

	STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES		POLICY AND PROCEDURE NUMBER DPDR 04.01.020	PAGE 1 of 6
	Policy and Procedure		EFFECTIVE DATE March 31, 1993	
SUBJECT Refusal of Passage on Alaska Marine Highway System Vessels		SUPERSEDES		DATED
TITLE Alaska Marine Highway System	CHAPTER General Administration	APPROVED BY <p style="text-align: center;">Signature on File</p>		

I. Purpose and Scope:

In accordance with Policy Number 04.01.020, this procedure establishes the steps to be followed when refusing passage to an individual that exhibits conduct that might jeopardize the safety of Alaska Marine Highway System (AMHS) vessel, crew, other passengers or the individual concerned. This also includes an individual who vandalizes, destroys or tampers with the vessel's property or equipment.

II. Distribution:

All holders of the Department of Transportation & Public Facilities Procedures Manual.

III. Procedure:

A. DETERMINATION

The Master or his/her designee must make the determination that the individual in question is exhibiting behavior that might jeopardize the safety of the vessel, crew or other passengers (including themselves), or has vandalized or tampered with the vessel's property.

While some degree of judgement will often be required in a situation where an AMHS employee must decide whether or not a person should be allowed passage, there are appropriate reasons to refuse passage based on safety.

B. APPROPRIATE REASONS

Anyone apparently under the influence of alcohol and/or illegal substances.

Blatant and/or repeated disregard for AMHS regulations (including No cardeck access while the vessel is underway, no smoking restrictions, alcohol consumption restrictions, etc.).

Anyone apparently under the influence of a mental disorder or physical disability that in the opinion of the Master or his/her designee, should not be permitted passage unless traveling with an appropriate escort. This reason would require a reasonable person to conclude that the intended passage could not be completed unescorted without endangering the safety of the individual concerned.

Unescorted children as per Traffic Manual procedure 25-7600.

Any person that exhibits aggressive, abusive or threatening behavior and the Master and/or his/her designee can reasonably consider this individual to be a threat to their person and/or others.

Any person who, in the opinion of the Master of the vessel, might jeopardize the safety of the vessel or passengers, or who they believe may intentionally harass other passengers.

Any person who vandalizes, destroys, steals or otherwise tampers with the vessel's equipment, emergency gear and property.

C. REFUSAL OF PASSAGE

Once a determination has been made that an individual is to be refused passage, based on an appropriate reason, the individual is to be informed of the decision, as well as the reason(s).

Complete the Refusal of Passage Report, present the individual with a copy if possible, and notify the individual that a copy of the report is being submitted to AMHS Headquarters.

D. REFUNDS AND EFFECTIVE PERIODS OF PASSAGE REFUSAL

Inform the individual refused passage that a refund of the unused portion of the ticket can be obtained at a terminal or at Juneau Central Office (JCO). Notify the terminal agent of the situation.

When an individual is refused passage due to a basic violation of AMHS regulations the effective period of passage denial will be from 1 day to 12 months.

When an individual is denied due a gross violation or continued violations the effective period is up to 24 months.

Alaska Marine Highway System management will make the final determination on the effective period of passage denial.

E. VEHICLE TRANSPORTATION AND CONDITIONS

In the case of an individual with a vehicle, the vehicle may be transported to its destination if the individual conducts himself in an appropriate manner while in the terminal area.

If the individual requests his vehicle be removed, and it is accessible during the loading/unloading procedure, the vessel's Master may allow the vehicle to be removed, depending on the circumstances.

DO NOT RETURN CAR KEYS TO AN INDIVIDUAL WHO APPEARS INTOXICATED.

If an individual is refused passage due to being under (or apparently under) the influence of alcohol and/or drugs requires their vehicle off loaded, the ship's personnel must drive the vehicle off the vessel (should the vessel Master decide to remove the vehicle) and park the vehicle in the terminal parking lot.

The vehicle keys must be given to the terminal agent, tagged with the owner's name and the vehicle's plate number.

Notify the terminal agent that the keys cannot be returned to the individual until the individual:

1. Returns the following day, when the terminal is open, and does not appear to be under the influence of alcohol and/or drugs.
2. The individual is accompanied by a reasonable person who agrees to accept the keys and the liability for the individual concerned.

A signed receipt must be received by the terminal agent prior to relinquishing custody of the keys.

