

Gulf of Mexico Cooperative Law Enforcement Operations Plan

2011-2012



October 2010

GSMFC No. 188

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**GULF OF MEXICO
COOPERATIVE LAW ENFORCEMENT
OPERATIONS PLAN**

2011-2012

by the

Gulf States Marine Fisheries Commission
Law Enforcement Committee

and

Gulf of Mexico Fishery Management Council
Law Enforcement Advisory Panel

edited by
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October 2010

A publication of the Gulf States Marine Fisheries Commission pursuant to National Oceanic and Atmospheric Administration Award Number NA10NMF4070006. This paper is funded by a grant from the National Oceanic and Atmospheric Administration. The views expressed herein are those of the author(s) and do not necessarily reflect the views of NOAA or any of its subagencies.



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Goals and Objectives

GOAL 1: Provide professional law enforcement expertise throughout rule-making processes.

Professional law enforcement expertise and input are integral to the development, promulgation, and implementation of clear and effective regulations.

Objective 1.1 – Increase participation in the Gulf States Marine Fisheries Commission (GSMFC) and Gulf of Mexico Fishery Management Council (GMFMC) processes.

- Attend LEC and LEAP meetings in conjunction with GSMFC and GMFMC meetings.
- Ensure representation by all states at meetings either directly or by proxy.
- Evaluate current GSMFC and GMFMC regulatory recommendations/actions.
- Assist in the development of interjurisdictional state and federal management plans.
- Provide timely and substantive comment on GSMFC and GMFMC actions.
- Provide an enforcement workshop for all new Council and Commission members.
- Provide the Enforceability document to all new Council and Commission members.

Continuing Tasks

Task 1. The chairmen of the LEC/LEAP will convene monthly conference calls as needed and request discussion items from the membership (upcoming proposals and law enforcement issues) and track previous agenda items to ensure completion.

Task 2. Meeting agendas will be developed based upon monthly conference calls, upcoming law enforcement topics, and issues pertinent to GSMFC and GMFMC business.

Task 3. The chairmen of the LEC/LEAP will consult the members and coordinate input to the GSMFC and/or GMFMC on enforceability of regulatory/management issues pertinent to FMP development and implementation.

Task 4. Work sessions should be held, as needed, to continue strategic planning, implementation, and review of yearly enforcement operations. Work sessions would allow continued JEA Program discussion and opportunistic coordination and discussion of regional operations.

Task 5. Meetings will take place with GSMFC/GMFMC staff, NOAA staff, and other interested representatives to discuss law enforcement data pertinent to regulatory consideration and provide recommendations.

Task 6. The chairmen of the LEC/LEAP will consult the members and coordinate input to NOAA on enforceability of regulatory/management issues pertinent to NOAA Secretary of Commerce plans.

New Task

Task 1. The LEC/LEAP will attempt to meet quarterly in conjunction with the GSMFC spring and annual meetings and two GMFMC meetings per year; and the LEAP state representative to attend all other GMFMC meetings when in their home state.

Objective 1.2 – Strengthen enforcement’s relationships with the GSMFC and GMFMC.

- Support communication between enforcement and GSMFC commissioners and GMFMC members.
- Provide bi-annual operating plans and interim/annual reports.
- Act as liaison between all law enforcement agencies and GSMFC commissioners and GMFMC members.

Continuing Tasks

Task 1. The chairmen of the LEC/LEAP and the appropriate GSMFC/GMFMC staff will ensure GSMFC and GMFMC rosters and subsequent updates are distributed to the LEC/LEAP members.

Task 2. The chairmen of the LEAP and the appropriate GMFMC staff will ensure that the current GMFMC *Standard Operating Plan* (SOP) is distributed to the members of the LEAP as needed.

Task 3. The chairmen of the LEC and the GSMFC staff will request the current state rules and regulations for the production of the GSMFC’s *Law Summary - Rules and Regulations* which is distributed electronically.

Task 4. The LEC/LEAP will provide information, guidance, and representation between all law enforcement agencies and the GSMFC/GMFMC when requested.

