



# **UNITED STATES COAST GUARD**

**REPORT OF THE INVESTIGATION  
INTO THE  
EXCURSION VESSEL BLACKBEARD'S  
REVENGE (BAHAMAS REG NP:8095),  
PRESUMED DECEASED/LOSS OF LIFE IN  
THE VICINITY OF NASSAU HARBOR,  
BAHAMAS ON MAY 24TH, 2023**



U.S. Department of  
Homeland Security

United States  
Coast Guard



Commandant  
United States Coast Guard

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16732/IIA #7818429  
02 July 2025

**MAN OVERBOARD AND SUBSEQUENT LOSS OF LIFE FROM THE PASSENGER  
VESSEL BLACKBEARD'S REVENGE (BAHAMAS REGISTRY NP:8095) IN THE  
VICINITY OF NASSAU, BAHAMAS ON MAY 24, 2023**

**ACTION BY THE COMMANDANT**

The record and the report of the investigation completed for the subject casualty have been reviewed. The record and the report, including the findings of fact, analysis, conclusions, and recommendations are approved subject to the following comments. This marine casualty investigation is closed.

**ACTION ON RECOMMENDATIONS**

**Administrative Recommendation 1:** It is recommended that the Commonwealth of The Bahamas evaluate the requirement for the safety equipment required to be carried aboard commercial vessels in domestic trade that carry passengers for hire. To include that the most effective equipment is in place to effect rescues for man overboard situations. That includes life rings with retroreflective tape and water lights to identify the location of the ring and the passenger enhancing the prospects of rescue.

**Administrative Recommendation 2:** It is recommended that the Commonwealth of The Bahamas indicate the required crew manning requirements for the carriage of passengers on Certificates of Registration and certify compliance in the annual safety inspections.

**Administrative Recommendation 3:** It is recommended that the Commonwealth of The Bahamas determine commercial vessel passenger loading through the use of stability calculations to ensure vessel safety to include responding to a man overboard.

**Administrative Recommendation 4:** It is recommended that the Commonwealth of The Bahamas create a requirement for drills and training related to safety and lifesaving for commercial passenger vessel operations.

**Administrative Recommendation 5:** It is recommended that the Government of The Bahamas ensure that the Safety Management System of a vessel is specific to a vessel's unique operation and the emergency operations are a fit for the vessel in terms of the actual response to emergencies aboard a vessel.

**Action:** I concur with the intent of Recommendations 1 through 5, which are directed to The Bahamas as the flag administration of the involved passenger vessel. The

United States Coast Guard (USCG) will provide this investigation report and its recommendations to the Bahamas Maritime Authority (BMA) for their consideration and potential action.

**Administrative Recommendation 6:** It is recommended that any company offering tours or excursions to its customers develop written procedures and guidelines for its staff so that there is consistent application of company policies.

**Administrative Recommendation 7:** It is recommended that any company offering tours and excursions to its customers identify customers that are below the legal age for consumption and purchase of alcohol and develop a method, such as unique wrist bands or identification badges to indicate that the customer is a minor to preclude the sale of alcohol to persons below the legal age to consume alcohol on company-chartered tours or excursions.

**Action:** I concur with Recommendations 6 and 7, which are directed to all commercial passenger industry and companies offering tours and excursions. The USCG will provide a copy of this investigation to the U.S. based Passenger Vessel Association and the BMA with a recommendation that those entities distribute it to their respective members and passenger vessel operators for consideration and potential action.

**Administrative Recommendation 8:** It is recommended that commercial passenger vessel operators develop safety policies and practices to ensure the safety of passengers and crew. This includes the carriage of safety and lifesaving equipment that has been proven to be effective in the recovery of persons overboard. This includes vessel patrol watchman making rounds to observe and control passengers, verifying vessel structures such as railing and bulwarks to reduce the likelihood of going overboard and limiting the ease with which someone might intentionally jump overboard. In the absence of regulatory requirements fitting the vessel with effective lifesaving and safety equipment such as lights and retroreflective tape for life rings, a rescue craft where appropriate, an automatic external defibrillator (AED) for when an unresponsive passenger is recovered, as this device may offer hope of resuscitation. Additionally, developing vessel checklists and creating training and regular safety drill requirement to cover the person overboard and other emergency situations such as fire, collision, foundering, grounding to name a few of the likely emergency situations a commercial vessel may encounter.

**Administrative Recommendation 9:** It is recommended that commercial passenger vessel operators consider putting in place controls to limit the sale and consumption of alcohol to minors and develop policies to reduce the probability of intoxication of passengers during operations.

**Action:** I concur with the intent of Recommendations 8 and 9, which are directed to the commercial passenger industry and companies offering tours and excursions in The Bahamas. The USCG will provide a copy of this investigation to BMA with a recommendation that they distribute it to Bahamian passenger vessel operators for consideration and potential action.

**Administrative Recommendation 10:** It is recommended that the Coast Guard publish the Findings of Concern in its Maritime Commons blog and send the Findings of Concern related to this investigation to the trade organization which represents the tour industry companies as well as a copy to International Student Tours for awareness of the Findings of Concern identified in this report.

**Action:** I partially concur with this recommendation. An article will be posted on the USCG Maritime Commons Blog with a link to the report of investigation. The Maritime Commons Blog can be accessed at the following web address:  
<https://www.news.uscg.mil/maritime-commons/>.



R. C. COMPHER  
Captain, U.S. Coast Guard  
Director of Inspections & Compliance (CG-5PC)





16732  
June 10, 2025

**LOSS OF LIFE, PRESUMED DECEASED FROM EXCURSION VESSEL  
BLACKBEARD'S REVENGE (BAHAMAS REGISTRATION NP: 8095), IN THE  
VICINITY OF NASSAU HARBOR, BAHAMAS, ON MAY 24, 2023**

**ENDORSEMENT BY THE COMMANDER, SEVENTH COAST GUARD DISTRICT**

The record and the report of the investigation convened for the subject casualty have been reviewed. The record and the report, including the findings of fact, analysis, conclusions, and recommendations are approved subject to the following comments. It is recommended that this marine casualty investigation be closed.

This incident took place on the vessel BLACKBEARD'S REVENGE during a chartered event involving over 370 U.S. high school graduates. One of the graduates voluntarily jumped off the vessel into the water and was never recovered and is presumed deceased. The U.S. and Bahamas Maritime Authority (BMA) differ in their interpretation of what constitutes a "marine casualty," particularly in cases involving voluntary actions. BMA does not consider an incident to be a marine casualty if the actions of the individual(s) involved were voluntary, regardless of the outcome. In this case, because the passenger voluntarily jumped overboard, BMA did not view it as a marine casualty and declined to investigate. However, under U.S. interpretation, an incident involving an injury beyond first aid, regardless of the passenger's actions or intent, meets the threshold for designation as a marine casualty and therefore requires investigation. Given that BMA declined to investigate this incident, the U.S. requested and was granted designation as a Substantially Interested State and assumed lead on the investigation; however, investigation efforts were hampered by the minimal engagement and limited cooperation of local police.

The Coast Guard Seventh District does not concur with administrative recommendations 8.1.2, 8.1.3, 8.2.1, 8.2.2, 8.3.1, and 8.3.2 due to jurisdictional limitations and insufficient supporting evidence within the investigation. Many of the suggested actions fall under the sole regulatory authority of The Bahamas, outside the jurisdiction of U.S. oversight or enforcement. In several instances, while the recommendations promote generally accepted safety practices, the investigation failed to establish a causal link or deficiency directly related to the incident that would justify endorsement. Additionally, imposing operational controls such as manning requirements, alcohol policies, or the development of specific safety procedures, without clear statutory authority or compelling evidence, exceeds the appropriate role of the U.S. in this context and encroaches on the sovereignty of another nation to regulate its flagged vessel fleet.

The Coast Guard Seventh District concurs with the intent of administrative recommendations 8.1.1, 8.1.4, and 8.1.5 as they align with internationally recognized maritime safety standards including man overboard recovery equipment, routine drills and crew training requirements, and vessel specific Safety Management Systems.

There are two administrative recommendations outlined in this report that are supported, 8.4.1 and 8.4.2, as they are expected to have a positive impact on maritime safety and operational oversight to ensure the well-being of passengers aboard these vessels. These actions aim to raise broad awareness of the identified concerns from this investigation.

## **ENDORSEMENT/ACTION ON RECOMMENDATIONS**

**Administrative Recommendation 8.1.1.** It is recommended that the Commonwealth of The Bahamas evaluate the requirement for the safety equipment required to be carried aboard commercial vessels in domestic trade that carry passengers for hire. To include that the most effective equipment is in place to effect rescues for man overboard situations. That includes life rings with retroreflective tape and water lights to identify the location of the ring and the passenger enhancing the prospects of rescue.

**Endorsement:** Concur With Intent; this recommendation aligns with internationally recognized maritime standards for the safety of life at sea.

**Administrative Recommendation 8.1.2.** It is recommended that the Commonwealth of The Bahamas indicate the required crew manning requirements for the carriage of passengers on Certificates of Registration and certify compliance in the annual safety inspections.

**Endorsement:** Do Not Concur; this recommendation exceeds the authority of the U.S. to impose requirements for the administrative oversight of vessels under the jurisdiction of another country.

**Administrative Recommendation 8.1.3.** It is recommended that the Commonwealth of The Bahamas determine commercial vessel passenger loading through the use of stability calculations to ensure vessel safety to include responding to a man overboard.

**Endorsement:** Do Not Concur; the investigation failed to provide sufficient evidence that the vessel experienced a stability-related deficiency during the incident.

**Administrative Recommendation 8.1.4.** It is recommended that the Commonwealth of The Bahamas create a requirement for drills and training related to safety and lifesaving for commercial passenger vessel operations.

**Endorsement:** Concur With Intent; this recommendation aligns with internationally recognized maritime standards for the safety of life at sea.

**Administrative Recommendation 8.1.5.** It is recommended that the Government of the Bahamas ensure that the Safety Management System of a vessel is specific to a vessel's unique operation and the emergency operations are a fit for the vessel in terms of the actual response to emergencies aboard a vessel.

**Endorsement:** Concur With Intent; this recommendation aligns with internationally recognized maritime standards for the safety of life at sea.

## **8.2. Administrative Recommendations to Any Company Offering Tours and Excursions Aboard Vessels**

**Administrative Recommendation 8.2.1.** It is recommended that any company offering tours or excursions to its customers develop written procedures and guidelines for its staff so that there is consistent application of company policies.

**Endorsement:** Do Not Concur; the investigation failed to provide sufficient evidence to support this recommendation. Tour company staff are not responsible for operations aboard a vessel.

**Administrative Recommendation 8.2.2.** It is recommended that any company offering tours and excursions to its customers identify customers that are below the legal age for consumption and purchase of alcohol and develop a method, such as unique wrist bands or identification badges to indicate that the customer is a minor to preclude the sale of alcohol to persons below the legal age to consume alcohol on company-chartered tours or excursions.

**Endorsement:** Do Not Concur; the investigation failed to provide sufficient evidence to support this recommendation. Tour companies are not responsible for operations aboard a vessel.

## **8.3. Administrative Recommendations to Commercial Passenger Vessels Operating in The Bahamas**

**Administrative Recommendation 8.3.1.** It is recommended that commercial passenger vessel operators develop safety policies and practices to ensure the safety of passengers and crew. This includes the carriage of safety and lifesaving equipment that has been proven to be effective in the recovery of persons overboard. This includes vessel patrol watchman making rounds to observe and control passengers, verifying vessel structures such as railing and bulwarks to reduce the likelihood of going overboard and limiting the ease with which someone might intentionally jump overboard. In the absence of regulatory requirements fitting the vessel with effective lifesaving and safety equipment such as lights and retroreflective tape for life rings, a rescue craft where appropriate, an automatic external defibrillator (AED) for when an unresponsive passenger is recovered, as this device may offer hope of resuscitation. Additionally, developing vessel checklists and creating training and regular safety drill requirement to cover the person overboard and other emergency situations such as fire, collision, foundering, grounding to name a few of the likely emergency situations a commercial vessel may encounter.

**Endorsement:** Do Not Concur; the investigation failed to provide sufficient evidence to support this recommendation.

**Administrative Recommendation 8.3.2.** It is recommended that commercial passenger vessel operators consider putting in place controls to limit the sale and consumption of alcohol to minors and develop policies to reduce the probability of intoxication of passengers during operations.

**Endorsement:** Do Not Concur; this recommendation exceeds the authority of the U.S. to impose requirements on commercial passenger vessels operating under the jurisdiction of another country.

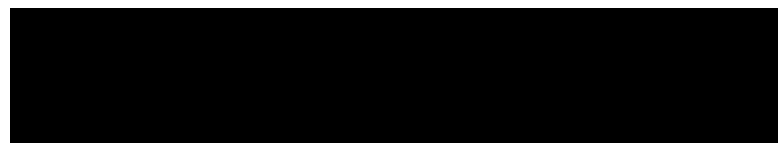
#### **8.4. Administrative Recommendation to the Coast Guard**

**Administrative Recommendation 8.4.1.** It is recommended that the Coast Guard publish the Finding of Concern in its blog, Maritime Commons and send the Finding of Concern related to this investigation to the trade organization which represents the tour industry companies as well as a copy to International Student Tours for awareness of the Findings of Concern identified in this report.

