

Appendix 6

Article 1: Standard Operating Procedures

Marine Patrol

(1/2016)

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- 1H: Personal Watercraft
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Policy: As a continuing practice, this agency trains officers as necessary to become qualified Marine Patrol Members. The agency will maintain a sufficient number of qualified Members to staff the patrols.

Only those officers who have received the required Marine Law Enforcement training may be deployed to perform these duties.

Objectives: In using agency patrol vessels, the primary objective is to promote recreational boating safety by utilizing trained officers to perform educational and enforcement duties.

1A BASIC QUALIFICATIONS FOR MARINE PATROL MEMBERS

If you desire consideration for assignment as a Marine Patrol Officer, you must meet the following qualifications:

- (a) Have at least 2 years of road patrol experience;
- (b) Demonstrate ability as a proficient swimmer;
- (c) Be free of all medical problems that may interfere with your full participation in these duties.

1B TRAINING OF MARINE PATROL OFFICERS

(a) Officers assigned to marine patrol duties will be designated as a Crew Member or Agency Boat Operator. The following training requirements must be satisfied to be designated as a Marine Patrol Officer:

- (1) **Agency Crew Member:** Successfully complete the Basic Marine Law Enforcement Course as offered by the Office of Parks, Recreation & Historic Preservation, Marine Services Bureau or an approved equivalent course.
- (2) **Agency Boat Operator:**
 - (a) Be designated as an Agency Crew Member; and
 - (b) Successfully complete either:

- The Marine Patrol Vessel Operators Course (MPVOC), as offered by the NYS Office of Parks, Recreation & Historic Preservation, Marine Services Bureau or
- A Boat Operators Course which meets or exceeds the aforementioned Marine Patrol Vessel Operator's Course as determined and approved by an Agency Authority.

(b) Periodic in-service training for Marine Patrol officers shall be conducted as determined by the Agency Authority.

1C MARINE PATROL UNIFORMS

All Officers assigned to Marine Patrol shall wear approved attire.

1D MARINE PATROL OPERATIONS

1D1 Marine Patrol Duties:

(a) **Crew Member:**

- (1) Assist with the launching and trailering of the Patrol Vessel;
- (2) Assist with boarding procedures and conduct vessel inspections;
- (3) Assist with the anchoring, docking and mooring of the Patrol Vessel;
- (4) Secure and monitor tow vessel during towing operations;
- (5) Act as a lookout and advise the Agency Boat Operator, as necessary;
- (6) Assist with the completion of all required paperwork;
- (7) Insure unattended Patrol Vessel and equipment are secure; and
- (8) Perform all other duties as instructed by the Agency Boat Operator.

(b) **Boat Operator:**

- (1) Act as Officer-In-Charge of the vessel;
- (2) When necessary, perform all duties of a Crew Member;
- (3) Conduct pre-operations check of Patrol Vessel;
- (4) Be responsible for the operation of the patrol vessel;
- (5) Monitor Marine and Agency Radios; and
- (6) Perform all other duties as instructed by Competent Authority.

1D2 Preliminary Procedures

(a) Boat Operator: Insure daily maintenance and inspection of your patrol vessel. Inspection includes but is not limited to the following:

- (1) Exterior of Vessel:
 - Hull: Damage, adequate freeboard, level attitude, cleanliness;

- Outboard Engine/Outdrive: Damage. Leaks – oil-gas, broken chipped skeg;
- Propeller/Jet Drive: Cracks, bent/rolled blade, loose shaft nut
- Emergency & Navigational lighting.

(2) Interior of Vessel:

- Decking: Damage, cleanliness, loose fittings
- Engine compartment:
 - Fuel: leaks & fumes, connections & hoses, fuel level;
 - Oil: Leaks, color, texture, oil level;
 - Bilge Area & Pump;
 - Belts: Tension and condition;
 - Battery: Corrosion on terminals, fastened securely, level if applicable, switch functioning;
 - Hoses: Fittings, clamps condition;
 - Backfire Flame Arrestor: Secured and clean, Good Condition
 - Ventilation/Blower: Operational
 - Steering Cable: Condition, tension; and
 - Cooling System: Operational; Proper level.

