Security Training Requirements for the Maritime Community

By Ron Thomason

The dynamic nature of the regulatory environment for security in the international trade and transportation community requires that maritime security professionals maintain an active awareness of new or evolving requirements that may apply to their facilities, vessels and operations. This means being able to integrate new training, drills and exercise requirements into their existing security plans to achieve the desired level of “functional” compliance with the letter and intent of the new regulations.

Following the events of 9/11, the International Maritime Organization (IMO) and the U.S. government implemented regulatory instruments that established minimum standards, procedures and practices for the prevention of terrorist or piratical acts against commercial facilities and vessels. Subjects for training and certification of maritime security professionals, identified in both the IMO’s International Ship and Port Facility Security (ISPS) Code and the U.S. Maritime Transportation Security Act (MTSA) include: Maritime Security & Antiterrorism; Maritime Security Regulatory Requirements & Policies; Maritime Security Assessments; Facility & Vessel Security Plans; Threat Identification, Recognition & Response; Ship & Port Security Actions; Emergency Preparedness, Drills & Exercises, and Security Training.

In addition, 33 CFR part 105.205 also requires that security professionals maintain an awareness of changes or additions to the expanding universe of domestic and international regulations that may have an impact on their ability to maintain a secure operating environment. Simply reviewing the information and materials presented in the original training and certification program is not enough.

Changes and Considerations

The past decade has seen a significant number of security regulations and “best practices” promulgated that are applicable to the global maritime trade and transportation community (Figure 1). Many of these share common imperatives, such as developing and maintaining current security plans and ensuring that appropriate training, drills and exercises are provided. Some are specific to certain sectors of the maritime community, such as the Cruise Vessel Security and Safety Act of 2010 (CVSSA), and were developed to address deficiencies in the preventive security measures established by the ISPS Code and MTSA. Others, like the United Nations Security Council Resolution 1540 (UNSCR 1540) are focused on addressing security issues of specific international or national concern and are applicable across all segments of the multi-modal trade and transportation environment.

All of this begs the questions of exactly who is responsible for what regulations as they apply to a specific port, maritime facility or vessel and how to effectively integrate these changes into the existing security structures and training curricula. Is it the responsibility of each country’s Designated Authorities to determine which of the myriad of regulations are to be applied to commercial
vessels entering into its territorial waters? What is the maritime industry’s role in developing and delivering training programs for its seaport and carrier constituents, and what responsibility does each individual port or carrier have in determining which of the non-maritime-specific regulations apply to its facilities? Most significantly, what increased risks of legal or financial liability may the industry be exposed to if its security plans do not address the new requirements and its security professionals are not appropriately trained and resourced to achieve the identified objectives?

Passenger Cruise Industry Security

For instance, let’s look at the evolving training and certification requirements for Ship and Vessel Security Officers (SSO/VSO) serving passenger cruise lines. These professionals are trained and certified to current ISPS Code and MTSA standards, yet neither of those regulatory instruments provides guidance or standards for the proper execution of basic law enforcement functions and crime scene procedures. Many shipboard security and deck department personnel have had little or no prior experience or training in basic crime scene procedures, much less the detail-oriented and time-sensitive tasks performed by certified law enforcement investigators.

Their lack of technical knowledge and experience in performing the appropriate actions for processing crime scenes can impede follow-on investigations, prosecutions and resolutions of the charges in criminal court. Indeed, incidents that have occurred onboard passenger cruise vessels while underway have resulted in the alleged crime scene being “cleaned up” in order to maintain a pleasant vacation atmosphere for the rest of the passengers rather than maintaining its integrity until the appropriate investigative measures can be taken.

In order to remedy this deficiency, CVSSA was signed into law in July 2010. The U.S. Coast Guard has subsequently released its policy letter on the implementation of training standards and curricula for CVSSA to provide specific guidance for compliance with the provisions of the act. Among other things, CVSSA establishes minimum standards for the training and certification of vessel security personnel, crewmembers, and law enforcement officials in all aspects of prevention, detection, evidence preservation and reporting of criminal activities in international shipboard environment. It remains to be seen, however, if the curriculum, standards and practices for training and certification directed by the Coast Guard will achieve or even approach the minimum level of training and performance evaluation required for certification of shore-based crime scene investigators.