**Endorsement:** Concur; the Coast Guard Seventh District recommends that the Office of Investigations and Casualty Analysis (CG-INV) move forward with publishing the Finding of Concern on Maritime Commons and provide it to relevant stakeholders, including International Student Tours and trade organizations. This approach ensures that U.S. citizens traveling aboard foreign-flagged excursion vessels are aware of the differing standards that exist between vessels registered in the U.S. and The Bahamas. The Finding of Concern should highlight variations in safety equipment carriage, crew training and qualifications, and operational oversight, including emergency procedures, enabling passengers to make informed decisions that could affect their safety while participating in these activities. Direct communication with the traveling public aligns with the Coast Guard's mission to promote maritime safety and advances the goal of mitigating future casualties.

**Administrative Recommendation 8.4.2.** Recommend this investigation be closed.

**Endorsement:** Concur; the Coast Guard Seventh District agrees with the analysis and conclusions of the Investigating Officer and the endorsement of the Officer in Charge, Marine Inspection. No further action is required by the Coast Guard.



Nicolette A. Vaughan  
Captain, U.S. Coast Guard  
Chief, Prevention Division  
By direction



16732  
13 Jun 2024

**LOSS OF LIFE, PRESUMED DECEASED FROM EXCURSION VESSEL  
BLACKBEARD'S REVENGE (BAHAMAS REGISTRATION NP:8095), IN THE  
VICINITY OF NASSAU HARBOR, BAHAMAS. ON MAY 24, 2023**

**ENDORSEMENT BY THE OFFICER IN CHARGE, MARINE INSPECTION (OCMI)**

The record and the report of the investigation convened for the subject casualty have been reviewed. The record and the report, including the findings of fact, analysis, conclusions, and recommendations are approved subject to the following comments. It is recommended that this marine casualty investigation be closed.

**COMMENTS ON THE REPORT**

1. The Administrative Recommendations noted below are focused on necessary improvements to The Commonwealth of The Bahamas passenger vessel inspection program. Due to the lack of collaboration from their government, a baseline comparison was made with a US Small Passenger Vessel of the same capacity to draw conclusions and these Administrative Recommendations.
2. While IS Tours is a company offering tours and excursions, it is recommended that they develop procedures to handle underage students, intoxicated students, and receive crowd control training. As it stands, the company claims to accompany travelers in support of any logistical issues but not as chaperons.

**ENDORSEMENT/ACTION ON RECOMMENDATIONS (if required)**

**Administrative Recommendation 1.** 8.1. Administrative Recommendations to the Commonwealth of The Bahamas

8.1.1. It is recommended that the Commonwealth of The Bahamas evaluate the requirement for the safety equipment required to be carried aboard commercial vessels in domestic trade that carry passengers for hire. To include that the most effective equipment is in place to effect rescues for man overboard situations. That includes life rings with retroreflective tape and water lights to identify the location of the ring and the passenger enhancing the prospects of rescue.

8.1.2. It is recommended that the Commonwealth of The Bahamas indicate the required crew manning requirements for the carriage of passengers on Certificates of Registration and certify compliance in the annual safety inspections.

8.1.3. It is recommended that the Commonwealth of The Bahamas determine commercial vessel passenger loading through the use of stability calculations to ensure vessel safety to include responding to a man overboard.

8.1.4. It is recommended that the Commonwealth of The Bahamas create a requirement for drills and training related to safety and lifesaving for commercial passenger vessel operations.

8.1.5. It is recommended that the Government of the Bahamas ensure that the Safety Management System of a vessel is specific to a vessel's unique operation and the emergency operations are a fit for the vessel in terms of the actual response to emergencies aboard a vessel.

**Endorsement:** Concur. I will forward the recommendation to Commandant for final action.

**Administrative Recommendation 2.** 8.2. Administrative Recommendations to Any Company Offering Tours and Excursions Aboard Vessels

8.2.1. It is recommended that any company offering tours or excursions to its customers develop written procedures and guidelines for its staff so that there is consistent application of company policies.

8.2.2. It is recommended that any company offering tours and excursions to its customers identify customers that are below the legal age for consumption and purchase of alcohol and develop a method, such as unique wrist bands or identification badges to indicate that the customer is a minor to preclude the sale of alcohol to persons below the legal age to consume alcohol on company-chartered tours or excursions.

**Endorsement:** Concur. I will forward the recommendation to Commandant for final action.

**Administrative Recommendation 3.** 8.3. Administrative Recommendations to Commercial Passenger Vessels Operating in The Bahamas

8.3.1. It is recommended that commercial passenger vessel operators develop safety policies and practices to ensure the safety of passengers and crew. This includes the carriage of safety and lifesaving equipment that has been proven to be effective in the prevention and recovery of persons overboard. This includes vessel patrol watchman making rounds to observe and control passengers, verifying vessel structures such as railing and bulwarks to reduce the likelihood of going overboard and limiting the ease with which someone might intentionally jump overboard. In the absence of regulatory requirements fitting the vessel with effective lifesaving and safety equipment such as lights and retroreflective tape for life rings, a rescue craft where appropriate, an automatic external defibrillator (AED) for when an unresponsive passenger is recovered, and this device may offer hope of resuscitation. Additionally,

developing vessel checklists and creating training and regular safety drill requirement to cover the person overboard and other emergency situations such as fire, collision, foundering, grounding to name a few of the likely emergency situations a commercial vessel may encounter.

8.3.2. It is recommended that commercial passenger vessel operators consider putting in place controls to limit the sale and consumption of alcohol to minors and develop policies to reduce the probability of intoxication of passengers during operations.

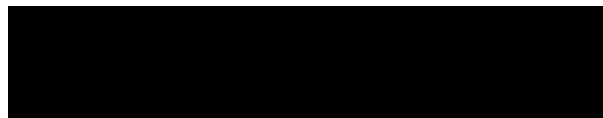
**Endorsement:** Concur. I will forward the recommendation to Commandant for final action.

**Administrative Recommendation 4.** 8.4 Administrative Recommendation to the Coast Guard.

8.4.1. It is recommended that the Coast Guard publish the Finding of Concern in its blog, Maritime Commons and send the Finding of Concern related to this investigation to the trade organization which represents the tour industry companies as well as a copy to International Student Tours for awareness of the Findings of Concern identified in this report.

8.4.2. Recommend this investigation be closed.

**Endorsement:** Concur. Coast Guard Sector Miami agrees this investigation is to be closed and will forward the recommendation to Commandant for final action.



C.R. Cederholm  
Captain, U.S. Coast Guard  
Captain of the Port, Miami

Enclosures: (1) Investigating Officer's Report



16732

**LOSS OF LIFE, PRESUMED DECEASED FROM EXCURSION VESSEL  
BLACKBEARD'S REVENGE (BAHAMAS REGISTRATION NP:8095), IN THE  
VICINITY OF NASSAU HARBOR, BAHAMAS. ON MAY 24, 2023**

**EXECUTIVE SUMMARY**

On Wednesday, May 24, 2023, at approximately 8:30 p.m., the Bahamas registered excursion vessel, *Blackbeard's Revenge* (NP 8095), departed the dock in Nassau, Bahamas with 370 passengers. The passengers were comprised of 370 students who recently graduated various high schools within the Baton Rouge, Louisiana, area in the United States. In addition, nine members of the staff of GRADWEEK<sup>®</sup>, a subsidiary of International Student Tours (ISTours)<sup>®</sup>, based in Folsom, California were present. The voyage was scheduled for a two-hour sunset cruise as part of the student's graduation celebration as chartered by GRADWEEK<sup>®</sup>. Alcoholic and other non-alcoholic beverages were served at the bars on the vessel where students could purchase tickets to be served. It should be noted that there were no controls measures nor age restrictions on the sale and or consumption of alcohol onboard. Adverse weather was forecasted, which included thunderstorms and gusty winds and the forecast included the potential for waterspouts. Just before the man overboard emergency the adverse weather began to move into the area with lightning and occasional rain squalls which later became an intense tropical downpour.

Shortly before the passenger, who is a U.S. citizen, jumped overboard, he made a thwarted attempt to jump from the upper aft port side. He ran up the stairs to the upper deck followed by a friend close behind him. That friend and a nearby onlooker interrupted his first attempt to jump overboard. They wrestled him from a table down to the deck. The passenger and his friend shortly afterwards went down the stairs to a lower deck. Later at approximately 9:30 p.m., the passenger jumped into the water from the after uppermost deck on the starboard side of the moving vessel. He was observed swimming in the surrounding water while the vessel was underway heading away from Nassau. This was near the eastern end of Paradise Island and north of the Nassau Yacht Club on New Providence Island. Crew reportedly threw a life ring from the *Blackbeard's Revenge* towards the passenger in the water while other passengers yelled "grab the ring buoy". At this time, it appeared that the *Blackbeard's Revenge* was attempting to maneuver to affect a rescue of the person in the water. At approximately 9:55 p.m. the Nassau Harbor Patrol was notified of the person in the water (PIW) emergency. The PIW swam behind the vessel and over to the port side where another life ring was thrown to the passenger who was observed swimming away from the ring buoy and ultimately disappearing into the darkness of night. According to witness statements, the *Blackbeard's Revenge* anchored sometime after the passenger jumping overboard. At



approximately that same time heavy dense rainstorms moved into the search area. Local authorities conducted a search for the person in the water with multiple watercrafts with negative results. The vessel returned to dock around 1:00 a.m. on May 25th, 2023. At daybreak, the search resumed, and it was aided by U.S. Coast Guard helicopters along with shoreline and water searches conducted by Royal Bahamas Defense Forces (RBDF). The body of the 18-year-old male passenger who jumped into the water has not been located and this individual is presumed deceased.

As a result of the investigation, the Coast Guard has determined that the initiating event for this incident was the passenger intentionally jumping off the *Blackbeard's Revenge* while it was underway. The causal factors that contributed to this incident include (1) the impaired decision making by the passenger, (2) the lack of attempts by the passenger to swim towards the *Blackbeard's Revenge* or the two life rings thrown in his general direction, (3) the lack of appropriate safety equipment as documented in its Safety Management System (SMS) which mentions the response to a man overboard emergency with the use of a small rescue craft carried onboard to enable the crew to conduct a rescue yet there was no emergency rescue craft fitted on the *Blackbeard's Revenge*, (4) the lack of oversight for signs of intoxication of passengers on a crowded vessel, albeit adults in general, timely intervention could have prevented this tragic accident.

## INVESTIGATION REPORT

### 1. Preliminary Statement

1.1. This marine casualty investigation was conducted, and this report was submitted in accordance with Title 46, Code of Federal Regulations (CFR), Subpart 4.09, and under the authority of Title 46, United States Code (USC), Chapter 63.

1.2. The U.S. is not signatory to the International Maritime Organization (IMO) Casualty Investigation Code. However, the guidance in the Casualty Investigation Code was used as a common framework in this marine casualty investigation.

1.3. In incidents such as this, the IMO Casualty Investigation Code states that a vessel's flag state and an affected coastal state, should agree as to which will serve as the Marine Safety Investigating State (MSIS). The Bahamas Maritime Authority (BMA) determined that the cause of the casualty was a *deliberate act* by jumping overboard and therefore the BMA did not investigate the matter as the act was deemed intentional, yet was to provide assistance, when possible, facilitating the U.S. Coast Guard's investigation. The BMA provided access to vessel files and information relating to the appropriate Bahamian maritime regulations. The International Maritime Organization (IMO) Casualty Investigation Code<sup>1</sup>, Resolution MSC.255(84) 2.9 states:

*"A marine casualty means an event, or a sequence of events, that has resulted in any of the following which has occurred directly in connection with the operations of a ship:*

- .1 the death of, or serious injury to, a person;*
- .2 the loss of a person from a ship*
- .3 the loss, presumed loss or abandonment of a ship;*
- .4 material damage to a ship;*
- .5 the stranding or disabling of a ship, or the involvement of a ship in a collision;*
- .6 material damage to marine infrastructure external to a ship, that could seriously endanger the safety of the ship, another ship or an individual; or*
- .7 severe damage to the environment, or the potential for severe damage to the environment, brought about by the damage of a ship or ships.*

***However, a marine casualty does not include a deliberate act or omission, with the intention to cause harm to the safety of a ship, an individual or the environment."***

1.4. The U.S. Coast Guard determined that as a MSIS, it would conduct its own investigation into the circumstances leading to the presumed death of a U.S. citizen during the voyage of the *Blackbeard's Revenge* on the evening of May 24, 2023. The company involved is GRADWEEK<sup>®</sup>, based in the United States, and is the charterer of the vessel for the excursion.

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<sup>1</sup> ADOPTION OF THE CODE OF THE INTERNATIONAL STANDARDS AND RECOMMENDED PRACTICES FOR A SAFETY INVESTIGATION INTO A MARINE CASUALTY OR MARINE INCIDENT (CASUALTY INVESTIGATION CODE)

1.5. Despite repeated U.S. Department of State Diplomatic Notes, phone calls and correspondence, the Commonwealth of The Bahamas would not officially grant U.S. Coast Guard marine casualty investigators access in the Bahamas to conduct witness interviews, board the *Blackbeard's Revenge*, or visit the scene of the accident. Initially, The Government of The Bahamas answered the first Diplomatic Note (Diplomatic Note #1) with general answers to several questions posed by U.S. Coast Guard investigators. The second Diplomatic Note (Diplomatic Note #2) requested interviews with captain, crew and vessel owners and there was no response from The Government of The Bahamas to this request. Despite verbal assurances via telephone conversations with senior officials in the RBDF, this investigation was unable to gain access to witness transcripts, interview summaries, and any other evidence typical for this type of investigation. The lack of cooperation by the Government of The Bahamas hampered this safety investigation. A formal request was made to Pirates Revenge LTD., the owners of the vessel, for access to information and interviews. The vessel's owners told U.S. investigators to access any information from the Bahamian government and provided no information to support this safety investigation.

