



**Law Enforcement Training and Certification Committee  
Annual Report  
2018 Committee Charges and Membership**

**Lt. Adam Gormely (ME) - Chair**

August 13, 2018

***NASBLA Enforcement & Training Committee Charter***

*The Enforcement & Training Committee will work to advance boating safety by researching and disseminating information on new techniques and technologies for marine law enforcement officers; developing training and certification programs; and addressing boating under the influence issues.*

*These tasks will be addressed through the work of two subcommittees: Training & Certification and Enforcement Techniques & Technology.*

***Committee 2018 - 2022 Vision Statement:***

*To assist this committee in charting the necessary building blocks and progressive charges over the next five years, this committee has developed several strategic elements. These elements will become the guideposts in all charges developed over the five-year period. Each committee cycle will define the objectives/charges that will promote the strategic elements and help define the actionable goals for each committee work year.*

- 1. Promote the adoption of the BOAT Program in all states and territories.*
- 2. Maintain national training standards and third-party certification and acceptance consistent with and accepted by DHS. Promote those national standards in "all hazards" related legislation.*
- 3. Identify, study, and report to membership on emerging technology and applications for the maritime community of law enforcement and first responders.*
- 4. Assure that marine law enforcement has the tools, information and messaging to reduce accidents, injuries and fatalities within the recreational boating community.*
- 5. Assure that marine law enforcement is trained and ready to ensure the safety and security of America's waterways and maritime community.*

**LE\_TC-2018-1 "Operation Dry Water"**

**"Evaluate and refresh all law enforcement guidance documents and templates being distributed by NASBLA's Operation Dry Water".**

- ✓ **NEEDS STATEMENT:** Since the start of the Operation Dry Water campaign, recreational boater deaths with alcohol use listed as the primary contributing factor have decreased 27 percent (From 2008 - 2015). It is important for the law enforcement committee to continue to monitor and advise on the ODW campaign to ensure that the needs and wants of those implementing the campaign on the local, state and federal level are being satisfied and the size and impact of the campaign continues to grow nationally.
- ✓ **Deliverables:** As in 2017 the move to the enforcement weekend to span the holiday. **The 2018 event took place June 29 - July 1, 2017.** The LE Committee has been working with the ODW Manager, Hannah Helsby in updating and reviewing enforcement support materials. The LE Committee has again assisted in design and criteria for a 2018 awards program, there are multiple award categories for both Agency and officer recognition. Several new PSA's are currently loaded on the ODW website for 2018. **There will be a focused presentation at the Annual Conference titled: Operation Dry Water 2018 results and new resources for 2019.**  
[www.operationdrywater.org/](http://www.operationdrywater.org/)

Comparison of Results	2018 Preliminary	2017	% OF 2017
% of registered reported	79%	70%	
officers	7,161	7,150	100%
vessels	80,563	97,557	83%
boaters	198,612	243,853	81%
citations	7,208	8,655	83%
total buis	482	518	93%
warnings	18,949	24,588	77%
highest BAC	0.283	0.28	101%
			8/8/18

- ✓ **Current Status:** All aspects of the 2018 ODW campaign were delivered on schedule. For Operation Dry Water 2018, the campaign partnered with the Korek Foundation and with California State Parks, Division of Boating & Waterways to produce a video PSA and two digital PSAs. The video PSA was released as the main PSA for the 2018 Operation Dry Water campaign. (link attached below)The two digital PSAs were also released as additional resources, but were also part of a campaign funded by the Korek Foundation in partnership with Operation Dry Water that was launched just prior to Memorial Day in Northern California. A media buy was made to target the population within 50 miles of the crash site on Lake Englebright where Cynthia and Sophia Peterlin (mother and daughter) were killed when a boat operated by an impaired operator hit the boat they were on. The family in the PSAs are the sons and brother of Cynthia Peterlin (mother). The brother, Brian Korek approached Operation Dry Water and asked us to work with his Foundation to raise awareness about boating under the influence.

- ✓ The digital PSA campaign in Northern California is serving not only as an outreach and education opportunity, but also a test case to see what results a digital media buy can return in the awareness and education effort.

