

BOARDING OFFICER STUDY GUIDE

Courtesy of BM3 Chris Ledesma
www.boatswainsmate.net

What is 14 USC 89?

The Coast Guard May Make Searches, Examinations, Arrests, Seizures, Inspections, and Inquiries upon the high seas and waters over which the Coast Guard has the jurisdiction for the prevention, detection and suppression of violations of the laws of the US.

What does 14USC89 authorize the CG to do?

SEASII Search, Examine, Arrest, Seize, Inspect and Inquire.

Who has Authority under 14 USC 89?

Active Duty Officers, Warrant Officers, and Petty Officers; Reserve Officers, Warrant Officers, and Petty Officers while on Active Duty Status; and Officer Candidates that were prior Enlisted Petty Officers.

What is Authority?

The Power to act.

What is Jurisdiction?

The right to exercise legal Authority.

What is the Special Maritime Territorial Jurisdiction (SMTJ)?

HUGFLT... The High Seas, US Vessels in foreign waters, Un Enclosed portion of The Great Lakes, Federal Reservations, Lands or Waters not within or between any of the 50 States, and Territorial Seas.

What is the Jurisdictional Triangle?

Person / Vessel

Location

Activity / Offense

What is the Commandants Use Of Force policy?

The Minimum amount of force necessary to compel compliance.

The Use Of Force (Non Lethal) is authorized when?

- 1) Personal Self Protection
- 2) To Compel Compliance with an order the CG has the Authority to Issue
- 3) To prevent a federal Crime and when Authorized to act on their behalf, to prevent a serious State or Foreign Crime.
- 4) To prevent an escape or effect an arrest when there is probable cause to believe a federal crime has been committed.
- 5) To prevent the theft of, intentional damage to, or destruction of property or information the CG has the Authority to protect.

What are the Levels Of Force?

- 1) Officer Presence
- 2) Verbal Commands
- 3) Soft Control Techniques
- 4) Aggressive Response
- 5) Intermediate Weapon
- 6) Deadly Force

Further explain Soft Control.

Any amount of force with A LOW Probability of causing Soft Connective Tissue Damage or Bone Fractures.

Further explain Aggressive Response.

Any amount of force with A Probability of causing Soft Connective Tissue Damage or Bone Fractures.

Further explain Intermediate Weapon.

An amount of force by means of a weapon that has A HIGH Probability of causing Soft Connective Tissue Damage or Bone Fractures.

What is the allowable length of the Expandable Baton?

18 – 22 inches

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What is the definition of Deadly Force?

The amount of force that has a High probability of causing Death or Serious Bodily Injury.

What is the definition of Serious Bodily Injury?

The actual Physical injury to the body that results in:

- 1) Unconsciousness
- 2) Protracted or Obvious Disfigurement
- 3) Protracted Loss of or Impairment to the function of a Bodily Member, Organ or the Mental Faculty.

What is a Passive Compliant?

A person who follows Verbal Commands.

What is a Passive Resistor?

A person who does not follow Verbal Commands but does not attempt to resist the LE Officer from taking positive physical control.

What is an Active Resistor?

A person who does not follow Verbal Commands and resists attempts by the LE Officer to take positive physical control of them, but does not attempt to harm anyone in the LE Team.

What is an Active Aggressor?

A person who does not follow Verbal Commands and resists attempts by the LE Officer to take positive physical control of them, and attempts to cause harm to the LE Team.

What is the Deadly Force Triangle?

- 1) Weapon
 - a) The physical means of causing death or serious Bodily Injury.
- 2) Opportunity
 - a) Unrestricted access: Exists when there is nothing to stop a subject and a weapon.
 - b) Maximum Effective Range: Exists when the subject is close enough that the threat poses an imminent threat.
- 3) Action
 - a) Due to the subjects' actions, a reasonable and prudent person would believe Death or Serious Bodily Injury is imminent.

What situation may you use Deadly Force?

- 1) For personal Protection if there is a reasonable suspicion that the subject poses an imminent threat of Death or Serious Bodily Injury to yourself or any other person.
- 2) To effect a lawful arrest or prevent an escape if:
 - a) There is Probable Cause that the subject has committed a felony by use, or the threatened use of Deadly Force.
 - b) The suspect is armed and poses an imminent threat of Death or Serious Bodily Injury to any other person.
 - c) The suspect failed to obey an order to halt.
- 3) Protection of Property if Authorized.
- 4) Military Situations.

