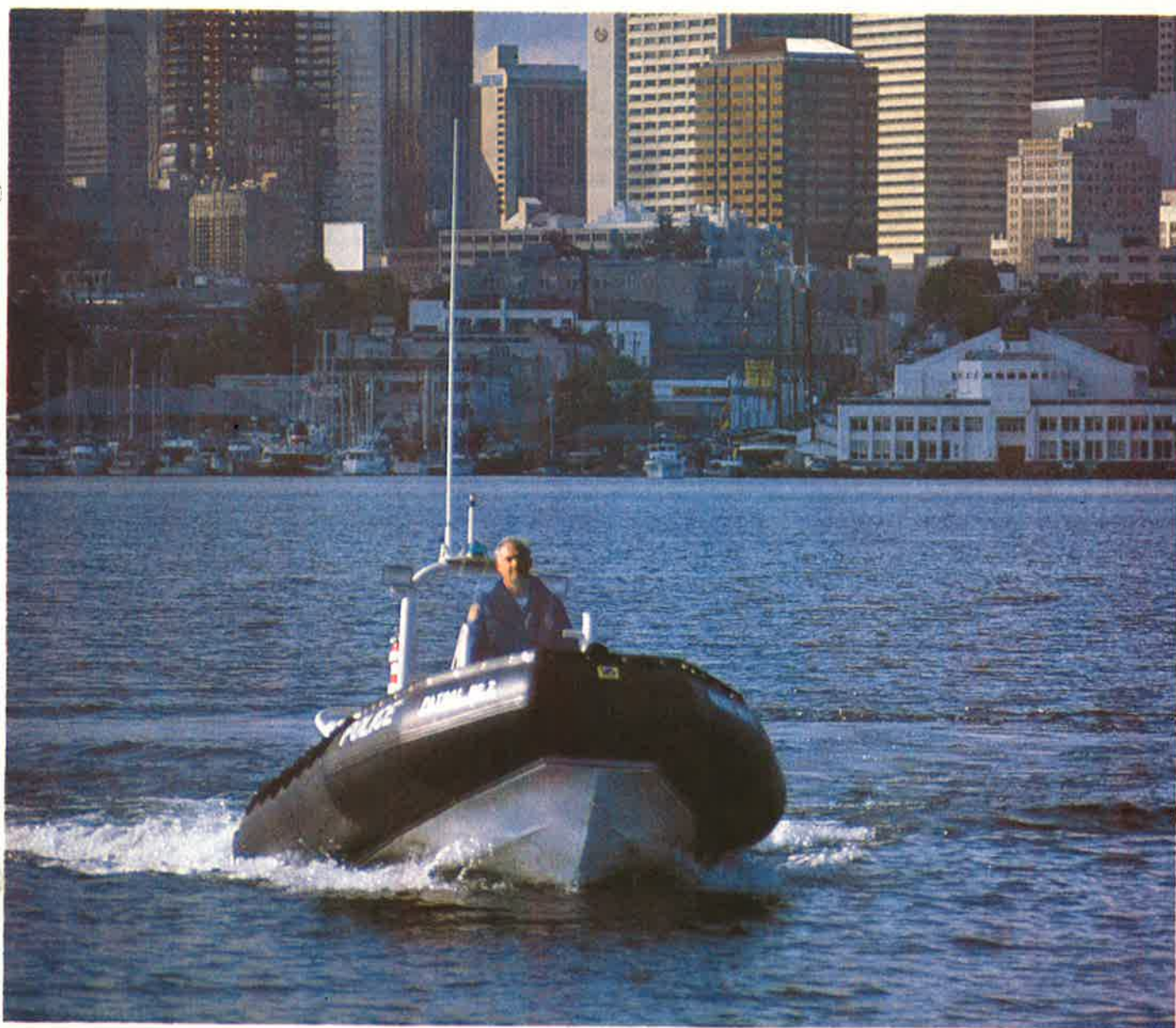


○ National Association of State Boating Law Administrators'

SMALL CRAFT ADVISORY

Vol.III No.5
June/July 1988



PRESIDENT'S CORNER

by Kim Elverum

Well, the boating season is now in full swing again, and the nation's waters are host to millions of boaters who are out for a day in the sun and some relaxation with family and friends. If this year proves to be like 1987, however, about 1,000 of those boaters won't be home for Christmas. It's a sad fact, but one that our enforcement officers know too well.

A recent incident brought this other side of an enforcement officer's job to light. One of our department's conservation officers was hailed by a boater on a lake and was confronted with a

kneeboard rider who had been struck by the runabout which was returning to pick him up from the water. The victim had been cut the entire length of his abdomen and by the time he was rushed to shore, medical experts estimated he had lost all of his blood. Despite valiant efforts by the officer, paramedics and the emergency room, the victim could not be saved.

This unfortunate, and often times thankless, part of the boating enforcement officer's duties is only one part of the job, a job which includes enforcing

boating laws, accident investigation, search and rescue operations, educating children and adults, and assisting boaters on the water. It's a career which calls for more and more education and training every day to keep up with new laws, accident investigation techniques, new technology and an ever-increasing number of boaters and other water users.

To all those officers, I would like to give my heartfelt thanks and that of all boating law administrators for a job well done over the years!

COAST GUARD COMMENTS

by Capt. Bill Griswold

I waited until the absolute latest deadline before writing this article, hoping to announce new news regarding the Coast Guard's policy on towing and/or "zero tolerance" boardings. These topics have commanded the recreational boater's attention, and unfortunately are not resolved. Please bear with us as we sort and review through the various levels of government.

I might briefly explain that the "zero tolerance" enforcement actions, which captured the news, are not new laws but tighter enforcement of existing ones. We were quite surprised by the outcry and led to wonder whether we are in a war on drugs or a skirmish. In any event, the Coast Guard will continue to resist the import of contraband, and an updated fact sheet will be distributed to state BLAs and other boating groups when it

becomes available. I have heard that many charter fishing boats have begun their own enforcement of "zero tolerance." Maybe the word is out.

I am glad I attended the SSBLA meeting in Annapolis. Unfortunately, I can't join each regional conference, but hope to meet you all in Milwaukee this fall. Our headquarters reorganization is achieving our expected success in merging the various programs impacting on recreational boaters, including boating safety, search and rescue, and aids to navigation. I hope you will see an improvement in our service in the months to come.

I'm sorry I don't have any new news, but promise each concern will get the straight story when it is released. I hope you all have a safe and enjoyable summer.

Cover Photo—Sgt. Duane Hoekstra patrols Seattle's Lake Union in a rigid hull inflatable that was recently purchased by the Seattle Harbor Police for patrol and search and rescue. This addition to the fleet is suited for rescue work under the floating bridges on Lake Washington. Photo by Barbara Null.

LOOKING AHEAD

July 12-15

Western States Boating
Administrators Association
Honolulu, Hawaii

August 8-12

North Central International
Boating Law Administrators
Clarion Hotel
Cincinnati, Ohio

October 9-12

NASBLA Annual Conference
Marc Plaza Hotel
Milwaukee, Wisconsin

November 15-17

National Boating Safety
Advisory Council
New Bern, North Carolina

SMALL CRAFT ADVISORY

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NEWS IN BRIEF

Many fatal boat accident victims legally drunk

About 30 percent of the people who die in boating accidents are legally drunk, having a blood alcohol concentration (BAC) of .10 percent or greater. This was the conclusion of a study recently completed by the Transportation Systems Center for the U.S. Coast Guard.

Another 21 percent of the victims of fatal boating accidents are considered impaired, with a BAC level of .04 to .10 percent. Researchers analyzed data from California, North Carolina, Maryland and New Jersey, states that had measured the BAC levels of a high percentage of victims.

This was the first part of a study being made to determine the risk of alcohol and recreational boating fatalities. The second phase will measure BAC levels of people while they are boating.

Marine field sobriety tests found effective

A recent Coast Guard study indicates a strong correlation between estimates of BAC levels gained from field sobriety tests given in the marine environment and BAC levels obtained from breath analyzers.

In May 1987, the Coast Guard conducted a two-week study to determine the effectiveness of field sobriety tests in the marine environment. Six law enforcement officers from Maryland and Ohio tested 97 subjects, first in a boat, then on shore. From the boat, they interviewed the subjects and observed their behavior. They had subjects recite the alphabet, pat hands palm to palm, palm to back, touch fingers to nose, count fingers with thumb, then take the horizontal gaze nystagmus test.

Subjects were transported to shore for another horizontal gaze nystagmus test and walk-and-turn and one-leg-stand tests. A breath test was used as the standard.

The correlations between field sobriety test BAC estimates made in the marine environment were similar to test measure-

ments found in studies conducted in the highway environment.

While determining that field sobriety tests in the marine environment are, in fact, effective, researchers also concluded that, if marine law enforcement officers were to use field sobriety tests instead of interviews and observation to estimate BAC levels, a significantly greater number of intoxicated boaters would be arrested.

Florida charges first violator with vessel homicide

A 26-year-old Miami man, arrested in March, is the first person charged under Florida's vessel homicide law that was passed by the 1987 Legislature.

Witnesses say the man was the driver of a 41-foot speedboat that struck an 11-foot inflatable Avon and killed the vessel operator last Nov. 29. Both men were leaving the Miami Marine Stadium area, the site of a musical concert earlier in the evening. Witnesses estimated the man was traveling at 55 miles an hour or more just before striking the Avon.

A vessel homicide conviction brings a penalty of up to five years imprisonment.

NASBLA receives NWSC Award

The National Association of State Boating Law Administrators was presented the national award by the National Water Safety Congress, at its annual meeting in Scottsdale, Ariz., April 23-27.

The award is presented annually to the individual or organization that has contributed most to water safety on a national level over an extended period of time.

NASBLA was honored for its efforts to promote state legislation that would require the wearing of personal flotation devices. The organization was also recognized for its efforts to prohibit abuse of alcohol when operating a boat and for its work improving boater safety education.

