

NASBLA Enforcement and Training Committee Meeting
Committee Meeting Minutes
March 10-11, 2008

In attendance:

Steve Hall, RI, Committee Chair	Alfonso Campos, TX, Committee Vice Chair	
Dan Begiebing, VT, Uniform Boating Laws Subcommittee Chair		
Paul Niepling, DC, Enforcement Techniques & Technology Subcommittee Chair		
Darren Rider, TN	Herb Angell, NE	Jeff Johnson, AK
George Green, OK	George Agganis, MA	Dale Flowers, OR
John Anderson, KY	Eric Lundin, IAMI	Todd Doncyson, OH
Randy Edwards, IA	Adam Gormely, ME	John Fetterman, ME
Chris Moore, NASBLA	Gail Kulp, NASBLA	John Johnson, NASBLA
Kim Jenkins, NASBLA	Karen Steely, Aaron Foundation	

Training and Certification Subcommittee

The subcommittee reported progress on the following charges:

1. Develop the standards for course approval by NASBLA so that all the required elements are included, including things like background, layout, lesson plan format and instructor qualifications. Develop a list of items to be included in courses prior to submission to NASBLA for certification. (NASBLA 3.3)

Alfonso Campos reported that the subcommittee had developed a checklist for use when applying for the National Instructor certification, which includes elements taken from the NASBLA Training and Certification Program document. The committee reviewed the checklist and noted that the title needed to be revised to indicate it was intended for NASBLA National Instructor certification, and not for education course instructors. The committee also discussed the requirement for three years as a lead officer at length. It was determined that this indicated the person who has the direct experience in the field, including filing the report of making the arrest, not someone assisting or observing. Alfonso also reported that the subcommittee had developed a course certification checklist which covers all the requirements outlined in the Training and Certification Program on one page.

The subcommittee also developed and approved a template for Lesson Plan development and submission for NASBLA certification. The template is based on the current BUI Detection and Enforcement course lesson plan, and the Boating Accident investigation course and the Motorboat Muffler Noise Enforcement course lesson plans will be converted to fit this format.

The subcommittee granted NASBLA certification to the four current NASBLA marine law enforcement officer training courses, including Boating Accident Investigation (Level I and Level II), Boating Under the Influence Detection and

Enforcement, and Motorboat Muffler Noise Enforcement. The subcommittee also approved Gary Haupt (BAI), Randy Dill (BAI) and Jim Getz (BAI and Noise Enforcement) as NASBLA National Certified Instructors. The subcommittee recommended that the BUI course instructors apply for NASBLA National Instructor certification prior to the September conference. The subcommittee asked Mike Baron to look into the possibility of the Coast Guard "recognizing" the current boating accident investigation and BUI courses. Mike will check with headquarters and report back.

2. Develop 2-3 courses for NASBLA programming from the prioritized the list of professional training curricula provided by Coast Guard and. (NASBLA 3.3)

The subcommittee is developing lesson plans for three courses for NASBLA programming, including Boarding Procedures, Marine Theft and Federal Documentation. Each of the courses will be two hours in length. Once the lesson plans are completed, the subcommittee will survey the BLAs to insure the content is correct and complete.

3. Study the existing training programs used by the states/territories to educate marine law enforcement officers on the Navigation Rules. Determine the "best practices" of effective training programs. Coordinate with Enforcement Techniques & Technology Subcommittee. (NASBLA 2.3) (RBS 5.2)

Gail Kulp reported on both the Training and Certification Subcommittee and the Enforcement Techniques and Technology Subcommittee's work on outlining the program. This is a grant project based on existing training programs in the states. Six or seven states currently have substantial training programs in navigation rules enforcement. The work group used parts of the Idaho, Ohio and US Coast Guard training programs. The NASBLA course will be eight hours, including definitions, navigation rules training and "what should you do" scenarios. Teaching methods will include PowerPoint, video and student handbook. The video will show violations, but not accidents, from an officer's perspective. The video can also be used as an educational tool for operators. There will be a small workbook for officers to carry as an educational tool on the water. Gail is going to check with legal counsel for permission to use existing video. Editing of existing video may rule out use of existing video – one minute of video requires one hour of editing, and is somewhat expensive. NASBLA may develop new footage, possibly using the Kentucky video crew – Mike Fields is investigating the possibility. The video will be shot on busier holidays to try to capture as much as possible. Also will film some staged scenarios and use computer animation. Topics to be covered include proper lookout, safe speed, meeting/crossing/overtaking, narrow channel/restricted visibility. The workgroup is also developing an on-water checklist, and is exploring the Ohio format.

