



Enforcement & Training Committee

2015

2015 Committee Charges as approved

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Submitted by: Matt Majors (TN), Chair

Enforcement & Training Committee

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.

Leadership and Staff:

Name	Position	Agency	Email	Phone
Matt Majors	CHAIR	TN Wildlife	matt.majors@tn.gov	615.781.5271
Brandon Gust	V-CHAIR	SD Game and Fish	brandon.gust@state.sd.us	605.256.5727
Tim Dunleavy	Sub-Chair	NH Marine Patrol	Timothy.Dunleavy@dos.nh.gov	603.293.2037
Adam Gormely	Sub-Chair	Maine Warden Service	Adam.Gormely@maine.gov	207.657.2345
Herb Angell	Ex-Board Liaison	Nebraska	herb.angell@nebraska.gov	402.471.5579
Joe Carro	USCG Liaison	USCG	joseph.j.carro@uscg.mil	202.372.1068
John Fetterman	Staff	NASBLA	john.fetterman@nasbla.org	859.225.9487
Mark DuPont	Staff	NASBLA	mark.dupont@nasbla.org	859.225.9487
Chris Moore	Staff	NASBLA	chris@nasbla.org	859.225.9487

Name	Sub-Committee	Email	Phone
Tim Baumgarten (AZ)	Training	tbaumgarten@azgfd.gov	623.236.7383
Corey Britcher (PA)	Training	cbritcher@pa.gov	717.705.7861
Daryl Teter (NE)	Training	daryl.teter@nebraska.gov	308.440.1863
Chris Jones (NJ)	Training	lpp6456@gw.njsp.org	609.882.2000
Ronnie Yates* (TX)	Training	ronnie.yates@tpwd.texas.gov	325.971.3301
Michael Pratt (DC)	Tech	michael.pratt@dc.govgov	202.497.0054
Jeff Weaver (GA)	Tech	jeff.weaver@dnr.state.ga.us	770.918.6408
Eric Baldwin (MA)	Tech	ericbaldwin11@gmail.com	978.490.7077
Tom Shipp (FL)	Tech	thomas.shipp@myfwc.com	850.617.9563
Mike Miller (OH)	Tech	mike.miller@dnr.state.oh.us	614.265.6474
ASSOCIATE MEMBERS	Organization		
Shawn Alladio	K-38	k38rescue@gmail.com	562.298.6916
Jim Brown	Brunswick	jim.brown@whaler.com	850.509.0393
Gail Kulp	Sea Tow	gkulp@seatow.com	888.276.7691
Ed Huntsman	USCG	Edward.L.Huntsman@uscg.mil	504.671.2149
Andy Cox	FLIR	andrew.cox@flir.com	503.498.3547
Richard Carson	PWR Squadron	padipro@gulftel.com	251.980.1536
Karen Steely	Aaron Foundation	steelyks@yahoo.com	970.396.7364
John Hotz	SAFE Boats	jhotz@safeboats.com	360. 674.7161

*** Self-Funded**

NASBLA's Executive Board has asked that each committee come up with at least two charge projects that will have measures of effectiveness. John Fetterman gave an overview and defined the Board's recommendation on "Measures of Effectiveness" (MOE) and how to apply them to their charges.

There was also a charge suggestion related to "Smart Craft Technology" would it have any impact on theft protection of small vessels? The suggestion was to develop a training module for accident reporting. ERAC will initiate the project with a focus on content. This topic may well come back to the LE Committee as a future charge.

2012-2017 Committee 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.
6. Create building-block opportunities and seek creative solutions in the establishment of a NASBLA National Training Academy for the education and training of marine law enforcement and boating safety and security professionals

Enforcement & Training Committee

Training & Certification Subcommittee

2015 Charges

1. **CARRYOVER CHARGE:** Finalize endorsement of Pennsylvania's "Swift Water Online AWARENESS Course" and develop the next phase: instructor-led curriculum for technique and response to swift water training to be forwarded to the NASBLA BOAT Advisory Board.

Charge Leader - Daryl Teter

This subcommittee has long been the incubator for the development of new and emerging training for maritime law enforcement and emergency rescue personnel. During the last several years, member agencies have expressed interest in the development of a national standard, under the NASBLA BOAT Program, to address Swift Water Rescue.
(NASBLA – 2.3, 3.1, 3.3.1, 3.3.3)
(RBS – 8.3)

This charge will focus on development of the train-the-trainer curriculum.

