

Proposal Subject	Patrol Officers
Specific NSSP Guide Reference	1999 Model Ordinance Chapter VIII. @ .01 B. (6) – Patrol of Growing Areas
Text of Proposal/ Requested Action	<p>Modify Chapter VIII@.01B:</p> <p>(6) <u>Patrol officers need not be peace officers as defined by the laws of the State of the Authority, and may include specialists, public officers, and other technical personnel with specialized training on the laws and regulations for shellfish harvesting activities. However, peace officers must be available for enforcement actions to be taken when illegal harvesting activities are found. All patrol officers responsible for the patrol of shellfish growing areas shall obtain the following training:</u></p> <ul style="list-style-type: none"> (a) <u>Basic law enforcement training or training in procedures for notification to law enforcement personnel,</u> before assuming their patrol duties; (b) Training on shellfish control regulations within the jurisdiction of the patrol agency, before assuming independent patrol duties; <p>In-service training on the shellfish control regulations within the jurisdiction of the patrol agency, when the regulations change.</p>
Public Health Significance	<p>The National Shellfish Sanitation Program was designed to prevent human illness associated with the consumption of raw shellfish, primarily by ensuring that shellfish are harvested from areas free of excessive concentrations of pathogenic microorganisms and poisonous or deleterious substances. Contaminated shellfish can be vectors of disease and cause epidemiological outbreaks. Patrol of shellfish harvesting areas to prevent illegal harvesting is an important component of the NSSP. The Model Ordinance does not provide specific qualifications or a definition for a patrol officer. It had been assumed by some that a patrol officer also had to be a peace officer. However, this has not been the case for all shellfish sanitation programs.</p> <p>Specialists, public officers, and other technical staff who are not peace officers are effectively used in many other environmental and public health law enforcement programs. In addition, the assumption that a patrol officer must be a peace officer is contradictory to the concept of a community policing program, which is referred to in <u>VIII.@.01B.(4)(e)(i).</u></p> <p><u>This proposal to change the Model Ordinance language will make a distinction between the definition of patrol officer and peace officer, will provide for the use of personnel who are not peace officers for patrols activities, and will modify the training requirements for patrol officers to accommodate patrol officers who are not peace officers.</u></p>
Cost Information (if available)	Use of trained public officers who are not peace officers is a cost effective measure for providing the necessary protection of public health via routine patrol of shellfish growing areas. A requirement of peace officer status for routine patrol is not compatible with the administrative organization of many states and would impose an unrealistic burden on their shellfish programs to hire and train peace officers for this task, limiting the state's ability to manage existing growing areas and to license new growing areas.
Action by 2001 Task Force	Recommended referral of Proposal 01-114 to appropriate committee as determined by the Conference Chairman with the following instructions: Instruct committee to evaluate proposals related to proper authority and qualifications for patrol.
Action by 2001 General Assembly	Adopted recommendation of 2001 Task Force I.
Action by USFDA	Concurred with Conference action.
Action by 2003 Patrol Committee	Recommended no action on Proposal 01-114. Rationale: States should continue to implement present requirements of Chapter VIII.

Action by 2003 Task Force I	Recommended adopting Patrol Committee recommendation of no action on Proposal 01-114. FDA should evaluate the impacts of using non-law enforcement personnel.
Action by 2003 General Assembly	Adopted recommendations of 2003 Task Force I.
Action by USFDA	<p>Concurred with Conference action and provided the following comments:</p> <p>FDA concurs with Conference action not to permit non-law enforcement personnel to conduct patrol activities. However, as part of the Conference's action on Proposal 01-114, FDA was requested to evaluate the impact of using non-law enforcement personnel during patrol activities. Prior to conducting this investigation, FDA asks that the Conference develop additional guidance regarding the type of evaluation that would provide useful information for future deliberation on this proposal.</p>
Action by 2004 ISSC Executive Board	Concurred with the USFDA. Conference will develop additional guidance regarding the type of evaluation that would provide useful information for future deliberation on this proposal.
Action by 2005 Patrol Committee	<p>Recommended no action on Proposal 01-114.</p> <p>Rationale - It would be inappropriate to make NSSP Model Ordinance changes that would allow non-law enforcement staff to conduct patrol.</p>
Action by 2005 Task Force I	<p>Recommended the adoption of the Patrol Committee recommendation of no action on Proposal 01-114.</p> <p>Rationale - Task Force I agrees with the Patrol Committee that it would be inappropriate to make NSSP Model Ordinance changes that would allow non-law enforcement staff to conduct patrol.</p>
Action by 2005 General Assembly	Adopted recommendation of 2005 Task Force I.
Action by USFDA	Concurred with Conference action.