3. Is accompanied by a local law enforcement officer or an Alaska State Trooper, and the officer requests that the keys be returned to the individual.
4. Provides a mailing address that the keys can be sent to.

F. RECEIPT FOR PROPERTY

If the necessity arises to place an individual's property ashore when that individual has been refused passage, a signed affidavit for receipt of the person's belongings should be drawn up on board and signed by the receiving authorities.

G. CUSTOMER RELATIONS

Control of passengers exhibiting unreasonable behavior, that do not involve passengers under the influence of alcohol and/or drugs, should be restored, in most cases, by advising them of the potential consequences of their actions including:

- Refusal of passage to their ticketed destination
- Apprehension by proper authority at the next port
- Possible future denial of passage on all AMHS vessels

Passengers that become intoxicated aboard and pose a threat to the safety of the vessel, crew or other passengers must be handed over to law enforcement authorities at the next port.

Individuals who are intoxicated prior to boarding the vessel should not be permitted to board, for their own safety.

Please remember it is the individual being refused passage that is exhibiting “unreasonable behavior.” It is the duty of all AMHS employees to maintain a strictly professional attitude toward the individual refused passage.

A professional attitude refers to treating everyone with respect by courteously and as calmly as possible, explaining the situation and your (the Alaska Marine Highway System’s) intentions as regards the individual being refused passage.

H. NOTIFICATION OF AUTHORITIES

If the individual being refused passage refuses to cooperate or demonstrates aggressive, violent or otherwise inappropriate behavior, including disorderly conduct, harassment or vandalism the vessel Master and/or his/her designee should notify the Alaska State Troopers or other law enforcement agency.

Notify the Port Captain’s office or Terminal & Ship Services office as soon as possible so that JCO is prepared to handle related inquiries, and to notify other terminals and vessels if the problem might affect them.

Submit the completed report and any other information that may be required to JCO on a timely basis.

REFUSAL OF PASSAGE REPORT

M/V _____

Date: _____ Time: _____ Port or Terminal: _____

Customer Name: _____ Ticket # _____

Customer Address: _____

Vehicle (make, model, tag #): _____

Reason(s) for Refusal of Passage:

Apparently Intoxicated _____	Disorderly Conduct/Harassment _____
Disregard of Regulations _____	Assault/Reckless Endangerment _____
Unescorted (per P&P) _____	Theft/Vandalism _____

Safety (explain): _____

Other (explain): _____

Witnesses: (name, address, phone #, comments):

Vessel Officer: _____ Title _____

Vessel Master: _____

Reference Guide:

- 11.31.100(a) ATTEMPT (to commit a crime)
With intent to commit a crime, engages in conduct which constitutes a substantial step toward commission of that crime.
- 11.41.220(A) ASSAULT IN THE THIRD DEGREE C Felony
(1) - Recklessly causes fear of imminent serious physical injury by means of a dangerous instrument; or
(2) - Recklessly causes physical injury by means of a dangerous instrument
- 11.41.230(A) ASSAULT IN THE FOURTH DEGREE
(1) - Recklessly causes physical injury; or
(2) - with criminal negligence and by means of a dangerous instrument causes physical injury; or
(3) - by words or conduct recklessly causes fear of imminent physical injury.
- 11.41.250(A) RECKLESS ENDANGERMENT
Reckless conduct creating substantial risk of serious physical injury.
- 11.61.110(a) DISORDERLY CONDUCT
(2) - in a public place or in a private place of another without consent, and with intent to disturb another or with reckless disregard that his/her conduct is having that effect, after being informed that his/her conduct is having that effect, makes unreasonably loud noise; or
(5) - challenges another to fight or engages in fighting other than in self defense; or
(6) - with no legal justification, recklessly creates a hazardous condition for others; or
(7) - with reckless disregard for the offensive or insulting effect the act may have on another, intentionally exposes his/her buttocks to another.
- 11.61.120(a) HARASSMENT
With intent to harass or annoy,
(1) - insults, taunts, or challenges another in a manner likely to provoke an immediate violent response; or
(5) - subjects another to offensive physical conduct
- 04.16.040- DRUNKEN PERSONS ON LICENSED PREMISES
Drunken person may not knowingly enter or remain on licensed premise.

Selected excerpts from “Field Manual For Alaska Peace Officers”, and are only for the information of vessel employees when considering refusal of passage.