- **This Workgroup will remain in place for 2015:**

Ryan Walt	
Dan Kindig	
Chris Jones	
Ronnie Yates	
Corey Britcher	
Gary Owen	Water Safety Congress ?
Eric Baldwin	
Rodger Norcross	NASBLA Staff
Pam Dillon	NASBLA Staff
Mark DuPont	NASBLA Staff
John Fetterman	NASBLA Staff

The following work team to be established for 2015 and identified elements to address each of our target areas:

- **Awareness:** Pam Dillon, Corey Britcher
- **Terminology:** Gary Owen, Ryan Walt
- **Equipment:** Chris Jones, Ronnie Yates
- **Resources:** Rodger Norcross, Eric Baldin

This group began collecting samples of existing curricula that address the four critical areas (Awareness, Equipment, Terminology and Resources). Members have been asked to submit their agencies' or other organizations' course material and outlines by posting them on Basecamp.

2. CARRYOVER CHARGE: Evaluate and refresh all law enforcement guidance documents and templates being distributed by NASBLA's Operation Dry Water.

(NASBLA 2.4, 4.2, 4.5) (RBS 2.3, 2.3.3, 2.4, 2.5, 2.7, 6.2, 6.5, 6.6, 8.3, 8.6.4)

Charge Leader - Chris Jones

Members: Gail Kulp, Ed Huntsman, Herb Angell, Tim Baumgarten

2-A Assure that all documents and templates distributed to marine law enforcement are national in scope and deliver the most up-to-date information and guidance.

- <http://www.operationdrywater.org/>
- Focus on ODW as a year long message in 2015. Outline how we will do this.

2.B Evaluate the "Designated Skipper" campaign (as created by the 2014 Sea Tow Foundation Grant award) for possible NASBLA endorsement, as a complimentary component to ODW.

Vanessa Krause has replaced Gail Kulp at Sea Tow Foundation on this grant project.

2. CARRYOVER CHARGE: Examine the elements associated with the establishment of reasonable suspicion, rather than probable cause, to board a recreational vessel and develop a model procedure, policy or directive as appropriate, determined by this subcommittee.

Charge Leader - Tim Dunleavy

Members: Brandon Gust, Tom Shipp, Gary Klein (FL)

- Consider federal and state jurisdictions.
- Identify barriers as well as privacy and legal implications in establishment of a model policy.
- This subcommittee has been wrapping up the research on boat stops made solely for safety inspections without articulable suspicion or probable cause and has developed a listing of approximately 20 court decision summaries and a spreadsheet showing current policies from around the NASBLA community. The committee also intends to draft a sample policy for consideration.
- **Findings:** “Training” It is important to differentiate and train officers to differentiate between the articulable suspicion, probable cause they will articulate regarding boating safety inspections, **and not comingle** with any legal authorities defined specifically for fisheries enforcement/boardings which often have a broader a scope of authority.
- Officers **MUST** clearly articulate the reason for the stop/boarding:

Marine patrol officers must operate in a uniform manner, consistent with the applicable statutes and case law, in conducting routine operations relating to stopping and detaining boaters on public waters. Boating is a highly regulated activity due to requirements for registration, safety equipment, and operation. Boats may be subject to regulatory inspections, and detention for safety, when such inspections are carried out in a proper manner. Such routine actions do constitute a viable and necessary technique for the enforcement of boating laws.

Except as specified below, boats shall not be stopped on the public water for purely discretionary reasons. There must exist, at a minimum, in the opinion of the officer:

- Articulable suspicion that the operator or other occupant of the boat is in violation of some law, rule, or regulation.
- Articulable suspicion that the operator or other occupant of the boat is a wanted, missing, or suspicious person.
- The boat/operator/passenger/equipment are in an unsafe condition or in need of assistance.

- Probable cause to stop the boat.

Action Items:

- Establish library of case law for this and other issues with BASECAMP March 15, 2015.
 - Reach out to states to see if what or if they have plans to protect their authorities (Texas as one) who has defended their inspection authority." Target date May 15, 2015 (Tim Baumgartner to lead.)
 - Draft recommended plan outline. Target date June 15, 2015
3. **NEW CHARGE:** Develop training and informational material to assist marine law enforcement's interpretation of the new labeling requirements on personal flotation devices. (Cross-over charge with Education Committee)

Charge Leader - Ronnie Yates (TX)

Members: Ed Huntsman, Gail Kulp,

NEEDS Further development and Strategic element assignments

This charge is on hold pending implementation decision by USCG.

4. **NEW CHARGE:** Work with the BUI Course training cadre to develop a process for expanding the use of the seated SFSTs among the nation's law enforcement community.

