

PROCEDURE MANUAL

06-06



MICHIGAN STATE POLICE

Investigating Water Accidents and Stolen Watercraft

Purpose: This manual provides guidance and procedures for members who investigate incidents involving watercraft.

Effective Date: April 19, 2022

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Definitions:

None

Section 1: Water Accidents and Stolen Watercraft

1.1 Reporting Boating Accidents

- a. A person who is thrown or falls out of a boat, jumps out because of a fire or collision, or drowns from a sinking boat, shall be reported on an [Official Boating Accident Report form \(PR-9257\)](#). In addition, the approved incident reporting system, and other reports as needed shall be completed. If a person is swimming from a boat but is struck by another boat, it shall be reported as a boating accident, listing only the striking vessel on the report.
 - i. Distribution of Reports
 1. One shall be forwarded to the Michigan Department of Natural Resources, Law Enforcement Division, Recreational Safety Section, P.O. Box 30031, Lansing, MI 48909-7531.
 2. One copy shall be filed in the post's master file.
 3. One copy shall be filed with the work copy of the incident report if the complaint is open.
- b. The following types of accidents shall not be included in department statistics:
 - i. Drowning, near drowning, or injury when a vessel is not directly involved.
 - ii. A person who voluntarily enters the water from a boat to go swimming and accidentally drowns.
 - iii. Suicides, bathtub drownings, or bodies recovered from the water (unless they are identified and the circumstances of the drowning are determined to be boating related).
- c. All fatal boating accident cases investigated by this department, or in which assistance was given to another agency, or are investigated by other agencies and come to our attention, shall be

reported to the Operations Section as soon as practical, using the LEIN "Accident Report: Fatal Boating/Water" form and providing all information known.

1.2 Incident Report

- a. Under the following circumstances, the approved incident reporting system shall be used instead of the [PR-9257](#):

- b. Unfounded

The approved incident reporting system shall be used to report all unfounded boating accident reports.

- c. Assists

The approved incident reporting system shall be used when members of this department have assisted another agency in investigating a boating accident and that agency is submitting the appropriate form PR-9257.

- d. Incomplete Information

The approved incident reporting system shall be used as the original report on all boating accidents when the PR-9257 cannot be prepared due to lack of information. Form PR-9257 shall be submitted as a supplementary report when sufficient information has been obtained or when the investigation is completed.

- e. Supplementary Investigations

The approved incident reporting system shall be used to report supplementary investigations when the accident was originally reported on the PR-9257.

1.3 Marine Services Team

- a. Members should consider contacting the Marine Services Team for consultation or services in conducting water/boating accident investigations for specialized support in such areas as underwater recovery of evidence and bodies and photography or videotaping of underwater evidence.

1.4 Enforcement

- a. When investigation of a boating accident reveals a violation of the Marine Safety Act, [MCL 324.80101 et seq.](#), or criminal negligence of any kind, enforcement action shall be initiated.
- b. Registration Violation for Watercraft
 - i. The Marine Safety Act contains a provision for carrying the certificate of number (registration issued by the Secretary of State) by the operator of certain vessels. [MCL 324.80124](#) requires that the certificate of number shall be pocket size and legible. When the vessel is in use, the operator shall present the certificate of number for inspection on demand of a law enforcement or conservation officer.
 - ii. All citations issued for this offense shall be forwarded for adjudication to the appropriate court not later than two days after the date of the citation, except for Sundays and legal holidays.

- iii. If a nonresident does not have a certificate of number, the vessel identification numbers shall be file checked through LEIN and NCIC. If the vessel is not reported stolen, no enforcement action shall be taken against the nonresident for this violation. States differ as to the requirement that the certificate of number be carried by the operator.

1.5 Release of Information from the Official Boating Accidents Report

a. Information to be Released to Interested Persons

Requests from attorneys, insurance company representatives, or other persons having interest in the details of any particular boating accident, should be directed to the Records Resource Section.

b. Manner of Releasing Information to Interested Persons

- i. Information relative to a particular boating accident investigated by this department may be released orally.
- ii. Copies of the PR-9257 may be released only to those persons involved in the accident at field level, for a fee of \$10.00. Requests for reports from persons not involved in the accident should be immediately forwarded to the Records Resource Section.
- iii. Copies of reports other than the PR-9257 shall only be released by the Records Resource Section consistent with the Freedom of Information Act.
- iv. When furnishing photocopies of reports, the information contained on both sides of the report may be reproduced.

1.6 Stolen Watercraft

[MCL 324.80317](#) requires a law enforcement agency that receives a report of a stolen watercraft to immediately notify the local sheriff department of the county in which the watercraft was stolen, the Department of State Police, Department of Natural Resources, and the Secretary of State of the watercraft theft.

- a. When investigating a report of a stolen watercraft, the approved incident reporting system shall be submitted, and the stolen watercraft entered into the LEIN/NCIC systems. In addition, the post receiving the watercraft theft report shall immediately notify the sheriff of the county in which the watercraft was stolen.
- b. [MCL 324.80317](#) requires when a stolen watercraft is recovered, the department taking the initial report shall be notified of the recovery and they, in turn, must notify the sheriff, Department of State Police, Department of Natural Resources, and the Secretary of State of the recovery.

Review Responsibility: Field Operations Bureau

Accreditation Standards: CALEA