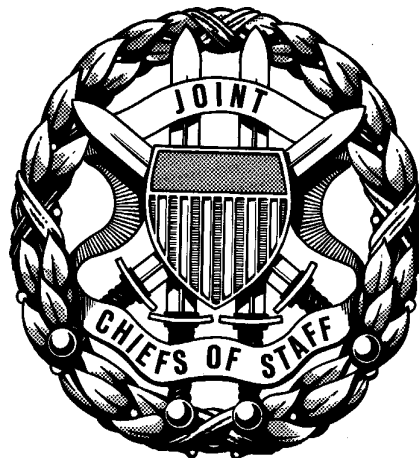


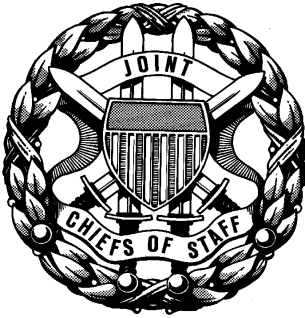
CJCSI 3610.01  
31 July 1997

AIRCRAFT PIRACY  
(HIJACKING) AND  
DESTRUCTION OF DERELICT  
AIRBORNE OBJECTS



JOINT STAFF  
WASHINGTON, D.C. 20318-0400

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# CHAIRMAN OF THE JOINT CHIEFS OF STAFF INSTRUCTION

J-3  
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CJCSI 3610.01  
31 July 1997

## AIRCRAFT PIRACY (HIJACKING) AND DESTRUCTION OF DERELICT AIRBORNE OBJECTS

Reference(s): See Enclosure E

1. Purpose. This instruction provides guidance to the Deputy Director for Operations (DDO), National Military Command Center (NMCC), and operational commanders in the event of an aircraft piracy (hijacking) or request for destruction of derelict airborne objects.
2. Cancellation. MCM-102-92, 24 July 1992, "Hijacking of Civil Aircraft," CJCS MOP 51, 13 April 1992, "Aircraft Piracy (Hijacking) of Military and Military Contract Air craft," and MCM-- 173-90, 14 September 1990, "Destruction of Derelict Airborne Objects" are canceled.
3. Applicability. This instruction applies to the Joint Staff, Services, unified commands, and the US Element, North American Aerospace Defense Command (USELMNORAD).
4. Policy
  - a. Aircraft Piracy (Hijacking) of Civil and Military Aircraft. The Administrator, Federal Aviation Administration (FAA), pursuant to the title 49, USC, section 44903(e), has exclusive responsibility to direct law enforcement activity and may request DOD assistance in responding to an actual or suspected air piracy (hijacking) under the authority contained in Enclosure A. Reference a establishes the role of the NMCC to serve as the focal point for coordinating DOD assistance to the FAA. In the event of a hijacking, the NMCC will be notified by the most expeditious means by the FAA. The NMCC will monitor the situation and forward all requests or proposals for DOD military assistance for aircraft piracy (hijacking) to the Secretary of Defense for approval. DOD assistance to the

FAA will be provided in accordance with reference b. Additional guidance is provided in Enclosure B.

b. Aircraft Piracy (Hijacking) Preventive Measures for Military and Military Contract Aircraft. Reference c outlines general policy and authority of military commanders to protect and secure property under their command. References d and e provide policy and guidance for commanders on dealing with terrorism, and information for reducing vulnerability of DOD personnel, their family members, facilities, and materiel to acts of terrorism. Additional guidance is provided in Enclosure C.

(1) A concerted effort will be made to prevent piracy (hijacking) of military or military contract aircraft by initiating security measures designed to minimize vulnerabilities and by stopping potential hijackers before they board the aircraft.

(2) If preventive measures fail, any attempt to hijack a military aircraft will be resisted.

