


ALL THE (AIR) RAGE

Kristin Newman

Anderson & Riddle

A series of several parallel white lines of varying thicknesses, slanted diagonally from the bottom left towards the top right, crossing the right side of the slide.

OVERVIEW

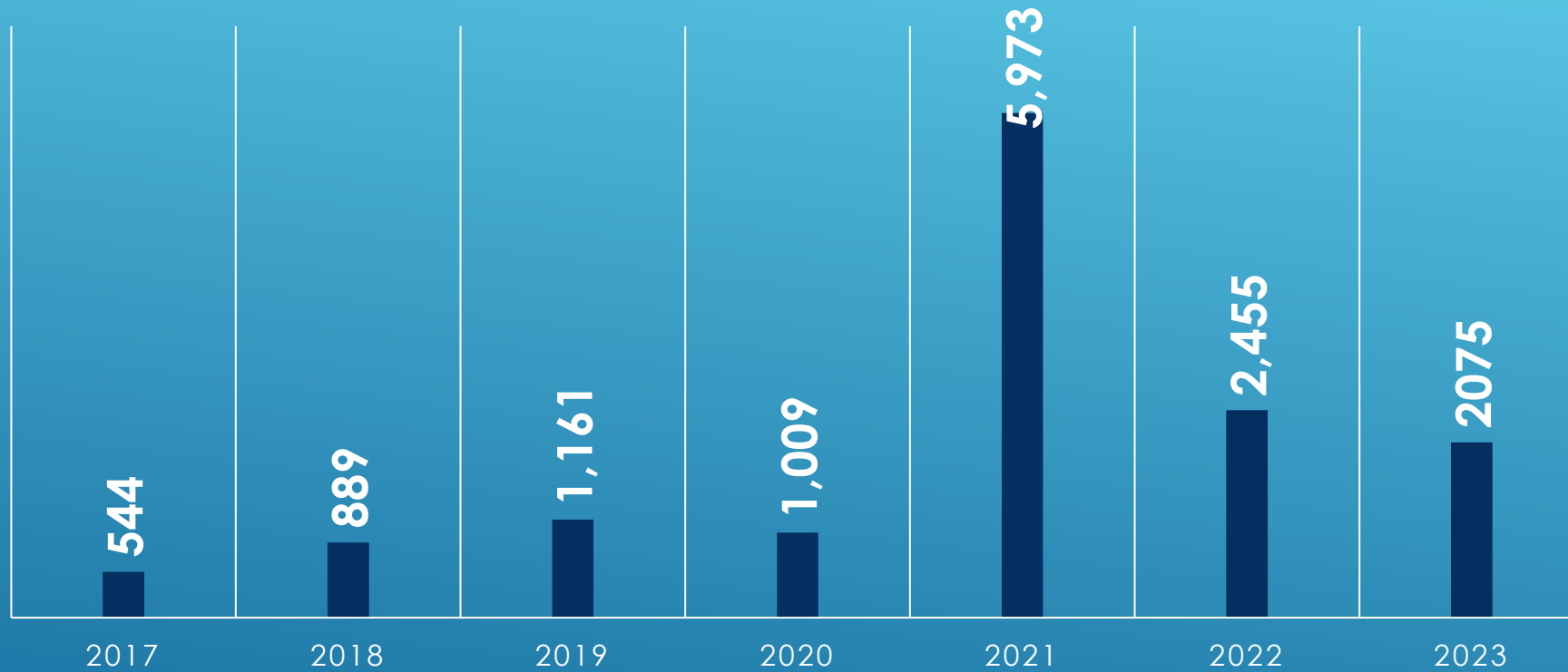
- ▶ How bad it is, really?
 - ▶ Why is it so bad?
 - ▶ What law is at play?
 - ▶ How is it handled?
- 
- A decorative graphic consisting of several parallel white lines of varying lengths, slanted diagonally from the bottom right towards the top right, set against a blue gradient background.

