

U. S. COAST GUARD
MARITIME LAW ENFORCEMENT ACADEMY
BOARDING OFFICER COURSE



LESSON PLAN

BUI: Regulations, Policy, Physiology and Stressors

1-2-2-1-07.1

JULY 07



LESSON PLAN OUTLINE

LESSON TITLE: BUI: Regulations, Policy, Physiology and Stressors

LESSON NUMBER: 1-2-2-1-07.1

LESSON DATE: JULY/07

LENGTH OF PRESENTATION: 2.0 hours

PROGRAM	CLASSROOM	PRACTICE	EVALUATION	TOTAL
BO	2.0	0.0	0.0	2.0

DESCRIPTION: The purpose of this lesson is to:

- provide the Boarding Officer with the knowledge necessary regarding current Coast Guard policy for Boating Under the Influence (BUI).
- train the Boarding Officer in identifying the differences between alcohol impairment and medical and environmental stressors.

METHOD OF PRESENTATION: Participative Discussion, Demonstration, Classroom Exercises, Slideshow Presentation and Practical Exercises/Evaluations

TERMINAL PERFORMANCE OBJECTIVE(S): 2.5

ENABLING OBJECTIVE(S): None

PQS REQUIREMENT: 3-04

REFERENCES: 46 USC 2302
33 CFR Part 95
NHTSA BUI Detection and Standardized FST Manual
MLEM

MATERIALS REQUIRED: Training Platforms, Magna-slick Board, Markers, Slideshow Presentation, Student Workbook

SAFETY NOTICE: See Training Platforms SOP

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GAINING ATTENTION

Unit A
Total Time:
1 hour

Unit A Objectives:

1. **STATE** the applicability of BUI Regulations.
2. **DEFINE** the elements of BUI regarding recreational operations.
3. **DEFINE** the elements of BUI regarding commercial operations.
4. **STATE** the federal standard for recreational vessels.
5. **STATE** the federal standard for commercial vessels.
6. **LIST** the procedures for determining impaired operation.
7. **STATE** the procedures for the disposition of intoxicated operators.
8. **STATE** the Commandant's policy concerning BUI enforcement.

Unit A Instructional Activities:

GA-1. Discuss boating accident statistics with alcohol involvement. Compare to current vehicle statistics. The Sources for the Boating Statistics are COMDTPUB P16754 (series) and NHTSA.

A-1. WHAT FEDERAL REGULATION COVERS BOATING WHILE UNDER THE INFLUENCE (BUI)?

Title 33 CFR part 95.

A-2. A copy of this regulation is available.

A-3. WHERE DID THIS REGULATION COME FROM?

It is a law that passed by Congress.

A-4. WHO DOES THIS REGULATION APPLY TO?

It applies to all vessels in waters subject to U.S. jurisdiction and all U.S. vessels on the high seas.

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A-5. From this point, the vessels will be divided into two types:

- Recreational vessels
- All others (commercial, government, etc.)

A-6. Post Recreation and Others on the board.

A-7. WHAT MUST ANY VESSEL BE DOING IN ORDER FOR THIS REGULATION TO BE ENFORCEABLE?

It must be in operation.

A-8. WHAT DOES OPERATION LOOK LIKE ON A RECREATIONAL VESSEL?

The vessel must be underway and someone must be in control of the vessel's navigation or propulsion.

A-9. WHO ON THE VESSEL CAN WE APPLY THIS LAW TO?

Operators and passengers (if the passenger is in control of navigation or propulsion).

A-10. Illustrate by role-playing, using a student in his chair mimicking driving a boat while you give him helm and throttle commands.

A-11. WHO IS IN CONTROL NOW?

The one giving the commands.

A-12. SO, IS IT POSSIBLE TO APPLY THIS LAW TO MORE THAN ONE PERSON ON A RECREATIONAL VESSEL?

Yes

A-13. WHAT DOES OPERATION LOOK LIKE ON ALL OTHER VESSELS?

The vessel is underway, or the vessel is moored engaged in dockside evolutions (for example: refueling, off loading, on loading etc.).

A-14. WHO DOES THIS LAW APPLY TO ON BOARD THIS VESSEL?

The entire crew. For example: during an emergency, the cook may be the number one hose man.

A-15. If the vessel is tied up at the pier and all evolutions are secured, then the crew is allowed to drink.

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A-16. WHAT IS THE FEDERAL STANDARD OF INTOXICATION FOR A RECREATIONAL VESSEL?

Blood Alcohol Concentration (BAC) of .08 and/or behavioral standards.

