceptance onto the flight. Where a potential problem is identified, an assessment should be made and a decision to grant or to deny check-in should be made.

Training and signage have a key role to play in the prevention and mitigation strategy aimed at stopping and minimising unruly passengers. Training regarding behaviour detection, in general, should be given to staff, as well as training in conflict management. This is key for check-in staff. Signs reminding persons of the importance of correct behaviour and unaccepted behaviour (such as intoxication) could also be used at the check-in desks.

For certain flights a risk assessment should be undertaken by the airline regarding possible disturbances.

Image: ACI EUROPE

Security Control

There are regulations and procedures in place relating to passengers displaying bad/unruly, or abusive behaviour in the security area. These procedures should also include heavily intoxicated passengers. Personnel at the security screening points should be trained to be part of the mitigation measures process.

A report of unruly or unacceptable behaviour during the security processing could be basis for denying travel. Again, signage/information screens should be utilised to reinforce: the importance of correct behaviour and/or behaviour that is not acceptable. Training regarding behaviour detection, in general (as above) should be given to staff, as well as training in conflict management.

Restaurants and pubs – serving of alcohol

Licensed premises should be monitored on a regular basis. The police (and other stakeholders) should liaise with such providers to raise awareness on the issue of unruly passengers and the importance of the responsible sale of alcohol. Conditions for the granting of a licence should also be reinforced (this may be dependent upon various national legislation) and, the risk that measures will be taken to close licensed premises if regulations are not followed should be communicated. Periodic checks should be undertaken to ensure that regulations and ancillary advice are followed, particularly when incidents on or stemming from such premises are reported.

Tax free shops

Companies holding a licence to sell tax free goods should also be liaised with specifically regarding selling alcohol to passengers already demonstrating a high-level of intoxication. It should be noted that this could be particularly important as there are differences compared to conditions for selling alcohol in a pub or a restaurant. Once again, it may be good practice to establish regular checks and to advise on signage and the training of staff (as above) to reinforce the message of acceptable behaviour by passengers.

Arline lounges

Airline lounges can also be a source of unruly passengers as there are normally no restrictions on the serving of alcohol.

Boarding-gate

A passenger's state of intoxication, anxiety or agitation may not be recognised until he or she arrives at the boarding-gate. A passenger who has checked in early, or who has been subject to a departure delay, may well have had plenty of time to have consumed large amounts of alcohol after the initial processes – i.e. at check-in, or during security screening measures. Frustration levels can also often rise with flight delays. The boarding gate is the last stop before entering the aircraft. It is important that this serves as a means to minimise the risk of getting an already intoxicated or unruly passenger onboard. This should be done by establishing procedures on how to detect and how to deal with such passengers. Any issue should however be communicated to the cabin crew.

The staff at the gates may not be the same as at the check-in desks, and, it is therefore important to ensure that training in behaviour detection, as well as conflict management, is provided also for this staff.
For certain flights a risk assessment should be done by the airline regarding possible disturbances. A check for passengers with a history of behaving badly should be undertaken if possible. Co-operation between airline companies would there be useful regarding passengers that are refused travel by a certain airline and/or black-listed more widely.

Today automated self-boarding is used by many airlines. In addition to that passenger's check-in at home, pass the security gates automatically which means that the passengers are not seen by an airline representative until they board the aircraft. This is something that might be considered by airlines as the passenger pass even this last line of defence unnoticed.

Image: SEA MILANO

On the Aircraft

The final chance to remove a potential problem passenger on the ground occurs just before the aircraft doors are closed. Observation of the boarding passengers by the Cabin Crew is an important tool for identifying potentially problematic behaviour.[8] Cabin Crew should note passengers who are extremely nervous, intoxicated, loud or who otherwise appear suspicious. The first step in intervention would be for a member of the Cabin Crew to attempt speaking with the passenger. Often, this contact is all that is required to defuse the behaviour and to gain the passengers co-operation. Unless the situation can be resolved to the satisfaction of the crew, any passenger still displaying disruptive behaviour whilst the aircraft is still on the ground, together with their baggage, should be removed from the aircraft.

Training regarding behavioural detection and conflict management is always useful in dealing with unruly passengers as well as dealing with persons under the influence of drugs/alcohol, or even suffering from a mental health issue.

Cabin crew during the flight, should of course, also be mindful with regard to the serving of alcohol to passengers – particularly, those displaying intoxicating mannerisms, or, those who appear anxious, and/ or where concerns have been raised relating to abusive/disruptive passenger behaviour. Any form of reward to the cabin staff for on-board sales (including alcohol) naturally works against preventing unruly passengers. Clear communication at each stage and between all stakeholders is key. Where a passenger behaves badly but it was not possible to refuse boarding and/or the behaviour continues, or starts onboard, the incident should be fully documented and witness statements taken. Outside of this, where intervention measures are taken at the various check-points advocated, which may have led to a passenger being refused a flight, it is also important that this is captured by evidence.

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[8] For crew training guidance in general and on unruly passengers see ICAO Cabin Crew Safety Training Manual (Doc 10002)

4. CO-OPERATION

It is important to ensure that the process is consistent and that any instances are accurately reported – particularly in order to determine the response needed, and especially, if a police presence is required on an aircraft.

This document follows the ICAO definition (also presented in chapter 2 above) of the four threat levels: [5]

Level 1 — Disruptive behaviour (verbal);
Level 2 — Physically abusive behaviour;
Level 3 — Life-threatening behaviour (or display of a weapon);
Level 4 — Attempted or actual breach of the flight crew compartment.

