U.S. Department of Transportation
Federal Aviation Administration

Advisory Circular

Subject:

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INTERFERENCE WITH CREWMEMBERS
IN THE PERFORMANCE OF THEIR DUTIES

1. PURPOSE. This advisory circular (AC) provides information to air carriers, crewmembers, law enforcement officers, and the general public regarding methods which may be used to manage and reduce the instances of passenger interference with crewmembers. This AC provides general information about the types of subjects which could be included in an operator's program. In addition, examples of this type of information are provided in Appendices 1, 2, 3, 4, 5, and 6. These examples are based on material provided by the airline industry. Airlines wishing to adapt these samples for their own use should carefully read the legal disclaimer at the top of each sample.

2. RELATED CFR SECTIONS. Title 14 of the Code of Federal Regulations (14 CFR) sections 91.11, 108.10, 108.11, 108.19, 121.317, 121.575, 135.121, and 135.127.

3. DISCUSSION. It is important that both the traveling public and crewmembers have a safe environment when on board an aircraft. Pertinent regulation says that no person may assault, threaten, intimidate, or interfere with a crewmember in the performance of the crewmember's duties aboard an aircraft. The majority of passenger violations are filed under this rule. Additional regulations prohibit the boarding of passengers or serving alcohol to passengers who appear to be intoxicated. Passengers must also obey passenger information signs such as the no smoking and seatbelt sign. In addition, they must obey the instructions of the crewmembers regarding compliance with these signs.

a. Crewmembers, airlines, and Federal Aviation Administration (FAA) personnel have concerns about the increase and nature of occurrences where passengers intimidate, threaten, and/or interfere with crewmembers. In addition, passengers have complained to the FAA and the airlines about being intimidated and uncomfortable because of some of the actions of fellow

passengers. Therefore, this document has been prepared to provide guidance about the type of programs that are designed to reduce the number of problems and the stress caused by these incidents.

b. In order to properly discuss this matter, it is necessary to make some attempt to define the types of occurrences. For purposes of this AC, the FAA has divided the types of events into broad categories which are contained in the chart in Appendix 1. This chart provides one means of categorizing passenger misconduct. Additional examples of defining passenger misconduct are contained in the various appendices to this document. Any of these examples is acceptable. In addition, these are not the only means of categorizing passenger misconduct; an air carrier can develop its own methods of defining these occurrences.

4. POLICY OF THE OPERATOR. One of the most important aspects of any program dedicated to the reduction of violence in the workplace is the commitment of each individual, including those with management responsibilities. Therefore, partnerships which include employees with differing responsibilities, and appropriate government personnel should be formed to develop procedures, handle violence, and provide assistance to individuals who are involved in passenger disturbances.

a. Airlines should make it clear to all employees what actions should be taken when an incident occurs that meets any of the broad categories found in Appendix 1. The operator's program should involve all personnel who have direct contact with passengers. The emphasis of the program should be on keeping dangerous passengers off the airplanes. There should be clear lines of responsibility regarding the handling of these events. These responsibilities should include offering and/or providing counseling for those who are involved in or who witness the events. Employee assistance groups can also play an important role in providing this assistance.

b. Operators should establish policies which define the operator's philosophy concerning zero tolerance. Appendices 2, 3, 4, and 5 contain programs which have worked well and provide examples of policy statements where air carriers have provided information about their zero tolerance philosophies.

c. It is important that the operator provide the public with the appropriate information and thereby provide a safe environment for crewmembers and for the traveling public. The operator should provide material to passengers regarding the seriousness of inappropriate behavior on an airplane, including failure to follow instructions from crewmembers. Further, the

material should contain information to the passengers about the consequences of their actions including possible fines and incarceration. Public awareness information can be in the form of pamphlets passed out at airport gates, included in ticket envelopes, articles in onboard magazines, posters in gate areas, public address announcements, information given in video tapes, or any other method that management believes will convey the message to the public. A sample of the information that could be disseminated is included in Appendix 6.

