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Transport of Involuntary Passengers on Commercial Flights Raises Safety Issues

Airlines, law enforcement agencies, and flight attendants' and pilots' organizations are struggling to define and coordinate policies concerning the transport of involuntary passengers. Among the problems are the lack of uniformity in procedures and the difficulty of assigning risk categories.

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FSF Editorial Staff

Virtually all of the world's commercial airlines transport involuntary passengers — prisoners, military absentees and deportees — people who, if given the choice, would rather be somewhere else. A geographically large country of some 268 million people, the United States has a diverse population, a high living standard and economic opportunities that also attract illegal immigrants and criminals, who contribute to a disproportionately greater share of involuntary passengers than most other countries have. Most such passengers are transported by the U.S. Marshals Service (USMS) (see page 5). But a significant number travel on commercial air carriers. How many? That information is not readily available, in part because the airlines generally treat involuntary passengers like regular passengers. Consequently, flight manifests list passengers by *paying* (revenue-generating) and *nonpaying* categories rather than identifying them as *deportees*, *prisoners*, etc. And U.S. government agencies, such as the Immigration and Naturalization Service (INS), do not calculate the numbers of such transports via commercial air carriers either. The INS knows how much it spends on deportee transportation, but its accounting methods do not readily separate escorted air travel from other types of detainee transportation.¹

The vast majority of commercial flights carrying involuntary passengers are conducted without incident, but there are



instances where these passengers put flight crews at risk. The risks include violence, the discharge of lethal weapons (especially when armed escorts are on board), lesser forms of disruptive behavior and possible exposure to health hazards such as lice, malaria and tuberculosis. According to the medical director of the INS detention center in Houston, Texas, U.S., approximately 40 percent of the roughly 300 persons deported each month from that facility test positive for tuberculosis, with “up to 10 percent of those becoming active and contagious.” Physicians called these figures “a significant threat” to passengers in the enclosed space of an air transport cabin.²

Handcuffed or shackled involuntary passengers, who are accompanied by one or more armed escorts, may cause other passengers on commercial flights to be uncomfortable. But involuntary passengers who are under the close scrutiny of one or more armed guards usually present few problems. The *unescorted* involuntary passengers pose more threat to safety. They are not shackled or handcuffed; they can move freely about the aircraft; and they can be served alcoholic beverages. For any number of reasons — if these unescorted involuntary passengers are uncooperative, if they do not want to go where they are being sent, if they are not fluent enough in English to understand a flight attendant's communication, or if they feel that they have little or nothing to lose by misbehaving — there

could be trouble en route, especially if they are part of a larger group.

The Air Line Pilots Association, International (ALPA) has cautioned cabin crews and flight crews to take involuntary passengers seriously, whether or not there are armed escorts on board. In a 1995 position statement, ALPA said that deportees and other “airline passengers who are required to travel involuntarily ... should be viewed by the airline and its employees as potential flight hazards or threats.”³ Without making any distinction between escorted and nonescorted deportees or other involuntary airline passengers, ALPA recommends stricter oversight than has generally been the case. “At least one unarmed escort, who is responsible for and can control the [deportee’s] actions while in transit, should accompany each involuntary passenger,” ALPA said. ALPA’s “minimum precautionary measures” include involuntary passengers boarding first and leaving last, being assigned seats at the rear of the aircraft and being served no alcoholic beverages. Other recommendations by ALPA parallel the guidance provided in the U.S. Federal Aviation Administration (FAA) Advisory Circular (AC) 108-2, *Security Rules: Carriage of Weapons and Escorted Persons*.⁴

The International Air Transport Association (IATA) cites certain factors cabin crews should take into account in handling deportees. “... Consideration should always be given to assessing if the circumstances of the refused admission, or deportation, could cause the individual to become a risk to the security of the aircraft. Factors which could make [such] passengers a security risk are:

- “A major objection on the part of the individual to be returned to another country;
- “The mental or physical state of the individual, which may require special attention or care;
- “The nature of any criminal act already committed by the individual;
- “If the individual is wanted by the police of any other State [country]; and,
- “If the individual personally objects to carriage by air.”

