
Sample Guidelines for Member Associations in the Event of a Pilot Being Arrested in a Foreign Country

NOTE

This paper supersedes 09LEGBL01.

INTRODUCTION

While a pilot may assume it could never happen to them, arrest by the police of a foreign State is always a possibility. This could happen for several reasons, including alcohol consumption or other offences or in relation to an incident or accident, real or alleged. It is important to be prepared and aware of what actions can be taken and how to instruct your members beforehand on how to react in these circumstances (i.e. instructions card).

This Briefing Leaflet provides guidelines for both the Member Association and the individual pilot on how to deal with a pilot arrest. These instructions that can also be provided to pilots directly.

MEMBER ASSOCIATION ACTIONS

- Upon receiving a call for assistance, contact the local pilots' association of the country where your pilot has been arrested and ask for their assistance in getting your pilot released and out of the country as soon as possible. If the local pilots' association can't help you, search for local legal counsel.
 - If you cannot reach the local pilots' association, contact the **IFALPA Emergency Number** +44 1202 653 110
- Notify the pilot's airline and ask for any assistance they can provide. If the airline has already been informed, exchange information about the actions that have been planned and committed to. Try to coordinate with them as much as possible.
- Notify the pilot's family about what has happened. Advise them not to talk to the media, and if media are at their home, to relocate as soon as possible to an unknown location to avoid media scrutiny for the time being.

- Do not speak to the media about the incident. If you have media specialists, inform them of the situation as soon as possible so they can manage all media contact.
- If you are unable to reach anyone for assistance, contact the nearest embassy or consulate and ask for help.
- The goal is to get the pilot released and out of the country as soon as possible. Everything possible should be done to achieve that goal.
- If the pilot is released but their passport has been confiscated, arrange for accommodation until they can return home. If there are visits while the pilot is being held: be aware which items are and are not allowed inside.
- If practicable send a representative from the home association immediately to assist the pilot at their location with morale, technical, welfare, legal, and, if necessary, financial support. Try to find an interpreter if there is a language barrier.
- If you are in contact with the pilot inform them of any concrete actions being taken. Be factual, make no assumptions or unconfirmed statements, give tips for physical and mental well-being, try to keep the crew together.
- Also consider providing the pilot with assistance even if they're not a member of your MA (general pilot interest/solidarity).

IN ADVANCE

Create an instruction card/booklet within your MA as a guide to assisting pilots. Also create an instruction card/booklet for your pilot members on what to do in case of arrest. Many MAs developed instruction cards/booklets on what to do in case of incident/accident and/or arrest.

Suggested elements to include in an instruction card/booklet

1. Comply with the orders of the police/authority and politely ask why you are being detained. If they question you or you test positive for drugs or alcohol and they ask you if you have been drinking or question you about your conduct, politely inform them that you're willing to fully cooperate but that you do not want to make any statements until you have spoken to a lawyer.
2. Request to speak to a lawyer. If compelled to make a statement prior to speaking to a lawyer, as an interim measure, use the sample statement contained herein. If you

are required to provide a blood or urine sample, ask for a split sample. Ask to retain one sample for your own independent testing.

3. Contact your Home Association's incident hotline as soon as possible and tell them you need immediate assistance. If you cannot reach your Home Association, call the IFALPA Emergency Number +44 1202 653 110 and ask for assistance. Provide the following information:
 - Your name and company
 - Your location
 - What you are charged with by the police
 - Names and location of other crew members
 - Inform them that you need a lawyer and help being released
 - Your medical and health condition
4. The sooner you contact your Association and/or your employer, the sooner you can get the support you need. If you are provided with a lawyer and/or a representative, you should verify their identity before speaking to them.
5. Ensure that you are well rested and cared for before proceeding with an interview of any kind.
6. Do not volunteer information and do not speculate on possible contributing factors in any way.
7. Never sign a statement if it is not written in a language that you understand, and you have received legal advice about it.
8. You may insist that no recorders will be used.
9. Avoid taking notes.

After an incident/accident

10. Complete your tasks
11. Ask for medical help and treatment, if necessary
12. Arrange crew care
13. Contact your employer
14. Contact your MA or IFALPA Emergency Number +44 1202 653 110
15. Follow points 1 to 10

SAMPLE STATEMENT

I, _____ am employed as a pilot by _____ airline and am based in _____. I am a citizen of _____ and reside at _____. I do not wish to make any statement until I have spoken to a lawyer.

Please contact the _____ Embassy and inform them that you have arrested me and let me contact my Pilot Association and/or my airline for assistance.