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The Challenges and Issues of Marine Law Enforcement

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ABSTRACT

This research paper explores the many challenges faced by marine law enforcement officers and exposes the lack of advanced marine training. Marine law enforcement deals with issues that are not faced by the more traditional land based law enforcement officers. Training for land based officers has evolved with the changes in law enforcement, but marine law enforcement training has been non-existent or stagnant at best. Research for this paper includes personal interviews and surveys of several Texas agencies that provide law enforcement for recreational boating on a full time basis. A review of the responses from the agencies revealed the fact that each agency does not offer or provide any advanced training beyond what is required in the agency field training program. Land based law enforcement has been quick to respond to new training techniques and has adapted more quickly than marine law enforcement. Additionally, the findings from this research support the idea that marine law enforcement has not adequately trained officers to meet the challenges faced while working in a water environment. It is the author's belief that marine law enforcement agencies need to train their officers to a higher standard than what is currently being offered and equip them to meet the challenges of working in a marine environment.

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INTRODUCTION

Today's law enforcement is expected to adapt and adjust rapidly with the increasing changes in today's society. In order to be effective in law enforcement, agencies have increased levels of training beyond what was provided years ago. Unfortunately, marine law enforcement has not kept up with these changes and training needs. Marine law enforcement faces challenges that land based law enforcement never encounters. A boat stop is very different than a land based vehicle stop. For example, the marine officer is working from a moving platform on water when making boat stops. The vessels are tied together during the stops and this presents problems in restricting the officer's ability to restrain a combative or uncooperative suspect. There are also issues concerning arrests which can differ from land based arrests. Arrests on the water are challenging because of the restricted area to work in. Additionally, there is the inherent danger of either the suspect or the officer falling into the water. Marine officers wear duty belts similar to land based officers while on patrol. Should the officer fall into the water, the weight of a duty belt can pull an officer under the water. A marine officer has very few places to take cover in the event of an armed confrontation. A land based officer can use his vehicle to take cover or move his vehicle to safety, while the marine officer is typically tied to the violator's boat and has no way to escape. These are only a few of the examples of the challenges and issues that marine law enforcement officers face while patrolling the waters within the State of Texas.

This research paper will examine many of the aforementioned issues faced by marine law enforcement and explore the lack of advanced training that is needed by marine officers. The research paper will examine the training needs and consider what

equipment is needed in today's marine environment. The research will also consider whether or not there is a difference in the training and equipment that a marine officer needs as compared to a land based officer. Advanced marine training is of little use if the officer is not equipped to handle the challenges of the marine environment.

Research for this paper will include surveys of law enforcement agencies that deal extensively with marine law enforcement within Texas. In addition to the agency surveys, articles and publications will be reviewed to determine if any agencies are offering advanced marine law enforcement training in Texas and within the United States. The author intends to demonstrate that there is insufficient training on an advanced level being provided for most marine enforcement agencies. This lack of training and equipment could potentially threaten the safety and well-being of marine law enforcement officers and citizens.

Marine law enforcement should benefit from this research in many ways. Marine law enforcement officers and agencies will realize that a person has to be more than just a good boat operator to work safely in an environment that is much different than land based law enforcement. Marine law enforcement agencies will benefit in the presentation of equipment and technology that will be discussed and analyzed in this research paper. This research paper can serve as a guide for agencies that wish to pursue the latest in advanced marine law enforcement training and equipment.

The author surmises that this research will prove that most agencies are sorely lacking in any type of advanced marine law enforcement training. This research will also point out the fact that there are very few agencies anywhere in the United States that provide specialized training for marine law enforcement.

Marine law enforcement is sometimes an afterthought for some agencies, yet the problems encountered can be just as dangerous as a land based officer. Most officers are trained from a land based perspective, yet the problems encountered on the water are far different. This paper will point out these differences and stress the need to offer a higher standard of training for marine law enforcement officers than what is typically provided by most agencies.

REVIEW OF LITERATURE

There is a lack of literature dealing with advanced freshwater marine law enforcement training for a variety of reasons. To compound the problem even more, there is a lack of training on what equipment is appropriate in the marine environment. This is one of the reasons why the author of this paper believes there is a real problem with current marine law enforcement training. Almost all law enforcement training deals with land based training scenarios and there have been countless books and articles written on land based law enforcement training. The majority of all police training academies have outstanding training programs that prepare officers for the challenges they will face while working the streets of their respective jurisdiction. Marine law enforcement is specialized and training academies do not have the time to teach this type of training to officers who may never work in a marine environment. However, those officers who do work in a marine environment need the specialized and advanced training to safely perform their job. As important as this area of marine law enforcement is within law enforcement, there are very few relevant books or published literature on the subject of marine law enforcement training. The author of this research paper found one book that has been printed on the subject of marine law enforcement that is

applicable to fresh water law enforcement. The book, *Watercraft Patrol and Survival Tactics*, is no longer in circulation and was written sixteen years ago. Tactics in land based law enforcement have changed many times over the years and training academies have altered their instruction methods in order to keep current regarding the latest techniques. Unfortunately, marine law enforcement has just rocked along without making any progressive changes in training tactics.