Jeff Johnson asked how many states have not adopted the navigation rules – most have. Jeff asked if more were adopting the International or Inland rules. Apparently, mostly Inland rules have been adopted, but some International rules have also been adopted.

4. Formalize the PWC law enforcement and search & rescue training program to meet NASBLA standards as a NASBLA-certified training course. (NASBLA 3.3)

The PWC Law Enforcement and Search and Rescue course has a lesson plan and is presently being formatted to fit the new NASBLA standard.

The Training and Certification Subcommittee also approved Boating Accident Investigation course locations for 2009. States asked to host next year include Georgia, Maine, Michigan, Missouri and Oregon.

Enforcement Techniques and Technology Subcommittee

1. Explore development of new testing standards for noise detection. Research new testing and detection techniques for noise violations. (NASBLA 3.3)

There is some misunderstanding about the noise enforcement standards amongst the states. There are states who have adopted SAE J34 as their testing standard, but that test was not developed for use in the marine law enforcement field. The current SAE J1970 and SAE J2005 tests were developed by SAE, with input from NASBLA, as methods to be used by marine law enforcement officers to do noise testing. These are the two standards referenced in the lesson plan for the NASBLA Motorboat Muffler Noise Enforcement course. Joe Morelock is meeting with Jim Getz to discuss this topic further this week. The subcommittee plans to issue a Policy Position paper to include recommending that states use either SAE J1970 or SAE J2005, and that states get their officers trained using the NASBLA course.

2. Develop officer training curriculum to improve officer knowledge of navigation rules and consistent identification/documentation of navigation rules violations and develop a new training program for the states to implement that would be comprised of an in-class session, on-water session, and video. (NASBLA 3.3) (RBS 5.2)

This is the same charges as Charge Three in the Training and Certification subcommittee. Please see the notes above for a report on the progress of this charge.

3. Develop a BUI checkpoint checklist for marine law enforcement personnel. (RBS 6.5)

The Enforcement Techniques and Technology Subcommittee has obtained copies of Kentucky's and Iowa's BUI checkpoint checklist, and is obtaining a checklist from the Coast Guard. The final product is still in the works. Jeff Johnson suggested that Arizona would be a great resource for this topic.

4. Assist Coast Guard in validating the data being collected and reported by the states under the law enforcement section of the Performance Report Part II. (RBS 6.2, 8.1)

The subcommittee looked at the original charge and reestablished the original language to insure a uniform set of data is being reported. George Green surveyed the states and Oklahoma has a very good form. The subcommittee modified the Oklahoma form and presented a model draft form – it will be in the form of a ticket for ease of use by the officer.

Jeff Johnson suggested that we strike hand-thrown portable. How about state-specific info? There will be a model for states to adapt. Adam Gormely asked how many states aren't doing any sort of tracking. George said he thought probably about half. General discussion followed about the difficulty of getting officers to fill out more paperwork, and how this form is a tool, not a requirement. There was general agreement that the form is a good thing, and in Ohio they have been using this type of thing for years with great success.

5. Develop policy position on increasing BUI patrols. Encourage use of latest equipment, technology, tools, case law, etc. (RBS 6.5)

Herb Angell has done a rough draft, but technological delays have kept the group from providing copies. Paul Niepling read the draft to the committee. There will be a model for states to adapt.

Uniform Boating Laws Subcommittee

1. Examine NASBLA Model Act adoptions by state. Determine if any model acts require updating. (NASBLA 2.1)

Dan Begiebing reported that the subcommittee reviewed the survey results from 39 states on Model Act usage. Jeff Johnson pointed out that many BLAs are relatively new and that they might not be aware if a NASBLA Model Act was used in their state's legislation. As a result, none of the model acts are targeted for review/update.

2. Update the Model Act for Charter Boat Safety to include recommendations from the National Transportation Safety Board. (NASBLA 2.1)

Rob Henry (NTSB) did the majority of the work on updating the Model Act. The subcommittee is working on a draft that is not yet complete but should be done prior to the deadline. There is also an 85 page rules document. Our survey showed 5 states use the Charter Boat Model Act. The subcommittee developed a Policy Position paper on this model act, to encourage adoption by the states.