Tom Alexander, Arizona BLA, received the award for NASBLA.

PFD film, video now available

A film and video on personal flotation devices, produced by the National Safety Council last summer, is available to boating safety educators. In 16mm film or half-inch VHS format, *The Choice is Yours* is designed to show small boat owners and passengers the right way to travel—protected with PFDs.

The 13-minute film demonstrates the five types of PFDs and their uses. It was produced under a U.S. Coast Guard grant.

Copies are available from Film Tech, 181 Notre Dame St., Westfield, MA 01085, (413) 568-8605. The 16mm film is priced at \$65, the half-inch VHS, \$20.

Boating affects Calif. economy

A California report on the economic impact of the boating industry in the state indicates that the total economic activity traceable to boating reached approximately \$6.7 billion during 1986.

The report states:

- ☐ 118,000 people were employed directly or indirectly in support of boating.
- ☐ Over \$1.9 billion was paid in wages and salaries.
- ☐ Businesses directly related to boating had total gross receipts of \$2.6 billion and employed 40,000 people.
- ☐ Recreational boaters spent an estimated 56 million days on the water and made purchases of \$1.6 billion on boating trip-related items in 1986. A total of \$28.70 was spent per boater per boating day.
- ☐ Since 1976, the number of businesses related to boating had increased by about 20 percent.
- ☐ Boating related businesses showed a 68 percent increase in revenues since 1976, compared with a 54 percent increase in overall California retail sales.
- ☐ A 500 berth marina and ancillary businesses would have a local direct economic impact of \$4.9 million annually.

The study, funded by the California Department of Boating and Waterways, was conducted by David M. Dornbusch Co. of San Francisco.

Law Enforcement on the Water



When severe flooding hit the northern part of New Jersey a few years ago, New Jersey Marine Police were called upon to evacuate people stranded in their homes.

Connecticut

The Marine Patrol boarded approximately 4,000 boats in 1987. They found 1,710 violations, most of them for insufficient personal flotation devices (PFDs) or improper registration.

A comprehensive operating under the influence law failed to pass the Legislature for the fourth year. Officers will attempt to enforce existing law, which is inadequate.

Alcohol and its effect on vessel operation is the biggest problem for law enforcement, according to Maj. Randy Dill, BLA. It is reflected in excessive speed and wake and inconsiderate operation.

Delaware

Marine police checked 2,543 boats in 1987 and found 210 violations. Most frequent were PFD and registration violations.

Boating under the influence legislation is pending at this writing and officials are uncertain what course will be taken to enforce BUI this summer.

An increasing number of boats using Delaware waters is causing the biggest problem for state boating law enforcement.

District of Columbia

Harbor police boarded 694 boats in 1987 and found 694 violations. Most were either speed or registration violations. Since the District of Columbia still has no operating under the influence law, officers use the negligent operation law to cite intoxicated operators.

Boats speeding through no wake zones are a problem for law enforcement.

Maine

Game wardens inspected approximately 35,000 boats in 1987 and found 780 violations. Most violations were for insufficient PFDs or improper registration.

The operating under the influence law, which is similar to the motor vehicle law, is actively enforced.

A lack of manpower and equipment has been a problem for law enforcement in the southern part of the state. A task force is used to provide more enforcement in the problem areas.

Maryland

Natural Resources police boarded 58,230 pleasure boats in 1987. They wrote 7,775 citations and issued 8,968 warnings. The largest number of violations were insufficient PFDs, speeding, and failure to show proper registration.

Because of its success, operation S.W.A.M.P., an alcohol enforcement program, is now being conducted statewide. S.W.A.M.P. is intensive enforcement combined with a media program to educate the public on the dangers of drunk boating.

Col. Jack Taylor, BLA, finds the biggest law enforcement problem to be a lack of officers to patrol and adequately respond to complaints.

Massachusetts

Environmental police made 17,895 boardings in 1987 and found 1,047 violations. Lack of enough PFDs was the most frequent violation.

The state has no law defining a blood alcohol standard. OUI arrests are made only in the most obvious cases.

Many waters in the state are becoming congested, with a variety of users competing for the same space. Local authorities are encouraged to write regulations for their own waters. Regulations must be approved by the Department of Fisheries, Wildlife and Environmental Law Enforcement.

New Hampshire

Marine patrol officers made 4,200 boat stops in 1987, issued 1,680 citations and gave 2,520 warnings. Most frequent violations were insufficient PFDs, speeding and unregistered boats.

Last year, 18 BWI arrests were made. The state will intensify alcohol enforcement since statistics show 60 percent of the fatal accidents to be alcohol related.

The biggest problem in law enforcement is the boaters' ignorance of the law and of the safety equipment needed.

New Jersey

Marine police made 9,962 boardings in 1987 and issued 6,669 summonses and 9,118 warnings. Most frequent violations they found were improper registration and insufficient PFDs.

A new operating under the influence law passed last year is meeting its intended purpose, said Capt. James Momm, BLA. There has been an increase in the number of OUI arrests.

A frustration for law enforcement officials is getting information to the boater that will keep him and other boaters safe on the water.

New York

State marine law enforcement officers stopped over 12,000 boats in 1987 and found 9,332 violations, most for insufficient safety equipment or improper registration.

The operating under the influence law is being enforced, but not as much as it would if there were an implied consent provision, said Neil Gillson. Violators are required to submit to a test only if there has been a serious injury or fatality.

The biggest problem for law enforcement is the failure of the state navigation law to keep up with contemporary concerns. The law doesn't mention personal watercraft, PFDs, or other current equipment.

Pennsylvania

Conservation officers boarded 43,637 boats in 1987 and issued 3,153 citations, most of them for insufficient PFDs, registration and waterskiing violations.

This will be the fourth year the state has had a comprehensive operating under the influence law. Enforcement has been active but alcohol no longer seems to be a big problem in boating, said John Simmons, BLA. There were 18 arrests last year.

A problem in Pennsylvania is congested waterways and the resulting user conflicts.

Rhode Island

Environmental police made 206 boat inspections and found 85 violations, most frequently for improper numbering, speeding and insufficient PFDs.

A proposed operating under the influence law didn't pass. Police use a reckless operation law to cite intoxicated operators. Malcolm Daniels, BLA, will work with boating organizations and harbor masters to write a bill and attempt to get it passed.

The state doesn't have enough laws to adequately take care of boating problems,

said Daniels. "We don't have sufficient law enforcement power."

Vermont

Marine police made 7,000 boardings in 1987 and found 332 violations, most of them for insufficient PFDs, improper registration and improperly installed marine sanitation devices. Boaters who pass inspection receive a decal for their boats.

The current OUI law is being enforced, but it would be more effective if it included testing procedures, said Lt. Michael Vinton, BLA.

A growing problem in the state is the number of large, powerful boats that are being used by people with no training or experience. "We can't get dealers to put on safety programs for new purchasers," said Vinton. "We see a lot of hits and near misses among these boats."

Territories

Puerto Rico

Marine police stopped 610 boats in 1987 and found 475 violations, most of them for improper registration and inadequate safety equipment.

State police marine officers have received DWI enforcement training. Because there are no specified procedures for enforcing it on the water, they follow the motor vehicle code.

The biggest problem for boating law enforcement is a lack of resources, said Jesus Galvez, BLA. "We need more boats and equipment."

Virgin Islands.

Law enforcement officers boarded 314 boats in 1987 and found 314 violations, for either failing to register or displaying improper numbers.

Marine officers are receiving training through the Office of Highway Safety to enforce the OUI law that was passed early this year. Information about the law is appearing in news accounts and a liquor retailer is sponsoring ads warning of excessive use of alcohol while driving or operating a boat.

The main problem for law enforcement is getting some of the people to register their boats voluntarily.

Law Enforcement on the Water



Kentucky Water Patrol Officer Richard Gidcumb checks a boat on Kentucky Lake.

Alabama

Marine police stopped 35,377 boats in 1987 and issued 3,372 citations, most of them for registration and safety equipment violations.

Although the Legislature failed to pass a comprehensive operating under the influence law, alcohol enforcement will be the target of law enforcement this summer to try to determine the extent of the problem.

A growing problem for law enforcement is speed. As the speed and numbers of fast boats continue to increase, law enforcement finds itself in a dilemma, said William Garner, BLA. "How do we determine a speed limit on the water and how do we implement it?" he wondered.

Arkansas

Wildlife officers contacted 62,783 boats, found 3,349 violations and made 2,082 arrests in 1987.

Enforcement of the boating under the influence law is nil, said Dick Gregory, BLA. In current law, there is no provision for testing or suspending privileges to operate. If an operator is flagrantly drunk, officers will cite for negligent operation.

The law itself poses the biggest problem for boating law enforcement. Currently there are no boating laws. Gregory will be working with the next Legislature in an attempt to change that.

Florida

Marine patrol officers issued 9,423 boating citations, 36,454 written warnings and made 26,202 boating safety inspections in 1987. Most violations were improper registration and inadequate safety equipment.

Florida has had a comprehensive OUI law since 1984 and officers continue to actively enforce it.

With 200 marine patrol officers covering 8,400 miles of tidal coastline, 3 million acres of lakes and 11,000 miles of navigable rivers and streams, the state's boating law enforcement program is experiencing a manpower crunch. The state will register 35,000 additional motorboats this year, but the number of officers remains the same.

Georgia

Conservation officers inspected 102,239 boats in 1987 and found 12,533 violations, most frequently for insufficient PFDs,

improper registration, and operating at night with no lights.

The OUI program is still experiencing success, with 94 arrests last year and a 100 percent conviction rate. Some previous trouble areas had no arrests last year, which Joel Brown, BLA, attributes to a "massive public awareness campaign."

Because of their operators' unfamiliarity with the water environment, the growing number of personal watercraft is becoming a problem for law enforcement.