There have been numerous articles written on the importance of marine enforcement as it relates to homeland security and the protection of the United States seaports. The September 2005 *Law Enforcement Bulletin*, published by the Federal Bureau of Investigation, discusses marine law enforcement as it pertains to the protection of our seaports. These articles mainly discuss the importance of protecting the ports and assets of the United States as it relates to shipping. Most tactical training is reserved for Special Weapons and Tactics (SWAT) officers and is once again geared toward the protection of marine seaports. (Griffith, 2002). The articles do not go into any detail regarding training or tactics to be used by freshwater marine law enforcement. Comparing freshwater law enforcement to saltwater/port law enforcement is like comparing apples and oranges. There is a vast difference in the mission and types of agencies that enforce the laws on fresh and saltwater. The United States Coast Guard is responsible for protecting the ports of the United States and deal primarily with large vessels and the cargo these vessels transport. The United States Coast Guard also does not work single man patrols. While the Coast Guard does rescue missions and some close shore law enforcement, their mission is different than those agencies that deal with public safety on lakes and rivers.

There have been some articles written on the importance of SWAT tactics on the water with regard to boarding vessels or members working from docks and piers. These articles are once again related to terror attacks and homeland security associated with the protection of the United States. These articles do not deal with training/tactics that are used by inland marine law enforcement. The tactics used by a fifty-five foot Coast Guard boat that is manned by a ten man crew is much different than a twenty foot inland boat that is manned by a single law enforcement officer. Most training is done in-house and there are few locations in the country that offer this type of training. This out-of-state training is cost prohibitive for most agencies that work marine law enforcement. (Daniel, 1995). The researcher has discovered that there has simply not been any relevant, significant literature written about freshwater marine law enforcement. This lack of literature can be considered proof that marine law enforcement has not kept up with the ever evolving training and tactics employed by land based law enforcement.

METHODOLOGY

Is marine law enforcement not keeping up with advanced training techniques and tactics as compared to land based law enforcement? This paper will identify the lack of advanced training and proper equipment that inland marine law enforcement officers require to safely do their job on a daily basis. Research for this paper will include personal interviews and surveys of several Texas agencies that provide law enforcement for recreational boating on a full time basis. These identical surveys will be emailed to the commanding officers or the training coordinator of each agency. The inquiry will ask the agencies whether or not they provide any type of advanced marine

officer training for their officers and if they have equipment standards. The following agencies will be surveyed: Texas Parks and Wildlife Department, Lower Colorado River Authority Public Safety, Brazos River Authority, Austin Park Police, Travis County Sheriff's Office.

The agencies that will be interviewed and surveyed represent a variety of departments of varying sizes that provide marine law enforcement in their respective jurisdictions. The agencies to be surveyed represent three state agencies, one large sheriff's department and one municipal agency. Every agency will be sent a survey by email.

Texas Parks and Wildlife Department (TPWD) is a state agency that is responsible for the natural and cultural resources of Texas and outdoor recreation opportunities for citizens. Texas Parks and Wildlife also has the responsibility of enforcing the Texas Water Safety Act which governs the marine laws. Texas Parks and Wildlife has approximately five hundred game wardens that are responsible for marine law enforcement as well as game laws within Texas. Texas Parks and Wildlife is considered the lead agency in Texas for marine enforcement.

The Lower Colorado River Authority (LCRA) is a quasi-state agency that manages the Colorado River Basin and manages three power plants that supply electricity to over one million citizens. The LCRA does not receive tax money and exists solely on the revenues it receives from the sale of water, transmission, electricity and other services. The LCRA Public Safety Department is responsible for an eleven county area from San Saba to Matagorda Bay. The LCRA Rangers are responsible for the public safety of seven Central Texas lakes and four hundred miles of the Colorado

River. There are twenty-two licensed peace officers in the LCRA Public Safety Department.

The Brazos River Authority (BRA) is a state agency that manages the Brazos River Basin. This area is approximately forty two thousand square miles and encompasses seventy counties. The Brazos River Authority Ranger Department consists of twelve licensed peace officers that are responsible for marine law enforcement on three lakes.

The Austin Park Police (APP) is a municipal agency that is responsible for park and lake patrol within the city limits of Austin. The Austin Park Police have forty licensed peace officers within the department. The department has assigned eight officers to full time lake patrol duty. The Austin Park Police are responsible for the law enforcement on three lakes located within the city limits of Austin.

