

**H. \* LAW ENFORCEMENT \***

**U.S. COAST GUARD  
LAW ENFORCEMENT**

An important Coast Guard mission is maritime law enforcement on the high seas and on water subject to Federal laws. Of particular interest are laws dealing with the 200-mile Fishery Conservation Zone, drug smuggling, illegal immigration, and safety and water pollution.



**COAST GUARD BOARDING POLICY**

To enforce these laws, the Coast Guard is empowered to board and inspect vessels. Many of the laws can be successfully enforced only by boarding a vessel while it is underway. Boardings are not necessarily based on suspicion that a violation already exists aboard the vessel. Their purpose is to prevent violations. The courts have consistently upheld this authority. All Coast Guard officers and petty officers are Federal law enforcement officers and they may board any United States vessel anywhere.

**The Coast Guard boarding team is armed.** Although most mariners that are boarded are engaged in legitimate recreational or commercial pursuits, even a seemingly innocent pleasure boat boarding sometimes turns into a dangerous confrontation.

The Coast Guard follows a standard procedure before boarding. Coast Guard personnel will always properly identify themselves, will always be in uniform, coveralls, or survival suit displaying Coast Guard insignia, and will always operate from a marked Coast Guard or Navy vessel flying the Coast Guard Ensign.

**Coast Guard vessels may have their running lights extinguished at night while conducting law enforcement operations. Running lights, if off, will be turned on prior to boarding, and light will usually be directed at the Coast Guard Ensign**

**flying from the mast and red "racing stripe" on the bow so that the Coast Guard vessel is easily recognized.**

Once aboard the vessel, the boarding party will check for compliance with federal laws. If, during the inspection, a reasonable suspicion develops that the vessel has been engaged in criminal activity, the boarding officer may investigate further. Coast Guard boarding officers are trained to be courteous to the public.

The Coast Guard strives for a proper balance between avoiding intrusions into the activities of law-abiding individuals and conducting effective law enforcement. Occasionally, however, the Coast Guard will receive a complaint that a boarding was conducted improperly. These complaints involve a very small fraction of all boardings. Nevertheless, any complaints of boardings contrary to Coast Guard policy will be investigated.

**COAST GUARD VESSEL MARKING**

U. S. Coast Guard vessels are identified by a distinctive stripe, with the words "U.S. COAST GUARD" on both sides of the vessel, the Coast Guard Ensign



is displayed from the masthead and is manned by uniformed personnel. Coast Guard law enforcement personnel may also be found aboard U. S. Navy and other

vessels flying the Coast Guard Ensign.

The Coast Guard has the authority under **Title 14 USC 89** to make inquires, examinations, inspections, searches, seizures, and arrests upon the high seas and waters over which the United States has jurisdiction, in order to enforce federal laws. To compel compliance, the Coast Guard may use necessary force. A vessel underway, upon being hailed by a Coast Guard vessel or patrol boat, is required to stop immediately and heave to, or maneuver in such a way as to permit the boarding officer and boarding party to come aboard. Failure to stop to permit boarding may subject the operator or owner of the vessel to a maximum penalty of \$500.00. Forcibly resisting a Coast Guard boarding officer is a felony punishable by up to 10 years in prison and \$10,000.00 fine.

A civil penalty of up to \$500.00 may be imposed by the Coast Guard for failure to comply with equipment requirements, to comply with numbering requirements, to

observe the Rules of the Road, to report a boating accident, etc.

## SMUGGLING



Significant amounts of contraband, specifically narcotics, enter the United States transported on vessels. The most common drugs smuggled are marijuana, hashish, cocaine and heroin. The Coast Guard aims to prevent drug traffic by interdicting drug-carrying vessels at sea. Mariners observing or having information that a vessel may be involved in narcotics trafficking are requested to contact the nearest Coast Guard unit.

## HIJACKING

Hijackings at sea are an extremely rare occurrence. Most hijackings occur outside the waters of the United States.

Several protective measures may be taken by the public to lessen the likelihood of their vessel being hijacked:

- Know your crew, particularly the hired crew and tagalong guest that you may meet at the marina yacht club/town dock/city pier, etc.
- Before departure, personally deliver or mail a passenger list and a float plan to a trusted friend or relative with instructions to notify the Coast Guard if you fail to arrive at your destination within a reasonable time. Let all personnel aboard know of this precaution.
- Make a complete check of the vessel for stowaways prior to departing.
- Notify the Coast Guard or any coastal radio station prior to assisting anyone in apparent distress. While preparing to render assistance, be alert to any unusual situation and be wary when the apparently distressed person insists on boarding your vessel.
- Consider clearing local customs before departing on a foreign cruise. While this is not required of pleasure craft, it provides a complete list of crew, firearms, high value personal property and portable vessel equipment.