New Tasks

Task 1. Request a staff member from the Council be assigned as a liaison as their primary duty to attend all LEAP meetings for improved communication and coordination.

Task 2. The chairmen of the LEC and the GSMFC staff will request the current state rules and regulations for the production of the GSMFC’s *Rules and Regulations: Officer’s Pocket Guide* which is printed and distributed to all fisheries officers on the water.

Task 3. LEAP members will make an effort to contact their department representatives on the GMFMC and review issues coming before the Council and debrief with them after Council meetings.

Objective 1.3 – Provide participation in Secretary of Commerce management plans.

- Improve communication regarding the development of Secretarial management plans.
- The LEAP/LEC will provide timely and substantive comments on Secretarial management plans.

Continuing Tasks

Task 1. Identify the plan coordinators and ensure the LEC/LEAP is added to the distribution list for comments.

Task 2. Provide comment to the plan coordinator at the appropriate time to ensure enforceability of regulatory/management issues pertinent to NOAA Secretary of Commerce plans.

New Task

Task 1. The GMFMC staff liaison will provide background material as Secretarial management plans are being developed.

Objective 1.4 – Identify existing regulations that are effective, ineffective, or inconsistent.

- Identify ineffective and/or unnecessary regulations in need of modification or elimination.
- Promote statutory and regulatory consistency among all state and federal agencies.
- Support the development of “user friendly” regulations.
- Provide expertise as requested by state or federal agencies.
- Identify enforcement workload impact and cost-analysis.
- Identify tools and technologies that provide effective enforcement measures.

Continuing Tasks

Task 1. The LEC/LEAP will meet with the GSMFC/GMFMC to discuss enforceability and provide data pertinent to rules and regulations and proposed changes.

Task 2. The chairmen of the LEC/LEAP, with the support of its membership, will provide oral and written comments for the record, when appropriate, at state and federal hearings. Members may provide independent comment at those hearings, when appropriate.

Task 3. The LEC/LEAP will review for consistency state/federal laws and regulations applicable to interjurisdictional fisheries and/or relating to interstate transportation of seafood.

Task 4. The LEC/LEAP will, as appropriate, participate in relevant state and federal legislative agendas.

Task 5. The chairmen of the LEC/LEAP will place current legislative topics on the monthly conference call agenda for discussion.

Task 6. The LEC/LEAP will identify existing regulatory enforcement concerns and report to the GSMFC and GMFMC.

Task 7. Available enforcement tools and technologies will be researched and discussed as a continuing agenda item at semi-annual LEC/LEAP meetings.

New Tasks

Task 1. Provide feedback to the GSMFC and GMFMC on enforcement issues due to ineffective or inconsistent regulations and include these issues in the semi-annual meetings of the LEC and LEAP.

Task 2. Establish a process within the GMFMC for the LEAP to review existing federal fisheries regulations that may no longer be applicable or may be in need of rewriting.

Task 3. Establish a process to provide input on the cost analyses associated with enforcement of proposed regulations to the GMFMC to avoid unfunded mandates or liabilities.

Task 4. Encourage consistent enforcement of federal and state requirements under the Endangered Species Act and Marine Mammal Protection Act.

GOAL 2: Develop and implement effective educational programs.

A cooperative interface between state and federal partners and the public is essential to maximize resources in order to achieve Gulf-wide regulatory compliance.

Objective 2.1 – Improve community-oriented policing programs.

- Continue to implement and establish joint programs to increase contact and law enforcement presence among user groups.
- Continue to publicize different state and federal actions through mass media.
- Establish user group feedback programs to evaluate enforcement performance.
- Routinely provide reporting of state and federal enforcement outreach activities to the GMFMC and the GSMFC.

Continuing Tasks

Task 1. The LEC/LEAP will review and evaluate the means to combine successful programs and program elements into current state and federal efforts.

Task 2. The LEC/LEAP will explore options and mechanisms to establish joint programs between state/state and state/federal agencies.

