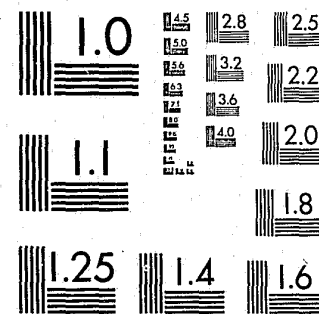


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FBI LAW ENFORCEMENT BULLETIN

MAY 1982

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Boat Theft

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ACQUISITIONS

Contents

Crime Problems

- 1 Boat Theft: A High-Profit/Low-Risk Business
By George J. Lyford 82974

Personnel

- 6 Law Enforcement Marital Relationships: A Positive Approach
By John G. Stratton, Ph. D. and Barbara Tracy Stratton 82975

Crime Problems

- 12 Coupon Fraud: Profiting From "Cents-Off" Coupons
By Kathleen McChesney 82976

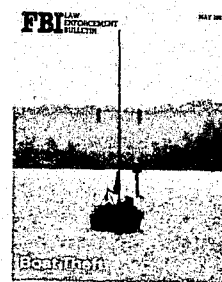
Legal Matters

- 16 Cults: A Conflict Between Religious Liberty and Involuntary Servitude? (Part II)
By Orlin D. Lucksted and D. F. Martell

The Legal Digest

- 24 The Fourth Amendment at a Rock Concert
By Jerome O. Campana

- 32 Wanted by the FBI



THE COVER:

Theft of boats is a high-profit, low risk opportunity thieves are finding increasingly difficult to resist. See article p. 1.

Federal Bureau of Investigation
United States Department of Justice
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William H. Webster, Director

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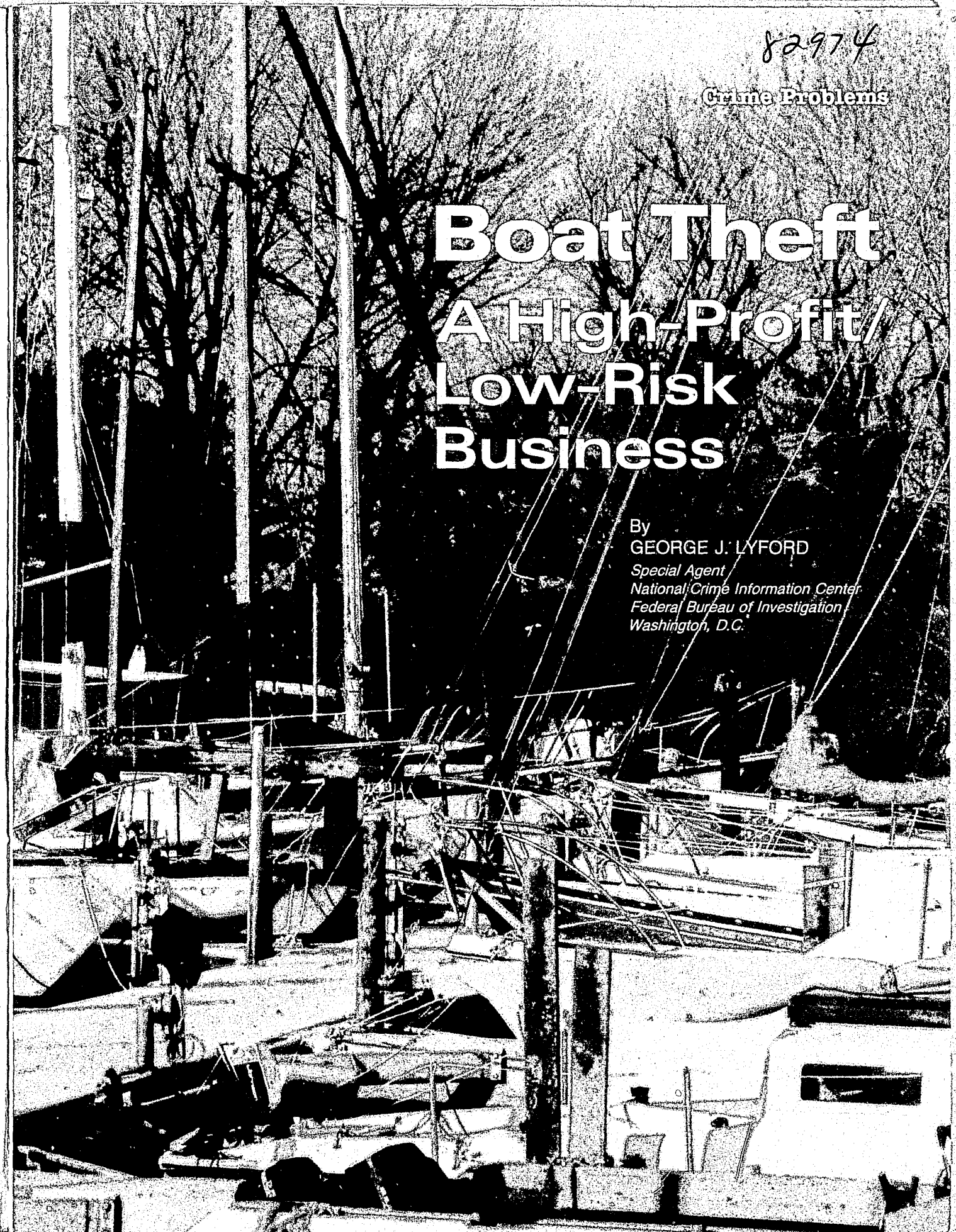
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Crime Problems

