



## **International Cruise Victims Association, Inc.**

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February 27, 2012

Chairman Frank LoBiondo  
Subcommittee on Coast Guard and Maritime Transportation  
507 Ford HOB  
Washington, DC 20515

Dear Chairman LoBiondo:

In 2010 the *Cruise Vessel Safety and Security Act*. was passed by Congress and signed into law. The intent of this bill was to improve safety on Cruise ships.

While this important legislation starts to protect U.S. citizens sailing on a foreign-flagged cruise ship, many of the same crimes that concerned Congress then continue to be happening now and are being underreported. We would hope that this Committee meeting, in addition to reviewing tragic events of the Costa Concordia, will take steps to make sure the intent of Congress is being carried out during the implementation of this legislation that was passed under your leadership.

International Cruise Victims (ICV) has held several meetings over the past year with FBI and Coast Guard officials. The latest meetings were held on February 9th and 10th with these two organizations. As a result, ICV has several major concerns regarding the Implementation of the current CVSSA in line with the intent of this legislation.

Areas of most **serious concern** include the following:

1. A definite objective of the legislation was to have all alleged crimes reported. In practice, this is not happening and needs to be corrected. Previous FOIA requests in prior years show that over 100 alleged crimes take place each quarter, while last year, only 16 cruise ship crimes were reported on the Coast Guard Web site for the **entire year** of 2011. **Clearly, steps need to be taken to correct this so that the report reflects the true intent of the legislation.**
2. Prior to the passage of the CVSSA, cruise lines interviewed the victim and *voluntarily* notified the FBI. The FBI would then determine which cases to

take on. The historic passage of the CVSSA **significantly** changed this procedure as it requires the following:

- i. **“(5) provide the patient free and immediate access to—**
- ii. **“(A) contact information for local law enforcement, the Federal Bureau of Investigation, the United States Coast Guard, the nearest United States consulate or embassy, and the National Sexual Assault Hotline program or other third party victim advocacy hotline service; and  
“(B) a private telephone line and Internet-accessible computer terminal by which the individual may confidentially access law enforcement officials, an attorney, and the information and support services available through the National Sexual Assault Hotline program or other third party victim advocacy hotline service.**

The statement below by the head of the FBI San Diego office clearly indicates this procedure **is not being followed** and therefore needs to be implemented and adhered to. Some form of verification that the victim has been given their rights must exist. These sections were included in the bill to eliminate third party employees of the cruise line from filtering out the direct information regarding crimes. As in the Miranda Act on land, a victim at sea must be informed of their rights before giving out any information.

In a television news interview which aired in San Diego and Los Angeles earlier this month the following was indicated:

The head of San Diego's FBI office told News 8, "nationwide, his agency investigates about 50 crimes nationally onboard cruise ships per year. *"You're talking about a pleasure vacation-type activity that usually does not lend itself to crime. **So the numbers are fairly low,**" said Special Agent in Charge, Keith Slotter. **"Most crimes that occur onboard a cruise ship on a four, five, or seven day cruise are going to be investigated by the security staff onboard, as it should be," Slotter said."***

The link to this item can be found at the following:

<http://www.cbs8.com/story/16811039/fallbrook-mother-of-lost-at-sea-passenger-questions-cruise-ship-safety>

3. The legislation also called for the development of training standards and curricula to allow for the certification of passenger vessel security personnel on the appropriate methods for prevention, detection, evidence preservation and reporting of criminal activities. All vessels on which a U.S. citizen is a passenger must have at least one crew member onboard who is certified as having successfully completed this training. However, The Model Course CVSSA 11-01 as prepared and issued by the USCG, the FBI, and The U.S. Merchant Marine Academy was put out without the chance for comments, and is clearly deficient. Outside experts have indicated that this course as it is structured now will not properly train anyone to fulfill the requirements as intended. Their model course on "Crime Prevention, Detection, Evidence Preservation and Reporting," devotes a total of 3.5 hours to actions that preserve crime scenes, crime scene reporting, and documentation.

It's hard to imagine that devoting 6 minutes to the subject of retention of video surveillance records, or 20 minutes to teaching crowd management and control techniques would be considered sufficient. Equally unfathomable is the thought that this could be taught in a non-structured course with no pre-exam to establish the initial level of competence, no practical exercise with a crime scene, and no final exam. No outside expert in maritime security would agree with your assessment that 8 hours of on-line training is all that is needed.

4. While companies submitted serious bids for a Man Overboard System, there appears to have been little activity to evaluate these programs. None of the companies that submitted bids last July have ever been contacted. This should be a **high priority item** since the Coast Guard is spending hundreds of thousands on Search and Rescue operations for those who might be missing from a cruise ship. In just two cases, over \$900,000 was spent to search for two such victims who were never located. \$900,000 was paid entirely by the taxpayers. Clearly, if the Coast Guard knew where and when someone went missing, it would improve the chances of rescue and dramatically cut costs.
5. There is a requirement under CVSSA for an Acoustical Sounding Device to protect cruise ships from terrorist attacks. The provisions is as follows:

“(E) The vessel shall be equipped with a sufficient number of operable acoustic hailing or other such warning devices to provide communication capability around the entire vessel when operating in high risk areas (as defined by the United States Coast Guard).”

Apparently the Coast Guard has not made cruise lines add this since **their unique** definition of "high risk areas" does not include **Maritime Terrorism** attacks, but basically only pirate attacks. It's strange that such

wording was inserted into this legislation since it defeats the very reason for this requirement. This needs to be corrected.

While not directly tied to the CVSSA, ICV is concerned with the quarterly meetings held by CLIA for FBI/Coast Guard members. We feel this presents a **conflict of interest** for those attending a meeting hosted by the very organization they are to regulate. If there are to be such meetings, we feel they need to be hosted by the FBI/Coast Guard and include both members of CLIA and International Cruise Victims since we represent the voice of the victims and their concerns.

We also continue to be deeply concerned that our FOIA request last April to the FBI for a complete listing of all alleged crimes has not been complied with. Since these requests have been honored in previous years, we strongly feel that immediate steps need to be taken to provide ICV with this requested information.

After five congressional hearings and with the CVSSA passing with only four votes against it, it's clear that there is a problem. For Congress to address the issues raised by the Costa Concordia tragedy, they must first make sure the intent of recently passed CVSSA is fully implicated as per the intent of this legislation as a major start to improve the safety of passengers and crew on a cruise ship. If you have any questions, please let us know. We do appreciate your support.

Very sincerely yours,

Kendall Carver, Chairman  
Jamie Barnett, President

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