5. WRITTEN PROGRAMS. Operators should make it clear to all employees what actions should be taken when an incident occurs and involves a crewmember. This program should be included in crewmember, security personnel, and other appropriate manuals. The written information should be disseminated to all employees of the air carrier who could have the responsibility for handling a situation with a dangerous passenger. A sample form carried on board the flights by crewmembers giving information about one method of handling onboard incidents is provided in Appendix 5.

a. It is important that written programs be developed with employees who are familiar with the security aspect of the airline, including crewmembers. These are the people who have the most experience with and are familiar with the local law enforcement jurisdictions and will be the most likely to help educate their staff about passenger interference with crewmembers.

b. The written program should encourage employees to promptly report cases of interference on reporting forms such as the sample provided in Appendix 5. The written report should contain at least the names of the crewmembers, the date, flight number, seat number, origin/destination of flight, the name, address, and description of the offending passenger, and the names and addresses of witnesses. If positive identification is not established by the crewmembers, then the written program should provide guidance on securing identification through appropriate airline personnel, law enforcement, or other methods as appropriate.

c. The written program should also provide information about personnel in the company who should contact law enforcement and the FAA. Information should also be provided regarding how crewmembers may directly contact the FAA and law enforcement on their own.

d. In addition, the written program should include information regarding filing complaints against passengers. The process of pursuing violations requires an ongoing commitment and should not be taken lightly. The employee may be required to testify in any subsequent court proceedings.

6. TRAINING. Air carriers should provide training for crewmembers and other responsible personnel for handling passengers who interfere in the performance of crewmember duties. The training should acknowledge that it is not desirable to have cockpit crewmembers leave their stations, especially in cases where there are two cockpit crewmembers. Nevertheless, the training should also acknowledge the authority of the captain and that the decision to leave the cockpit is the responsibility of the captain. Airlines may want to include training on passenger misconduct in the required training during crew resource management, hijacking, and other unusual situations. Regardless of how the training is provided, it should include information which will help the crewmember recognize those situations which may, when combined with traits of some passengers, create stress. The training should include information about how to manage conflict situations, such as:

a. Responding to Imminent Danger. If the passenger becomes abusive, solicit help from other crewmembers, other employees, or passengers to help restrain the individual. Usually the other person will be another flight attendant; however, at times it may be wise to involve passengers. This is especially true when the flight is operating with one flight attendant. Cockpit crewmembers should be kept well-informed. The decision to have a crewmember leave the cockpit is the responsibility of the captain. Flight attendants should provide as much information as possible to the cockpit crew. The captain should be given the passenger's name (if possible), description and the name and description of traveling companions, seat number, and if medical attention is needed. Inform the captain if you wish authorities to meet the inbound flight.

b. Reporting the Information. Flight attendants should be informed on the use of the forms which the air carrier has developed for the purpose of handling passengers who cause disturbances. When law enforcement officials are called to meet the flight, crewmembers need to be informed that written statements will be taken upon arrival and that they may be called to testify in court.

7. LAW ENFORCEMENT AND FAA RESPONSE. Incidents of interference with crewmembers could be a serious violation of regulations and may warrant a response from local law enforcement or the Federal Bureau of Investigation (FBI). In most cases, the initial

response will be provided by the airport law enforcement department or, if there is no resident law enforcement unit at the airport, the department having overall responsibility for law enforcement support to the airport.

a. When the incident of interference is sufficient to warrant a response from law enforcement, the captain should notify dispatch/flight following and request a law enforcement representative and an air carrier representative meet the airplane upon arrival at the gate.

b. Law enforcement response may involve interviewing one or more members of the crew, other passengers who witnessed the incident, and the subject passenger(s). Action may be taken by the law enforcement department responding or a report may be forwarded by the local law enforcement to the FBI and FAA. In some cases, the FBI and FAA may be called to meet the arriving airplane. This will usually happen for the more serious incidents such as assault, intimidation using a dangerous weapon, threat or actual attempted sabotage or hijacking.

c. It should be noted that every incident of interference will not warrant a response from law enforcement personnel. A crewmember must ask a law enforcement representative to meet the aircraft. In order to take action, there must be a legal basis for an officer to do so. For example, physically assaulting a crewmember would warrant law enforcement action. However, for example, if the incident involves failure to fasten a seatbelt, there may not be a legal basis for criminal action from the local law enforcement unit. This does not imply that a formal complaint needs to be filed by a member of the crew for action to be taken. If there is a serious incident, the action may be taken by the government for violation of a criminal statute or for violation of specific regulations.

d. The airline should inform all members of the crew that full cooperation is necessary in reporting an incident in a timely manner and providing statements if requested by local law enforcement, the FBI, or the FAA.

