



# BOATING WHILE INTOXICATED CHECKPOINT PLAN OF OPERATION

Location: \_\_\_\_\_ Date: \_\_\_\_\_

## Preliminary Statement:

Participating Agencies: \_\_\_\_\_

Specific Location: \_\_\_\_\_ Time: \_\_\_\_\_

## History:

**(Describe body of water, recreational activities, accident data, etc...)** The NYS Office of Parks, Recreation and Historic Preservation reports that between 2005 – 2015, alcohol/drug use was the primary contributing factor in 24% of boating fatalities in NYS. During 2015, alcohol was involved in 50% of all fatal boat accidents in NYS. The United State Coast Guard estimates that approximately 50% of all boating accidents are alcohol related. Regardless of the statistics, the ultimate goal of any alcohol related enforcement effort is zero tolerance.

Recreational Boating is a 2 Billion dollar a year industry. In 2015 there were over 450,000 registered power boats & another 300,000 non-powered craft on NYS waterways. Utilizing a boating checkpoint to combat the alcohol problem associated with fatal accidents will be more effective than traditional patrol techniques. It is difficult to establish probable cause for boating operators suspected of being under the influence of alcohol. Unlike traditional roadways used by automobiles, waterways have limited traffic control devices (ie., center lines, speed limits, stop signs etc..). Due to the congestion of boats found on many popular bodies of water, erratic operation is not uncommon. The high volume of boats and the lack of lane markings, makes it difficult for roving patrols to establish probable cause. Due to the large number of boats being operated and the limited number of marine patrols, it is logistically impossible to contact the number of boats needed to effectively address this enforcement issue. Utilizing checkpoints will not only increase the number of contacts with boat operators, but will also provide a focal point for the media, residents and non-residents to demonstrate this serious problem is being addressed.

The facilities available at the selected site will meet the needs of this enforcement effort and will increase both officer and public safety needs compared to the individual contacts conducted on the waterways. Boat trailers or tow vessels will be made available for the removal of boats which cannot be operated from the checkpoint area. Emergency lighting will be utilized to increase safety of the checkpoint area. Informational pamphlets will be made available to provide information on boating safety and the dangers of operating while under the influence of alcohol and/or drugs.

# Purpose:

The primary purpose of the checkpoint is to actively enforce violations of Parks, Recreation & Historic Preservation Law (PRPHL) 49-a regarding the operation of a boat while under the influence of alcohol and drugs. Secondary purposes of this checkpoint are;

1. Check for compliance of required safety equipment
2. Increase public awareness of problems associated with BWI, and
3. Deter the use of alcohol while operating a boat in the future.

# Guidelines:

The following guidelines will be adhered to throughout the duration of the checkpoint; any deviation will be made by the Officer-In-Charge of the detail (OIC):

1. The OIC will be present at the checkpoint for the duration of the checkpoint;
2. All officers assigned to the checkpoint will receive a written plan containing the purpose of the checkpoint, their assignment (ie, contact officer, FST officer, Chemical test operator etc.), the procedures to be used in operating the checkpoint, and advised when detention and further investigation will be warranted;
3. Uniformed personnel will make all initial contacts;
4. Initial contacts will be kept to a reasonable duration for safety reasons;
5. Uniform Tickets will be issued for violations specified at the checkpoint briefing;
6. HGN testing will be conducted only by officers certified in HGN training.
7. The Seated battery of SFST's will be the preferred method of testing suspected subjects.

# Site Selection:

The site selection process must consider the safety of the boater and the officers staffing the checkpoint. The following criteria shall be used when selecting a site:

1. The checkpoint shall be situated so as to not create a hazard;
2. The site should be selected so that road patrols can support the operation and transport subjects placed under arrest for processing;
3. Marked vessels will be utilized at the site. Emergency lighting on select patrol boats will be activated to provide definition of the checkpoint area.

4. The OIC will be responsible for the oversight of the checkpoint area.
5. The OIC will determine if the checkpoint shall be discontinued due to adverse weather conditions or for any other safety consideration.

## Pre-Checkpoint Briefing:

A briefing will be conducted by the OIC for all participants in the checkpoint. The briefing will cover safe and efficient operation of the checkpoint. The OIC will assign and outline the duties for all officers. A copy of the BWI Operational Plan shall be distributed to each participant.

