



**Law Enforcement and Training Committee
Final Report to NASBLA Executive Board
Charge Activity Status,
Next Cycle Recommendations**

Date: August 8, 2017 Adam Gormely, Maine

Law Enforcement and Training Committee Charter

NASBLA Enforcement & Training Committee Charter:

The Law 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.

2012 - 2017 Vision Statement: Due for 5 year revision in the 2018 committee cycle

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.*

Sub-Committee on Techniques and Technology Le Casterline, TX (Chair)

LE_TT-2017-1 WATER JET DEVICES: *“Explore the issues and make recommendations in the form of a policy and or model act to deal with the growing industry surrounding water jet devices.”*

NEEDS STATEMENT: *The rapid advancement of newer technologies and the continued innovation of watercraft, vessels, and devices which often creates a need for national level coordination between the States. This is an effort to maintain consistency between States on how to interpret and respond to new innovations being tested or created for use on the waterways. It is the intent of the committee to evaluate the needs of the States related to Water Jet Devices (WJD) and create recommendations on how current legal language may be sufficient to appropriately regulate this growing industry.*

- ✓ **Deliverables:** The Charge team led by Tom Shipp, FL conducted a national survey and found that both law enforcement and regulatory challenges associated with water jet devices (WJD). The issues were wide spread and varied greatly, depending on the environmental variations from state to state. It was the committee’s determination to produce an information document on WJT and to use the opportunity to unveil a new initiative hosted by the LE Committee. The production of a **“Marine Law Enforcement Alert”** (See Attachment: LE_TT-2017-1.A)
- ✓ **Implementation:** As law enforcement issues arise, where this committee can provide national assistance, the NASBLA Law Enforcement Bulletin should have a dedicated tab on the NASBLA host website, easily identified and located. In addition to posting this inaugural bulletin. There will be a direct distribution to the states via the Boating Law Administrator, a posting article in the NASBLA weekly newsletter, “Currents”. Further distribution to the “BOAT Program’s Student Database”. The committee has also, by design, assured that the NASBLA Law Enforcement Alert format is conducive to agency branding to encourage further utilization by the states in providing direct information to the boating public.
- ✓ **Measure of Effectiveness:** The effectiveness of this charge product and implementation strategy will be measured by open rates through the NASBLA AMS and future tracking by the annual law enforcement survey to the states. The survey will evaluate the development of regulations and policies adopted by the states concerning WJT. The LE Committee will also partner with the Dash Board Project to incorporate an element to show how states are dealing with the WJD issue.
- ✓ **Current status:** **THIS CHARGE HAS BEEN COMPLETED.**
- ✓ **Next cycle recommendation:** In order to fulfill the measures of effectiveness of this charge, it will be added to the inventory of charges for measuring the outgrowth years of performance. Responsibility will fall to a charge team created within the LE Committee in 2018, solely to track charge performance from previous years.

LE_TT-2017-2 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.*

- ✓ **Deliverables:** Survey was eye opening (**See Attachment LE_TT-2017-2.A**) gave the committee direction; rather than a Model Act or Policy so many agencies have such different challenges. Better that we provide sources and references “Library” Testimonials, refusal rates, etc. Resources, case studies – Misconceptions need to be overcome by an example study of the McNeely Case.
- ✓ **Implementation:** Future Implementation: Instructional video – demo electronic search warrants.
Instructional video - on NTSA requirements, assemble resource library.
- ✓ **Measure of Effectiveness:** Utilization of electronic search warrants.
Track the number of people who download and view the instructional video.
Out years track the agencies that develop electronic search warrants.
- ✓ **Current status:** In Development.
- ✓ **Next cycle recommendation:** **THIS CHARGE SHOULD BE CARRIED OVER FOR DEVELOPMENT DURING THE 2018 COMMITTEE CYCLE.**

LE_TT-2017-3 MANDATORY LIFE JACKET WEAR FOR LAW ENFORCEMENT: *“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 NASBLA’s member agencies”.*

NEEDS STATEMENT: *Not wearing a life jacket is a leading cause of death in boating accidents. The message of importance is sent by LE staff wearing a life jacket while working boating activity. Secondly NASBLA believes that all boater’s lives matter especially the lives of its members and the lives of the officers in their agencies. By requiring a policy that life jackets are worn by LE staff while working, NASBLA’s message that life jackets save lives will be delivered and LE staff will be safer on the water. Seeking 100% compliance of all the NASBLA member agencies.*

- ✓ **Deliverables:** By tenacity and statesmanship Chairman Adam Gormely gained confirmation from the two remaining states during the 2017 committee cycle: California and Wyoming.
Wyoming announced at the 2017 Workshop that they now have an Operational Directive – which carries the weight of an agency Policy.
California’s BLA confirmed that they are making life jacket wear a condition of receiving grant dollars, by their in-state partner agencies.
100% of NASBLA member agencies require life jacket wear by their officers on the water.
- ✓ **Implementation:** **Done**
- ✓ **Measure of Effectiveness:** Annual survey to BLAs asking them to solicit input from their officers: “Has your wearing a life jacket given you the opportunity to utilize as a teaching moment? Has your wear policy had

- any effect on recreational boater's acceptance of voluntary life jacket wear?"
- ✓ **Current status:** THIS CHARGE HAS BEEN COMPLETED
- ✓ **Next cycle recommendation:** In order to fulfill the measures of effectiveness of this charge, it will be added to the inventory of charges for measuring the outgrowth years of performance. Responsibility will fall to a charge team created within the LE Committee in 2018, solely to track charge performance from previous years.

