



***U.S. Coast Guard - Cruise Ship
Casualty Investigations
CAPT David Fish***



Coast Guard Jurisdiction



- *The Coast Guard maintains investigative jurisdiction on cruise ships for incidents in US waters – 12 nautical miles*
- *The Coast Guard maintains investigative jurisdiction on cruise ships involving US passengers and embarking & disembarking from US Ports*
- *The Coast Guard maintains investigative jurisdiction on cruise ships all over the world that involve US citizens as a Substantially Interested State*

The Coast Guard is in an ideal position both domestically and internationally to coordinate improved safety standards and compliance for cruise ships



Coast Guard Capabilities



The Coast Guard takes a proactive stance in investigating all casualties aboard foreign passenger vessels in US waters and is actively involved in investigating casualties outside US territorial Seas that involve US passengers.

- *Nearly 200 investigators nationwide*
- *International capability with investigators stationed overseas*
- *2 Centers of Expertise (force-multipliers & tech experts)*

Regardless of where an incident occurs, the Coast Guard works closely with a vessel flag administration in addressing investigative needs and ensuring safety concerns, both domestically and internationally, are addressed (i.e. compliance measures, safety recommendations etc.).



Use of Technology

MARINE POLLUTION SURVEILLANCE REPORT



Analysis Provided by: The National Oceanic and Atmospheric Administration/National Environmental Satellite, Data and Information Service (NOAA/NESDIS)

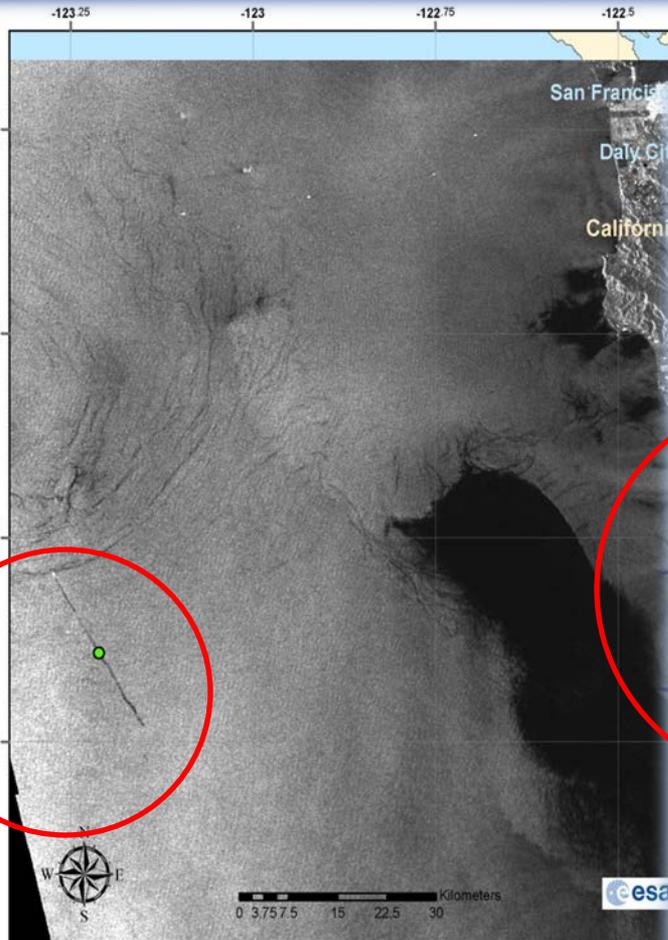


Legend

- Anomaly
- Center Point of Anomaly: [37°6'31" N / 123°12'39" W]

REMARKS:

Linear anomaly detected roughly 93 km south-west of Daly City, CA. Anomaly appears to be recent and possibly attached to a vessel traveling toward the north-west.