What should you do (or attempt to) prior to applying Deadly Force?

- 1) Ensure the use of Deadly Force does not create an undue risk to any one else other than the suspect.
- 2) Identify yourself as an LE Officer.
- 3) Issue an order to stop.

What is a Reactionary Gap?

The distance between the Contact and Subject. Usually 4 – 6 feet.

What is a Line Of Fire?

The path between a member and the subject.

Explain what Triangulation is.

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Explain Cover and Concealment.

Cover can stop a round. Concealment can only hide you.

Define Fatal Funnel.

The most dangerous part of a doorway or other means of entry into a space.

Define Contact and Cover.

Contact is the LE Officer that does the communicating. Cover is the LE Officer(s) that stands by as defense.

Define Escape Plan.

A plan for exit incase the boarding deteriorates.

Define Frisk Search and what Level of Suspicion is needed.

A Crush and Feel of the outer garments of a person you feel may have a weapon that poses a threat to the Boarding team or Crew. This may extend to Purses, Outer Garments such as overcoats, jackets, etc.. And the immediate surrounding area. Reasonable Suspicion is needed.

Define Search and what Level of Suspicion is needed.

An intrusion, Encroachment, or Entry by an Agent of the Government into an area where there is a Reasonable Expectation of Privacy. Probable Cause is needed.

What is the Object of a Search and what does it consist of?

The object of a Search is to find Evidence. Evidence Consists of:

- 1) Fruits of a Crime
- 2) Instrumentalities of a Crime
- 3) Contraband

What is a SIA (Search Incident to Arrest)?

A detailed Search of a subject for:

- 1) Weapon
- 2) Means of Escape
- 3) Evidence

What is a Strip Search and what Level of Suspicion?

It involves the intrusive removal of clothing and may be as extensive as the viewing of the nude body. Reasonable Suspicion is needed.

What is a Body Cavity Search and who can do it?

It's the physical or visual intrusion into a body cavity other then the nose, mouth or ears. Can only be performed by a Doctor or Licensed Medical Practitioner.

Define Evidence.

Something that can be used in a Courtroom to determine Guilt or Innocence.

Define Probable Cause.

A level of suspicion that would lead a Reasonable and Prudent person, given the overall circumstances, to believe a crime has been committed. It's a judgment call by the LE Officer based on his/her training, experience, and totality of the situation and belief that evidence will found.

Define Reasonable Suspicion.

A level of suspicion that would lead a Reasonable and Prudent person to believe that something has happened based on observation and the totality of the situation.

What are the 4 Law Enforcement Phases?

- 1) Approach / Identify
- 2) Board / Search
- 3) Arrest / Seize
- 4) Prisoner / Custody

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Define Arrest and explain it's 4 Elements.

An arrest is the taking into Custody to answer a Criminal Charge.

The 4 Elements are:

- 1) Authority – In the Officer to Arrest
- 2) Intent – Of the Officer to Arrest
- 3) Knowledge – In the Subject knowing they are to be Arrested
- 4) Compliance – On the part of the Subject being Arrested

What is a Custodial Situation?

When the subjects freedom of movement has been deprived in a way that approaching that normally is associated with a formal arrest.

Define Misdemeanor.

A Criminal Act less severe as a Felony.

Define Felony.

A Serious Criminal Act usually punishable by a term of more than 1 year.

What are Miranda Rights?

A persons rights pertaining to being questioned.

When would you advise someone of his or her Miranda Rights?

- 1) Once taken into custody, prior to questioning.
- 2) When transferring Custody to another agency.

What is the 2-Prong Test for giving Miranda Rights?

- 1) Is the person being talked to in a Custodial situation?
- 2) Are my questions or actions likely to illicit an incriminating response?

What is the exception to reading some their Miranda Rights?

When a suspect **HAS TO** incriminate themselves in situations where the evidence is a danger to the public.

What is a Plain View Discovery?

The finding of evidence when an Officer in legally in a space.

- 1) The Officer must have legal access to the space where the evidence was discovered.
- 2) It must be "Immediately Apparent" that the objects found are evidence.

Define Common Space.

A space where there is no Reasonable Expectation of Privacy.

Define Private Space.

A space that is controlled by an individual where there is a Reasonable Expectation of Privacy.

What is the 2-Prong Test (KATZ) to determine Private Space?

- 1) Is there an Expectation of Privacy?
- 2) Is that Expectation Reasonable?