LE_TT-2017-4 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 ECO wear other than on PWC. The Evaluation Survey (**See Attachment LE_TT-2017-4.A**)
- ✓ **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 2018. During the 2017 Annual Conference the LE Committee will present findings from field testing of wireless technologies, and NSBC will also do a presentation on their "Get Connected" campaign, both presentations will be supported by this committee.
- ✓ **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.
- ✓ **Next cycle recommendation:** THIS CHARGE SHOULD BE CARRIED OVER FOR THE 2018 COMMITTEE CYCLE.

LE_TT-2017-5 Identify effective delivery methods for 2017 “Guidance: Documenting Alcohol or Drug Involvement as a Contributor in Recreational Boating Accidents.

NEEDS STATEMENT: *In follow-up to the 2016 ERAC completion of product content (guidance for selection of alcohol and drugs as contributing factors) identify—and work with ERAC to implement—the most effective method(s) for delivering and encouraging widespread use of this information by officers and investigators*

LE_TT-2017-5A Identify effective delivery methods for 2016 “Good Practices: Writing Recreational Boating Accident Narratives”

NEEDS STATEMENT: *In follow-up to the 2016 ERAC completion of product content (narrative writing guidance and sample narratives), identify—and work with ERAC to implement—the most effective method(s) for delivering and encouraging widespread use of this information by officers, investigators, and any other state personnel involved in reviewing accident reports.*

- ✓ **Deliverables:** Produced an information and instructional video to promote use and improve the quality of reporting by marine law enforcement investigators. (Video will be unveiled at the annual conference)
 - ✓ **Implementation:** Distribute “Vimeo” link to BLAs and post on the NASBLA website.
 - ✓ **Measure of Effectiveness:** To be determined by ERAC.
 - ✓ **Current status:** THIS CHARGE HAS BEEN COMPLETED.
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SUB-Committee Training and Certification

Jeff Weaver, GA (Chair)

LE_TC-2017-1 OPERATION DRY WATER: *“Evaluate and refresh all law enforcement guidance documents and templates being distributed by NASBLA’s ODW campaign”.*

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:** Comprehensive review and updating of the guidance for the 2017 campaign, including the date shift to the 4th of July Holiday week. Creation of an awards program to be attached to ODW for agencies and officers who participate. The LE Committee assisted in creation of the awards criteria.
- ✓ **Implementation:** (See 2017 Operation Dry Water Attachment LE_TC-2017-1 ODW)

- Participation review— last 5 years.
 - Dynamic of data will change due to moving the event closer to the 4th Holiday – beginning to look at comparative data against the last data set prior to moving the event.
 - Number of contacts – vs. citations.
 - Percentage of causalities where alcohol was factor.
 - Insert weather formula.
 - Media contacts.
- ✓ **Measure of Effectiveness:** Conducted by the ODW Campaign.
 - ✓ **Current status:** Evaluation of 2017 results and national efforts.
 - ✓ **Next cycle recommendation:** **THIS IS A STANDING CHARGE**

LE_TC-2017-2 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:** The 2017 Annual training survey demonstrated clearly the need to develop technology based learning opportunities. The results shared with the BOAT Advisory Board asked staff to begin development of three courses through work and curriculum development with this sub-committee:
 - Drone –Piloting, licensing and video production
 - Side-scan sonar – technologies and utilization
 - Chart plotter – technologies, standards and capabilities
- ✓ **Implementation:** The Drone course materials are being assembled based on the acquisition and courses taken by NASBLA staff, through a partner organization "Planet In-House". The side-scan sonar and chart plotter courses will be developed as e-learning online courses delivered by NASBLA’s LMS in 2018.
- ✓ **Measure of Effectiveness:** Will be the numbers of students registered for each course over the next three years.
- ✓ **Current status:** All courses authorized for development are expected to be BETA tested in 2018
- ✓ **Next cycle recommendation:** **THIS IS A STANDING CHARGE OF THE COMMITTEE**

LE_TC-2017-3 GRANT TRAINING: "Training and guidance on successful grant applications for training

- 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 workgroup has assembled a library of resources and examples of successful grant applications within multiple grant programs which contain authorization for maritime law enforcement training. In addition to posting a reference library on the Law Enforcement Committee page.
- ✓ **Implementation:** Posting of programs, links and resources compiled to date on the NASBLA LE Committee page.
- ✓ **Measure of Effectiveness:** Will be established in the 2018 committee cycle once a webinar has been produced on the 2017 findings and resources.
- ✓ **Current status:** Webinar in development, will require constant updates and annual grant programs change.
- ✓ **Next cycle recommendation:** THIS CHARGE SHOULD BE CARRIED OVER FOR THE 2018 COMMITTEE CYCLE.