(3) Assistance to hijacked aircraft will be rendered, as requested, by the aircraft commander, and as approved by the authority exercising operational control of the counterhijacking effort.

c. Destruction of Derelict Airborne Objects. This instruction provides guidance for the destruction of derelict airborne objects (e.g., unmanned free balloons, moored balloons, kites, or unmanned nonnuclear rockets or missiles) over US or international airspace. For unmanned derelict airborne objects that become a hazard to domestic air navigation or a threat to domestic ground facilities or public safety, military personnel may be required to perform surveillance or destroy the unmanned derelict airborne object. In addition, destruction of derelict airborne objects over foreign airspace requires a request or permission by the foreign government and approval by the Secretary of Defense. The NMCC will be notified by the most expeditious means when control of an object is lost, if an object becomes a hazard to air navigation, or if the FAA or another agency desires the military to destroy the object. The notifications will most likely be made by the FAA, NOMAD, or the agency that has employed the object. The NMCC will monitor the situation and forward all requests or proposals for DOD military assistance for derelict airborne objects to the Secretary of Defense for approval. DOD assistance to the FAA will be provided in accordance with reference b. Additional guidance is provided in Enclosure D.

31 July 1997

5. Definitions. Terms used in this instruction are in the Glossary.

6. Responsibilities. The DDO, NMCC, is designated as the DOD coordinating authority between the FAA and operational commanders. As such, the DDO will forward all requests or proposals for DOD military assistance to the Secretary of Defense for approval, with the exception of immediate responses as defined by reference b. The Services, unified commands, and USELMNORAD are responsible for compliance with this instruction and any other directives, laws, or international agreements involving aircraft piracy (hijacking) or derelict airborne object incidents. Records and logs for aircraft piracy (hijacking) and destruction of derelict airborne object situations will be maintained for a minimum of 90 days to permit later reconstruction of the sequence of events. Records and logs requiring longer retention by other directives will be retained accordingly.

7. Dissemination Instructions. Information in this instruction should be disseminated to all applicable units and agencies.

8. Summary of Changes. This CJCSI consolidates MCM-102-92, "Hijacking of Civil Aircraft," CJCS MOP 51, "Aircraft Piracy (Hijacking ) of Military and Military Contract Aircraft," and MCM- 173-90, "Destruction of Derelict Airborne Objects."

9. Effective Date. This instruction is effective upon receipt.

For the Chairman of the Joint Chiefs of Staff:



DENNIS C. BLAIR  
Vice Admiral, U.S. Navy  
Director Joint Staff

Enclosures:

- A -- Statutory Authority for Responding to Aircraft Piracy
- B -- Instructions for Use in Piracy (Hijacking) of Civil Aircraft and Military Aircraft
- C -- Instructions for Aircraft Piracy (Hijacking) Preventive Measures for Military and Military Contract Aircraft
- D -- Instruction for Destruction of Derelict Airborne Objects
- E -- References
- GL -- Glossary

DISTRIBUTION

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NMCC OT-5.....	5
Secretary, Joint Staff.....	7
Commander in Chief, North American Aerospace Command.....	25

ENCLOSURE A

STATUTORY AUTHORITY FOR RESPONDING TO AIRCRAFT PIRACY

1. The Air Transportation Act of 1974 was repealed July 5 1994, 108 Stat 1379. Title 49 was revised to include the following relevant statutes:

a. 49 USC 44903(e) "Exclusive Responsibility Over Passenger Safety"

"The Administrator of the Federal Aviation Administration has the exclusive responsibility to direct law enforcement activity related to the safety of passengers on an aircraft involved in an offense under section 46502 of this title from the moment all external doors of the aircraft are closed following boarding until those doors are opened to allow passengers to leave the aircraft. When requested by the Administrator, other departments, agencies, and instrumentalities of the Government shall provide assistance necessary to carry out this subsection..

b. 49 USC 46502 "Aircraft Piracy."

(1) In Special Aircraft Jurisdiction:

(a) "Aircraft piracy" means seizing or exercising control of an aircraft in the special aircraft jurisdiction of the United States by force, violence, threat of force or violence, or any form of intimidation, and with wrongful intent.

(b) An attempt to commit aircraft piracy is in the special aircraft jurisdiction of the United States, although the aircraft is not in flight at the time of the attempt, if the aircraft would have been in the special aircraft jurisdiction of the United States had the aircraft piracy been completed.

