

BRIEFING OF THE AIR NAVIGATION COMMISSION
ON THE SUBJECT OF
UNRULY PASSENGERS

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ICAO

Thank you, Mr. Chairman! Good morning ladies and gentlemen! It is with great pleasure that I speak with you today on the critical issue of the disruptive passenger.

Captain Mulberge's statement... I have been there. It *is* a very distressing experience. "Five to hold him down"; remarkably, that is surprisingly often what is needed. The various potential combinations of alcohol, drugs, and psychopathic personalities with which we *can* be confronted do present some very challenging situations.

Annex 2: "Air travel must be safe and efficient." Annex 17: "The aim of aviation security shall be to safeguard international aviation operations against acts of unlawful interference." In most societies across the world, assaults, reckless endangerment of others, and significant disregarding of established rules of behaviour, are considered to be unlawful. The disruptive passenger is both a safety *and* security issue that falls within the scope of both disciplines. The problem is really a hybrid thereof, and must be addressed from both perspectives. There are many aspects that are clearly within the domain of security as regards prevention, control, and management of an incident both on board and on the ground. As you heard from Mr. Huang and Ms. Biernacki, these aspects are being carefully addressed here at ICAO. I have the privilege of being on the Study Group chaired by the Director of the Legal Bureau and I have for some years been actively engaged with the Aviation Security Panel. I am on the Disruptive Passenger Working Group at IATA, whereat it is an issue of serious concern. To us at IFALPA, who face incidents as a direct distraction from, and, worse, interference with, our primary responsibilities of flying the aircraft and providing safe, regular, and efficient transportation for our passengers, it is indeed a grave potential threat. Clearly the safety of the passenger, the crew, and the aircraft *can be* affected very directly.

I will quote from the IATA Position Paper on Disruptive Passengers, "In assessing the significance of each incident, IATA strongly urges governmental and law enforcement authorities worldwide to invert their perspective and to review the events not from hindsight, or from the ground up, but rather from the air, as the incident evolved through its various stages. This perspective, together with a heightened awareness of the peculiar circumstances existing within the confines of a passenger cabin at an altitude of 35,000 feet, will engender a fuller appreciation of how easily such behavior (which on the ground normally might be dismissed as uncivil) may escalate to the level of criminal conduct that could endanger the safety and security of the flight."

There are several areas in which we feel steps might be taken that would help us in providing the levels of safety that we desire in the interest of all concerned. We suggest they would *significantly* add to the safety, regularity, and efficiency of international civil aviation.

We would encourage development of an **educational campaign for the public**. The public could be notified by a joint mechanism of international organisations, governments, our industry, and the media. It has been suggested that approximately 50 % of violent onboard incidents have at times been related to the restrictions on smoking at airports and the banning of on board smoking. On at least one major international carrier the message seems to be getting across. The suggestion to passengers to carry with them nicotine gum for longer flights could be included in the educational materials. Perhaps this suggestion is beginning to be followed. (Another option would be for the airlines to carry on board and legally distribute, on request, such items; much as aspirin is generally in the amenity kits.) Education of the public as to the real danger of disruptive behaviour in flight and reference to potential sanctions for such behaviour, such as is being done in some States in response to increasing incidents of "road rage", would likely be of value. A North American airline has a very succinct single paragraph on their ticket envelope **warning** of the potential consequence of unruly or disruptive behaviour.

Unaccompanied deportees have committed crimes aboard aircraft ranging from sexual assaults of unaccompanied minors to rioting aboard the aircraft to assaulting flight crew members. The unaccompanied deportee issue is of particular concern on the smaller aircraft flown without cabin staff. We would urge significantly more restrictive standards on the carriage of unaccompanied deportees.

We suggest that it is necessary to broaden the arena of addressing the unruly passenger to include **the entire process**: from arrival at the departure airport to departure from the arrival airport. Obviously, this transitions several jurisdictions, and a co-ordinated proactive approach is essential. So often an unruly passenger incident could be prevented by awareness of a member of the ground staff, be it an employee of the air line or the bartender in the airport pub.

Of particular concern to us is the use of the "inflight" concept -- that specifically addresses only the time that the passenger is on board the aircraft. We suggest that any measures (where operationally feasible) cover the boarding gate and the jet-way, as well.

We would encourage support of the **authority of the aircraft commander** to maintain an atmosphere of good order and discipline on board the aircraft. While this is referenced in the Tokyo convention, we would urge that it be broadened to cover endangerment of the passengers, the crew, and the aircraft, as well.

In view of the frequency in which consumption of alcohol is an exacerbating factor in incidents, we would encourage the empowerment of cabin staff in controlling the amount of alcohol consumed on board.

intervening role. Education of the ground staff (especially at the boarding gate) in recognising the subtle signs of intoxication, what likely resultant behavioural problems might occur on board, and the impact on flight safety of such problems is essential.