Boat Theft A High-Profit/ Low-Risk Business

By
GEORGE J. LYFORD
Special Agent
National Crime Information Center
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Washington, D.C.





Special Agent Lyford

"The theft of boats and marine equipment has become an increasingly serious problem in recent years. Estimates of the dollar value stolen annually vary widely, but there is a general agreement that a loss of \$60 million per year is a conservative figure. Closer estimates have not been possible because of the fragmented nature of the problem."¹

Two of the factors contributing to this increase in marine thefts are the jurisdictional problems among law enforcement agencies which deal with marine theft and the absence of uniform State titling and licensing laws. This can be translated into the blanket statement that "marine theft is a high-profit/low-risk business" that grows with each passing year. In addition, the absence of complete statistical data leaves law enforcement administrators grasping for assistance when they attempt to analyze and study marine theft when allocating manpower. These factors combined result in a general lack of knowledge regarding the problem and a subsequent lack of resources to address the problem.

There are numerous groups which have an interest in boat thefts, ranging from the boat manufacturers and their associations, to the owners themselves, to the various law enforcement agencies. While each seek solutions to the ever-present problems of boat and marine equipment theft, all of these groups address the matter in question in their own individual manner.

Jurisdiction

Marine theft by its very nature defies traditional investigation. The maze of conflicting jurisdictions and the subsequent confusion hampers the ability of the law enforcement community to curtail boat thefts. As a visible and readily available marine law enforcement agency, the U.S. Coast Guard is often the initial contact point for victims of boat thefts. In June 1977, the Coast Guard established policy guidelines for handling incidents of stolen vessels and marine equipment with the publication of Commandants Instruction #16201.3. It details the following five Federal crimes that may be involved in a marine theft incident and investigated by the Coast Guard:

"(1) The Federal Crime of larceny (as set forth in T18 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 the jurisdiction.

"(2) Breaking or entering a vessel with the intent to commit a felony, if committed in the special maritime and territorial jurisdiction of the United States, is a Federal crime under T18 USC 2276.