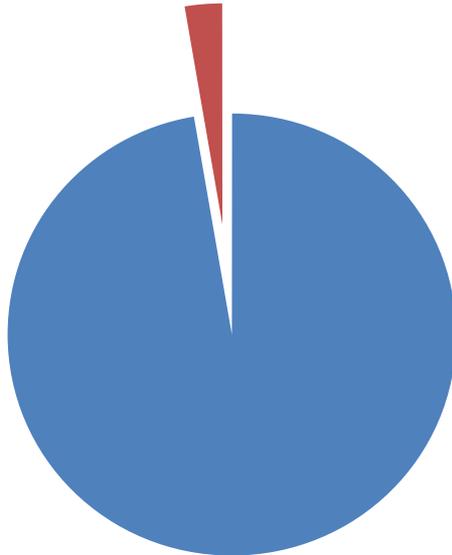




Casualty Data - US Waters



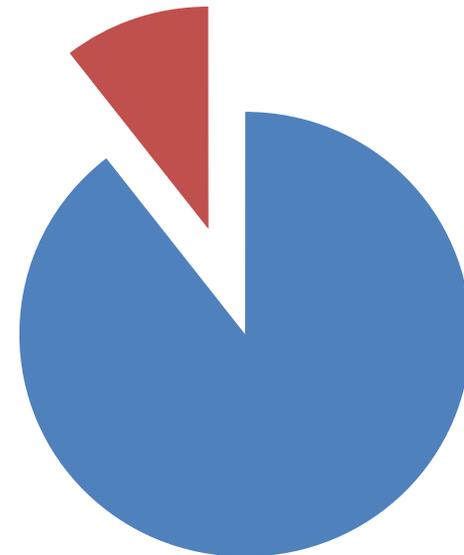
Cruise Ships (3%)



Maritime Industry (97%)

Reportable Marine Casualties 2009 - 2013

Cruise Ships (11%)



Maritime Industry (89%)

Serious Marine Incidents 2009 - 2013



Investigative Partnerships



The Coast Guard utilizes its position as the lead federal agency in accidents in US waters or in International waters as an IMO Investigative State (i.e. flag state defers to coastal state) or Substantially Interested State to participate in investigations (i.e. Carnival Triumph, Carnival Splendor, Costa Concordia, etc.). Additionally, we utilize partnerships with --

- *Department of Justice*
- *National Transportation Safety Board*
- *International Maritime Organization*
- *Coast Guard Standards & Engineering SME's*
- *Coast Guard Marine Safety Center SME's*
- *Coast Guard Commercial Vessel Compliance Directorate*
- *Flag State Administrations*
- *Marine Accident Investigator's International Forum*



Investigative Outcomes



Title 46, United States Code (U.S.C.), 6301 ---

- (1) the cause of the casualty, including the cause of any death;**
- (2) whether an act of misconduct, incompetence, negligence, un-skillfulness, or willful violation of law committed by any individual licensed, certificated, or documented ... so that appropriate remedial action ... may be taken;**
- (3) whether an act of misconduct, incompetence, negligence, un-skillfulness, or willful violation of law committed by any person, including an officer, employee, or member of the Coast Guard, contributed to the cause of the casualty, or to a death involved in the casualty;**
- (4) whether there is evidence that an act subjecting the offender to a civil penalty under the laws of the United States has been committed, so that appropriate action may be undertaken to collect the penalty;**
- (5) whether there is evidence that a criminal act under the laws of the United States has been committed, so that the matter may be referred ...; and**
- (6) whether there is need for new laws or regulations, or amendment or repeal of existing laws or regulations, to prevent the recurrence of the casualty.**



Criminal Referrals



Specifically, 46 U.S.C . 6301 (5) --

“Whether there is evidence that a criminal act under the laws of the United States has been committed, so that the matter may be referred to appropriate authorities for prosecution..”

Whether an incident has a criminal nexus or not, the safety issues are always the primary objective for Coast Guard investigations under our domestic regulations and under the IMO code. Criminal investigations may run concurrently or may take a pause in light of criminal investigations.

There has been no recent memory instances where a safety and criminal investigation were in conflict.