3. Develop a NASBLA position paper to encourage enforcement and rescue agencies to wear life jackets while underway and to complete a NASBLA-approved boating education course before operating an agency vessel. (NASBLA 1.4, RBS 4.9)

The subcommittee developed a Policy Position on Professional Safe Boating Practices. The Policy Position encourages all marine law enforcement officers to wear life jackets at all times when underway, to complete a NASBLA-approved boating safety course, and to conduct pre-departure checks and file a float plan.

4. Develop a model act linking BUI violations with motor vehicle license and increasing BUI penalties for violators with high BAC levels. (NASBLA 2.3, RBS 6.4)

This was thoroughly debated and the subcommittee decided that it would be very difficult to develop legislative language that would be applicable in every state. The subcommittee decided to develop a position paper to support linking BUI and DUI, and would support increased penalties for a BAC level of .15 or higher.

NATIONAL ASSOCIATION OF STATE BOATING LAW ADMINISTRATORS
Instructor Approval Procedure for National Instructor Certification

Application:

- Submit NASBLA application with resume or curriculum vitas.

Qualifications:

- Minimum of 10 years of field experience in natural resources and/or boating law enforcement, as a full time sworn peace officer with a federal, state or local government agency.
- Experience conducting boating accident investigations.
- Experience conducting boating under the influence detection and arrests.
- Experience conducting motor boat muffler sound level measurements.
- Minimum of 3 years of experience as a lead officer in one or more of the above categories.
- Minimum of 2 years of experience as an instructor involved in training natural resources and /or boating law enforcement personnel.
- Attend and successfully completed one of the three NASBLA certified instructor training courses.
 - National Boating Accident Investigations & Analysis Course
 - Boating Under the Influence (BUI) Enforcement Training
 - Motorboat Muffler Sound Level Measurements
- Attend and successfully participated in an Instructor Facilitator slot on one of the NASBLA approved courses.
- Demonstrate skills, enthusiasm and aptitude as a competent instructor.
- Provide positive reference from agency where currently or previously employed.

NATIONAL ASSOCIATION OF STATE BOATING LAW ADMINISTRATORS

Course Approval Procedure for NASBLA Course Certification

There are three phases to have your course approved and certified by the NASBLA Training and Certification Committee with final approval by the Executive Board.

Below is the checklist for each phase of the process and the required documents needed for each. These documents should be created on a separate sheet of paper with phase and topic being explained as the header. NASBLA has pre-formatted power point slides for you to use, along with formatted lesson plans. These may be obtained through the NASBLA office for distribution.

Once this form is completed you may send all documents in an electric version along with hard copy to the NASBLA business office attention Training Coordinator.

PHASE 1 – Course Selection

- The need for the course – Include benefits of the course, such as increased knowledge, etc. Also, you must show a need for the course and the benefit for NASBLA

- Explain the target audience and how it will benefit them

PHASE 2 – Course Certification

- Prepare a summary of detailing the value to recreational boating, the target audience, NASBLA and its membership, and the proposed time frame for the course and chapters.

- Prepare an instructor lesson plan (with example provided), including the objectives and student measurements for each objective. Information required to successfully meet minimum course delivery standards.

- Prepare a student manual in Microsoft Word and appropriate visual aids developed by using Microsoft Power Point if there is a student manual. If not instructor notes must be included in the instructor lesson plan to emphasize the learning objectives.

- Prepare the written and/or practical student examinations, including pre-tests and remedial examinations if applicable. Exam questions will be developed in accordance with accepted test development standards.

- Prepare a submission of minimum criteria for identifying qualified instructors for teaching the course content.

PHASE 3 – Retention of Certification

- By September 1 annually you must submit information on courses taught and any updates you make to your course. NASBLA will review all material annually and will renew certifications for a period of usually three years unless other wise stated.

