

## Hamilton's spirit lives on in Coast Guard boarding program

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*“They will always keep in mind that their countrymen are freemen, and, as such, are impatient of everything that bears the least mark of a domineering spirit. If obstacles occur, they will remember that they are under the particular protection of the laws and that they can meet with nothing disagreeable in the execution of their duty which these will not severely reprehend. They will endeavor to overcome difficulties, if any are experienced, by a cool and temperate perseverance in their duty--by address and moderation, rather than by vehemence or violence.”*

The above excerpt was penned June 4, 1791 by the first Secretary of the Treasury, Alexander Hamilton, in his letter of instruction to the commanding officers of the first 10 cutters of the fledgling Revenue Marine, precursor of today's U.S. Coast Guard. The officers of the Revenue Marine were authorized to board any vessel at sea without probable cause, to enforce customs laws and collect taxes. Hamilton's words defined these commanding officers as servants of the people; the very people over whom they would exercise broad enforcement authority. Although entrusted with great authority under U.S. law, the commanding officers would adhere to a policy of restraint and the utmost level of professionalism. It was a radical departure. Failure to live by Hamilton's words would result not only in severe consequences, but earn the displeasure of the President of the United States.

Although much has changed since Hamilton's time, there remain at least two important aspects of the original Revenue Marine which live on within the U.S. Coast Guard today: broad authority to board vessels and the professionalism demanded of our boarding officers and boarding team members as they go about their official duties.

Hamilton conveyed in his original charge the idea that American citizens do not appreciate intrusive government. This continues to be the case. Whether boarding a commercial fishing vessel, a large ocean-going freighter or “Laker,” or one of the millions of recreational vessels operating on the Great Lakes, boardings have always required sensitivity. Coast Guard boarding officers understand this and know they must respect the mariner. After all, these vessels are used to pursue livelihoods or enjoy recreation and in some cases; serve as a floating home when away from shore. As it was 217 years ago, professionalism and restraint are crucial to successfully carrying out our duties. Otherwise, we run the risk of eroding our public support.

Since 1819 the U.S. Coast Guard has maintained a maritime law enforcement presence on the Great Lakes. Over the years the Coast Guard compiled an impressive portfolio of mission responsibilities, as the Great Lakes maritime domain and the service evolved. Many of these missions are unique among federal agencies and provide the Coast Guard the capability of being adaptive to the varying needs of the Nation.

The events of Sept. 11, 2001 thrust the U.S. Coast Guard to center stage of the homeland security arena. However, homeland security is more than counter-terrorism. Homeland security can be characterized as safeguarding the homeland from, as Coast Guard Commandant, Adm. Thad Allen has said, “All Threats; All Hazards.” Threats and hazards come in many forms.

Within the Great Lakes maritime domain threats and hazards include smugglers of contraband and people, as well as boaters under the influence and vessels lacking required safety equipment on board. Frankly, despite the threat of terrorism, the chances of being killed by a drunken boater or an unexpected fall overboard while boating are more likely than being killed in a terrorist incident.

The Great Lakes region is also unique in that it boasts more registered recreational boats than any other part of the country. Within the region’s eight states, there are approximately 4.6

million registered vessels, 800, 000 in our 86 shoreline counties, alone. In addition, there are about another 1.2 million registered boats within the Province of Ontario. Add to the mix the responsibility of patrolling nearly 1,500 miles of international border, as well as performing traditional missions, such as Search and Rescue, and one begins to appreciate the enormity of the Coast Guard's current duties on the Great Lakes.

It's the U.S. Coast Guard's responsibility, as well as that of our state and local boating partners, to ensure the continued safety of all waterways users. This is why Coast Guard presence, coupled with a professionally conducted boarding program, is so vitally important. So, what is the Coast Guard's boarding program? How is it conducted? What can a boater expect when they are boarded?

As mentioned earlier, the Coast Guard is granted broad authority to board vessels. Under Title 14, Section 89, of the U.S. Code, "the Coast Guard is authorized to board vessels subject to the jurisdiction of the U.S., anytime upon the high seas and upon waters over which the United States has jurisdiction, to make inquiries, examinations, inspections, searches, seizures and arrests." Within the Great Lakes this means all vessels operating on U.S. waters. However, this authority is exercised judiciously.

First, Coast Guard patrols focus on areas with known issues related to safety. Issues may include known instances of drinking and boating or higher concentration of boating mishaps. Coast Guard planners then focus on areas where neither the Coast Guard nor its agency partners have had a presence. Lastly, Coast Guard crews maintain a lookout for suspicious or negligent behavior when actively patrolling or they respond to tips from the boating public, concerning questionable behavior or activity.

There are of course situations when there may be several agencies within one geographic area. In those cases, the Coast Guard strives to coordinate patrols so as not to board the same

vessel, or vessels, multiple times. This does nothing to instill confidence in the boating public and in fact, undermines the Coast Guard's relationship with them.

When choosing vessels to board, boarding officers and boarding team members typically keep an eye out for vessels with obvious violations. These violations can be as simple as incorrectly displayed hull numbers or as significant as operating a vessel too closely to a swim area. Also, vessels not displaying a current Vessel Safety Check (VSC) decal are more likely to be boarded. Ultimately, the choice is left up to boarding officer discretion, based on a combination of training and experience. However, what boaters must keep in mind is the Coast Guard's authority to board any vessel, regardless of whether or not there are obvious violations. The Coast Guard, unlike other law enforcement agencies, does not need probable cause to board a vessel in U.S. waters.