Training in how to handle the problem passenger on the ground could well preclude many unpleasant inflight situations. Co-ordination between ground and air staff, including education of bartenders at airports regarding the effects of alcohol at altitude, would very likely have worthwhile impact. Further, much as is the common custom and practise on the road, a **breathalyser** might be available at the boarding gate (or in an office on the concourse) for use with the evidently intoxicated passenger. Implied consent or conditional compliance is already used at the security checkpoint. Could it not be applicable here as well?

In several States, it is illegal for **an intoxicated passenger** to board or to be boarded onto an aircraft involved in air carrier operations. An ICAO Standard to this effect would be *enormously* helpful to our industry, as would posted statements in airport pubs and on ticket folders, bringing this to the attention of the passenger.

Following the tragic hijacking of the Ethiopian Airlines 767 that was ditched in the sea off the Comoro Islands after being forced to run out of fuel, it came to the attention of the IFALPA Security Committee that in many aircraft the **crash axe** is still located in the main cabin of the aircraft, often where it is readily accessible to the passengers. We would strongly suggest that a standard be developed in Annex 6 that moves the crash axe to the flight deck of the aircraft. Otherwise,.... what a convenient tool for a really vengeful disruptive passenger!

Many aircraft fly in scheduled airline service without the option of a locked **cockpit door**. While we strongly feel that the decision as to closure of the cockpit door should be up to the aircraft commander, we do feel equally strongly that he should have that option. Therefore, we would very much support a Standard requiring lockable cockpit doors on all aircraft engaged in airline service; at least on multi-engine aircraft.

When a disruptive passenger situation dictates that a **pilot must leave the flight deck**, several diminution's of safety occur. Not only is half of the flight deck crew absent from the flight deck, but both pilots are apprehensive and highly distracted from their duties of flight. Furthermore, the absent pilot could well be incapacitated for the remainder of the flight by a sudden violent assault. Then we have a single-pilot operation of perhaps a four-engine heavy jet over international waters, and an obviously stressed and distracted pilot at that! Clearly, we do not recommend an operating pilot leaving the flight deck to deal with a disruptive passenger. However, there may well be times when this is not only the action taken, but also the necessary action taken. Thus what appears to be a mere civil

in de-escalation programs has real merit, may I suggest that this is a veritable mine field if not approached very carefully. The cabin staff of several carriers have expressed to me their distress that the program seems so focused on de-escalation and concern about the passenger's feelings that it forgets the concerns and dignity of the cabin staff. It is essential that the employee believe in the system being taught, and that his or her time spent in the training is well spent, and that which is learned is truly operationally useful. A blend of focus on the feelings of the staff, evident causes of disruptive behavior, the role of alcohol, the impacts of the smoking bans, the feelings and expectations of the passenger, crew coordination, legal factors, and the use of physical restraint as a last resort, seems to be of value.

Cathay Pacific Airlines has developed an interesting and well-presented thirteen- minute training program, which addresses the issues in an informative, realistic, and entertaining manner.

There are times when, after reason has failed, the crew must resort to the use of **physical restraint** to control the passenger. Many airlines now carry onboard plastic handcuffs for this purpose. Regrettably, however, there is a real dearth of training in their correct application and usage. We would encourage specification that cabin staff training include this important matter. As a police officer, I was extensively trained in such skills -- *many* hours of training, in fact. We are not suggesting that such extensive training is appropriate here, but basic understanding of such areas is necessary.

ICAO, IATA, IFALPA, and other aviation security specialists are co-operatively developing **guideline material**, in the legal and training arenas. As you heard from Ms. Biernacki, the ICAO Airline STP (Standard Training Package) has completed the development phase, with considerable input from various interested entities and individuals. The issues of air rage and the unruly passenger have been introduced to an elementary stage into some of those sections. Much more is to be developed and will subsequently be entered into the material as more in depth perspectives are acquired on the issues involved and on the successful handling thereof. The **STP's** are an invaluable resource for our industry, and we certainly encourage continued co-operative development thereof. I *strongly* believe that this process will *greatly* enhance today's level of training in these areas.

As Captain Mulberge referenced so well, a most valuable part of a disruptive passenger program is the **follow-up with the victim**. Several IATA carriers have this available through their employee assistance program. The emotional costs of these assaults can often be far more impactful than are physical injuries.

An invaluable and often overlooked on board resource is the **jump seat rider**, or crew

during a disruptive passenger incident, especially one involving several unruly passengers, when the first officer is in the seat as he or she should be in this situation, and we know that our cabin staff is receiving full direct assistance from our colleague! Whether or not he happens to be a pilot on our own airline or even an airline of our own state is essentially irrelevant.

Consideration is being given to having "**cool down areas**" in which to place a disruptive passenger on the 600 to 800 passenger aircraft of the future. Further, suggestion has been made to having a small "smoking room", specially ventilated, on board these larger aircraft.

Occasionally one hears or sees the suggestion that **pepper spray or stun guns** be on board for the judicious use of the crew. For a number of reasons, we would suggest in the strongest possible terms that this measure not be given any further consideration. These methods create more problems on board than they solve. We do not endorse the carriage of any offensive weapon by crew members.