IATA also stipulates that the following security procedures shall be applied with unescorted involuntary passengers:

- “Full security check of the individual and his/her baggage prior to embarkation;
- “No public disclosure of the itinerary, especially where there is political significance;
- “Travel formalities for transit, transfer and entry at destination be properly completed;

- “Any special requirements, permits or authorities at transit, transfer and destination stations be made available; and,
- “Notify captain of seat number.”⁵

Additional security measures and guidelines developed by the International Civil Aviation Organization (ICAO) go further than the U.S. Federal Aviation Regulations (FARs) in some areas (with differences in italics). For example, ICAO suggests that the pilot in command not only be notified of the presence (and seat assignments) of escorts and those in custody, but that *the pilot should acknowledge receipt of that information*. ICAO also recommends that “at least two escorts be provided for each prisoner considered dangerous *in the judgment of a responsible representative of the operator*,” and that “*the carrier refuse to accept a prisoner if, in the judgment of a responsible representative of the operator, such acceptance may jeopardize the safety of other passengers*.”⁶

The U.S. federal agency responsible for handling the majority of U.S. deportees, the INS, recently adopted a more stringent interim policy on escorts. Citing a March 1997 incident aboard a United Airlines flight involving 21 unescorted aliens being deported to El Salvador, the INS said, “When any group of nonviolent convicted or charged criminal aliens, who are determined to be nondangerous, are to be placed aboard commercial flights, there should be at least two escorts for every 12 such aliens.” The directive further said that “... current INS escort policy requires that any [deportee] classified as being *dangerous* shall be escorted by two officers, that the air carrier shall be notified and that no more than one escorted dangerous [deportee] is permitted per flight.”⁷

INS spokesperson Russell Bergeron said that the interim policy, which, as of August 1997, is still in effect, is under review by various U.S. federal agencies and airline groups. It replaces previous INS escort policy, in which individuals who were to be deported were interviewed by INS personnel. If determined to be nondangerous, the involuntary passenger would be placed aboard a commercial carrier with no escort. There was no upper limit to the number of such passengers who were allowed to be on a single flight.⁸

In response to concerns of several members of the U.S. Congress about deportees with criminal records flying unescorted on airlines, INS commissioner Doris Meissner cited high costs as one reason why the agency had put substantial numbers of deportees — mostly unescorted — on airlines. “This fiscal year [1997], the INS expects to deport 93,000 persons, including 55,000 criminals,” said Meissner. “The costs for these removals are substantial. For example, airfare to a Central American country is approximately US\$ 600 for a one-way ticket. If INS extended its present policy of two officers per escort to all aliens removed, its costs for these additional removals would increase five-fold, with the cost of the escorts’ two round-trip fares added to the deportee’s one-way fare. These costs increase even more dramatically when travel to

Asia or Africa is involved, where the fare for a one-way ticket is nearly US\$1,800, to which meals, hotels and overtime must be added.” Meissner also said, “To reduce the public’s exposure to travelers with criminal backgrounds, the INS is also planning to expand its use of the [U.S. Marshals Service’s] Justice and Prisoner Air Transport System (JPATS) for removals to foreign countries.”⁹

As shown in Table 1 (page 4), deportees can present serious problems for cabin crews and flight crews. But even when there are no apparent problems, flight attendants must be vigilant.