## STOLEN BOAT REPORTING

Stolen boats come under state and local jurisdiction and should be reported to appropriate local authorities as well. When reporting a stolen boat, include the name of owner/operator, physical description, documentation numbers or state registration numbers, hull identification number (HIN), approximate value of the vessel, engine number, sail number. Include all equipment by name and type, easily removable gear and other items that would help to identify the vessel.

## NEGLIGENT OPERATION

### EXAMPLES OF NEGLIGENT OPERATION ARE:

- Failure to reduce speed in areas where boating is concentrated.
- Operating at excessive speed under storm conditions or in fog.
- Operating while intoxicated or under the influence of drugs.
- Towing water skiers in an area where they might be hit by another vessel.
- Operating within a swimming area.
- Cutting through a regatta or marine parade.

In accordance with Title 46 United States Code, Chapter 23, Section 2302:

- A person operating a vessel in a negligent manner that endangers the life, limb or property of a person is liable to the United States Government for a civil penalty of not more than \$1,000.
- A person operating a vessel in a grossly negligent manner that endangers the life, limb or property of a person shall be fined not more than \$5,000, imprisoned for not more than one year or both.
- An individual who is intoxicated when operating a vessel as determined under standards prescribed by the Secretary by regulation, shall be:
  - Liable to the United States Government for a civil penalty of not more than \$1,000; or
  - Fined not more than \$5,000, imprisoned for not more than one year, or both.

For a penalty imposed under this section, the vessel also is liable unless the vessel is:

- Owned by a State or political subdivision of State;
- Operated principally for governmental purposes; and

- Identified clearly as a vessel of that State or subdivision.

## **BOATING WHILE INTOXICATED (BWI) ENFORCEMENT**

The Coast Guard began enforcing new federal regulations prohibiting the operation of a vessel while intoxicated on June 1, 1991. The regulations established both a Blood Alcohol Content (BAC) and a Behavioral Standard of Intoxication.

Based on state boating fatality statistics and studies conducted by the National Transportation Safety Board, the Coast Guard believes that the involvement of alcohol or drugs in recreational boating accidents may actually exceed 50%. The Coast Guard's objective in enforcing federal BWI regulations is to remove intoxicated operators from the water and prevent them from subsequently operating a vessel or motor vehicle while remaining intoxicated; thereby eliminating the threat they pose to themselves and others.

The federal regulations encourage cooperation with state law enforcement agencies. In a state where a BAC level has been enacted, the Coast Guard will apply the state standard. Otherwise the federal standard of 0.08 percent will be enforced. Likewise, the Coast Guard will request that state or local enforcement officers assume custody of intoxicated boaters and their vessels if they are within state waters.

A boat operator may be cited for a BWI violation based on the BAC standard, the behavioral standard or both. The behavioral standard is based on the boarding officer's determination that an individual's manner, disposition, speech, muscular movement or general appearance indicated intoxication. This standard is based, in part, on the premise that intoxication may be caused by nonalcoholic drugs or a combination of drugs and alcohol where the BAC level is not exceeded.

The Coast Guard will not conduct random spot checks, blockades or checkpoints to detect intoxicated operators, nor will any quota systems be employed. A boarding officer will direct a recreational boater to submit to a field sobriety test and/or a breath analyzer test only when he has a reasonable suspicion that an operator is intoxicated or when a marine accident has occurred.

Question concerning the BWI Enforcement program can be directed to First Coast Guard District, **617-223-8244**.

## **TERMINATION OF USE**

A Coast Guard boarding officer who observes a boat being operated in an UNSAFE CONDITION, specifically defined by law or regulation, and who determines that an ESPECIALLY HAZARDOUS CONDITION exists, may direct the operator to take immediate steps to correct the condition, including returning to port. Termination of unsafe conditions may be imposed for:

- Insufficient number of CG Approved Personal Flotation Devices (PFDs)
- Insufficient fire extinguishers
- Overloading condition
- Improper navigation light display
- Fuel leakage
- Fuel in bilge's
- Improper ventilation
- Improper backfire flame control
- Manifestly unsafe voyage

An operator who refuses to terminate the unsafe use of a boat can be cited for failure to comply with the directions of the Coast Guard boarding officer, as well as for the specific violations, which are the basis for the termination order.

## **PROHIBITION TO SAIL - MANIFESTLY UNSAFE VOYAGE**

Under the authority of **46 United States Code 4302 and 4308**, the Commandant, U. S. Coast Guard has authorized the District Commander to prohibit the voyage of any vessel if he determines that said craft is unsuitable for the intended trip. His determination will be based upon the design, condition and outfitting of the vessel in relation to what the District Commander deems necessary for a safe voyage. Operator competency is NOT a factor in the final determination. If a manifestly unsafe ruling is issued, the voyage is terminated and the vessel will be prevented from getting underway. The person making the voyage may appeal.