



Unruly

Airline Passengers



Produced as a guide in co-operation with Peel Regional Police and Ottawa Police Service.

The Police Response

- Dealing with an Incident
- Personal Safety
- Police Action
- The Law
- Evidence and Court



AN INFORMATION GUIDE FOR AIRLINE STAFF IN CANADA

The purpose of this guide is to provide an outline for airline staff in Canada of the role of police and applicable laws and how police and airline staff can better work together to combat the incidence of unruly or violent passengers. The bottom line is that aircrew involved in unruly passenger incidents expect the police to do their part after the aircraft has landed. However, there are certain things that the police need in order to carry out their job as effectively as possible, and the onus is on the aircrew to help with this. This guide will hopefully explain why the police do certain things, how the aircrew can help, and what the aircrew can expect on board their aircraft if the police become involved.

DEALING WITH AN INCIDENT

Obviously the ideal situation is to prevent any on-board incidents in the first place by dealing with rowdy or intoxicated passengers prior to boarding or departure. Unfortunately this is not always the case, and flight crews occasionally find themselves having to deal with incidents while in flight. There's not much the police can do while the aircraft is airborne; therefore, crew members must rely on the resources they have on the aircraft.

Police stress here that the things to think about while the aircraft is still in flight are primarily methods to **prevent the situation from escalating**. What's the cause of the problem? Is there some way of removing the cause or moving the passenger? Crews should always be aware of the "What ifs" of the situation with regard to the safety of other passengers and crew members. At times, clear, concise direction to the culprit will suffice, while at other times showing calm restraint and composure may be the best method to de-escalate a volatile situation. We will touch on personal safety and the use of force later.

Gathering evidence is vital as many cases have failed in or have been withdrawn from court because of insufficient evidence. Start to gather evidence as soon as any incident begins to unfold. Jot down some notes about what was said, actions by the culprit and others, and who potential witnesses may be. The basic rule is **record everything!** This helps immensely at the end of a stressful flight when passengers are disembarking and the crew has various other tasks to perform. It's likely that important details may be forgotten when police arrive looking for the particulars if this has not been done. More about evidence later.

The moment the aircrew decides that police action will be required, contact should be made with the arrival airport. This will give airport police time to meet the aircraft with a prepared and measured response. Some of the helpful information includes the following:

- Incident type (assault, smoking, violence)
- Number of persons involved (intoxicated, male/female)
- Weapons involved, if any
- Injuries or damage caused, if any
- Whether the incident has ended or is ongoing
- If possible, location on the aircraft of the culprit(s)
- If possible, name and description of culprit(s)

PERSONAL SAFETY

The safety of the aircraft, its passengers and crew are of primary importance. Most incidents of unruly behaviour are of relatively short duration and can usually be handled with verbal intervention by the crew. What about the situations that are protracted or become violent? What protection does the law provide crew members or other passengers if physical intervention is necessary?

Physical intervention in the confines of an airborne aircraft is obviously a last resort. Experience indicates, however, that it does occasionally happen. Here's what protection the law provides for all persons:

- **Reasonable Force** may lawfully be used to *stop* a criminal offence that is being committed or to *prevent* an offence from being committed. (Sections 25 & 27, *Criminal Code*)
- A crew member may arrest/restrain (and use *reasonable force*, if necessary) a person who is *caught* committing a criminal offence. (Section 494, *Criminal Code*)
- Any person(s) assisting (i.e., passengers) may also use *reasonable*

force to arrest or to prevent a breach of the peace. (Sections 27 & 30, *Criminal Code*)

- Anyone may use as much force as is *reasonably necessary* to protect themselves, or others under their protection, from assault. (Section 34, *Criminal Code*)

As you can see, the law does allow for crew members or other passengers to use reasonable force (including restraints) to subdue assaultive or violent individuals. Police emphasize this is *recommended only as a very last resort*.

Whenever a passenger appears violent, mentally unstable or threatening, some of the more obvious tips include the following:

- Remove possible weapons from area (knives, bottles, etc.)
- Move vulnerable passengers from area (children, elderly)
- Solicit assistance from suitable voluntary passengers
- Keep the individual under watch at all times

POLICE ACTION

The role of the police in incidents of unruly or violent passengers is two-fold. In the first instance, police will respond to meet the aircraft upon arrival, deal with the culprit(s) and gather all initial information available. Later, police will continue the investigation with follow-up contacts and interview witnesses who were not available upon arrival. When charges are laid, police will prepare the case for court, subpoena witnesses, and keep the parties involved up-to-date on the court process.

Initial police response: Police will probably advise the crew to keep the passengers seated if they have to board the aircraft. It is stressed that passengers will not be held up for long, but if a culprit passenger has to be removed the whole process will ultimately be quicker if passengers remain seated.

Officers will be looking for some basic information from a crew member as soon as the door is opened. This will help police decide whether to allow the culprit(s) to disembark normally or to escort them off the aircraft.

In order to ensure proper identification, officers will request that a crew member take them to the individual rather than having them wander around looking for a seat number. Crew members should also indicate potential witnesses to the officers, bearing in mind that once those passengers leave it is difficult to locate them.

Please be patient! It's understandable that this may be a hard request after a long, tiring flight. Police are sensitive to this, but ultimately a successful prosecution in court requires a methodical collection of information and evidence.

Follow-up: It is the responsibility of the police to lay charges, when appropriate, and prepare a case for court. The investigating officer will keep witnesses apprised of progress through the courts and the dates that witnesses may be required. Always get the name and telephone number of the officer for inquiries.