1.6. The investigation conducted interviews with eleven student passengers and five GRADWEEK<sup>®</sup> staff members associated with the accident voyage.

1.7. All times listed in this report are in Eastern Daylight Time (UTC-4) using a 12-hour a.m./p.m. format for the time zone associated with the accident location, Nassau, Bahamas.

## 2. Vessel Involved In The Incident



Figure 1: Photograph of *Blackbeard's Revenge*, Unknown date, and location (Source: With permission [REDACTED])

|  |   |
|--|---|
| Official Name:   | BLACKBEARD'S REVENGE                                  |
| Identification Number:   | NP 8095   |
| Flag:  | Commonwealth of The Bahamas                           |
| Vessel Class/Type/Sub-Type:  | Excursion Vessel                                      |
| Build Year:  | 1997  |
| Gross Tonnage:   | 393 GT  |
| Length:  | 140 feet w/ Bowsprit, 134 Feet, Actual Hull Length    |
| Beam/Width:  | 28 Feet   |
| Draft/Depth:   | 10 Feet   |
| Main/Primary Propulsion: (Configuration/System Type, Ahead Horsepower) | Twin Diesel Engine, Approximately 540 Horsepower Each |
| Owner:   | Pirates Revenge LTD                                   |
| Operator:  | Pirates Revenge LTD                                   |

## 3. Deceased, Missing, And/or Injured Persons

| Relationship to Vessel   | Sex  | Age | Status            |
|--------------------------|------|-----|-------------------|
| Passenger, United States | Male | 18  | Presumed Deceased |

#### **4. Findings Of Fact**

##### **4.1. The Incident**

4.1.1. At approximately 7:45 p.m., May 24, 2023, the *Blackbeard's Revenge* completed loading passengers and departed the dock in downtown Nassau.

4.1.2. At approximately 8:30 p.m. the vessel was enroute on a sunset cruise around Nassau Harbor and adjoining waters to the east.

4.1.3. The passengers onboard the chartered voyage comprised of 370 student travelers and 09 GRADWEEK® staff, of these 04 were full time employees and 05 were seasonal employees. GRADWEEK® indicated they were not aboard to serve as chaperones or control the student traveler behavior. But they were there to ensure that the planned cruise ran smoothly, facilitate the cruise excursion and respond to any unusual situation. If confronted with an intoxicated student during the vessel boarding process, they would have sent that student back to the hotel where they were staying. On the day of the voyage no student was turned away or refused boarding due to being intoxicated and according to the staff, no issues with intoxicated students were reported.

4.1.4. The legal age for drinking alcoholic beverages in the Bahamas is 18. The passenger was 18 at the time of the incident.

4.1.5. Prior to the passengers boarding the *Blackbeard's Revenge*, there were varying reports on how much alcohol the passenger might have consumed. One witness estimates that the passenger had consumed a complete bottle of champagne that afternoon and additionally an unknown quantity of alcoholic beverages while aboard the vessel.

4.1.6. At approximately 7 p.m., the passenger arrived at the hotel area where the transportation was being provided to the vessel. According to witness accounts he was observed not wearing footwear, he was sent to his room to get footwear which was required for all travelers. Student travelers departed from various hotels to meet the vessel which was docked at downtown Nassau. The passenger left his hotel on other form of transportation and arrived at the dock before the main group which had his school mates. It can't be determined if he ever donned footwear as he was seen by at least one witness without footwear on the vessel.

4.1.7. Passengers that intended to cruise on the *Blackbeard's Revenge* were allowed to purchase tickets to be used at bars on the vessel for alcoholic or non-alcoholic beverages. There was a mechanism in place to determine the age of student travelers prior to purchasing the tickets to control the sale of alcohol to minors in addition, there was no limit on the number of alcoholic beverages that could be consumed by an individual student. At one hotel where the travelers were staying, the travelers that were minors were given a different type of wristband to denote that they were minors in the all-inclusive resort where alcohol was available to guests as part of the all-inclusive package.



4.1.8. As soon as the passengers embarked the *Blackbeard's Revenge*, it departed for its scheduled cruise of Nassau Harbor eastward towards Athol Island.



Figure 3 - Generalized voyage track of the accident voyage of the *Blackbeard's Revenge* on May 24, 2023. (Source: USCG and Bing Maps)

4.1.9. Only one witness could describe a safety briefing the crew of the *Blackbeard's Revenge* conducted at some point after the vessel departed. That witness indicated that the safety briefing included the location of the lifejackets. The lifejackets were in storage boxes on the main deck.

4.1.10. At 8:00 p.m. there was half of the moon visible providing some illumination on the waterway.

4.1.11. Various students interviewed said that they interacted with the passenger prior to him jumping overboard and based on the interviews the passenger appeared to be intoxicated to some degree.

4.1.12. An eyewitness was sitting on the uppermost aft deck and saw the passenger run up to that deck dressed in swim shorts and a shirt, leaping onto a table, as he was closely followed by another student. The witness stated:

*"I don't even know how I responded so quickly, but he jumped up and I reached over and grabbed the bottom of his shorts and then his friend came and was seconds behind him and grabbed him around the waist and then we both pulled him down."*

The passenger and his friend then went down the stairs to a lower deck and out of the witness's sight. The witness whose comments are in the quoted section above, did not witness the passenger jumping off the vessel later that evening. The investigation did not conclusively identify the male friend who is credited in assisting to pull the passenger off the table.

4.1.13. At 9:30 p.m., as the vessel transited east, and in potentially worsening weather, the passenger proceeded to the uppermost deck and mounted the starboard bulwark or railing and jumped into the water near the vessel's starboard side.



Figure 2- Yellow horizontal line indicates the approximate location from where the victim jumped into the water. This was on the upper deck, aft on the starboard side. (Source: USCG)

4.1.14. The location where the passenger jumped from, and the conning station were closely located together on the uppermost deck of the vessel.

4.1.15. Other passengers were questioned about the passenger jumping overboard based on a “dare” by one or more passengers as it had been reported in the media. That theory was not substantiated by the interviews conducted.

4.1.16. Crew were reported to have moved about the vessel yelling “man overboard” when it was determined that a person actually jumped off the vessel.



Figure 4 - Starboard side of the vessel showing the approximate location where the victim jumped from the moving vessel and the conning location for the vessel. (Source: [REDACTED] with CG markups)

4.1.17. A witness described that the *Blackbeard's Revenge* was underway when the passenger entered the water and was then seen swimming without a shirt, in shorts, on the vessel's starboard side.



Figure 5 - General location of the location where the person entered the water. (Source: USCG)



Figure 6– Image of victim in the water alongside the vessel's starboard side. (Source: Open Source)



4.1.18. At some point after the passenger entered the water, a life ring was thrown to the general location of the passenger. The night was described as being dark with intermittent flashes of lighting briefly illuminated the passenger in the water.

4.1.19. Witness testimonies indicated that the crew responded to the emergency in several different ways. Calling out “man overboard”, calling for quiet on the vessel in hopes to hear any calls from the passenger and when large numbers of passengers moved to the side of the vessel where the passenger in the water swam to, telling the passengers to clear the rail to maintain the stability of the vessel. The shifting weight of the collected passengers initially gathered on the starboard and or portside caused the vessel to heel or list to the side where persons had gathered to see, endangering the safety of the vessel. The passengers clustered along the rail also prevented the crew from gaining access to the rail during rescue attempts.

4.1.20. One witness described what he thought was a chart plotter, typically equipped with a marine global position receiver (GPS) unit on the conning station position. Some similar units are equipped with a “Man Overboard -MOB” function which shows the user the range, bearing and position to an object in the water once the button is initially depressed. The unit display continually registers critical navigation information as to the location of an object in the water, in this case a person.

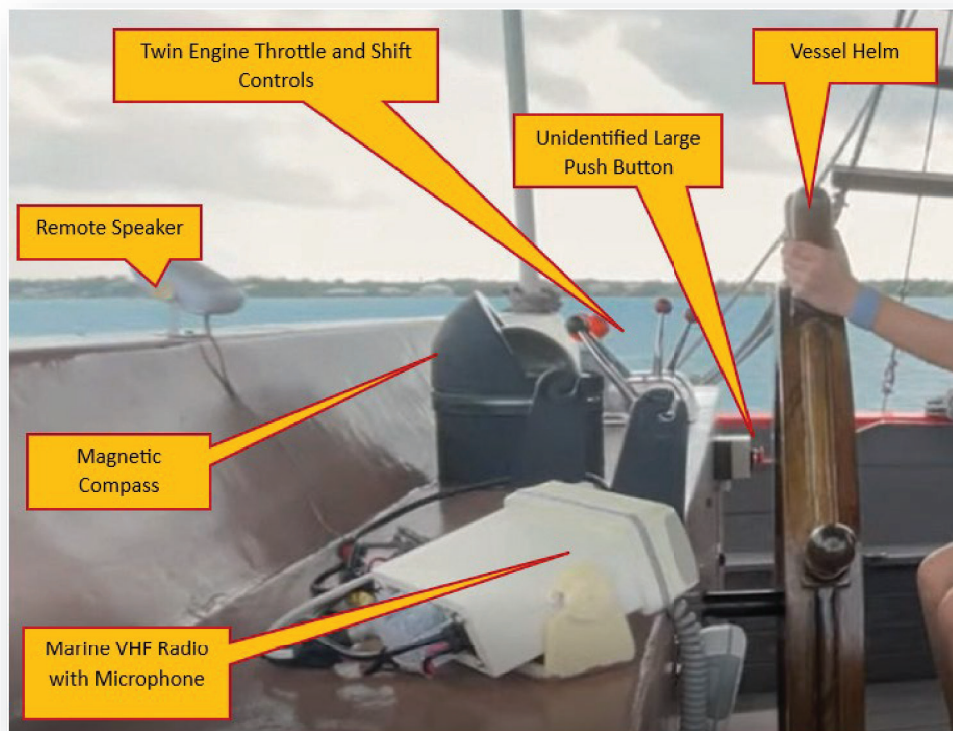


Figure 7 - Location of vessel equipment in the conning station onboard the *Blackbeard's Revenge*. An examination of this image shows that there is no GPS receiver at the conning position in this image. (Source: Screen Capture YouTube video, open source)

4.1.21. The exact vessel position of the man overboard is uncertain based upon the available evidence as there is no conclusive information that the vessel was equipped with a GPS unit at the conning location or that it was even utilized.

4.1.22. A GPS receiver or similar navigation equipment would mark the latitude and longitude with precision and that precise position information would aid in the Search and Rescue (SAR) efforts.

4.1.23. A person, believed to be a vessel crewmember, threw the passenger a life ring. Witness testimony indicates that some passengers and crew verbally called out to the passenger to encourage him to grab the flotation device. Based on the interviews and video, when the passenger was on the port side of the vessel a second life ring with a line attached was thrown into the water to assist the passenger. The end of the tether line was not held on to nor tied to the vessel, the line was observed floating in the water near the passenger.

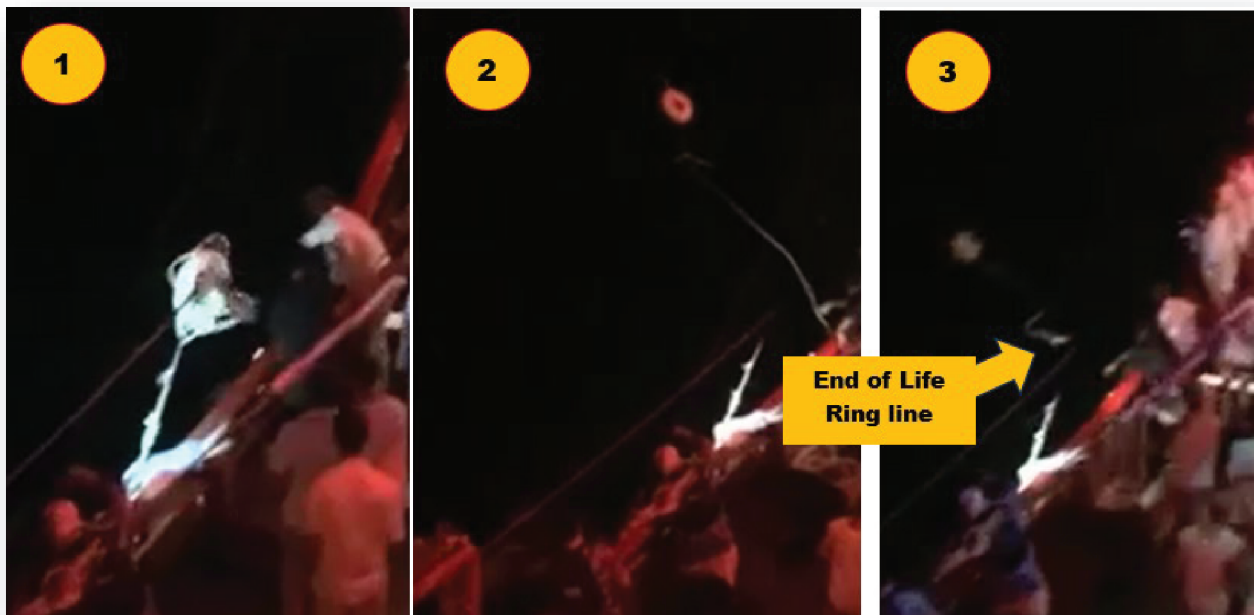


Figure 8 - Sequence from video taken by a passenger showing a life ring thrown from the vessel's port side forward. Image one is readying to throw the buoyant ring, image 2 is the throw in the direction of the victim and image 3 shows the end of the attached line flying through the air and not attached onboard the vessel. (Source: Passenger video)

4.1.24. Shortly before 9:55 p.m. the Nassau Harbor Patrol was informed about the man overboard from the *Blackbeard's Revenge* based on records of the SAR authorities.