<https://vimeo.com/channels/1038461/268706427>

- ✓ **Next cycle recommendation:** *The ODW campaign has been awarded 265K for 2019 and has completed negotiations with BSX within the non-profit grant cycle. This committee will continue to collaborate with the Grant Manager, Hannah Helsby in the next committee cycle. Operation Dry Water is a Standing Charge of the Law Enforcement and Training Committee*

#### LE\_TC-2018-2 “National Training Survey”

*“Design and conduct a national training survey to determine recommendations for the NASBLA BOAT Advisory Board, for new course development in service of the NASBLA membership and the maritime law enforcement community”.*

- ✓ **NEEDS STATEMENT:** A national survey of training needs of NASBLA’s membership and the maritime law enforcement and public safety community as a whole is a valued priority. To support elements of the Recreational Boating Safety Strategic Plan, NASBLA and the BOAT Program’s Strategic Plans, a highly trained, qualified and credentialed maritime law enforcement/public safety professional is an important and essential ingredient to our collective success. Training, and the competencies of the professionals that patrol America’s waterways, are directly related to the safety, security and recreational enjoyment of those waterways. Results will be forwarded to the BOAT Advisory Board, for action.
- ✓ **Deliverables:** This annual survey is intended to guide the LE Committee is exploring emerging trends of the training needs of the MLEO community. The 2017 survey was refined to burrow down into the results of the 2016 survey which pointed heavily towards development of marine electronics and advanced boat handling. The secondary survey further refined and identified:
  - Radar
  - Chartplotters
  - Raymarine/FLIR and Furano have learning video footage to share
  - Operational boat handling – specialized PWC

**See Attachment (LE\_TC-2018-2.A)**

- ✓ **All of the 2017 deliverables are in final development during the 2018 committee year.** The 2018 survey has pointed the committee towards three categories: Drone piloting, Side-scan sonar, and Chart plotters.
- ✓ **Implementation:** Drone Piloting in the 2018 survey

[https://www.surveymonkey.com/analyze/OjanDw7gh2ox4SAiReL0ZBWY5MRw8ObG3CzeBa98bu8\\_3D](https://www.surveymonkey.com/analyze/OjanDw7gh2ox4SAiReL0ZBWY5MRw8ObG3CzeBa98bu8_3D)

The survey pointed the committee's work towards online learning for FAA part 107 licensing to pilot a drone, followed up by a hands on instructor lead pilot training to operate, fly and record video.

The first phase of online learning is now available and offered at a 50% discount to NASBLA member agencies. The Part 107 Drone Pilot Test Prep is active and can be found:

<https://nasbla.dronecourse.com/>



- ✓ **Implementation:** The Drone piloting course materials have been assembled based on the acquisition and courses taken by NASBLA staff, through a partner organization "Planet In-House". The course material will be forwarded to this committee for the 2019 committee year for review, prior to BETA testing during the fall of 2018.
- ✓ **Implementation:** The side-scan sonar and chart plotter courses will be developed as e-learning online courses delivered by NASBLA's LMS in partnership with FLIR/Raymarine. The micro learning modules are in final production and due for release during the fall of 2018. The first micro learning modules will cover: Radar technology and operation, Chart Plotter technology and operation, Sonar and CHIRP technology.
- ✓ **Implementation:** Advertising through NASBLA membership channels and posting in the 2018 course catalog.
- ✓ **Next cycle recommendation:** There is tremendous value in an annual survey to track shifting trends in training needs. This committee has provided clear recommendations for exploring utilization of the new LMS system for micro learning opportunities before any additional course recommendations are made.

***The annual NASBLA Training Survey is a Standing Charge of the Law Enforcement and Training Committee***

## LE\_TC-2018-3 Training and guidance on successful grant applications for training

*Training should include but not be limited to:*

- 1) *What grants "may" qualify for funding LE classes.*
- 2) *When and How to apply.*
- 3) *Locations, catalogues, and websites that may guide you through securing grants.*
- 4) *Listing of grants that have been successfully approved for NASBLA approved training.*