Task 3. The LEC/LEAP will review successful public affairs' programming in other local, state, and federal law enforcement agencies for potential application to LEC/LEAP efforts.

Task 4. The LEC/LEAP will identify and develop methods to obtain user group feedback (including surveys) on enforcement performance.

Task 5. Explore documentation of community oriented policing events conducted by enforcement officers which encompass regulatory and management information.

Task 6. Identify other forms of fishery education and public outreach.

Objective 2.2 – Promote Gulf-wide information programs.

- Identify and continue to provide web-based services for fishermen and the public to easily obtain current state/federal regulations.
- Encourage the GSMFC, GMFMC, and NOAA to develop mechanisms to compile up-to-date state/federal regulations into an understandable, multilingual guide.

Continuing Tasks

Task 1. Develop an inventory of all community outreach activities in the Gulf region.

Task 2. Pursue grant funding for law enforcement related public service announcements to engage, advise, and inform individuals, partners, communities, and industries to facilitate information flow, assure coordination and cooperation, and provide assistance in the use, evaluation, and application of information.

New Task

Task 1. Encourage the GMFMC and GSMFC to create mobile apps for Smartphones on fish identification, closed areas, and local/federal regulations.

Objective 2.3 – Enhance awareness of the importance of state and federal prosecution to the successful adjudication of natural resource regulations.

- Continue outreach to the legal community.
- Identify mechanisms to meet with prosecutors and litigators.

Continuing Tasks

Task 1. The LEC/LEAP continues to identify relevant judicial entities involved in marine resource violation adjudication.

Task 2. NOAA General Counsel serves as a repository for briefs, case laws, etc. and receives state input.

New Task

Task 1. The state members of the LEAP should develop a forum in conjunction with GMFMC meetings to invite legal representatives from NOAA Fisheries OLE, the defense and prosecution community, local/federal judges, and the public to discuss and understand how fisheries enforcement occurs and how fisheries cases are built.

GOAL 3: Promote cooperative law enforcement partnerships.

A cooperative interface is essential to maximize resources in order to achieve Gulf-wide regulatory compliance.

Objective 3.1 – Maintain cooperative enforcement agreements (CEAs), joint enforcement agreements (JEAs), and reciprocal agreements among the states and federal agencies.

- Whenever appropriate, provide comments in support of CEAs, JEAs, and reciprocal agreements to state and federal representatives.
- Promote the streamlining of processing and tracking JEAs.
- Ensure annual state and federal law enforcement needs are reflected within CEAs and JEAs.
- Encourage state and federal law enforcement goals and objectives are included in the JEA operations plans.

Continuing Tasks

Task 1. The LEC/LEAP will provide input to the NOAA Office of Law Enforcement (OLE) concerning methods to streamline JEAs.

Task 2. The LEC/LEAP will continue to work with NOAA OLE to develop standardized formulas (man hours, vessel hours, recreational/commercial contact, etc.) for JEAs.

Task 3. The chairmen of the LEC/LEAP will request that NOAA OLE provide the membership with a list of all JEAs and funding levels.

Task 4. The LEC/LEAP will provide input and support to NOAA OLE concerning current allocation models.

Task 5. Work to improve software for the JEA program to include consistency of data reporting, specific data elements, and vessel categories.

Task 6. Work with NOAA OLE, identify specific goals and milestones that must be met under the JEA Program.

Task 7. Provide routine reporting to the GSMFC and GMFMC on past years JEA activities for the whole Gulf through the LEC/LEAP reports at the annual fall meeting.

Task 8. Investigate and develop a natural resource task force or ‘officer sharing’ program for joint operations and JEA patrols for better agency/agency cooperation and information sharing.

New Task

Task 1. Develop a recognition/award program in each state for exceptional JEA officers.

Objective 3.2 – Seek and share information on federal programs supporting state law enforcement.

- Provide joint law enforcement training for state officers.
- Identify and enhance law enforcement equipment for states.
- Enhance communications among federal and state enforcement partners on Homeland Defense issues.
- Enhance inner-operable communications among state and federal enforcement partners.