(b) Insure the following equipment is aboard the patrol vessel and in good/serviceable condition:

- (1) Mechanical Sound Signaling device;
- (2) Fire Extinguisher;
- (3) First Aid kit;
- (4) Anchor, with sufficient line;
- (5) Personal Flotation Devices – Type III, Type IV & Type V if assigned
- (6) Visual Distress Signals – Day/Night
- (7) Mooring Lines and Towing Lines;
- (8) Fenders;
- (9) Paddle;
- (10) Charts, Maps, GPS Chip of Patrol Area;
- (11) Emergency Throw Bag, Type IV or Res Q Disc;
- (12) Marine & Agency Radios
- (13) Emergency Tool Kit;
- (14) Remote Spotlight;
- (15) Boat Pole/Hook;
- (16) Rescue Blanket; and
- (17) Binoculars

(c) Check weather reports and monitor weather station on the Marine Radio throughout your shift

1D3 Vessel Security

- (a) Boat Operator: Anytime the Patrol Vessel is unattended, safely secure the vessel as follows:
- (1) Remove the ignition Key
 - (2) Turn battery switch(s) to the off position
 - (3) Insure the Agency radio and other electronic equipment are secure; and
 - (4) If applicable, lock cabin and hatches

Note: If practical, do not dock or moor the Patrol Vessel in a remote location.

- (b) Insure that at least 1 set of keys to the Patrol Vessel are properly identified with a tag and secured at an Agency Installation.

1D4 Operational Guidelines

- (a) Generally, Patrol Vessels should be staffed with 2 officers, at least 1 of which has been designated as an Agency Boat Operator. Patrol vessels operated in the following situations may be staffed by 1 officer, designated as an Agency Boat Operator:
- (1) Patrol Vessels being operated in conjunction with an Agency Personal Watercraft;
 - (2) Patrol Vessels assigned to provide water security at a special event;
 - (3) When necessary to protect life or property; or
 - (4) Upon direction of an officer of higher competent authority.

NOTE: A marine patrol officer from another law enforcement agency, who has been certified as a Crew Member or Boat Operator may be used to supplement staffing requirements.

- (b) Patrol Vessels shall be operated in a safe and prudent manner at all times. Never operate a patrol vessel in a manner which may jeopardize your safety or the safety of others.
- (c) Patrol Vessels shall be maintained in a clean and serviceable condition.
- (d) Patrol Vessels shall be refueled when the fuel level of the vessel is at ½ capacity or less. All fluid levels shall be checked daily and filled as necessary.
- (e) Officers shall monitor Channel 16 of the marine radio for emergency traffic.
- (f) Patrol vessels shall not be used for salvage operations.
- (g) Do not use Patrol Vessels for personal activities.
- (h) Do not use Agency vessels to perform battery boosts.
- (i) Patrol Vessels shall be considered non-operational and will be removed from service if any of the following conditions exist:
- Main engine failure;
 - Engine overheating;
 - Excessive engine vibration;
 - Vessel taking on water;

- Loss of steering;
- Excessive accumulation of fuel or fumes in the bilge area;
- Electrical system malfunction;
- Any condition that may compromise the safe operation of the Patrol Vessel.

(j) Immediately notify an Agency Supervisor when a Patrol Vessel becomes non-operational.

1D5 Enforcement Concerns

Marine Patrol Officers will primarily deal with the following enforcement concerns:

- Boating While Intoxicated;
- Speed & Reckless Operation;
- Drug Interdiction;
- Safety Equipment Violations;
- Registration & Documentation Violations;
- Noise Level Violations
- Pollution; and
- Environmental Conservation Law Violations.

1D6 Community Relations

Marine Patrol Officers will perform the following duties as assigned:

- Courtesy Boat Safety Inspections at pre-determined locations;
- Instruction of the NYS Safe Boating Course;
- Speaking assignments at boating groups, marinas, clubs etc..; and
- Safety displays at special events

1D7 Personal Flotation Devices (PFD)

- Patrol Vessels shall be equipped with sufficient PFD's for each person aboard the vessel. Additional PFD's will be maintained on the vessel for arrest and emergency situations.
 - Recreational vessels found to be in violation of the NYS Navigation Law as it pertains to PFD requirements will be provided loaner PFDs if available, or the voyage will be terminated as an unsafe vessel and escorted to the nearest safe docking /mooring location.
- PFDs will be stowed on the Patrol Vessel in a dry, accessible location and be maintained in good condition.
- Marine Patrol Officers are required to wear PFD's while actively engaged in patrol activities.

1D8 Vessel Stops and Boardings

Marine Patrol officers must exercise caution when stopping any vessel. Do not become complacent. Most vessels are stopped because of minor violations, but the occupants of any vessel could be dangerous.