Mary Kay Hanke, international vice president of the Association of Flight Attendants (AFA), recently described some of the dilemmas that flight attendants face in dealing with deportees. “The security of the unescorted individuals potentially poses some problems,” said Hanke. “We are informed where the deportees are to be seated, just as we are informed about children flying alone, disabled passengers who need boarding assistance and frequent flyers. Often we are instructed to remember who the deportees are so that we can assist in turning them over [to authorities] at the gate. We are happy to work on procedures to assist in this mission. We are not, however, happy to undertake police work or guard work. ... We cannot physically restrain one or more deportees and we cannot prevent them from departing a plane. We should not try.”¹⁰

One of the major roadblocks in addressing problems associated with involuntary passengers is the lack of information. No detailed databases have been created to determine the number of involuntary passengers, what sorts of special difficulties they may pose for cabin crews and flight crews, or what measures carriers might want to adopt for their training programs and operations procedures to address various situations. Furthermore, FARs Part 108.7 specifically restricts “the distribution, disclosure and availability of sensitive security information ... to persons with a need to know.”¹¹ And security issues include involuntary passengers.

As a result, there is abundant anecdotal information, but there are few precise data. The U.S. Marshals Service, for example, has data on the numbers of passengers it transports on its own aircraft via JPATS, but not on those whom it books on commercial flights.¹² The FAA does not compile such figures, either, nor do such organizations as IATA, the Air Transport Association of America (ATA), AFA and ALPA. U.S. federal agencies such as the Federal Bureau of Investigation (FBI), the INS, the Department of Transportation (DOT) or the Department of State, if they do collect such data, are reluctant to make it available to the public, especially if the data can be construed as relating to airline security.

Because more attention is being focused on how passengers behave, involuntary-passenger issues may become more visible. ALPA has held preliminary discussions with the FAA

in hopes of creating a database using reports from the FAA’s voluntary hot line and perhaps the U.S. National Aeronautics and Space Administration (NASA) Aviation Safety Reporting System (ASRS) as well.¹³ According to Ron Welding, who deals with cabin security issues for ATA, several major U.S. carriers, including United Airlines, Northwest Airlines and American Airlines, have begun to compile relevant passenger data in an industrywide effort supported by ATA. But the project is in its early stages and focuses more on incidents than on involuntary passengers *per se*.¹⁴

U.S. airlines have programs to ensure compliance with federal requirements. Some have gone further in anticipating problem areas that are not specified in current federal regulations. For example, a major U.S. carrier that flies international routes has developed a policy that anticipates contingencies for deportees and other involuntary passengers. A cornerstone of its program involves completing a one-page form (Figure 1, page 6) in quadruplicate, with color-coded copies going to the law enforcement officer (LEO), the gate agent, the first flight attendant and the captain, so that each need-to-know member of the cabin crew and flight crew has the necessary involuntary passenger information.

The form summarizes relevant regulations and gives instructions for both armed and unarmed LEOs. This carrier, unlike some major airlines, prohibits detainees from using the lavatories and bans them from boarding flights in which any leg exceeds four hours. It has *no limits* on the number of unescorted deportees who can be carried on a flight.

Involuntary passengers inherently require more attention from flight attendants and more regulations from the FAA. The additional regulations can cause problems. For example, U.S. federal regulations that govern bringing weapons on board aircraft require both paperwork and verbal communication between armed escorts and authorized carrier personnel so that airline officials from the gate to the cockpit know when armed LEOs and their escortees are on board, how many of both there are and where they are seated.

Nevertheless, as the FAA recently acknowledged, “Some confusion has arisen from the existing regulations about escorting prisoners. Air carriers have established their own policies on prisoner transport. Some air carriers require the prisoner to be restrained during the flight; others will not permit this practice. While these varying practices have complied with the requirements of this part [FARs, Part 108], law enforcement officers have not been sure about the various air carrier procedures.”¹⁵

Reports from ASRS indicate that these rules are not always clearly understood by LEOs, cabin crew or flight crew, nor in some cases, adequately enforced. These lapses can result from a lack of understanding of the details of the FARs (for example, when an authorized agent may be allowed to carry a gun on board and when the gun must be secured), from the differences

Table 1
Some Incidents Reported That Involved Deportees Aboard Commercial Aircraft

