



3500
CG-543 Policy Letter
No. 11-10

JUL 27 2011

From: Eric P. Christensen, CAPT
COMDT (CG-543)

To: Distribution

Subj: CRUISE VESSEL SECURITY AND SAFETY ACT OF 2010; IMPLEMENTATION OF
TRAINING STANDARDS AND CURRICULA

Ref: (a) Cruise Vessel Security and Safety Act of 2010 (CVSSA), Pub. L. No. 111-207 (July 27,
2010) (codified at 46 U.S.C. Sections 3507, 3508)

1. PURPOSE. The purpose of this policy letter is to provide guidance for compliance with the provisions of the Cruise Vessel Security and Safety Act of 2010 (CVSSA) whereby at least one crewmember onboard the passenger vessel must be trained in crime scene preservation training.
2. ACTION. Sector Commanders and Officers in Charge, Marine Inspection shall direct their marine inspectors (MI) and Port State Control Examiners (PSCE) to use the guidance in this letter and its enclosure when verifying compliance with the CVSSA. This policy letter will be distributed by electronic means only. It is available on the internet at <http://homeport.uscg.mil/USvsls>.
3. DIRECTIVES AFFECTED. None.
4. BACKGROUND. Section 3508 mandates crime scene preservation training for passenger vessel crewmembers on the appropriate methods for prevention, detection, evidence preservation, and reporting of criminal activities in the international maritime environment. This policy letter addresses the training requirements in 46 USC 3508 and promulgates the training standards and curricula for the certification of passenger vessel security personnel, crewmembers and law enforcement. Reference (a) requires "[w]ithin one year after the date of enactment of the Cruise Vessel Security and Safety Act of 2010, the Secretary, in consultation with the Director of the Federal Bureau of Investigation (FBI) and the Maritime Administration (MARAD) shall develop training standards and curricula to allow for the certification of passenger vessel security personnel, crewmembers, and law enforcement officials on the appropriate methods for prevention, detection, evidence preservation, and reporting of criminal activities in the international maritime environment." Enclosure (1) to this policy letter contains these standards.

JUL 27 2011

5. DISCUSSION.

- a. The CVSSA adds training and crewmember certification requirements for crime scene preservation training. There are two components to these requirements; the final certification requirements are effective July 27, 2013. 46 USC 3508(c). Interim training requirements are effective July 27, 2011 and remain in place until the certification requirements are fully implemented. 46 USC 3508(d).
- b. The CVSSA training and certification requirements are applicable to a passenger vessel (as defined in 46 USC 2101(22)) that:
 - i. is authorized to carry at least 250 passengers;
 - ii. has onboard sleeping facilities for each passenger;
 - iii. is on a voyage that embarks or disembarks passengers in the United States; and
 - iv. is not engaged on a coastwise voyage.See 46 USC 3507 (k).
- c. Final Certification Requirement:
 - i. Final certification requirements will be made available when they are fully developed through regulation. 46 USC 3508 (a).
 - ii. Enclosure (1) contains the minimum training standards and curricula developed by the Coast Guard, in consultation with the FBI and MARAD, to allow for the certification of passenger vessel security personnel, crewmembers, and law enforcement officials on the appropriate methods for prevention, detection, evidence preservation, and reporting of criminal activities in the international maritime environment. 46 USC 3508(b).
 - iii. Beginning two years after the standards are established, no vessel to which the CVSSA applies may enter a United States port on a voyage or voyage segment on which a United States citizen is a passenger unless there is at least one crewmember onboard certified as having successfully completed the required training. 46 USC 3508(c).
- d. Interim Training Requirement (46 USC 3508 (d)):
 - i. Effective July 27, 2011, no vessel to which the CVSSA applies may enter a United States port on a voyage or voyage segment on which a United States citizen is a passenger unless there is at least one crewmember onboard who has been properly trained on prevention, detection, evidence preservation, and the reporting requirements of criminal activities in the international maritime environment.
 - ii. The owner of such a vessel must be able to demonstrate, upon request by the Coast Guard, that they have verified the training of such individual. A letter or certificate signed by a representative of the company, such as the Company Security Officer, stating that the designated crewmember has been properly trained on the required subjects established by the CVSSA would be satisfactory. The interim training requirement will remain in effect until the training standards of 46 USC 3508 (b) are in force.
 - iii. The Coast Guard considers a crewmember "properly trained" if the level of training allows the owner/operator to reasonably conclude that the designated crewmember would be qualified to secure an alleged crime scene on a cruise vessel, recover evidence

JUL 27 2011

of an onboard offense, and identify or interview potential witnesses to the alleged crime pending the arrival of professional crime scene investigators.