Charge Leader - Tim Baumgarten (AZ)

Members: Chris Jones

Rationale: There is a growing demand for training on the seated SFSTs among the broader law enforcement community, and this is best accomplished through SFST instructors both within and outside of the RBS community. This charge requires collaboration in the development of a process for training SFST instructors, documenting their instructor activity and ensuring accountability through meeting currency standards.

- a. Data collection on BUI trainers at the state level, who they train and a policy to track distribution of training to the new SFSTs.

Enforcement & Training Committee
Enforcement Techniques & Technology Subcommittee

2015 Charges

1. **CARRYOVER CHARGE:** Based on a 2013 survey, further development and consideration of a NASBLA phone app, working with One Click Outdoors per the Terms of Agreement document.
(NASBLA – 1.4, 2.4.3, 2.6, 4.2) (RBS – 6.6, 7.4, 9.2)

Charge Leader – Mike Pratt (DC)

Members: Adam Gormely, Ed Huntsman, Richard Carson

Substantial effort was given to exploring the various phone apps available to marine law enforcement and emergency rescue personnel. While many apps on the market do serve the boating community in various ways, very few seem to have direct value to the needs of the first responder and the marine law enforcement officer. The 2014 committee year produced a whitepaper from One-Click Outdoors (OCO).

The NASBLA Executive Board authorized the development of a web-based resource to standardize the way the RBS boating public accesses state-specific information, safety information, as well as registration and licensing services.

By agreement, the Subcommittee on Techniques and Technology is charged to oversee:

1. Issue a series of press releases announcing the endorsement relationship, the commercial launch and other key milestones as mutually agreed with OCO. Cooperate in the editing, finalization and distribution of the press releases to local, regional and national media that covers recreational boating, outdoor mobile apps, and other relevant outlets for mutually beneficial coverage.
2. Provide a designated Point or Points of Contact (“POC”) to streamline clear and effective communications with OCO.
3. Publicize and promote the OCB app to the general recreational boating public through its members, on the NASBLA website, and in other public communications including, but not limited to, newsletters, email campaigns, meetings and events, training seminars, state member websites and all other appropriate and relevant public communication channels.
4. Support and promote an active and mutually beneficial relationship with each NASBLA state member.
5. Provide OCO with the operational support and information it requires to properly promote the relationship and achieve the objectives of this AGREEMENT (e.g., the provision of the NASBLA logo and approved graphics for OCB use, the provision of or

approval of text and content if and when needed to describe the OCO-NASBLA relationship, support for the standardization of direct “boater-to-state boating law resources” communications, and other support that will be mutually beneficial and advance the objectives of this AGREEMENT).

6. Support regular communications and collaboration of the OCB-NASBLA project team with monthly status meetings, quarterly review sessions, and annual review and planning meetings.
7. Provide opportunities, introductions and support for mutually beneficial relationships with each state NASBLA member and national and federal organizations as may promote the interests of both Parties and the objectives of this AGREEMENT.

2. **CARRYOVER CHARGE:** Develop a branded message from law enforcement to RBS boating public through a series of articles from law enforcement for publication in SCA, Currents and social media portals.

(NASBLA: 1.1, 2.4, 2.6, 3.1.1, 3.3.3, 4.2.1) (RBS: 2.7, 3.5, 8.3, 8.4, 8.5, 8.6, 8.7)

Charge Leader – Jeff Weaver (GA)

Members: Ed Huntsman, Gail Kulp, Andy Cox

Strategies:

- a. Continue to develop a series of articles for SCA and Currents on the merits of the "Teaching Moment" to inspire the expanded use of NASBLA-produced informational products that promote boating safety best practices.



- 3. CARRYOVER CHARGE:** With passage of NASBLA Resolution 2012-1 and the full support of NASBLA membership, work to attain full compliance with a mandatory life jacket wear policy for marine law enforcement within member organizations/agencies. The committee and the Techniques & Technology Subcommittee will work with individual states and assist them in creation and passage of mandatory wear policies for their officers. (NASBLA 1.4.5, 2.3) (RBS: 2.7, 4.3)

Charge Leader – Adam Gormely

Members: Herb Angell, Brandon Gust

The 2014 committee year yielded the addition of one (1) member agency to the list of those that have a mandatory wear policy for marine law enforcement officials.

- *The committee will continue all efforts to gain 100% compliance among all NASBLA member agencies and beyond (agencies other than member agencies).*
- *Once identified, the committee will attempt to identify obstacles or roadblocks that have prevented adoption of such a policy.*
- *Once identified, the charge leader will work within the subcommittee to assign a mentor and any assistance necessary to encourage policy passage in 2015.*
- With successful policy enactment in Colorado that could bring the non-conforming state list down to just 3 member states: Wyoming, Nebraska and California.