The Travis County Sheriff's Office (TCSO) has approximately one thousand uniformed peace officers that are responsible for patrol and jail duty. TCSO has assigned four deputies to full time lake patrol duty. These deputies are assigned to Lake Travis which is one of the busiest lakes in Texas for recreational boating. Lake Travis has the reputation as the most deadly lake in Texas due to the high number of fatalities.

FINDINGS

Every agency responded to the survey request and several agencies followed-up with a phone call to discuss the issue of marine based law enforcement training in detail. One hundred percent of the agencies surveyed responded to the questionnaire,

which asked each agency about the type of training each marine officer received and if the agency has an equipment standard. The survey also asked each agency if they provided any type of advanced or tactical land-based law enforcement training.

Texas Parks and Wildlife is considered the leading agency in the State of Texas when it comes to marine law enforcement. This agency has been working on the water longer than any other agency located in the State of Texas and has set the standard that most marine agencies in Texas try to follow. Captain Robert Goodrich, with Texas Parks and Wildlife, responded to the survey question and also provided the Texas Parks and Wildlife lesson plan for their boat operations training. Captain Goodrich responded by email explaining that basic training is provided at the academy level (regarding boat contacts and arrest procedures on the water) with little to no follow-up or in-service training (R. Goodrich, personal communication, March 6, 2006).

The Texas Parks and Wildlife lesson plan that was forwarded to the author by Captain Goodrich is a three page document that outlines the boat operations training a Game Warden Cadet receives. The training primarily deals with boat equipment and boat operations. Day one and day two of the training is dedicated to boat launching, boat operation in open water, boat stops and boat docking. The Game Warden Cadet has sixteen hours of training in boat operations with fourteen hours of actual care and control of the Game Warden patrol boat. The Game Warden Cadet is then assigned to work with a field Game Warden for day three and four in a marine environment.

After completing four days of boat operations training, the cadet is evaluated by the senior field warden. This evaluation is primarily focused on the cadet's attitude, grooming, initiative, boat launching, boat stops, and open water boat operation. There

is no advanced or tactical training provided to Game Wardens, either in the academy or in an in-service school.

Texas Parks and Wildlife Game Wardens are required to wear a personal floatation device anytime they are on water patrol. The wardens are currently wearing a Mustang PFD that is lightweight and can be inflated upon entry into the water by pulling a ring. The wardens can wear short sleeve cotton Game Warden shirts as well as shorts while on marine patrol. Game Wardens also wear a baseball type hat while on marine patrol. The wearing of ballistic vests varies from district to district and is usually left to an officer's discretion.

The Lower Colorado River Authority Public Safety Department has a sixteen week field training program that dedicates at least eighty hours of training to boat operations. The training is focused on boat familiarization, boat launching, boat stops, night operations and boat docking. Much of this training time is spent with the officer becoming familiar with the lake he or she is assigned to. The LCRA Ranger Cadet is graded on boat operations as well as boat stops. The LCRA Ranger Cadet must successfully complete the sixteen week field training program to be considered for full time employment. There is not any specialized or advanced/tactical training offered to the LCRA Rangers. The LCRA Rangers do not have any formal in-service training that deals with marine law enforcement other than an eight hour course that is given every two years on boat trailer skills and launching as required by the organization.

The LCRA Rangers do have some equipment standards. All Rangers wear the same type of Mustang self-inflating personal floatation device while on boat patrol. Shorts and cotton polo type shirts are issued but do not have to be worn while on boat

patrol. All Rangers are issued nylon duty belts, but there is not a standard on what has to be worn on the duty belt. Baseball style hats as well as floppy style “booney” hats are issued to the Rangers and wearing ballistic vests is at the officer’s discretion.

The Brazos River Authority sends their officers to a five day class at the Tarrant County College Police Academy for five days of boat operations training. This training includes; basic boat handling, navigation, trailer skills, beginning search and rescue, enforcement approaches and boat boarding. Additionally, The Brazos Lake Patrol Rangers are issued Mustang personal floatation devices and wear shorts, polo style shirts and baseball hats while on patrol. Nylon duty belts are also issued to the Brazos Lake Patrol Rangers. While on marine patrol, wearing the ballistic vest is at the officer’s discretion.

The author contacted Jay Smith with the Tarrant County College Police Academy to inquire on the training offered and if there were other academies offering marine training. Smith is the assistant coordinator for the Tarrant County Police Academy. Smith responded by saying, “You are correct, tactical and safety training for lake or marine officers in Texas is haphazard at best. We the exception of Texas Parks and Wildlife for their own students – we are the only provider of such classes in Texas”. Smith went on to say, “I think one of the reasons is that marine enforcement is so specialized, that many academies and training providers have no personnel qualified to carry out the training...that with the tendency of agencies to treat their Lake Division as a departmental Siberia and the demand for such courses is low.” To prove his point about the lack of marine training for officers, Smith added that he had known some area

agencies that have actually assigned personnel to lake duties that couldn't swim or were afraid of the water (J. Smith, personal communication, June 22, 2006).