4.1.25. There is no indication that the life rings on the vessel were attached to water activated lights either fixed or flashing to enhance the visual location of the life ring even if the passenger reached the life ring.

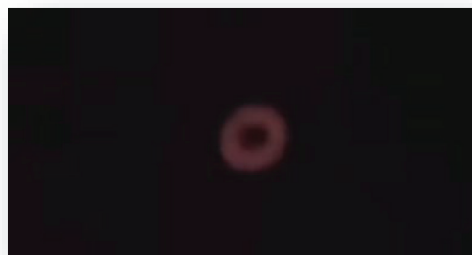


Figure 9 - Life ring at an unidentified distance from the victim in the water without water light or retroreflective tape. (Source: Passenger video)

4.1.26. Witnesses describe the passenger swimming towards the life ring then abruptly changing direction to swim away from the vessel and the life ring.

4.1.27. Based on analyzed evidence and witness interviews, multiple actions were taking place on the vessel. Life rings were thrown, the crew were using flashlights to look for the passenger, the disc jockey made announcements about the emergency situation.

4.1.28. A witness described that the vessel's deck and navigation lights provided minimal lighting to the search efforts against the darkness of the water/night. The crew used handheld flashlights to search for the passenger in the water. The vessel later activated floodlights to assist in the search.

4.1.29. A witness described hearing an announcement that people should remain silent so that the crew could listen for the passenger if he called out from the water.

4.1.30. A witness recalled that the vessel attempted to maneuver closer to the passenger in the water each time he was visible. As time elapsed the passenger was lost from sight and not seen or heard from again.

4.1.31. At some point the *Blackbeard's Revenge* Captain was reported to have used a “Williamson turn” to retrace its voyage track and put the passenger ahead of the vessel. This information was listed in the Bahamas response to Diplomatic Note #1.

4.1.32. There are reports that the vessel reached the approximate position where the passenger entered the water and anchored as SAR assets started to arrive on scene to conduct search activities.

4.1.33. As the SAR operations unfolded, intense tropical rain began to move into the local search area.

4.1.34. Two small craft from the Police Marine Unit (PMU) and the RBDF arrived on scene and commenced searching the area for the passenger in the water.



Figure 10 - On the left is RB 02 and on the right is P 40, two of the vessels that initially responded to the person in the water. The vessels and crew conducted search and support operations on the evening of May 24, 2023. (Source: Open)

4.1.35. The precise time is not known, but it is estimated that it was approximately 10:00 p.m., when the *Blackbeard's Revenge* anchored near the location of the person in the water. One of the patrol vessels came alongside the vessel and was reported to have taken the Captain of the *Blackbeard's Revenge* to provide information to assist the search for the passenger.

4.1.36. Heavy rains continued and the passengers were cold and, in some cases, soaked by the downpour. One of the staff members indicated that a passenger and or passengers were diabetic, and as a result of that situation the vessel was permitted to heave anchor and proceed back to the dock in Nassau.

4.1.37. At approximately 12:30 a.m. on May 25, 2023, the *Blackbeard's Revenge* departed the area enroute to the dock in Nassau.

4.1.38. The vessel docked at its loading dock in Nassau at approximately 1:30 a.m. on May 25, 2023. The *Blackbeard's Revenge* was met with concerned parents that had accompanied their student travelers on the trip to the Bahamas. Bahamian police authorities also met the vessel upon arrival to pursue their investigation into the accident.

4.1.39. Passengers disembarked from the vessel to return to their various hotels on the island.

#### 4.2. Blackbeard's Revenge Crew

4.2.1. The contract for the *Blackbeard's Revenge* charter called for a crew of the vessel which consisted of a captain, first mate, seven (7) deckhands, one (1) disc jockey, and three (3) bartenders depending on party size. There is no way to accurately determine if the crew complement on the voyage in question met the terms of the contract.

4.2.2. The captain of the *Blackbeard's Revenge* held an expired Certificate of Competency for larger international trade SOLAS classed vessel as master for voyages between the United States, Bahamas, and other Caribbean countries. That Certificate of Competency, Certificate Number 299442-00, expired on December 31, 2015.

4.2.3. The captain had completed various courses to maintain the Certificate of Competency credential required for Standards of Training and Certification of Watchkeeping (STCW) by the IMO including, first aid, personal safety, firefighting and other safety training courses.

#### 4.3. Weather

4.3.1. The weather as the *Blackbeard's Revenge* departed the dock was unsettled and adverse weather was forecasted. The Bahamas marine forecast stated:



## BAHAMAS MARINE FORECAST

MARINE FORECAST FOR THE BAHAMAS FOR 24 HOURS FROM 6 PM THURSDAY MAY 24<sup>TH</sup>, 2023 ISSUED BY THE BAHAMAS DEPARTMENT OF METEOROLOGY AT 2200 UTC.

### WARNINGS

WATERSPOUT AND MODERATE TO SEVERE THUNDERSTORM ACTIVITY ARE EXPECTED ALONG WITH GUSTY WINDS AND HIGHER SEAS NEAR OR IN SHOWERS. SMALL CRAFT SHOULD REMAIN ALERT FOR GUSTY WINDS AND HIGHER SEAS IN HEAVY SHOWERS OR THUNDERSTORMS AS WELL AS REDUCED VISIBILITY TO 3 NM OR LESS.

### GENERAL SITUATION

A DEEP-LAYERED TROUGH IN THE VICINITY OF THE SOUTH FLORIDA AND THE EXTREME NORTHWEST BAHAMAS WILL CONTINUE TO STREAM MOISTURE INTO THE AREA PRODUCING AN UNSTABLE WEATHER PATTERN SUPPORTING SHOWERS AND POSSIBLE THUNDERSTORM ACTIVITY INTO TONIGHT AND TOMORROW. MEANWHILE, A WEAK PRESSURE PATTERN CONTINUES TO PERSIST GENERATING LIGHT TO GENTLE WINDS.

### ALL AREAS

**WINDS:** SOUTHEAST TO SOUTH AT 10 KNOTS OR LESS TONIGHT, SHIFTING SOUTH TO SOUTHWEST AT 10 TO 15 KNOTS, FALLING LIGHT AND VARIABLE AT TIMES ON THURSDAY.

**SEAS:** 1 TO 3 FEET NEARSHORE TONIGHT, BUILDING UP TO 2-4 FEET ON THURSDAY IN NORTHEASTERLY SWELLS.

**WEATHER:** WIDELY SCATTERED SHOWERS AND THUNDERSTORMS

4.3.2. The tide on the waterway was approaching high tide which would occur shortly before midnight on May 24, 2023.

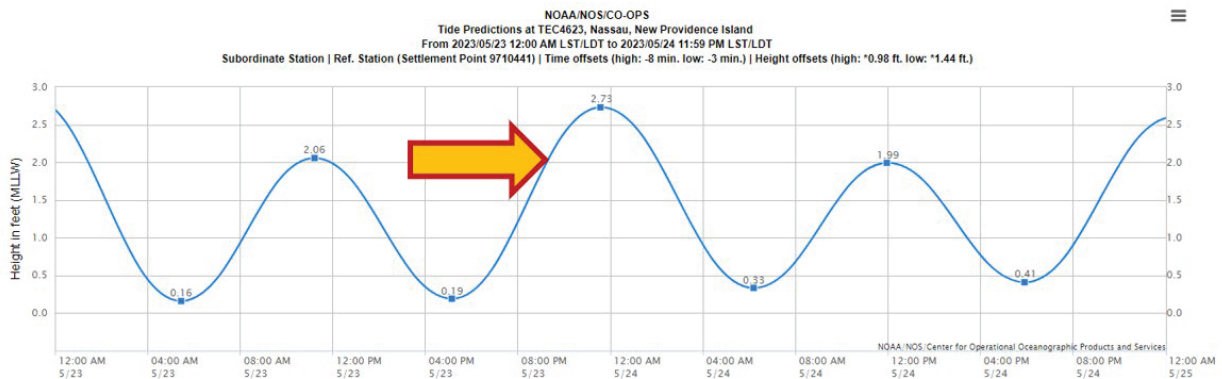


Figure 11 - Tidal tables for May 24, 2023, produced by the National Oceanographic and Atmospheric Administration (NOAA). Yellow arrow identifies time of man overboard on the vessel. (Source: NOAA Tide and Current Website)

4.3.3. The tidal current in the waterway was setting approximately towards the NNW (300 degrees True) at a speed of 0.4 knots (0.2 m/s) as listed in historical hydrological data from the MARCOOS Ocean Map site.

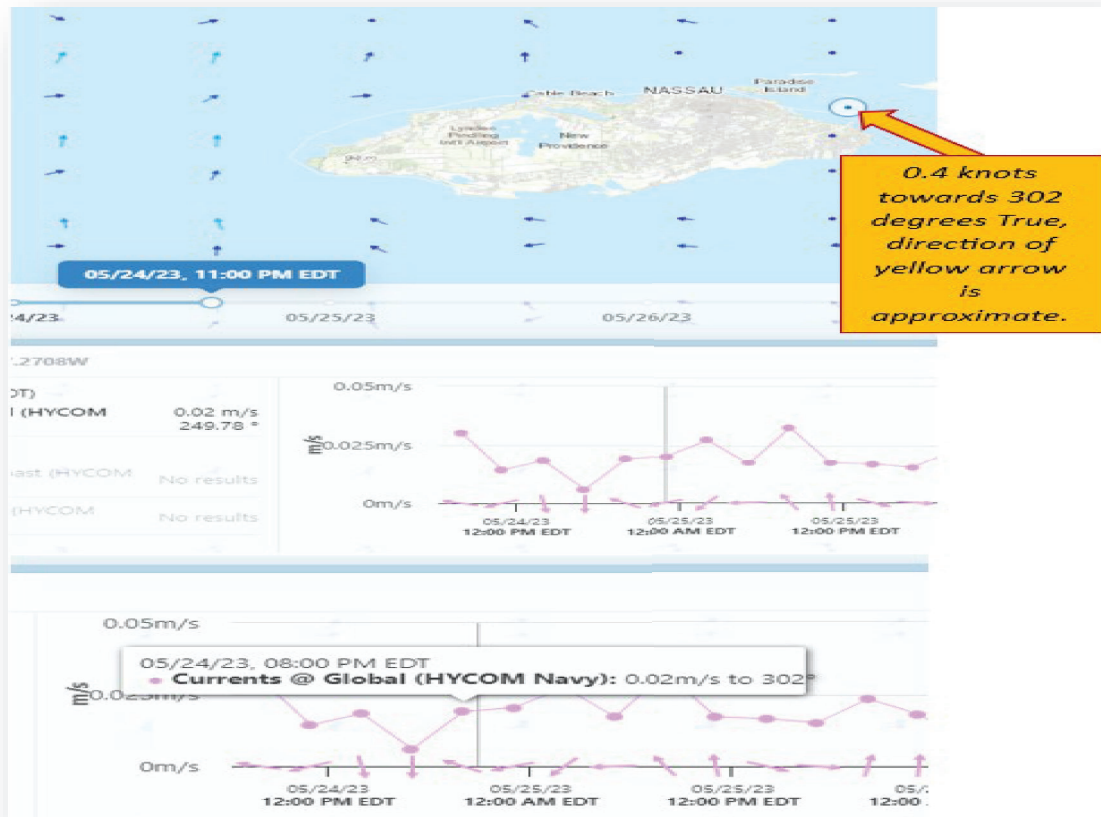


Figure 12 - Tidal current screen capture from the historical hydrology archives for the evening of May 24, 2023. The direction indicated by the yellow arrow is approximate. (Source: MARACOOS Ocean Map)

#### 4.4. Vessel History

4.4.1. The *Blackbeard's Revenge* was built in 1997 and operated as the motor vessel *Eleuthera Express* providing freight and passenger service in the Bahama Islands.

4.4.2 The documents provided by the BMA described the *Blackbeard's Revenge* as an excursion vessel dating back to 2022. It is not accurately known if the transition from a freight/passenger ferry and the name change to *Blackbeard's Revenge* is from an earlier time and date.

#### 4.5. Vessel Operation

4.5.1. The *Blackbeard's Revenge* is owned and operated by a Bahamian company, Pirates Revenge LTD. The vessel typically makes pirate-themed cruises in the local area of Nassau Harbor. This cruise was chartered by GRADWEEK® for the express purpose of the student traveler cruise. The cruise was billed as a sunset cruise and featured music and a two-hour cruise around the harbor, scheduled from 8:00 p.m. until 10:00 p.m.

4.5.2. Passengers could purchase tickets and with those tickets redeem them for beverages including alcoholic beverages. Based on witness interviews, the limiting factor on the sale and consumption of alcoholic beverages was the long lines to purchase the drink tickets and the two bars on the vessel. The charter contract called for the owner, Pirate's Revenge LTD, to provide up to three bartenders in the contract, depending on the party size.