(c) An individual committing or attempting to commit aircraft piracy shall be imprisoned for at least 20 years; or if the death of another individual results from the commission or attempt, shall be put to death or imprisoned for life.

(2) Outside Special Aircraft Jurisdiction:

(a) An individual committing an offense (as defined in the Convention for the Suppression of Unlawful Seizure of Aircraft [24 UST 5641, TIAS 7570) on an aircraft in flight outside the

special aircraft jurisdiction of the United States and later found in the United States shall be imprisoned for at least 20 years; or if the death of another individual results from the commission or attempt, shall be put to death or imprisoned for life.

(b) This subsection applies only if the place of takeoff or landing of the aircraft on which the individual commits the offense is located outside the territory of the country of the registration of the aircraft.

2. 49 USC 46501 Definitions. In this chapter:

a. "Aircraft in flight" means an aircraft from the moment all external doors are closed following boarding

(1) Through the moment when one external door is opened to allow passengers to leave the aircraft; or

(2) Until, if a forced landing, competent authorities take over responsibility for the aircraft and individuals and property on the aircraft.

b. "Special aircraft jurisdiction of the United States" includes any of the following aircraft in flight:

(1) A civil aircraft of the United States.

(2) An aircraft of the armed forces of the United States.

(3) Another aircraft in the United States.

(4) Another aircraft outside of the United States:

(a) That has its next scheduled destination or last place of departure in the United States, if the aircraft next lands in the United States;

(b) On which an individual commits an offense (as defined in the Convention for the Suppression of Unlawful Seizure of Aircraft) if the aircraft lands in the United States with the individual still on the aircraft.



(c) Against which an individual commits an offense (as defined in subsection (d) or (e) of article I, section I of the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation) if the aircraft lands in the United States with the individual still on the aircraft.

(5) Any other aircraft leased without crew to a lessee whose principal place of business is in the United States or, if the lessee does not have a principal place of business, whose permanent residence is in the United States.

c. An individual commits an offense (as defined in the Convention for the Suppression of Unlawful Seizure of Aircraft)-when the individual, when on an aircraft in flight:

(1) By any form of intimidation, unlawfully seizes, exercises control of, or attempts to seize or exercise control of, the aircraft, or

(2) Is an accomplice of an individual referred to in 2.c.(1).

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ENCLOSURE B

INSTRUCTIONS FOR USE IN PIRACY (HIJACKING) OF CIVIL AIRCRAFT  
AND MILITARY AIRCRAFT

1. Purpose. These instructions constitute actions to be taken by the DDO, NMCC, unified commanders, and the Commander, USELMNORAD, in the event of a civil and military aircraft piracy (hijacking) incident.

2. Coordination with Civil Authorities

a. The FAA has exclusive responsibility to direct law enforcement activity and may request Department of Defense (DOD) assistance in responding to an actual or suspected air piracy (hijacking). In the event of a hijacking, the FAA will notify the NMCC by the most expeditious means. The NMCC will monitor the situation and forward all requests or proposals for DOD military assistance for aircraft piracy (hijacking) to the Secretary of Defense for approval in accordance with DODD 3025.15, paragraph D.7 (reference b).

b. When an aircraft becomes the subject of an aircraft piracy offense within the US special aircraft jurisdiction (see Enclosure A), the FAA and the Department of Defense will provide support in accordance with paragraph 3 of this enclosure. In addition, for military aircraft and military contract aircraft, the Department of Defense will take action to prevent the hijacking attempt and promptly notify the FAA and appropriate federal agencies. The Department of Defense will provide the FAA with all pertinent information involving onboard documents, equipment, weapons of mass of destruction (WMD), or material that the Department of Defense has determined to be highly sensitive.

c. When the aircraft piracy (hijacking) situation is outside of the special aircraft jurisdiction as defined in Enclosure A, the Department of Defense will take appropriate action, consistent with Federal law and applicable status of forces and other international agreements.

d. The DDO, NMCC, and FAA will maintain coordination during the aircraft piracy situation..

