

Boat and Marine Equipment Theft

Summary Report of a 1979 National Workshop

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Sponsored by:

URI Marine Advisory Service

Sea Grant Program

Insurance Company

of North America



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Summary Report of National Workshop Held April 9-11, 1979,
at W. Alton Jones Campus, University of Rhode Island

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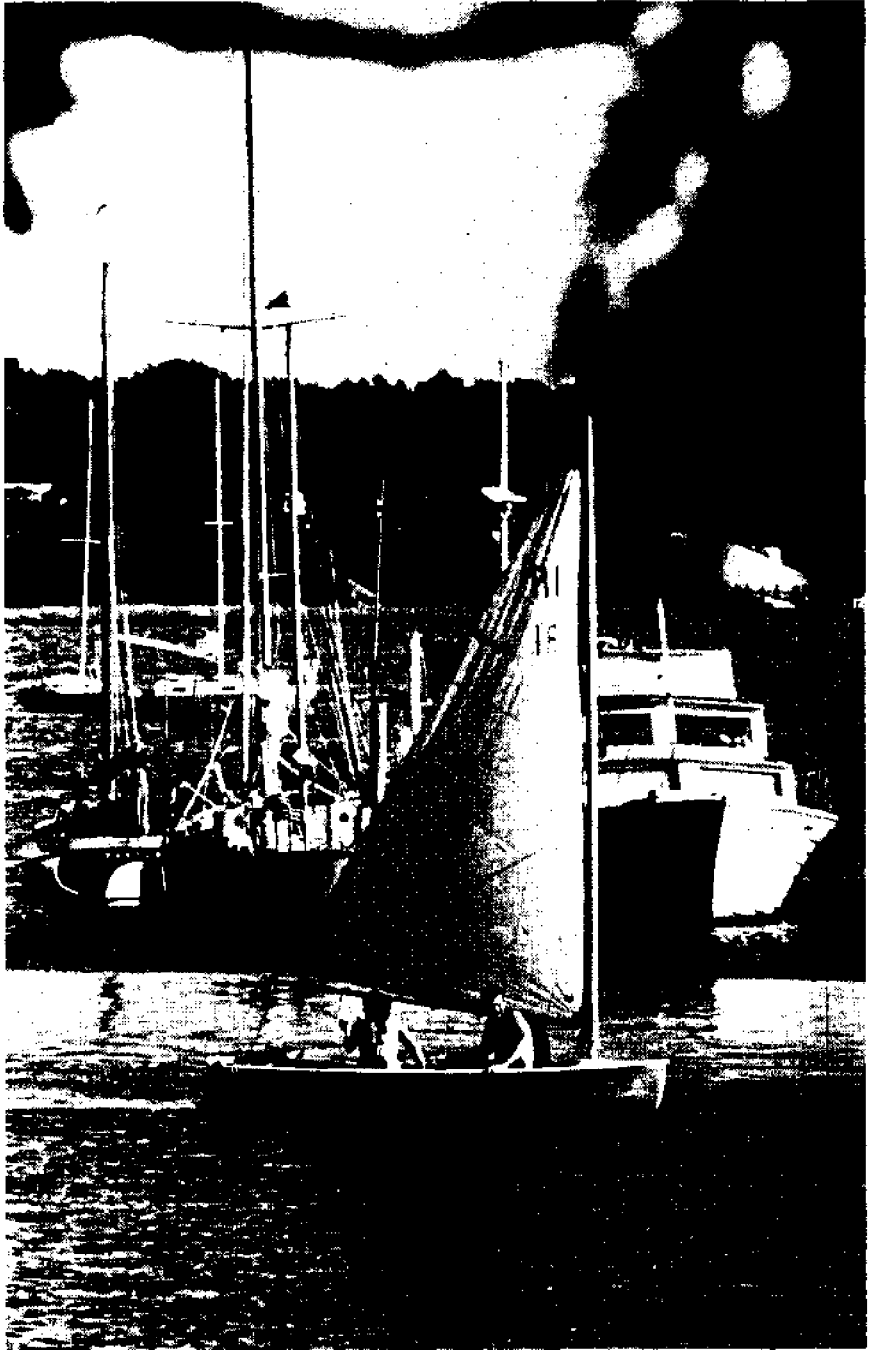
Foreword

For as long as man has been building boats, someone has been stealing them. While no one believes that all thefts can be stopped, most authorities agree that something can be done to stem the increasing losses of boats and related equipment. Recognizing that recreational crafts are inviting targets for thieves, the May 1978 Northeastern States Boating Administrators' Conference (NESBAC) requested help from the URI Marine Advisory Service to identify the magnitude of the problem nationally and to help build a strategy against future thefts. An ad hoc Boat Theft Committee was established at URI to investigate the situation. By late fall, the committee's preliminary findings suggested the need for a national workshop. This report attempts to summarize the information and suggestions presented during the workshop, which was held in April 1979. The co-sponsors hope that the event and this report will serve the nation's interest in keeping the pleasure in boating.

Neil W. Ross,
Workshop Chairman

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Introduction

The theft of boats and marine equipment has become an increasingly serious problem in recent years. Estimates of the dollar value stolen vary widely, but there is general agreement that \$60 million per year is a conservative figure. Closer estimates have not been possible because of the fragmented nature of the problem.

At least eight different boat groups (besides boat thieves) have an interest in this issue. The first is boat and marine equipment manufacturers and their trade associations. Most of them consider the problem unfortunate, but view it primarily as an issue involving the boat owner and his insurance company. Manufacturers are generally unwilling to place secret, engraved hull identification numbers (HINs) on their products to aid in recovery efforts, in spite of repeated suggestions by law enforcement authorities to do so. They argue that such a program is expensive and that the consumer is unwilling to bear the increased cost.

Boatyard and marina operators are the second group of individuals involved. Thefts in a yard are bad for business, but the cost of adequate security devices may make operating costs prohibitive.

Boat owners are unquestionably the most frustrated of the eight groups. When a boat is stolen, the boat owner may be confused as to who has jurisdiction over investigation of the theft, and he may get the feeling that his prized possession has disappeared into a legal "black hole." Only about 15% of all boats stolen are recovered. Boat owners who have never been victims of boat theft face the issue squarely each season when they see their insurance bills rise.

The fourth group confronted by the boat theft problem is the state and local police, including harbor masters. In most cases, they do not have the manpower or training to become involved in boat theft investigations. (Maryland and Florida are two notable exceptions.) The lack of uniform titling and registration laws makes their job even more difficult.

Federal government enforcement groups are the fifth of the interested parties. The U.S. Coast Guard, the most visible law enforcement agency on the water, has been criticized for not aggressively pursuing stolen boat reports. However, they are limited by their statutory authority and the large number of missions that compete for their time. The FBI may become involved, but only if a federal crime has been committed. The National Crime Information Center (NCIC), operated by the FBI, has been unable to provide the Coast Guard with theft data in a usable form. Compared with other federal law enforcement activities, boat theft has historically not been a high-priority item.

The sixth group involved in the problem is the insurance industry. The Insurance Company of North America has seen a tenfold increase in boat theft losses paid from 1972 to 1977 — an unhealthy trend they

would like to see stopped. One response is simply to raise premiums and cancel coverage for high-loss areas and types of boats. A more positive approach would be the use of educational theft prevention campaigns and the reduction of premiums if certain security measures are undertaken.

Private theft reporting and recovery bureaus are the seventh group involved with this issue. The National Vessel Theft Bureau and the boat index of the National Auto Theft Bureau both serve a function once a theft has occurred but do not have a major role in the prevention of thefts.

Finally, state and federal legislators have become increasingly interested in the problem. Both Congressman Mario Biaggi (D, N.Y.) and Senator Thomas Eagleton (D, Mo.) have introduced boat theft legislation which would substantially increase enforcement efforts. At the state level, a number of efforts have been undertaken to clarify the jurisdictional picture and to provide increased funding for local enforcement programs.

The eight groups listed above will not be able to stem the tide of increasing boat thefts as isolated groups. If they work in concert, the odds of success will be much greater. With this in mind, the Marine Advisory Service of the University of Rhode Island and the Insurance Company of North America invited members of all eight groups to a workshop at URI to discuss how the groups could work more effectively together. There were two principal goals: 1) to develop a series of recommendations to specific groups which could have an immediate impact on the boat theft problem, and 2) to make those recommendations available to all eight groups in the form of a workshop report. Participants were divided into four working groups for discussion purposes: 1) Insurance Industry Responses, led by Professors John F. Fitzgerald and Blair M. Lord, Finance and Insurance, URI; 2) Jurisdiction/Enforcement, led by Professor Dennis W. Nixon, Marine Affairs, URI; 3) Information Systems, led by Professor David M. Shao, Industrial Engineering, URI; and 4) The Boating Industry and Public, led by Neil W. Ross, URI Marine Advisory Service.

This report presents summaries of all four working groups, followed by a list of the recommendations that were compiled by participants. Also included is the chapter "Security Tips for Boat Owners," which has suggestions to boat owners on ways to prevent theft of their vessels and equipment; most of these suggestions were presented and discussed at the workshop. The appendices contain supplemental materials used in the workshop.

We are grateful to the URI Marine Advisory Service Sea Grant Program and the Insurance Company of North America for sponsoring the workshop and the publication of this report.

Insurance Industry

Summarized by John F. Fitzgerald and Blair M. Lord,
Finance and Insurance, URI

Magnitude and Impact of Boat Thefts: Insurer Perspective

In the past few years, several estimates of the extent of boat thefts have appeared in a variety of sources. These have ranged from a low of \$40 million to a high of \$1 billion on a national basis. There are, of course, several different sources to which one might look to develop such an estimate. Direct theft statistics are one obvious source, and indeed the \$1 billion was attributed to the New York Police. However, as explained elsewhere in this report, there are serious difficulties with these statistics.

Insurance company loss statistics are a second source of data from which an estimate may be derived. Using data from two insurers, Insurance Company of America and State Farm, Richard K. Macomber used an extrapolation procedure to derive an estimate of total theft losses for 1975. The resulting figure was \$61 million. Redoing the procedure with more recent statistics from INA and State Farm yields virtually the same figure. A major impediment to the utilization of more complete insurance company statistics is the absence of collective industry loss statistics. Depending on the company and its historical development, recreational boats may be insured by the ocean marine division, the personal lines division, or the inland marine division. It appears that for many insurance companies loss statistics are not refined to the point where losses only to recreational boats can be easily identified. Hence, at present, the industry resources available are insufficient to yield an estimate of greater accuracy as to the scope of the national problem.

Another source of data which potentially could yield a similar estimate is the National Auto Theft Bureau. As their facilities become more widely utilized and, hence, their data more complete, they could become the necessary centralized repository. However, at present their files do not have the capability of including any estimate of the value of the articles stolen. This precludes using their records in the near future for the development of national statistics for boat theft loss.