LE_TC-2017-4 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:** This committee has assembled course outline criteria for development by the NASBLA BOAT Program Staff. Based on the assemble of SME input from multiple states and organizations the core elements were cross checked with the Education Committee regarding On-the –Water learning standards. It was determined that the course material meet and exceeded all learning standards as outlined for the recreational boater and exceeded those standards to meet the demands of the maritime LE officer. Both the Student Manual and Instructor Manual were BETA tested in Tampa Florida by lead Instructor Brad Williams. In final review of the course material once assembled and tested the workgroup assigned this charge had several areas of concern regarding semantics in terminology. During the final review the release of the Manual for testing was premature. Subject matter experts (SME) recommendation will require an extensive revision to assure safety within the course delivery and proper execution of "Best Practices".
- ✓ **Implementation:** The PWC for law enforcement course is not ready for final approval by the BOAT Advisory Board.
- ✓ **Measure of Effectiveness:** Will be defined by tracking student feedback of a revised course and course evaluation sheets, that student evaluations will be assembled and shared with the BOAT Advisory Board.

- ✓ **Current status:** RECOMMEND THAT THIS CHARGE BE CARRIED FORWARD TO THE 2018 COMMITTEE CYCLE
- ✓ **Next cycle recommendation:** It will be the responsibility of the BOAT Program Staff to coordinate an extensive revision and further BETA testing in 2018.

2017 Law Enforcement Committee Roster:

Name	Position	Agency	Email	Phone
Adam Gormely	CHAIR	Maine Warden Service	Adam.Gormely@maine.gov	207.657.2345
Corey Britcher	V-CHAIR	PA Fish and Boating	cbritcher@pa.gov	717.705.7861
Jeff Weaver	Sub-Chair TRAINING	GA - DNR	jeff.weaver@dnr.state.ga.us	770.918.6408
Les Casterline	Sub-Chair TECH	Texas Parks Wildlife	les.casterline@tpwd.texas.gov	361.850.0141
Darren Rider	Ex-Board Liaison	Tennessee	Darren.rider@tn.gov	615.781.6669
Joe Carro	USCG Liaison	USCG	joseph.j.carro@uscg.mil	202.372.1068
John Fetterman	Staff	NASBLA	john.fetterman@nasbla.org	859.225.9487
Dave Considine	Staff	NASBLA	Dave.considine@nasbla.org	859.225.9487
Hannah Helsby	Staff	NASBLA	hannah@nasbla.org	859.225.9487

Name	Agency	Email	Phone
Matt Majors	Tennessee Wildlife	matt.majors@tn.gov	615.781.5271
Tom Shipp	FWC	Thomas.shipp@myfwc.com	850.617.9563
Tim Baumgarten	AZ Game and Fish	tbaumgarten@azgfd.gov	623.236.7383
Barry Lucero	New Mexico	barry.lucero@state.nm.us	505. 476.3359
Greg Giles	OK Highway Patrol	Greg.giles@dps.ok.gov	918.520.2015
Brian Carroll	CA Parks	Brian.carroll@parks.ca.gov	916. 327.1835
Chris Jones	NJ State Police	Lpp6456@gw.njsp.org	609.882.2000
Gary Klein	FWC	Gary.klein@myfwc.com	850.617.9563

ASSOCIATE MEMBERS	Organization		
Shawn Alladio	K-38	k38rescue@gmail.com	562.298.6916
Jeff Hubert	Brunswick	Jeff.hubert@whaler.com	321.474.9662
Dana White	Brunswick	Dana.white@whaler.com	386.316.9326
Michael Wesolowski	Sea Tow	mwesolowski@seatow.com	888. 276. 7691
Ed Huntsman	USCG	Edward.L.Huntsman@uscg.mil	504.671.2148
Andrew Cox	FLIR	andrew.cox@flir.com	503.498.3547
Richard Carson	PWR Squadron	padipro@gulftel.com	251.980.1536
Scott Clanton	SAFE Boats	sclanton@safeboats.com	360. 674.7161
Joshua Underwood	St. Johns County Sherriff's	junderwood@siso.org	904.814.9782

NEW CHARGE SUGGESTIONS FOR NEXT COMMITTEE YEAR:

Title of Proposed Charge: “Tracking measures of effectiveness”

Need: This will assure that the charged which carried measures of effectiveness in outgrowth years will be tracked and reported back to the committee and NASBLA Executive Board annually.

Resources: NASBLA Staff support.

Product: Annual report to the Executive Board.

Linkage: NASBLA Strategic Plan, RBS Strategic Plan