3. Procedures

a. General. Military personnel will provide the following types of support: intercept, surveillance, lift, equipment, and communications. personnel may not participate in a search, seizure, arrest, or other similar activity. This restriction would include the apprehension of aircraft hijackers or use of military aircraft (fixed-wing or helicopter) or other vehicles as platforms for gunfire or the use of other weapons against suspected hijackers. Civil, state, or Federal authorities may be moved to the vicinity, but should be vested with sole responsibility for subduing suspects and making arrests. In addition, assistance may not be provided under this enclosure if it could adversely affect national security or military preparedness. If there is a question on the appropriateness or legality of providing requested support, such requests will be forwarded via the DDO, NMCC to the DOD Executive Secretary and appropriate OASD staff offices, and then to the Secretary of Defense for review and approval.

b. Support. When notified that military assistance is needed in conjunction with an aircraft piracy (hijacking) emergency, the DDO, NMCC, will:

(1) Determine whether or not the equipment needed is reasonably available from police or commercial sources. If not, notify the appropriate unified command or USELMNORAD, to determine if suitable assets are available and will forward the request to the Secretary of Defense for approval in accordance with DODD 3025.15 paragraph D.7 (reference b).

(2) If suitable assets from an unified command or USELMNORAD are not reasonably available, the DDO, NMCC, will coordinate with the appropriate Military Service operations center to provide military assistance.

c. Military Chase Aircraft

(1) When notified that military chase aircraft are needed in conjunction with an aircraft piracy (hijacking) emergency, the DDO, NMCC, will notify the appropriate unified command or USELMNORAD to determine if suitable aircraft are available and will forward the request to the Secretary of Defense for approval in accordance with DODD 3025.15, paragraph D.7 (reference b).

(2) Where the Department of Defense is requested to intercept and maintain surveillance of suspect aircraft, operational commanders should ensure intercepting pilots are instructed to intercept without being sighted, to take station well behind the affected aircraft (out of cockpit and cabin vision), and, to avoid possible activation of aircraft's terrain collision avoidance system, to remain in that position unless otherwise directed. During the period military aircraft are used for this mission, the selected CINC, the Service operations center, and any subordinate agencies deemed necessary will be included in hijack voice conferences. The NMCC will assist the indicated CINC and Service in coordination with the FAA, NORAD, and other agencies involved.

(3) If the hijacked aircraft destination is Cuba, flight-following aircraft will maintain surveillance in case an emergency occurs over international waters and will notify USSOUTHCOM or NORAD immediately of any action taken. USSOUTHCOM or the Commander, US Element NORAD, may terminate any escort activities south of 24N whenever appropriate to avoid Cuban airspace. For all foreign countries, including Cuba, flight-following aircraft should break away before entering the US-recognized territorial airspace of another country (or the land border if the other country is contiguous to the United States) and await overflight clearance as necessary. See reference f for further information on US-recognized territorial airspace.

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## ENCLOSURE C

### INSTRUCTIONS FOR AIRCRAFT PIRACY (HIJACKING) PREVENTIVE MEASURES FOR MILITARY AND MILITARY CONTRACT AIRCRAFT

1. Purpose. These instructions provide the Services, unified commands, and USELMNORAD with the basic procedural guidance for preventing and resisting attempts to hijack military and military contract aircraft. This includes all civil aircraft while wholly and exclusively supporting the Services under contract, charter, or other arrangements.

2. Policy. DOD policy (references c, d, and e) outlines general procedures and authority of military commanders to protect and secure property under their command and deal with terrorism, and provides information for reducing the vulnerability of DOD personnel, their family members, facilities, and materiel to acts of terrorism.

#### 3. Preventive Measures

a. The Services, unified commands, and USELEMNORAD will take measures designed to prevent unauthorized possession of weapons, explosives, or incendiary devices aboard aircraft.

b. Through the use of training, briefings, and other means, all travelers will be reminded that:

(1) Carrying weapons, explosives, or incendiary devices aboard military or military contract aircraft is prohibited, except when authorized by proper authority.