Whatever the precise national figure for boat theft may be, insured losses to recreational vessels and equipment is not of such magnitude as to constitute a threat to company solvency. Recreational boating is but a small percentage of the property and liability insurance industry's total book of business. For example, in 1977 all property and liability insurers wrote \$72.4 billion in premiums, while premiums written for ocean and inland marine coverages amounted to \$2.6 billion, or 3.6 percent (*Bests Aggregates and Averages*, 1978 edition). Moreover, this dramatically overestimates the importance of recreational boating premiums, since they are a very small portion of total marine insurance premiums.

Most recreational boat insurance is written on a "non-filed" basis. This implies several things, but what is important is the fact that the rates charged by an insurance company can be easily changed to reflect significant changes in loss experience. This ability to raise (or lower) rates aids in protecting insurer solvency. It could, of course, create a marketing problem if rates rose too rapidly, leading to consumer dissatisfaction. This has not occurred. Availability and cost has not become impaired due to theft. Marine rates are and have remained relatively affordable to consumers. Moreover, theft losses constitute no more than 25 percent of total recreational boat losses in the nation.

The discussion of the insurance panel focused on the general issue of what insurers could and could not do to minimize the magnitude and effects of boat thefts. A number of questions or challenges were directed to the industry, and then recommendations were proposed.

Insurers Should Provide More Assistance with Theft Prevention. There are approximately 10 million eminently stealable recreational boats in the nation. Unlike the situation with automobiles, where the recovery rate of those stolen is approximately 75 percent, the extremely low recovery rate of 10 percent prevails with stolen boats. It is fortunate and somewhat surprising that boat thefts are not significantly more numerous.

Many observers have noted that even the most elemental theft prevention devices and practices are often lacking on recreational boats, in marinas where boats are berthed and in other boat storage areas. Indeed, most boats are stolen from driveways, private garages, and streets.

All but the most ambitious and experienced professional thief will be discouraged if the boat is made moderately difficult to steal. This can usually be done by the owner/operator merely by exercising reasonable prudence. At various times, several organizations have attempted to educate boat owners on this point. One insurance company has made a movie aimed at educating boat owners and operators. Because prevention is potentially so effective, even modest expenditures could yield positive results. Brochures or other short, written material included in regular mailings of premium bills or policies could be utilized. It is not, however, cost justified to conduct massive public education programs of a detailed and sophisticated nature.

Beyond simple prevention procedures undertaken by informed boat owners, there are a variety of more sophisticated prevention devices such as burglar alarms and sequenced power switches. Well-intentioned encouragement will not be sufficient to promote their widespread utilization. Insurers have not widely experimented with rate credits for the installation of such devices. To provide monetary incentives for their utilization, rate credits should be more fully considered. However, any credits are likely to have only modest impacts. Premiums for good risks are approximately 1 to 2 percent of total value. Hence, a \$30,000 boat

develops a premium of \$300 to \$600. If a 10 percent credit were offered (a large credit), the savings would only amount to \$30 to \$60. Most sophisticated prevention devices are five to ten times this sum, and it must be realized that only a modest number of consumers are likely to attempt to qualify for such a credit.

Insurers Are Exacerbating the Theft Problem by Issuing Policies Too Easily. There are actually several separate but related issues under this heading. The most "exciting" is the so-called "paper boat" problem. It is by no means impossible for a determined individual to obtain an insurance policy on a non-existent boat. He then reports it stolen or otherwise lost and collects from the insurance company. To prevent this type of fraud, insurers could physically inspect every boat (and ownership documents) they insure. Currently, all insurers inspect some of their insured vessels, and a few smaller, regional insurers succeed in inspecting most of the boats they insure. However, it would cost several million dollars for the larger insurers to undertake comprehensive inspections. While it is unclear what portion of recreational boat losses are due to paper-boat frauds, insurers estimate that they are not a serious source of total losses. Hence, the panel felt no recommendations regarding inspections were workable.

A slightly different aspect of the policy-issuance problem is the granting of policies to owners who are likely to produce high losses. In a sense, the issuance of a policy where there is no boat is but an extreme case of this large issue, but it is not restricted to this fraudulent situation. Prior to issuing a policy, the insurance underwriter attempts to appraise the loss potential of the applicant risk. This includes information on the type of boat (some types are more appealing to thieves), the location of the boat (certain geographic areas are known to be more theft-prone), and the personal characteristics of the owner (he may be the perpetrator of fraud or an irresponsible operator). At present, the verification of this information is very difficult. Unlike other areas of insurance, such as casualty and life, there is no claims index against which past loss information can be checked. Given insurance company reticence in respect to the exchange of loss information, there are few sources to which an underwriter may look. Other data sources, like the NCIC, are inaccessible to insurance underwriters and are not designed to assist in uncovering insurance fraud. Likewise, the NATB's boat theft file has very limited capability in aiding the underwriting process in the prevention of fraud. Legal impediments to the creation of a claims index do not appear insurmountable.

Insurers Are Paying Too Many Questionable Claims. It is sometimes suggested that insurance companies are too willing to pay claims even when the claims appear somewhat questionable. However, the situation facing the company is not favorable for the contesting of claims. To

Table 1. Theft Losses as a Percentage of Total Losses

(One Company's Experience with "Small" Boats)

<i>Area</i>	<i>% Due to Theft</i>
Georgia	40.74
Louisiana, Mississippi	40.02
New York City and Long Island	39.86
Kentucky and Indiana	37.81
Tennessee	31.44
Florida	30.24
Houston, S. Texas	29.34
Michigan	28.40
Pennsylvania, Delaware	25.04
New Mexico, Colorado, Utah, Wyoming	24.75
New England	23.46
New York (excluding NYC and Long Island)	22.07
Arkansas, Oklahoma, N. Texas	21.74
Chicago, Wisconsin	20.25
Maryland, Virginia	19.92
Alabama	18.74
New Jersey	14.01
West Coast	13.43
Ohio	11.57
Dakotas, Minnesota	10.48
Carolinas	9.46
Missouri, Iowa, Nebraska, Kansas, S. Illinois	7.02
Aggregate	Approximately 22.0



successfully contest a claim, fraudulent activity must be proven. To collect sufficient evidence to sustain this position requires time and careful development. This "luxury" is not available to insurers, for several reasons. The insurance contract requires the payment of the claim within 30 days following notice of loss. This is rarely an adequate period in which to prove fraud. Pressure to settle claims promptly emanates from other sources as well. Insurance regulators responding to pressure from dissatisfied consumers have encouraged insurers to process claims quickly. Courts have ruled in favor of claimants who assert that their insurance company's settlement procedure constituted "bad faith." Such rulings make it economically "dangerous" for insurers to delay the settlement of any questionable claims.

A related issue deals with insurer post-claim followup. It is not common practice for insurers to attempt the recovery of stolen boats or the apprehension of the thieves. Such activity might yield some reduction in paper-boat schemes or other habitual claimants, but these same benefits should be forthcoming from the suggested claims index. Insurers do not have police authority; hence, it is questionable how much they could accomplish independently. However, as discussed elsewhere in this report, the existing theft-reporting systems such as the NCIC appear to be underutilized in the area of boat thefts. Active encouragement of their use through such activities as reminders to claimants and local enforcement officials for the thorough reporting of losses would assist in the greater usefulness of these systems.

Insurance Panel Proposed Recommendations

From the foregoing items of discussion, six specific, practical, and workable recommendations were derived. Their essence is captured in the conference recommendations, but their logical base can be clearly seen from the preceding discussion by presenting them in their original form.

1. A study should be undertaken to gather all of the property and liability industry's recreational boating premium and loss statistics. Before specific solutions can be offered to the "problem," its size and nature must be more clearly understood. Accomplishment of this goal may be realized by undertaking a research study sponsored, in part, by the marine insurance industry to evaluate the symptoms, causes, and effects of the problem and then appraise this problem in order to identify alternative solutions.

2. In response to the desire of many participants to quantify the problem of boat theft, the NATB reporting system should be expanded to include the capability of reporting values (appropriate values to be defined later).

3. Insurers should continue and expand their efforts to inform and educate policy holders and the public at large in techniques of theft prevention. Movies, informational pamphlets, and instructional brochures have been suggested and tried by several companies. To the extent that boat thefts can best be handled by prevention, public awareness should be increased.

4. Insurance companies should continue to consider credits for specific theft reduction measures, although the limited dollar credit presents the question "What measure would the consumer adopt to save only a few dollars?"

5. An index of recreational boating claims should be pursued. While fraudulent claims probably do not constitute the majority of insurer claims, the inability of underwriters to verify loss histories is a detriment.

6. Cooperative efforts with law enforcement agencies should be continued. Insurer knowledge of existing data reporting systems (especially the NCIC) can be a positive force assisting in the more effective utilization of these systems.

Jurisdiction/Enforcement

Summarized by Dennis W. Nixon, Marine Affairs, URI

The jurisdiction/enforcement group developed five recommendations directed at state boating law officials and the U.S. Coast Guard. The first is an attempt to remedy the confusion that exists over who has jurisdiction to accept stolen vessel reports and to conduct follow-up investigations.

In the past, the Coast Guard has been criticized for not responding to vessel thefts, even though they did not have jurisdiction over a majority of the cases. The apparent reluctance of state and local authorities to assume responsibility for the prosecution of stolen vessel incidents which do not involve violations of federal law caused the public to seek more active Coast Guard involvement.

As a result of this interest, the Commandant of the Coast Guard issued Instruction 16201.3* on June 24, 1977, which directed Coast Guard commanders to assist vessel theft victims to the extent of their limited authority. This may range from simply accepting the theft report and relaying it to the proper state or local authorities to assuming responsibility for cases involving federal violations.

Despite this leadership role undertaken by the Coast Guard, the discussion group found interagency coordination sorely lacking. Clear procedures for the utilization of the National Crime Information Center must be developed. Our first recommendation, addressed to the National Association of State Boating Law Administrators (NASBLA), was that they begin an aggressive campaign to coordinate local, state, and federal enforcement activities in cooperation with the Coast Guard.

The ease with which a stolen boat can be sold motivated our second recommendation. Boat-titling laws certainly do not make the transfer of stolen vessels impossible, but they do make it more difficult. Thus, we recommended that NASBLA review and update where necessary their Model State Boat Titling Law and work for its adoption in every state.

One of the major drawbacks to the effectiveness of titling at present is that only 11 states have titling laws. As long as a thief can transport a boat or motor across state lines and dispose of it in a jurisdiction that does not require evidence of title, the value of titling as an anti-theft measure is undermined. This system would realize its full potential if all states uniformly titled boats and motors and if there were quick interstate transfers of reports of stolen boats and motors.

The third recommendation focused on the problem of identifying stolen vessels. The hull identification number (HIN), required by the Boating Safety Act of 1970, was initially intended as a means of keeping track of the vessel for safety inspection purposes. We recommended that the Boating Safety Advisory Committee (BSAC) of the U.S. Coast Guard

*See Appendix B.

advise the Commandant that the HIN has proven to be an effective tool in stolen vessel identification and should be regarded as a vessel security number as well.

The fourth and fifth recommendations focused on the use of the HIN by enforcement authorities. The committee suggested that manufacturers' lists of HINs be maintained, at least for the relatively small number of manufacturers that produce the bulk of the recreational boating fleet. Although there are over 5,000 builders of recreational boats, mass production is limited to a much smaller number.

