



IR65

MARINE INCIDENTS

IR65

Effective Date: 01 January 1996
Last Reviewed/Revised Date: 04 September 2020*

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POLICY

1. The Delta Police Department (Department), in cooperation with the Richmond Detachment of the Royal Canadian Mounted Police (Richmond Detachment), participate in a Joint Forces Operation (JFO) to conduct Marine Patrols in waters neighbouring the two communities.
2. This JFO is called the Joint Marine Unit (JMU).

REASON FOR POLICY

3. To provide guidelines for JMU members in respect to:
 - a) general marine patrols;
 - b) assisting other agencies/organizations;



- c) marine collision investigation;
 - d) recovery of stolen vessels; and
 - e) impaired operation of a motor vessel
4. To ensure the Department complies with statutory requirements and obligations in relation to Marine Incidents.

RELATED POLICIES & DOCUMENTS

IR66 – Marine Operations
IM60 – Motor Vehicle Collisions
Memorandum of Understanding between the Department and the RCMP,
Richmond Detachment, regarding Joint Marine Patrols
Transport Canada Marine Accident/Incident reporting form 1808 (01-10)

PROCEDURES

Recording of Joint Marine Unit Activity

5. A Joint Marine Unit Log (available from the JMU Coordinator) will be completed every time a Department member participates in a Marine Patrol. The log records the:
- a) date and hours of the patrol;
 - b) RCMP vessel operator and RCMP crew member(s);
 - c) Department crew member(s);
 - d) number of vessels inspected;
 - e) number and type of Warning Tickets issued;
 - f) number and type of Violation Tickets issued; and
 - g) PRIME file number and a synopsis of any service call self generated or responded to, and any assist file number generated.

General Marine Patrol

6. General Marine Patrols are conducted to:



- a) enhance public awareness of a police water-borne presence;
 - b) increase pleasure craft inspections;
 - c) increase shoreline patrols;
 - d) enforce offences contrary to the *Federal Contraventions Act*;
 - e) decrease marine response times; and
 - f) potentially save lives.
7. To accomplish 6(a) above, JMU members will engage the public on the water, and on shore at marinas and boat-launches.
 8. To accomplish 6(b) above, JMU members will conduct pleasure craft inspections at marinas, boat launches and on the water.
 9. To accomplish 6(c) above, JMU members will spend a portion of their shift patrolling sections of the shoreline that are prone to water accessed crimes (example: thefts at marinas, float home communities, or commercial/industrial sites).
 10. To accomplish 6(d) above, JMU members will use the Canadian Safe Boating Guide as a reference for safety and equipment requirements for pleasure craft. Members will use their discretion, and issue either warning tickets or violation tickets for the various infractions.
 11. To accomplish 6(e) above, any on-shift JMU member can be sent by their NCO to join with an RCMP vessel operator to respond quickly to a call for service.
 12. To accomplish 6(f) above, by participating in the JMU the Department serves our community by providing an asset that can respond with relative rapidity to a marine incident.
 13. General Marine Patrols will be conducted with the safety of the crew as the paramount, overriding concern, followed by the safety of the public and the protection of property.
 14. JMU members must adhere to RCMP policy regarding vessel safety and personal safety (this policy is addressed during JMU training), especially regarding the issue of wearing a Personal Flotation Device (PFD) at all times when on the dock, near the shoreline, or on any vessel.



15. Prior to leaving the dock Department members will book on with Dispatch with their portable radio. The vessel is equipped for an MDT. If the RCMP vessel operator has brought an MDT to install, then all members should be entered as crew on the MDT.
16. Though most pleasure craft operators are law abiding citizens JMU members must remember not to become complacent. Officer awareness is just as necessary when stopping a vessel on the water as stopping a motor vehicle.
17. Vessel Registration numbers (printed on the bow of any boat with an engine greater than 9.9 horse-power) should be noted prior to conducting any check, and relayed to Dispatch.
18. If the JMU is pulling to shore to conduct a check of a suspicious circumstance, members should radio dispatch with their location and the specifics of the circumstance.
19. The RCMP vessel operators are responsible for the safety of the crew, therefore they will at times, and when circumstances allow, conduct safety drills on the water to maintain their level of operator expertise and to ensure the crew are able to respond appropriately. Department members will participate in these drills, and offer full cooperation.