Date	Country	Description of Incident
May 1997	United States	A United Airlines captain refused to accept 40 deportees aboard a regularly scheduled flight. "INS officers were stunned," Copley News Service reported. "The agents herded the group of deportees back to detention cells until their departures could be rescheduled on another airline."
March 27, 1997	United States	Twenty-one deportees were placed aboard a United Airlines flight to El Salvador. Eleven were former felons, but all 21 were considered nonviolent. Some of the deportees stole liquor from a service cart and another deportee touched a 12-year-old girl. The girl was quickly moved away from the area in which the deportees were seated.
October 1996	France	The aircraft was boarded by six Mali deportees, accompanied by French plainclothes police and a number of other passengers. As the aircraft taxied from the terminal, one deportee opened the rear door of the aircraft and tried to jump out. The captain stated that he would not transport anyone being deported against his will. Escorted by police, three or four Malians decided to leave. "The presence of handcuffed Africans with police escorts aboard regular flights has sparked protests by passengers in the past," Agence France-Presse said. "Observers noted that deportees no longer seemed to be handcuffed as a matter of routine."
July 28, 1996	Spain	Sixteen bound and gagged African deportees — nine Nigerians, five South Africans and two individuals from Cameroon — boarded the Iberia Airlines aircraft with more than a dozen private security guards. The deportees were removed when other passengers complained that the deportees were drooling, vomiting and screaming. Earlier, the deportees had been detained for seven days in an airport room. Police said they bound and gagged the deportees because they had stripped naked to avoid deportation.
June 22, 1996	Spain	The Spanish government acknowledged slipping tranquilizers into the drinking water of 103 deportees before they were deported to Mali, Senegal, Cameroon and Guinea Bissau. One of 51 police officers involved with the deportees was admitted with malaria to a hospital.
Dec. 23, 1994	Zambia	The Boeing 727 carried 85 passengers, including at least 42 Malians who were being deported from Zambia to Mali. The aircraft was refueling in Lagos when the deportees attempted to flee the aircraft but were forced back on board by Nigerian soldiers who fired shots in the air.
April 25, 1994	Saudi Arabia	The Boeing 757 had at least 130 passengers on board, including 100 Ethiopians who were being deported from Jeddah, Saudi Arabia, to Addis Ababa, Ethiopia. One deportee, allegedly carrying a knife, hijacked the aircraft after takeoff and demanded passage to London, England. The aircraft, low on fuel, was allowed to land at Sanaa Airport, Yemen where the hijacker released all the passengers and crew and surrendered to police.
March 7–8, 1994	Saudi Arabia	The 139 passengers on board the Saudi Arabian Airbus A300-600 included 130 individuals who were placed on the aircraft by Saudi Arabian authorities in Jeddah for deportation to Addis Ababa, Ethiopia. Two deportees hijacked the aircraft after takeoff. The hijackers forced the flight crew to land at Jomo Kenyatta International Airport in Nairobi, Kenya, where they demanded more fuel to fly to Rome, Italy. The passengers were released but the hijackers remained on board with the captain. Kenyan troops stormed the aircraft and arrested the hijackers. The captain stated that the hijackers repeatedly threatened to kill him and his crew with what he believed was a real gun. Authorities later determined that it was a plastic gun. The senior principal magistrate in Kenya fined the two hijackers US\$800 each and said, "They only hijacked the plane as they were desperate to avoid returning to Ethiopia." The Saudi Arabian embassy had deported the individuals because they had overstayed on their religious visas to work illegally in the oil industry.
April 8, 1993	United States	A Continental Airlines flight attendant was assaulted by a deportee who was reportedly a convicted rapist.
December 1991	United States	The American Airlines aircraft was scheduled to depart Miami (Florida, U.S.) International Airport for a stopover in Rio de Janeiro, Brazil, then on to Nigeria. A Nigerian deportee was to be boarded in Miami. This was the third attempt within three months to deport him from the United States. He had previously resisted deportation by kicking and biting guards at the airport. The deportee was brought to the airport in a straitjacket, with 4.5-kilogram (10-pound) weights on his ankles and his mouth taped. INS records indicate that he had been injected with thiorazine and other tranquilizers. After he was boarded along with four guards, an airline supervisor reported that one guard held a syringe. The pilot refused to take off until the deportee was removed.