HOW BAD IS IT? - LEVELS OF UNRULINESS

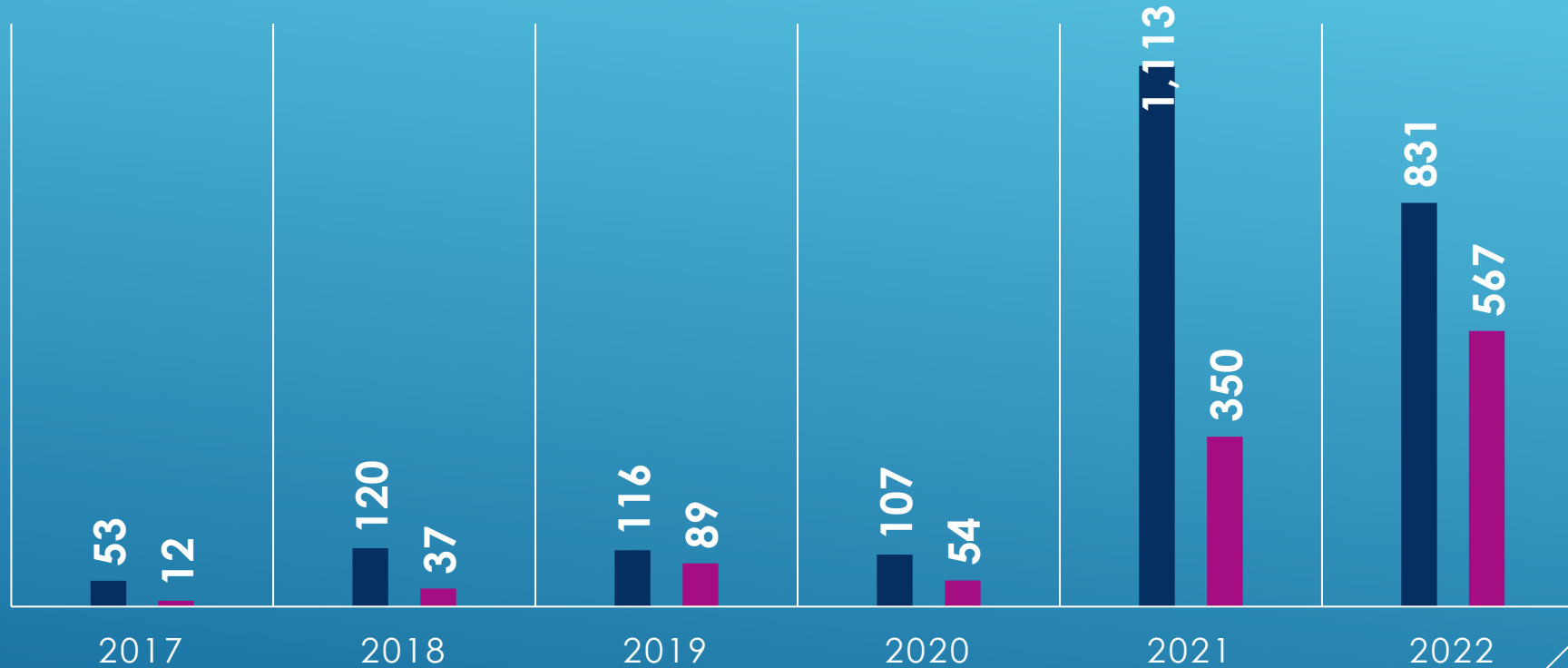
Level 1 Minor	Level 2 Moderate	Level 3 Serious	Level 4 Flight deck breach
<p>Intentionally non-compliant with safety regulations and policies.</p> <p>Boisterous/lively/excitable, particularly when traveling as part of a group.</p> <p>Argumentative.</p>	<p>Physically aggressive.</p> <p>Obscene or lewd physical contact.</p> <p>Causing damage to aircraft fixtures or equipment.</p>	<p>Dangerous.</p> <p>Display of, or use of, weapon.</p> <p>Intent or threat to injure.</p>	<p>Attempt to hijack.</p> <p>Sabotage.</p> <p>Credible threat of death.</p>

Source: IATA Cabin Operations Safety Best Practice Manual, Edition 7 (2022)