A-17. WHAT IS THE FEDERAL STANDARD FOR OTHER VESSELS?

BAC of .04 and/or behavioral standards.

A-18. WHAT DOES THE REGULATION SAY ABOUT STATE STANDARDS?

When in state waters (concurrent jurisdiction), you will use the state standards on recreational vessels if they are lower than .08.

A-19. WHAT EVIDENCE DO YOU NEED TO PROVE INTOXICATION?

A chemical test and/or behavioral observations.

A-20. WHEN CAN YOU DIRECT A PERSON TO TAKE A CHEMICAL TEST?

When a marine casualty has occurred or the Boarding Officer suspects intoxication.

A-21. WHAT IF THE INDIVIDUAL SAYS NO TO THE CHEMICAL TEST?

Advise him, "If an individual refuses to submit to or cooperate in the administration of a timely chemical test when directed by a law enforcement officer, based on reasonable suspicion, evidence of the refusal is admissible as evidence in any administrative proceeding and **THE INDIVIDUAL WILL BE PRESUMED INTOXICATED.**"

A-22. WHAT IS THE OFFENSE CLASSIFICATION FOR BUI?

Civil and Criminal.

A-23. COMMANDANT policy tells the person out in the field how to enforce BUI laws.

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A-24. WHEN DOES THE COMMANDANT WANT THIS REGULATION ENFORCED?

During the course of your routine duties/patrols; this does not exclude increased BUI enforcement efforts during periods of increased Coast Guard patrol activities such as Memorial Day and Labor Day weekends, or other special events attracting large numbers of recreational boaters.

A-25. WHAT DO YOU DO IF YOU COME ACROSS A RECREATIONAL VESSEL AND YOU SUSPECT INTOXICATION?

- Administer Field Sobriety Tests
- Document your findings
- Issue a civil penalty citation, if applicable
- If necessary, terminate use and notify local authorities

A-26. WHAT DOES THE POLICY SAY ABOUT DETAINING FOR OTHER AGENCIES?

You can detain or restrain in cuffs if the policy requirements are met.

A-27. WHAT OTHER THINGS MUST YOU CONSIDER IF YOU INTEND TO TURN THE SUSPECT OVER TO STATE/LOCAL AUTHORITIES?

According to G-OPL, if your intent is to transfer the individual to state/local authorities, do nothing during your investigative process that will interfere with the state's ability to prosecute.

A-28. WHAT DOES THAT MEAN?

EXAMPLE: If...

- The state needs a chemical test in order to convict on BUI
AND
- The state only requires the operator to submit to **ONE** chemical test, regardless of who administers it
AND
- The court does not recognize the validity of the ALCO-SENSOR III or ALCO-SENSOR IV as a certified test
THEN
- **DON'T ADMINISTER THE CHEMICAL TEST**

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A-29. CAN WE DETAIN THE OPERATOR OF A FOREIGN-FLAGGED RECREATIONAL VESSEL?

Yes. Detention of a foreign-flagged recreational vessel doesn't require Flag State authorization. If possible, the operation of the vessel should be turned over to an alternate operator.

A-30. WHAT DO YOU DO IF YOU COME ACROSS A COMMERCIAL VESSEL AND YOU SUSPECT INTOXICATION?

Administer FSTs, document findings and notify OPCON (do not terminate without the approval of OPCON).

A-31. HOW ABOUT A FOREIGN-FLAGGED COMMERCIAL VESSEL?

On the high seas, a Statement of No Objection (SNO) is required. In waters subject to U.S. jurisdiction, a SNO is not required, but if BUI is suspected, seek further guidance from OPCON.

A-32. WHAT IS THE GOAL OF THE BUI POLICY?

- To ensure an intoxicated operator does not operate a vessel in order to reduce the threat of harm to self and to others
- To educate the recreational boating public on existing BUI regulations and the requirements for safe boating

A-33. WHY DOESN'T THE COAST GUARD ARREST EVERY INTOXICATED BOATER THEY ENCOUNTER?

Because the majority of cases are handed off to Local or State Law Enforcement.

NOTE: Federal Arrest is normally reserved for most egregious violations. See MLEM, Chapter 11.

A-34. WHAT SHOULD YOU DO PRIOR TO CONDUCTING BUI ENFORCEMENT IN YOUR AREA?

State and local authorities may have to satisfy more stringent evidentiary requirements to prove a BUI violation. Therefore, advance coordination with state or local officials is required to ensure that Coast Guard BAC testing does not limit options for effective state or local prosecution.