Kentucky

Water patrol officers boarded 22,949 boats in 1987 and issued 1,658 citations, most of them for reckless operation or improper registration.

On May 19 Governor Wallace Wilkinson declared that all law enforcement agencies would step up their alcohol enforcement programs. Cross-training and cooperative enforcement among the highway patrol, sheriffs' offices, local police departments, Kentucky Water Patrol, Fish and Wildlife and State Police has begun. For instance, Water Patrol will work ramps, docks and marinas in late afternoon to keep intoxicated boaters from getting on the highways.

Louisiana

Wildlife officers boarded a little over 24,000 boats in 1987 and issued 6,600 citations, mostly for insufficient PFDs or improper registration.

Two alcohol enforcement teams of four officers each will travel the state to target OUI. Field breath testers, cameras and boats have been ordered to equip the teams. Last year 300 alcohol tests were given and 49 people arrested for OUI.

One of the frustrations for law enforcement is keeping ahead of the trouble makers. If officers target one area, those causing the problem move into another.

Mississippi

Conservation officers inspect about 10 percent of the registered boats each year. In 1987 they found 2,175 violations, most of them for insufficient PFDs.

Mississippi is still operating with an OUI law that sets no standard for intoxication; therefore, officers usually write citations for reckless or negligent operation to get intox-

icated operators off the water.

As of this year, children 12 and under must wear PFDs while in a boat underway.

North Carolina

Wildlife officers inspected 108,819 boats and found 15,172 violations, mostly for insufficient PFDs.

The operating under the influence law does not have an implied consent provision. Officers use field tests, including horizontal gaze nystagmus, but chemical testing is voluntary. Officers sometimes cite intoxicated operators for reckless operation. Not many alcohol arrests are made.

The biggest problem for boating law enforcement is a lack of manpower and funds, said Ed Jenkins.

Oklahoma

Lake Patrol officers boarded 7,589 boats and made 3,991 ramp inspections in 1987. They issued 597 citations and 3,858 warnings, most of them for reckless operation, insufficient PFDs and improper registration or numbers.

Operating under the influence falls within the reckless operation law. When a person is convicted, he receives a heavy fine and, occasionally, jail. But alcohol remains the biggest problem for law enforcement. The state is studying how to use the new federal OUI law to its benefit.

Another problem law enforcement officials find is the lack of operator training. People who don't know how to operate their boats are causing accidents.

South Carolina

Through March of this year, wildlife officers had issued 1,282 boating citations, mostly for insufficient safety equipment.

A proposed operating under the influence law did not pass the Legislature.

One problem facing law enforcement is the congestion on the lakes.

Tennessee

Wildlife officers made 64,600 boat inspections in 1987. Most of the 1,435 violations found were improper registration.

The Legislature has considered a BUI bill every year for the last four years but has not yet passed a law. The current law fails to set a blood alcohol level and is generally

ineffective. All officers, however, are trained in field sobriety testing.

Until recently, little effort was put towards information and education, but that is now changing.

Texas

In 1987, 6,760 fines were paid for boating violations. Half of the violations were failure to meet PFD requirements.

Game wardens file OUI charges, but it is difficult to address the alcohol problem under current law. "We are still seeking legislation to amend the statute to include a legal limit of intoxication and a means and manner of testing," said Larry Williford.

There is growing congestion in many areas of the state. Because of a lack of personnel it is impossible to provide constant law enforcement for preventive patrol in these areas.

Virginia

Game wardens made 49,373 boat inspections and found 3,537 violations, the largest number for insufficient PFDs.

Some wardens have been trained to give alcohol field tests and to use appearance, behavior and strong odor to cite for operating under the influence. Although current law sets no blood alcohol standard nor implied consent for boating, the state does get OUI convictions.

A shortage of patrol officers is a problem for boating law enforcement. The number of boats in the state keeps growing, but the number of officers remains the same.

West Virginia

Conservation officers inspected approximately 5,500 boats, issued 586 citations, and gave 583 warnings. Most frequent violation was insufficient PFDs.

With no provision for testing or implied consent in the OUI law, officers enforce it only when there is a flagrant violation.

People not wearing PFDs remains a problem. A growing problem for law enforcement is a proliferation of the new high-powered speed boats, which are faster than most patrol boats. When they're operated in a reckless manner, "we have a problem apprehending them," said Maj. Ray Shamblin.

First national boat accident investigation seminar held

The first of the marine accident investigation seminars that are to be conducted by Underwriters Laboratories across the country was held May 19-21 at the UL facility in Research Triangle Park, N.C.

The *Marine Accident Investigation Manual*, prepared by Bob Loeser, was the text for the UL presentation which took place the first two days of the seminar. After Loeser had reviewed a topic, Ernie

for this seminar, he had conducted a workshop with seasoned Oklahoma Lake Patrol officers who then suggested modifications.

Dr. Hendricks used role playing to help participants develop interviewing, reporting, courtroom and other techniques.

A great deal of information was presented during the three days. Participants who had studied the *Marine Accident Investigation Manual* prior to attending found they were better equipped to follow the proceedings than those who had not.

Three members of NASBLA's Boating Accident Investigation, Reporting and Analysis Committee were on hand to participate and to offer a critique. Along with student comments, their critique will be used to plan future seminars.

The seminars, funded by a Coast Guard grant, will be held across the country during the rest of the year and in January 1989. For information and enrollment, contact the NASBLA representative in the area.

July 27-30 Chicago, IL
Jim Getz, (217) 782-6431

September 22-24 Dover, DL
Jim Ramsey, (302) 736-3440

October 6-8 Kansas City, KA
David Scott (314) 751-3333

November 3-6 Springfield, MO
Jack Reynolds (314) 751-3333



Bob Loeser shows a piece of damaged equipment to the class during UL's portion of the boating accident investigation seminar. Photo by Jim French

November 17-19 Salt Lake City, UT
Ted Woolley (801) 533-4490

December 1-3 Maryland
Jack Taylor (301) 269-2240

January 11-13 1989 Sacramento, CA
Larry Thomas (916) 445-6281

The Coast Guard program manager is Jerry Boden, (202) 267-0956.

Boaters report accidents after amnesty announced on radio

Boating law enforcement officials across the country have long wondered how to get the boating public to report accidents. People are required by law to report injury accidents or accidents that exceed a certain dollar amount of damage. Most boaters, however, are unaware of the law.

In May, after the boating season had gotten underway in Idaho, the Kootenai County Sheriff's Office heard of eight boating accidents that had occurred one week, but there wasn't enough information to make the reports.

Sgt. Gary Anderson, who does a five-minute weekly radio spot on KVNI, talked on the radio the next week about boating accidents. He explained the law

and told listeners which accidents are required to be reported. He said he thought eight accidents had occurred the previous week, but no reports had been received.

He declared an amnesty, telling people if they reported an accident, they would not be cited for reporting late. As a result, the sheriff's office received 13 boating accident reports.

Sgt. Anderson said people will report accidents if they understand the law. He suggested informing boaters at public meetings, boat shows, during classes and through every other contact.

He said, if necessary, he will declare an amnesty in the future to encourage people to report boating accidents.

UL takes course to Florida Marine Patrol

The Florida Marine Patrol contracted with UL to conduct the Marine Accident Investigation Seminar for its own officers at the Lively Law Enforcement Academy in Tallahassee. It was held June 21-23.

In addition to Robert Loeser and Ernie Kirstein, who teach during the regular seminars, engineers Miles Beam and Jeff Hall taught segments of the course.

Dick Bogue of UL announced that during the seminar UL began basic crash worthiness tests. Experiments were conducted on the water to test the dynamics of slow moving boats colliding.

LAW ENFORCEMENT

Boating safety professionals find it takes both education and law enforcement to help boaters enjoy their activities safely. Those charged with enforcing boating laws are finding the water environment changing, with more inexperienced boaters out on the water and a variety of interests vying for space on increasingly congested waters. On busy weekends, there never seems enough personnel to cover law enforcement needs.

Since alcohol has become recognized as a factor in boating accidents and fatalities, many agencies are stepping up their operating under the influence enforcement programs, some using new, comprehensive laws; others using older, more limited laws.

This report focuses on how agencies across the country are tackling alcohol enforcement, the manpower shortage and other current law enforcement issues.

Boat Sobriety Checkpoints in Missouri

The Missouri Water Patrol, with an aggressive enforcement program to seek out the intoxicated operator, occasionally sets up sobriety checkpoints on the state's lakes to try to get intoxicated operators off the water.

At the checkpoint, which might be at the mouth of a cove or near a well-traveled point of land, officers establish a pattern of stops; for instance, they would stop each boat leaving a cove.

It is a quick stop. Boaters are told why they've been stopped, then officers engage in short conversation, asking what kind of day the boater has had and perhaps asking to see his PFDs.

With their training and experience, officers can quickly determine if a boater is impaired. They can hear it in the speech; see it in the eyes or in the boater's actions, said Sgt. Jim

Glover. If the operator appears to be intoxicated, officers administer simple field sobriety tests, then the horizontal gaze nystagmus test. If testing reveals the operator to be intoxicated, officers take him into custody and transport him to shore.

A minimum of two to five officers and two boats work a sobriety checkpoint. Sometimes as many as three or four patrol boats are on the scene to help transport violators to shore.

Only a small percentage of the boaters stopped are found to be intoxicated, said Sgt. Glover, a percentage similar to those found driving drunk in automobiles.

Sgt. Glover said the public seems to appreciate the Water Patrol's sobriety checkpoints. "The public is against intoxicated operation, too," he said.

A Team Approach to OUI Enforcement in Nevada

This summer Nevada begins enforcing a comprehensive OUI law that was passed last year.

The Department of Wildlife plans a team approach to enforcement. On a given day, three or four boats will be on the water on designated OUI patrol and three or four units will be on shore to transport violators to a facility for evidentiary testing and booking.