Sources: Agence France-Presse, Associated Press, Copley News Service, Reuters, *San Diego Union-Tribune* and *The Washington Post*.

between a carrier's operations policies and those of a federal agency, or from a simple oversight on the part of LEOs, ground security forces, cabin crew or flight crew.¹⁶

In one ASRS report, the pilot was asked by the head flight attendant during cruise whether he was aware that there was a handcuffed prisoner on board. Neither the pilot nor the flight attendant had received any paperwork about the prisoner or the armed escort. In another ASRS report, a pilot who encountered a similar problem noticed that on the airline's required Notice to Armed Law Enforcement Officers Form, there were no explicit instructions to the LEO to introduce himself to the captain. Although this is not technically required by the FARs, the captain subsequently recommended that the carrier modify its form to preclude any such recurrence.¹⁶

ASRS data are submitted voluntarily and are deidentified quickly so that there is no way to identify the person who submitted the report. Furthermore, because of biases of those supplying the data, the information provided may or may not be accurate or reliable, particularly for statistical analyses. The reports may or may not represent widespread problems.

In accordance with FARs Part 108.21, involuntary passengers are boarded on commercial carriers inconspicuously, out of sight of passengers in the terminal. The paperwork necessary to process them is required to be completed at least one hour before departure, except in an emergency. Maximum-risk passengers must be under the control of at least two armed escorts, with no more than one such maximum-risk passenger allowed on board. Escorted passengers not considered maximum risk must be under the control of at least one armed escort with not more than two such passengers under the control of one escort.

Moreover, the commercial carrier must confirm that the LEO has adequate restraining devices (should they be necessary) and that the involuntary passenger has been properly searched to ensure that he or she has no concealed lethal weapon on his or her person. The involuntary passenger is seated in the rearmost section of the aircraft that is not located in any lounge area and is not next to or across from any exit, with the armed guard seated between the passenger and the aisle. Further requirements stipulate that neither the involuntary passenger nor the escort be served alcoholic beverages during the flight, that metal eating utensils not be given to the involuntary passenger (unless authorized by the escort) and that the escort accompany the involuntary passenger if a trip to the lavatory is necessary.

Other reports from ASRS suggest that federal regulations (and amendments) on security issues are so numerous that it can be difficult for commercial carriers to enforce them uniformly.¹⁶ This is not surprising in view of the wide range of training programs provided by the major commercial carriers; the latitude given commercial carriers in developing their own policies and procedures; the occasional breakdown in



U.S. Marshals Service Justice Prisoner And Alien Transportation System

With 95 district offices, 154 suboffices and a field staff of more than 3,200, the U.S. Marshals Service (USMS), the nation's oldest federal law enforcement agency, assumes custody of individuals arrested by all federal agencies. On average, approximately 180,000 prisoner and deportee transports are made annually via coordinated air and ground vehicles. Of this number, more than 98,000, including nearly 3,300 nonfederal prisoners, are transported by air.²¹

The USMS's air arm, the Justice Prisoner and Alien Transportation System (JPATS), came into being in 1995 as the air fleets of the USMS and the Immigration and Naturalization Service (INS) merged into one organization. According to Thomas Little, chief of air operations for the USMS (and a DC-9 pilot), JPATS now includes 32 pilots. Its fleet includes three Boeing 727s, a McDonnell Douglas DC-9, four Rockwell Saberliner 80s, two Lear 25Ds, two Convair 580s, an Alaska-based Cessna 185 on floats, and a Piper Cheyenne as well as numerous cars, vans and buses to support the agency's mission.²²

Based at Will Rogers World Field in Oklahoma City, Oklahoma, U.S., JPATS is the only government-operated, scheduled passenger airline in the U.S. With some 45 flights to 50 flights per week,²³ it regularly services 40 cities and uses military airfields as well as commercial airports. If prisoners cannot be moved in one day — its aircraft fly primarily during daylight hours — prisoners are housed overnight at U.S. Bureau of Prisons facilities. Since the founding of the USMS's air fleet in 1985, Little said, JPATS has never had a prisoner escape.