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A-35. CONSIDERING GUIDANCE FROM YOUR LOCAL U.S. ATTORNEY, WHEN WOULD A BUI ARREST BE JUSTIFIED?

- When there is an assault on a Boarding Officer or Boarding Team Member
- When there is a marine casualty
- Some repeat offenders
- Serious threats to safety
- Incidents which result in serious injury or death

INSTRUCTOR NOTE: In the event a suspected BUI case cannot be handed off to local or state Law Enforcement, arrest approval/guidance will be directed by OPCON.

NOTE: The following are things that you, as the arresting officer, must ensure happen.

A-36. WHAT DO WE DO WITH AN INTOXICATED BOATER WHEN WE HAVE NO LOCAL AUTHORITIES TO TURN HIM OVER TO?

- Keep the person at the unit until they are sober.
- Call a relative (i.e. spouse, parent) to pick them up.

A-37. ARE WE ALLOWED TO SEND THEM HOME IN A CAB?

Yes.

A-38. WHAT IF YOU ENCOUNTER AN INTOXICATED BOATER AND HE HAS A PASSENGER ON BOARD, SHOULD YOU MAKE THE OTHER PERSON DRIVE THE BOAT?

Yes, if the individual is willing, sober and able to safely operate the vessel, and able to prevent the intoxicated individual from operating the vessel.

A-39. HOW DO YOU HANDLE A BUI CASE IF A SAR CALL COMES IN WHILE YOU'RE IN THE MIDDLE OF THE BUI?

- Ensure the vessel is in a safe location
- Give the operator specific instructions not to operate the vessel
- Contact your unit or local authorities for possible assistance
- Depart en route to the SAR call

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A-40. DO WE WANT TO SET UP A BLOCKADE IN THE WATERWAYS OR NEAR A MARINA TO STOP INTOXICATED BOATERS?

No.

A-41. WHY NOT?

The policy is to be enforced during the normal course of our duties.

Unit B

Total Time:

1 hour

Unit B Objectives:

1. **EXPLAIN** Physiology as it relates to alcohol, to include absorption, distribution, and elimination.
2. **STATE** the factors that affect an individual's Blood Alcohol Concentration (BAC).
3. **IDENTIFY** observable effects expected at different levels of impairment.
4. **EXPLAIN** stressors as they relate to behavioral observations to include Medical, Environmental, Daytime and Nighttime.

Unit B Instructional Activities:

GA-1. WHY IS IT IMPORTANT FOR BOARDING OFFICERS TO KNOW HOW ALCOHOL AFFECTS THE BODY?

Individuals exhibit different behaviors at different BAC levels. If the Boarding Officer can identify these behaviors, he can estimate the individual's level of intoxication and possibly avoid a compromising situation.

RP-1. WHAT MUST ANY VESSEL BE DOING IN ORDER FOR THE BUI REGULATION TO BE ENFORCEABLE?

It must be in operation.

RP-2. WHAT IS THE FEDERAL STANDARD OF INTOXICATION FOR A RECREATIONAL VESSEL?

BAC of .08 and/or behavioral standards.

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B-1. WHAT IS ALCOHOL?

Alcohol is the name given to a family of closely related and naturally occurring chemicals. They produce intoxicating effects when ingested into the human body. Only one of them is meant for human consumption, Ethanol.

INSTRUCTOR'S NOTE: This information is found in the *International Police and Technology Management (IPTM) Student Manual, Page II-14, paragraph 3.*

B-2. WHAT IS PHYSIOLOGY AS IT RELATES TO ALCOHOL?

It is the process of how alcohol is absorbed, distributed and finally eliminated from the body.

B-3. HOW DOES ALCOHOL GET INTO THE BODY?

By drinking it.

B-4. IS THAT THE ONLY WAY?

No, it can be inhaled, injected, inserted or absorbed by skin contact.

B-5. AFTER YOU TAKE A DRINK OF ALCOHOL, WHAT STARTS TO HAPPEN?

It starts being absorbed by the mucous membranes in the mouth.

B-6. THEN, WHERE DOES IT GO?

Through the throat, into the stomach.

B-7. HOW MUCH OF THE ALCOHOL IS ABSORBED BY THE STOMACH?

When alcohol enters the EMPTY stomach, about 20% of it will go directly into the stomach wall.

INSTRUCTOR'S NOTE: This information is found in the *IPTM Student Manual, Page II-14, paragraph 3.*

B-8. WHERE DOES THE ALCOHOL GO?

Alcohol goes into the small intestine.