- ✓ **NEEDS STATEMENT:** A highly trained, qualified and credentialed maritime law enforcement/public safety professional is an important and essential ingredient to support elements of the Recreational Boating Safety Strategic Plan, NASBLA' Strategic Plan and the BOAT Program's Strategic Plans. Training, and the competencies of the professionals that patrol America's waterways, are directly related to the safety, security and recreational enjoyment of those waterways. Funding to support a national standard of training, typing and credentialing for maritime officers is equally, important to that process. And because of its importance, this committee will develop a guidance document that contains information regarding potential grant sources that may qualify for and apply to NASBLA BOAT Program courses.
- ✓ **Deliverables:** The work group has assembled a resource document inclusive of DOJ, First Responder's Grants, HLS, Port Security, USAI, and Police HELP. They have also collected successful examples and tips on writing the narrative to support grant submissions for the maritime LE agency and emergency rescue services.
- ✓ **Implementation:** Posting of programs, links and resources compiled to date on the NASBLA Law Enforcement Committee page.
- ✓ **Current Status:** All products are in final review and on track for publication this fall. The challenge remains in how to best encourage members to utilize the products and not allow them to "sit on the shelf". The most viable recommendation seems to be to utilize the NASBLA newsletter and to utilize both the AMS and LMS to make the information easily available. **The working group has also produced a webinar to help agencies utilize the best possible resources.** The Webinar will be available immediately following this conference. (NOTE: Retired BLA, Felix Hensley (IN) has been an extremely talented and valuable resource on this charge)
- ✓ **ATTACHMENTS:**
  - Check off Sheet LE-TC-2018-3.A
  - Houston-Galveston Grant Budget LE TC-2018-3.B
  - Houston-Galveston Grant Training LE TC-2018-3.C
  - Port Security Grant Justification LE TC-2018-3.D
- ✓ **Next cycle recommendations:** As a staff function and as a function of the "Measures of Effectiveness Charge" periodically assess the relevance of the webinar moving forward.

***This charge is closed***

**LE\_TC-2018-4 “PWC Training course for marine law enforcement”**

**Identify curriculum elements for PWC training course for development and BETA testing**

- ✓ **NEEDS STATEMENT:** *As more law enforcement agencies employ and expand the application of these unique platforms, it has been recognized as a critical need for the law enforcement committee to identify and compile the “best practices” elements for development into a national training curriculum for marine officers. It is imperative that operators have the most current and preminent training available.*
  
- ✓ **Deliverables:** After a three year development cycle the core elements were identified from existing courses previously developed by both commercial and state LE organizations. The principle sources were: Washington State Parks, Arizona, Georgia and Pennsylvania. The Instructor Guide and Student Manual were BETA tested and the results were published and reviewed by the LE Committee during the March 2017 meeting. That meeting caused concerns with several members regarding use of terminology and tactics within the course material. **The Program developer Brad Williams made extensive changes and presented again the LE Committee during the March 3<sup>rd</sup> 2018 meeting. At that point the LE Committee approved the course material to be passed to the BOAT Advisory Board.**
  
- ✓ **Implementation:** The Advisory Board had additional questions for the leadership of the Law Enforcement Committee to clarify the use of the term “Pursuit” in student manuals. After a second Law Enforcement audit and recommendation back to the Advisory Board the course was released in its’ final form by vote of the BOAT Advisory Board on June 26, 2018. **The PWC course for Law enforcement is now complete, reviewed and tested.**
  
- ✓ <https://www.nasbla.org/nasblamain/training/courses/pwcle>
  
- ✓ See Attachment (LE\_TC-2018-4.A)



✓ **Implementation:** Advertising through NASBLA membership channels and posting in the 2018 course catalog

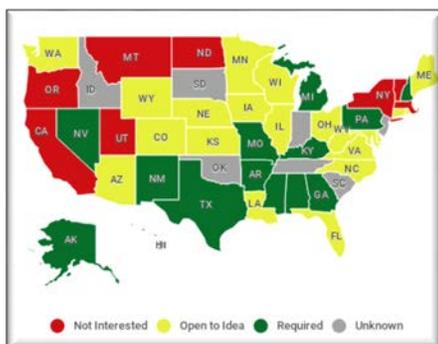
✓ **Next cycle recommendations:** The committee leadership is pleased to announce the formal release of the PWC for Law Enforcement training course.

***This charge has been completed in this committee cycle.***

## LE\_TT-2018-1 “Cut-Off Switch Wear”

*“Evaluate the current number of marine law enforcement agencies within member organizations who have adopted a mandatory engine cutoff switch wear policy. Once a full understanding of agencies/organizations with a wear policy is obtained the committee and the Techniques & Technology Subcommittee shall develop guidance for law enforcement to increase wear rates.”*