Continuing Tasks

Task 1. The chairmen of the LEC/LEAP will request lists of enforcement training and equipment available from state and federal agencies.

Task 2. The LEC/LEAP will identify and evaluate funding sources applicable to law enforcement training and equipment.

Task 3. Continue working on improved communication systems among agencies under all conditions.

New Task

Task 1. Develop additional ‘shared’ experience training between the states and the NOAA OLE agents.

Objective 3.3 – Explore a uniform enforcement data collection and reporting system.

- Evaluate available technology.
- Identify funding sources.
- Analyze and distribute information.
- Promote the use of the Federal Bureau of Investigation’s National Crime Information Center (NCIC) and NLETS as a point source for natural resource violations and provide input to that system.
- Acquire the wireless ability to access this system in the field by enforcement officers in real time.

Continuing Tasks

Task 1. The LEC/LEAP members will continue to work towards the inclusion of fisheries violations (criminal and civil) into the NCIC/NLETS database.

Task 2. The chairmen of the LEC/LEAP will research federal grants to support enforcement data collection and reporting.

Task 3. The LEC/LEAP will prioritize available technology for data collection based on job safety and job effectiveness.

Task 4. The LEC/LEAP will share specifications and vendor information on available data collection technology and equipment.

Objective 3.4 – Plan and analyze law enforcement effort and performance.

- Conduct state/federal strategic plan work sessions to evaluate progress and determine milestones as needed.
- Conduct state/federal law enforcement meetings concerning joint Gulf-wide programs and operations.
- Explore tools and methodologies to chart performance.
- Ensure law enforcement program development in support of fisheries management plans.

Continuing Tasks

Task 1. The chairmen of the LEC/LEAP will request funding and convene cooperative law enforcement strategic plan work sessions at times and locations acceptable to the membership.

Task 2. Continue to work with the JEA software programmers and vendors to enhance the ability of the states to generate performance and activity reports from the JEA database easily.

GOAL 4: Promote regulations to protect and enhance the health and sustainability of the ecosystem.

Ecosystem health and sustainability is the foundation for a viable living marine environment in the Gulf of Mexico. Regulations that manage, protect, and conserve the ecosystem are critical to maintain its health and sustainability now – and in the future.

Objective 4.1 – Share information to ensure the highest quality of biological data to support ecosystem sustainability.

- Support the inclusion of law enforcement statistics and other information in scientific modeling plans.
- Identify positive and negative impacts of current and proposed regulations and management strategies to living marine resources.
- Identify and evaluate law enforcement strategies to address unique ecosystem enforcement challenges.

Continuing Tasks

Task 1. The LEC/LEAP will provide recommendations and input when regulations are being developed in support of ecosystem management.

New Task

Task 1. The LEC/LEAP will invite select NOAA Fisheries managers and scientists to discuss how law enforcement statistics are incorporated into scientific modeling plans.

GOAL 5: Protect the American and international consumer.

Ensure the American and international consumer is receiving a safe, legal, and properly identified aquatic product regardless of where harvested.

Objective 5.1 – Ensure the integrity of domestic and imported fisheries and aquatic products.

- Identify illegal fisheries products.
- Identify participants of illegal interstate trade.
- Support enhanced development of documentation for imported fisheries species.
- Work cooperatively with other state and federal law enforcement agencies to identify and apprehend traffickers in illegal international trade.
- Protect the public from tainted and unsafe aquatic products.

Continuing Task

Task 1. The LEC/LEAP will continue to stay involved in the product substitution and relabeling issues.

Objective 5.2 – Protect consumers regarding mislabeled or adulterated product.

- Work with partner agencies in using forensic tools to improve fisheries law enforcement capabilities.
- Identify persons who provide mislabeled or adulterated products.
- Support enhanced development of documentation for all marine species.

Continuing Tasks

Task 1. The LEC/LEAP will explore development and use of forensic technology in fisheries enforcement.

Task 2. The LEC/LEAP members in their respective states will identify current forensic resources, laboratories, species-specific and other capabilities, and laboratory contact information.