THE LAW

Canadian law, as it relates to incidents involving unruly airline passengers, is generally clear and comprehensive. Ultimately, the police decide whether to lay charges or make an arrest based on three main factors:

- **Jurisdiction:** where the offence took place or can be tried in court
- **Type of offence:** indictable (more serious) or summary (less serious) and
- **Evidence:** available evidence to support a charge

Jurisdiction: The *Criminal Code* allows police in Canada to deal with offences on board an aircraft by permitting the courts in any Canadian jurisdiction that the aircraft takes off from, lands at or flies over, to deal with charges laid as a result of offences on that aircraft while in Canadian airspace.

This is fine for domestic flights, but what about flights in international territory? Generally speaking, the *Criminal Code* allows police and the courts to deal with indictable offences on board an aircraft in international territory if the aircraft lands in any Canadian jurisdiction or takes off from that jurisdiction. For instance, if a flight attendant is assaulted by a passenger over

the Atlantic on a Toronto to London flight, the passenger may ultimately be charged by police in Toronto under Canadian law (or in London under UK law).

Police may arrest and charge any person when they have reasonable grounds to believe that person has committed an indictable offence. When it's a summary offence, a charge may still be laid, but unless the officers actually see the offence being committed they cannot make an arrest.

Types of offences: *Criminal Code* offences are basically broken down into two categories: indictable and summary. Some of the more common offences are listed below:

Indictable (*generally speaking, the more serious offences*):

- Assault, assault causing injuries, assault with a weapon, aggravated assault
- Uttering threats of death, to cause injury, or to damage property
- Mischief (damaging property or causing a loss of use or enjoyment of property)
- Interfering with transportation facilities
- Possession of offensive weapons
- Endangering the safety of an aircraft

Summary (*generally speaking, the less serious offences*):

- Causing a disturbance or indecent exhibition
- Smoking on board when prohibited
- Refusing to follow in-flight safety instructions
- Consuming own alcohol on board

Evidence: Before an officer can form the grounds that an offence has taken place, he/she must have detailed information about the incident. This information will initially come from a flight crew member or other victim. If charges are likely, the officers will want to take written statements from most witnesses. If vital witnesses, such as crew members or other potential passenger witnesses, leave the aircraft before police can speak with them, any resulting prosecution may be jeopardized.

EVIDENCE AND COURT

Evidence and court preparation are very important factors for the successful prosecution of criminal charges. It is also important that airline staff are aware of the process after an incident is over and the culprit has been taken away. Here are some of the more common questions regarding the process:

What kind of evidence can I provide as a witness?

Evidence comes in all sorts of shapes and sizes, and all of it has a great effect on how the courts reach their decisions. There are basically three types of evidence:

- **Circumstantial evidence:** For example, you see a passenger leave a smoke-filled washroom, but you didn't actually see the person smoking.
- **Real evidence:** For example, you see that passenger throw down a cigarette butt. If kept, this will be real evidence—something the court can actually see.
- **Best evidence:** You could describe the cigarette butt; however, your testimony will be given more weight if the court actually sees the evidence. That's the best evidence.

When testifying in court, witnesses will state what they personally observed and may be asked to repeat some of what they heard. Rather than relate that "He was rude or abusive," it would be much more helpful if the witness was able to repeat the exact or explicit words used.

Witnesses may be asked to testify some time after the event takes place, so it's important that the original notes made be kept. This will allow the witness to use the notes in court to refresh his/her memory for relevant details.

What will be expected of me once charges are laid?

If you are a victim or relevant witness, the only thing you may be asked to do is testify in court. Police should keep you apprised when charges are laid. Again, take note of the officer's name and contact number for your inquiries.

If I have to appear in court, when and where will it be?

When police lay charges, they are usually dealt with by a court of that same jurisdiction, regardless of where the offence actually occurred. For instance, even if an offence took place over Quebec, if the aircraft landed in Ottawa, the case will be heard in an Ottawa court. Often, cases take over a year to go through the courts; on occasion they are dealt with quickly and without the necessity of a trial.

PREVENTION—KEEPING TROUBLE-MAKERS ON THE GROUND

Clearly identifying and dealing with potential troublesome passengers prior to boarding is the ideal situation. Although this is not always possible since many don't act up until later in the flight, all staff should be alert when dealing with boarding passengers: remember, intervention is much easier on the ground. Here are some tips:

TEAM APPROACH

All staff, whether ground passenger agents, supervisors or aircrew, are vital in identifying and dealing with problem passengers prior to or while boarding the aircraft.

PICKING THEM OUT OF THE CROWD

You can be fairly sure that if a passenger is unruly, threatening or disorderly to ground staff or other passengers at check-in or in the lounge, they are likely going to be a problem for the aircrew once on board; this is the point where intervention is most effective. Some of the obvious warning signs to look for follow:

- Drunkenness
- Unusually loud and boisterous behaviour
- Threatening, violent or disruptive behaviour
- Smoking in no-smoking lounges

When any of these types of behaviour are observed, ground staff should notify a supervisor immediately so that positive preventative action can be taken.

PREVENTATIVE MEASURES

Some preventative intervention measures that could be taken by ground staff include the following:

- Warn the passenger about his/her behaviour (this should be done by a supervisor/manager)
- Deny boarding and travel
- Police intervention, when required
- Always inform the pilot-in-command of the aircraft and the aircrew of any potential problem passenger

NOTE: *For general information about unruly passengers, please direct questions or inquiries to your nearest police service.*

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