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- B-9. WHAT CONTROLS THE PASSAGE OF THE ALCOHOL FROM THE STOMACH INTO THE INTESTINE?

The Pylorus valve. The Pylorus is the muscle on the Pyloric valve.

INSTRUCTOR'S NOTE: This information is found in the *IPTM Student Manual*, Page II-14, paragraph 5.

- B-10. WHAT CAUSES THE PYLORUS VALVE TO OPEN OR CLOSE?

The contents of the stomach.

- B-11. WHAT EFFECT DOES THE OPENING OF THE PYLORUS VALVE HAVE ON THE ABSORPTION OF ALCOHOL?

If the stomach is full, it slows the absorption process.

- B-12. AFTER THE ALCOHOL IS ABSORBED, WHAT HAPPENS NEXT?

It is distributed throughout the body.

- B-13. HOW DOES IT GET DISTRIBUTED?

By the blood.

- B-14. WHAT DETERMINES HOW MUCH OF THE ALCOHOL GOES WHERE?

The water content of the tissue or organ.

- B-15. In other words, the alcohol is distributed equally to the body depending on the water content of the organ.

- B-16. WITH THAT IN MIND, WHAT DIFFERENCES ARE THERE BETWEEN THE MALE AND FEMALE BODY?

The female has a higher percentage of fat cells per pound of body weight.

- B-17. WHAT DOES THAT DO?

The same amount of alcohol records as a higher concentration in a female's blood.

- B-18. The next part is the elimination of the alcohol.



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B-19. WHAT ARE THE TWO WAYS THE BODY ELIMINATES ALCOHOL?

Through excretion and by being metabolized.

B-20. CAN SOMEONE DEFINE THOSE TERMS IN SIMPLE LANGUAGE?

Excretion is the elimination of alcohol by breath, urine, sweat, etc.

B-21. WHAT HAPPENS DURING THE METABOLISM PROCESS?

The liver oxidizes or burns off the alcohol.

B-22. HOW MUCH OF THE ALCOHOL IS EXCRETED FROM THE BODY?

About ten percent is excreted by the body.

B-23. HOW MUCH IS BURNED BY THE LIVER?

The remaining 90%.

B-24. WHAT IS THE RATE OF ELIMINATION OF ALCOHOL?

Approximately one standard drink per hour.

B-25. IS THERE ANY WAY TO SPEED UP THE PROCESS OF ELIMINATION?

No, only time can eliminate alcohol from the body.

B-26. The interaction of the three processes takes place simultaneously, and all three determine the individual's blood alcohol concentration (BAC).

B-27. WHAT ARE SOME OF THE FACTORS THAT ALSO AFFECT THE PERSON'S BAC?

- a. Individual's weight
- b. Fat content
- c. Contents of the stomach
- d. Amount of alcohol consumed
- e. Time period alcohol was consumed
- f. Type and concentration of alcohol or mixers used



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B-28. ARE THERE ANY QUESTIONS ON THE PHYSIOLOGY OF ALCOHOL OR THE FACTORS THAT AFFECT A PERSON'S BLOOD ALCOHOL LEVEL?

B-29. Let's talk now about the effects that the BAC has on an individual.

B-30. WHAT TYPE OF A DRUG IS ALCOHOL?

It is a Central Nervous System Depressant.

B-31. WHEN DOES IT BEGIN AFFECTING A PERSON?

Alcohol's depressing effects on the central nervous system begin immediately, with the first drink. These effects progress steadily as the BAC increases.

B-32. Studies have been conducted about the effects of rising BAC and you read about some of those results in your reading assignment.

B-33. Now, we are going to talk about some of those effects at different BAC levels.

B-34. (Sketch a thermometer on the board.)

B-35. Some people show evidence of impairment, even at low levels of BAC. Other people, we call combat veterans, who are usually past DUIs or alcoholics, are able to hide or mask these effects to some degree. Not all people show the effects in exactly the same way at all times.

B-36. However, certain effects can be expected to be observable in virtually all cases, if one knows how to look for them.

B-37. WHAT HAPPENS AT .03 BAC?

Reactions are measurably slowed for persons tested under controlled conditions. A noticeable impairment of reaction time occurs when BAC reaches .03.

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B-38. WHAT HAPPENS AT A BAC OF .04?

- A person's ability to divide attention is impaired.
- A person has difficulty doing two simple tasks at once.
- A person has problems listening and performing a task at the same time.

For example, in a FAA study, airline pilots were unable to do more than one simple task at the same time. (Talking on the radio, and flying the plane.)

B-39. WHAT HAPPENS AT A BAC OF .05?