Patrolmen will be looking specifically for impaired operators. They will stop for cause—erratic operation, noisy behavior—then determine if alcohol is being used and causing impairment.

Wildlife officials hope to include National Park Service and state park rangers in the operation. "We should all be working together to solve the problem," said Tom Atkinson, BLA.

The team approach, which will eventually be used on all the state's major waters, has been initiated on the Colorado River system.

Police to target drunk boaters in Florida

Having found that more than 70 percent of the deaths on Florida waters are alcohol or drug related, the Florida Marine Patrol will be targeting boaters who operate under the influence. Other violations will not be ignored, said Capt. Mike Lamphear, but when a vessel is stopped, it will be checked for OUI.

Processing an OUI arrest can take up to four hours of an officer's time. If initial tests indicate an operator is intoxicated, he must be transported to shore, tested and booked. His boat must be towed and secured or turned over to a sober friend.

During selective OUI enforcement in the Miami area, several boats work the detail together and most have auxiliary officers on board to assist regular officers. Occasionally a multiple agency

task force will participate in an OUI enforcement operation, said Capt. Lamphear.

Law enforcement boats patrol near the bars and stop people who officers have reason to suspect are a danger to themselves or others.

Intoxicated boaters arrested by the Florida Marine Patrol are taken to jail. "We can't let them go," said Capt. Lamphear, "we want to get them off the water and make sure they stay off."

Auxiliary officers are on board to assist the arresting officer and to secure the violator's boat. Although the arresting officer must leave the water up to four hours, the remaining officers are available to continue the patrol.

Limited OUI law enforced in Seattle

At the request of the public, the Harbor Unit of the Seattle Police Department will place more emphasis this year on

enforcing the operating under the influence law. To get the most effective use from available resources, Harbor Police policy is to cite and release.

"Impaired operation on the water is not the same as on the road," said Lt. Jerry Taylor. "We can't apply the same standard; we don't have the same resources."

Neither do they use the same law. The Seattle municipal operating under the influence law sets no blood alcohol limit, therefore chemical tests are not taken as evidence. Seattle officers use field sobriety tests, including horizontal gaze nystagmus, which Lt. Taylor considers an accurate gauge of intoxication. Officers' judgment and experience observing intoxicated behavior is also used as evidence.

"We must make the judge and jury understand we don't have the same standard as on the highway," said Lt. Taylor.

When stopped and determined to be impaired, the operator is taken to the nearest ramp, the boat turned over to a sober friend, or if, in the officer's opinion, no one is sober enough to operate it, the boat is towed. At the ramp the violator is cited, officers obtain his signed promise not to operate for the next several hours and release him.

"We are training to enforce OUI as simply as possible so we don't lose our other law enforcement capacity," said Lt. Taylor. If a violator were to be taken off the water, arrested and booked, "the officers and their boat would need to come out of service at the worst possible time. We don't have the resources to take up the slack."

Keeping it simple motivates officers to enforce the law. And, said Lt. Taylor, one arrest has the educational impact of 20. In Seattle's close marine community, word gets around quickly when a person is arrested and convicted for OUI.

The Seattle Harbor Police began the program on a limited basis last year and, so far, has had no trouble getting prosecutions and convictions. The people arrested under these circumstances are obviously intoxicated and are likely to have a blood alcohol level much higher than .10 percent.

BWI Enforcement Packet

This packet, developed by the Minnesota Department of Natural Resources, contains all forms necessary for an officer to make one BWI arrest. The flow chart on the outside helps the officer remember all the necessary steps for arrest.

Officers contact court officials in Ohio

In Ohio, the Division of Watercraft has been active enforcing the OUI law for a couple of years. A combination of wide media coverage and arrests being made on the water has attracted the attention of the public and, according to a study conducted during the last boating season, people are beginning to change their consumption habits while boating.

To keep the issue in the public eye, the Division of Watercraft will saturate selected areas with both publicity and law enforcement on certain weekends. Messages on alcohol and boating and the law will appear and be heard in communities near the chosen site and notice will be given through the media of increased enforcement.

Watercraft officers from other parts of the state will join officers in the area for intensified patrol. To prepare for the operation, officers will contact the local courts and meet with the prosecutor to review procedures. Each local court system has different requirements and officers want to be sure they understand what paper work is required before they begin writing citations.

"We want everyone following the same procedures," said Paul Gregory, BLA. "We don't want officers from outside the area making technical errors."

Project Adios seeks drunk boaters in Alabama

This summer, in an attempt to determine the extent of the state's alcohol and boating problem, the Alabama Marine Police will initiate Project Adios (Alcohol/Drug Impaired Operation Search.) A two-man patrol will be sent into targeted areas each weekend to look for impaired operation.

The Project Adios boat will be on a lake in addition to the regular patrol, not for routine law enforcement but on the lookout for impaired operation.

The boat will patrol in the late afternoon and at night, beginning Friday night and ending Sunday afternoon, the times impaired operators have been known to cause problems.

If officers come upon an operator who appears impaired, they will administer field sobriety tests, including the horizontal gaze nystagmus test. If they determine the operator to be intoxicated, they will transport him to jail.

Currently it is illegal to operate a boat while intoxicated in Alabama, but state law does not set a blood alcohol standard, nor does it provide for implied consent.

Although chemical tests will not be administered, the results of field sobriety tests can be used as evidence in court.

"We found it's hard to beat field sobriety tests and good witnesses to get a conviction," said Bill Garner, BLA.

Six areas across the state have been targeted for Project Adios. The Marine Police might publicize the arrests, should

they be made during Project Adios, but doesn't plan to announce its arrival beforehand.

"We'll try it without fanfare," Garner said. "We want to see what's really going on out there."

Until law enforcement officials understand the extent of the impaired operation problem, they are unable to make recommendations for stronger legislation.

One deputy cites 27 drunk boaters in Arizona

For four years the Arizona OUI law has had an implied consent provision, and for four years the OUI law has had a "profound effect on accidents," according to Tom Alexander, BLA. More local law enforcement agencies are enforcing the law each year.

A couple of years ago a Maricopa County Sheriff's deputy made 27 arrests on Saguaro Lake in one season. That summer there were no fatalities on the lake and the number of accidents dropped 50 percent, said Alexander.

The deputy was on the water between noon and six p.m., the time most accidents were occurring. He looked for boaters who were operating carelessly, passing too close to other boats, failing to yield the right of way, and generally acting as a sober, reasonable person would not, said Alexander.

When he had reasonable cause, he stopped a boat. If he smelled liquor or saw evidence of drinking, he administered field sobriety tests in the boat. If he determined the operator was intoxicated, he took him to a parking lot to administer balance tests. If the operator failed these, he took him to an aid station for testing on the intoxilyzer.

Maricopa County policy is to cite and release. The violator's boat would be turned over to a sober person and a responsible person summoned to pick him up at the aid station. The violator would then be released and told not to operate a boat until sober.

All 27 cases received convictions, said Alexander. With test results as evidence against them, most offenders pled guilty.

OUI Arrest Profile

During 1987, 94 people were arrested in Ohio for operating under the influence. This was the first year using the revised OUI law with an implied consent provision, and the first year using the Alco-sensor RBT III Breathalyzer for evidence.

All those arrested were males, their average age 33.7. The average BAC level was .165 percent with the highest recorded at .350 percent. Of the 94 arrested, 17 had prior DWIs and one a previous OUI.

Fifty-two percent of the arrests were made in July, 16 percent in August, 14 percent in May, 11 percent in June and seven percent in September. Saturday was the busiest day, with 52 percent of the arrests made; followed by Sunday, 23 percent, and Friday, 17 percent.

Law enforcement officers first stopped the boat for improper or no navigation lights in 29 percent of the cases and for operating improperly in a restricted zone in 20 percent of the cases.

Of the 77 cases that had been to court, 42 were found guilty, 21 reduced to reckless or incapacitated operation and 10 were dismissed.

FMP Auxiliary backs marine police in Florida

When a Florida Marine patrol officer goes on patrol at night, many times he'd like to have an armed, uniformed backup in the boat with him. This can be arranged by requesting that an auxiliary officer ride along.

The Florida Marine Patrol Auxiliary, organized in January 1980, is a unit of 113 volunteers, all trained in law enforcement, all authorized to carry a weapon while on duty and all given police powers while assisting regular officers.

A volunteer who is selected to be an auxiliary officer must undergo 100 hours of standard police training at the Criminal Justice Training Center. He then receives on-the-job training in boating safety, marine resources, firearms, arrest tactics, patrol procedures, criminal and constitutional law, etc.

All who volunteer know boats and boating. Although they agree to work 30 hours a quarter, most work about 20 or 30 hours a month. They buy their uniforms, weapons and pay tuition for training.

If there's a natural disaster or special event, the auxiliary provides the extra necessary manpower. Auxiliary officers were out to help prevent looting during the last hurricane that swept through

southern Florida. After the storm, they moved food supplies, transported personnel, and manned road blocks.

It is during regular patrol, however, that their assistance is most felt. An auxiliary officer on board a patrol boat is the hands on the wheel during a boarding in a seized boat when an operator is taken into custody; the extra pair of eyes on night patrol. The auxiliary officer is the second armed, uniformed person on a patrol boat at night when it comes upon a boat engaged in illegal activity.

"It is someone there to cover for you," said Capt. Mike Lamphear. "We don't know how many times an auxiliary officer has defused a bad situation."

Why would people spend their own money for training, uniforms and equipment and give their time freely to take the same risks as a professional police officer?

"They see the need for increased law enforcement," said Capt. Alan Richard, coordinator of the program. He added, somewhat ironically, "Some would like to be marine patrol officers but can't take the pay cut."

Auxiliary officers represent many professions. There is an airline captain, the director of transportation of a large county, the chief engineer of a power plant, a physician, a state senator and military personnel. Among the women is a motion picture executive.