(a) Pre-Stop Considerations:

- (1) Establish a Lawful basis for stopping the vessel;
- (2) When stopping a vessel, be aware that various conditions will affect your ability to perform a safe vessel stop, such as:
 - Water conditions (waves, current, depth, narrow channels, tide);
 - Weather conditions;
 - Boat traffic;
 - Obstructions in the water (Shoals, debris, navigation aids, structures);
 - Size of vessel to be stopped;
 - Type of propulsion of stopped vessel and Patrol vessel; and
 - Number, locations and actions of occupants.
- (3) If practical, make note of the registration numbers, vessel name and hailing port.
- (4) Be aware of intelligence information in your patrol area.

NOTE: Your safety is the primary concern. Response to your request for assistance may be delayed due to the limited number of Marine Law Enforcement agencies patrolling in your area.

(b) Vessel Stops

- (1) Use the Patrol Vessel's siren and emergency lights as necessary. Keep Emergency lighting activated throughout the duration of the stop.
- (2) When practical, instruct the operator of the target vessel to stop his vessel, to place it in neutral, and to shut off the engine
 - If it appears the vessel is in poor running condition or circumstances dictate otherwise, use discretion in having the operator shut off the boat's engine.
- (3) When practical, approach the target vessel from astern.
- (4) Position the fenders on your patrol vessel to minimize contact with the target vessel. Consider instructing the operator of the target vessel to position the fenders on his boat, if so equipped.
- (5) Once you have positioned your patrol vessel alongside the target vessel. Maintain situational and position awareness. Consider identifying a reference marker on shore to determine drift. Be cognizant of the shoreline, obstacles in the water, boating traffic, wind and current during the stop.
- (6) As soon as possible, identify the operator of the target vessel. Due to the configuration of most recreational boats, it is easy to switch operators.
 - If possible, obtain operator identification
 - If you are unable to visually inspect entire vessel, inquire about additional passengers.
 - During nighttime operations, consider the use of a remote spotlight to aid in the identification of the operator and to determine the number of persons aboard the vessel. Never shine the spotlight in the eyes of the target vessel or the pilot house.

(7) Obtain the vessel registration/documentation and inform the operator of the reason for the stop.

- Determine if the Hull Identification Number (HIN) on the vessel's transom matches the registration/documentation.
- Determine if the registration numbers and validation decal are properly displayed and current.
- Determine if the documented vessel's name and hailing port are properly displayed.

(c) Vessel Inspection

(1) Familiarize yourself with the equipment requirements of the NYS Navigation Law.

(2) When practical, conduct a vessel inspection and complete a Vessel Inspection/Boarding Report on all vessels stopped.

(3) When inspecting vessels for required safety equipment, determine if the equipment is:

- Readily accessible;
- In good and serviceable condition; and
- US Coast Guard approved.

Note: Officers should only board a vessel when a visual inspection would be inadequate. Officers should limit their on-board inspections to a cursory check of safety equipment unless a plain view observation is made which would lead to a more comprehensive search by officers. Remember Officer Safety when boarding a target vessel.

1D9 Uniform Tickets

(a) The Navigation Law allows for the use of Universal Tickets for Navigation Law violations. The UT-50 may be utilized for the following offenses:

- Vehicle & Traffic Law violations, including violations of Article 47 (Registration of Snowmobiles) and Article 48 (Registration of Vessels).
- Traffic Regulations established by State Parks (Title 9 NYCRR)
- State Park Regulations (Title 9 NYCRR)
- Navigation Law
- Parks, Recreation & Historic Preservation Law (PRPHL)
- Environmental Conservation Law
- Other Local Laws & Ordinances

(b) The UT 50 may not be used to cite Parking Violations – the tickets must be served personally on the violator.

(c) Areas of the state that are served by a DMV Traffic Violations Bureau have special procedures that must be followed. These areas of the state utilize a UT-60 in lieu of the UT-50.

1D10 Completion of Shift

(a) Inspect Patrol Vessel for damage or deficiencies;

(b) Secure vessel and equipment

(c) Cover vessel if equipped with canvas top

(d) Insure all required paperwork is completed and submitted as required.

1E ARREST PROCEDURES

1E1 Basic Procedures

- (a) **Do Not** handcuff a subject to your patrol vessel.
- (b) Place a PFD on all subjects arrested and transported upon the water.
- (c) Seat the subject in a safe and protected location in your patrol vessel.

1E2 Boating While Intoxicated

Intoxicated and impaired boaters pose a serious threat to themselves and other members of the boating community. The Us Coast Guard estimates that 50% of all boating accidents are alcohol related. New York state statistics routinely show that approximately 25% of all boating fatalities are alcohol related. Effective observation and identification is essential in reducing the effects of this serious offense.