Icons	Lesson Plan	Instructor Notes
Time Icon	CHAPTER NUMBER CHAPTER TITLE	Total session time:
Slide Prompt	Manual Information	Slide Reference Slide Reference
Slide Prompt		
Slide Prompt		Slide Reference(manual reference)
		INSTRUCTOR HIGHLIGHTS:
Slide Prompt		Slide Reference (Manual Reference)
Slide Prompt		(Manual Reference)
Slide Prompt		(Manual Reference)

National Association of State Boating Law Administrators Policy Position on Encouragement to the States for Increased Boating Under the Influence Patrols, Details and Selective Enforcement Efforts

Date: March 11, 2008
Committee: Enforcement and Training Committee
Subcommittee: Enforcement Techniques and Technology Subcommittee

Background:

Law Enforcement officers across the nation who have marine law enforcement responsibilities generally have multiple jurisdictions from small creeks to rivers, commercial canals, lakes, the Great Lakes, and thousands of miles of coastal waters. These officers perform tasks from serious boat accident investigations to routine patrols, from search and rescue/recovery missions to arrests and routine issuance of citations to boat operators for myriad boating violations. Policing over 13 million recreational boats across the United States involve violations ranging from carriage requirements, registration violations, boating under the influence, and other violations involving “rules of the road.”

Every year, the U.S. Coast Guard compiles statistics on reported recreational boating accidents. These statistics are derived from accident reports that are filed by the owners / operators of recreational vessels involved in accidents. The fifty states, five U.S. territories and the District of Columbia submit accident report data to the Coast Guard for inclusion in the annual Boating Statistics publication. Alcohol use is the leading contributing factor in fatal boating accidents; accounting for nearly twenty (20) percent of all reported fatalities. According to the U.S. Coast Guard boat accident statistics of 2006 alcohol use reported as a contributing factor in a boating accident implies that the use of alcohol by a boat’s occupants, (i.e., operators and/or passengers), was a direct or indirect cause of the accident. Historically, the reporting of alcohol involvement in recreational boating accidents has been lower than expected. Beginning in 1987, the recommended Boating Accident Report (BAR) form contained a block for indicating the involvement of alcohol. Obviously, operators are not motivated to report themselves as having had alcohol before a boating accident occurred. In most cases, there is not enough data available to provide the level of impairment. Higher accident figures for some States may be an indication of better reporting in those States rather than a more serious problem of higher alcohol involvement in boating accidents.

One of the objectives of identified by the USCG Office of Boating Safety in its strategic plan is Objective 6.5 which states “Encourage the States to increase their law enforcement patrols that target BUI violators through the purchase of: 1. mobile command centers with preliminary and evidentiary breath testing equipment, and 2. Vessels and equipment for officers’ use during enforcement details targeting BUI

violators.” The NASBLA state members each presently participate in BUI patrols and utilize some form of breath testing equipment.

National Association of State Boating Law Administrators Policy

The National Association of State Boating Law Administrators (NASBLA) meeting on _____, 2008, endorses, supports, and encourages the need to expand BUI patrols in each individual state and territory. NASBLA also encourages state members to utilize RBS funds to use the latest equipment, technology, and training to increase BUI directed patrols and for state members to unite and perform joint details on states’ shared waters. NASBLA will support the use of various techniques identified in the NASBLA Enforcement and Training Committee and will continue to encourage the utilization of the most up to date breath testing technology available. NASBLA supports the USCG Office of Boating Safety strategic plan Objective 6.5 and will continue encouragement of the states membership to satisfy the performance goal to reduce recreational boating casualties through BUI enforcement.

Policy References

1. NASBLA’s website at <http://www.nasbla.org>
2. National Recreational Boating Safety Program Strategic Plan
3. NASBLA Enforcement and Training Committee references
4. 2006 USCG Accident Statistics report
5. USCG Navigational Rules

Policy Position on the NASBLA Charter Boat Safety Model Act

Date: March 11, 2008
Committee: Enforcement and Training Committee

Outlined below is the National Association of State Boating Law Administrators (NASBLA) Policy Position on the NASBLA Charter Boat Safety Model Act.

Background:

On October 2, 2005, the sinking of the Ethan Allen in Lake George, New York and the tragic loss of 20 lives propelled the National Transportation Safety Board (NTSB) to investigate the accident and identify a deficiency among the states in effectively regulating small passenger vessel safety. Many states have significant commercial passenger vessel activity on sole state waters and have inadequate safety programs or none at all. NASBLA responded to the tragic event by updating a 1992 Model Act for Charter Boat Safety that applies to any vessels carrying passengers for hire. This Model Act is intended to provide for regulation, inspection, and licensing of charter boats; protect the safety and welfare of persons using them; and authorizing the administrating department to prescribe standards and promulgate rules.