e. Jurisdiction and authority for action is a consideration for any law enforcement officer's response and an arrest may not be the result in every case. Any action taken must be within the scope of authority for the law enforcement officer. If an arrest is made by the airport law enforcement unit or, if a case is referred to the FBI for investigation, prosecution still rests with the appropriate office of the prosecuting attorney.

f. Reports forwarded to the FAA may result in joint investigative efforts by the FAA and FBI. Cases where the FBI declines to investigate may still be worked by the FAA and could result in a civil penalty for the passenger involved in interfering with the crewmember.

g. The FAA has asked its principal inspectors and managers to emphasize review of incidents involving interference with crewmembers. A partnership effort between the FAA, FBI, local law enforcement, and the industry which emphasizes communication and cooperation should lessen the number of incidents of interference.

The same procedures should be followed for international flights and the law enforcement response will be those of the destination government.

Thomas C. Accardi
Director, Flight Standards Service

This sample airline information should be reviewed by each airline's legal department to assure that it accurately states the airline's policies and the legal duties, responsibilities, and rights of the airline and airline personnel. The FAA does not provide legal advice about the specifics of tort and criminal law.

APPENDIX 1. MISCONDUCT CATEGORY AND ACTION TABLE

CATEGORY ONE. Flight attendant requests passenger to comply. (These are actions which do not interfere with cabin or flight safety such as minor verbal abuse.)	Passenger complies with request.	There is no further action required by the flight attendant. (Such an incident need not be reported to the cockpit, the carrier, or the FAA.)
CATEGORY TWO. Flight attendant requests passenger to comply.	Passenger continues disturbance which interferes with cabin safety such as continuation of verbal abuse or continuing refusal to comply with federal regulations (such as failure to fasten seatbelt when sign is illuminated, operation of unauthorized electronic equipment). In addition, the crewmember should follow company procedures regarding cockpit notification.	After attempting to defuse the situation, the captain and the flight attendant will coordinate on the issuance of the Airline Passenger In-flight Disturbance Report or other appropriate actions. The flight attendant completes the report. Completed report is given to appropriate company personnel upon arrival. In turn, company personnel may file the incident report with the FAA.
CATEGORY THREE.	Examples: (1) when crewmember duties are disrupted due to continuing interference, (2) when a passenger or crewmember is injured or subjected to a credible threat of injury, (3) when an unscheduled landing is made and/or restraints such as handcuffs are used, and (4) if operator has program for written notification and passenger continues disturbance after receiving written notification.	Advise cockpit, identify passenger, then cockpit requests the appropriate law enforcement office to meet the flight upon its arrival.

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APPENDIX 2. SAMPLE AIRLINE POLICY BULLETIN -- ASSAULTS ON EMPLOYEES

Although rare, assaults on employees by customers do occur. In many cases, the assault occurs simultaneously with other actions which interfere with the duties of a crewmember. Until today, the Company has handled these cases on an individual basis with the employees involved. This policy is being adopted in an effort to help employees at all levels better understand their rights and responsibilities in the event of an assault.

In many jurisdictions, an assault is defined as an action taken toward an individual that creates a threat of bodily harm, or the apprehension of physical injury. In some jurisdictions, abusive or suggestive language, unless used in a manner that creates the threat of violence or harm, is not considered an assault. If physical contact occurs, the incident is usually defined as battery. Often, an event involving an assault or battery is generally referred to as an assault.

SPECIAL PROTECTION FOR CREWMEMBERS

Crew interference is governed by federal regulation (Title 14 of the Code of Federal Regulations (14 CFR) section 91.11). Crew interference is defined as an incident where a passenger assaults, threatens, intimidates or interferes with a crewmember while in performance of crew duties on board an aircraft. THIS AIRLINE WILL NOT TOLERATE ASSAULT, THREATS, INTIMIDATION, AND INTERFERENCE. ANY EMPLOYEE WHO IS SUBJECTED TO ASSAULT WHILE AT WORK WILL RECEIVE COMPANY SUPPORT (INCLUDING LEGAL ADVICE...PAID ABSENCE TO APPEAR IN COURT DURING A CRIMINAL PROCEEDING).

The decision to press charges requires an ongoing commitment by the employee and should not be taken lightly. The employee may file a complaint or be required to testify in any subsequent court proceedings.