The OIC will supervise the total operation of the checkpoint, including operations and logistics. The OIC will monitor traffic, suspend checkpoint operation if necessary, arrange for breaks and arrange for transportation and towing services where applicable.

## Procedures for Primary Contact Officers:

The following procedures shall be adhered to during the operation of the checkpoint. These procedures will outline the steps to be taken if an operator is found to be under the influence of alcohol and/or drugs and the steps necessary if an operator is suspected of being impaired. Only the OIC may modify these procedures.

1. All vessels entering the designated checkpoint area shall be stopped;
2. No vessel will be stopped because they turn to avoid the checkpoint unless there is probable cause to believe there is impairment or officers observe a violation;
3. Contact officers will request vessel registrations certificates from all operators entering the checkpoint.
4. Contact officers will insure each boat complies with the safety equipment requirements as set forth in the PRPHL.
5. Any safety violations will be addressed appropriately during the contact;
6. The aforesaid process should be completed in a manner which causes minimal intrusion;
7. If drugs or other contraband are discovered during the inspection, the OIC will be notified immediately;
8. All criminal arrests shall be handled according to departmental SOP's;

The OIC will closely monitor the checkpoint for congestion and ensure the safe operation of the detail. If the contact area begins to cause unnecessary delays, or the contact area becomes unreasonably congested, the OIC will revise the number of vessels contacted with a systematic approach to ensure contacts are not made randomly. If more than 5 boats are stopped at the checkpoint, every other vessel will be stopped. If ten or more boats are stopped, every fourth vessel will be stopped. If unnecessary delays still occur after this point, NO additional boats will be stopped until the congestion at the contact location has been cleared.

Initial field observations (ie., signs of impairment, oral admissions of consumption, odor of alcoholic beverages on the breath of an operator, red and watery eyes, slurred speech etc..) and interview will determine

if a formal enforcement process continues. If the contact officer finds no indication of impairment, and there are no other violations, the operator will be allowed to leave the checkpoint area. If the officer finds indications of impairment, the operator will be taken to an area to perform SFST's and will be administered a pre-screening breath test. If the operator has a negative outcome with the SFST's, the subject will be placed under arrest for BWI and requested to submit to a chemical test to determine his/her blood alcohol concentrate(BAC). Each officer will follow departmental guidelines for processing and releasing subjects post arrest. The contact officer will be responsible for the completion of all paperwork and the processing of the arrested operator.

## Impounds and Seizures:

If the operator is arrested for BWI, and there is no person legal able to take control of the vessel, the boat will be impounded. Any impounded vessels will be removed from the site and stored at a secure area until final disposition. Commercial tow services should be considered for this purpose.

## Summary:

This checkpoint is designed to detect and apprehend boat operators who are under the influence of alcohol and drugs. The ultimate goal of this effort is to reduce the number of alcohol related crashes and to deter boaters from operating in an impaired condition. The checkpoint will provide data on alcohol consumption and recreational boating. All officers assigned to the checkpoint will strictly adhere to the plan of operations. Any modification to this plan will be made only by the Officer-In-Charge (OIC).

**BOATING WHILE INTOXICATED CHECKPOINT  
PERSONNEL ASSIGNMENTS**

Officer-In-Charge (OIC) \_\_\_\_\_

Contact Officers:

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_
- 4. \_\_\_\_\_
- 5. \_\_\_\_\_
- 6. \_\_\_\_\_
- 7. \_\_\_\_\_
- 8. \_\_\_\_\_
- 9. \_\_\_\_\_
- 10. \_\_\_\_\_

Contact/Chase Boats:

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_

Media Contacts:

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_

Chemical Test Officer:

- 1. \_\_\_\_\_

CHECKPOINT CONTACT FORM

Contact Start Time: \_\_\_\_\_ End Time: \_\_\_\_\_

Vessel registration #: \_\_\_\_\_

Number of passengers (Includes Operator): \_\_\_\_\_

Operators Name: \_\_\_\_\_ DOB \_\_\_\_\_

Notes: (Signs of Impairment):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Any other violation: (Safety etc.. – Note if warning or citation issued)

\_\_\_\_\_  
\_\_\_\_\_

Operator Consumed Alcohol? Y or N

Operator Performed SFST's? Y or N

PBT? Y or N Reading: \_\_\_\_\_

Contact Officer: \_\_\_\_\_

SFST Officer: \_\_\_\_\_

Chemical Test Officer: \_\_\_\_\_