No matter their stance in the community, when they're on duty, auxiliary police are under the supervision of the marine patrol officer. "They understand the meaning of responsibility," said Capt. Lamphear, "and can take orders."

Plans for the Marine Patrol's current selective operating under the influence enforcement program rely on the assistance of auxiliary police. As on routine patrol, the auxiliary can be invaluable to a selective enforcement program.

"It's a real advantage to have the second officer in the boat," said Capt. Lamphear. It can prevent an eager patrol officer "from having to do something silly, dumb and foolish," he said.

Auxiliary serves boating public in Vermont

Since Vermont has a short boating season, the marine law enforcement unit of the State Police is a small one. It is the core of the boating safety program, but a great deal of the manpower comes from an auxiliary unit which works full time, seven days a week from mid-May until the end of September and weekends during waterfowl season.

The 42 auxiliary officers attended the basic 62-hour law enforcement course, received first aid and cardiopulmonary resuscitation training, then learned boating safety on the job. Supervised by nine state police sergeants, the auxiliary officers make most of the boat inspections at docks and ramps and spend 13,000 hours on boating patrol each boating season.

They have full enforcement powers, but their primary concern is to see that people have proper safety equipment and remain safe on the water. "We want our boating safety people to serve the people, not be cops," said Lt. Michael Vinton.

Those auxiliary officers who are school teachers by profession spend some of their time teaching boating safety in summer camps. During the winter they teach boating in their schools and communities.

Many come back year after year. One auxiliary officer has returned to duty for 17 summers now.



Florida Marine Patrol Lt. Calvin Davis (l.) checks the recreational fisherman's catch as Auxiliary Police Maj. David Moren checks safety equipment at the Pelican Harbor boat ramp in Miami.



Virginia Game Commission wardens Paul Booth and Ricky Rawls and Coast Guard Auxiliarist Bill Antozzi tow a disabled vessel on Lake Chesdin.

C.G. Auxiliary helps wardens in Virginia

Virginia Game and Inland Fisheries wardens, who work on some of the larger lakes in the state, exchange information on weekend work schedules with Coast Guard Auxiliarists in the same area.

When they come upon vessels in distress, wardens contact the auxiliarists on duty by VHF radio and ask them to tow. This allows wardens more time to concentrate on law enforcement. At the same time, auxiliarists contact wardens when they see violations.

Under this new policy, the Auxiliary made a total of 78 rescues/assists on three state lakes last year.

Students assist marine police in Ontario

College students majoring in criminology or law are eligible for summer student marine employment with the Ontario Provincial Police.

The students accompany marine officers on patrol to help with safety checks and act as the second person on a boat. They help with vessel maintenance, polishing and shining, with paper work, or any chore other than law enforcement that would assist marine officers during their busy season.

Working for minimum wage, the students gain work experience and both the

OPP and the students get some idea whether they're suited for each other. Several who have worked in the student marine program have gone on to become police officers.

Officers lend boaters PFDs in Massachusetts

Two years ago Massachusetts Environmental Law Enforcement officers began implementing the Connecticut River Action Plan, a plan to maintain a law enforcement presence on the river at all times. To use available manpower most efficiently, the division brought in officers from outside the area to patrol during busy times.

At the beginning of the summer, boaters were cited for a number of violations, such as failing to register their boats and operating to endanger, but towards the end of the summer, the number of violations dropped sharply. People were aware of the law enforcement presence.

Officers always kept extra PFDs on their patrol boats. When they inspected boats and found an insufficient number of PFDs, rather than issue citations, officers gave the boaters PFDs to use for the day and told them where they could drop them off when they left the river. During an entire summer of lending out PFDs, officers never lost one.

The action plan was so effective, additional equipment is being purchased and more people will be assigned to continue in full force this summer.

Selective program provides aid for busy areas

To alleviate the shortage of manpower experienced during busy summer weekends, several boating safety enforcement agencies have experimented with selective enforcement. Law enforcement personnel from other areas of the state are moved into congested areas during busy times to provide more concentrated enforcement.

The Kansas Department of Wildlife and Parks started a selective enforcement program last July. Two or three patrol vessels were put on a busy reservoir to assist the personnel working that area. On reservoirs managed by other agencies, such as State Parks, conservation officers assisted park rangers.

At least six conservation officers patrolled a reservoir and a regional supervisor was stationed on shore to take violators in to be bonded.

The Georgia Department of Natural Resources tried a similar program last summer. On a busy weekend, personnel who had volunteered took their patrol boats to a specified lake in another part of the state and supplemented the work force there.

Officers from outside the area and officers who normally worked the lake rode together in each other's boats to assure that someone in the boat was familiar with the local courts, sheriffs and problem areas around the lake.

The program, that Joel Brown, BLA, said "circumvented the personnel shortage," was financed with federal funds. It worked well and will probably be expanded this year.

In Maine, the Department of Wildlife and Inland Fisheries established a task force of a lieutenant, sergeant, wardens and one large boat that could provide extra enforcement in a specified area for several days at a time. The task force supplemented the regular enforcement effort in busy areas.

Occasionally wardens also assist the offshore marine patrol and sometimes the marine patrol comes to the aid of wardens.



Colorado river ranger Leigh Sullivan checks evidence after a rafting accident.

Outfitter licensing sets standards in Colorado

Although there have always been reputable river outfitters in Colorado, there were once enough shoddy operations to give the industry a bad name and cause concern for the safety of those taking commercial white water trips.

A few years ago, Rick Storm, law enforcement chief of State Parks and Outdoor Recreation, worked with a few of the state's outfitters to put together a law that would regulate the industry. In January 1985, river outfitters licensing began in Colorado.

To be licensed, boats are required to have such safety equipment as throwbags, first aid kits, patch and repair kits and extra life jackets. Owners must maintain valid insurance policies.

Boatmen must have first aid and cardiopulmonary resuscitation certificates and have formal training in such skills as rigging a boat, riding a capsized boat, recovering people who have fallen overboard and reading the river.

Boatmen can be trained only by designated instructors, all of whom have logged at least 1,500 river miles.

Five trained river rangers enforce the law by checking outfitters' records, which must be kept up to date at all times. Outfitters' records are inspected at least

once during the season, a season that begins in early May and ends in mid-September.

Now that it is regulated, the river outfitting industry is one with a safety standard. The licensing and a strict enforcement program, have "gotten rid of the fly-by-nighters," said Storm.

Homemade boat HINs inspected in New York

An inspection program for homemade boats that started last year in New York has begun to reduce the number of improperly registered homemade boats in the state.

When an owner applies to the Bureau of Marine and Recreational Vehicles for a hull identification number (HIN) for a homemade boat, he must fill out a state application and include a photo of the boat. The information is sent to the local law enforcement agency, which sends an officer out to inspect the boat to determine if it is truly homemade. If he is satisfied, the officer will engrave the HIN on the boat and return the completed application to the owner.

In addition to reducing the number of improperly registered homemade boats, this procedure has prompted arrests for unauthorized possession of vessels, said Neil Gillson.

Marine anti-theft program begins in New York

A vessel anti-theft program begins in New York State this summer. Marine police will be going to marinas and yacht clubs to meet with boat owners and offer to take an inventory of their boating equipment and to mark each item with a special code number.

A brochure explaining the program will be given to the boater when the inventory is made. Police will record the name, model and serial number of each piece of equipment and engrave on each item a special number that would identify the owner. Police will keep a record of the inventory and give a copy to the owner.

After the inventory is made and the equipment marked, the boat owner will receive a decal to place on the vessel indicating that the equipment is listed with the police and that identification numbers are recorded.

Police agencies that receive funds from the state boating program agreed to participate in the state's vessel anti-theft program. Police will supervise the program, but some agencies might solicit the help of the Coast Guard Auxiliary, their own auxiliary officers or volunteer groups.

Neil Gillson, coordinator of Operation ID, said he hopes that in two or three years all boaters will have a recorded inventory and marked equipment.



Marina Watch program to begin in Connecticut

Officer Tom Leewock of the Connecticut Marine Patrol will begin meeting with boat owners this summer to interest them in initiating a marina watch program. He hopes to encourage boat owners to organize within their marinas to look out for each other's boats and

equipment. He will explain what to look for to prevent marine theft and how to react to suspicious looking activity.

Concurrent with the marina watch is Operation ID. The Marine Trades Association donated six engravers that the Marine Patrol will lend to boat owners who wish to mark their boating equipment with driver's license numbers. Owners will be given an inventory form on which to list the engraved items.

The engraved numbers help law enforcement officials track stolen property and help identify items in court.

Officer Leewock received samples from manufacturers of theft prevention devices that he will demonstrate to boat owners during the meetings.

The Marine Trades Association provided stickers and signs warning of the crime watch. In fact, all materials were donated, costing the state nothing for the crime prevention program.

Officer Leewock said boat theft is a bigger problem than people realize. Most of the boats stolen are small trailerable boats and most of the motors stolen are small outboards.

High speed boats on congested waters dilemma for law enforcement officials

Boating safety officials and the public are voicing ever more concern over the numbers of high speed boats appearing on increasingly crowded waters.

"We're inundated with a large number of new boaters operating small, high-powered boats," said Lt. Jerry Taylor, Seattle Harbor Police. "People, who can buy these boats for \$79 a month, are piling onto the water with little understanding of what they're getting into."

Operators' unfamiliarity with the water environment, coupled with the use of alcohol, have made the fast boats a menace in many areas of the nation and the control of them a dilemma for law enforcement.

Except for no-wake zones close to shore, docks and marinas, few speed limits are in effect on the nation's waters. Even if there were speed limits, Bill Garner, Alabama BLA, asks, "How do you implement a speed limit? Measuring speed is no problem for law enforcement, but what about the boater? How does he learn to react to the hazards?"

Connecticut

Connecticut marine police will probably be trying to enforce a speed limit this summer. After years of public outcry about the speed and noise of high performance boats on the Connecticut River, the Department of Environmental Protection is issuing a regulation to set speed limits for boats.