Finally, a representative from the NCIC noted that many states do not use full HINs for vessel registration purposes, which severely hampers the efforts of the NCIC to keep a complete record of the stolen vessels. The Coast Guard can and should order the use of HINs in state registration programs.

The thrust of the panel's recommendations was that the response of the enforcement community has not developed as quickly as the meteoric rise in vessel thefts. Most of the difficulties were the result of a lack of coordination, not an unwillingness to address the problem. Cooperative efforts have begun, and will continue to grow. Working together, the enforcement community can provide the level of response demanded by this new "growth industry" of boat theft.



Information Systems

Summarized by David M. Shao, Industrial Engineering, URI

There is no centralized and uniform system of gathering and analyzing national boat theft information. There is no agency with up-to-date and comprehensive statistics on how many boats are stolen, what the value of the stolen property is, and whether the situation is getting better or worse. Most of the groups and agencies concerned with boat thefts have access to only part of the information related to this growing problem; no single organization has the responsibility of coordinating the information flow.

The problem is due as much to poor coordination of information as it is to lack of data in the first place. Although some agencies have detailed and extensive report forms, their information is far from complete. Many local police stations do not even have a separate filing system for boat theft reports, as they do for other theft and crime reports; in fact, because these boat theft reports are mixed with all other reports, it becomes extremely difficult to retrieve the necessary information.

At present, the only law enforcement information system that exists is the National Crime Information Center (NCIC), which is operated by the FBI. The NCIC is a computerized information system established as a service to all law enforcement agencies—local, state, and federal. It operates by means of computerized data transmission over communication lines and terminal devices. Its objective is to improve the effectiveness of law enforcement through the more efficient handling and exchange of documented police information.

The system is heavily used and is generally considered a very successful one. However, only stolen boats valued at \$500 or more may be entered in the file, provided the vessel is registered and has a permanent identifying serial number affixed. Also, since NCIC is a voluntary clearing house, it is utilized only to the extent that member agencies find it worthwhile. Therefore, there is reason to believe that a significant number of boat thefts are never reported to NCIC at all.

In the boat theft workshop, one participant from NCIC pointed out that as of April 1979 the system contained over 7 million records of all reported thefts and crimes; out of this 7 million, there were only 14,572 boat theft files. Hence, in view of these figures, we can clearly say that the boat files are not being utilized to the fullest extent.

It is known that the NCIC system works very well for automobile thefts, but the same system is failing to work for boat thefts. This may be because boats are much more diverse than automobiles and therefore more information is needed to identify them. Another reason may be that the reporting form used by the FBI contains only six items. The model of the boat is required but not the rig. The official number of the

boat is required but not its name (this overlooks the fact that documented yachts are not required to display their numbers on the outside, only boat names and home ports). Thus, it would be almost impossible for a marine patrol officer to use this file to recognize a stolen yacht that had been documented.

Furthermore, the reports that are filed with NCIC do not always have all six items completely filled out. Even a basic one such as length may not be recorded, either because the owner did not know or because the officer filing the report did not have the opportunity to complete it. This highlights the need for prior registration of boat information.

The other information system that exists is the National Automobile Theft Bureau (NATB). This is a private computerized information system sponsored by a number of leading insurance companies. This organization provides both the computer and information system facilities to their sponsoring insurance companies. In the past, this organization has been efficient in maintaining the reported theft data and also in providing the insurance companies with useful information system facilities regarding auto theft. Now NATB is engaged in developing an information system for boat thefts. In the workshop, the NATB representative pointed out the features of this system along with a newly developed boat theft data sheet.*

The problem is that the NATB system cannot be used as a national clearing house for collecting boat theft data because NATB receives theft data only from sponsoring organizations. This does not represent the full theft data, and hence the data base and system cannot be used for forecasting the magnitude of the national problem. It also cannot be validly used by law enforcement agencies for purposes of decision-making.

The following recommendations were made to improve the effectiveness of the existing information systems, the law enforcement agencies, and the insurance companies and to achieve a greater efficiency in recovery of stolen boats and boat accessories.

1. Boat identification data should be actively sought from boat owners and kept current by law enforcement agencies. All theft data should be entered into the NCIC computer. Some officers in law enforcement agencies could work full time on the boat theft problem. Notification of theft should be communicated and coordinated amongst the different agencies.

2. All the groups involved in the boat theft problem should make an effort to use a uniform reporting form, which would greatly facilitate interagency coordination and help maintain a more competent theft data bank. The information in boat theft records could be significantly expanded, and the data promptly filed and kept current by the different

*See NATB Boat Theft Report form in Appendix C.

agencies involved. Following is the kind of boat theft data that should be entered into the national information system:

- a. registration number/documentated name
- b. registration state/documentated port
- c. hull identification number
- d. overall length of boat
- e. type of propulsion
- f. color of boat
- g. outer hull material
- h. make
- i. type/rig
- j. estimated value of loss
- k. place of theft
- l. time of theft
- m. any further information that can be obtained

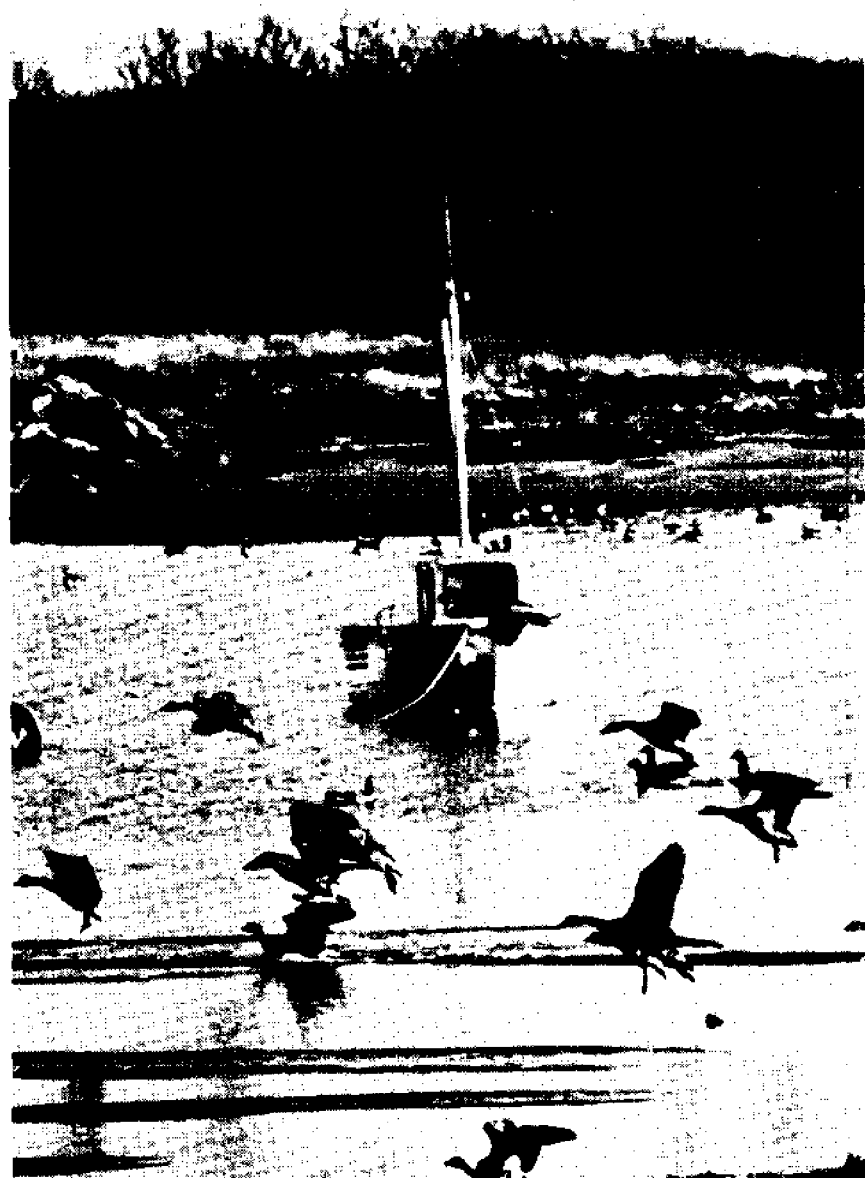
3. NCIC should publish periodic reports about the status of marine thefts and distribute them to all law enforcement agencies involved. Since the numbers on boats are often altered, it would appear that the NCIC system, which is based solely on the registration numbers, is of little use. Therefore, a more sophisticated system keyed to characteristics of the boat may be implemented.

With the above recommended changes, the NCIC system could be used as a central clearing house, since the NCIC has the necessary computer facilities and the know-how to do this job and also because most law enforcement agencies and the Coast Guard have access to and are familiar with the NCIC computers.

4. The NATB information should include the "estimated value" of the stolen boats to make useful study and analysis possible.

5. Uniform state title laws should be enacted. Federal law should require that hull identification numbers be permanently affixed in a concealed location. This location can be made known to the law enforcement agencies through proper channels. Jurisdiction over boat theft should be decided, as presently there is confusion about this matter. Increased penalties for falsification or alteration of any identification number should be imposed.

6. Manufacturers should maintain complete data on persons to whom they have sold boats and boat equipment. Also, manufacturers should inscribe the hull identification number in as many places as possible.



The Boating Industry and the Public

Summarized by Neil W. Ross, URI Marine Advisory Service

Of all the groups who have an interest in boat theft, perhaps the boating industry (including the manufacturer, retailer, and marina operator) and the boat owner are in key positions to influence boat and equipment larceny. It is a fact that, besides the thief, they are the only ones with hands-on contact with the boat and its equipment. Their prime interest should be prevention and, second, the accurate reporting of the theft. This chapter reports on the discussion and recommendations of the panel on the boating industry and public. Each group will be discussed separately.

The first line of defense against theft begins with the boat manufacturer. In compliance with federal regulation or product defect notification, all boat manufacturers since 1974 are affixing hull identification numbers (HINs) to their products. HINs are currently either riveted onto or molded into fiberglass hulls on the transom. By law, only one HIN is required per hull. A few manufacturers have voluntarily added duplicate HINs hidden elsewhere on the hull to aid in identification should the boat be stolen and the primary HIN altered.

At least one-quarter of the states have adopted penalties for removing or altering HINs and/or outboard motor serial numbers. Some states have made illegal the possession of numerically altered boats and motors. It is recommended that the federal HIN system be re-evaluated from the point of view of preventing boat thefts. Consideration should be given to the HIN numbering system, the number of duplicates to be installed, the method of installation, and the ease of detection. It was felt that the manufacturing industry would accept reasonable alternatives to HINs if they were practical, feasible, and economical. In addition, it is recommended that the states that have not yet adopted penalties for removing or altering HINs or outboard serial numbers and/or have not yet made illegal the possession of numerically altered boats and motors should now consider adopting such legislation.

One dinghy manufacturer as an option will laminate the name of the owner or his boat in large block letters into the deck. Such manufacturing initiative is to be encouraged. Manufacturers can also frustrate theft by designing and installing hatches with heavy-duty hinges, bolts, and hasps. Boat designers should give more consideration to security.