- 4. CARRYOVER CHARGE:** Evaluate and make recommendations on the development of a NASBLA Edition Patrol vessel.

Charge Leader – Eric Baldwin

Members: Jim Brown, Ed Huntsman, Mike Miller, Jeff Weaver

This charge results from a sponsorship agreement with Brunswick Commercial and Government Products. The monetary sponsorship was created to provide direct support to the NASBLA BOAT Program.

- This subcommittee will evaluate and make recommendations based development of a second “NASBLA EDITION” boat.

- The subcommittee will articulate the crew requirement, model and equipment options for offshore patrol.
- The boat will consist of a baseline boat package with customized accessories recommended.
- A 750 Impact is under consideration as a possible second offering as a possible charge the 2015 committee cycle.

5. **NEW CHARGE:** Following a request from the NTSB to address the unregulated parasailing industry, make recommendations to the NASBLA membership on the drafting of a model act to promote training and safe operations to reduce accidents and injuries. (SEE NTSB Bulletin):

Charge Leader - Tom Shipp (FL)

Members: Shawn Alladio, Jim Brown,

NTSB SPECIAL INVESTIGATION FINDS PARASAILING LARGELY UNREGULATED; INADEQUATE TRAINING AND FAULTY EQUIPMENT CAUSE OF SERIOUS ACCIDENTS

July 1, 2014

WASHINGTON – The National Transportation Safety Board’s first investigative report into parasailing safety finds the activity is largely unregulated with serious accidents frequently caused by faulty equipment.

Because of the nature of an activity that often occurs in changing weather conditions with parasailers suspended 500 feet or more above the water’s surface, accidents often result in death or serious injury.

“An afternoon of parasailing can have tragic results if something as simple as a weak towline, strong winds, or a worn harness causes a serious accident,” said NTSB Acting Chairman Christopher A. Hart. “It is crucial that operators are competent and aware of all the risks associated with parasailing.”

The report cited eight accidents that occurred in Florida, Hawaii, North Carolina and the U.S. Virgin Islands that resulted in eight deaths and five injuries, including several in which individuals were dragged by an inflated parasail canopy across water and land and into obstacles.

During the course of its investigations, the NTSB identified a variety of safety concerns, including vessel operators who continued to operate in hazardous wind conditions, use of inadequate equipment or unserviceable gear, and towline strength that was in some cases compromised.

Although the safety of each of the estimated three to five million Americans who parasail in the United States and its territories each year is dependent on the skill and expertise of the master (parasail operator) and the acceptable condition of the equipment, there are no federal standards regarding training of operators or inspection of equipment.

The NTSB said that some safety risks could be mitigated if operators were required to have at least a “minimum level of experience and professional competence,” so it recommended that the United States Coast Guard implement a special license endorsement for parasail operators.

The following are three of eight investigations the NTSB conducted:

- **Ocean Isle Beach, N.C., Aug. 28, 2009:** Two women died after the towline broke in high winds and the canopy dragged the women through the water and into a pier.

- **Pompano Beach, Fla., Aug. 16, 2012:** A woman died after her harness separated from the flight bar, causing her to fall 450 feet into the ocean.

- **Panama City Beach, Fla, July 1, 2013:** Two female teenagers were seriously injured after the towline broke in high winds and the canopy struck a beachfront condominium.

Investigators also found that tying knots in the towline may significantly weaken the rope. The NTSB issued a new Safety Alert, “Towline Failure is the Leading Cause of Injury and Death in Parasailing Accidents.”

As a result of the investigation, the NTSB issued six safety recommendations to the Coast Guard, the Federal Aviation Administration, and the National Association of State Boating Law Administrators.

An executive summary and links to the full 33-page report and the safety alert are available at <http://go.usa.gov/9SFF>.

6. NEW CHARGE: Evaluate the use of body cameras in the marine law enforcement community and produce a draft resolution for membership consideration at the 2015 Annual Conference.

Rationale: Marine law enforcement and conservation law enforcement agencies in general are often overlooked with regards to the use and merit of body cameras. In addition to documented evidence of officer interaction with the public, the body camera is also

potentially a valuable tool to support officer testimony in court, not to mention a significant officer safety tool.

Charge Leader - Mike Miller

Members: Mike Pratt, John Hotz, Tim Baumgarten, Brandon Gust

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