4.5.3. The charter contract contained the following verbiage regarding the cruise:

*DELIVERY: The Company agrees to deliver the Vessel outfitted as a Pirate Ship, with agreed upon equipment, inclusive of that required by law. The Vessel will be clean and in good condition and ready for service.*

*AUTHORITY: The Company warrants that the Captain meets all requirements necessary to legally command the vessel in the area chartered. While it is agreed the CHARTERER may determine the general movements and destination of the yacht within the boundaries of this Agreement, it is understood that the Captain is in full command, and that the CHARTERER agrees to abide by his judgment as to clearance, tides, weather conditions, anchorages and other pertinent matters.*

*RESPONSIBILITIES: The Client agrees that the vessel shall be exclusively for pleasure purposes and shall in no way violate the laws of the Commonwealth of The Bahamas, or of any government within the jurisdiction of which the vessel may be at any time. The Client agrees to prohibit the use or possession of any illegal drugs including on board the vessel.*

#### 4.6. Bahamian Regulatory Oversight For Vessel Operation

4.6.1. The *Blackbeard's Revenge* was classified as a Class A vessel and as such it is authorized to operate in all of the harbors and waters of the Bahamas according to its Certificate of Registration.

4.6.2. Following the incident Diplomatic Notes were initially exchanged to gather factual information for the U.S. Coast Guard investigation. Diplomatic Note #1 (Note No. 756) contains the following information regarding the *Blackbeard's Revenge* as a response to the U.S. Coast Guard's question about the operation of the vessel:

*Question 5: At the time of the Blackbeard's sailing, were there any prohibitions for night-time cruises in place?*

*Answer: The police investigation did not uncover any restrictions or prohibitions on night-time cruising for the specific date in question, Wednesday, May 24, 2023.*

*Question 7: Has the company that operates Blackbeard's Revenge had other problems with safety in the past?*

*Answer: The Port Authority has confirmed that Pirate's Revenge Ltd., the company operating the Blackbeard's Revenge Party Boat, has had no recorded safety issues. The Blackbeard's Revenge is described as a 140ft steel-hull ocean-going vessel, capable of withstanding adverse weather conditions, except for tropical storms and hurricanes. It is equipped with comprehensive safety gear, including over 500 life vests, fire extinguishers, and life rings, and is duly licensed for tour excursions.*

4.6.3. Vessels under 500 gross tons used for domestic trade can be registered under the Boat Registration Act with oversight provided by the Bahamas Port Department (New Providence Port Authority). Requirements for registration are stipulated in the registration rules which also requires an annual vessel safety inspection. There are no specific rules on construction, equipment or manning specified and the annual inspection is particularly non-specific as it relates to vessels such as the *Blackbeard's Revenge*.

2023 B.R. 5539  
FORM II  
CERTIFICATE OF REGISTRATION  
Under  
THE BOAT REGISTRATION ACT (CH.277)

This Certificate permit "BLACKBEARD'S REVENGE"  
Registration No: NP 8095 to ply for hire at ALL HARBOURS & WATERS  
OF THE BAHAMAS for the period from the 1st day of JANUARY  
until the 31st day of DECEMBER, 2023  
The Vessel is registered under class "A" carry a total number of 400  
passengers and crew not exceeding 815 and respectively.  
Alcoholic beverages may ~~not~~ be sold aboard this vessel.  
Insurance: LLOYD'S UNDERWRITER SYNDICATE  
Date of Expiration JULY 14, 2023  
Insurance should be renewed on or before JULY 14, 2023  
Name of Owner: PIRATES REVENGE LTD.  
Name of MASTER: [REDACTED]

[Signature]  
Chairman  
Port Authority for New Providence  
Date: JANUARY 4, 2023

Note: This Certificate is property of The Bahamas Government and must not be defaced or altered in any way. This Certificate shall be prominently displayed on the Vessel at all times

Figure 13 - Copy of the valid Certificate of Registration for the *Blackbeard's Revenge*. (Source: Bahamas Authorities)



4.6.4. This investigation examined the Bahamian regulations for domestic vessel. There are no requirements for minimum safe manning for domestic vessels which lists the number of required personnel and the specific duties for those individuals, with the exception of the captain.

Bahamian Regulations state:6. (1) *Subject to the provisions of subsection (3) of this section, every boat before being registered under this Act shall, together with the machinery, sail, gear, fixtures, equipment, apparel and appurtenances used therewith, be submitted for the inspection of the New Providence Port Authority, and that Authority shall decide whether such boat is fit and proper to be registered, and after registration an inspection shall take place annually.*

4.6.5. There is no written documentation listing the required safety and lifesaving equipment that would be required on the *Blackbeard's Revenge* that was made available for this investigation. An exhaustive internet search of Bahamian maritime regulations failed to turn up the detailed and specific requirements for safety and lifesaving equipment, vessel inspections, emergency training or drills. In the response to the first Diplomatic Note the Bahamian authorities stated:

*“It is equipped with comprehensive safety gear, including over 500 life vests, fire extinguishers, and life rings, and is duly licensed for tour excursions.”*

4.6.6. Interviews of witnesses and a search for images of the *Blackbeard's Revenge* was used to determine the number and location of life rings aboard the vessel at the time of the accident. The images available on the internet of the vessel have no date reference. But international orange life rings were in some of the images available on the internet. In some cases, images displayed, one life ring on each side on the deck above the main deck and affixed to a line or rope. There are no images showing the life rings in typical brackets used for quick and easy use, rather they appear in these images, tied to the railings.

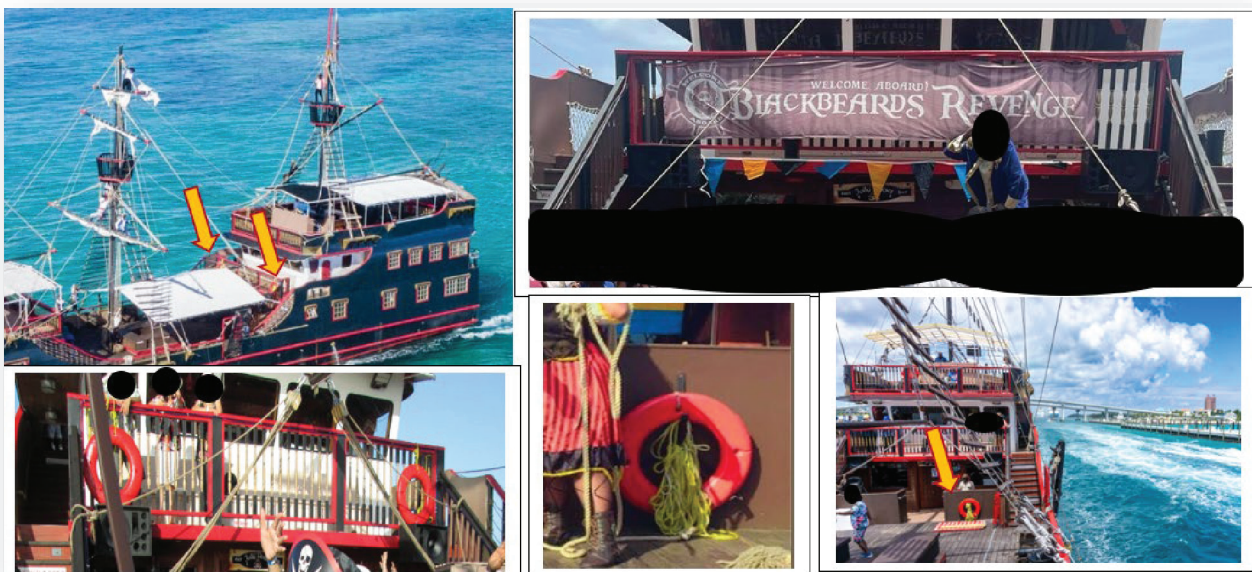


Figure 14 - Images of life rings on the *Blackbeard's Revenge*, dates undetermined in some cases referenced by yellow arrow for ease of location. In two images there are international orange colored life rings on each side of the vessel on the first deck above the main deck aft. In images you can see some sort of polypropylene floatation line attached. In the lower right image, you can see one life ring on the main deck on the port side. (Source: Open)

4.6.7. Licensing of captains is similar to that of domestic boats in the Bahamas – Class A and Class B vessel licensing classifications. Other than “harbor” restriction for Class B, the only restriction is tonnage (100gt/500gt ticket). There are no license endorsements for carrying passengers, dangerous goods etc. contained in the Bahamian regulations.

#### 4.7. Comparison to Similar Commercial Passenger Vessels in the United States.

4.7.1. This investigation attempted to compare the operation and regulatory oversight of the *Blackbeard's Revenge* with similar commercial excursion vessels operated within the U.S. Accordingly, traveling U.S. citizens would reasonably expect that foreign commercial passenger vessels met certain standards for their operation and safety. The passengers onboard the *Blackbeard's Revenge* on May 24<sup>th</sup>, 2023, were U.S. citizens.

4.7.2. Similar vessels in the U.S. that conduct the carriage of passengers for hire and carry less than 600 passengers are subject to U.S. Coast Guard oversight under 46 Code of Federal Regulations (CFR) Subchapter K. These regulations cover the design standards, inspections, construction, manning, safety equipment, route and service and other critical vessel safety requirements. U.S. passenger vessels are subject to stability requirements and those requirements have a potential for limiting the number of passengers to less than otherwise allowed by measurements of seating area, passenger weight and other considerations. Each vessel that is inspected as a passenger vessel is issued a Certificate of Inspection (COI) and that document lists all the specific safety and manning requirements for the vessel. Below is a sample COI for a training vessel that is used to train U.S. Coast Guard marine inspectors. The actual vessel is a fully functioning marine vessel, the *Yorktown Lady*, which is mounted on blocks on a concrete pad to allow for full access for training purposes. In general, the vessel and the training COI represent the standards for the Coast Guard and vessel marine operators in meeting those requirements.



Figure 15 - Permanently moored USCG training vessel *Yorktown Lady* of a similar size as the *Blackbeard's Revenge*. This vessel is used to train Coast Guard marine inspectors on the regulations required for commercial passenger vessels. (Source: USCG)


|  <p align="center"><b>United States of America</b><br/>Department of Homeland Security<br/><b>United States Coast Guard</b></p> <h1 align="center">Certificate of Inspection</h1> <p align="center">For ships on international voyages this certificate fulfills the requirements of SOLAS 74 as amended, regulation V/14, for a SAFE MANNING DOCUMENT.</p>  |   | Certification Date: 20 Aug 2021                                 |   |       |           |             |         |   |  |             |         |   |             |         |   |   |  |
|---|---|---|---|-------|-----------|-------------|---------|---|--|-------------|---------|---|-------------|---------|---|---|--|
|   |   | Expiration Date: 20 Aug 2025                                    |   |       |           |             |         |   |  |             |         |   |             |         |   |   |  |
|   |   | IMO Number:   |   |       |           |             |         |   |  |             |         |   |             |         |   |   |  |
| Vessel Name<br><b>YORKTOWN LADY</b>   | Official Number<br><b>934041</b>  | Call Sign<br><b>WCV3804</b>                                     | Service<br><b>Passenger (Inspected)</b> |       |           |             |         |   |  |             |         |   |             |         |   |   |  |
| Hailing Port<br><b>YORKTOWN VA</b>  | Hull Material<br><b>Aluminum</b>  | Horsepower<br><b>320</b>  | Propulsion<br><b>Diesel</b>             |       |           |             |         |   |  |             |         |   |             |         |   |   |  |
| Place Built<br><b>CAPE CANAVERAL FL, UNITED STATES</b>  | Delivery Date Date Keel Laid<br><b>21 Aug 1984 01 Jul 1984</b>                                  | Gross Tons<br><b>R-65</b>                                       | Net Tons<br><b>R-55</b>                 |       |           |             |         |   |  |             |         |   |             |         |   |   |  |
|   |   | DWT<br><b>1-</b>  | Length<br><b>R-63</b>                   |       |           |             |         |   |  |             |         |   |             |         |   |   |  |
| Owner<br><b>Discovery INC<br/>578 MADISON STREET<br/>HAMPTON, VA 23116<br/>UNITED STATES</b>  | Operator<br><b>Discovery INC<br/>578 MADISON STREET<br/>HAMPTON, VA 23116<br/>UNITED STATES</b> | <b>TRAINING DOCUMENT FOR<br/>ILLUSTRATION PURPOSES<br/>ONLY</b> |   |       |           |             |         |   |  |             |         |   |             |         |   |   |  |
|   |   |   |   |       |           |             |         |   |  |             |         |   |             |         |   |   |  |
| <b>This vessel must be manned with the following licensed and unlicensed personnel. Included in which there must be 0 certified lifeboatmen, 0 certified tankermen, 0 HSC type rating, and 0 GMDSS Operators.</b>   |   |   |   |       |           |             |         |   |  |             |         |   |             |         |   |   |  |
| 1 Master  | 0 Master & 1st Class Pilot  | 0 Radio Officer(s)  | 0 Chief Engineer                        |       |           |             |         |   |  |             |         |   |             |         |   |   |  |
| 0 Chief Mate  | 0 Mate & 1st Class Pilot  | 0 Able Seamen/ROANW   | 0 1st Asst. Engr/2nd Engr.              |       |           |             |         |   |  |             |         |   |             |         |   |   |  |
| 0 2nd Mate/OICNW  | 0 Lic. Mate/OICNW   | 0 Ordinary Seamen   | 0 2nd Asst. Engr/3rd Engr.              |       |           |             |         |   |  |             |         |   |             |         |   |   |  |
| 0 3rd Mate/OICNW  | 0 1st Class Pilot   | 1 Deckhands   | 0 3rd Asst. Engr.                       |       |           |             |         |   |  |             |         |   |             |         |   |   |  |
|   |   |   | 0 Lic. Engr.                            |       |           |             |         |   |  |             |         |   |             |         |   |   |  |
| In addition, this vessel may carry 25 passengers, 0 other persons in crew, 0 persons in addition to crew, and no others. Total persons allowed: 27  |   |   |   |       |           |             |         |   |  |             |         |   |             |         |   |   |  |
| Route Permitted and Conditions of Operation:<br><br><b>---Lakes, Bays, and Sounds plus Limited Coastwise---</b><br><br>ATLANTIC OCEAN, STATE OF VIRGINIA, NOT MORE THAN 20 MILES FROM A HARBOR OF SAFE REFUGE, NOT MORE THAN 3 MILES FROM SHORE.<br><br>IF THE VESSEL IS AWAY FROM THE DOCK OR PASSENGERS ARE ON BOARD OR HAVE ACCESS TO THE VESSEL FOR A PERIOD EXCEEDING 12 HOURS IN ANY 24 HOUR PERIOD, AN ALTERNATE MASTER AND CREW SHALL BE PROVIDED.<br><br><b>***SEE NEXT PAGE FOR ADDITIONAL CERTIFICATE INFORMATION***</b> |   |   |   |       |           |             |         |   |  |             |         |   |             |         |   |   |  |
| With this Inspection for Certification having been completed at Waianae, UNITED STATES, the Officer in Charge, Marine Inspection, Yorktown certified the vessel, in all respects, is in conformity with the applicable vessel inspection laws and the rules and regulations prescribed thereunder.  |   |   |   |       |           |             |         |   |  |             |         |   |             |         |   |   |  |
| Annual/Periodic/Quarterly Reinspections<br><table border="1"> <thead> <tr> <th>Date</th> <th>Zone</th> <th>A/P/Q</th> <th>Signature</th> </tr> </thead> <tbody> <tr> <td>05 Jul 2021</td> <td>TC York</td> <td>A</td> <td rowspan="3"></td> </tr> <tr> <td>15 Jul 2022</td> <td>TC York</td> <td>A</td> </tr> <tr> <td>26 Jul 2023</td> <td>TC York</td> <td>A</td> </tr> </tbody> </table>   |   | Date  | Zone                                    | A/P/Q | Signature | 05 Jul 2021 | TC York | A |  | 15 Jul 2022 | TC York | A | 26 Jul 2023 | TC York | A | This certificate<br>Officer in Charge, Marine Inspection<br>Yorktown<br>Inspection Zone |  |
| Date  | Zone  | A/P/Q   | Signature                               |       |           |             |         |   |  |             |         |   |             |         |   |   |  |
| 05 Jul 2021   | TC York   | A   |   |       |           |             |         |   |  |             |         |   |             |         |   |   |  |
| 15 Jul 2022   | TC York   | A   |   |       |           |             |         |   |  |             |         |   |             |         |   |   |  |
| 26 Jul 2023   | TC York   | A   |   |       |           |             |         |   |  |             |         |   |             |         |   |   |  |