Marine trade associations, an important part of the boating industry, can play a role in controlling boat theft. One active group, the Boating Industry Associations Inc. (BIA),* has been working hand in hand with the National Association of State Boating Admin-

*BIA has recently merged with the National Association of Engine and Boat Manufacturers to form the National Marine Manufacturers Association.

istrators (NASBLA) to promote the adoption of boat-titling legislation. Eleven states have adopted NASBLA's recommended model-titling act of 1964. The states are California, Florida, Maryland, Michigan, Missouri, Nevada, Ohio, Oklahoma, Oregon, South Carolina, and Texas. A recent BIA survey shows that, while titling of boat and motors has not prevented theft, it has posed an obstacle for disposing of the stolen property. No law or regulation can stop the professional criminal from stealing anything. However, no one can say how many more boats and motors would be stolen if the titling laws did not exist. BIA feels that titling will be much more effective when all states uniformly require evidence of lawful ownership before boats and motors can be sold. The boat manufacturers are in favor of a standardized form for manufacturers' or importers' statement of origin. Federal documentation requires a master carpenter's certificate which is uniform throughout the nation.

The Boating Industry Associations also reported that all major outboard manufacturers maintain lists of stolen engines of their make. Another industry organization, the New England Marine Trade Association, publishes and distributes "hot sheets," listing both boats and motors stolen from any of their member marinas and boatyards. The list is distributed to all the NEMTA members, the boating media and press, and law enforcement agencies in the region. Industry trade associations and manufacturers should join forces to publish informational brochures on security for the boat owner.

Retailers of boats, engines, trailers, and marine accessories should encourage the sales and installation of boat security systems. Just as most dealers now offer "sail-away" packages (including PFDs, fire extinguishers, anchors, lines), they might consider adding theft-proof devices for boats, motors, and equipment.

Boat dealers are the key contact between the manufacturer and the boat owner regarding proper identification and registration of hull identification numbers. The dealer is also in a good position to distribute published brochures on preventing thefts.

The marina, boatyard, and yacht club operators have the dual responsibility of first encouraging boat owners to provide adequate security and then to provide additional security on a yard-wide basis. While the boat owner is concerned only with his individual craft, the marina operator must watch all the boats. Unfortunately, many boat facilities are now providing less than adequate security. It is recommended that marinas, boatyards, and yacht clubs consider additional security measures, in harmony with the character of the facility, as part of the total services offered to customers. One marina in Connecticut which recently expanded its security got an overwhelming approval from their customers and they did it at a reasonable cost.

The marina or yard operators play an important role in the early reporting of thefts both to the boat owner and to appropriate

enforcement agencies. In addition, they should notify the marine trade associations and manufacturers for listings in their "hot sheets."

Another arm of the boating industry sometimes overlooked is the media and the boating press. The magazine *Soundings*, for example, has devoted considerable space to the problem of boat theft over the past few years, including numerous articles on specific larcenies and the printing of the New England Marine Trades Association "hot sheets." *Soundings* has taken the strong editorial position that the problem is increasing and that stronger security and enforcement measures need to be taken. Other magazines have run helpful feature stories on ways to prevent thefts from occurring. Radio and television should also be encouraged to provide more public information on the subject.

The boat owner is the single most important person in the entire chain of prevention and reporting of thefts. In general, this workshop felt that boat owners are caught by the lack of a clear system of theft reporting and jurisdiction across the nation. The public had the misconception that the Coast Guard was always the prime agency involved in boat theft. Only since the Coast Guard Commandant's 1977 directive on stolen vessels did they formally participate in stolen boat investigation and recovery. It is, however, not the Coast Guard's intention to become the prime agency for boat theft nationally. For example, they could not provide the coverage necessary in noncoastal states. Many of the public misconstrues boat registration to be equivalent to ownership. Proposed titling legislation may be perceived as another means of raising taxes and registration incomes and may thus be resisted.

Participants in this discussion believed that the insurance industry could encourage loss prevention through special rate reduction incentives to boat owners who use theft alarms, trailer locks, or indoor storage. Marinas, boatyards, and yacht clubs with operational theft surveillance or security systems could also get reductions on insurance premiums.

All agreed that the area of fastest action in the prevention of theft and the recovery of stolen products is through education at all levels. A uniform program of education is recommended for enforcement officials and for the Coast Guard on hull identification number use, the NCIC system, crime techniques, etc. The Coast Guard should consider including a section on boat security to the National Boating Safety School. Training packages should be developed for use by the Coast Guard Auxiliaries, Power Squadrons, Red Cross, etc. There should be educational pamphlets provided by boat manufacturers, the Sea Grant Program, insurance companies, trade associations, and others for national distribution. The FBI should revise and reissue their boat theft brochure for marinas.

Larceny in recreational boating can be divided into four categories:

1. the boat hull, which may or may not include an inboard engine, sails, and associated fixtures
2. outboard motors, or other engines removed from the hull

3. accessories, including electronics, marine gear, binoculars, etc.
4. trailers

It was suggested that the larceny problem for pleasure craft seemed to fall into the following categories:

1. organized crime (such as interstate traffic of boats, engines, and accessories)
2. theft for profit (the original moonlighter selling to a fence or friend)
3. impulse larceny (one time only, usually for himself or for a joy ride)
4. larceny by other boat owners (keeping up with the Jones' gear)
5. owner-instigated fraud (usually for insurance money)
6. vandalism

No one really knows the extent of any of these categories, but each was thought to be significant enough to warrant corrective action and public education. For example, different strategies should be prepared to prevent vandalism vs. a loss by organized crime.

In conclusion, the boat owner and the boating industry are important because they have their hands on the product and can influence the susceptibility of that product to larceny through its design, construction, and surveillance. All of these groups must first be convinced that the theft problem is real and growing, and each must take necessary preventive actions now.

Summary of Recommendations

1. The National Association of State Boating Law Administrators (NASBLA) should develop an educational package to promote cooperation among local, state, and federal enforcement authorities. Clear procedures for better utilization of the National Crime Information Center (NCIC) must be developed. It is anticipated that the Coast Guard and the NCIC will assist in promoting this cooperative effort. We also recommend that NASBLA include a panel on procedures for reporting boat thefts at their annual conferences.

2. NASBLA should review and update where necessary their Model State Boat Titling Law in cooperation with the American Law Institute or the American Bar Association. Our findings indicate that titling laws cannot reach their full potential until most states have them in operation. NASBLA remains the most appropriate organization to recommend such title reforms, although a cooperative effort with the banking industry is seen as critical to the passage of state legislation. We recommend that the Boating Safety Advisory Council (BSAC) of the U.S. Coast Guard urge the Commandant to endorse this national effort to increase the number of states with boat-titling laws.

3. BSAC should advise the Commandant that the hull identification number (HIN) has proven to be an effective tool in stolen vessel identification, in addition to its intended role of enabling manufacturers to notify purchasers of latent defects. We believe that the vessel theft issue is related to the Coast Guard's primary mission of boating safety.

4. BSAC and NASBLA should advise the Commandant that there is a need to maintain manufacturers' HIN lists, at least for the relatively small number of manufacturers producing the bulk of the recreational boating fleet.

5. BSAC should also advise the Commandant that many states do not use full HINs for vessel registration, which severely hampers the efforts of the NCIC to keep a complete record of the vessel theft problem. The Coast Guard can and should order the use of HINs in state registration programs.

6. A study should be undertaken to gather all of the insurance industry's recreational boating premium and loss statistics. The size and nature of the problem must be more clearly understood before effective solutions can be proposed, and a joint industry/university effort would be able to perform the type of analysis required.

7. Insurers should continue and expand their efforts to inform and educate policy holders and the public at large in techniques of theft prevention. Movies and instructional pamphlets have been released by several companies. Brochures enclosed with policy renewal notices would be another method to increase public awareness.

8. The feasibility of an index of recreational boating claims should be investigated by the insurance industry. While fraudulent claims probably do not constitute the majority of insured claims, the inability of insurance underwriters to verify loss histories is a detriment.

9. Insurance companies should investigate the possibility of granting rate credits for theft prevention measures undertaken by the boat owner. This would be similar in nature to the credit granted to boat owners who complete an accredited instruction course in boating skills.

10. The National Auto Theft Bureau, which has recently begun a program of vessel theft reporting, should include more detailed information or follow-up data in its program in order to provide the insurance industry with a more effective tool for theft prevention. The value of the boat or equipment stolen is the most important additional information which should be included.

11. All of the groups involved with this program should make an effort to develop a standardized reporting form which would greatly facilitate interagency coordination.

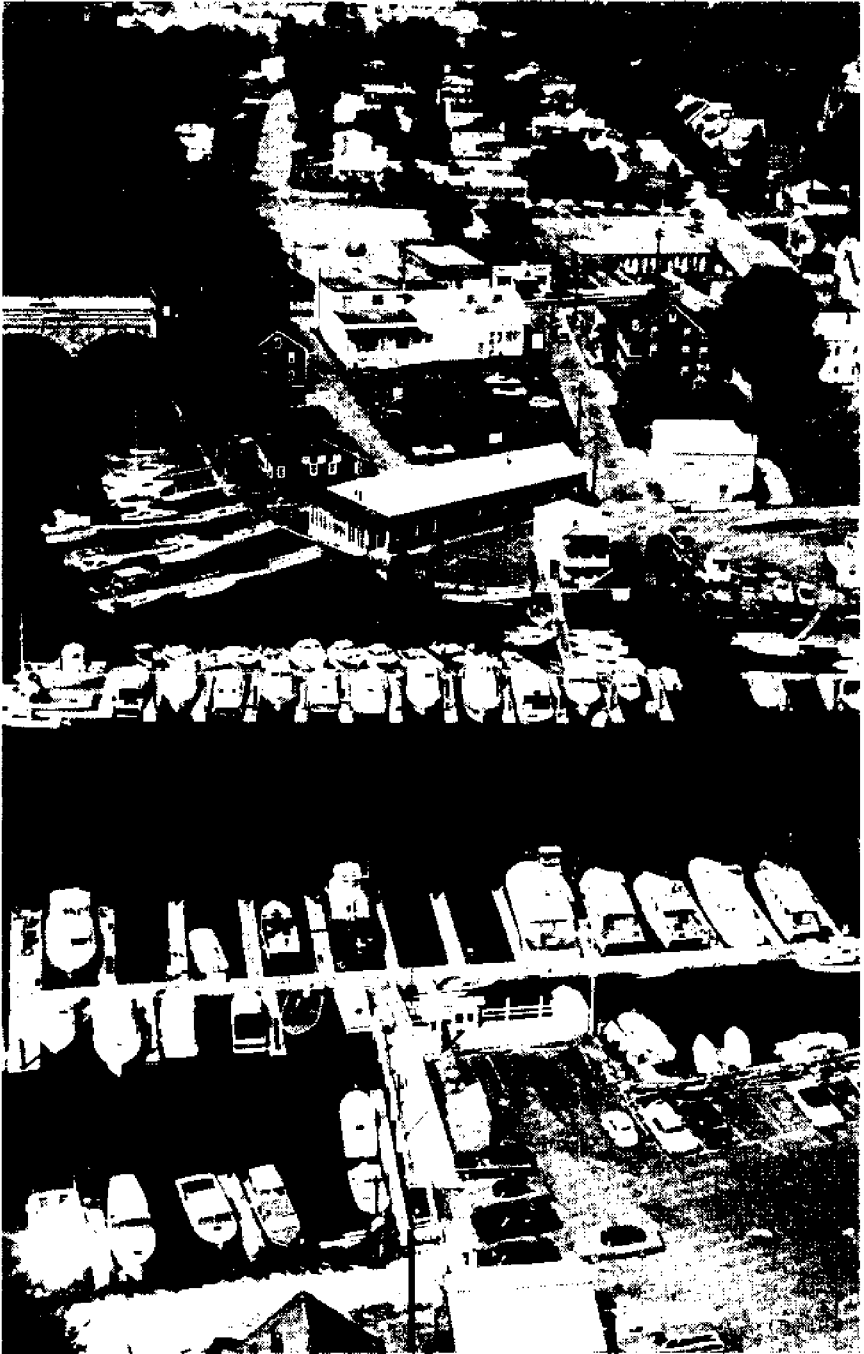
12. State marine trades associations should develop local programs to improve boatyard and marina security. Marinas should consider additional security measures, in harmony with the character of the facility, as part of the total service offered to customers.