- ✓ **NEEDS STATEMENT:** Use of engine cutoff switches (ECOS) have been proven to aid in reducing and preventing both injuries and deaths within the boating community. Compliance in the use of ECOS devices remains low. It is the purpose of the law enforcement committee to gather information on compliance rates, policy mandates, and other relevant data in an effort to assist law enforcement agencies with the development of policies and procedures for ECOS wear by officers while underway. The goal is to enhance officer safety as well as promote usage within the recreational boating community by example unless or until compliance is required by legislation.
- ✓ **Deliverables:** This will be a multiple year charge, the assessment work done as this year’s charge revealed very few member states require ECOS wear other than on PWC. The Evaluation Survey
- ✓ **Implementation:** Using the “Below 100” methodology of promoting safety within the marine law enforcement community, the initial effort will be an aggressive informational campaign in 2019. During the 2017 Annual Conference the LE Committee presented findings from field testing of wireless technologies. This year the Law Enforcement Committee will host a panel discussion and explore the remaining pros and cons that agencies face in mandating ECOS wear.
- ✓ **Measure of Effectiveness:** Once the campaign and informational material is produced and pushed out, conduct an annual “quick survey” to track adoption of mandates within member agencies.
- ✓ **Current status:** Currently field testing wireless cut-off switch technology and capturing video to support the association’s position and previous NASBLA Resolution as well as the NBSAC Model Act. Fell Marine (Paul Petani 615-337-9103) recently announced a new relationship with Mercury Marine to install the MOB+ as an option in all of their outboard products.
- ✓ **Current status:** Recently an Indiana DNR Officer, Paul Crocket was ejected from his patrol boat an audio recording and video of Paul telling the story of his incident are included in the committee’s annual video report. An officer escaping such an event should make us all aware of the risk associated with NOT wear the switch.
- ✓ **Current status:** Member state positions on the use of ECOS is depicted in the map below. Currently just 13 states require the use of the ECOS as of June 1<sup>st</sup>, 2018. (**Attachment LE\_TT-2018-1.A**)



- ✓ Charge Leader, Tom Shipp, is proposing that the committee take the same approach as with PFD wear. “Good safe behavior”. Evaluating how various states have addressed the issue of mandatory use (Policy, memo, etc...) Assist departments with how to – model policy. Tom believes: “If we get good buy in from brass the rest is cake”. Tom also reported that so far he has received responses from the last survey that indicate that 14% will not consider the idea, 60% would mandate now, with guidance.
- ✓ **Next cycle recommendation:** With a better understanding of the level of use and the barriers that keep officers from using the device, this committee should work on developing strategies to address each barrier and market the officer safety solution as well as the best practices example that officers set for the boating public. Action items – review survey narratives that just came in, get policy language, focus on those that are easy first, start talking to agency leadership of those agencies that are opposed.

***This charge should be modified and continued.***

#### LE\_TT-2018-2 “Measures of Effectiveness”

*“Assemble a comprehensive listing of products produced by the Law Enforcement and Training Committee over the last 3 years and validate, track and conduct analysis on the measures of effectiveness of each committee product produced during this timeframe. Report those findings to the LE and Training Committee for consideration of modification or success of each product.”*

- ✓ **NEEDS STATEMENT:** Over the past several years the NASBLA Law Enforcement and Training committee has delivered several products to be used at various levels within the states Recreational Boating Safety Programs. As with every program; it is time to review and evaluate those products to ascertain their level of usefulness. This review should also be viewed as an opportunity to implement changes to improve upon the product or to archive those which are no longer useful.
- ✓ **Deliverable:** This will be a standing charge (17-18 &19) with the recommendation to be reassessed every 3-5 years going forward. Any data gathered will be cataloged and with recommendations being made to the committee for ways to improve upon or update the materials already in the library.
- ✓ **Implementation:**
  - Catalog committee products for the last three years
  - Establish survey questions to establish relevancy and improvements
  - Conduct survey of BLA’s and other interested parties
  - Catalog recommendations and prepare report for committee
  - Committee addresses recommendations and briefs board
- ✓ **Measures of Effectiveness:**
  - Tracking utilization of existing committee products, track any percentage increase in utilization/ implementation of those products.
  - Evaluate member/interested party participation in updating and assuring currency of previously produced products of the committee

- ✓ **Current Status:** The Charge team compiled a list of past products and distributed to the committee for review. Charge Leader, Corey Britcher provided the following list of products on 12-13-17:

1. Big 3 – trifold pamphlet
2. Blue Lighting Document
3. Don't Gamble – trifold pamphlet
4. The Teaching Moment – link to several articles on boating safety  
Swift Water Awareness Course – 2014-pointed membership to the PFBC online course with continuing discussions about an instructor led course offered by NASBLA E – Learning??
5. Operation Dry Water – updated annually
6. Mandatory PFD – 100% compliance
7. NASBLA Edition Patrol Boat
8. Reasonable Suspicion v. Probable Cause – case law on Basecamp
9. Seated Battery SFST
10. Phone App – turned into a public boating app
11. Messaging – SCA online and the Teaching Moment
12. Parasailing – model act
13. Evaluate body cameras
14. Instructor Swift Water course – still working on
15. Training survey
16. Water Jet Devices – enforcement bulletin
17. Search Warrants for Blood Draw – still working on
18. Engine Cut Off Switches for LE – still working on

Based on the total product listing the survey took a look at the existing products – only got a 27% survey return. With a re-posting he now only has a total of 17 responses.