Current regulations that provide for a maximum speed of six mph within 100 feet of shore, dock, float or anchored or moored vessel will continue. A steerable speed limit is in effect in specified congested areas.

If new regulations are approved, all other areas will be subject to a nighttime limit of 25 mph throughout the year and 45 mph on weekdays. A 30 mph limit would be in effect on weekends from Memorial Day through Labor Day.

The speed limits were developed as a result of a public hearing and several public meetings. The Legislative Regulations Review Committee meets June 21 and if it approves the regulations, they will become effective this summer.

Radar guns are on order. Maj. Randy Dill, BLA, hopes the visibility of officers with radar guns combined with news stories will slow people down. But, he says, enforcement won't be easy.

Florida

Florida has been plagued with an increasing number of boating accidents and deaths this past year. Col. Don Ellingsen, director of law enforcement, Florida Marine Patrol, attributes a large part of the problem to inattention, alcohol and speeding.

Last year a law was passed setting a 30 mph speed limit on the Intercoastal Waterway and on other inland waters in Broward County. This was to be a pilot

project, but enforcement was not implemented until recently because the speed limit was not posted.

Signs went up the first of the year and the Florida Marine Patrol and county and city marine enforcement agencies have begun enforcing the speed limit. Officers are equipped with radar guns and aircraft are sometimes used.

If the speed limit helps cut down speed and accidents, the law will be expanded to include other areas. But after five months' enforcement, Col. Ellingsen said it was "too early to tell if it really is slowing people down."

Massachusetts

Col. Allan McGroary, director of law enforcement, Massachusetts Environmental Police, said the introduction and enforcement of a speed limit on Massachusetts waters seems to be working. Officers have had little trouble enforcing a 45 mph speed limit that was imposed on inland waters last year. They are enforcing it primarily on the Connecticut River or in other highly congested areas.

Using a more sophisticated radar gun than that usually used by the highway patrol, environmental police sometimes direct their efforts at stopping speeders or responding to speeding complaints.

When speeders are cited during a particular weekend, it has a residual effect, said Col. McGroary, slowing people down for the next couple of weeks.

Marine Training Seminar in Washington

The responsibility of enforcing boating laws in Washington lies with the individual counties and municipalities, many of which are unable to provide marine training for law enforcement officers. Some officers go to nearby Coast Guard stations for training, but most don't have that opportunity.

In an effort to improve the state's boating safety record, the Washington Office of Boating Safety has offered marine training to boating safety officers. This year it gave a grant to the Seattle Harbor Police to conduct four one-week marine law enforcement training seminars.

Seattle Harbor Police personnel, each with many years' experience and training, held discussions on state law, small and large boat operation, marine first aid (including hypothermia and cold water drownings,) operating under the influence enforcement, fire fighting, search, rescue and diving.

Students spent mornings in the classroom, afternoons on the water. They practiced operating outboard, jet drive and twin engine boats; they went through scenarios on stops, boardings and inspections. They practiced establishing

dive and search patterns and working in survival suits.

Students came from small town police departments, county sheriffs' offices, and from National Park stations.

The instructors stressed that a seminar can only introduce marine law enforcement procedures and skills. To master the skills, more intensive training would be required.

Training focuses OUI enforcement in Oregon

The Oregon Marine Board holds a five-day annual training session for those county and town officers responsible for the state's marine law enforcement.

One day of this year's course was devoted to operating under the influence enforcement. Eleven people hired to act as testing subjects became intoxicated and officers administered field tests and horizontal gaze nystagmus tests. The tests were monitored by breath tests to determine their accuracy.

The remaining days were devoted to basic marine law enforcement, including reviewing safety equipment carriage requirements, vessel numbering and documentation, navigation rules, vessel

lighting, record keeping and boat maintenance. Students spent one day on the water operating boats, towing, boarding and practicing emergency maneuvers.

Students were from county and state police agencies that contract with the Marine Board to enforce the boating laws.

Marine Training for City Police in Connecticut

The Connecticut Marine Patrol and U.S. Coast Guard held a one-week marine law enforcement training program for municipal police officers this spring. The course combined classroom and on-the-water training on state laws and regulations, navigation and seamanship, boarding, rescue and towing.

Accident Invest. Training in Wisconsin

Accident investigation was the focus of this year's law enforcement training given by the Wisconsin Department of Natural Resources.

A 65-page boating accident investigation manual, compiled by Dale Morey, BLA, was distributed to 400 law enforcement officers. The manual, which includes technical information from the accident investigation manual written by Robert Loeser of Underwriter Laboratories, outlines methods of gathering information—from witnesses, by reconstructing accidents, and through photographs.

The manual addresses accident investigation in three phases—pre-accident, time of accident and post-accident. The manual explains, step by step, how to complete the Boat Accident Investigation Form. It gives information on intoxicated operation and arresting intoxicated operators.

Morey said this manual, which attempts to address the needs in Wisconsin, is just a beginning and will be updated as boating accident investigation methods continue to develop.



Jim Johnston (l.) and Jim McMeins attempt to retrieve a "victim" from the water during the marine law enforcement seminar. Seattle Harbor Police Officer Jim Carlton, the "victim," is the instructor.

Personal Flotation Device Wearing Requirements

STATE	YOUTH	WATER SKIERS	OTHERS
Alabama			Within 800 feet below hydro electric dam.
Arizona	Under 12		
Colorado			Operator, crew, all passengers aboard vessel during commercial trip.
Connecticut		Yes	
Delaware	12 and under		
District of Columbia			Everyone under 18 in vessel when 18-year-old or younger is operating.
Kentucky		Yes	
Louisiana	12 and under		
Maryland		Yes	Sailboarder must wear flotation wetsuit in fall and winter.
Massachusetts			Between Sept. 15 and May 15, everyone in canoes and kayaks.
Mississippi	12 and under		
Montana	Under 12		
Nebraska	Under 12		
Nevada		Yes	
New Hampshire	6 and under		
New Jersey		Yes	
New Mexico			Everyone in white water rafts, ice sailboats, surfboards, kayaks, canoes, rubber rafts, air mattress on any waters, and in boats on rivers.
New York		In specified areas	
Ohio	Under 10 in boats under 18 feet		
Oklahoma	12 and under in boats under 27 feet		
Pennsylvania	Under 9 on Fish Commission and State Park lakes		
Puerto Rico	10 and under		
Texas	Under 12		
Utah	Under 12 in vessel under 19 feet or if outside cabin in vessel over 19 feet		Everyone on all rivers except where designated flat must wear Type I or Type III. If carrying passengers for hire on above waters, must wear Type I. Everyone on waterjets or sailboards.
Vermont		Yes	
Virginia		If no observer in boat.	
West Virginia			Everyone on white water.
Washington			Two counties require everyone on boats, inner tubes, etc. on moving water.
States, territories and provinces with no PFD wearing requirements are Arkansas, California, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Michigan, Minnesota, Missouri, North Carolina, North Dakota, Ontario, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Virgin Islands, Wisconsin and Wyoming.			

Some states require children to wear personal flotation devices in boats, others require water skiers to wear them, and some states require the wearing of PFDs in specific conditions.

Law Enforcement on the Water



Mike Larson, coxswain, (standing) and Floyd Gaarder, assistant regional supervisor for South Dakota Game, Fish and Parks, check a boat on Lewis and Clark Lake for safety equipment. Photo by Ken Moum.

Illinois

Conservation officers inspected approximately 10,000 boats in 1987 and issued 2,500 citations or warnings. Most were for safety equipment violations.

This will be the second year of active enforcement of the OUI law. Eight pieces of field testing equipment were recently purchased and officers who work in the busier boating areas have been trained to use it.

The resources available to the Department of Conservation prevent the state from keeping up with the increase in recreational boating. There's not enough money to buy the equipment to meet the needs.

Indiana

Conservation officers made 2,009 arrests for boating violations and issued 1,242 warnings, mostly for operation violations, equipment or registration violations.

This is the fourth year the state has had a comprehensive OUI law. It has been readily accepted and there have been no major problems for law enforcement. After being blitzed by the news media, the boating public seems more aware of the problems with alcohol and boating.

Careless operators cause the most problems for boating enforcement in the state.

Iowa

Records of boat stops and violations are not kept in Iowa. The seven-person commission that oversees the Department of Natural Resources went on record opposing implied consent legislation. Without a blood alcohol standard or an implied consent provision in the law, it is difficult to get a conviction in courts used to hearing motor vehicle DWI cases. Serious or flagrant cases will be cited under current statute to get them off the water, but Rick McGeough, BLA, is uncertain whether they will be convicted.

Boaters' lack of use of PFDs or accessibility to them is the biggest problem in boating in Iowa.

Kansas

In 1987, game wardens spent 3,035 hours on boating law enforcement, issuing 742 citations. Most violations were lack of safety equipment or improper registration.

With a new OUI law now in place, wardens will begin enforcement this summer. The "sober meter," a mobile alcohol breath test unit used by the highway patrol and recognized by the courts, will be used for testing. Officials will be able to find out how much of a problem alcohol really is.

Some of the lakes are becoming crowded and the congestion is causing accidents.

Michigan

Conservation officers, sheriffs' deputies and municipal police made 209,743 boat contacts in 1987. Registration and PFD violations represented 60 percent of the 7,049 citations issued. Next was violation of slow, no wake laws.

The alcohol enforcement program is continually upgraded. Officers recently completed additional training and a number of Alco-sensor IIIs were purchased.

The public's lack of boating education and their attitude toward getting it remains a problem. To have additional educational impact on the public, advertising would have to be purchased, and that is expensive.

Minnesota

Summaries of boat stops and citations issued in 1987 were incomplete. Usually around 3,500 violations are found each year, most frequently for improper registration and insufficient PFDs. More citations are being issued for BWI.