Figure 16 - First page of the COI for the training vessel *Yorktown Lady*. The requirements listed on this training COI would be the same as for a similar vessel and type used on waterways under the jurisdiction of the Coast Guard. It lists the crew or manning requirements, official name and number and route restrictions along with special provisions that might be imposed. (Source: USCG)



ONE CHILD SIZE LIFE PRESERVER SHALL BE PROVIDED FOR EACH PERSON WEIGHING LESS THAN 90 POUNDS.

PASSENGERS ARE NOT ALLOWED ON THE SECOND DECK PILOT STATION.

IF THE PROVISIONS OF WORK INSTRUCTIONS 30 and 31 ARE MET, THE REQUIRED DECKHAND(S) MAY ENTER THE WATER WHILE MOORED OR AT ANCHOR DURING IN WATER PASSENGER ACTIVITIES.

TOTAL NUMBER OF PASSENGERS ALLOWED ONBOARD SHALL BE REDUCED BY ONE (01) FOR EVERY 185 LBS OF DIVE EQUIPMENT CARRIED OR FRACTION THEREOF IN EXCESS OF 1125 LBS.

THE VESSEL MUST BE OPERATED IN ACCORDANCE WITH THE STABILITY ADDENDUM ISSUED ON 28 AUGUST 2014.

---Hull Exams---

| Exam Type | Next Exam | Last Exam | Prior Exam |
|-----------|-----------|-----------|------------|
| Crydock   | 31Jan2025 | 15Jan2023 | 21Jan2021  |

---Stability---

Letter      Approval Date / 09Jun1997      Office/ Honolulu

---Lifesaving Equipment---

|                             | Number | Persons |                          | Required |
|-----------------------------|--------|---------|--------------------------|----------|
| Total Equipment for         | 27     |         | Life Preservers(Adult)   | 27       |
| Lifeboats(Total)            | 0      | 0       | Life Preservers(Child)   | 3        |
| Lifeboats(Port)*            | 0      | 0       | Ring Buoys(Total)        | 1        |
| Lifeboats(Starbd)*          | 0      | 0       | With Lights*             | 1        |
| Motor Lifeboats*            | 0      | 0       | With Line Attached*      | 1        |
| Lifeboats W/Radio*          | 0      | 0       | Other*                   | 0        |
| Rescue Boats/Platforms      | 0      | 0       | Immersion Suits          | 0        |
| Inflatable Rafts            | 0      | 0       | Portable Lifeboat Radios | 0        |
| Life Floats/Buoyant App     | 0      | 0       | Equipped with EPIRB?     | Yes      |
| Inflatable Bouyant App(IBA) | 0      | 0       | (* included in totals)   |          |

---Fire Fighting Equipment---

Number of Fireman Outfits/ 0

\*Fixed Extinguishing Systems\*

| Capacity | Agent                                | Space Protected    |
|----------|--------------------------------------|--------------------|
| 12       | Halocarbon (Formerly: FM 200, FE241) | ENGINE COMPARTMENT |

\*Fire Extinguishers      Hand portable and semi portable\*

| Qty | Class Type |
|-----|------------|
| 1   | B I        |
| 2   | B-II       |

\*\*\*PUMP\*\*\*

**TRAINING DOCUMENT FOR  
ILLUSTRATION PURPOSES  
ONLY**

Figure 17 - Second page of the training COI for the training vessel *Yorktown Lady*. There could be more pages if necessary. This page lists inspection, lifesaving, stability, firefighting, passenger load and other requirements. (Source: USCG)

#### 4.8. GRADWEEK® High School Graduate Traveler Student Tour

4.8.1. The involved passenger was a part of a large tour group, comprising over 370 student high school travelers from the Baton Rouge, Louisiana area. There were 09 GRADWEEK® staff aboard the *Blackbeard's Revenge*. There were a number of parents that accompanied the travelers to the Bahamas. Based on the available information, there were no parents on the vessel during this particular voyage.

4.8.2. The student travelers were participating in a GRADWEEK® tour. That organization is part of ISTours® it offers various excursions for the participants. GRADWEEK® arranged the tour, chartered the vessel, and accompanied the travelers on the *Blackbeard's Revenge*.

4.8.3. Each traveler was expected to execute, complete, and sign an online registration to participate in the trip and the excursion. Some of the key provisions in the agreement, 2023 GRADWEEK TERMS AND CONDITIONS, were:

*Unacceptable conduct/unruly behavior such as fighting, damaging property, foul language, and any illegal acts of stealing, shoplifting, possession/being under the influence of drugs or alcohol, and not following the rules from the airlines, bus company, vendors, or staff. Participants are expected to act in a socially acceptable manner. Please Note: A participant's luggage and/or room may be subject to search at any time by the airline, motorcoach or hotel if suspected of illegal activity.*

and:

*GradWeek trips are not school sponsored or affiliated with the school or chaperoned IN ANY WAY. Our destination staff does not perform bed checks or implement curfews. Our GradWeek staff are only present at the destination hotel and are there to manage the program, attend GradWeek sponsored events/activities and assist travelers with any questions or issues that may arise on-site. GradWeek understands that an unchaperoned trip may not be for everyone and would encourage those who are uncomfortable with an unchaperoned trip not to attend our trips. However, parents are also welcomed to attend, so they can be available if needed by their student.*

finally:

*ALCOHOL CONSUMPTION POLICY: GradWeek does not provide, promote, or profit from the use of alcohol in any of its programs. The legal drinking age in the Republic of Mexico, Puerto Rico and the Bahamas is 18 years old. The legal drinking age in Hawaii and Florida is 21 years old and the restaurants, bars and nightclubs may require identification and proof of age to consume alcohol. GradWeek has contractual relationships with certain suppliers in Mexico and the Bahamas who sell optional packages to our travelers. Some of these packages may make alcoholic beverages available. Some activities occur in locations that serve alcohol. Excessive use of alcohol can result in injury and severely impaired judgment. GradWeek does not condone the abuse of alcohol.*

4.8.4. The registration process does not include a requirement to alert ISTours®/GRADWEEK® about medical conditions or medications that a traveler might be required to take as prescribed by his or her attending physician.

4.8.5. For the voyage excursion on the *Blackbeard's Revenge*, there were 4 full time and 5 seasonal GRADWEEK® staff.

4.8.6. The investigation requested various records from ISTours® and those records were provided. The records provided indicate that any written procedures for conducting accompanied excursion outings were contained in the Voluntary Staff Agreements. Those documents spoke about the staff behavior, alcohol policy, sexual harassment, and other policies in terms of the agreement between the individual voluntary staff and the company. There were no manuals or comprehensive written policies for staff operations apart from one specifically for COVID-19 safety protocols and procedures.

The company CEO, responding to a U.S. Coast Guard request for information explaining the duties of the staff who accompanied the trip in this manner:

*Our destination staff provide a resource for assistance and are not escorts nor chaperones. We do not proclaim to be escorts or chaperones. Our destination staff services are strictly informational, and assistance based, with the intention of having a clear presence during our destination trips, events, and excursions. Listed below are duties provided by our staff:*

- *Airport arrival meet 'n greet*
- *Hotel arrival and welcome orientation*
- *Hotel check-in and hospitality desk staffing*
- *Daytime pool staffing*
- *Night event staffing*
- *Optional tour staffing*
- *Hotel check-out assistance*
- *Airport departure assistance*
- *General assistance as needed*

4.8.7. The staff also were not actually involved with supervision of the student travelers on the trip but were aboard to facilitate the excursion trip for the travelers. Staff wore distinctive blue shirts to identify themselves.

4.8.8. GRADWEEK® staff stated that they were not permitted to consume alcohol while performing their duties onboard the vessel or on duty and were required to sign an agreement stating that they will comply with that policy.

#### 4.9. Passengers Medical, Emotional, Prescription and Over the Counter Drug Use

4.9.1. The parents of the involved passenger were interviewed to determine if there were any significant medical or emotional issues that might have impacted the decision of the passenger to

commit the act of jumping off the vessel. They stated that he had some level of attention deficit/hyperactivity disorder (ADHD) and was prescribed "Adderall", amphetamine aspartate monohydrate. They stated that he took that medication before tests and not on a regular basis. This was the only prescription prescribed to the passenger. He had issues with allergies and took over the counter medications for this ailment. There were no over the counter medications or supplements that the parents were aware of. The parents examined his personal effects after the accident in the hotel and there were no prescription drugs in his personal effects. His mother packed ibuprofen in his effects before departure of the U.S.

The parents were asked about recreational drugs and they stated that they were aware of a single incident in his junior year in High School and after that they had him tested for drugs because of that single incident. The passenger had friends that used other common street drugs, but he was vocal in warning them of the risks and dangers with those drugs.

#### 4.10. Alcohol Consumption By Student Travelers And The Passenger

4.10.1. The policy for alcohol consumption for the student travelers was discussed at the welcome briefing for the travelers. The basic message is that the travelers were adults and were expected to behave as adults while in the Bahamas.

4.10.2. The passenger and several travelers who would share the same room were told that their room was not ready to be occupied on arrival. At some point the roommates would purchase an unverified amount of beer and a bottle of champagne.

4.10.3. Witnesses would describe that the passenger had most likely consumed that bottle of champagne prior to departing the hotel for the excursion on the *Blackbeard's Revenge*.

4.10.4. A witness would describe the passenger as attempting to depart the hotel without footwear, he was sent back into the hotel to put on footwear. The passenger was observed going back to the hotel, but no witness can confirm whether he ended up putting shoes on or not prior to boarding the vessel. However, he was observed onboard the vessel without shoes again at some point prior to jumping off the vessel.

4.10.5. When interviewing a staff member of GRADWEEK® it was stated that if a student traveler appeared to be intoxicated during the boarding process, the individual would be denied boarding the vessel and arrangements would be made to have the student traveler returned to their prospective hotel.

4.10.6. Several traveler witnesses stated that they consumed multiple alcoholic drinks of unknown alcoholic content with estimates varying from 3-4 up to 5-6 until the time of the incident. There were varying accounts as to the strength of the alcoholic drinks. One witness stated, when interviewed, that she witnessed travelers in a high state of intoxication aboard the *Blackbeard's Revenge*.

4.10.7. There is no evidence to indicate the actual number of alcoholic beverages the passenger consumed. But in a witness interview with another student traveler, it was stated that the passenger

was in an intoxicated state, to what degree is uncertain. That same witness stated that the passenger was unsteady on his feet, again to what degree is not certain.

#### 4.11. Search And Rescue Operations

4.11.1. At 9:55 p.m., May 24, 2023, the RBDF Operations Command Center (OCC) received a report from the Harbour Patrol Unit (HPU) of a man overboard from a vessel named “BLACKBEARD”, south of Athol Island. Two vessels, RB 02 and P-40 were dispatched to assist in the search. The location was reported to be in about 16 feet of water and the weather inclement in the following general location, 25°03.903N latitude and 077°15.925W longitude (147 degrees (SSE) from Athol Island at an approximate distance of 0.8 Nautical Miles, 0.92 statute miles).