The International Association for Identification (IAI), the world’s oldest and largest forensic science/identification association, developed the accepted standards and training requirements for crime scene certification. Depending on the professional level, IAI requires training hours that range from a minimum of 48 hours of instruction and a 200-question test for a Certified Crime Scene Investigator up to 144 hours of instruction and a 400-question test for a Certified Senior Crime Scene Analyst. By contrast, the U.S. Coast Guard model course curriculum for CVSSA requires eight hours of training for certification of crime prevention, detection, evidence preservation and reporting in a shipboard environment.

Have the U.S. and foreign legal communities been polled to see if they are willing to accept standards for certification of maritime crime scene investigators that are less rigorous and
exact than those required for their land-based counterparts? If not, then the materials collected during their processing of a crime scene onboard a maritime vessel underway in international waters may not be accepted for introduction into evidentiary or prosecutorial hearings and may expose the passenger cruise industry to an increased risk of civil litigation. While CVSSA is a step in the right direction, it also raises questions about the proper level of training for the ship and vessel security, medical, and deck department personnel who will ultimately be held accountable for the proper and effective response to a crime scene.

**Cargo Carrier & Supply Chain Security**

International governmental bodies, national governments and industry organizations have all recognized the value of integrating security into their operations as a “best business practice” and have implemented a number of regulatory instruments to increase the transparency, accountability and efficiency of commercial operations through their mobility corridors. As mentioned earlier, a number of these have overlapping or corresponding requirements, which can be confusing if security personnel are not aware of how the regulations apply to specific elements of the supply chain. To that end, it is important that company, port facility and vessel security officers receive at least familiarization training in trade and transportation security regulations that apply to modalities other than maritime.

For example, the U.N. Security Council promulgated UNSCR 1540, which aims to reinforce controls over sensitive weapons, materials and “dual-use” technologies to prevent the illicit trafficking of weapons of mass destruction (WMD) materials. As a diplomatic instrument, UNSCR 1540 has the force of law for all signatory countries, the list of which corresponds to those countries that are subject to the ISPS Code and MTSA. UNSCR 1540 requires that each individual government develop and implement a mechanism for:

- Accounting for and securing materials in production, use, storage or transport through the geographic area within their control;
- Providing appropriate physical protection for WMD-related sensitive materials;
- Reinforcing and coordinating border control and law enforcement efforts to prevent illicit trafficking and brokering of materials, and
- Implementing mechanisms for export and trans-shipment controls for dual-use materials and technologies.

Company operations and management personnel responsible for the security of their facilities and vessels in or through the national waters or territories of governments subject to UNSCR 1540 should have sufficient training in the requirements of this law to enable them to appropriately plan and manage their operations. For shore-based security officers, this may require additional training in the types of materials transported through their facility by their clients – especially if there is the possibility of those materials being on the list subject to UNSCR 1540 compliance audits or inspections.

Deficiencies in the security infrastructure or operations of any of the links in the enterprise supply chain may result in increased cargo inspections to ensure they do not represent a threat to the receiving port facility. Unanticipated inspections will result in delays that will cascade through the supply chain, resulting in increased costs to the carrier and loss of revenue for the cargo recipient at the end of the line. It is therefore prudent to enhance the awareness training of company, port facility and vessel security officers for overlapping or industry-specific security requirements to avoid their becoming the “weak link” in the enterprise supply chain.

**From Awareness to Action**

It is essential that company and carrier security programs maintain an active awareness of changes in the security regulations that pertain to their operations so that the training requirements and curriculum for their security professionals may be tailored to address both the “letter” and “intent” of the requirements. Training programs that focus solely on “checking the box” compliance for meeting the “letter” of the requirements, without addressing the accompanying drills and exercise components needed to achieve functional compliance, may not survive a due diligence evaluation by the agencies responsible for oversight and enforcement. Nor are they likely to survive aggressive investigations by insurance industry or law firm investigators, whose primary interest is in determining legal liability and financial responsibility in the event of a serious security or criminal incident.

**Ron Thomason** is Vice President for Strategic Programs at the Maritime Security Council and President of Infrastructure Security Solutions LLC.