Judgment and inhibitions are noticeably impaired.

B-40. WHY SHOULD YOU CARE ABOUT A PERSON'S JUDGEMENT?

The safety of the Boarding Officer (BO) and the Boarding Team Member (BTM) could be at risk. An impaired person may think his chance of winning a confrontation increases and may attempt to harm you or one of your Boarding Team Members.

B-41. WHAT HAPPENS WHEN BAC REACHES .08?

- The person's vision is impaired.
- The person may lose peripheral vision or have difficulty focusing.

B-42. WHAT HAPPENS AT .10?

Muscle control is definitely impaired at .10 (i.e. balance, coordination, stability).

NOTE: Above .10, all these impairments increase. The individual's motor coordination is significantly impaired.

B-43. WHAT OCCURS AT .20?

Along with the loss of emotional control, you may observe some radical mood swings.

B-44. WHAT HAPPENS AT A LEVEL OF .30?

A person's comprehension becomes affected and the individual's ability to be able to recognize objects and situations around him/her is affected.

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B-45. WHAT HAPPENS AT BAC LEVELS OF .50 AND ABOVE?

Vital functions, such as respiration and heartbeat, can be affected.

B-46. All of these effects of alcohol dramatically reduce a person's ability to operate a vessel safely.

B-47. Because of these effects, the chances of being involved in an accident increase sharply as the BAC rises.

B-48. IN THE MARINE ENVIRONMENT, IS THERE ANYTHING THAT MIGHT AFFECT THE BOATER'S ABILITY TO OPERATE A VESSEL?

Yes. Seasickness, being tired, sunburn, etc.

B-49. WHAT DO WE CALL THESE THINGS?

Stressors.

B-50. Stressors mimic intoxication.

B-51. STRESSORS ARE DIVIDED INTO WHAT TWO GROUPS?

- Environmental stressors, which are common to boating
- Medical

B-52. WHAT ARE SOME EXAMPLES OF COMMON MEDICAL STRESSORS YOU MAY ENCOUNTER AS A BOARDING OFFICER?

Diabetes, (insulin shock), stroke, and seasickness.

B-53. WHAT DOES DIABETIC SHOCK LOOK LIKE?

Symptoms include acetone breath, slurred speech or loss of motor control.

NOTE: The Boarding Officer must remember that these conditions may require immediate medical attention. If in doubt, contact a medical authority.

B-54. ENVIRONMENTAL STRESSORS CAN BE DIVIDED INTO WHAT TWO TYPES?

Daytime and nighttime stressors.

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B-55. WHAT ARE SOME OF THE DAYTIME STRESSORS?

List on board or flipchart:

- Fatigue
- Shock (pounding of the boat)
- Heat and sun glare
- Time pressure

B-56. WHAT ARE SOME OF THE NIGHTTIME STRESSORS?

- a. The same as daytime, except replace the sun with the moon.
- b. Reduced Vision Background Lighting.
- c. The difference between daytime and nighttime operations.

B-57. HAS ANY ONE HERE EVER BEEN PULLED OVER BY A SHARP LOOKING STATE TROOPER WITH MIRRORRED SUNGLASSES AND A VERY STEADY VOICE SAYING, "MAY I SEE YOUR DRIVERS' LICENSE PLEASE?"

(Students raise their hands.)

B-58. HOW DID YOU FEEL?

Nervous, heart racing, etc. Now think about how you would feel being on board a vessel being pulled over.

B-59. CAN YOUR PRESENCE BE A STRESSOR?

Yes.

B-60. When the effects of alcohol/drugs are added to the effects of stressors on a vessel, it creates a much more dangerous situation than the alcohol by itself.

B-61. WHAT DOES ALL THIS INFORMATION MEAN TO YOU AS A BOARDING OFFICER ON THE JOB AND WHY IS IT IMPORTANT TO KNOW?

Without it, you would not be able to properly detect an intoxicated operator.

PROVIDING LEARNING GUIDANCE

Remind students that they will have an opportunity to identify some of these behaviors during Detection I, II, and III which is the next block of instruction following this one.



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PROVIDE PRACTICE

Students will be provided the opportunity to practice on identifying behaviors of intoxication during the next block of instruction. (Detection I, II, and III).

PROVIDE FEEDBACK

Students will be provided feedback on the identification of behaviors of intoxication during the next block of instruction. (Detection I, II, and III).

ASSESS PERFORMANCE

N/A

ENHANCE RETENTION AND TRANSFER

In the next class, we will take the factors we just went over and will use them to make some determinations.



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