<https://www.surveymonkey.com/summary/0YnibDdKi7Td8jVWVnNf4dRhQXTpgF6SdiuwCEDuCiyjSezs2jZHPma2PKGzjWD>

**THE TOP SIX:**

The number one product produced by NASBLA and the Law Enforcement committee remains:

**1. Operation Dry Water.**

The next five (5) products utilized are:

2. Seated Sobriety Testing Standards
3. The “Big 3” brochure
4. The “Blue Light” guidance/awareness flyer
5. “The Teaching Moment” pamphlet
6. The NASBLA Law Enforcement Alert Flyer “Water Jet Devices”

**See Attachment (LE\_TT-2018-2.A)**

- ✓ **Next cycle recommendation:** This charge should be continued as a “Standing Charge” to explore a means for tracking and improving both implementation and promotion of products developed by this committee.

***Tracking the Measures of Effectives will remain a Standing Charge of this committee***

### LE\_TT-2018-3 “ Blood Draws for BUI”

***“Investigate electronic search warrant capabilities and current use to draft guidance and or policy document for attaining search warrants for blood draws in BUI cases”.***

- ✓ **NEEDS STATEMENT:** During an impairment related investigation recent court decisions such as Missouri v. McNeely have significantly limited an officer’s ability to conduct warrantless blood testing for the purposes of determining an operator’s blood alcohol concentration (BAC). To successfully prosecute impaired vessel operators, the necessity to utilize non-consensual blood draws as an essential process to prevent suspects from refusing the chemical test to avoid prosecution. This committee will collect the most current, technological and innovative practices regarding non-consensual blood draws to provide a clear understanding of applicable state laws for the purposes of obtaining chemical evidence through the use of search warrants, which have become vital to this process.
- ✓ **Implementation: Future Implementation:** Produce an instructional video – demo electronic search warrants and on the NTSA requirements. Assemble a resource library and attach the the Law Enforcement Committee web page..
- ✓ **Measure of Effectiveness:** Utilization of electronic search warrents.  
Track the number of people who download and view the instructional video.  
Out years track the agencies that develop electronic search warrants.
- ✓ **Current status:** With the national focus now on blood draw is there a tool that will assist with quick warrants for BUI? Information was gathered from multiple states and several challenges were brought to light. Challenges – those states that permit electronic warrants already have their specific form and protocols, looking for more survey info, NJ will not allow but is ok with telephonic, a cheat sheet has been established with common information.

So what next – a new survey to see which states are interested or have bought into the concept, samples/templates from states already online.

Roadblocks – Legislative?

Looking at adjusting wording in charge to achieve deliverables. Current thinking is to establish a cleaner cheat sheet that can be added to the website. The Charge Leader, Sgt. Chris Jones’s template will be disseminated by email. Modifications to the charge will be made in 2019 to show future direction.

✓ **Current Status:**

- Began researching the possibility of electronic warrants for blood draws
- Seems most states have some form of telephonic/fax warrant process (Need more participation/research to confirm)
- (Please see the attachments for NJ telephonic warrants.)
- Need to determine if there will be enough "buy-in" from states or LE to develop a program
- \*Note\* NJ will not, in the near future, allow email/electronic warrants, this is due to regulation change required
- In NJ we use telephonic warrants to expedite process
- The attached docs. include a cheat sheet for officers requesting a warrant for blood
- In researching if email or similar system is adopted, there should be programing similar to the enclosed cheat sheet (drop down boxes specific to the incident)
- Examples of warrants in NJ vary from county to county, similar issue would or may exist state to state, county and municipality
- Examples from NH and DE were similar to NJ's

**Attachments:**

**Original Search Warrant: (LE\_TT-2018-3.A)**

**Telephonic Warrant Cheat Sheet: (LE\_TT-2018-3.B)**

**Blood Sample Form: (LE\_TT-2018-3.C)**

- ✓ **Next cycle recommendation:** This topic should be sent to the Training and Certification subcommittee for development of a blood draw module, in support of the existing BUI training.

## 2018 Committee Leadership and Staff:

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