4.11.2. At 11:30 p.m. on May 24, 2023, U.S. Coast Guard District 7 (D7) received a relay report from the D7 public affairs office of a person in the water (PIW) in the vicinity of Nassau, Bahamas. The PIW was reported to have fallen off the sunset cruise *Blackbeard's Revenge*. RBDF informed the Coast Guard Liaison Officer (CGLO) to The Bahamas that the PIW was reported to the Nassau Harbor Master at 9:55 p.m. The Bahamas assumed Search and Rescue Mission Coordinator (SMC) authority and requested assistance from USCG D7 Command Center to provide air support if able.

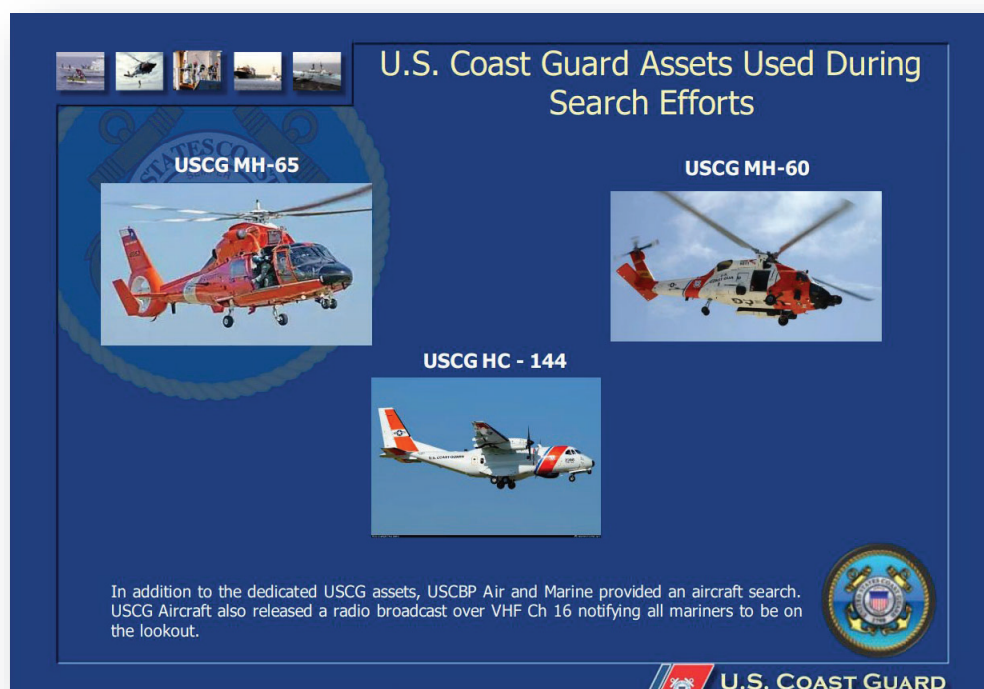


Figure 18 - Coast Guard aviation assets deployed in the search in Nassau, Bahamas during the period May 24 – 26, 2023. (Source: USCG)

4.11.3. Various Bahamas forces searched the surrounding area with jet skis, vessels, aircraft and foot searches of the islands in close proximity of the man overboard location with negative sightings on May 25th and 26th, coordinating with U.S. Coast Guard SAR planners. Adverse weather in the local area hampered search efforts.

4.11.4. D7 launched an Air Station Miami rotary wing and fixed winged asset to search on May 25th and May 26th. Subsequent searches were conducted by rotary wing crews from Air Station



Clearwater. A floating data marker buoy equipped with a radio beacon was deployed to aid drift modeling.

4.11.5. U.S. Coast Guard response units conducted multiple searches for the individual since notification using all available tools to include Search and Rescue Optimization Planning Systems and Drift Validation equipment. The following two figures display the cumulative searches conducted by the U. S. Coast Guard with negative results.

| SEARCH AREA   | TIME SEARCHED    | AREA SEARCHED            |
|---------------|------------------|--------------------------|
| AIRMIA MH-65  | 3.88 HRS         | 82 SQNM                  |
| AIRMIA HC-144 | 5.8 HRS          | Served as comms platform |
| AIRCLR MH-60  | 3.75 HRS         | 51 SQNM                  |
| AIRCLR MH-60  | 2.89 HRS         | 88 SQNM                  |
|               | TOTAL: 16.32 HRS | TOTAL: 221 SQNM          |

Figure 19 - Total search hours and area searched by each Coast Guard aircraft for the period May 24 -26, 2023. (Source: USCG)

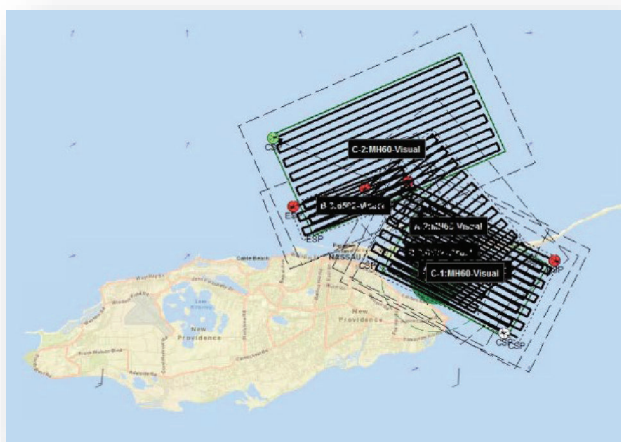


Figure 20 - Search patterns flown by U.S. Coast Guard aircraft in the search for the person in the water for the period May 24 – 26, 2023. (Source: USCG)

4.11.6. At 6:38 p.m., May 26, 2023, the U.S. Coast Guard fixed wing aircraft completed its final search with negative results and there was no further assistance requested by the Bahamian authorities. For the U.S. Coast Guard, the search activities ceased.

4.11.7. Around sunset on May 26, 2023, the SMC indicated that the search activities for the person in the water were suspended.

## 4.12. Shark Attacks In The Waters Of The Bahamas

4.12.1. Both the Bahamas authorities and the public assert that there was a possibility of a shark attack during the time of the incident. In the extreme left of a video frame from a short video showing the passenger in the water there is a flashing, indicating movement associated with an object near the surface of the water and close to the side of the vessel.



Figure 21 - Yellow arrow indicated the object in the water on the starboard side of the *Blackbeard's Revenge*. In the lower left of the video the object is seen flashing on or near the surface of the water. The victim was swimming to the right of the object and there was the life ring between the victim and the object. (Source: Passenger video)

4.12.2. Following the death of an American woman paddleboarding in the Bahamas on December 3, 2023, there was widespread reporting of the statistical accounts of shark attacks in the Bahamas. One report stated:

*Despite their rarity, the attacks still happen on occasion. Last year, a cruise ship passenger was killed by a shark while snorkeling in the Bahamas. And in 2019, an American woman was also killed while snorkeling in the Bahamas after three different sharks attacked her.<sup>2</sup>*

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<sup>2</sup> Reported by CNN®

4.12.3. An internet website that maintains statistics for shark attacks worldwide, Shark Attack Data: Bahamas ([Shark Attack Data](#) HYPERLINK ) lists 36 unprovoked shark attacks resulting in two fatal attacks since 2000 in the waters of the Bahamas. There are other databases listing shark attacks available on the internet described as unprovoked, fatal and non-fatal.

#### 4.13. Status Of The Passenger

4.13.1. At the time of submitting this report of investigation the passenger remains unlocated and is presumed deceased. The United States Embassy in Nassau, Bahamas issued a “*Report Of The Presumptive Death Of A U.S. Citizen Or U.S. Non-Citizen National Abroad*” and Consular Mortuary Cover Letter on August 9, 2023. The letter listed the Cause of Death as: Missing at Sea in Bahamian Waters. This correspondence was delivered to the parents of the deceased.

### 5. Analysis

#### 5.1. Disparities Between the Safety Management System (SMS) and the vessel, *Blackbeard’s Revenge*

5.1.1. The SMS in place for the *Blackbeard’s Revenge* described requirements to be in place for various vessel emergencies, such as a man overboard. That emergency required the use of GPS, a designated diver with snorkel gear, the use of a lighted ring buoy and the use of an emergency dinghy. Based on an examination of the safety inspection record there were no lighted life rings or small boat which would be used to assist in rescuing a person in the water. The response to the man overboard situation listed in the vessel’s SMS contains the use of equipment and a designated diver with snorkel gear that could have improved the response to the emergency. For this emergency, a man overboard, the SMS procedures did not match the capabilities of the crew and equipment. A SMS has to be designed for the specific and unique operation of the vessel and the vessel’s crew needs to be trained and the procedures routinely exercised to ensure that the responses to any emergency are conducted effectively. It is likely that the SMS procedures and equipment listed were simply brought over from the vessel when it was a freight/passenger ferry, the *Eleuthera Express*.

#### 5.2. Inadequate Safety Requirements for Commercial Passenger Operations on Bahamian Domestic Vessels

5.2.1. Although the operation of the *Blackbeard’s Revenge* was a large commercial excursion vessel able to carry 400 passengers and 15 crew, documents of the requirements for safety equipment, training and drills are not readily available. The safety inspection, which was required under Bahamian regulations, was conducted in late 2022. Under life saving equipment carried a handwritten note included “2 life rings, 500 adult, and 50 kid life vests”, and under Bridge, Navigation & Communications section, next to charts, a handwritten note includes the notation “GPS” and the “yes” box is checked. The life rings did not have flashing, strobe or other lights attached, nor were they fitted with retroreflective tape which is affixed to aid in location of the ring at night.

#### 5.3. Inadequate Vessel Stability Considerations

5.3.1. The documented maximum passenger load of 400 persons and 15 crew does not appear to be based on stability analysis and design criteria and no records for stability test were located in the files provided by the Bahamas Maritime Authority or in applicable Bahamian regulations for domestic vessels.

#### 5.4. Inadequate Vessel Crewing Standards

5.4.1. The commercial contract that GRADWEEK® entered into with Pirates Revenge LTD for the use of the vessel stipulated a captain, first mate, seven (7) deckhands, one (1) disc jockey and three (3) bartenders based on depending on party size. In the U.S. this would be a comparable crew size for captain, mate, and deckhands but this would be a mandated requirement for the actual personnel and stipulated on an U.S. flagged vessel issued COI by the U.S. Coast Guard . The vessel safety inspection record and the vessel registration list a different passenger capacity, with the safety inspection record indicating 400 and the vessel registration indicating 475, neither document lists specific crewing requirements for various passenger loads. As an example of the potential for insufficient number of crew, lack of effective training and drills in this emergency, the captain resorted to ask a passenger to take the helm while the *Blackbeard's Revenge* was drifting so he could go forward to drop the vessel's anchor. That passenger recounted she took the helm for approximately ten minutes. Based on the available evidence the vessel's crew was not sufficient for the number of passengers it carried.

#### 5.5. Absence or Inadequacy Of Vessel Safety Briefing

5.5.1. There appears to be no requirement for the *Blackbeard's Revenge* crew to conduct a safety briefing as the vessel got underway. There was only one passenger interviewed who recounted a safety briefing for the passengers onboard the vessel on May 24, 2023. A safety briefing would be required on commercial passenger vessels in the U.S. Those briefings could be conducted showing the location of safety equipment, such as personal floatation devices, life jackets, and other similar equipment. These may be practical demonstrations for passengers or delivered on display screens in the form of PowerPoint® or videotapes. Had a safety briefing been conducted, passengers may have been more capable in following the emergency instructions given by the crew, assisting in keeping the rail clear during the man overboard emergency response, and in the process been familiarized with who were crew persons.

#### 5.6. Lack of Control/Oversight of Alcohol Beverages

5.6.1 Interviewed student travelers revealed the passenger was showing signs of intoxication prior to boarding the *Blackbeard's Revenge*. How intoxicated and what signs could not be precisely determined. There is an assertion that he consumed a bottle of champagne prior to departing the hotel. Students boarding the vessel were able to purchase tickets which would allow them to access the bar, order, and then consume alcoholic drinks. The nature of the tour group, recent high school student travelers, underscores the need for some manner of control on the sale of alcoholic beverages onboard. Travelers were interviewed on how many drinks they consumed between boarding at around 7:00 p.m. until the incident occurred. One witness stated that he believed the passenger consumed 3 – 4 alcoholic drinks.

5.6.2. One witness stated that he consumed five or six drinks, which he characterized as weak. Accounts varied on the strength of the alcoholic drinks, other travelers reported consumption of 2-3 or 3-4 drinks, sometimes being hampered in accessing cocktails with the long lines of people trying to access the bar to obtain drinks.

## 5.7. Use of the “Williamson Turn” to Attempt to Recover the Passenger

5.7.1. The “Williamson turn” is a marine industry standard vessel maneuver to ensure that the turning vessel is on a reciprocal course, it considers the distance travelled while turning and compensates for that distance. To accomplish this maneuver the vessel must maintain the same speed. If the maneuver is done properly the person in the water should be almost dead ahead of the vessel at some distance making location easier. The turn would put the vessel heading back towards Nassau. The information provided by the Bahamas authority was not substantiated in interview with any of the witnesses.