(2) Passengers and baggage are subject to inspection as a condition of travel.

c. A passenger screening process will be established to ensure positive identification of travelers and authenticity of travel documents. Personnel engaged in passenger processing and surveillance activities will be instructed to watch for and report any discrepancies, particularly the possible unauthorized possession of weapons, explosives, or incendiary devices.

d. Passengers and baggage accessible in flight will be inspected. All baggage will be screened as thoroughly as available resources permit (X-ray, explosive detector dogs, etc.) and will be accompanied by a boarding passenger. When inspection indicates cause for suspicion, a

complete examination of the suspected person and accompanying baggage is mandatory.

e. Screening procedures will take into account the travel status of passengers. Neuropsychiatric patients, military prisoners, and emotionally disturbed personnel require special vigilance.

f. The Services, unified command, and USELMNORAD will intensify security programs to prevent unauthorized access to aircraft by hijackers who bypass the passenger processing system. Military agencies administering airlift contracts with civil air carriers operating at civil airfields will consult with appropriate authorities to ensure mutually acceptable procedures for controlling access to the contract aircraft.

g. Concerted efforts will be made to identify and prevent potential hijackers from boarding military or military contract aircraft until adequate precautions have been taken. The Services, unified commands, and USELMNORAD, will refer to references c, d, and e when issuing procedures on identifying and handling potential hijackers during the pre-travel and travel steps of movement.

#### 4. Resisting Aircraft Piracy

a. The Services, unified commands, and USELMNORAD will establish procedures to report any suspected or actual acts of aircraft piracy immediately to the NMCC.

b. When an act of air piracy involves a military installation, military aircraft, or military contract aircraft, the response should be according to the following guidelines until the FAA assumes active direction of efforts to regain control of the hijacked aircraft:

(1) Any attempt to hijack a military aircraft will be resisted. Resistance may range from simple discussion through deception and subterfuge to direct physical confrontation, including the prudent use of weapons or deadly force.

(2) Aircraft movement will be delayed to allow time for ground personnel and the air-crew to establish communication and execute coordinated resistance actions.. Air-crews faced with an aircraft piracy (hijacking) threat will notify ground agencies by any means available as soon as practicable and will follow up with situation reports, when possible.



(3) The Chiefs of the Services and CINCs will identify in their planning documents the levels of command authorized to discontinue delaying actions (e.g., installation commander, senior officer on scene). Within this authorization, the commander at the highest available level will determine whether delaying actions should be discontinued.

(4) Ground personnel will positively prevent takeoff when nuclear weapons are aboard the aircraft. The presence of hostages will not deter taking prompt, effective action, including the use of deadly force, to prevent unauthorized access or removal or to recover a WMD.

b. The many variables of an aircraft piracy (hijacking) attempt preclude providing a specific counterhijacking procedure to be followed by an air-crew. However, within the basic policy of resistance, the individual Services will identify and issue guidance to air-crews consistent with reference g. The following are examples of key factors to be evaluated and possible courses of action.

(1) Factors to be considered include the nature of the threat, imminent danger to the aircraft in flight, destination indicated by the hijacker(s), and the presence of sensitive material aboard the aircraft.

(2) Some counterhijacking techniques the air-crew should consider are:

(a) Using conversation to calm the hijacker(s) and an effective course of action.

(b) Convincing the hijacker(s) to discontinue the course of action.

(c) Proposing more favorable alternatives, such as landing in a neutral rather than an unfriendly country.

(d) Exploiting any reasonable opportunity to physically incapacitate or overcome the hijackers including the prudent use of firearms. Air crews are authorized to make such an attempt if they consider that escape is their only hope. The air crew must weigh carefully the unique circumstances of the terrorist situation and all aspects of a decision to attempt escape. See reference g.

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ENCLOSURE D

INSTRUCTIONS FOR DESTRUCTION OF DERELICT AIRBORNE OBJECTS

1. Purpose. These instructions constitute actions to be taken by the DDO, NMCC, unified commanders, and the Commander, USELMNORAD, for destruction of derelict airborne objects.

