

Scuba Diving as an Enforcement Tool

Derrick Triplett, *Wildlife Officer, Tennessee Wildlife Resources Agency, 185 Lock Seven Lane, Carthage, TN 37030*

Dick Wilson, *Assistant Chief of Boating, Tennessee Wildlife Resources Agency, 6442 Lascassas Pike, Lascassas, TN 37085*

Abstract: The Tennessee Wildlife Resources Agency (TWRA) is the state agency in Tennessee charged with the enforcement of all wildlife, fishing, and boating laws of the state. These duties include, but are not limited to, the protection of all fish and wildlife (including mussels), and the investigation of boating accidents. As a matter of necessity, the TWRA has for the past several years used the services of Agency employees trained as scuba divers to aid in investigations that involve searching the lakes and rivers of the state for a multitude of reasons related to both law enforcement, and biological investigations. In the past, Agency divers have dove on boating accident sites. They have searched rivers at the request of other law enforcement Agencies looking for stolen property or evidence related to a criminal investigation. They have searched for drowning victims (both accidental and homicide related). And they have searched for lost equipment from both Agency boats and others. Agency divers have also played an important role in the enforcement of state law as it relates to the mussel industry by routinely monitoring those areas closed to the taking of mussels. The training and equipping of selected personnel for scuba diving activities has greatly enhanced the ability of the Tennessee Wildlife Resources Agency to respond to any situation that may arise from water related activities, be they biological, law enforcement, or public safety related.

Proc. Annu. Conf. Southeast. Assoc. Fish and Wildl. Agencies 51:550-552

Tennessee stretches from the Smoky Mountains in the east, to the Mississippi River in the west, covering an area of 92,077 km² (Anon. 1995). The state has 30,500 km of streams and large rivers, and numerous large reservoirs. Beginning in the 1930s with Norris Lake (northeast of Knoxville) and continuing today, 38 large fresh-water impoundments have been built in Tennessee, primarily by the Tennessee Valley Authority and the U.S. Army Corps of Engineers. The Tennessee Wildlife Resources Agency (TWRA) is the State department charged with the management and protection of Tennessee's fish and wildlife and with the enforcement of all laws pertaining to the protection and management of these resources. The TWRA also is the primary Agency responsible for the regulation and enforcement of all laws related to boating.

Due to Tennessee's booming economy, rapidly expanding population, and readily available water resources, the number of boats and personal water craft in the state has increased dramatically over the past few years. As of 1996 there were 265,000 registered power and sail boats in Tennessee (Myers 1996). The large number of boats led to several property damage incidents (166) and personal injury (31 fatalities) accidents that were reported to the TWRA in 1996 (E. Carter, TWRA Boating Div., unpubl. rep.).

Accidents that involve serious medical treatment (other than first aid), death, or disappearance are investigated by the TWRA. Accidents that involve property damage greater than \$500 must be reported to the TWRA and may be investigated. Due to the uniqueness of a water-related accident, divers must often be used to enhance an investigation. Certain critical information (such as the position of controls and switches, impact points, presence of safety equipment, and the position of trapped victims) is best observed by a diver before the site is disturbed. Divers trained in the use of "lift bags" can raise a sunken boat with less disturbance of the evidence than conventional means of extraction. These observations are critical in that they may later be used in either a criminal prosecution or civil law suit.

Trained personnel used as divers can determine many of the facts involved in the investigation and document these facts by either photography or field notes. For example, it is often difficult to determine exactly where an accident occurred. Divers have been used to pinpoint a location based on the discovery of a debris field associated with an accident. Debris can yield information such as the direction and speed of travel, and may verify or disprove witness statements. Buoys attached by divers to a debris field, can be documented using a hand-held Global Positioning System (GPS) to give precise locations of large pieces of debris, range of the field, etc. These data can be plotted and printed for examination and permanent record.

The TWRA has, on occasion, been called upon to assist other law enforcement agencies in the investigation of reported criminal acts involving the disappearance of people or property in water. Having a ready group of trained divers with law enforcement experience can be critical in linking underwater evidence to proof of a crime. Special techniques in underwater evidence collection must be used by trained divers to preserve the evidence in an "as found" condition so that it may be examined by laboratory personnel as usable evidence. The chain of evidence can best be preserved by having the evidence bagged underwater by the diver for later delivery to the lab or investigating officers.

A reality of spending large amounts of time on the water are that on occasion equipment will be lost. The search for equipment such as weapons, keys, badges, wallets, radios, anchors, and even boat motors have been conducted by Agency divers. Use of the divers is often the only reasonable method that can be used for the recovery of these items.

Tennessee has the largest variety of freshwater mussels in the world. The legal harvest and sale of these animals has been estimated to bring in an estimated \$40 million annually to the State of Tennessee (R. Todd, TWRA, pers. commun.). Indications are that the illegal harvest and sale of Tennessee's mussels is a lucrative and

on-going venture causing a possibly significant impact on State revenue and damage to the resource. Equipment used in the illegal taking of mussels (boats, motors, diving gear etc.) is seized each year by officers of the TWRA.

Many areas in Tennessee are designated as mussel sanctuaries and are closed to the taking of mussels. Agency divers are utilized to search for signs of illegal musseling in these areas by inspecting the bottom of the river at suspected launch sites. For instance, on one such occasion a sunken boat was discovered, and determined to be involved in illegal musseling.

The boat was being raised at night, used for the transportation of illegally-taken shells, then hidden under the water. Divers found the boat, raised and photographed it, documented modifications made for the purpose of musseling (removal of flotation and cut outs made for air tanks), then replaced the boat under the water. After 11 days of surveillance, officers were successful in arresting 3 individuals raising and using the boat for the purpose of illegally taking mussels in this sanctuary. Without the use of divers this illegal activity would most likely have continued undetected.

Divers are used to inspect and document where mussel beds are located within the sanctuaries. Knowing the location of the mussel beds reduces the area that the officers must watch making enforcement efforts more efficient. On occasion, divers have marked mussels so that they may be identified at a later date as having come from a closed area. Being able to identify a mussel as having come from a closed area makes prosecution of mussel poachers much easier.

The TWRA has about 30 trained divers across the state that are able to respond on short notice for all types of situations. Many of these divers are also members of the Swift Water Rescue Team. This team is the only group within State government with the equipment and training to respond to water emergencies. Team members are specially equipped and trained for work in and around fast moving water. This could include the retrieval of persons from fast water, the patrolling of flooded areas to prevent looting, or any other enforcement activities taking place near the water. These personnel worked for over a month in 1996 as part of the security detail for the Olympic white water event held on the Ocoee River in Tennessee. Having the capability to respond to almost any situation on or in the water with commissioned law enforcement personnel greatly enhances the ability of the TWRA to respond to the public needs in a professional and responsible manner.

Literature Cited

- Anon. 1996. Tennessee Blue Book, Tenn. State Legislature, Nashville. 436pp.
Myers, G. T. 1996. A Strategic Wildlife Resources Management Plan for Entering the Twenty-First Century, Tenn. Wildl. Resour. Agency, Nashville. 95pp.