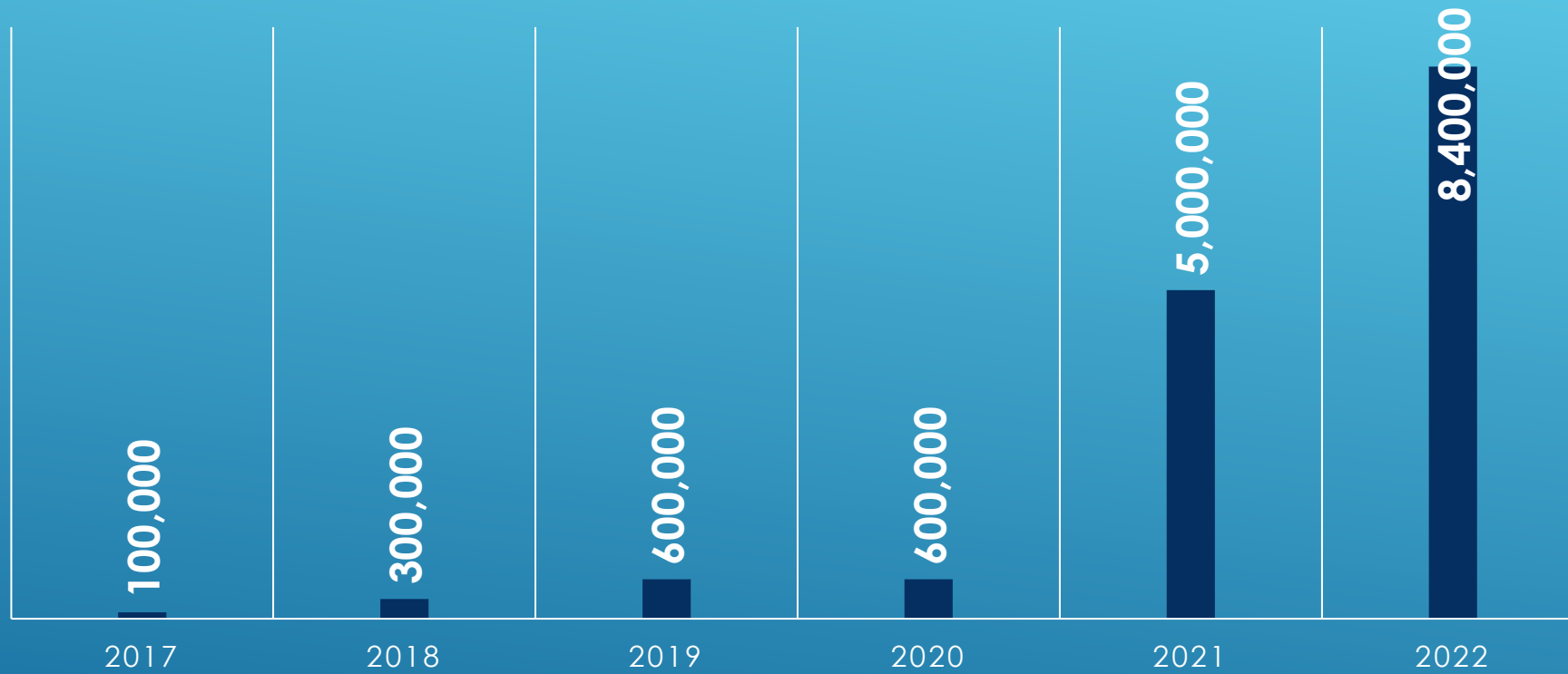
HOW BAD IS IT? - REPORTS OF UNRULY PASSENGERS



HOW BAD IS IT? - INVESTIGATIONS AND ENFORCEMENTS



HOW BAD IS IT? - FINES LEVIED



- ▶ People have changed
- ▶ Staffing issues
- ▶ Depersonalization

WHY IS IT SO BAD?

WHAT LAW IS AT PLAY? - DOMESTIC

49 U.S.C. 46504

An individual on an aircraft in the special aircraft jurisdiction of the United States who, by assaulting or intimidating a flight crew member or flight attendant of the aircraft, interferes with the performance of the duties of the member or attendant or lessens the ability of the member or attendant to perform those duties, or attempts or conspires to do such an act, shall be fined under title 18, imprisoned for not more than 20 years, or both. However, if a dangerous weapon is used in assaulting or intimidating the member or attendant, the individual shall be imprisoned for any term of years or for life

WHAT LAW IS AT PLAY? - DOMESTIC

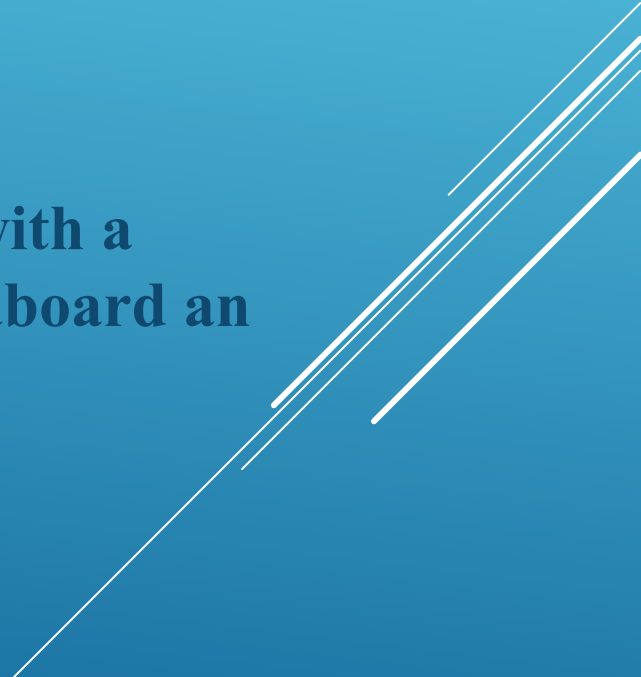
49 U.S.C. 46318(a)

An individual who physically or sexually assaults or threatens to physically or sexually assault a member of the flight crew or cabin crew of a civil aircraft or any other individual on the aircraft, or takes any action that poses an imminent threat to the safety of the aircraft or other individuals on the aircraft is liable to the United States Government for a civil penalty of not more than \$35,000.