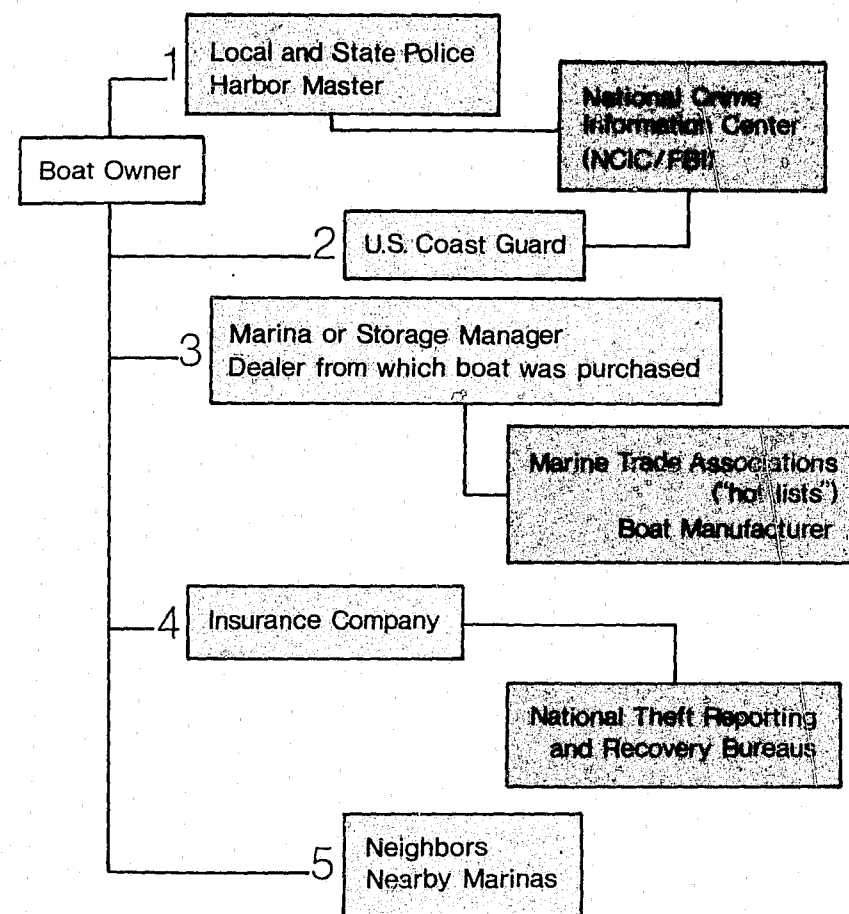
"(3) The theft of a vessel by its captain or any other member of its crew within the admiralty and maritime jurisdiction of the United States is a Federal crime under T18 USC 1656.

"(4) The National Stolen Property Act, T18 USC 2314, prohibits the transportation of stolen goods valued at \$5,000 or more in interstate or foreign commerce. Thus, it is a

Who to Notify if a Boat is Stolen

Primary Contacts

Secondary Contacts[#]



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

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 eliminate 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 (T46 USC 1469). Anyone who uses such a vessel without a certificate of number aboard commits a Federal crime (T46 USC 1461 and 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, he violates T18 USC 1001. Likewise, presentation of a forged or altered certificate of number, or one obtained by misrepresenting the applicant as a lawful owner of the vessel, also constitutes a violation of T18 USC 1001.

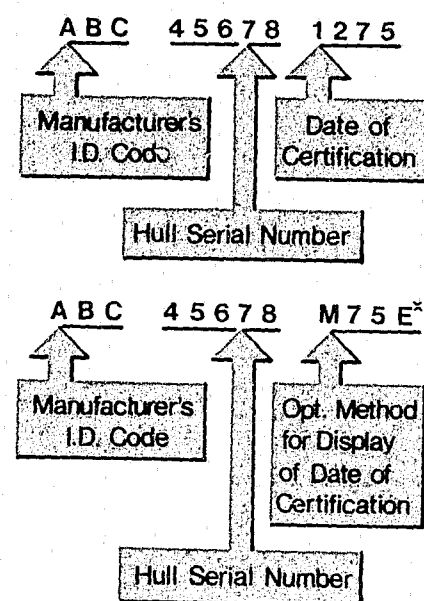
"In cases which do not involve any Federal violation, the Coast Guard may:

"(1) In its law enforcement role, provide assistance to local and state law enforcement authorities under the provisions of T14 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."²