13. NASBLA, in cooperation with the Coast Guard, should develop an educational package on boat theft prevention for all instruction groups involved in boating safety to include as part of their basic programs. The FBI should reissue and make available to these programs their brochure on boat theft.

14. A follow-up meeting, a year from this date, should be conducted to monitor the progress made toward achieving these recommendations and the reduction of recreational boat and marine equipment theft.

Postscript. Since the National Boat Theft Workshop was held, many participant groups have begun to take action on these recommendations. For example, the National Association of State Boating Law

Administrators (NASBLA) passed four resolutions: 1) that the U.S. Coast Guard use HINs as a means of identification for theft recovery; 2) that boat manufacturers install more than one HIN on a boat in different locations; 3) that the U.S. Coast Guard prohibit the use of peel-off/stick-on HINs; and 4) that a national study be undertaken to quantify the magnitude of boat and equipment thefts. The press, both general and boating-oriented, is increasing its coverage of marine larcenies. This will improve public awareness of the problem. Clearly, it is a beginning of the process of cooperation and communication which had been an aim of the workshop.



Security Tips for Boat Owners

By Neil W. Ross

Workshop participants agreed that the recreational boat owner is the single best person to reduce marine crime and the one with the most to gain by doing so. This chapter, therefore, is a summary of the suggestions presented during the conference and gathered from the brochures listed at the end of this chapter. It is hoped that this compilation of positive suggestions will aid in developing comprehensive public education programs to combat increasing boat and marine equipment losses.

The principal reason boat theft is so popular is because it is so easy. Statistical estimates of losses of boats, motors, and equipment are between \$40 to \$80 million a year. Most of these thefts are stock boats, 16 feet in length and smaller, and equipment such as outboard motors — items easy to steal and easy to sell. Recovery rates are low, and because of this, insurance premiums are increasing. Reasons for the low recovery rate include lack of adequate identification (numbers on boats and equipment), weak or nonexistent registration and titling or record keeping by the states, confusion on the part of law enforcement agencies as to jurisdiction over thefts, and the great number of boats openly available for the picking.

It is important to understand that marine theft is done by different people for different reasons. Profit is the incentive for both organized crime and the individual moonlighter selling to a fence or a friend. The need for money may motivate the boat owner into fraudulent claims to insurance companies. Keeping up with the Jones' gear, on the other hand, may entice a neighboring boat owner to larceny in the marina. Youth is usually a significant factor in vandalism or in the impulse stealing of a boat for a joy ride. Each of these groups requires different strategies.

If you leave it available, someone will take it. Thieves will steal everything: boat, motor, trailer, sails, electronic equipment, boat furniture, canvas, television and radio sets, binoculars, foul-weather gear, life jackets, tools, water skis, anchors, fishing tackle, etc. Not only must you put things away and lock them up, or remove them from your boat, but the boat must also give the appearance of being secure. There are many boats wide open for larceny, so a potential thief might pass by a boat which looks difficult to get into.

Practical Tips for Prevention of Theft

Before the boat is placed in the water, be sure that it is properly registered or documented. All boats built since 1973 have a hull identification number on the transom. This HIN is an important part of boat identification, and *all* of the letters and numbers should be used when

reporting a theft. Some boat manufacturers are now installing duplicate HINs elsewhere on the hull. Ask your boat dealer where they are, or add duplicates yourself by scribing the numbers in hidden places on the hull. Manufacturers' HINs are frequently removed by thieves; therefore, duplicates can be important.

Have copies of the HIN and ownership documents at home. Also, prepare a descriptive list of the boat, motor, and fixed accessories. Such an inventory list of the items normally left on the boat is important when reporting a crime and making a claim to the insurance company. Include in your inventory two sets of photographs of the boat taken outside from all angles and from another boat while underway. Photos of the interior cabins and engine compartments may be important in identifying a recovered boat as yours.

Electronic accessories, such as depth sounders, radar, and two-way radios, are expensive and are thus priority targets. You can make them less saleable by engraving identifying marks in a prominent place.

A word about engraving or marking. Inexpensive scribing pens are available from many marine and auto stores or they can be borrowed from local police. With these vibrating pens, permanent marks can be engraved into the surface of metal or plastics. To aid police identification, scribe in your driver's license number and state initials. Social Security numbers are not as useful, since local and state officials do not have ready access to federal files, whereas they can easily communicate with auto registries.

Loose articles such as sails, chairs, fishing tackle, foul-weather gear, and life jackets can be marked with a waterproof marking pen or painted with your name or the name of your boat and home port. As for small accessories, keep in mind that out of sight is out of mind. Keep them secured below or take them home. If left aboard in a locked cabin, be sure the curtains are drawn. It may sound like unnecessary advice, but a look around any marina will show how much people tend to advertise their wares. Don't make the same mistake with your boat.

Secure the boat. Batten down every means of entry into the boat. Lock all hatches, cockpit lockers, lazarets, and windows. Replace or supplement existing spring locks or hooks on all doors with strong dead bolt locks. Inside hinges are best, but if hinges must be on the outside, make sure that the hinge pins cannot be removed, and replace a couple of the hinge plate screws with lug bolts or with screws that will go in but not out. Dog down and secure snugly from the inside; sliding windows should have solid inside bolts or lay a length of wood or a metal rod in the tracks.

Protect your investment by installing alarms, preferably a combination burglar/fire/bilge alarm wired to the ignition. Have a second switch hidden in case the thief jumps the first one. A number of commercial alarms are available in all price ranges. The do-it-yourselfer

can install horns, sirens, bells, and flashing lights. Alarms can be activated by magnetic or pressure switches on doors, windows, hatches, mounted instruments, and motors. Pressure deck mats at the entrance of your boat or in front of operating consoles are effective. Some marinas are equipped with systems which allow boat alarms to be tied into the marina. Where a night watchman can take action, the marina may prefer the use of silent alarms to increase chances of catching the thief. Once you install an alarm, turn it on whenever you are not on board.

While the theft-proof lock has not yet been designed, high-quality locks are available and will slow down a determined thief. As a rule of thumb, consider your boat safe or secure if it takes more than ten minutes for someone to make a forced entry. Remember that bolt cutters are a burglar's best tool. Purchase high-grade steel hasps which will resist cutting, prying, and twisting. All padlocks should have case-hardened steel shackles and should be rust-proof. Don't forget to keep all locks well lubricated in order to combat moisture condensation and corrosion. When leaving your boat unattended for a period of time, fasten the boat itself to a fixed object, using a steel cable or chain with a heavy-duty lock in addition to normal dock lines. Be sure that what you chain your boat to is as secure as what you chain it with, and make certain that the chain cannot be lifted over or torn loose. Chain around and under a thwart or through a stanchion on small, open boats.

Outboard motors are easy to steal by simply and silently undoing the clamping screws from the transom. Special transom bolts or outboard motor bar locks make removal very difficult. The high cost of energy has made portable gas tanks popular targets for thieves. Don't leave them aboard. Prevent the thief from attaching his own fuel tanks by attaching inexpensive gas line locks. If you leave your boat and motor unattended for a long period of time, remove the propeller or the rotor from inside the distributor or the spark plugs. Be sure you have a record of the outboard serial number and perhaps make a few hidden marks of your own as well.

While inboard engines are not as easy to remove as outboards, they too are stolen. Strategies for preventing inboard engine use include removing distributor heads, installing hidden ignition switches, removing the battery and spark plugs. Always remove the keys when the boat is not in use, even for brief periods. Again, have a record of the engine serial number and add your own engraved marks.

One large insurance company reports that boats on trailers are the most frequent losses reported. The thief simply drives up to a trailer, hooks it onto his car, and takes it away. Boat, trailer, and all are gone. Keep the boat and trailer out of sight. Chain them to a tree. Remove the trailer tongue or install a trailer hitch lock into the coupler. Strip your boat of all loose gear before somebody else does. Visit the boat often at odd times of the day and night to avoid establishing a pattern. Do not

hang a "For Sale" sign on the boat because your neighbors may confuse a thief for a new owner. If your boat is stored at home, keep it in a locked garage or in a fenced backyard. Ask the neighbors to keep an eye on it. If you live in an apartment or a condominium, install some kind of anti-theft device and be sure there is good lighting at night.

Small boats carried on cartops, such as dinghies, sailboards, and canoes, are more likely to be stolen than larger craft. There are many look-alike models, they are easy to move on land or water, and they can be quickly hidden in a garage or under an old tarp. When these boats are not in use, the best strategy is to keep them hidden, locked in a garage or cellar, or securely fastened with a chain and lock.

Boats on moorings are easy targets because they are often isolated, offshore, and obscure in night or fog. Prevention is the best strategy. Secure the boat to its mooring with an auxiliary chain or cable using a heavy-duty lock. Keep all loose accessories ashore if practical, or well out of sight and in locked lockers. All hatches, ports, doors should be locked, with curtains drawn. Install loud alarms with flashing lights. Secure motors inoperable. Visit the boat frequently at odd intervals and times of the day. Finally, ask the neighbors to keep a watchful eye.

If your boat is large enough to be kept at a dock, choose a marina, boatyard, or yacht club with a good reputation, adequate security, and good lighting. Encourage the facility manager to increase its security measures, but remember that you have the principal responsibility for preventing thefts. If dockside power is available, use it to make your boat a less desirable target. Since most thefts occur at night, use a timer to turn on a light or a radio (keep the volume low enough to be heard but not so loud your neighbors will be disturbed) to give an "in use" look. Once again, keep everything locked and motors inoperable.

Whether your boat is stored on a trailer in a parking lot, swinging on a mooring, or tied to a dock, past successes indicate that community "boat watch" programs reduce losses. Help organize a neighborhood program to watch boats and property. Inform and involve local enforcement agencies and the boating industry, especially the marina operators, of the program. Give it plenty of publicity and visibility in order to deter potential "night visitors." Agree among yourselves that it is not only okay but necessary to challenge strangers near or on the boats. Don't be surprised to discover that the thief may be a neighboring boat owner. Report all suspicious people to the police immediately. Whenever the "heat is on," the thieves will "cool off." An important part of this "boat watch" is to encourage everyone to mark their property as described earlier.