Task 3. The LEC/LEAP will identify current documentation and procedure requirements used for marine species.

GOAL 6: Obtain funds to aid state and federal law enforcement agencies.

State and federal agencies do not have sufficient resources or assets to provide continuous support of state/federal marine resource enforcement operations.

Objective 6.1 – Explore and enhance federal grant and funding programs for law enforcement.

- Identify and evaluate law enforcement grant and funding programs.
- Promote adequate long-term funding for JEAs that takes into account increased operation costs at a minimum of the current Consumer Price Index (CPI) to maintain historical JEA patrol levels.

- Promote and seek funding for a Gulf-wide marine enforcement communication system.

Continuing Tasks

Task 1. The LEC/LEAP will research, identify, track, and discuss grant and funding opportunities and resources for marine enforcement.

Task 2. The LEC/LEAP will discuss potential funding sources and identify appropriate processes to obtain funds.

Task 3. The LEC/LEAP will request GSMFC/GMFMC assistance in using their resources and expertise to seek funding for state law enforcement programs.

Task 4. The LEC/LEAP will arrange to meet with state and federal legislators and/or committees to request support for grant and funding initiatives, as appropriate.

Task 5. The LEC/LEAP members will initiate and maintain contact with each state's respective Congressional delegation or their aides to determine the status of potential enforcement issues.

Task 6. Pursue funding for a communication system to improve communication ability and compatibility between agencies under all conditions.

New Task

Task 1. Pursue funding for law enforcement related public service announcements to engage, advise, and inform individuals, partners, communities, and industries to facilitate information flow, assure coordination and cooperation, and provide assistance in the use, evaluation, and application of information.

Objective 6.2 – Seek a long-term, dedicated source of funding/appropriations for the JEA program to support regulatory compliance initiatives in the Gulf of Mexico.

- Identify the positive performance of the JEA program.
- Evaluate the cost effectiveness of current federal funding in fisheries law enforcement in the Gulf of Mexico.

Continuing Tasks

Task 1. The LEC/LEAP will arrange to meet with state and federal legislators and/or committees to increase funding for state agencies.

Task 2. The LEC/LEAP will discuss additional workload indicators as a result of changes in U.S. Coast Guard fisheries enforcement.

Task 3. Continue developing management strategies to include funding for personnel and vessels for offshore patrols.

Task 4. Request the GSMFC and GMFMC to send letters in support of the JEAs to the appropriate federal partners or legislative delegates to highlight the need for secure, long-term funding/appropriations in support of JEA.

New Tasks

Task 1. Request the GMFMC to identify increased JEA funding needs for enforcement when implementing new FMP regulations in order to prevent the lowering of work effort to existing FMPs currently under the JEA.

Task 2. Request the GMFMC to identify increased funding and identify data needs for enforcement to generate enforcement statistics for use in ecosystem-based management.

Objective 6.3 – Obtain adequate funding for the strategic planning process and greater representation of the LEC and LEAP at GSMFC and GMFMC meetings.

- Seek funding from the GSMFC and GMFMC for the LEC and LEAP to meet quarterly in conjunction with the GSMFC spring and annual meetings and two GMFMC meetings per year; and the LEAP state representative to attend all other GMFMC meetings when in their home state.

Continuing Task

Task 1. The chairmen of the LEC/LEAP will request funding assistance from the GSMFC and GMFMC to conduct law enforcement meetings to accomplish the *Strategic Plan*. When possible, these meetings will be held in conjunction with other LEC/LEAP meetings.

GOAL 7: The five states will work together for the short-term response and long-term recovery from the Deepwater Horizon Disaster.

- Evaluate the needs of officers responding to the disaster.
- Determine the effectiveness of large-scale closures due to similar man-made disasters.
- Evaluate the cost of enforcing large-scale closures.
- Review the ability to document real-time activity and position of vessels on the water involved with cleanup and skimming.

New Task

Task 1. The LEC and LEAP need to have a critique of the BP disaster and the state responses to develop a comprehensive response plan in advance of the next disaster.



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