

# Pennsylvania's

# BUI/DUI Joint Task Force Pilot Program

by George C. Geisler Jr.

Each year, boating-under-the-influence (BUI) accidents account for deaths, injuries and property loss on waterways. But when boat operators consume alcoholic beverages or take controlled substances while boating and then get into a motor vehicle to drive home, a BUI becomes a DUI (driving under the influence). For this reason, BUI enforcement is not limited to the state's waterways.

Alcoholic beverage manufacturers often market their products as a leisure activity related to fishing and boating. As a result, many people view consumption of alcoholic beverages as a routine activity while fishing or boating. Moreover, while DUI is not socially acceptable, some people do not believe that impaired boating carries any serious consequence. The increased availability and use of controlled substances often occur during fishing or boating events because people believe they are unlikely to encounter law enforcement officers in, on or along waterways.

## Task force

With the help of the Pennsylvania DUI Association, the Pennsylvania Fish & Boat Commission's Bureau of Law Enforcement established a joint BUI/DUI task force pilot program. Task force members include the Pennsylvania Fish & Boat Commission's Bureau of Law Enforcement, the Pennsylvania Department of Transportation's (PennDOT) Bureau of Highway Safety and Traffic Engineering, various county DUI program coordinators, the Pennsylvania Liquor Control Board's Bureau of Alcohol Education, and the Pennsylvania DUI Association. This cooperative inter-agency simultaneous intensified patrol enforce-

ment initiative on both land and water constituted the first of its kind on this scale in Pennsylvania.

BUI enforcement is limited because of the small number of WCOs: They simply cannot detect all boaters under the influence. However, the joint task force concept (combining the concurrent under-the-influence enforcement of both land- and water-based officers) proposed to increase prosecutions for BUI and other related crimes. **The task force has five objectives:**

- Reduce the number and severity of DUI- and BUI-related crashes by maximizing law enforcement contacts with vehicle and boat operators at times and locations where a specific need for impaired operator enforcement emphasis has been identified.
- Encourage voluntary compliance with DUI, BUI and other traffic- and boating-related laws by creating a perception of constant enforcement using roving patrols, safety blitzes and sobriety checkpoints.
- Maximize the use of public information and news media coverage of scheduled enforcement activities, as well as the use of public safety messages on billboards, television and radio.



*Most boaters drive vehicles to and from their places of boating. So when boat operators consume alcoholic beverages or take controlled substances while boating and then get into a motor vehicle to drive home, a BUI becomes a DUI.*

- Create public and vehicle/boat operator awareness and concern for highway and waterway safety.
- Establish and maintain a cooperative effort among all law enforcement agencies and the Pennsylvania Fish & Boat Commission's WCOs for safer driving and boating.

During the 2001 boating season, the task force, funded primarily by federal highway safety grant money,

photos-Art Michaels



worked simultaneously on both the major boating pools of the lower Susquehanna River and adjacent roadways to enhance BUI and DUI enforcement and prevent BUI- and DUI-related crashes, injuries and deaths.

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## Funding

Unlike most state agencies, the Pennsylvania Fish & Boat Commission receives no general fund money for its operating budget. For the past several years, the Commission has worked with Mothers Against Drunk Driving (MADD), the Pennsylvania DUI Association, the National Safe Boating Council, the Pennsylvania Trauma Society, the Pennsylvania Traffic Institute for Police Services, and the Pennsylvania State Police to acquire more training and enforcement tools for WCOs. As their limited funding allows, MADD and the Pennsylvania DUI Association have provided pre-arrest breath testing devices and video cameras to several officers. Video cameras have recently been issued to some officers for duty use including BUI law enforcement. The effectiveness of videotaped evidence in criminal proceedings has long been realized as a great tool for successfully prosecuting cases.

Because of limited funding, the Fish & Boat Commission Bureau of Law Enforcement is always seeking grants and donations for such useful enforcement tools as video cameras, night-viewing devices, image-stabilizing binoculars and more to provide these essential but costly tools to WCOs to enhance their law enforcement activity.

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## Results

The results of seven details were impressive overall, despite some limiting factors. The task force averaged 23

boardings per detail, totaling 162. The task force issued a total of 51 citations, an average of 7.4 per detail, tested seven impaired operators, and arrested two operators with blood alcohol content well over the legal limit. Police officers who participated in the roving patrols on nearby highways made arrests ranging from summary traffic violations to DUIs, underage drinking and furnishing alcoholic beverages to minors.

The overall cooperation of the police and DUI coordinators with the WCOs proved successful. All personnel worked together to attain a better understanding of what everyone does and how jobs dealing with impaired operation enforcement of both vehicles and watercraft overlap.

Boaters often don't realize that BUI, like DUI, is a misdemeanor criminal violation. However, the legal blood alcohol content for DUI was recently lowered to .08. The legal blood alcohol content for BUI remains .10, but the Fish & Boat Commission is working with the General Assembly to have the BUI law mirror the DUI law as closely as possible, including the .08 blood alcohol content.

The future of this task force depends on whether agencies receive grant money to help fund the impaired boating aspect of this joint program. The Pennsylvania Fish & Boat Commission hopes to expand the joint enforcement concept throughout the state between land- and water-based law enforcement agencies. ☐

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