2. Policy. This instruction provides guidance for the destruction of derelict objects (e.g., unmanned free balloons, moored balloons, kites, or unmanned nonnuclear rockets or missiles) over US or international airspace.

a. For unmanned derelict airborne objects that become a hazard to domestic air navigation or a threat to domestic ground facilities or public safety, military personnel may be required to perform surveillance and/or destroy the unmanned derelict airborne object.

b. Destruction of derelict airborne objects over foreign airspace requires a request or permission by the foreign government and approval by the Secretary of Defense. The DDO, NMCC, will be notified by the most expeditious means when control of an object is lost, if an object becomes a hazard to air navigation, or if the FAA (or another agency) desires the military to destroy the hazard. The notifications will be made by the FAA, NORAD, or the agency that has employed the object.

3. Procedures

a. When notified of a derelict airborne object, the DDO, NMCC, will direct a derelict object conference and poll NORAD or the FAA for position, altitude, time, and fuel exhaustion, if available and applicable.

b. The DDO, NMCC, will determine the appropriate unified command (or USELMNORAD) capable of effecting destruction in the event destruction is subsequently required.

c. If destruction is required, the DDO, NMCC, will forward all requests or proposals for DOD military assistance to the DOD Executive Secretary and appropriate OASD staff offices, and then to the Secretary of Defense for approval in accordance with DODD 3025.15, paragraph D.7 (reference b).

d. The DDO, NMCC, will notify the appropriate CINC or service of execution instructions.. After destruction, the appropriate CINC or Service will record time of destruction, method used, and an estimated point of destruction..

ENCLOSURE E

REFERENCES

- A. MOU between the Department of Transportation and DOD, 7 August 1978, "Aircraft Piracy"
- B. DOD Directive 3025.15, 18 February 1997, "Military assistance to Civil Authorities.
- C. DOD Directive 5200.8, 25 April 1991, "Security of DOD Installations and Resources"
- D. DOD Directive 2000.12, 15 September 1996, "DOD Combating Terrorism Program"
- E. DOD Directive 0-2000.12-H, 19 February 1993, "Protection of DOD Personnel and Activities Against Acts of Terrorism and Political Turbulence"
- F. DOD Directive 2005.1M, July 1990, "Maritime Claims Reference Manual"
- G. DOD Directive 1300.7, 23 December 1988, "Training and Education Measures Necessary to Support the Code of Conduct"

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## GLOSSARY

### PART I—ABBREVIATIONS AND ACRONYMS

DDO Deputy Director for Operations  
DOD Department of Defense  
DODD Department of Defense Directive

FAA Federal Aviation Administration

NMCC National Military Command Center  
NORAD North American Aerospace Defense Command

Stat L Statues at Large  
Stat Rev Revised Statues  
USC US Code

### PART II--DEFINITIONS

DOD Installation. A fixed area controlled by the Department of Defense, including the military air operations area of a loins use installation.

DOD Aircraft. Any aircraft operated by, for, or under the control of the Department of Defense.

Moored Balloon. A balloon moored to the surface of the earth, or any object that has a diameter of six feet or gas capacity of more than 115 cubic feet.

Moored Kite. A kite weighing more than 5 pounds flown at the end of a rope or cable (e.g., "gyroglider").

United States. The 50 states, District of Columbia, Commonwealth of Puerto Rico, possessions and territories, including the territorial waters and overlying airspace.

Unmanned Free Balloon. A balloon carrying a payload of more than 4 pounds, or two or more packages weighing more than 12 pounds, and equipped with a suspension device (i.e., rope) that requires an impact force of more than 50 pounds to separate payload from balloon.

Unmanned Rocket. Any rocket, except aerial firework displays and model rockets, using not more than 4 ounces of a slow burning propellant made of paper, wood, or breakable plastic containing no substantial parts weighing more than 16 ounces, including the propellant.

NOTE: These terms have not been approved for inclusion in the Joint Pub 1-02, "Department of Defense Dictionary of Military and Associated Terms" and apply only within the scope or context of this document.