



# Hidden Compartments

NEFMC ENFORCEMENT COMMITTEE  
5 June2013

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## Goals



- Facilitate discussion on recent enforcement trend of uncovering hidden compartments in fishing vessels
- Background
- Recent Examples
- Identify Concerns
- Recommend Proposal



## Background

- Hidden Compartment: a compartment built for the purpose of concealing things (i.e. drugs, weapons, contraband, fish)
- Violation of **19 USC 1703** penalties include a vessel seizure.
- Elements of the offense:
  - Any Vessel
  - Built, purchased, fitted out in whole or in part, or held in the US or elsewhere,
  - Being employed to defraud the revenue or to smuggle any merchandise into the United States
  - ...any vessel which shall be found to have been employed, or attempted to be employed, within the United States for any such purpose...the said vessel and its cargo shall be seized and forfeited.
- Note: The presence of contraband is not legally required to take enforcement action under this statute



## Background



- Hidden compartments have been found on fishing vessels in the recent past and continue to occur in the Northeast region.
- They undermine the conservation and management regimes currently in place.
- They are VERY hard to find during at-sea inspections.
- **It's very probable that there are more out there.**

## Hidden Compartment (Aug 2011)



## Hidden Compartment (Nov 2011)



## Hidden Compartment (Nov 2011)





## More Recent Examples of Hidden Compartments







## Concerns

- Unreported catch/bycatch
- Unlevel playing field
- Safety/stability of fishing vessels
- Other concerns
  - Customs
  - Homeland Security
- Inadequate current legal framework





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## Proposed Recommendation



- Letter to the Secretary of Commerce from the Executive Director and/or the Chairman of the NEFMC requesting the addition of the following prohibited act under Section 307 of the Magnuson-Stevens Act during the current reauthorization process:
- The prohibition of anyone knowingly building, purchasing, fitting out in whole or in part, for the purpose of employing a hidden compartment to defraud law enforcement officers authorized to conduct boardings and inspections under Section 311 of the Magnuson-Stevens Act.