Since 2001 the number of recreational vessels the Coast Guard has boarded has steadily increased to approximately 13,000 per year. This is significantly higher than the 6000 boardings conducted annually 10 years ago and partly attributed to increased emphasis on homeland security. The good news is that more than half of these boardings result in a finding of 100 percent compliance with all federal safe boating laws. However, if not for the boardings, the Coast Guard would lack the ability to ascertain the level of compliance among boats out on the water.

So, what should one expect when their vessel is chosen for a random boarding? First, a boarding is nothing more than a random compliance check, similar to a road check conducted by the police on the highway. Boardings can be conducted at sea or dockside. In either case, the Coast Guard boarding officer will make contact and request to come aboard the vessel.

Instructions will be passed to facilitate the transfer of the boarding team, provided the vessel is big enough to safely accommodate everyone. Generally, the boarding of open boats,

such as bow-riders and small fishing machines, take place without the entire boarding team physically stepping on board the vessel. The boarding officer may, in fact, be the only one physically on board the vessel conducting the inspection.

The boarding officer and boarding team members will be dressed in Coast Guard uniforms, and be wearing lifejackets. As with police officers, they will also be armed. In some cases, the Coast Guard vessel may be armed, as well. These precautions are normal and are for officer safety. Once on board, they will conduct an Initial Safety Inspection (ISI) to look for any obvious safety violations or potential hazards while ascertaining the seaworthiness of the vessel.

Upon completion of this initial phase of the inspection, the boarding officer will ask for the original registration certificate or documentation for the vessel. For recreational boaters, the inability to present an original registration certificate is one of the most common deficiencies encountered. Although some states may permit photocopies, federal regulations *require* that the original be kept on board the vessel.

After verifying these documents the boarding officer will continue with an inspection of all federally required safety equipment such as lifejackets, a sound producing device, etc. and applicable systems, such as navigation lights. The entire inspection will be documented on the Coast Guard's Report of Coast Guard Boarding Form, commonly referred to as a CG-4100.

The length of the inspection will depend upon the size and type of the vessel, and the level of cooperation from the skipper and passengers. However, on average a recreational vessel boarding takes approximately 20 to 30 minutes, provided no violations are found. Larger recreational vessels may take up to an hour or longer, depending on the circumstances.

During the course of the inspection, the boater should feel free to converse with the boarding officer and ask questions. While the purpose of the boarding is to ensure compliance with the law it is also meant to be educational. Conversely, the boarding officer may ask

questions of the boater such as the last port of call, whether or not travel to Canada was conducted or if anything suspicious was seen during the voyage.

Once a boarding is completed, the boarding officer will sign the CG-4100 and present a copy to the boater. If there were no discrepancies found, the boater will receive a yellow copy of the completed boarding report and no further action is needed. It's important to remember that this copy should be maintained on board the vessel in case a request for another boarding is made during the season. A boater will want to show evidence they were already boarded by the Coast Guard, if that proof becomes necessary.

If discrepancies were noted as a result of the boarding, the boater will receive the original, white top copy of the CG-4100. This will constitute a Written Warning or Notice of Violation, depending on the severity of the discrepancy. In this situation, the boarding officer will provide an explanation of what the boater must do to bring the vessel in compliance. In some areas, Coast Guard units offer an alternative compliance program which allows boaters 14 days to correct minor discrepancies. This option, if available, will be explained by the boarding officer, as well.

If a discrepancy is serious enough or if there are several discrepancies, the voyage may be terminated and the boarding officer will briefly explain the Coast Guard civil penalty process. The majority of violations issued for boating safety discrepancies are not criminal. Rather they're civil and handled through an administrative process which can result in a monetary penalty.

Regardless of why a boarding was conducted or what its outcome, Coast Guard boarding officers know they must always be courteous and at times, restrained when dealing with the boating public. As it was in Hamilton's time, our boarding officers, boarding team members

and all Coast Guard men and women are public servants and as such, are charged with exercising the utmost professionalism during the course of their duties.

The Coast Guard and its marine patrol partners occasionally face public criticism for saturating an area with resources. There's a perception that the sport of recreational boating is under assault and the Coast Guard is trying to take the fun out of boating. Nothing could be further from the truth. The effort is merely being taken to ensure continued safety and compliance in a particular area.

During the 2008 boating season and in keeping with the spirit of Hamilton's charge, the Ninth Coast Guard District has directed all field commands within the Great Lakes to encourage feedback from the boating public. Every boarding officer who completes a boarding will provide contact information to the boater so they can provide their thoughts concerning the service received. Most will be directed to a Mariner Feedback Online link, located on the web at: <http://www.uscg.mil/d9/>

The Ninth District understands that not all the feedback concerning an experience with its personnel will be positive. Nevertheless, the Coast Guard wants to hear about it so prompt action can be taken to continuously improve delivery of Coast Guard services to commercial and recreational mariners. Much has changed since Alexander Hamilton penned his charge in 1791. However, the one constant is the commitment of the U.S. Coast Guard to the public it continues to serve.

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