The law requires you to have your boat registration with you while afloat, but take the documents with you when you leave the boat. Someone who has your boat and your documents can pretend that he has just purchased your craft.

What to Do if a Boat Is Stolen

Even if you take every precaution possible, a determined thief can take boat, motor, and/or accessories. Therefore, it is wise to have financial protection with a boat owners' insurance policy.

As soon as a theft is discovered, take immediate action. First, contact the police and harbor master. File a report, giving as much information as you can, including the data from your home records as well as the estimated time and place of the theft. If local police do not have a marine patrol, contact state authorities. If you suspect that the boat has left your harbor, also contact the Coast Guard. Be sure to ask all these enforcement agencies to list your loss with the National Crime Information Center, the FBI's national computer in Washington.

Next, contact the marina personnel and your neighbors to see if they have any information that may be useful. Suggest to the marina or to the boat dealer you purchased the boat from to "hot list" your loss with the boat and motor manufacturers and a local marine trades association.

Finally, contact your insurance company. They will probably notify one of several national theft-reporting and recovery groups as well as begin their investigation with the local police and marina. One major insurance company has found that on the average boat thefts are reported seven days after the loss is discovered. This is probably because the thefts are noticed by weekend boaters on the Saturday following the theft and reported the following Monday, when the insurance agency opens. The company estimates that if they are to have a good chance of recovering the product, the maximum delay in reporting should be no more than 48 hours. Don't forget to have photographs of your boat available.

It is an unfortunate fact that in many areas law enforcement agencies do not have as much incentive to pursue boat losses as they have to pursue other crimes. People who own recreational boats are widely perceived to be rich and therefore to be heavily insured against losses. Since a theft on the water may not clearly be in the jurisdiction of one local agency or another, there may be confusion as to who should be looking for the boat. It is not unusual, therefore, for the case to end up on the bottom of the police case pile. Persistence and patience on the part of the boat owner are helpful attitudes. One boat owner, when faced with a jurisdictional confusion between agencies, hired a small airplane and was able to track his boat down in another state. It is surprising how quickly boats and products can disappear from a scene and move into other states, or how easily a stolen boat can be disguised with a new name, paint job, and set of papers.

Marine thefts appear to be increasing and marine thieves prospering not only because there are more boats and equipment to steal but because all the odds seem to favor the crooks. The major message to boat owners is simple: secure your vessel and equipment as carefully as

you do your house, car, and other valuables. No one cares if your boat is stolen as much as you do.

For More Information on Boat Theft

Aetna Life and Casualty Insurance Co. 1978. *Stop Pirates—Protect Your Boat and Gear from Thieves*. Hartford, CT. 12 pp.

Cooperative Extension Service. 1978. *Marine and Coastal Facts No. 5: Theft-Proofing Boats*. Amherst, MA: Univ. of Massachusetts. 4 pp.

Federal Bureau of Investigation and U.S. Dept. of Justice. n.d. *Crime Resistance Measures for Marina Owners*. Washington, DC. Leaflet. (Out of print.)

Keiffer, E., ed. 1979. "How to Stop Boat Thefts." *NEMAS Information* 103, May-June 1979. Narragansett, RI: Univ. of Rhode Island. 2 pp.

State Farm Fire and Casualty Co. n.d. *Don't Let Pirates Take Your Boat*. Bloomington, IL. Leaflet.

Films Available

"Fare Well," a 15-minute 16 mm color film, which can be loaned from Audio/Visual Services, State Farm Mutual Insurance Company, One State Farm Plaza, Bloomington, IL 61701.

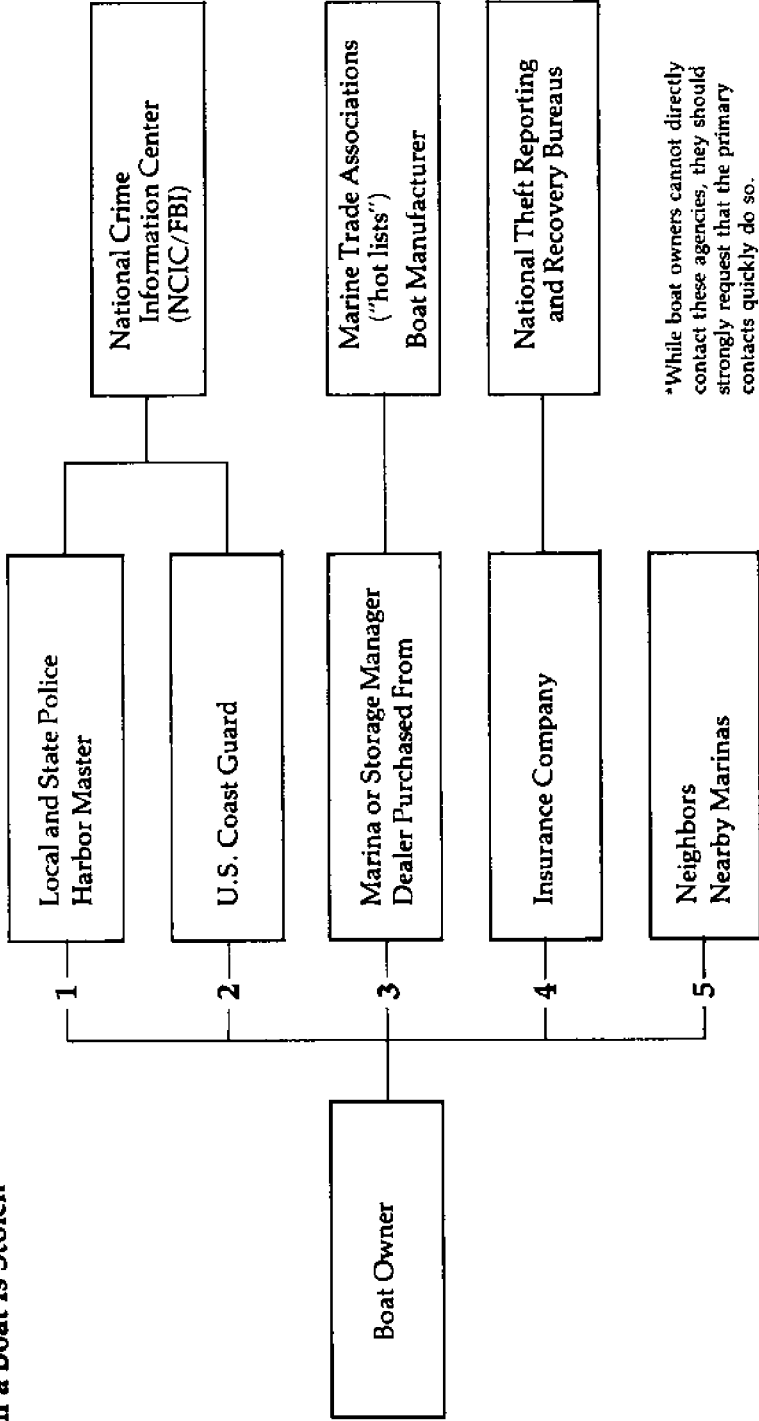
"Security Afloat: A Chart to Crime Prevention," a 16-minute slide/tape program produced by Harper and Row and the Washington State Attorney General's Office. For information, contact Harper and Row, 2350 Virginia Avenue, Hagerstown, MD 21740. Tel. (301) 733-2700.

Who to Notify if a Boat Is Stolen

Primary Contacts

should notify

Secondary Contacts*



*While boat owners cannot directly contact these agencies, they should strongly request that the primary contacts quickly do so.

Appendix A

Workshop Program

April 9, 1979 Monday

- 7:00 p.m. Registration
- 8:00 p.m. Reception

April 10, 1979 Tuesday

- 8:00 a.m. Breakfast
- 8:30 a.m. Registration
- 9:00 a.m. Workshop Opens
- Introduction of Participants
- 9:30 a.m. Technical Briefings from Each Participant
 - a. insurance losses
 - b. jurisdictional problems; local, state, and national
 - c. informational needs
 - d. boating industry and owner perspectives
- 12:00 Luncheon
- 1:30 p.m. Informal Interaction
- 2:30 p.m. Workshop Continues
- 3:30 p.m. Problems Task Force Group Meetings
 - a. information
 - b. insurance
 - c. jurisdiction
 - d. boating industry and public
- 5:30 p.m. Attitude Adjustment
- 6:30 p.m. Dinner
- 8:00 p.m. Task Force Group Meetings Continue
- 9:00 p.m. Cracker Barrel Reception

April 11, 1979 Wednesday

- 8:00 a.m. Breakfast
- 9:00 a.m. Preliminary Task Force Reports and Discussion
- 10:30 a.m. Task Force Meetings to Prepare Final Recommendations
- 12:00 noon Luncheon
- 2:00 p.m.* Presentation of Final Reports
- Discussion and Agreement for Publication
- 3:30 p.m. Adjournment

*Note: This is the only session open to the press, and the final presentations will be the basis for a published workshop report.

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Appendix B



DEPARTMENT OF TRANSPORTATION UNITED STATES COAST GUARD

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U. S. COAST GUARD (G-000-4/74)
WASHINGTON, D. C. 20540
PHONE: (202) 426-2020

. COMDTINST 16201.3

COMMANDANT INSTRUCTION 16201.3

. Subj: Stolen Vessels

1. Purpose. This instruction provides uniform policy and procedural guidelines for handling reports and cases involving stolen vessels.

2. Background. The Coast Guard, due to its status as a maritime law enforcement agency, and because of its high visibility and availability to the boating public, is often the first agency turned to by persons who have had their boat stolen. The Coast Guard's response to reports of stolen vessels has been erratic. Most often, the victim has been referred to another law enforcement agency, either state and local police or the Federal Bureau of Investigation. Many times those agencies are unable or unwilling to assist the complainant in recovering his boat, and refer him back to the Coast Guard or to yet another agency. The Coast Guard's uncharacteristic reluctance to assist the boater in these cases has been understandable (and to some extent, justifiable) because of the complex and often misunderstood jurisdictional status of the crime involved. But, regardless of the legitimacy of the Coast Guard's position, the victim is invariably and understandably displeased that nobody is willing to help him, and often "blames" the Coast Guard for the unresponsiveness of all the law enforcement agencies involved. Because of the general dissatisfaction with this process, these guidelines are intended to be more responsive and helpful to the boat theft victim. Underlying this instruction is the premise that the theft of a vessel is inherently a maritime-related crime and that the Coast Guard, as a law enforcement agency and protector of persons and property in the marine environment, has a responsibility with respect to the subject of stolen vessels.

