STATEMENT OF SALVADOR HERNANDEZ
DEPUTY ASSISTANT DIRECTOR, FEDERAL BUREAU OF INVESTIGATION
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COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
SUBCOMMITTEE ON COAST GUARD AND MARITIME TRANSPORTATION
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Good morning Chairman Cummings, Ranking Member LaTourette, and Members of the Subcommittee. I appreciate the opportunity to be here today to provide an update on the FBI's work with the U.S. Coast Guard, the cruise line industry and the victims of cruise line crime regarding crime aboard cruise ships.

Reporting Agreement

I testified earlier this year that, after many months in development, in March 2007, the FBI, the U.S. Coast Guard and the Cruise Lines International Association (CLIA) reached an agreement on voluntary, standardized protocols for CLIA member lines to report allegations of serious violations of U.S. law committed aboard cruise ships. These reporting procedures are in addition to, but not in lieu of, the mandatory reporting requirements, e.g., the requirements of 46 Code of Federal Regulations (CFR) Part 4, or the requirements of 33 CFR Part 120. Further, this reporting does not replace or override any agency responsibilities and coordination mandated by the Maritime Operational Threat Response Plan.

Incident Statistics

Pursuant to the agreement, on April 1, 2007, the FBI began collecting and tracking the incident reports submitted by CLIA member lines. I would like to take a few minutes this morning to report on the results of this effort. Through August 24, 2007, the FBI received 207 reports from CLIA members. Many of these matters did not require criminal investigation and as such, should be viewed as "incident reports" not "crime reports." For example, reports were received of attempted suicides of passengers, as well as matters with purely civil implications.

Sixteen, or 8%, of all reports involved incidents that occurred while a passenger was ashore outside of the United States and, therefore, outside the jurisdiction of the FBI and other U.S. law enforcement. For example, a passenger reported that he was robbed by two subjects in a vehicle while ashore in the Bahamas. In matters such as these, the reporting agreement holds that, although cruise lines may report incidents which occurred outside of the United States' jurisdiction to the FBI, they are not required to do so.

Of the 207 incident reports received by the FBI, 39 incidents, or 19%, were responded to and/or investigated by law enforcement other than the FBI. These law enforcement agencies included local police departments in the United States, as well as foreign law enforcement agencies. Nineteen reported incidents occurred while the ship was docked. In the United States, the jurisdiction over an event that occurs aboard a vessel generally lie with the state in whose waters the vessels are moored. Accordingly, a report of a theft of items estimated at $30,000 which was stolen while a ship was docked in Galveston, Texas, was investigated by the Galveston Police Department.

In further breakdown of the incidents that were reported to the FBI during this initial reporting period I provide the following: The agreement with CLIA and the U.S. Coast Guard lists eight categories of incidents which are to be

telephonically reported by CLIA members to the nearest FBI field office or Legal Attache office. These matters -- homicide, suspicious death, missing U.S. National, kidnapping, assault with serious bodily injury, sexual assault, firing or tampering with vessels, and theft greater than $10,000 -- involve potentially serious violations of U.S. law and are to be called in to the FBI as soon as possible following the incident. After telephonic contact, CLIA members are instructed to follow-up with a standardized written report. All other, less serious matters are reported under a general "other" category and are brought to the FBI's attention by submission of a written report.

During the first five months of reporting under the agreement, there were no reports of homicide, suspicious death or kidnapping aboard CLIA member ships. There were four reports of missing U.S. Nationals. Of these four reports, one involved a husband and wife who took most of their belongings with them and chose not to re-board after docking at a foreign port. The three remaining reports involved passengers whose past histories and behavior while on board the ship strongly suggested they had taken their own lives.

CLIA members reported 13 assaults with serious bodily injury. The FBI opened two investigative cases from these reports, both of which are ongoing. Several matters submitted in the "assault with serious bodily injury" category were, in fact, of lesser seriousness.

The FBI investigates sexual assaults as defined in Title 18 of the United States Code (USC), Sections 2241through 2243 and 2244 (a) and (c). Since April 1, the cruise lines have reported 41 instances of sexual assault. Of these 41 incidents, 19 represented allegations of sexual activity generally categorized as rape, three of which occurred on shore, and, thus, outside the jurisdiction of the FBI. Based on the 41 reports, the FBI opened 13 investigative cases. Five of these cases have been closed for reasons of victim reluctance to pursue

prosecution or prosecutive declination from the United States Attorney's Office. Eight investigations are ongoing.

During this period, there were 13 reported incidents of theft of more than $10,000. Nine of these incidents involved jewelry, two involved cash, one involved miscellaneous items from onboard shops, and one involved food products.

There was one report of firing or tampering with vessels.

The remaining 135 incident reports, or 65% of all reports, involved less serious matters such as simple assault, low-dollar loss theft, fraud, suspicious activity, bomb threats, sexual contact, or activity that was not criminal in nature. Sexual contact, defined in 18 USC 2244 (b) as, essentially, uninvited touching of a sexual nature, made up 28 reports. Thirty-six of the 135 reports involved simple assault matters to include punching, slapping or pushing actions, and 41 reports related to theft of less than $10,000.

Incidents on board ships when investigated by the FBI are documented through investigative files under the "Crimes on the High Seas" classification. Of the 207 incident reports, the FBI opened 18 investigative files. This number is consistent with the number of "Crimes on the High Seas" cases opened annually for the past five years.

Based on my personal involvement in the matter of cruise ship crime reporting over the past year, and the fact that many reports we have received during the first five months of reporting fall outside FBI jurisdiction, do not constitute crimes under U.S. law, or are less serious than characterized by the cruise lines, it is my belief that CLIA member cruise lines are generally making a good faith effort to report all crimes, or allegations of crime, set out under the agreement.

Coordination with CLIA and the International Cruise Victms' Association

I would like to briefly update the Subcommittee on other matters which the FBI has undertaken in support of its role in investigating crimes aboard cruise ships. Since I last testified, the FBI has met again with members of the International Cruise Victims' Association. Kendall Carver, whom you will hear from later today, came to FBI Headquarters in July accompanied by two members of his group. I met personally with Mr.Carver and his associates to hear their concerns and to explain the work being done by the Coast Guard, CLIA and the FBI regarding cruise ship crime reporting. Over the past six months, my associates at the FBI and I have met or spoken with CLIA and the Coast Guard regularly to check progress on our reporting protocols to refine those protocols where necessary.

Training

Finally, a note about proactive steps being taken by the FBI and CLIA. When I last testified, I described the training provided by the FBI's Regional Evidence Response Teams (ERT) to cruise line Staff Captains and Security Managers over the last three years. The FBI's ERT Unit in Quantico, Virginia, has recently completed a universal PowerPoint presentation for evidence preservation. This training will be made available to the cruise line industry in the near future.

In closing, the FBI is committed to continuing its work with the cruise line industry, the U.S. Coast Guard and victims' groups to ensure full reporting of crimes aboard cruise ships and to facilitate more effective first response to such crimes. Thank you Chairman Cummings and members of the Subcommittee for the opportunity to testify today. I am happy to answer any questions you may have.