It is important to establish the jurisdiction before initiating legal procedures see further below, chapter 5. Conditions for Legal Procedures. To be able to initiate a legal procedure assurance that the airline supports the charges and a continuance of the actions is needed. It further needs witness statements that capture the evidence and support the legal procedure. For further information about the capturing of information in the initial process see attachment. [9]

Communication is key in gathering the relevant information needed in order to determine the need for police support to the aircraft and to ensure an appropriate level of response.

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[5] See note 5 page 6

[9] See attachment for the simplified form for Police authorities initiating a legal procedure

Law Enforcement Procedures after an alarm from an aircraft

The police should receive the first-hand information from the aircraft commander and/or from the Air Traffic Control (ATC).

This information should include:

- What is the threat-current status? (is it ongoing, has it jeopardised the aircraft status? any weapons involved?)
- The number of people involved in the incident
- Any injuries which might need medical assistance?

Other information that could be useful at a later stage, i.e. when the police arrive:

- Location and identity of the passengers (seat, id)
- Is there any crew involved?
- Factors; Intoxication, violence, mental health issues etc.
- Will the crew stand by the complaint? Note also that there might be a passenger that is the victim, not a crew member but in that case standard procedure is followed and is not directly applicable to this document.

Police actions

The police make a risk analysis of the situation, depending on the information given. Question/gather/establish any Intel. i.e. from other sources earlier.

The police send adequate number of law enforcement resources to the aircraft.

The police arrive, contact the aircraft commander or relevant crew member involved in the incident and/or take immediate action against unruly passengers (depending on the situation).

The Police check if there are any witnesses and take witness statements. It is important to communicate with the cabin crew regarding the de-boarding of the rest of the passengers before taking statements from the crew.

It is important to ensure that:
A. support and documentation are provided to the police concerning the incident in order to facilitate procedures.
B. any further procedure is supported by signed protocols.
C. contact information to the cabin crew is obtained.
D. witness statements are taken.

5. LEGAL PROCEDURES

Gaps in in the Tokyo Convention 1963, which governs offences and certain other acts committed on aircraft, means that many unruly passengers escape punishment for their misconduct. The main issue is that the State where an aircraft is registered has jurisdiction over offences committed onboard. This causes problems at airports, where local police may not have jurisdiction to deal with incidents that occur on board a foreign registered aircraft. This means unruly passengers are often released without charge which encourages a culture of impunity. It is therefore important to establish the jurisdiction before issuing legal procedures.

The Montreal Protocol, 2014, expands the grounds of jurisdiction by recognising, under certain conditions, the competence of the State of landing and the State of the operator to exercise jurisdiction over offences and acts on board aircraft. The establishment of such jurisdiction over offences is mandatory if the criteria set out in the Protocol are met. As an example, it gives mandatory jurisdiction to the 'intended State of landing' (the scheduled destination). If the offence is sufficiently serious, the State of landing must consider if it is an offence in the State of the operator.

The Protocol extends legal recognition and certain protections to in-flight security officers. It also contains provisions addressing such issues as co-ordination among States, due process and fair treatment, and the right to seek recovery under national law.

The Montreal Protocol is however hampered by the fact that few countries have signed the protocol, hence the problem with jurisdiction remains in most cases.

A solution waiting for states to ratify the Protocol might be creating procedures between states and/or in each state between the Police, the Civil Aviation Authority and Airlines to deal with unruly passengers.

6. CONCLUDING REMARKS

Recognising and dealing with unruly passengers requires a co-operative approach to be taken. Applying a preventative strategy necessitates even closer co-operation amongst a number of stakeholders. The collaboration needs to be structured, and over time, include all relevant actors based on a Common Policy for the airport. It is suggested in this document that training should be offered to staff and particularly to certain key members of airport staff. Airpol is looking into the possibilities to develop an awareness training for the key stakeholders mentioned, including some behaviour detection parts, conflict management strategies etc.

Unruly Passenger Incident Form

LOCATION OF INCIDENT: *(e.g. Boarding Gate, Onboard Aircraft)*	DATE:
AIRLINE:	FLIGHT NUMBER:

NAME OF THE PASSENGER /UNRULY/SUSPECT:

IDENTIFICATION:	SEAT NUMBER:

OTHER INFORMATION:

DESCRIPTION OF INCIDENT: *(The behaviour of the unruly passenger(s), any threats made, actions taken by crew members, and any injuries sustained.)*

airpol@polisen.se
airpol@airpoleuropa.eu

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the Internal Security Fund
of the European Union

WITNESSES: *(Name, contact information etc.)*

ATTACHMENTS: *(E.g Witness statements, images taken or IF sent by email. etc.)*

AIRCRAFT COMMANDER/REPORTING CREW MEMBER: *(Name, function, contact information etc.)*

CONTACT PERSON AIRLINE: *(Name, function, contact information etc.)*

AIRLINE IS SUPPORTING LEGAL ACTIONS:

YES   NO

airpol@polisen.se
airpol@airpoleuropa.eu

AIRPOL

Airpol is the European Network for Police and Border Guard Units at European airports financed by the EU COM, ISF. The Airpol scope is Airport Policing, Aviation Security and Border Security.

Airpol has now seven expert groups ongoing; Insider Threat, Intelligence, Behaviour Detection, Securing the Airport Community, Airpol International AVSEC Police, Technology and an Exercise Group.

Airpol also carries out peer visits, training sessions and perform cross border actions.

For info: www.airpoleuropa.eu

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