The USMS's policies and procedures are different from those of commercial airlines. There is little or no movement about the aisles and no alcoholic drinks are available for either passengers or escorts. All prisoners are shackled (but "humanely," Little said, unlike the treatment prisoners were accorded in the movie "Con Air"), and there are armed escorts — sometimes 10 or more — on every flight. When USMS prisoners do use commercial flights, they are boarded from remote sites rather than through the airline terminals, and, as is standard operating procedure with commercial airlines, in the rear of the aircraft and before regular passengers are boarded.♦

Form for Law Enforcement Escorts

Notice to Armed Law Enforcement Officers or Armed Law Enforcement Officers Escorting Prisoner(s)

Officer's Name:	<i>Initial One:</i>
Badge/Credential No.:	_____ Armed Officer Traveling Alone
Flight/Date:	_____ Armed Officer Transporting Prisoner
From:	_____ Armed Officer Escorting Dignitary or Witness
Agency's Name:	Risk Classification: [] Maximum [] Minimum
Dignitary/Witness/Prisoner Name:	Seat Number:
Agency's Address:	Phone Number:
City:	State: Zip:

Important

All officers must certify that they meet the requirements of Federal Aviation Regulations 108.11 and 108.21. Only those officials of a municipality, state or the United States who are authorized by said entity to carry weapons may bring them on board the aircraft provided:

- 1) He/She is on official business and is authorized to do so by his/her agency; and 2) the weapon needs to be accessible in connection with the performance of his/her duties from the time the weapon would otherwise be checked in as baggage and reclaimed upon arrival.
Note: Mace, tear gas and other similar incapacitating gas-generating devices may not be brought on board the aircraft either as a carry-on item or as checked baggage.

Instructions — Law Enforcement Officials (Armed)

- 1) Present your official credentials, including a full-face photograph, your signature and signature or seal of your authorizing agency (badges alone are not sufficient). State and local officers must also present a letter from their supervisor certifying that the officer has received firearm training and confirming the officer's need to travel armed.
- 2) Weapons must remain in your possession and be concealed at all times.
- 3) Present this form and your official credentials to the security checkpoint personnel prior to clearing security. Give a completed, signed copy to the gate agent prior to boarding your flight. The agent will introduce you to the head flight attendant, who will advise you if other armed officers are travelling on your flight.
- 4) Consumption of alcohol is prohibited.

Instructions — Law Enforcement Officials (Armed) Escorting Prisoner(s)

The following additional requirements apply if traveling with a prisoner:

- 5) All prisoners must be handcuffed at all times, including enplaning/deplaning and while on board the aircraft. Handcuffs must be secured to the prisoner's belt or chain around the waist.
- 6) Neither the escort or prisoner may consume alcoholic beverages. The prisoner will not be served food or beverage unless served by the escort since the prisoner(s) must be handcuffed at all times.
- 7) Escort(s) and prisoner(s) will board first, occupy only their assigned seats in the rearmost section of the aircraft, preferably near a window, and deplane last. The escort will be seated adjacent to the prisoner and between the prisoner and other customers.
- 8) Prisoner(s) are restricted from moving about — aloft or on the ground — for any reason including the use of lavatories. For this reason, single flight segments which exceed 4 hours are prohibited.
- 9) The escort certifies that the prisoner has been searched and is not in possession of weapons or dangerous item(s).
- 10) In the event of an unrelated disturbance aboard the aircraft, you are not to take any action unless specifically requested to do so by the captain.

By signing this document, I certify that I am in compliance with FAA regulations 108.11, 108.21 and acknowledge that I have read and will comply with all of the regulations outlined above.

I certify that I have reviewed the identification of the Law Enforcement Official named above and confirm that it meets the regulations outlined above.