Consideration might be given to the suggestion that an airline would have, on a limited lead reservation basis, one seat on perhaps a certain percentage of aircraft that would be available for a deeply-discounted **purchase by a federal law enforcement officer** holding onboard jurisdiction. This, if publicly disseminated, would likely have quite a deterrent effect on our "problem children".

One of our more serious difficulties is that, while we within the industry are aware of the problem, and while the media is becoming aware of the problem, there is no formal **incident data base** available at this time. Whilst several airlines have developed their own in-house record keeping systems, no State wide, nor industry wide, data base is available. To really study and combat the problem, we need industry-wide data to analyse, especially in view of the fact that the nature and causes can evolve. For example, the incidents related to smoking. I draw your attention to the two view graphs. You will note that during the period of April 1997, to March 1998, on one particular European-based international airline, there were 172 incidents related to smoking. During the period of April 1998 to March 1999, however, there were seven incidents related to smoking. It is during this earlier time period that the airline focused very strongly on passenger education in this area. Further, the subject received much attention in the national press. May we suggest that this is a good example of the potential effectiveness of education of our passengers.

The Legal Bureau of ICAO has offered to act as a central collection point or repository for this data, assuring full confidentiality as appropriate. Following analysis of the data provided, we could draw conclusions on which to base proactive responses, such as

the **annual publication of** these statistics, much as is currently done with incidents of illegal interference.

We urge that consideration be given to broadening the scope or applicability of the Tokyo Convention or **development of Standards for placement in Annex 17** to include the **endangerment** of aircraft, occupants, and crew members caused by passengers. Consideration should be given to amending Annex 17 to include unlawful endangerment. This amendment would include acts of assault, intimidation, menacing, or wilful recklessness which endangers good order or safety of an aircraft or persons. Amongst these: interfering with a crew member's performance of duties, making threats, and disobeying of lawful instructions from the aircraft commander for safe and orderly operations. We suggest that this would significantly add to the safety, regularity, and efficiency of international civil aviation.

As you heard from the previous speakers, the **inconsistency of national laws** of States (and the **inconsistency of application** thereof) as regards the handling and the prosecution of the disruptive passenger is also of much interest. States are being encouraged to amend legislation to make any action committed on an aircraft, which would be an offence in the country of arrival punishable regardless of the country of registration or operation of the aircraft. IFALPA urges States to adopt legislation and procedures which would permit local authorities to conduct proceedings quickly and easily against persons alleged to have committed acts of endangerment against aircraft or occupants.

"IATA firmly believes that governmental action is indispensable. Indeed, sound and enforceable laws are necessary to the creation of a culture, a pervasive sense of awareness among the traveling public at large that boarding an aircraft is not the equivalent of entering into a vacuum where personal responsibility and accountability for one's conduct are somehow suspended.The major emphasis and intent of ... governmental action should be not on the aspects of repression and retribution against a small aberrant minority of passengers, but rather on the safety and security of the vast majority, and on their legitimate expectation that their journey will be free from undue harassment, intimidation or abuse by fellow passengers."

Airlines of several States have developed **reporting forms** for use in conjunction with disruptive passenger incidents. A number of IATA member carriers have developed forms which incorporate a formal warning notification to the passenger within a multi-copy reporting form. That is particularly helpful if arrest and prosecution follow.

Several airlines have published a formal **notification to passengers** in a format that is carried on the flight deck. It has proven to be very helpful when judiciously used in flight.

Once the various mechanisms to deal with the disruptive passenger are in place, they could be very effective in controlling various less commonly addressed forms of onboard aberrant behaviour, such as the sexual molestation of unaccompanied minors -- a problem across our entire industry.

Again, it is our position that any program to deal with the disruptive passenger *must* include **the entire process**: from arrival at the departure airport to departure from the arrival airport.

We, on behalf of the pilots of the world, wish to assure that we *can maintain our primary focus in flight on flying the aircraft*, free of the lurking threat of the severely disruptive passenger.

I should like to close on one particular note. For 31 years I have been active in civil aviation security. I came to realise, many years ago, that only through communication, co-operation, and co-ordination, could we prevent the devastating impact of acts of unlawful interference with civil aviation. We have seen the products that have come forth from those efforts. I see, once again, the commitment of all concerned, especially here at ICAO, at IATA, at IFALPA, the governments of several States, and airline staff. Through continued **communication, co-operation, and co-ordination** between industry, the travelling public, international organisations, governments, and the media; and the ongoing commitment on the part of all concerned, this developing scourge of air travel will be deemed to be totally unacceptable, and dealt with accordingly.

Thank you, Mr. Chairman, ladies and gentlemen, for your kind attention.

ADDENDUM:

There are additional operational considerations that were not mentioned, in the interest of time considerations.

- A focus of awareness that any alternate operation or disruptive operational situation places the aircraft and the operation thereof into a significantly greater risk category than does normal operation.
- Standardised corporate (airline and airport) training to include the systems operations control and the top management of all involved departments to insure a highly standardised and co-ordinated response and support in an ongoing situation and during all follow-up.