



The Good Samaritan – Safety of Life at Sea



by VINCENT T. PICA, II

Flotilla Commander, 18-06 (1SR) - United States Coast Guard Auxiliary

Any school child knows, or at least believes, that if you see a person or boat in distress on the water, the "law of the sea" demands that you render assistance. Simple human decency would require no less and, from time immemorial, this has been law of the sea. But we live in a modern and litigious world... What are the facts?

Your Duty to Assist

As said above, from time immemorial, seamen have always come to the rescue of those in distress on the high seas. In fact, Admiralty Law has consistently encouraged such actions. Those "that go down to the sea in ships" have by law and precedent been urged to assist in life-saving efforts. On the US Federal books (46 U.S.C. paragraph 2304), it states:

"A Master or individual in charge of a vessel shall render assistance to any individual found at sea in danger of being lost, so far as the Master or individual in charge can do so without serious danger to the Master's or individual's vessel or individuals on board." (Emphases mine.)

It goes on to specify that those that fail to do so can be fined (up to \$1,000) and imprisoned (up to 2 years). When a maritime law says, "shall", it means must.

For those that are expert word-smiths, the term "at sea" doesn't evoke the Forge River or Seatuck Cove – or does it? Centuries of practice would argue that they are part of the seas and, in fact, the USCG Rules of Navigation (the COLREGs) embody, in Rule 1, the connectedness of our waters:

"These Rules shall apply to all vessels upon the high seas and in all waters connected therewith navigable by seagoing vessels."

The "Good Sam" Laws

The Congress and Admiralty Courts have addressed this little "at sea" loophole via the Good Samaritan regulations. Federal Law 46 U.S.C. paragraph 2303(c) states that the Master or individual involved in rendering assistance "is not liable for damages as a result of rendering assistance or for an act or omission in providing or arranging salvage, towage, medical treatment or other assistance when the individual acts as an ordinary, reasonable and pru-

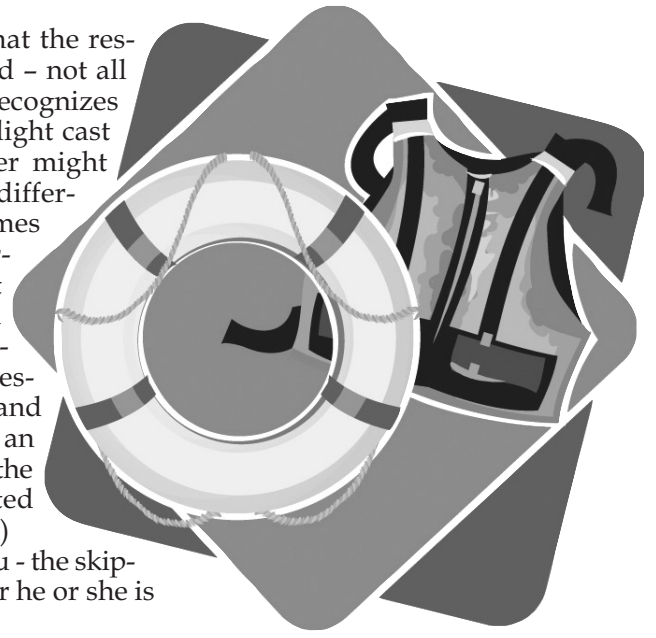
dent individual would have acted under the circumstances." This creates, in legalese, a "high legal hurdle" to prove a case against a Good Samaritan. The Admiralty Courts have always considered the chilling effect that a decision against a Good Samaritan would have upon centuries of life-saving practice. Even if the Good Samaritan made the situation worse, the Court has only ruled against the "Good Sam" if they were grossly negligent or exhibited "reckless or wanton conduct" in attempting the rescue.

This doesn't mean that the rescuer even has to succeed – not all rescues do. The Court recognizes that, "under the bright light cast by hindsight", a rescuer might have done something differently and thus outcomes might have been different. "A rescue attempt must be considered in the light of the circumstances that faced the rescuers when they acted and not with the wisdom of an 'armchair admiral' after the fact." (Korpi v the United States, 961 F. Supp. 1335)

The tough part for you - the skipper - is deciding whether he or she is

"standing into danger" that is beyond the capabilities of the crew or the vessel. However, when you see some vessel alongside the rocks in the Moriches Inlet, most skippers will try – and the Courts will applaud you, even if you have to back away.

BTW, if you are interested in being part of USCG Forces, email me at USCGAUX2007@aol.com or go direct to MaryJo Cruickshank, who is in charge of new members matters, at FSO-PS@emcg.us and we will help you "get in this thing..."