Signature and Title of Law Enforcement Official (Date)

Signature and Title of Manager/Designated Representative (Date)

Source: A U.S.-based airline

Figure 1

communications between LEOs, gate personnel, cabin crews and flight crews; and that federal agencies have different internal policies and procedures.

In general, the policies developed by commercial carriers and recommendations made by organizations such as IATA, AFA and ALPA on involuntary passengers tend to stress three principles: the necessity for clear and open lines of communication between escorts, gate personnel, cabin crews and flight crews; the treatment of involuntary passengers, insofar as possible, as regular passengers; and the need for clear and appropriate demarcation of responsibilities.

The demarcation of responsibilities has been of major concern to cabin crew members, who have expressed reservations that sometimes certain groups of involuntary passengers — especially deportees — have, in effect, been made their responsibility. Current INS policy, for example, provides for no escorts for up to 11 deportees on a single flight, and AFA, among other groups, has argued that flight attendants should not be assigned tasks that properly belong to law enforcement officers.¹⁷

Perhaps one key in reducing the risks associated with involuntary-passenger issues involves clearer definitions. As AFA's Hanke noted: "Part 108.21 of the FAA regulations addresses only the two highest risk categories of [involuntary] passengers: (1) 'maximum risk,' which requires two armed escorts for the passenger and prohibits more than one such passenger per flight[;] and (2) 'not maximum risk' passengers, where one armed law enforcement escort can accompany two passengers.

"So the most dangerous [involuntary passengers] are well guarded; while that is a comfort, every [involuntary] passenger failing to qualify as truly dangerous falls into the no-risk category, where flight attendants are instructed to treat them just like regular passengers. But just one of these 'no risk' passengers could threaten safety."¹⁸

Characterization, however, can be problematic. In classifying deportees, for example, the INS uses several terms, including:

- Dangerous;
- Noncriminal;
- Criminal (felon);
- Criminal (charged);
- Nonviolent;
- Mental condition;
- Severe medical condition; and,
- Juvenile.⁷

Providing a clear definition of the word "dangerous," for example, is hampered by both the subjective nature of the word (which may mean one thing to an INS escort and something else to an INS physician) and that cabin crews and flight crews have to rely on judgments made by the agency putting involuntary passengers aboard the aircraft. But a change at INS is forthcoming. According to INS assistant attorney general Andrew Fois, "The revised INS escort policy will include a classification system to be applied by all INS officers. The system is designed to identify [deportees] who require an escort because of a violent or criminal background, or because of medical, mental or asocial conditions."¹⁹

The FAA also recently acknowledged problems inherent in categorizing passengers. "The number of escorts required for prisoner transport is determined by the risk presented by the person being escorted. Currently, a prisoner considered a 'maximum risk' by the agency directing the transportation of the prisoner, requires two escorts. "Maximum risk' has no standard definition. The FAA proposes ... to replace the term 'maximum risk' with the term 'high risk.' A prisoner is considered 'high risk' if the prisoner is an escape risk, or is charged with, or convicted of, a violent crime. ... The FAA believes that this change of definition will lead to consistent interpretation by the law enforcement community."¹⁵

The current efforts of the FAA to update FARs Parts 107 (Airport Security) and 108 and to rewrite the FARs in "plain English," as the White House Commission on Aviation and Safety recommended,²⁰ may lead to a more consistent application of safety and security measures for cabin crews and flight crews. As the FAA wrote in discussing proposed rule changes, "The proposed revisions of Part 108 and Part 107 represent a comprehensive approach toward upgrading the security requirements of the civil aviation system. The intent of these proposed revisions is to foster consistency and standardization throughout the national civil aviation security program. ... Changes to definitions ... are intended to promote a common understanding within the aviation community" ¹⁵ ♦

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Further Reading from FSF Publications

"FAA, Pilots and Flight Attendants Propose Measures to Reduce Passenger Interference with Cabin Crews," *Cabin Crew Safety*. May-June 1997.

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