The BWI enforcement program is "going like gang busters," said Kim Elverum, BLA. A packet containing all the forms necessary to make a BWI arrest has been produced.

It is the inconsiderate boat operator who causes the biggest problem for boating enforcement. About 10 percent of the people are the cause of most of the complaints.

Missouri

Water patrol officers stopped 21,296 boats and issued 20,734 citations or warnings in 1987. Most of the citations were for lighting, registration or PFD violations.

The alcohol enforcement program has seemed to make an impact. People have become aware that operating a boat under the influence is illegal and, through publicity and news stories, the number of OUI arrests has decreased. The Water Patrol

will, however, operate sobriety check points again this summer.

A lack of public knowledge of laws pertaining to proper equipment and operation is a problem the Water Patrol is trying to resolve through education programs and reaching the news media.

Nebraska

Statistics on 1987 boat stops and violations were not available.

The boating while intoxicated statute is not workable, said Leroy Orvis, BLA. There is no provision to require testing, no license to remove. A bill may be introduced in the next Legislature. Orvis believes there is more of an alcohol problem than most people in the state realize.

One boating law enforcement problem is the scarcity of officers able to enforce boating. Conservation officers enforce fishing and state parks laws and have too many responsibilities, said Orvis.

North Dakota

Conservation officers inspected 8,089 boats in 1987 and issued 305 citations, mostly for insufficient PFDs, improper numbers and prohibited operation.

All wardens are trained to give horizontal gaze nystagmus tests and are checking boaters for operating under the influence, but no arrests were made last year.

Boaters' attitudes about wearing PFDs is one problem in North Dakota; another is the public's apathy toward alcohol and boating, which is a serious concern, said Wilmer Pich, BLA.

Ohio

Watercraft officers checked 7,824 boats in 1987, issued 1,395 citations and gave 4,412 warnings. Most violations were insufficient PFDs and illegal operation in restricted areas.

The alcohol enforcement program is in full swing. Last year, of the 94 arrests made, all were males with an average age of 33.7. Seven people refused the breath test. A refusal means automatic suspension of registration and privilege to operate for one year.

The smaller craft are the boats involved in most fatal accidents. The education program is geared toward reaching those who use small boats.

Ontario

Ontario Provincial Police checked 33,521 boats in 1987 and made 2,184 charges, most for violating equipment requirements or liquor laws. Citizens in Ontario are allowed to drink only in residences; therefore, drinking in a boat while it is underway is against the law.

A person who has been found guilty of operating a vessel while impaired faces a second offense if stopped for driving a car while impaired.

A growing problem for law enforcement is the influx of inexperienced boaters operating large, powerful boats without sufficient training.

South Dakota

Conservation officers boarded approximately 7,000 boats in 1987 and issued 207 citations. The most frequent violation was insufficient PFDs, then numbering and operating in restricted areas.

Few arrests are made under the current OUI law, which sets no blood alcohol standard and does not provide for implied consent. Until there is a better law, drunk operators will be cited for reckless or negligent operation.

Because boaters tend to stay in proximity of the ramps from which they launch, and because there is little access to the lakes, there tends to be overcrowding in the ramp areas, which causes a safety problem.

Wisconsin

In 1987, there were 4,985 convictions of boating law violations, most of them for failure to carry enough PFDs.

All conservation and county officers are trained to enforce the OUI law and all have been provided with portable breath test units. The law has been accepted by both the public and the courts. In 1987 there were 102 arrests and 100 convictions.

A growing problem is the multiple use conflicts that have arisen with the proliferation of high performance boats and personal watercraft. The operators who cause the problems have usually been using alcohol, said Dale Morey, BLA.

Law Enforcement on the Water



Colorado boating administrator Rick Storm checks a boat for safety equipment and warns boaters of improper use of equipment.

Arizona

Conservation officers issued 1,560 citations for boating violations in 1987. Most were PFD or other safety equipment violations or speeding in a no-wake zone. Sheriffs' offices around the state are putting more effort into boating law enforcement than ever before.

The four-year-old OUI law is actively enforced. People tend to be more careful now, said Tom Alexander, BLA, because the OUI convictions have received wide publicity.

Boating season never stops, only slows in the winter. A problem for boating law enforcement is a lack of personnel. Boating is just part of conservation officers' duties and local agencies are able to assign only a few of their officers to the water.

California

In the first quarter of 1988, 32 of the 58 counties in the state reported issuing 6,400 citations for boating violations. Most common were operating, registration and equipment violations.

Officers have received a great deal of training for enforcing the OUI law and many agencies have begun to place more emphasis on it. There are still problems, however, in getting prosecutions because many prosecutors are still unfamiliar with the law.

Since more than 100 agencies enforce boating laws in California, uniform training of officers and consistent interpretation and application of the law is a challenge for the state boating agency.

Colorado

Boat checks are not tracked in Colorado but park rangers issued 531 citations in 1987, most for insufficient PFDs, careless operation and improper registration.

The Colorado OUI law has no blood alcohol standard and no testing procedures, but rangers are not hampered in their efforts to enforce it. Officers are trained to use breath testing equipment in the field. "Their intent is to identify boating under the influence, arrest and remove violators from the water and successfully prosecute them," said Rick Storm, BLA.

When speaking of boating law enforcement, Storm said, "Our ability to provide

information and education would be severely limited without Wallop-Breaux funding. If we were to lose it, our overall boating program would quickly grind to a halt."

Hawaii

Boating law enforcement officers issued 86 citations, gave 285 warnings, and made 25 boardings in 1987. Most violations were for overloading the boat or failing to display a diver's flag.

An OUI law failed to pass the Legislature this year. Citations written for persons operating under the influence must be substantiated with subjective evidence, which doesn't seem to be enough to get convictions. Therefore, few citations are written for OUI. Violators are cited for careless or reckless operation.

The biggest problem for law enforcement is trying to separate conflicting users on the waters. More people, with a multiple recreation need, are crowding into the best areas.

Idaho

Counties are responsible for boating law enforcement in Idaho. Of the 44 counties in the state, 20 reported making 2,230 boat inspections in 1987 and issuing 115 citations. Most violations were insufficient PFDs and improper registration.

An OUI law was signed April 6. To prepare for enforcement, which begins in earnest next year, officers received two hours training for enforcing alcohol laws in the marine environment. Jeff Hoedt, BLA, will attend the alcohol enforcement course in Yorktown and officers will begin to certify on alcohol testing equipment.

The biggest problem in boating enforcement is funding. The state grant program can't fund all the counties and even those that receive grants are able to sustain only limited programs. Some counties are not concerned with enforcing boating laws. A high turnover rate hinders continuity.

Montana

Game wardens stopped 24,445 boats in 1987 and found 779 violations—registration, insufficient PFDs, children under 12 not wearing PFDs and no observer while waterskiing.

The state is publicizing the passage of a new OUI law and game wardens are train-

ing to enforce it. The Highway Patrol has trained them to give field tests, including horizontal gaze nystagmus. Testing facilities are located around the state in sheriffs' offices.

Wardens perform many other duties, such as fishing and hunting enforcement, while enforcing boating, which puts a limit on their time. Five temporary employees were hired this summer to work only on boating safety.

Nevada

Wildlife officers stopped 5,130 boats in 1987 and issued 740 citations. Most violations found were improper registration, insufficient PFDs, speeding in restricted areas and reckless and negligent operation.

The alcohol enforcement program is growing. Officers have received more training and are equipped with Alco-sensor IIIs to use for probable cause. Special OUI patrols are scheduled for some of the larger lakes this summer.

Personal watercraft and high performance boats are creating more and more problems for law enforcement. Uneducated boaters present another problem.

New Mexico

The state does not keep a record of the number of boat stops made each year. Rangers issued 543 citations for boating violations in 1987. Most violations were insufficient PFDs, restricted operation, speeding in a no-wake zone.

Since there is still no strong operating under the influence law, rangers enforce OUI only in the most blatant cases.

The inattentive operator and the operator with little understanding of rules and safety regulations cause the most problems for boating law enforcement.

Oregon

County agencies made 30,591 boat examinations in 1987 and found 10,447 violations, most of them numbering and PFD violations.

The alcohol enforcement program is "alive and well," said Webb Terwilliger. The number of citations issued increases each year. Sentencing ranges from fines to diversion programs—alcohol education and community service.

Conflicts between boaters and shoreline

citizens and boaters themselves eventually become a problem for law enforcement. Conflicts create additional rule making, which puts a burden on law enforcement. Other problems in law enforcement include funding, training and the retention of good officers for the seasonal work.

Utah

Rangers inspected approximately 10,000 boats in 1987 and issued 1,213 citations, most frequently for registration, PFD, ski and speed proximity violations.

A comprehensive operating under the influence law passed last year. Officers have now received training and equipment to enforce it and full enforcement begins this summer.

Boaters who have no knowledge of boats and lack common sense when they're on the water cause the most problems for law enforcement officers.

Washington

Reports are made to the state only by the agencies receiving state grants. Those agencies made 3,238 boat inspections in 1987 and found 1,036 violations. Most were registration or safety equipment violations.

This summer the Seattle Harbor Police begins an aggressive alcohol enforcement program using field sobriety testing. Other jurisdictions enforce only very obvious violations.

With inadequate funding and the boating law enforcement responsibility diffused among many agencies, the state is unable to maintain uniformity in a boating program.

Wyoming

Game wardens made between 2,000 and 3,000 boat contacts in 1987. The number of violations they found was unavailable. Most frequent violations were insufficient PFDs and improper display of registration.

The new OUI law, which fails to provide for implied consent, didn't change anything, said Steve Smith, BLA. Wardens make few arrests. Prosecutions must rely on field sobriety tests and officers' testimony.

Speaking of problems in boating, Smith said, "People don't think about the dangers when they're recreating." Alcohol is a problem in boating; carelessness is a problem, but at the core of all these problems is a lack of boater education.