Moriches Inlet - August 2007

Day	High	Low	High	Low	High
Wed 1		3:10 AM / -0.27 ft	9:18 AM / 3.18 ft	3:22 PM / 0.04 ft	9:32 PM / 3.50 ft
Thu 2		3:50 AM / -0.27 ft	10:06 AM / 3.26 ft	4:09 PM / 0.08 ft	10:21 PM / 3.35 ft
Fri 3		4:30 AM / -0.21 ft	10:57 AM / 3.33 ft	5:00 PM / 0.17 ft	11:14 PM / 3.17 ft
Sat 4		5:14 AM / -0.10 ft	11:50 AM / 3.37 ft	5:58 PM / 0.29 ft	
Sun 5	12:11 AM / 2.98 ft	6:05 AM / 0.06 ft	12:44 PM / 3.38 ft	7:07 PM / 0.39 ft	
Mon 6	1:09 AM / 2.81 ft	7:06 AM / 0.20 ft	1:41 PM / 3.36 ft	8:20 PM / 0.41 ft	
Tue 7	2:11 AM / 2.67 ft	8:15 AM / 0.29 ft	2:42 PM / 3.33 ft	9:28 PM / 0.34 ft	
Wed 8	3:18 AM / 2.61 ft	9:21 AM / 0.30 ft	3:47 PM / 3.34 ft	10:29 PM / 0.23 ft	
Thu 9	4:26 AM / 2.65 ft	10:22 AM / 0.26 ft	4:52 PM / 3.39 ft	11:24 PM / 0.12 ft	
Fri 10	5:29 AM / 2.77 ft	11:18 AM / 0.20 ft	5:50 PM / 3.47 ft		
Sat 11		12:16 AM / 0.01 ft	6:24 AM / 2.91 ft	12:12 PM / 0.14 ft	6:40 PM / 3.53 ft
Sun 12		1:04 AM / -0.07 ft	7:12 AM / 3.03 ft	1:03 PM / 0.10 ft	7:25 PM / 3.54 ft
Mon 13		1:49 AM / -0.11 ft	7:57 AM / 3.11 ft	1:50 PM / 0.10 ft	8:07 PM / 3.48 ft
Tue 14		2:29 AM / -0.11 ft	8:40 AM / 3.14 ft	2:34 PM / 0.14 ft	8:47 PM / 3.36 ft
Wed 15		3:06 AM / -0.06 ft	9:22 AM / 3.12 ft	3:15 PM / 0.21 ft	9:28 PM / 3.20 ft
Thu 16		3:41 AM / 0.04 ft	10:04 AM / 3.08 ft	3:54 PM / 0.32 ft	10:08 PM / 3.00 ft
Fri 17		4:13 AM / 0.18 ft	10:46 AM / 3.02 ft	4:33 PM / 0.45 ft	10:50 PM / 2.80 ft
Sat 18		4:45 AM / 0.34 ft	11:28 AM / 2.96 ft	5:15 PM / 0.59 ft	11:33 PM / 2.61 ft
Sun 19		5:17 AM / 0.50 ft	12:09 PM / 2.90 ft	6:03 PM / 0.73 ft	
Mon 20	12:18 AM / 2.46 ft	5:56 AM / 0.65 ft	12:53 PM / 2.85 ft	7:04 PM / 0.82 ft	
Tue 21	1:07 AM / 2.34 ft	6:50 AM / 0.76 ft	1:40 PM / 2.83 ft	8:13 PM / 0.82 ft	
Wed 22	2:01 AM / 2.27 ft	8:01 AM / 0.80 ft	2:34 PM / 2.86 ft	9:15 PM / 0.73 ft	
Thu 23	3:03 AM / 2.27 ft	9:08 AM / 0.74 ft	3:33 PM / 2.94 ft	10:10 PM / 0.58 ft	
Fri 24	4:07 AM / 2.37 ft	10:06 AM / 0.60 ft	4:33 PM / 3.09 ft	11:00 PM / 0.38 ft	
Sat 25	5:05 AM / 2.55 ft	10:59 AM / 0.43 ft	5:26 PM / 3.29 ft	11:47 PM / 0.18 ft	
Sun 26	5:56 AM / 2.79 ft	11:50 AM / 0.25 ft	6:13 PM / 3.48 ft		
Mon 27		12:32 AM / -0.02 ft	6:41 AM / 3.04 ft	12:40 PM / 0.08 ft	6:57 PM / 3.62 ft
Tue 28		1:16 AM / -0.19 ft	7:24 AM / 3.27 ft	1:30 PM / -0.06 ft	7:41 PM / 3.69 ft
Wed 29		1:59 AM / -0.32 ft	8:07 AM / 3.46 ft	2:18 PM / -0.15 ft	8:25 PM / 3.65 ft
Thu 30		2:41 AM / -0.37 ft	8:52 AM / 3.58 ft	3:06 PM / -0.17 ft	9:12 PM / 3.53 ft
Fri 31		3:22 AM / -0.35 ft	9:39 AM / 3.63 ft	3:55 PM / -0.11 ft	10:03 PM / 3.34 ft

SWIMMING POOL SAFETY

Must be our first priority!

FACT: There are about 260 drowning deaths of children younger than 5 each year in swimming pools.

FACT: An estimated 2,725 children are treated annually in hospital emergency rooms for pool submersion injuries, occurring in residential pools.

FACT: Between 2004 and 2006, CPSC received 47 reports of deaths of children related to inflatable pools.
- U.S. Consumer Product Safety Commission

As the summer approaches, thousands of Long Island families are opening their pools and visiting our ocean beaches. Each year, children and adults drown in backyard pools or ocean beaches. These tragedies are preventable. We must remember: Never leave your children alone.

**Not for a minute. Not for a second.
Not EVER.**

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