(a) Pre Arrest Considerations

(1) Violations associated with Boating While Intoxicated:

- Reckless Operation;
- Speeding;
- Exceeding a vessel's capacity;
- Bow Riding;
- Skiing after sunset or without an observer;
- Operation after sunset without navigation lights; and
- Pollution violations (littering)

(2) Evidence of Intoxication or Impairment:

- Odor of an alcoholic beverage;
- Glassy eyes;
- Impaired speech;
- Impaired motor coordination;
- Open container of alcoholic beverages; and
- Failed Field Sobriety Tests

Note: If it is necessary to conduct the standing Battery of Field Sobriety tests on shore, wait 20 minutes before conducting these tests. A validated Seated Battery of Field Sobriety Tests may be conducted on board the vessel while afloat if an officer has been certified to perform these tests. .

(3) Environmental Stressors – Boater's Hypnosis. Be aware that environmental stressors reduce the ability of a boat operator to operate a vessel. These stressors cause the operator to become fatigued and impair the operator's ability to operate a vessel.

Some of these stressors include:

- Motion of the vessel;
- Engine vibrations or wave action;
- Engine Noise;
- Wind;
- Sun reflection/Glare;
- Spray from the waves

Note: Boater's Hypnosis usually occurs after 3-4 hours of operation on the water. Alcohol combined with Boater's Hypnosis magnifies the effect of the alcohol.

(4) Pre-Screening Breath Test;

- Navigation Law 49a sub 6(b) authorizes the use of a pre-screening breath test when:
 - The boat operator has been involved in an accident on the water, or
 - The boat operator has operated a vessel in violation of the provisions of the Navigation Law which regulate the manner in which a vessel is properly operated underway.

Note: There is no enforcement section for failure to submit to a PBT screening device.

(b) Arrest

(1) To Charge Boating While Intoxicated (BWI), the defendant must be operating a mechanically propelled vessel, while underway. Underway includes a vessel a drift. Vessels at anchor or made fast to shore or aground are not considered underway.

(2) If you have reasonable cause to believe that a boat operator has operated a vessel while intoxicated or impaired by alcohol or drugs, arrest the subject and safely transport the subject to a facility where a chemical test can be conducted.

- Consider the use of a DRE or ARIDE officer if necessary

(3) Fingerprint each defendant charged with Boating While Intoxicated.

(4) Obtain a DMV printout of the defendant's driving record (DALL). Although there are no license requirements to operate a vessel in NYS, prior BWI convictions will appear at the end of the driver's record.

- One prior BWI conviction within a 10 year period will result in the BWI charge being elevated to a Class "E" Felony.
- Suspensions of a Privilege to operate a vessel on NYS waterways will also appear on the Driver's Record. Additional Navigation Law charges may be lodged for these violations.

1F TOWING PROCEDURES

1F1 General Guidelines

Marine Patrols shall render assistance to vessels found to be in distress.

- (a) Patrols should utilize commercial tow services whenever possible
 - If no commercial tow service is available, consider contacting the USCG Auxiliary or US Power Squadron for assistance.
- (b) Before towing another vessel, consider the weather conditions, wind, current, size of the vessel, deck fittings and number of occupants.
 - Once you secure a line to the disabled vessel, you become responsible for that vessel and all its passengers.
- (c) When taking a vessel in tow, advise the captain that the boat will be taken to the nearest safe docking/mooring location.
- (d) Do not tow vessels as a matter of convenience. Vessels located at a boat ramp, dock marina, club or other secure location, that require assistance shall be referred to a commercial tow service.

1F2 When to Tow

It is permissible to tow another vessel under any of the following circumstances:

- (a) There exists a danger to life and/or property;
- (b) The vessel is not operable due to:
 - (1) Mechanical or equipment failure;
 - (2) A medical emergency; or
 - (3) Hazardous conditions aboard the vessel (fuel leak, unsafe/damaged vessel).
- (c) The vessel has been impounded and a commercial tow is not available; or
- (d) An arrest has been made that would preclude legal operation of the vessel.

1F3 Towing Operations

When towing another vessel, follow the guidelines outlined below:

- (a) Activate emergency lighting until the tow has been terminated;
- (b) Insure all occupants of the towed vessel are wearing PFDs;
- (c) If practical, when an unsafe condition exists on-board the disabled vessel, move the occupants to your patrol vessel;
- (d) Monitor the position and tension of the tow lines. Serious injury could result from a line or fitting that parts under tension.
 - Whenever possible, use only those lines assigned to your patrol vessel for tow operations.

Note: Circumstances may occur which may require you to rapidly terminate the tow. In these circumstances you may not have time to disconnect the lines. The member monitoring the tow should be prepared to cut the tow line.