SSBLA honors Garth Robinson, Larry Williford

Lt. Garth W. Robinson, Jr., of the Texas Parks and Wildlife Department, and Larry Williford, Texas BLA, were recognized by the Southern States Boating Law Administrators for their outstanding contributions to boating safety through enforcement and education.

Under his own initiative, Lt. Robinson trained and equipped officers in his district for fast water search and rescue. On several occasions his officers have rescued stranded persons from raging flood waters.

During the 1987 flooding of the Guadalupe River, a church bus carrying 43 children was swept from the roadway into the turbulent river. Lt. Robinson was on the scene at the beginning of the rescue and recovery operation and remained in control of the operation for 45 days. Thirty three people were rescued; 10 were lost. All but one of the victims' bodies were recovered.

Lt. Robinson's officers are also active in a massive effort to educate the public on



Lt. Garth W. Robinson (l.) and Larry Williford admire the Model 639 Smith and Wesson semi-automatic pistols awarded them by SSBLA. Photo by Joel Brown

how to enjoy the public waters of the district safely.

Larry Williford was honored for the time and effort he gave as president of NASBLA in 1987. Through his perseverance and encouragement, members of NASBLA were able to establish a standard and write a national guideline for mandatory boater education.

SSBLA discusses N.Y. court case, permit policy

At the Southern States Boating Law Administrators 27th annual conference held in Annapolis, Md. April 25-28, members heard discussions on boat mortgage recordation, the impact of the New York court decision on state boating programs, and issuing permits for boat races and water events.

The group amended its constitution to include the immediate past president as a member of the executive board. An article was added to the constitution allowing for the retention or destruction of records. Three committees were added to SSBLA—a numbering and titling committee, facilities committee and a long range planning committee.

Jack Reynolds of Missouri was elected to serve as president in 1989. Serving with him will be Bess Crandall, Maryland, vice president; Jack Taylor, Maryland, secretary/treasurer, and Richard Hall, West Virginia, and Ed Jenkins, North Carolina, members at large.

Next year's meeting will be held in the Virgin Islands.

National Boat Safety Advisory Council seats two boating administrators, others

Secretary of Transportation James Burnley has named six new members and reappointed one current member to three-year terms on the National Boating Safety Advisory Council.

Col. Don Ellingsen, director of the Florida Marine Patrol, and Lt. Joe L. Ruelas, Washington, D.C. harbor-master, were named to fill vacancies among state boating law administrators on the council.

Robert F. MacNeill, president of Carver Boat Corp., Pulaski, Wis., and Roy T. Montgomery, vice president, Mercury Marine, Fond du Lac, Wis., were named to represent the boating industry.

Al Simon of Silver Spring, Md., a past president of the National Boating Federation, and Eric A. Tulla of San Juan, Puerto Rico, a member of the U.S. Yacht Racing Union, were named to represent boating organizations and

the boating public.

A. Newell Garden of West Newton, Mass., chairman of NBSAC, was reappointed from the public sector.

NBSAC was created by Congress in the Federal Boat Safety Act of 1971 to advise the Secretary of Transportation and the Commandant of the Coast Guard on matters related to recreational boating safety. The 21 members are drawn equally from the boating industry, state officials responsible for state boating programs, national recreational boating organizations and the boating public. Council members review proposed and existing regulations and Coast Guard activities related to recreational boating.

The seven appointees will be sworn in at the next meeting of the council Nov. 15-17, in New Bern, N.C.

Rescue ring buoy that holds victim now on market

The Res-Q-Ring, a specially designed ring buoy that will hold securely to a weakened victim, has recently been put on the market. A webbing strap is fitted to the inner circumference of a 30-inch standard ring buoy. Both ends of the strap are attached to a steel ring which is attached to a throw line. When the line is tightened, the webbing forms a noose and closes around the victim, holding him securely as he's being retrieved.

The device aids in the rescue of an injured or hypothermic victim who is unable to maintain a grasp in order to save himself.

For information, contact Res-Q-Ring, 5550 S. Lewis, Tulsa, OK 74105, (918) 743-1723.

A JOB WELL DONE



Wayne S. Jones



JoAnn Sturdy



Steve Kennedy



Raul Gonzales



Douglas Alvine

This series continues to recognize boating safety personnel for excellence in the performance of their jobs. A good teacher, a helpful law enforcement officer, or an officer who through quick thinking, decisive action or, sometimes, personal risk rescues someone in distress, are recognized for a job well done.

Wayne S. Jones

While patrolling the Potomac River near Indian Head, Md. on March 2, Maryland Natural Resources Police Officer Wayne S. Jones saw what appeared to be a log floating in the river. Approaching it, he discovered it to be a capsized boat with two fishermen clinging to it. Jones pulled the men into his boat and rushed them to shore. Although one of the men was in the initial stage of hypothermia, he recovered and his companion unharmed.

This was Jones' first solo patrol. The former pro football player had graduated from the DNR police academy in December.

JoAnn Sturdy

JoAnn Sturdy, a secretary in the law enforcement division of the Nebraska Game and Parks Commission, found herself with added responsibilities when the boating law administrator's position was transferred to her division.

One of her new duties was in boating education. In an effort to get boating safety courses into the schools, she wrote a letter to every school in the state. In addition to being the division's secretary, she serves as radio dispatcher.

Steve Kennedy and Raul Gonzales

Around midnight on April 13, Aransas County (Texas) Sheriff's Office received a call of an overdue boat on Copana Bay.

Texas Parks and Wildlife wardens Steve Kennedy and Raul Gonzales launched a patrol boat and began a night search.

At 1:30 a.m. they located a fisherman clinging to an overturned 14-foot boat. His companion had swum to a nearby well platform and climbed onto it. After Kennedy and Gonzales got the two men into their boat, they were told of a missing companion. The officers continued their search but decided the condition of the two men warranted their being taken to shore for immediate medical attention. The officers gave the victims their jackets and carried them "piggy back" since they were

too weak to walk.

With the victims safe on shore, the officers resumed their search until daylight. Later the Coast Guard located the third man in a duck blind.

Douglas Alvine

Conservation officer Douglas Alvine was selected South Dakota Game, Fish and Parks Wildlife Division Employee of the Year.

He patrols Lakes Madison and Herman, two of the state's busiest recreational boating lakes, and keeps up with his wildlife enforcement, land management, fisheries management and public relations duties.

NASBLA Public Service Award

Overton's Inc., one of the largest boating mail order catalog businesses in the country, received the NASBLA public service award. The award is given to companies that include safe boat operation practices in their advertising messages.

During the summer of 1987, the North Carolina firm included timely reports on lake conditions in its radio advertisements. The water reports also reminded boaters to avoid using alcohol while operating a boat or waterskiing.

Capt. Wilton Pate (l.) of the North Carolina Wildlife Resources Commission presents the award to Parker Overton, owner of the firm. Chris Pardue (r.) is manager of the hunting and fishing section.



National Association of State Boating Law Administrators

The Boating Industry and Boating Safety

Matt Kaufman, Executive Director, Marine Retailers Assoc. of America

The recreational boating industry has been under attack. Recently, we have been accused of spreading "inaccurate, incomplete, distorted and, in some cases, false information;" of being "out of touch with reality;" of being "opposed to the expansion of education efforts;" of "ignorance;" and of being interested only in "personal gain."

Apparently, the boating industry is under attack because we are not convinced that requiring boat operators to have a license will be effective in reducing boating accidents. Because of our position on this one issue—a position that is supported by many other non-industry organizations and persons—we stand accused of being totally unconcerned about safety. The simple fact is that the boating industry has been at the forefront of efforts to make boating safe and enjoyable.

In the mid-1950s, when the first so-called "boating boom" was getting underway, it was the industry that suggested the U.S. Merchant Marine and Fisheries Committee should conduct hearings to determine what could be done to insure that the anticipated increase in boating activity would not lead to more boating accidents.

At those hearings it was an industry spokesman who introduced the concept that led to the passage of the Federal Boating Act of 1958—the law that required pleasure boats to be registered and numbered and provided the funds that made it

possible for states to set up boating administrations and to launch the enforcement and educational programs that have done so much to reduce boating fatalities from about 20 per 100,000 boats to about 6.5 deaths per 100,000 boats.

Long before the Boat Safety Act of 1971, the industry created and enforced a program for developing product safety standards and certifying compliance with those standards. The industry continues to develop and certify compliance with standards that are more rigorous than those required by law.

The boating industry also has been, and still is, among the strongest supporters of such measures as the Wallop-Breaux Act which has produced millions of dollars to fund state boating programs. Industry currently is strongly and actively opposing efforts to reduce the funding of these programs.

Why has the industry been so supportive of boating safety programs? Because we believe we have a moral obligation to insure the safety of our customers; because we realize that families who have a safe, enjoyable boating experience will continue to be good customers; because we recognize that reports of boating accidents in news media will keep potential customers away from boating; because we know that offering products that operate safely and educating customers in their proper use is the best defense in product liability suits.

Our opposition to operator licensing or

mandatory education was not taken lightly. We fully recognize that our motives will be questioned and that we will be attacked by those who, for reasons of their own, support licensing and/or mandatory education.

We also realize that, from a public relations standpoint, it would be very good business to support licensing. We have not done so because we honestly believe that licensing would do little or nothing to reduce the major causes of accidents, but it almost certainly would detract from educational and enforcement efforts that have been so effective. And we are not alone in this belief. However, even though we have been unable to find a licensing or mandatory education program that would be truly effective without being harmful to existing programs, we are not unalterably opposed to any idea that will make boating safer.

Rather than resorting to name-calling; rather than excluding those who may disagree with us from discussions of possible solutions; rather than making charges that have no basis in fact; rather than questioning each other's motives, we (boating administrators, the industry, the Coast Guard and various other concerned organizations) should be working together as we have so successfully in the past. Together, we have established an outstanding safety record. By continuing to work together, who knows what we could accomplish?