Operational Procedures

20. All Marine Patrols will comply with general duty operational procedures, in short, members responsibilities will be the same as if they were in a patrol car. All reports and exhibits will be handled as usual except for the following.
21. Acts that provide authority for police to investigate marine activities include:
 - a) *Criminal Code of Canada (CCC):*
 - i) CCC 74. (1) Piracy,
 - ii) CCC 249. (1) Dangerous operation of motor vehicles, vessels and aircraft,
 - iii) CCC 250. (1) Failure to keep watch on person towed,
 - iv) CCC 250. (2) Towing a person after dark,
 - v) CCC 251. (1) Unseaworthy vessel,



- vi) CCC 252. (1) Failure to stop at the scene of an accident,
 - vii) CCC 253. Operation while impaired,
 - viii) CCC 322. (1) Theft (Punishment for theft – CCC 334),
 - ix) CCC 335. (1) Taking motor vehicle or vessel, or found therein without consent,
 - x) CCC 354. (1) Possession of property obtained by crime,
 - xi) CCC 259. (4) Operation while disqualified,
 - xii) CCC 415. Offences in relation to wreck, and
 - xiii) CCC 438. (1) Interfering with saving of wrecked vessel; and
- b) The *Contraventions Act (1996)*:
- i) this Act enables law enforcement officials to issue tickets and fines for offences under the Transport Canada Small Vessels Regulations, or the Boating Restriction Regulations,
 - ii) all JMU members will carry with them, and make themselves familiar with the regulations listed within the Canadian Safe Boating Guide and use the guidelines therein for the enforcement of on the water violations, and
 - iii) when uncertainty arises regarding an appropriate charge, officers can contact the Canadian Coast Guard Hotline at [REDACTED] for advice.

Rendering Assistance

22. Marine operators are required by law to assist other mariners in distress. Operators should watch for signals that indicate distress and need of assistance. If a boater is involved in, or comes across an accident on the water, the operator has an obligation to stop and offer assistance as described in the CCC; "in so far as they can do so without serious danger to their own craft and the persons on board, shall render assistance to every person who is found at sea and in danger of being lost."
23. In short, marine law requires that the boater must do what they can to help. In turn, boaters are also protected by the *Canada Shipping Act* and cannot



be held responsible for any assistance they give, providing they have done what any prudent seafarer of their ability would do.

Recovered Stolen Vessels

24. Stolen vessels that are recovered at a marina or a boat-launch, or recovered on-shore where the vessel is accessible, shall be handled by patrol.
25. Stolen vessels encountered on the water shall be handled by the Marine Unit.
26. If the vessel was reported stolen to the Delta Police Department, a supplemental to the original General Occurrence will be completed and should include the following details:
 - a) any damage to the vessel including, point of entry (into cabin), manner which the vessel appears to have been started, any other exterior or interior damage;
 - b) whether the Registration Numbers and HIN are present, or removed or altered;
 - c) any items found on the vessel; and
 - d) the date and time and what means were used to notify the registered owner. If the vessel is towed, note the location the vessel is towed to, and submit a towed vehicle page.
27. The investigating member must also treat the vessel as a crime scene and inspect it for evidence that may lead to the suspect(s) that stole the vessel. If there appears to be evidence worthy of examination by Lower Mainland District Integrated Forensic Identification Service (LMD IFIS) then the investigator will seize the vessel and take appropriate steps to protect the evidence and have the vessel transported to a location where it can be further examined. Security and continuity must be ensured. The vessel will be treated and released in the same manner as a stolen auto.
28. If the vessel was stolen from another jurisdiction the investigator will follow all the steps above where appropriate.
29. If the vessel was stolen from another jurisdiction the investigator will still inspect it for evidence that may lead to the suspect(s) that stole the vessel. If such evidence appears to exist, the investigator will request that the originating police agency be notified by CPIC of the vessel's recovery, and



- advise them of the nature of the possible evidence in the vessel. The investigator will also request their direction on the handling and processing of both the evidence and the vessel.
30. The investigator will also request the originating police agency to notify the RO of the vessel regarding its recovery, the status of the investigation, and the process for future retrieval of the vessel.
 31. If it is determined that there is no evidence in the vessel, the investigator will request that the originating police agency be notified by CPIC of the vessel's recovery and asked to:
 - a) notify the registered owner of the vessel's recovery;
 - b) provide instructions on how to dispose of the vessel (tow to compound, marina, or other location, leave for RO to pick up, etc); and
 - c) document all of the above in the General Occurrence.