3. Definitions. For purposes of this instruction, certain terms are defined below. These definitions are intended as further explanations of, and not as contradictory to, any applicable definitions of the same terms found in United States laws and regulations (see particularly, 33 CFR Subpart 2.05):

a. "Admiralty and maritime jurisdiction of the United States" includes all waters subject to the jurisdiction of the United States; that is, the "special maritime and territorial jurisdiction of the United States" (defined below) plus all navigable waters of the United States (see Commandant Instruction 5920.4 series).

b. "Baseline" refers to the baseline from which the territorial sea is measured, which is the low water line along the coasts (including the coasts of islands) and closing lines across the mouths of rivers, bays, inlets and other similar indentations. Some closing lines are

depicted on the special series of Coast Guard law enforcement charts issued under the auspices of the "Interagency Committee for the Delimitation of the United States Coastline" and available from Coast Guard Supply Center Brooklyn. If necessary, baselines not depicted on these charts should be ascertained in accordance with Commandant Instruction 16211.1 (series).

c. "Federal reservation" means any area within a state reserved for the use of, and under exclusive or concurrent jurisdiction of, the federal government.

d. "Special maritime and territorial jurisdiction of the United States" includes: (1) any land or water subject to the jurisdiction of the United States that is not within a state; (2) any federal reservation; (3) the high seas; (4) the territorial sea of the United States; and (5) the open, unenclosed portion of the Great Lakes (waters not enclosed by narrow headlands, promontories or harborworks). It does not include the internal waters (other than the Great Lakes) of a state unless they are part of a federal reservation. [See note following definition of "high seas" in subparagraph g below.]

e. "State" means any of the fifty states of the United States; it does not include the District of Columbia or territories and possessions of the United States.

f. "Territorial sea" means the waters from the baseline extending seaward three miles [as distinguished from "territorial waters" which includes both the territorial sea and internal waters (i.e., all waters landward of the baseline)].

g. "High seas" means the waters beyond the territorial sea (as recognized by the United States) of any country. [Note: In this instruction, the term "high seas" is not used in the sense that it is used in 33 CFR 2.05-1(b) and in 18 USC 7(1) which defines the special maritime and territorial jurisdiction of the United States. Rather, it is used in its current commonly accepted sense, and the definition of the special maritime and territorial jurisdiction in subparagraph d above has been adjusted accordingly. For further legal background on the term "high seas" as it is used in 18 USC 7(1) (but not in this instruction), see United States v. Rodgers, 150 U.S. 249 (1893) and Murray v. Hildredth, 61 F.2d 483 (5th Cir. 1932).]

4. Discussion.

a. The confusion surrounding the Coast Guard's proper role in stolen vessel cases stems mainly from a lack of criteria for determining when a particular case might involve a violation of federal law which the Coast Guard is responsible for enforcing. Most vessel thefts occur on the internal waters of a state where the theft itself is not a federal crime unless it occurs on a federal reservation or the unenclosed waters of the Great Lakes. However, a determination that the original theft was not a

federal crime, does not exclude the possibility that a stolen vessel case is subject to the Coast Guard's law enforcement jurisdiction. Indeed, it is very likely that any stolen vessel case will involve one or more of the federal crimes discussed below.

(1) The federal crime of larceny (as set forth in 18 USC 661) consists of the "taking" and the "carrying away" of personal property with the intent to steal within the special maritime and territorial jurisdiction of the United States. The theft of a vessel does not, in itself, constitute a federal crime unless both the "taking" and the "carrying away" of the vessel occur within that jurisdiction.

(2) Breaking or entering a vessel with intent to commit a felony, if committed in the special maritime and territorial jurisdiction of the United States, is a federal crime under 18 USC 2276.

(3) The theft of a vessel by its captain or any other member of its crew within the admiralty and maritime jurisdiction of the United States is a federal crime under 18 USC 1656.

(4) The National Stolen Property Act (18 USC 2314) prohibits the transportation of stolen goods valued at \$5,000 or more in interstate or foreign commerce. Thus it is a federal crime to cross a state boundary with a stolen vessel which, together with its contents, is valued at \$5,000 or more. In this context, a state's boundaries include not only its borders with other states but also its maritime boundary, which coincides with the outer boundary of the territorial sea. Therefore, this federal criminal statute is violated, in one instance, when a stolen vessel of sufficient value is merely taken to the high seas beyond the territorial sea. Once the vessel has been removed from the state where it was stolen, the federal crime has been committed and returning the vessel to that state will not defeat federal jurisdiction.

(5) The Federal Boat Safety Act requires numbered vessels to have on board a valid certificate of number whenever the vessel is in use (46 USC 1469). With certain exceptions not relevant here, anyone who uses such a vessel without a certificate of number aboard commits a federal crime (46 USC 1461 & 1483). If the genuine certificate of number is aboard a stolen vessel and the operator of the vessel misrepresents himself to the Coast Guard as the owner or as being in possession of the vessel with the permission of the owner, those misrepresentations constitute a violation of 18 USC 1001. Likewise, presentation of a forged or altered certificate of number, or one obtained by misrepresenting the applicant as the lawful owner of the vessel, also constitutes a violation of 18 USC 1001.

b. The commission of any of the acts described in the preceding subparagraph is a federal crime for which the offender, if found aboard a vessel subject to the jurisdiction of the United States, may be arrested by any Coast Guard commissioned, warrant or petty officer. Moreover, any fruits or instruments of the crimes (e.g., the stolen vessel and its contents) are subject to seizure as evidence. If the circumstances are

inappropriate for arrest without a warrant, the Coast Guard, if the identity of the offender is known, should obtain and, if appropriate, execute a warrant for his arrest.

c. In cases which do not involve any federal violation, the Coast Guard may:

(1) In its law enforcement role, provide assistance to local and state law enforcement authorities under the provisions of 14 USC 141; or

(2) In its role as protector of persons and property on the water, assist the vessel theft victim directly by helping locate his vessel.

5. Policy. The Coast Guard, as a law enforcement agency and protector of persons and property in the marine environment, shall take such actions as are within its authority and resource capability to provide assistance in stolen vessel cases.

a. In each stolen vessel case, the Coast Guard will make such inquiries as may be necessary to determine if any federal law has been violated.

(1) Whenever there is a significant possibility that a federal crime within the Coast Guard's jurisdiction has been or is being committed, the Coast Guard will:

(a) Conduct such further investigation and take such other action as may be fruitful toward recovering the vessel or apprehending the thief unless such action would be wastefully duplicative of the efforts of another agency; and

(b) Coordinate its actions with any other agency involved in the case.

(2) In all stolen vessel cases, the Coast Guard's role will consist of:

(a) If helpful under the circumstances, offering assistance to other law enforcement agencies;

(b) Issuing appropriate "vessel lookout" in accordance with Commandant Instruction 16241.1 series;

(c) Making appropriate entry into EPIC and NCIC, if not done by another agency; and

(d) Providing the victim with such additional services (e.g., harbor check, active search) as are appropriate under the circumstances.

b. If the Coast Guard, at any time, discovers evidence that a boarded vessel has been stolen, but is unable to develop grounds sufficient to justify seizure of the vessel or arrest of its occupants for violation of any federal law, the situation will be reported to appropriate law enforcement agencies, and, if practicable, the vessel will be detained on scene for such reasonable time as may be necessary for any interested agency to respond.

c. The Coast Guard does not intend to interfere in stolen vessel cases when other law enforcement agencies are prepared to carry out such actions as may be fruitful. The intent is to respond affirmatively by offering assistance in all cases and, to the maximum extent practicable within the law, by providing effective recourse in those not infrequent instances in which no other agency is willing and able to pursue the case.

6. Action. District commanders shall:

a. Handle reports and cases involving vessels in a manner calculated to achieve the policy objectives set forth above to the extent possible within the limits of current resources. The decision/action flow chart contained in enclosure (1) is designed to assist in carrying out this directive.

b. Maintain appropriate liaison with other law enforcement agencies (federal, state and local) which may have jurisdiction with a view toward:

(1) Determining which among them is prepared to take effective action to assist vessel theft victims and apprehend the thieves;

(2) Coordination of cases involving concurrent jurisdiction or joint action; and

(3) A useful exchange of information concerning stolen vessels available from various sources such as the National Crime Information Center (FBI) and Pathfinder (EPIC);

c. Notify Commandant, through the normal budgetary process, of any additional resources which may be required to achieve fully the policy objectives set forth above.



O. W. SILER

Encl: (1) Decision/Action Flow Chart

Distribution: (SDL No. 105)

A: afgh(3) ijklmnoprsuv(1)

B: bc(20) eghnr(5) fijklmopq(1)

C: abdekmoxy(3) fgijlpw (1)

D: adm(3) jlu(1)

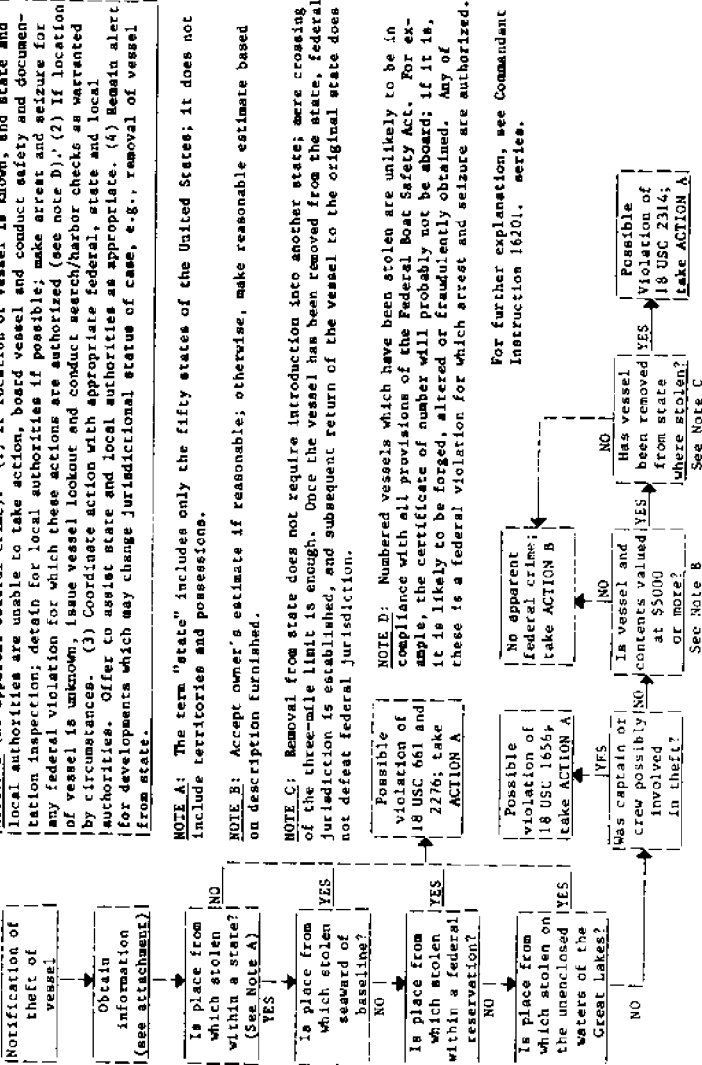
E: bklnmosw(1)

F: bcefhkl(1)

Department of Justice (5)

Federal Bureau of Investigations (5)

STOLEN VESSEL
DECISION/ACTION
FLOW CHART



ACTION A (Significant possibility of federal crime): (1) If location of vessel is known, board it and take appropriate action to enforce federal law, i.e., arrest and seizure. (2) If location of vessel is unknown, issue vessel lookout and conduct search/harbor checks as appropriate. (3) Coordinate action with appropriate federal, state and local authorities. (4) Conduct active investigation as appropriate.