WHAT LAW IS AT PLAY? - DOMESTIC

14 C.F.R. 121.580

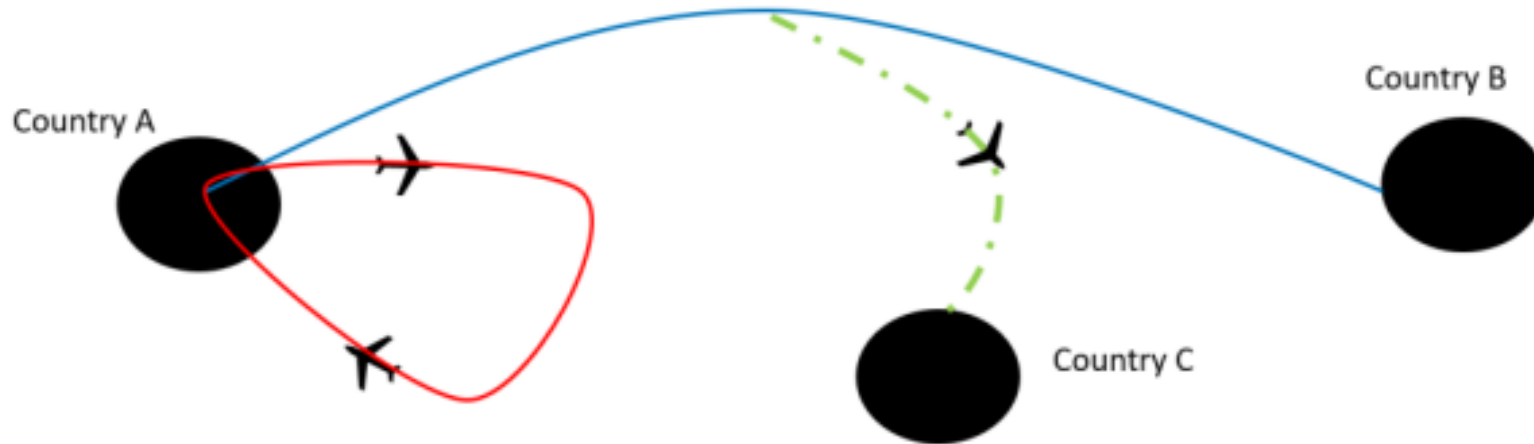
No person may assault, threaten, intimidate, or interfere with a crewmember in the performance of the crewmember's duties aboard an aircraft being operated under this part.

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- ▶ **The Convention on Offences and Certain Other Acts Committed on Board Aircraft**
 - ▶ The Tokyo Convention 1963
- ▶ **The United Nations International Civil Aviation Organization Montreal Protocol 2014**
 - ▶ MP14

WHAT LAW IS AT PLAY? -
INTERNATIONAL

Scenarios to illustrate the jurisdictional gaps in the Tokyo Convention 1963 (TC63)



The aircraft is registered in and the airline is based in Country A. The flight departs but there is an unruly passenger incident en-route to country B (scheduled destination).

Scenario 1 – Captain elects to return to Country A – The aircraft is registered in Country A. Police and prosecutors can deal with the passenger under national law. No problems!

Scenario 2 – Captain elects to continue to Country B (scheduled destination) – but authorities in Country A as State of aircraft registration have jurisdiction under the Tokyo Convention 1963. But they are 5,000km away. What can the police at the airport in Country B do? Usually, they release the passenger without charge.

Scenario 3 – Captain elects to divert to an airport in Country C, but again Country A has jurisdiction and the same problem occurs as in Scenario 2

Scenario 4 – The aircraft is dry-leased from a lessor and is registered in Country D. In this case, authorities in Country A (where the aircraft operates most flights to/from), Country B or Country C do not have jurisdiction. 50% of the world's fleet is leased so these jurisdictional gaps may increase.

HOW IS IT HANDLED? - FLIGHT ATTENDANTS

- ▶ **Training**

- ▶ 49 U.S.C. 44734

- ▶ 49 U.S.C. 44918

- ▶ **No boarding pay**

- ▶ **Mental Health**

- ▶ **FAA**
- ▶ **FBI**
- ▶ **Local Law**
- ▶ **TSA**
- ▶ **Airlines**
- ▶ **Congress**
- ▶ **International**

HOW IS IT BEING HANDLED?

QUESTIONS?