The Austin Park Police have an eight week field training program for the officers that include all aspects of their operations. The lake patrol officers are sent to a boat accident investigation course at Texas Parks and Wildlife as well as a standard field sobriety testing (SFST) school. Sergeant Michael Wade supervises the Austin Park Police that are assigned to the Marine Enforcement Division. Wade responded to the e-mailed questionnaire by saying; "It is all on the job training that I do with the officers on the water." Wade also included in his response that they are looking for some tactical or advanced training for their officers, but they have not been successful in their search. Wade stated that he thought the Arizona Department of Fish and Game might have an advanced marine officer course as well as the Florida Fish and Game Department (M. Wade, personal communication, June 6, 2006).

The Austin Park Police are issued shorts, cotton style polo shirts, nylon duty belts and baseball style hats. The wearing of ballistic vests is optional for officers. Officers also wear a Mustang personal floatation device while on lake patrol.

The Travis County Sheriff's Office has a sixteen week FTO program that does not include any marine operations training. Sheriff's Marine Division does not have a formal marine officer training program for those deputies assigned to the unit. The officers are assigned to a senior marine deputy and once the senior deputy feels they are ready to work solo, they are released to work Lake Travis. These deputies will also work the street as well in the off season or during the winter months.

The TCSO deputies are issued shorts, cotton polo type shirt, baseball style hats and nylon duty gear. Ballistic vests are issued and the wearing of them while on lake patrol is optional.

CONCLUSION

Marine officers face challenges that land based officers will never face in law enforcement. The purpose of this paper is to point out the fact that marine law enforcement is falling behind land based law enforcement in advanced training techniques and equipment and the results could be disastrous for agencies that work in a marine environment. It is the author's hypothesis that marine agencies are far behind the curve when compared to land based law enforcement when it comes to training and equipment.

A review of the responses from the agencies surveyed revealed the fact that each agency does not offer or provide any advanced training beyond what is required in the agency field training program. There is little doubt that each agency has officers who are outstanding boat operators, but marine law enforcement encompasses much more. Each agency surveyed made sure that the marine officers could operate boats in a safe manner. There was not one agency surveyed that trained their officers in water survival should they fall into the water with full duty gear on. Additionally, there were no agencies offering training on how to survive in the water with a combative violator. None of the agencies surveyed had trained their officers on how to shoot a firearm from a boat moving up and down in the water. All firearms qualifications for these agencies are performed at a land based gun range. Once again, none of the agencies surveyed had any training on how to remove a combative subject from their boat and move them

to the police boat. Struggling to handcuff a person on land is far easier than struggling with a person in a boat where the motion of the boat is a factor and bodily movement is restricted. Additionally, the water that surrounds an officer and a suspect can be a very hazardous environment.

Land based law enforcement has been very quick to respond to new training techniques and has adapted more quickly than marine law enforcement. Marine law enforcement training has not changed substantially over the last ten years like land based law enforcement. The author of this paper believes that most agencies have not put an emphasis on marine law enforcement and have not recognized the hazards that can be encountered on a daily basis.

Most agencies surveyed do not have a standardized equipment policy or procedure. The duty belts that are worn by marine officers can be an anchor around the waist if the officer falls into the water and the personal floatation device is not adequate. All agencies required their officers to wear a personal floatation device at all times. However, the LCRA Public Safety Department was the only agency surveyed that had a standardized, self-inflating personal floatation device for the officers who might come into contact with the water. However, the personal floatation device is of little use if the officer is knocked unconscious and cannot pull the ring to inflate the device. None of the agencies surveyed required the officers to wear a ballistic vest while on marine duty. This is a catch 22 situation for the officers and agencies. The ballistic vest will provide protection for the officer, but it can be extremely hot since marine officers do not have the benefit of the air conditioned conditions offered by land units. The ballistic vest also adds weight to the officer, which is dangerous for an officer who accidentally falls into

the water. The findings from the research highly supported the idea that marine law enforcement has not adequately trained officers to meet the challenges faced while working in a water-based environment. The research also revealed that, other than SWAT tactics that are designed for seaport protection, there are very few, if any, agencies offering some type of advanced, marine law enforcement.

The author of this paper believes that every marine law enforcement agency will benefit from this research. The research points out the fact that marine law enforcement has been an afterthought for several agencies, yet the risks in the marine environment can sometimes be much more hazardous than land based law enforcement. It is the author's opinion that marine law enforcement agencies need to train their officers to a higher standard than what is currently being taught. Additionally, the author contends that marine law enforcement agencies should properly equip their officers, enabling them to meet the challenges and dangers associated with working in a marine environment.

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