- (e) When towing a vessel in areas of restricted maneuverability, a side tow is the preferred method.
- (f) Never attempt high speed towing.
- (g) Remember a sudden reduction of speed by the towing vessel could result in:
 - (1) The towed vessel impacting the stern of the Patrol Vessel; and/or
 - (2) The bridle or towline becoming fouled in the propeller.

1F4 When Not to Tow

Do Not tow another vessel when:

- (a) The vessel is wrecked, grounded or in a sunken condition and does not interfere with navigation; and/or
- (b) The weather or vessel conditions are such that a towing operation would be inherently dangerous to Marine Patrol Officers or the occupants of the disabled vessel.

1G TRAILERING AND LAUNCHING

1G1 General Guidelines

- (a) Insure the trailer has been properly maintained, Check the trailer to determine if the following maintenance has been performed:
 - (1) Wheel bearings lubricated
 - (2) Adequate tire pressure, condition and lug nut tightness; and
 - (3) Electrical system operating.
- (b) Do not exceed the load capacity of the boat trailer. Consult the data plate on the trailer to determine the maximum load capacity and the correct specifications for tires.

1G2 Trailer Procedures

- (a) Insure the trailer hitch matches the size of the ball hitch.
- (b) Fasten and lock the trailer to the hitch.
- (c) Hook the safety chains from the trailer, in the form of an "X", to the hitch of the towing vehicle.
- (d) Attach lighting connection and check all lights to insure they are working properly.
- (e) Secure any loose items on or in the Patrol Vessel.
- (f) Inspect all lines, tie downs, and the winch. Tighten as necessary and replace any that show signs of fraying or strand separation.
- (g) Tilt and secure the motor/lower unit to increase road clearance.

1G3 Retrieving Procedures

- (a) Trim up the motor/lower unit and secure.
- (b) Make sure the winch cable/strap passes under the bow roller stop before securing the safety chain.
- (c) Check to determine if boar is centered on the trailer supports. Adjust if necessary.
- (d) Secure patrol vessel to trailer with tie downs
- (e) Remove the drain plug.
- (f) Plug in electrical connection. Check lights to determine if they are operational.
- (g) Test the brake system.

1H PERSONAL WATERCRAFT

1H1 Qualifications

Personal watercraft (PWC) are used for general patrol and specialized enforcement efforts. PWC are considered vessels and shall comply with all the applicable provisions of these procedures.

1H2 Training

- (a) Only those Marine Patrol Officers who have attended the Basic Personal Watercraft Operator's Course for Law Enforcement Officers shall operate an Agency PWC.
- (b) The Basic PWC Operator's Course for Law Enforcement Officers is periodically offered by the NYS Office of Parks, Recreation & Historic Preservation, Marine Services Bureau.

1H3 PWC – Modified Marine Patrol Uniforms

- (a) PWC operators shall wear the issue Marine Patrol Uniform, with the following modifications:
 - (1) Water shoes;
 - (2) Speed Rated, Vest style PFD;
 - (3) Protective eye wear – Sunglasses are sufficient.

1H4 Personal Watercraft Equipment

- (a) Patrol watercraft shall be marked with official agency lettering
- (b) Patrol craft not equipped with emergency lighting or an audible siren shall have an air canister horn available for use by the operator
- (c) The following equipment shall be stored on each agency PWC:
 - (1) Mouth Whistle, attached to the operator's PFD

- (2) Distress Flag
- (3) Fire Extinguisher
- (4) Engine Cut-Off Lanyard
- (5) Dock Lines sufficient for use on the craft for docking
- (6) First Aid Kit
- (7) Tool Kit
- (8) Folding PWC Anchor with line storage bag
- (d) The following additional equipment is recommended:
 - (1) Handlebar Storage Bag
 - (2) Compact Binoculars
 - (3) Towing Strap with Snap Hook

1H5 Personal Watercraft Operational Guidelines

- (a) Agency PWC's will be operated in conjunction with a Patrol Vessel or a secondary enforcement PWC except when authorized by an agency supervisor with competent authority.
- (b) PWC operators shall conduct a pre-operations check of the PWC to insure the craft is in good working order and is equipped with all required equipment
- (c) Agency PWC patrol craft shall not be operated between the hours of sunset to sunrise without approval of an agency supervisor with competent authority
- (d) Agency PWC shall limit towing operations to other PWC's or small recreational vessels.
- (e) At the completion of each shift, PWC operators shall conduct a post-operations maintenance check of the PWC. Officers shall notify the appropriate supervisor of any issues with the craft that may compromise its use.