What is an ISI (Initial Safety Inspection)?

An initial sweep of a vessel to ensure seaworthiness and to ensure the safety of the Boarding Team. Restricted to spaces where safety issues are likely to exist.

What is an extended ISI?

A more focused sweep of a vessel when:

- 1) There are known and unaccounted for weapons are onboard.
- 2) There are unaccounted for persons.
- 3) There are known safety hazards.

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What is a Consensual Boarding?

When the Master of a vessel grants permission; usually when the vessel is not subject to the Jurisdiction of the US.

What is an SNO (Statement of No Objection)?

An authorization given by Higher Authority to carry out an operational intent with a planned course of action.

What are the Jurisdictional Limitations of an SNO?

The BO can only take those actions, which are stated in the SNO.

When is an SNO required?

When Boarding, Searching, Seizing and Arresting:

- 1) A Foreign / Stateless vessel outside the Jurisdictional waters of the US.
- 2) A US vessel in foreign waters.
- 3) When the boarding of a vessel may have adverse impact on foreign relations.

What are the 4 Types of Vessel?

- 1) Private / Pleasure
- 2) Commercial
- 3) Non Commercial / Government Owned
- 4) Warship

What are the 4 Nationalities of a vessel and explain them.

- 1) US Vessel
 - a) Documented in the US.
 - b) Given State ID#'s.
 - c) Owned solely or in part by a US Citizen and not legally registered in another country.
- 2) Foreign
 - a) Not a US vessel.
 - b) Legally registered under the laws of another Nation and Claims the Nationality of that Nation.
- 3) Stateless
 - a) A vessel without Nationality and making no claims of any Nation.
- 4) Assimilated Stateless
 - a) A vessel treated as Stateless due to False or conflicting claims.

Who are authorized to certify a Confined Space for entry?

- 1) DCA
- 2) Gas Free Engineer
- 3) Marine Chemist
- 4) Industrial Hygienist

What is Innocent Passage?

A Foreign Flagged vessel that has the right of Non Interference while engaged in Non Threatening Transit Inbound, Outbound or Up Bound in a Coastal Nations Territorial Seas.

What is Transit Passage?

Applies to Foreign Vessels and Aircraft in straits used for International Navigation.

What is Force Mejeure?

A Foreign vessel is forced into another countries waters because of distress, whether man made or natural causes, and is not subject to the Jurisdiction of the US for a time until the situation is remedied. (Weather Calms or Repairs are made) LE Team may go aboard to ascertain if the distress claim is legitimate.

What is Hot Pursuit?

When a foreign vessel commits a crime in US waters and attempts to flee, even after being ordered to heave to, and is continuously pursued.

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What is Constructive Presence?

When a foreign vessel is sitting outside of US Jurisdiction but acting in concert with a vessel sitting inside US Jurisdiction that is actively breaking US Laws. (Also applies to Aircraft)

Define Diplomatic Immunity and Identification.

When certain dignitaries from a host nation have special privileges and exemptions from US Laws.

- 1) Blue Border – Diplomatic Identification
- 2) Red Border – Consular Identification
- 3) Green Border – An Official Identification

What form do you give the Master of a vessel if during the boarding you damage the vessel?

SF-95.

What is an Intrusive Search?

A quest for evidence that may result in the destruction or damage to a vessel or personal property.

During an RBS (Recreational Boating Safety) boarding, how many discrepancies can a vessel have before you have to write them up a Notice of Violations? 2

What is Posse Comitatus and does it apply to the Coast Guard?

Posse Comitatus prohibits DOD Personnel from assisting Civilian Law Enforcement in Keeping the Peace, Arresting Felons, or Enforcing Civil Law in general. It Does Not apply to CG Personnel.

What do you do if you are on scene in a Hostage Situation?

- 1) Take Cover
- 2) Protect Yourself
- 3) Notify Boarding Platform
- 4) Remove all unnecessary people from vessel
- 5) Contain situation
- 6) Stall for time until Negotiator arrives on scene
- 7) Assume responsibility until some more qualified arrives
- 8) Do Not antagonize or startle Hostage taker
- 9) Listen and keep track of what is said and pass it on to Negotiator
- 10) DO NOT GIVE UP YOUR WEAPON
- 11) Do Not shoot if there is undue risk to hostages

What do you do if YOU are the Hostage?