ACTION B (No apparent federal crime): (1) If location of vessel is known, and state and local authorities are unable to take action, board vessel and conduct safety and documentation inspection; detain for local authorities if possible; make arrest and seizure for any federal violation for which these actions are authorized (see note D). (2) If location of vessel is unknown, issue vessel lookout and conduct search/harbor checks as warranted by circumstances. (3) Coordinate action with appropriate federal, state and local authorities. Offer to assist state and local authorities as appropriate. (4) Remain alert for developments which may change jurisdictional status of case, e.g., removal of vessel from state.

NOTE A: The term "state" includes only the fifty states of the United States; it does not include territories and possessions.

NOTE B: Accept owner's estimate if reasonable; otherwise, make reasonable estimate based on description furnished.

NOTE C: Removal from state does not require introduction into another state; mere crossing of the three-mile limit is enough. Once the vessel has been removed from the state, federal jurisdiction is established, and subsequent return of the vessel to the original state does not defeat federal jurisdiction.

NOTE D: Numbered vessels which have been stolen are unlikely to be in compliance with all provisions of the Federal Boat Safety Act. For example, the certificate of number will probably not be aboard; if it is, it is likely to be forged, altered or fraudulently obtained. Any of these is a federal violation for which arrest and seizure are authorized.

For further explanation, see Commandant Instruction 16201. series.

STOLEN VESSEL INFORMATION SHEET

1. Owner of vessel: a. Name _____

b. Address _____

2. Vessel: a. Name _____

b. State Registration/CG Official Documentation No. _____

c. Homeport _____

d. Description: (1) Type _____ (2) Rig _____

(3) Length (overall) _____ (4) Beam _____ (5) Draft _____

(6) Color _____ (7) Hull Material _____

(8) Hull plate No. _____

(9) Significant appurtenances and equipment _____

(10) Value [including contents (accept owners estimate if reasonable)]

e. Location when stolen _____ Date _____

f. Last known location _____ Date _____

3. Other useful information _____

4. Certificate of number aboard when stolen? (yes) (no) (don't know)

5. Other agencies notified: _____

6. NCIC Input: a. Number _____ b. By Whom _____ b. Date _____

7. Coast Guard Lookout: a. Number _____ b. Date _____

Appendix C

NATIONAL AUTOMOBILE THEFT BUREAU

EASTERN DIVISION

17 John Street
New York, N.Y. 10038

TERRITORY
Conn., Del., D.C., Maine,
Md., Mass., N.H., N.J.,
New York, Pa., R.I., Va.

PACIFIC COAST DIVISION

333 Serramonte Plaza
Day City, California 94015

TERRITORY
Alaska, Ariz., Calif., Hawaii,
Idaho, Mont., Nevada,
Oregon, Utah, Washington

SOUTHERN DIVISION

P.O. Box 95008
Atlanta, Georgia 30347

TERRITORY
Ala., Florida, Georgia,
Miss., N. Car., S. Car.,
Tennessee, Virginia, West
Virginia

SOUTHWESTERN DIVISION

1341 W. Mockingbird Lane,
Suite 1006E
Dallas, Texas 75247

TERRITORY
Arkansas, Louisiana, New
Mexico, Oklahoma, Texas

WESTERN DIVISION

8730 South Western Avenue
Chicago, Illinois 60642

TERRITORY
Colo., Ill., Ind., Iowa,
Kansas, Ky., Mich., Minn.,
Mo., Neb., N. Dak., Ohio,
S. Dak., Wyo., Wisconsin

PLEASE PRINT OR TYPE

We must have the following requested information in order to properly process your report.

BOAT THEFT REPORT

BOAT TYPE		
<input type="checkbox"/> AIRBOAT	<input type="checkbox"/> HYDROFOIL	<input type="checkbox"/> SAIL BOAT
<input type="checkbox"/> CRUISER	<input type="checkbox"/> HYDROPLANE	<input type="checkbox"/> UTILITY
<input type="checkbox"/> COMMERCIAL	<input type="checkbox"/> HOUSEBOAT	<input type="checkbox"/> YACHT
<input type="checkbox"/> HOVERCRAFT	<input type="checkbox"/> RUNABOUT	<input type="checkbox"/> OTHER

BOAT OUTER HULL MATERIAL	
<input type="checkbox"/> PLASTIC	<input type="checkbox"/> METAL
<input type="checkbox"/> WOOD	<input type="checkbox"/> OTHER

YEAR	* HULL IDENTIFICATION NUMBER	COLOR	REGISTRATION NUMBER
------	------------------------------	-------	---------------------

DATE OF THEFT	PLACE OF THEFT	CITY	COUNTY	STATE
---------------	----------------	------	--------	-------

REPORTED TO (LAW ENFORCEMENT AGENCY)	DATE OF REPORT	CASE COMPLAINT NUMBER
--------------------------------------	----------------	-----------------------

OWNER	STREET	CITY	STATE	ZIP CODE
-------	--------	------	-------	----------

<input type="checkbox"/> OUTRIGHT THEFT
<input type="checkbox"/> RENTED/LEASED
<input type="checkbox"/> CONVERSION
<input type="checkbox"/> THEFT BY DECEPTION

TYPE OF PROPULSION		
<input type="checkbox"/> INBOARD	<input type="checkbox"/> INBOARD JET	<input type="checkbox"/> SAIL
<input type="checkbox"/> OUTBOARD	<input type="checkbox"/> SAIL/INBOARD	<input type="checkbox"/> MANUAL (OARS, PADDLE, ETC.)
<input type="checkbox"/> INBOARD/OUTBOARD	<input type="checkbox"/> SAIL/OUTBOARD	<input type="checkbox"/> OTHER

BOAT LENGTH	BOAT MAKE (MANUFACTURER, MODEL & STYLE)
-------------	-----------------------------------------

POWER UNIT(S):	YEAR	MAKE	MODEL	SERIAL NUMBER(S)
----------------	------	------	-------	------------------

OUTDRIVE UNIT(S):	YEAR	MAKE	MODEL	SERIAL NUMBER(S)
-------------------	------	------	-------	------------------

IMPORTANT

1. USE REVERSE SIDE FOR REPORTING ADDITIONAL DESCRIPTIVE DATA
2. REPORT STOLEN BOAT TRAILER ON SEPARATE FORM 200 AND ATTACH

INSURANCE INFORMATION

INSURANCE COMPANY (NOT PARENT COMPANY OR GROUP)	REPORTING OFFICE
-------------------------------------------------	------------------

POLICY NUMBER	CLAIM NUMBER	ADDRESS
---------------	--------------	---------

DATE OF REPORT	CITY	STATE	ZIP CODE
----------------	------	-------	----------

WE WILL SEND ALL MAIL RELATING TO THIS LOSS TO THIS ADDRESS.

Appendix D

Suggested Related Materials

The following articles were submitted by workshop participants and should be available from the sources listed.

"Attack on 103 Boats Is Mystery to Officials," Glen Carter, *Seattle Times*, January 21, 1979.

"Boat Insurance Rate Raises Are in the Winds," Don Cascaito, *Soundings*, April 1978.

"Boat Salesman Faces Charges," Kathleen Johnston, *Soundings*, August 1978.

"Boat Theft Sleuth Ferrets Out Fraud," *Soundings*, February 1979.

"Boat Thefts Increasing," *Boat Product News*, August 1978.

"Camera Can Be Quick Way to Inventory Boat Properly," Eileen Crimmin, *Seattle Times*, January 18, 1979.

"Can Titling Help Solve the Boat Theft Problem?," Ron Stone, Boating Industry Associations, 401 North Michigan Avenue, Chicago, Ill. 60611, 1979.

"A Coast Guard Perspective," Lt. Comdr. W.H. Norris, First Coast Guard District, Boston, Mass., 1979.

"Conversations with a Boat Thief," Thomas Plate, *Motor Boating and Sailing*, August 1976.

"Cops and Robbers Offshore," Thomas Plate, *Motor Boating and Sailing*, October 1977.

"Crime Resistance Measures for Marina Owners," FBI Bulletin, Washington, D.C. (undated).

"Direct Mail Pitchman Hunts 'Hot' Boats," Don Casciato, *Soundings*, June 1978.

"Federal Boat Safety Act—Coast Guard Authorization, Fiscal Year 1979, Hearings," Subcommittee on Coast Guard and Navigation, Committee on Merchant Marine and Fisheries, House of Reps., 95th Congress, U.S. Government Printing Office, Washington, D.C., 1978.

"Florida Boatowners Warned to Equip Boats Against Theft," Judy Vik, *Soundings*, October 1978.

"Guns: Testing the Legal Waters," *Soundings* (undated).

"Hot Sheet Lists Stolen Boats, Equipment," *Soundings*, February 1978.

"How to Stop Boat Thefts," *NEMAS Information* 103, University of Rhode Island Marine Advisory Service, Narragansett, R.I. 02882, May-June 1979.

"Investigator Afloat in Sea of Stolen Boats," Ken Grissom, *Houston Post* (undated).

"A License for Piracy Down South," Don Cuddy, *Sea*, March 1979.

"Man Arrested in Thefts Between Florida and N.Y.," Fred Tasker, *Soundings*, January 1978.

"Marine Crime Wave," *USCG Boating Safety Newsletter*, Winter 1979.

National Crime Information Center Newsletter, NCIC Boat File, Washington, D.C. 20535, March 1979.

"Pleasure Boat Boom Courts Increase in Piracy," *Providence Sunday Journal*, May 15, 1977.

"Seven Boats Robbed at Galilee: One Owner Demands Hearing," Gerald S. Goldstein, *Providence Evening Bulletin*, September 19, 1979.

"Ship Slips from Sleuths, Guards Must Pay for Letting Vesco Yacht Get Away," Fred Tasker, *Soundings*, January 1978.

"Stolen Yacht Daringly Returned to Florida Port," Red Marston, *St. Petersburg Times*, August 6, 1977.

"Stolen Boat Investigative Program," D.C. Mac Gillis, Interoffice Memorandum, State of Florida, Department of Natural Resources, Tallahassee, Fla., September 3, 1978.

"Stolen Boat Summary," State of Maryland, 1977.

"Subcommittee Hears Theft Testimony, Losses Top \$60 million; Action Urged," John Pope, *Soundings*, January 1978.

"Theft-Proofing Boats," Bulletin Cooperative Extension Service, University of Massachusetts, July 1978.

"Theft Seminar: Marine and Off-Road Equipment," James Allen, Minutes of Meeting, National Auto Theft Bureau, June 22, 1978.

"Wireless Boat Security System Installed at Stamford Marina," *Soundings*, June 1978.

"Yacht Hijacking and Drug Smuggling, Hearings," Subcommittee on Coast Guard and Navigation, Committee on Merchant Marine and Fisheries, House of Reps., 95th Congress, U.S. Government Printing Office, Washington, D.C., 1978.