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To: Leif M. Johnson
Acting United States Attorney

Cc Merrick Garland
Attorney General of the United States

Ref: NPS Case Number NP20154473
Deborah Snow (2021R00189)
Death of Linnea Mills - 11/1/2020
Glacier National Park, Montana

Dear Mr. Johnson:

I am writing to you today in the hopes of getting a reconsideration of the decision to not charge/prosecute an individual named Deborah Snow. Ms. Snow was instructing/supervising a young woman by the name of Linnea Mills. Unfortunately, Ms. Mills, as a result of the decisions, actions, and lack of supervision by Ms. Snow, died in a SCUBA diving accident that took place in Glacier National Park, Montana, on November 1, 2020. As a recreational and technical SCUBA instructor and the author of the Scuba Diving International Drysuit Manual/Course, it is my opinion that the events of that incident were totally preventable.

These facts are well established:

- Ms. Mills was a certified diver with no experience outside of warm water environments before this class.
- Ms. Mills was enrolled in a course that she was ill-prepared for without considerable pre-class preparation.
- Ms. Mills had no experience with a drysuit and no experience with cold water other than 2 prior dives during which she was improperly outfitted with two wetsuits, one over the other due to the cold temperatures.
- Ms. Mills should have received additional training on using a drysuit in a pool before being taken into an open water environment.

Given these factors alone, it was likely some problem would develop.

Adding in the decisions of the instructor, Ms. Snow:

- To allow Ms. Mills to dive without a functioning drysuit inflator.
- To permit Ms. Mills to use a buoyancy compensation device (BCD) without sufficient lift for the amount of weight she was carrying. The BCD is the vest divers wear to offset the weight they carry and control their position in the water column.
- To outfit Ms. Mills with weight that could not be readily jettisoned.

Coupled with the inattention of the Ms. Snow in the water, it was a perfect storm of factors that culminated in Ms. Mills death.

In a cold-water environment, with no preparation or proper instruction in using a drysuit, the use of such a suit would raise many red flags to any ethical instructor. Drysuits, in this environment, are life support gear. They allow the user to enter cold water with a significantly reduced risk of hypothermia. However, air must be added to the suit to prevent suit compression, known as squeeze, and provide additional air spaces in the undergarments to provide adequate insulation.

Squeeze results from the air in the suit being compressed to a point where first it becomes uncomfortable, then as the diver descends, it becomes painful and results in welts and bruises on the body. These effects can develop

in as little as ten feet of water depending on the suit and undergarments used. It then increases so that the diver cannot breathe effectively or move their limbs. It is, for all intents and purposes, similar to being vacuum-packed. Even for experienced drysuit divers, this is a frightening experience that one doesn't forget if one survives it.

This bruising from the suit compression was present as a result, and its cause was not noted by the coroner as a contributing factor. When the decision was made to allow Ms. Mills to enter the water and descend to depth, she would have almost immediately experienced some level of squeeze.

Ms. Mills could not add air to relieve this because her suit was not connected to her regulator. This was due to the lack of a hose with the proper fitting. At this point, the instructor, Ms. Snow, should have immediately canceled the dive and not allowed her to enter the water, let alone descend into it. Instead, Ms. Snow advised Ms. Mills to ignore this and just use the BCD for buoyancy control. This advice alone posed a risk of serious injury. Drysuits provide backup buoyancy in an emergency, but without a functioning inflator on the suit, this is negated. Using the BCD for buoyancy control is a proper procedure for the BCD, but it does nothing to offset the squeeze, which was a likely factor in Ms. Mills death.

Another factor in the incident was that none of Ms. Mills' weight could be quickly jettisoned, which violates standard safety practices for any new diver. This is especially true in a drysuit where the amount of lead needed is significantly more than what Ms. Mills would have been used to carrying in a warm water environment with a thin wetsuit. Another issue was the lack of removable weight pockets in the BCD. The lead weights were zipped into the main pockets of the BCD. Additional weight was added to the thigh pockets of the drysuit. Locating the weight in these pockets is never done in standard practice. It increases the risk of an accident due to the weights not being able to be quickly released by a distressed diver. If a rescuer attempted to aid the diver, they would not expect the weight to be in those locations, and would not be able to release them quickly. A rescuer should be able to release some weight to get the diver to the surface if necessary. In this case the rescuer could not do that because they would not know where the weights are located.

Ms. Mills, having no experience and no means to address these issues, likely experienced panic and terror that she could do nothing to alleviate. This is because Ms. Snow allowed Ms. Mills to enter the water with non-functional gear and as a result:

- Ms. Mills was unable to perform a self-rescue by adding air to the suit.
- Ms. Mills could not dump any of her weights.
- Ms. Mills' mobility was also severely impaired by the suit squeeze so that she could not move her arms to even try to remove any weight.
- Ms. Mills could not be assisted by the only person who attempted to come to her aid while still alive.

The rescuer could not bring Ms. Mills up because of the insufficient lift of her BCD, and his BCD not having enough buoyancy to lift them both. Ms. Mills terror, as she realized what was happening, must have been incomprehensible.

Video evidence proves that Ms. Snow was unaware that there was even a problem during this entire event. This is a gross violation of standards governing instructors when training students. The instructor must know at all times where his/her students are and be prepared to immediately render assistance if needed. Ms. Snow was unaware that Ms. Mills was in distress even though Ms. Snow swam within feet of her - distress that Ms. Snow's decisions,

actions, and inaction created. Any reasonable and ethical professional would be appalled at this level of recklessness and wanton disregard for established safety procedures and practices.

At a minimum,

- Ms. Mills' safety was put in danger by allowing her to enter an open water environment without confined water (pool) orientation to the use of a drysuit.
- When it was discovered that the suit could not be connected to the air supply and Ms. Mills was still permitted to enter the water, her life was put at risk.
- By placing weight that was not readily removable in her BCD and drysuit pockets, the risk of severe injury and death was significantly increased.
- Ms. Snow's failure to notice that Ms. Mills was in distress, combined with the decisions and actions of Ms. Snow, helped to lead Ms. Mills to her death.

To exonerate Ms. Snow of any criminal responsibility is shameful. I do not understand why the Federal Government is taking no action. Along with the tragedy that occurred, it occurred in violation of the law because neither the dive shop nor Ms. Snow had a Commercial Use Authorization issued by the National Park Service.

Doing nothing and allowing Ms. Snow to get away with her actions sends a bad message to the SCUBA community. This is deeply concerning to me as an instructor who runs a 39,000-member SCUBA accident prevention group on social media.

The SCUBA industry has a long history of minimizing the risks of diving and keeping reports of accidents out of the media. As a result, the public is unaware of just how risky it is. Educating the public about the risks is the only way to help them research diving in more detail and make informed decisions. In addition, prosecuting this instructor and/or dive shop and putting it in the public record will help dispel the industry's misinformation that allows these practices to go on.

In this case, with the failure to take action, the Federal Government is aiding in the dissemination of misinformation and possibly putting others at risk.

I strongly urge that the US Attorney's office reconsider its decision to not bring charges. This would send a clear message that instructors and dive shops will be held accountable for dangerous decisions and practices. I also urge the office to bring in a qualified individual to advise on this case. That individual needs to be familiar with the use of drysuits, SCUBA training in general, and the devastating effects of poor decisions and reckless practices.

I would also ask that the US Attorney contact the coroner's office. They should be asked to consider this additional information and to correct their finding based on the evidence and decisions leading to the death of Ms. Mills.

Sincerely,

James A. Lapenta
SDI/TDI Instructor # 16810