- 1) Do not antagonize or threaten your captor
- 2) Do Not play hero
- 3) Do Not panic
- 4) Attempt to befriend your captor
- 5) Present yourself as a person, not an object
- 6) Escape if there is a chance

What is the Coast Guard Policy on recording Weapon Serial #'s?

- 1) You MAY record ANY weapon during a Boarding
- 2) Regulated weapons should be recorded.

What is a Title 2 Weapon?

An Automatic Weapon.

What Form is needed to own a Title 2 Weapon?

ATF Form 4 – 5320.4

What Form is needed to transport a Title 2 Weapon?

ATF Form 5320.20

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What are Prohibited Weapons?

- 1) Short Barreled Shotgun
 - a) Barrel Length is less than 18”.
 - b) Overall Length is less than 26 “.

- 2) Short Barreled Rifle
 - a) Barrel Length is less than 16”.
 - b) Overall Length is less than 26”.

- 3) Machine Guns
 - a) Any weapon that is designed to shoot, or does shoot, more than one shot automatically, without manually reloading, by a single function of the trigger.
 - b) Includes the Frame and Receiver or any combination of parts designed and intended for use in the converting into a Machine Gun.

- 4) Smooth Bore Pistol
 - a) Any pistol whose barrel does not have spiraled grooves inside the barrel as does other pistols.

- 5) Muffler or Silencer
 - a) Any device that attaches to a pistol that might lessen the sound of a round being discharged.

- 6) Destructive Device
 - a) Explosives
 - b) Incendiary Device or Poison Gas
 - c) Rocket with a 4 ounce Propellant Charge
 - d) Missile with more than ¼ Charge
 - e) Mine

- 7) Any weapon, other than a Shot Gun that fires a projectile by Explosives or Propellant with a barrel bore exceeding ½ “ in diameter.
- 8) Any combination of parts designed or intended for use in converting any device into a Destructive Device and from which a Destructive Device may be Readily Assembled.

What is the Federal Drug Seizure System (FDSS)?

A Consolidating Reporting System that lists Drugs seized by ALL Federal Agencies.

What is a Federal Drug Identification Number (FDIN)?

A Number that is issued to track seizures and is critical to the successful administration of the FDSS.

- 1) Marijuana – 50 lbs.
- 2) Cocaine – 1 lb.
- 3) Hashish – 2 lbs.
- 4) Heroin – 4 oz.
- 5) Morphine – 4 oz.
- 6) Khat – 10 lbs.
- 7) Opium – 1 lb.
- 8) LSD – 100 Dosage Units
- 9) Other – 5000 Dosage Units

What is Presidential Decision Directive – 9 (PDD-9)?

The US Policy on Alien Smuggling.

What Enclosure can you find Authority over Foreign Vessels?

Enclosure 2

What Enclosure would you find ELT Program?

Enclosure 3

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What Enclosure would you find the list for Vessel Documents, Papers & Forms?

Enclosure 13

What Enclosure deals with Asylum Requests?

Enclosure 17

What are the 2 Customs Forms issued for personal Use Violations?

- 1) Customs Form 358
- 2) Customs Form 364

What are the following US Codes?

8 USC 1324 – (Illegal Alien Smuggling) *

Anyone who knowingly brings into the US or Attempts to bring into the US any Alien not duly admitted by an Immigration Officer or not Lawfully entitled to enter the US.

14 USC 88 (C). – (False Distress)

Any Individual who knowingly and willfully communicates a false distress message to the Coast Guard or causes the Coast Guard to attempt to save lives and/or property when no help is needed.

14 USC 141 – (Assistance Authority) *

Other Federal, as well as State and Local Agencies can request Coast Guard assistance when Coast Guard facilities and persons are especially qualified to perform a particular duty.

18 USC 111 – (Assault on a Federal Officer) *

Anyone who forcibly Opposes, Assaults, Resists, Impedes, Intimidates or Interferes with any person designated in Title 114, while engaged in or on account of the performance of official duties.

18 USC 113 – (Assault within the SMTJ)

Anyone within the SMTJ who unlawfully applies force, or threatens with the apparent ability to apply force to another person.

18 USC 201 – (Bribery of a Public Official)

Anyone who corruptly gives, offers or promises anything of value to any Public Official either or indirectly with intent to influence any Official Act.

18 USC 661 – (Theft within the SMTJ)

Anyone within the SMTJ who takes and carries away, with the intent to steal, the property of another.