Sunken Vessels, Derelict Vessels & Vessels Adrift

32. If the JMU discovers, or is dispatched to a report of a sunken vessel, a derelict vessel, or a vessel adrift within our joint jurisdiction, members will:
 - a) determine if the vessel is occupied or unoccupied;
 - b) determine if the vessel is stolen (if it is, see 'Recovered Stolen Vessels' above);
 - c) determine the need for additional resources;
 - d) determine if the vessel is a navigational hazard (where it has the potential to cause personal or property damage);
 - e) determine if the vessel is an environmental hazard (such as leaking oil);
 - f) determine whether it is possible to safely tow and secure the vessel to a nearby dock, or pilings. If the RCMP officer in charge of the Fraser Guardian agrees that the vessel can be towed to a nearby secure location without risking the RCMP vessel or the JMU crew, then this action will be undertaken; and



- g) determine the GPS location (latitude/longitude) of the vessel.
33. No member will infer or state that they have 'taken control or command of the vessel' unless it becomes a crime scene.



Marine Collision Report/ Marine Incident Report – Transport Canada

35. Under Section 2(1) of the Transportation Safety Board Regulations, reportable Marine Collision means an accident resulting directly from the operation of a vessel other, than a pleasure craft, where:
- a) a person sustains a serious injury or is killed as a result of:
 - i) being onboard the ship or falling overboard from the ship, or
 - ii) coming into contact with any part of the ship or its contents; or
 - b) the ship:
 - i) sinks, flounders, or capsizes,
 - ii) is involved in a collision,
 - iii) sustains a fire or an explosion,
 - iv) goes aground,
 - v) sustains damage that affects it seaworthiness or renders it unfit for its purpose, or
 - vi) is missing or abandoned.
36. Section 2(1) also defines a reportable Marine Incident as an incident resulting directly from the operation of a vessel, other than a pleasure craft, where:
- a) a person falls overboard from the ship;
 - b) the ship, of one hundred gross tons or more, unintentionally makes contact with the bottom without going aground;



- c) the ship fouls a utility cable or pipe, or an underwater commodity pipeline;
- d) the ship is involved in a risk of collision;
- e) the ship sustains a total failure of any machinery;
- f) the ship sustains a shifting of cargo or a loss of cargo overboard;
- g) the ship is intentionally grounded or beached to avoid an accident;
- h) any crew member whose duties are directly related to the safe operation of the ship is unable to perform the crew member's duties as a result of a physical incapacitation that poses a threat to the safety of any person, property or the environment; or
- i) any dangerous goods are released on board or from the ship.

[REDACTED]

Obligations in Case of Collisions

38. The *Canadian Shipping Act, 2001*, Section 148 identifies the duties of the master of a vessel in a collision and states as follows:

If vessels collide, the master or person in charge of each vessel shall, if and so far as they can do so without endangering their vessel, crew or passengers:

- a) render to the other vessel, its master, crew and passengers the assistance that may be necessary to save them from any danger caused by the collision, and to stay by the other vessel until the master or person has determined that it has no need of further assistance; and
- b) give the name of their vessel, if any, the name and address of its authorized representative, if any, and any other prescribed information to the master or person in charge of the other vessel.



39. However, none of the above two sections apply to pleasure craft. New regulations within the Small Vessels Regulations identifies the requirements for pleasure craft accident reporting, but at this time no province has signed the agreement with the MOT to accept this addendum to the regulations.
40. It is anticipated that the regulations will be signed by all provinces at some point. In anticipation of that occurring the addendum to the Small Vessels Regulations reads as follows:

Section 1100 – Pleasure Craft Accident Reporting

- 1) This section applies in a province whose government has reached an agreement with the Minister in respect of pleasure craft accident reporting procedures, if a notice confirming that agreement has been published in the Canada Gazette.
 - 2) If a pleasure craft is involved in an accident that results in injury to a person who requires medical treatment beyond first aid, but not admittance to a hospital, or that causes property damage estimated at more than \$2500, the operator of the pleasure craft shall complete an accident report and submit it to the Minister within 14 days after the day of the accident.
 - 3) If a pleasure craft is involved in an accident that results in a fatality, injury to a person who requires admittance to a hospital, or property damage estimated at more than \$5,000, following a fire, an explosion, or a collision with another vessel or other floating or fixed structure, the operator of the pleasure craft shall report the accident to the local police as soon as possible.
41. As noted in sub-paragraph 3) above the police of jurisdiction will be receiving and investigating those reports. Additionally, aspects of the CCC, such as the impaired operation, or dangerous operation of a motor vessel, suggest that pleasure craft collisions should be investigated regardless of reporting requirements.
 42. However, currently there is no requirement to report an accident between two pleasure crafts.