- iv. Vessels required to comply with reference (a) may comply with the verification of training requirements through the advance notice of arrival (ANOA) system. The ANOA forms are currently being modified to collect the additional information. Until the ANOA form is updated, vessels may annotate the comment section of the ANOA to indicate their compliance with the training requirements. Once the forms are updated, the National Vessel Movement Center will notify all affected vessels via their website.

6. ENFORCEMENT GUIDANCE. As part of the normal preparations for an examination, the MI/PSCE shall review Marine Information for Safety and Law Enforcement (MILSE) data and the ANOA prior to attending a vessel. The ANOA may indicate if the vessel has at least one crewmember onboard trained in accordance with paragraphs 5.c or 5.d above.

- a. If the ANOA notes that at least one crewmember onboard is trained in accordance with the interim training, no further action is required. If the MI/PSCE is otherwise attending the vessel (such as part of a routine scheduled examination), the MI/PSCE should ensure compliance in accordance with subparagraph c below.
- b. If the cruise vessel's ANOA does not note that at least one crewmember onboard is trained in accordance with enclosure (1), the MI/PSCE should contact the vessel representative to determine compliance. If compliance still cannot be determined, the MI/PSCE should attend the cruise vessel in order to verify compliance.
- c. The MI/PSCE will verify that vessels are compliant with the interim training requirements of the CVSSA during their examinations by physically viewing the certificate or letter attesting to completion of appropriate training. After the implementation of the certification requirements under 46 USC 3508(c), the MI/PSCE shall ensure that the required certifications are held.
- d. Deficiencies. MI/PSCEs shall take the following action for a deficiency noted with respect to the training requirements:
 - i. Encourage vessel operators to correct the deficiency "on the spot." If they are unable to correct the deficiency on the spot, and this is the first time the deficiency is noted, the deficiency shall have a correction date of no more than 30 days.
 - ii. Inform the vessel master or staff captain that the deficiency may result in a civil penalty or other action.
 - iii. Make appropriate MISLE entries.
 - iv. The CVSSA also provides for denial of entry in cases where the vessel "commits an act or omission for which a penalty may be imposed" or "fails to pay a penalty imposed on the owner" (relative to CVSSA). This sanction should only be considered for use when all other means to promote compliance with the CVSSA have failed. Sector Commanders should balance the consequences of denial of entry, i.e. preventing thousands of United States citizen passengers from returning home after their current cruise, against the benefits of compelling compliance with payment of fines.

7. DISCLAIMER. This guidance is not a substitute for applicable legal requirements, nor is in itself a rule. It is not intended to nor does it impose legally-binding requirements on any party. It represents the Coast Guard's current thinking on this topic and may assist industry, mariners, the general public,

Subj: CRUISE VESSEL SECURITY AND SAFETY ACT OF
2010; IMPLEMENTATION OF TRAINING STANDARDS AND
CURRICULA

3500
JUL 27 2011

and the Coast Guard, as well as other federal and state regulators, in applying statutory and regulatory requirements. You can use an alternative approach for complying with these requirements if the approach satisfies the requirements of the applicable statutes and regulations.

8. Questions or concerns regarding this policy may be directed to Commandant (CG- 5432) at (202) 372-1240 or emailed to CG543@uscg.mil.

#

Enclosure: (1) Model Course CVSSA 11-01, Crime Prevention, Detection, Evidence Preservation, and
Reporting Certification and Training Standards

Distribution: All Area/District (p) Offices
All Sectors/Activities and MSUs