## 5.8. Attempts by the Passenger to Jump Overboard

5.8.1. The passenger made an unsuccessful attempt to jump overboard, and this was followed by the later successful jump. Various witness statements recounted his state of intoxication. There were some interview comments that perhaps the passenger jumped due to a “dare” to a group of the student traveler or the passenger alone. The investigation cannot determine the state of mind or motivation of the passenger to jump off the *Blackbeard’s Revenge*.

## 5.9. Hazards Associated With Jumping Off A Vessel Underway

5.9.1. The *Blackbeard’s Revenge* was underway at night in waters where severe weather was anticipated and that included the possibility of waterspouts. The time of year and water temperature would reduce the likelihood of hypothermia. It was transiting to the east in a body of water that was taking it to an approximate distance of 0.8 miles from the nearest land at the time that the passenger was reported to have jumped from the vessel. The hazard of jumping from the vessel include immediate drowning, being struck by the vessel or another vessel, injury, shark attack or other hazardous outcomes for the individual or the vessel’s crew involved.

5.9.2. The actions of a person jumping off a vessel can actually hazard the vessel, passengers, and crew. Maneuvering to recover the person can result in a range of dangers to the vessel, grounding and collision with other vessels, to be two of the potential negative outcomes. Vessel crew can also be at risk by being put into danger performing the rescue of the person in the water. At one-point passengers were intending to jump into the water to assist and help recover the person in the water. However well intentioned, luckily this did not happen as it would have complicated any potential rescue efforts in the deteriorating weather conditions and would have potentially put more persons at risk.

## 5.10. Consequences of Hazarding The Safe Operation Of A Commercial Vessel In The United States

5.10.1. While this incident took place in the waters of the Bahamas, if a person would be “rail jumping” from a U.S. flagged commercial vessel under routine operations, that incident could be classified as a “negligent operation”. 46 USC 2302(a) describes it as an act that involves interfering with safe vessel operation. The Coast Guard Authorization Act of 1998 amended 46 USC 2302(a) by adding “or interfering with the safe operation of a vessel, so as to endanger” the life, limb, or property of a person. While the previous version of the statute only allowed a person operating a vessel to be charged with negligence, this amendment provided the Coast Guard the ability to pursue a civil penalty against any person that interfered with the safe operation of a vessel. These reckless acts divert crew member attention away from the safe operation of the vessel in order to respond to a man overboard situation. When these types of incidents are substantiated in the U.S., a U.S. Coast Guard Investigating Officer may issue a Letter of Warning (LOW), Notice of Violation, or Class I Civil Penalty.

## **6. Conclusions**

### **6.1. Determination of Cause**

6.1.1. The initiating event for this casualty was the passenger jumping into the water from the upper aft starboard side of the *Blackbeard’s Revenge*, at night, while the vessel was underway in deteriorating weather.

6.1.1.1. The precise causal factors leading to the passenger’s decision to jump off the vessel cannot be determined with certainty, but the passenger made one thwarted attempt to jump from the *Blackbeard’s Revenge* and was prevented from doing this by the intervention of two passengers.

6.1.1.2. The passenger at a later moment again attempted and succeeded in jumping off the moving vessel.

6.1.1.3. The motivation for the passenger’s action is not able to be determined.

6.1.1.4. There is no evidence that the vessel employed personnel to watch over the safety of the passengers embarked to ensure that no one was attempting to climb onto the rails or behave in an unsafe manner.

6.1.1.5. Witness testimony indicated that the passenger was intoxicated while aboard the vessel to some degree. Passenger witnesses described slurred speech and a degree of unsteadiness on his feet.

6.1.1.6. There is no evidence that there were controls on the sale and consumption of alcohol or monitoring of the age of the travelers permitted to purchase tickets and access the intoxicant alcohol.

### **6.1.2. Subsequent events**

6.1.2.1. After the passenger entered the water, he did not swim towards the life rings thrown or swim to the side of the vessel to assist in his possible rescue.



6.1.2.2. The captain attempted to maneuver to recover the passenger and later anchored the vessel.

6.1.2.3. The SMS reported to be in place for the *Blackbeard's Revenge* called for the use of a designated diver, life rings with lights and the use of an emergency small rescue boat on the vessel to aid in the recovery of the passenger. Based on witness testimony and an examination of the vessel safety inspection, in some cases, none of these SMS requirements for persons or equipment for man overboard emergencies existed. The emergency small rescue boat, if carried and used would have been some kind of small craft that the crew could have put into the water to rescue the passenger who might be some distance from the vessel.

6.1.2.4. The contract for the sunset cruise required the services of a captain, first Mate, seven (7) deckhands, one (1) DJ, and three (3) bartenders depending on party size. The vessel was near capacity for this cruise with 370 passengers. The investigation has no way of determining how many persons, as crew, were aboard the vessel. But a passenger would be asked to take the helm for approximately ten minutes while the vessel drifted leaving no vessel crew at the conning station so the captain could go forward to drop the anchor. Based on these facts, it is the opinion of this investigation that the vessel was undermanned.

6.1.2.5. The forecasted adverse weather began moving into the area with high winds, lightning and heavy dense, tropical rain as the rescue operation commenced.

6.1.2.6. It is unknown if a precise location where the passenger entered the water was derived from the *Blackbeard's Revenge* onboard GPS unit's "man overboard button" as detailed in the vessel SMS man overboard procedures. One passenger described what he thought was a chart plotter, mounted and visible to the port or left of the conning station helm position usually incorporating a GPS receiver in its design. This aligns with the safety inspection record for 2022 which has the word GPS input into the document with a pen.

6.1.2.7. Two Bahamian rescue vessels, RB 02, and P 40, arrived on scene and began searching at night and in adverse weather.

6.1.2.8. Search activities were suspended at or around sunset on May 26, 2023, without locating the passenger.

6.1.2.9. The passenger remains unlocated and a "*Report Of The Presumptive Death Of A U.S. Citizen Or U.S. Non-Citizen National Abroad*" and Consular Mortuary Cover Letter were issued by the U.S. Embassy on August 9, 2023. The letter listed the Cause of Death as: Missing at Sea in Bahamian Waters

6.2. Evidence of act(s) or violation(s) of law by any U.S. Coast Guard Credentialed Mariner subject to personnel action under 46 USC Chapter 77: There were no acts of misconduct, incompetence, negligence, unskillfulness, or violations of law by a U.S. credentialed mariner identified as part of this investigation.

6.3. Evidence of act(s) or violation(s) of law by U.S. Coast Guard personnel, or any other person: There were no acts of misconduct, incompetence, negligence, unskillfulness, or violations of law by a U.S. Coast Guard employees or any other person that contributed to this casualty.

6.4. Evidence of act(s) subject to civil penalty: This investigation did not identify acts subject to anyone to civil penalties.

6.5. Evidence of criminal act(s): This investigation did not identify violations of criminal law.

6.7. Unsafe actions or conditions that were not causal factors: This investigation did not identify any unsafe actions or conditions that were not causal factors.

## **7. Actions Taken Since the Incident**

7.1. On November 14, 2023, the foundering and partial sinking of the passenger ferry, *Islander III*, in Nassau, Bahamas resulted in the death of one American passenger. The U.S. Coast Guard interacted with the Bahamas Maritime Authority and is participating in the preliminary Substantially Interested State (SIS) investigation.

## **8. Recommendations**

### **8.1. Administrative Recommendations to the Commonwealth of The Bahamas**

8.1.1. It is recommended that the Commonwealth of The Bahamas evaluate the requirement for the safety equipment required to be carried aboard commercial vessels in domestic trade that carry passengers for hire. To include that the most effective equipment is in place to effect rescues for man overboard situations. That includes life rings with retroreflective tape and water lights to identify the location of the ring and the passenger enhancing the prospects of rescue.

8.1.2. It is recommended that the Commonwealth of The Bahamas indicate the required crew manning requirements for the carriage of passengers on Certificates of Registration and certify compliance in the annual safety inspections.

8.1.3. It is recommended that the Commonwealth of The Bahamas determine commercial vessel passenger loading through the use of stability calculations to ensure vessel safety to include responding to a man overboard.

8.1.4. It is recommended that the Commonwealth of The Bahamas create a requirement for drills and training related to safety and lifesaving for commercial passenger vessel operations.

8.1.5. It is recommended that the Government of the Bahamas ensure that the Safety Management System of a vessel is specific to a vessel's unique operation and the emergency operations are a fit for the vessel in terms of the actual response to emergencies aboard a vessel.

### **8.2. Administrative Recommendations to Any Company Offering Tours and Excursions Aboard Vessels**



8.2.1. It is recommended that any company offering tours or excursions to its customers develop written procedures and guidelines for its staff so that there is consistent application of company policies.

8.2.2. It is recommended that any company offering tours and excursions to its customers identify customers that are below the legal age for consumption and purchase of alcohol and develop a method, such as unique wrist bands or identification badges to indicate that the customer is a minor to preclude the sale of alcohol to persons below the legal age to consume alcohol on company-chartered tours or excursions.

### **8.3. Administrative Recommendations to Commercial Passenger Vessels Operating in The Bahamas**

8.3.1. It is recommended that commercial passenger vessel operators develop safety policies and practices to ensure the safety of passengers and crew. This includes the carriage of safety and lifesaving equipment that has been proven to be effective in the recovery of persons overboard. This includes vessel patrol watchman making rounds to observe and control passengers, verifying vessel structures such as railing and bulwarks to reduce the likelihood of going overboard and limiting the ease with which someone might intentionally jump overboard. In the absence of regulatory requirements fitting the vessel with effective lifesaving and safety equipment such as lights and retroreflective tape for life rings, a rescue craft where appropriate, an automatic external defibrillator (AED) for when an unresponsive passenger is recovered, as this device may offer hope of resuscitation. Additionally, developing vessel checklists and creating training and regular safety drill requirement to cover the person overboard and other emergency situations such as fire, collision, foundering, grounding to name a few of the likely emergency situations a commercial vessel may encounter.

8.3.2. It is recommended that commercial passenger vessel operators consider putting in place controls to limit the sale and consumption of alcohol to minors and develop policies to reduce the probability of intoxication of passengers during operations.

### **8.4. Administrative Recommendation to the Coast Guard**

8.4.1. It is recommended that the Coast Guard publish the Finding of Concern in its blog, Maritime Commons and send the Finding of Concern related to this investigation to the trade organization which represents the tour industry companies as well as a copy to International Student Tours for awareness of the Findings of Concern identified in this report.

8.4.2. Recommend this investigation be closed.

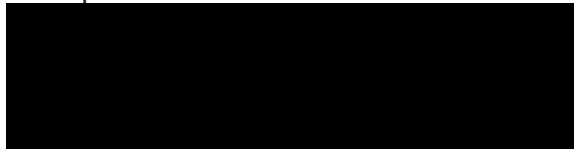
### **8.5. Findings of Concern**

8.5.1. As a direct contributing factor to this accident, the investigation revealed the following issues warranted being classified as **Findings of Concern**:

8.5.2. The tour company did not have written safety policies in place for a vessel excursion that outlined proactive procedures to reduce the risks inherent with a waterborne tour for its clients, the

recent high school graduates. Companies offering tours or excursions to its customers should examine the potential risks of a waterborne tour and develop written procedures and guidelines for its staff so that there is clear and consistent application of company policies as they relate to the safety of operations to ensure passenger safety. These written policies should include policies related to the control of consumption in general and by persons under the legal age to consume alcohol in particular.

8.5.3. The investigation determined that there was no oversight and control of the consumption of alcohol for a tour member being below the legal age for consumption. Additionally, there was no control on the amount sale and consumption of alcohol, in general, onboard the tour vessel. Companies offering tours and excursions to its customers should identify customers that are below the legal age for consumption and purchase of alcohol and develop a method, such as unique wrist bands or identification badges to indicate that the customer is a minor to preclude the sale of alcohol to persons below the legal age to consume alcohol on company-chartered tours or excursions. In addition, the tour companies should communicate its written policy regarding the general sale and consumption of alcohol to the vessel operators to ensure that the sale and consumption of alcohol is controlled, and measures are put in place so that alcohol related incidents aboard the vessels used by the tour companies are eliminated.



Lieutenant, U.S. Coast Guard  
Investigating Officer

## List of Acronyms and Abbreviations

|          |   |
|----------|---|
| AED      | Automatic External Defibrillator                        |
| a.m.     | Before Noon   |
| CEO      | Chief Executive Office                                  |
| CFR      | U. S. Code of Federal Regulations                       |
| CGLO     | Coast Guard Liaison Officer                             |
| COI      | Certificate of Inspection                               |
| D7       | USCG Seventy Coast Guard District                       |
| FL       | Florida   |
| GPS      | Global Position System                                  |
| GT       | Gross Tonnage   |
| HPU      | Harbour Patrol Unit                                     |
| IMO      | International Maritime Authority                        |
| ISTours® | International Student Tours                             |
| LTD      | Limited   |
| m/S      | Meters Per Second                                       |
| MOB      | Man Overboard   |
| MSIS     | Marine Safety Investigating State                       |
| N        | North   |
| NOV      | Notice of Violation                                     |
| OCC      | Operations Command Center                               |
| p.m.     | After Noon  |
| P-40     | Designation of Patrol Vessel                            |
| PIW      | Person in Water   |
| PMU      | Police Marine Unit                                      |
| RB 02    | Designation of Patrol Vessel                            |
| RBDF     | Royal Bahamas Defense Forces                            |
| SMC      | Search and Rescue Mission Coordinator                   |
| STCW     | Standards of Training and Certification of Watchkeeping |
| T        | True Course   |
| USC      | United States Code                                      |
| USCG     | United States Coast Guard                               |
| UTC      | Universal Time Coordinated                              |
| W        | West  |