The Company will provide legal counsel and supervisory assistance in pursuing appropriate action to any employee who is subjected to abuse, physical violence, or intimidation on the job.

APPENDIX 2. SAMPLE AIRLINE POLICY BULLETIN -- ASSAULTS ON EMPLOYEES (Cont'd)

An employee may also pursue a civil action against a party who has committed an assault or battery. A civil action is brought for the purpose of recovering money damages.

In addition, support is available to any employee who is the victim of an assault through the airline's Employee Assistance Program at (phone number). The Company, jointly with the union, also provides a critical incident stress debriefing team which is available to flight attendants in certain circumstances.

It is important that employees report assaults immediately to the Company. All reports will receive follow-up by the appropriate department. All reports of crew interference are filed with the FAA for recording and possible civil enforcement action. Additional reports obtained for the FBI or local police are attached to the crew reports to assist the FAA in their investigation and assignment of appropriate penalty.

It is important to obtain as much information about the offender as possible. A name and address, as well as witness statements, are valuable. At a minimum, a description of the attacker, including physical characteristics, will be important when pursuing legal action. In an aircraft situation, the passenger's assigned seat designation often allows the Company to obtain information through its reservations' records.

As always, employees are expected to be understanding in trying to resolve the frustrations of our customers. However, no one can be expected to tolerate physical abuse of any kind.

This sample airline information should be reviewed by each airline's legal department to assure that it accurately states the airline's policies and the legal duties, responsibilities, and rights of the airline and airline personnel. The FAA does not provide legal advice about the specifics of tort and criminal law.

APPENDIX 3. SAMPLE AIRLINE INFORMATION BULLETIN

AIRLINE SECURITY INFORMATION BULLETIN

TO: ALL PUBLIC-CONTACT, FLIGHT OPERATIONS, IN-FLIGHT, AND ASSOCIATED MANAGEMENT PERSONNEL

SUBJECT: ASSAULTS ON EMPLOYEES

Just as any of us would take action if a family member needed help, each of us may feel an obligation to respond when a fellow employee needs help. Our corporate values clearly support this by asking us to show respect for each other as individuals and demonstrating integrity in everything we do.

When a fellow employee is in distress, for any reason, we should immediately and effectively assist that person. This certainly applies in cases of assault. Not coming to the aid of an employee in distress as a result of a customer's actions constitutes a clear failure to adhere to our corporate values. If serious physical assaults are ignored by pilots or managers, for example, basic safety and security may be compromised---and an individual's dignity violated. When a coworker or crewmember ignores an assaulted employee, that employee most likely will feel ignored and abandoned by the airline as well.

It is very important to be aware that authorities should be called for assistance with unruly customers or instances of out-and-out battery. Furthermore, flight officers have an obligation to follow-up on an assault which occurs on an aircraft by requesting that authorities meet the trip and by filing a "Captain's Report of Crewmember Interference."

APPENDIX 3. SAMPLE AIRLINE INFORMATION BULLETIN (Cont'd)

The following are questions and answers which will provide you with more information about the issue of assault in the workplace.

Q. What does "ASSAULT" actually mean?

A. Many jurisdictions define assault as an action taken toward an individual that creates a threat of bodily harm or the apprehension of physical injury. Abusive or suggestive language, if it is not utilized in a manner that creates the threat of violence or harm, is not considered an assault in some jurisdictions. Generally speaking, if physical contact should occur, the incident is defined as battery. Often, any event involving an assault or battery is referred to as an assault.

Q. What is the company's policy regarding assault?

A. At (airline), assault will not be tolerated. Any employee who is subjected to assault while at work will receive company support, including legal assistance and paid absence to appear in court during a related criminal proceeding.

Q. Will the company provide me with a lawyer?

A. The company will provide legal assistance and supervisory assistance in pursuing appropriate criminal remedial action to any employee who is subjected to abuse, physical violence, or intimidation on the job. The airline, however, will provide legal advice throughout the proceedings.

Q. What if I want to file a civil suit?

A. The decision to pursue a civil action against a party who has committed an assault or battery belongs to the employee. A civil action is brought for the purpose of recovering monetary damages. The company will, however, support the employee, counsel him or her as to their rights, and even assist in finding or retaining an attorney.

Assault in the workplace is a very serious issue. By lending a helping hand when necessary, we can support each other.