18 USC 922 – (Prohibited Persons from Carrying Fire Arms) *

- 1) Convicted Felons
- 2) Dishonorably Discharged Persons of the Military
- 3) Adjudicated Mentally Incompetent
- 4) Renounced US Citizenship
- 5) Illegal Alien
- 6) User / Addict of a Controlled Substance
- 7) Fugitive From Justice
- 8) Has a Court Order Restraining the person from Harassing, Stalking, or the Threatening of an Intimate Partner or Child of Such Partner
- 9) Convicted of a Misdemeanor Crime Of Domestic Violence

18 USC 2199 – (Stowaways)

A Stowaway is whoever, without the consent of the Owner, Charterer, Master or Person in Command of any vessel, or Aircraft, with the intent to obtain transportation, Boards, Enters or Secretes himself/ herself aboard such vessel or aircraft and is onboard that vessel at the time of departure of the vessel from port, harbor, wharf, airport or other place within the Jurisdiction of the US.

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18 USC 2275 – (Scuttling)

Anyone who sets fire to or tampers with the motive power or instrumentalities of Navigation on a US Vessel or Vessel Subject US Jurisdiction or places bombs or explosives upon such vessel or does any other act on the vessel while it is within US Jurisdiction with any intent to endanger the Vessel, Cargo, or Persons aboard.

18 USC 2314 – (Transportation of Stolen Goods)

Anyone who transports in interstate or foreign goods, wares, merchandise, securities, or money the value of \$5000.00 or more known to have been stolen.

19 USC 70 – (Hindrance of a Boarding Officer) *

When the master of a vessel obstructs or intentionally causes any obstruction or hindrance to any Officer lawfully going onboard such vessel to enforce Revenue or Navigational Laws of the US.

19 USC 1581 – (Failure to Stop)

Any vessel or vehicle, which at any unauthorized place, is directed to come to a stop by any Officer of Customs, or is directed to come to a stop by any signal made by any vessel employed in the service of Customs and displaying proper insignia, shall stop, and upon Failure to comply, a vessel or vehicle so directed to come to a stop shall become subject to pursuit.

19 USC 1703 – (Outfitting For Smuggling & Hidden Compartments)

Anyone knowingly building, purchasing, fitting out in whole or in part, or holding a vessel for the purpose of employing it to defraud the Revenue, or to Smuggle Goods into the US.

21 USC 844 – (Simple Possession) ***

It shall be unlawful for any person knowingly or intentionally to possess a controlled substance that was obtained directly pursuant to a valid prescription or order, from a medical practitioner.

21 USC 955 – (Importation, Exportation)***

If a vessel has crossed, either inbound or outbound, the border of the territorial seas or contiguous zone, the measurable amounts of Illegal Drugs is a violation.

31 USC 5316 – (Exporting / Importing Monetary Instruments) ***

Anyone who knowingly transports more than \$10,000.00 into or out of the country without declaring it with Customs.

46 USC 1903 – (Intent to Manufacture or Distribute) ***

A US citizen onboard any vessel, any vessel within US Customs waters, or any person onboard a vessel subject to the Jurisdiction of the US, who knowingly or intentionally manufactures or distributes, or possesses with the intent to manufacture or distribute a controlled substance.

46 USC 8103 – (Command of a US Vessel By An Illegal Alien)

Only a US citizen of the US may serve as a Master, Chief Engineer, Radio Officer, or Officer in Charge of a Deck Watch or Engineering Watch on a vessel documented in the US.

What US Code gives the Coast Guard its Mission?

14 USC 2

The Coast Guard shall Enforce or Assist in the Enforcement of All Applicable Federal Laws, on, under and over the high seas and waters subject to the Jurisdiction of the US.

What US Code gives the Coast Guard Customs Authority?

14 USC 143

USCG Petty Officer and Commissioned Officers are also designated as Customs Officers.

What is the 4th Amendment?

Protects people from unreasonable searches.

Gives people the right to be secure in their persons, houses, papers and effects against unreasonable searches and seizures. It can't be violated and no warrants shall be issued but upon Probable Cause supported by oath or affirmation describing the place to be searched and person or thing to be seized.

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What is the 5th Amendment?

No person shall be held to answer for a Capital or otherwise infamous crime, unless on presentment or indictment of a Grand Jury.

What is the Mansfield Amendment?

The CG cannot conduct Law Enforcement in foreign territorial waters without the consent of the host nation. No CG personnel shall participate in, or even be present during the interrogation