Marine Collision Investigations

43. As noted, marine collisions are reportable to Transport Canada with the current exemption of pleasure craft.



44. In general, incidents on the water are considered a federal responsibility and therefore, not usually a municipal policing concern. However, since we are participating in a joint venture with our federal policing partners, it is expected that we will assist when necessary, and perhaps take the lead depending upon the circumstances.
45. The police act as first responders and investigators of such accidents based on the type of vessel(s) involved and the location. Generally speaking, the JMU will only respond to smaller commercial traffic vessels requesting assistance due to a marine collision within our local waters, or pleasure craft collisions within our jurisdiction that require investigation due to other considerations, such as the impaired operation, or dangerous operation of a motor vessel.
46. Under usual circumstances Department members will follow the lead of the RCMP at marine collisions, and follow their policy.
47. However, if circumstances warrant that a Department member take the lead, then our members will use the Department Operations Policy IM60 – *Motor Vehicle Collisions*, as a guideline for conducting marine vessel collisions. The investigative process will be consistent in most circumstances with allowances made considering the marine environment.
48. Depending upon the severity of the collision, the investigator may request the services of a Transport Canada Marine Collision Analyst.
49. Collisions will be reported on PRIME. When collisions fall within the reportable parameters noted in paragraphs 35 and 36 above, members will fill out Transport Canada form TSB 1808 (01-10) as noted in paragraph 37. These requirements will also apply to pleasure craft once pleasure craft collision reporting becomes mandatory.

Marine Collision Involving the RCMP Vessel

50. If there is a collision involving the RCMP vessel, Fraser Guardian, the first priority of the JMU members is the health and safety of all onboard personnel, the health and safety of the occupants of any other vessel involved in the collision, followed by the condition and safety of the RCMP vessel, followed by the condition and safety of any other vessel involved in the collision.
51. Once again, JMU members will follow the lead of their RCMP counterpart. However, if circumstances warrant a Department lead, such as if the



- collision occurred irrefutably within our jurisdiction, then our members will reference Policy IM60 – *Motor Vehicle Collisions*. Therein, is a section entitled Department Vehicle Collisions. This section of the policy will be followed where practicable. Usually, the vessel operator will be an RCMP member, therefore RCMP policies must be considered as well.
52. Additional consideration must be given to the Memorandum of Understanding signed by the two police agencies.
 53. If a collision involving the Fraser Guardian occurs within the jurisdiction of a third police agency, then it may be applicable to have members from that jurisdiction conduct the investigation. This will be determined by dialogue between the RCMP, Delta Police and third jurisdiction Duty Officers.
 54. The Fraser Guardian is registered as a commercial vessel and therefore any accidents or incidents described in paragraphs 35 and 36 are reportable to Transport Canada as per paragraph 37.

Assisting other Agencies/Organizations

55. Circumstances will arise where other police, provincial and federal agencies will require the assistance of the JMU. When possible, requests for assistance should go through the Department and RCMP JMU Coordinators in advance.
56. When circumstances necessitate an immediate decision as to whether or not to assist another agency, it will be the responsibility of the RCMP vessel operator, in consultation with their crew, to determine the suitability of such assistance. When in doubt a supervisor should be consulted.
57. See Policy IR66 – *Marine Operations* for a non-exclusive list of agencies we will offer assistance to.

MARSEC Levels (Marine Security Levels)

58. Assisting other agencies may include response to an increase in MARSEC Levels as defined in the *Marine Transportation Securities Act*.
59. There are three MARSEC levels:
 - a) Level 1 – the level which minimum security procedures are maintained at all times by vessels, ports and marine facilities. This is the normal operating standard;



- b) Level 2 – is activated for a limited time as a result of a heightened risk of a security threat, or security incident, such as credible information regarding a potential threat to a marine facility; and
- c) Level 3 – is activated for a limited period when a security threat, or security incident, is probable or imminent regardless of whether the specific target is identified, such as a credible threat of an imminent act of terrorism to an unidentified target.

*Revised Dates:
N/A