The FBI may have jurisdiction over boat theft under the Interstate Transportation of Stolen Property Statute, T18 USC 2314. This section reads in part: "Whoever transports in interstate or foreign commerce any goods, wares, merchandise, securities or money, of the value of \$5,000 or more, knowing the same to have been stolen, converted or taken by fraud. . . ." Also, certain crimes described in title 18 of the U.S. Code, such as kidnapping (section 1201), piracy (section 1651), murder (section 1111), and assault (section 113), when committed within the special maritime and territorial jurisdiction of the United States, are punishable in Federal court. The term "special maritime and territorial jurisdiction of the United States," as used in this title, includes: "The high seas, any other waters within the admiralty and maritime jurisdiction of the United States and out of the jurisdiction of any particular state, and any vessel belonging in whole or in part to the United States or any citizen thereof, or to any

Figure 1

HIN Format



*Key to Month of Model Year

| | | |
|-------|-------|-------|
| AUG-A | DEC-E | APR-I |
| SEP-B | JAN-F | MAY-J |
| OCT-C | FEB-G | JUN-K |
| NOV-D | MAR-H | JUL-L |

corporation created by or under the laws of the United States, or of any state, territory, district, or possession thereof, when such vessel is within the admiralty and maritime jurisdiction of the United States and out of the jurisdiction of any particular state. . . . Crimes of this nature would be investigated by the FBI as crimes on the high seas.

FBI policy applicable to T18 USC 2314 is that no investigation will be instituted involving thefts of property valued under \$50,000, unless there is sufficient evidence to raise a reasonable inference that the property was transported in interstate commerce or that organized crime figures are involved in the theft. This policy does not preclude investigation being instituted in cases where circumstances and experience indicate interstate transporta-

tion of the stolen property is likely. In cases involving stolen property exceeding \$50,000 in value, the FBI immediately institutes active investigation to determine whether the interstate transportation of stolen property statute has been violated. These latter cases are classified as major theft matters. The FBI policy, as stated above, was developed in concurrence with the U.S. Department of Justice. In the absence of a theft which comes under the above policy, the primary jurisdiction will rest with the State or local law enforcement agency.

Boat Titling

In June 1979, the National Law Enforcement Telecommunications System, Inc., conducted a boat registration survey which revealed that 45 States have statutes which mandate titling or registration of boats. The survey also revealed that there are 14 States that have an online stolen boat file and 15 States that have an online boat registration file which is available for law enforcement investigations. Several groups are working to promote the adoption of uniform boat titling which, if adopted, will make all States more effective in determining valid ownership and will assist in curtailing thefts.

Hull Identification Number

The 1971 Federal Boat Safety Act mandated that every boat manufactured for sale in the United States have a 12-character Hull Identification Number (HIN) permanently affixed to the hull. However, the method of affixation was not specified, and manufacturers have great latitude in its placement on boats. (See fig. 1.)

The HIN was primarily designed to protect the consumer and to assist boat manufacturers in quality control of

their inventories. Prior to 1971, boats were manufactured without any means for the consumer to identify the model year. The HIN is a tremendous aid to law enforcement officers who must determine ownership of stolen boats. The greatest problem faced by law enforcement when dealing with boat thefts is the lack of knowledge regarding the HIN and how this number can be used to determine proper ownership. The *National Automobile Theft Bureau's*

Figure 2

| Stolen Boats on File | |
|----------------------|--------|
| 1/1970 | 881 |
| 1/1971 | 2,470 |
| 1/1972 | 4,555 |
| 1/1973 | 6,889 |
| 1/1974 | 8,985 |
| 1/1975 | 11,483 |
| 1/1976 | 11,981 |
| 1/1977 | 12,396 |
| 1/1978 | 15,559 |
| 1/1979 | 17,865 |
| 1/1980 | 21,277 |
| 1/1981 | 24,707 |
| 1/1982 | 23,761 |

| Number of Entries Into NCIC Boat File | |
|---------------------------------------|--------|
| (file started in July 1969) | |
| 1969 | 1,002 |
| 1970 | 2,071 |
| 1971 | 7,167 |
| 1972 | 4,706 |
| 1973 | 4,692 |
| 1974 | 3,853 |
| 1975 | 3,902 |
| 1976 | 6,300 |
| 1977 | 8,668 |
| 1978 | 10,919 |
| 1979 | 12,710 |

Figure 3

Annual Inquiries Into NCIC Boat File

| | |
|------|---------|
| 1970 | 4,313 |
| 1971 | 8,381 |
| 1972 | 11,728 |
| 1973 | 13,004 |
| 1974 | 16,819 |
| 1975 | 20,222 |
| 1976 | 48,501 |
| 1977 | 59,226 |
| 1978 | 77,948 |
| 1979 | 100,000 |
| 1980 | 120,000 |
| 1981 | 341,059 |

immediately contact the agency that entered the record to verify that the status of the record has not changed and that the boat of inquiry is identical to the boat on record.