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APPENDIX 4. SAMPLE PROCEDURES DEALING WITH FLIGHT ATTENDANT ASSAULT

POLICY: Title 14 of the Code of Federal Regulations (14 CFR) section 91.11 states, "No person may assault, threaten, intimidate, or interfere with a crewmember in the performance of the crewmembers' duties aboard an aircraft being operated."

PROCEDURES:

During Boarding, at the Gate, or Taxi-Out:

- If the boarding flight attendant or agent identifies a passenger exhibiting inappropriate behavior, they should confer and prior to the passenger boarding, notify the captain and the lead agent. An example of inappropriate behavior could be a passenger who appears to be intoxicated, or has questionable medical problems that could be an immediate threat to other customers or themselves.
- If the passenger is on board the aircraft, the lead flight attendant will notify the captain of the passenger's name, seat number, and the nature of the problem.
- Reports of this nature can be reported during the sterile cockpit period if necessary.

After Takeoff/En Route:

- The captain will be notified by the lead flight attendant if any passenger displays disruptive behavior, appears to be intoxicated, or is smoking on a nonsmoking flight.
- After attempting to defuse the situation, the captain and the lead flight attendant will coordinate on the issuance of the Airline Passenger In-flight Disturbance Report to the passenger.
- It may not be safe for a cockpit crewmember to leave the cockpit. If the passenger becomes abusive, solicit help from other cabin crewmembers, other company employees, or passengers to help restrain the individual.
- Upon arrival, the captain will make a Public Address System Announcement (PA) requesting all passengers remain seated.
- The lead flight attendant will coordinate with the captain to identify passengers involved to the authorities.

APPENDIX 4. SAMPLE PROCEDURES DEALING WITH FLIGHT ATTENDANT ASSAULT (Cont'd)

Postflight:

- All flight attendants will complete a flight attendant report. Verify the name and address, if possible, of the passenger engaging in misconduct, and of any witnesses.
- Flight attendants need to be prepared to make a verbal and written statement to the local authorities upon landing. Flight attendants will retain a copy of any written report.
- The captain will facilitate any meetings with local authorities and/or appropriate airline personnel.
- Followup assistance, such as legal counseling, medical assistance, or personnel counseling will be provided by the flight attendant department or other appropriate departments.

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APPENDIX 5. SAMPLE REPORTING FORM

AIRLINE PASSENGER IN-FLIGHT DISTURBANCE REPORT

Date: _____
Flight #: _____ Departure City: _____
Arrival City: _____

Passenger Information: Name: _____
Seat #: _____

Address: _____
_____
_____

Description of Incident: _____
_____
_____
_____
_____
_____

Witness Name: _____ Seat #: _____
Address: _____
_____
Phone #: _____

F/A Name: _____
Employee #: _____ Base: _____
F/A Signature: _____

Captain Name: _____
Employee #: _____ Base: _____
Captain Signature: _____

APPENDIX 5. SAMPLE REPORTING FORM (Cont'd)

NOTICE: Your behavior may be in violation of Federal law. You should immediately cease if you wish to avoid prosecution and your removal from this aircraft at the next point of arrival.

This is a formal warning that Federal law prohibits the following (reference Title 14 of the Code of Federal Regulations (14 CFR) parts 91 and 121):

- Threatening, intimidating, or interfering with a crewmember (section 91.11)
- Smoking on a nonsmoking flight or in the lavatory (section 121.317)
- Drinking any alcoholic beverages not served by a crewmember or creating an alcohol-related disturbance (section 121.575)

An incident report will be filed with the FAA. If you do not refrain from these activities you will be prosecuted. The Federal Aviation Act provides for civil monetary fines and, in some cases, imprisonment.

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APPENDIX 6. POSSIBLE LANGUAGE FOR IN-FLIGHT MAGAZINE AND/OR TICKET WALLETS

TITLE 14 OF THE CODE OF FEDERAL REGULATIONS (14 CFR)
SECTION 91.11

Please be advised that interference
with crewmembers' (including flight attendants) duties
is a violation of Federal law.

An incident report may be filed
with the Federal Aviation Administration
regarding a passenger's behavior.

Under Federal law, no person may assault,
threaten, intimidate, or interfere
with crewmembers (including flight attendants) in the
performance of their duties aboard
an aircraft under operation.

Federal law permits penalties
for crew interference to include
substantial fines, imprisonment,
or both.

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