National Association of State Boating Law Administrators Policy

The National Association of State Boating Law Administrators meeting on -----, 2008, encourages state adoption of the NASBLA Charter Boat Safety Model Act, will continue to work together with the NTSB, United States Coast Guard (USCG), state partners and other boating safety professional organizations to narrow inconsistencies between the USCG small passenger vessel program on navigable waters and the state's regulation of passenger vessel safety, and support state initiatives to enhance the safety of these vessels.

Policy References

1. NASBLA's website at <http://www.nasbla.org>
2. Letter from NTSB Mark V. Rosenker to NASBLA President Jeffrey S. Johnson of March 1, 2007.
3. NASBLA Publication *Small Craft Advisory* Nov/Dec 2006 Vol.21-NO.6
4. Remarks of Mark V. Rosenker, Chairman, NTSB, Before the 2006 NASBLA, Louisville, Kentucky, September 25, 2006.
5. NTSB letter to State of New York Governor George E. Pataki from Mark V. Rosenker, Chairman, NTSB Safety Recommendation M-06-16 and -17, August 4, 2006.
6. NTSB letter to Admiral Thad W. Allen, Commandant, USCG from Mark V. Rosenker, Chairman NTSB Safety Recommendations M-06-15, August 4, 2006.
7. Federal Register: April 26, 2006 (Volume 71, Number 80) Domestic Vessel Passenger Weights-Voluntary Interim Measures. Coast Guard, DHS.
8. NASBLA Charter Boat Safety Model Act

Policy Position on Professional Safe Boating Practices

Date: March 11, 2008

Committee: Enforcement and Training Committee

Background

NASBLA's mission is to strengthen the ability of the state and territorial boating authorities to reduce death, injury and property damage associated with recreational boating and ensure a safe, secure and enjoyable boating environment. Toward that end, the first goal in the Association's strategic plan is to "provide national leadership and advocacy to focus policies and resources on reducing risks in recreational boating and in waterway security." Reducing risks in recreational boating begins with the safety of those boating safety professionals engaged in on-the water law enforcement, public education, and search and rescue. In addition, the adoption of safe boating practices by those same professionals, as public role models, is an important way to actively promote positive change in the behavior of the boating public.

Policy

The NASBLA membership, along with the Association's key boating partners, encourages all state and federal agencies and organizations engaged in law enforcement, search and rescue and other professional on-water boating safety activities to:

- Require all employees wear appropriate life jackets at all times when underway in open boats or on open boat decks.
- Develop and implement comprehensive boat operator training and certification policies for boat operators, that at a minimum include:
 - Completion of a NASBLA – approved boating safety course
 - A process for demonstrating and assessing skills
 - A process for assessing comprehensive knowledge of, and ability to appropriately apply, the navigation rules of the road
- Require boat operators to conduct pre – departure checks and passenger briefings, and communicate a float plan before each departure.

Policy Position on Increasing BUI Penalties

Date: March 11, 2008

Committee: Enforcement and Training Committee

Background

Alcohol use is the leading contributing factor in fatal boating accidents according to the USCG Boating Safety Division. The National RBS Strategic Plan Strategy 6.4 states *“Encourage NASBLA to work with the National Highway Traffic Safety Administration (NHTSA) and the National Transportation Safety Board (NTSB) to explore the feasibility and effectiveness of legislation that links BUI violations with a person’s motor vehicle driver’s license. Explore the feasibility and effectiveness of increasing penalties for BUI violators with high blood alcohol concentration (BAC) levels (0.15 or higher).”* Currently, 14 of the 56 participating states and territories have legislations that links BUI violations to driving privileges in some way.

Policy

The NASBLA membership, along with the Association’s key boating partners, encourages all state and federal agencies to support and encourage legislation that would allow for BUI penalties to include motor vehicle driver’s license restrictions for convictions of BUI, and increased penalties for convictions of having a greater than .15 BAC.

Policy Reference:

2008 National RBS Strategic Plan Strategy 6.4

2008 NASBLA Reference Guide to State Boating Laws Table 5.2 - Boating Under the Influence

USCG 2006 Statistic summary from the Boating Safety Division