Since the boat file became operational, records have been entered with the word BOAT in the Make (BMA) Field. The manufacturer of each boat entered in the file is to be identified in the Miscellaneous (MIS) Field. Studies of the boat file have revealed that many records contain misspelled or unintelligible names of manufacturers. Other records contain model names instead of manufacturers' names and some records do not contain a manufacturer's name at all. Records such as these cause problems for inquiring agencies when attempting to identify positively a boat in question. However, the main search parameter is the hull serial number. These problems are currently under study by NCIC and the results of these studies are expected to improve greatly the quality and usefulness of NCIC Boat File records.

Conclusion

The theft of boats is increasing at an alarming rate, and the law enforcement community must take positive steps to address this problem. Only if law enforcement communities work in cooperation with one another can we begin to lower the profit and raise the risk for the boat thieves. **FBI**

1981 Passenger Vehicle Identification Manual briefly describes the HIN for police officers and is readily available to most law enforcement officers.³

NCIC Boat File

In the absence of centralized statistical data, law enforcement agencies can obtain statistical information from two sources, one of which is the insurance industry. While providing valuable assistance, insurance companies are unable to provide a total picture of the problem to the law enforcement community. The other source of statistical data, the National Crime Information Center (NCIC) Boat File, has shown the continued growth of boat thefts since the file became operational in July 1969.

Figure 2 shows the growth of the NCIC Boat File since 1969, but there is no way to determine how many boats are stolen which are not listed in NCIC. And, as is evident in figure 3, the law enforcement community is increasing its use of the NCIC Boat File, demonstrating its growing interest in the marine theft problem.

For NCIC purposes, a boat is defined as a vessel for transport by water, constructed to provide buoyancy by excluding water, and shaped to give stability and permit propulsion. A stolen boat which has a registration number, document number, or a permanently affixed hull serial number may be entered in the NCIC Boat File by the agency that has taken the theft report. A loaned, rented, or leased boat that has not been returned may be entered by an authorized agency, if an official police theft report is made or a filed complaint results in the issuance of a warrant charging embezzlement, theft, etc.

Data fields of the boat file facilitate entry of the following information:

- 1) The identity of the agency holding the theft report,
- 2) The registration or document number of the boat,
- 3) The identity of the States of registry or United States, indicating that the U.S. Coast Guard issued the registration or documentation number,
- 4) The year the registration or document number expires,
- 5) The type of material used to construct the outer hull, e.g., metal, plastic, wood, etc.,
- 6) The hull serial number,
- 7) The type of propulsion, e.g., inboard, outboard, sail, etc.,
- 8) The type of boat, e.g., airboat, houseboat, hydrofoil, sailboat, yacht, etc.,
- 9) The overall length of the boat,
- 10) The color of the boat,
- 11) The date that the theft occurred,
- 12) The case number of the agency receiving the theft report,
- 13) The manufacturer's complete name, model name and/or number, and any additional descriptive information that may be used to identify the boat.

The information required for a law enforcement agency to make an inquiry of the NCIC Boat File is complete registration or document number, complete hull serial number, or both registration or document number and hull serial number. NCIC policy requires that any agency receiving a positive response to a boat file inquiry should

Footnotes

¹ "Boat and Marine Equipment Theft," summary report of a 1979 National Workshop (University of Rhode Island Marine Advisory Service, Narragansett, R.I., 1980) p. 5.

² U.S. Coast Guard, Commandant's Instruction #1620.3 (June 24, 1977).

³ National Automobile Theft Bureau Passenger Vehicle Identification Manual, 52d annual ed. (1981) pp. 172-173.

END