

# **CRUISE SHIP CRIME**



## **CONSUMERS HAVE INCOMPLETE ACCESS TO CRUISE CRIME DATA**

STAFF REPORT PREPARED FOR:

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CHAIRMAN

SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

JULY 24, 2013

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## EXECUTIVE SUMMARY

For many passengers, a cruise is a dream vacation: a floating city full of exciting attractions and adventure for the whole family. However, crime on a cruise ship can turn a dream vacation into a nightmare. While crimes occur infrequently on cruise ships,<sup>1</sup> when crime does occur onboard the victim often lacks the same access to law enforcement and emergency services – as well as avenues for recourse – that are available in the United States. Particularly given these differences, it is important that passengers are informed about crime on cruises before they travel.

To increase transparency regarding crime on cruise vessels,<sup>2</sup> Congress included in the Cruise Vessel Security and Safety Act of 2010 (CVSSA) public reporting requirements regarding cruise ship crime. Under the CVSSA, cruise lines must report to the Federal Bureau of Investigation (FBI) any allegation of a crime<sup>3</sup> as soon as possible and the United States Coast Guard (Coast Guard)<sup>4</sup> must maintain and publicly post on a website a statistical compilation of the alleged crimes. Unfortunately, the public reporting process established under this language is not providing consumers a complete view of crimes reported on cruise vessels.

### ACTUAL CRUISE CRIME DATA IS HIGHER THAN PUBLICLY REPORTED

Unlike with crimes reported on land in the United States,<sup>5</sup> the public database established pursuant to CVSSA discloses only those crimes that are no longer under investigation by the FBI. The law also requires only a subset of the types of crimes reported to the FBI to be reported publicly.<sup>6</sup> Data the Committee on Commerce, Science and Transportation obtained from Coast

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<sup>1</sup> Cruise Line I A, *CLIA Statement: Congressional Hearing* (Mar. 27, 2001) (online at <http://www.cruising.org/vacation/node/316>).

<sup>2</sup> Congress found that “Passengers on cruise vessels have an inadequate appreciation of their potential vulnerability to crime while on ocean voyages, and those who may be victimized lack the information they need to understand their legal rights or to know whom to contact for help in the immediate aftermath of the crime.” Pub. L. No. 111-207, Sec. 2, (2010).

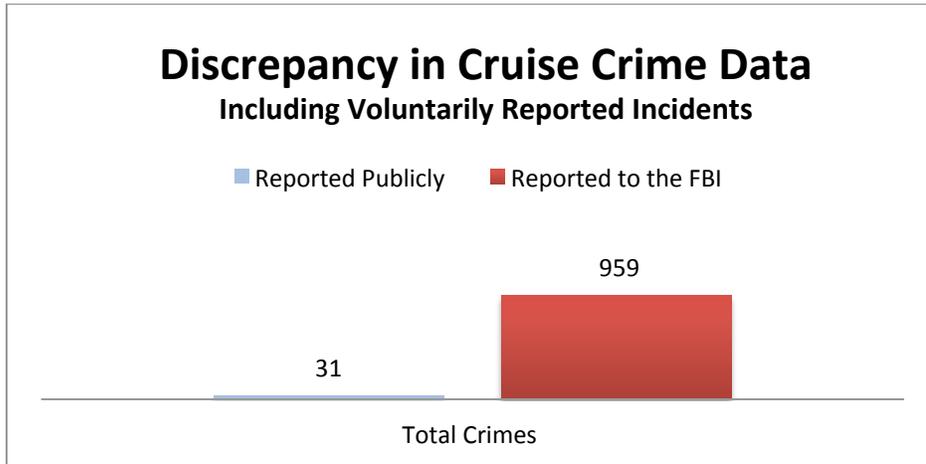
<sup>3</sup> CVSSA classifies as crimes required to be reported to the FBI as all homicide, suspicious death, a missing United States national, kidnapping, assault with serious bodily injury, any offense to which section 2241, 2242, 2243, or 2244(a) or (c) of title 18 applies, firing or tampering with the vessel, or theft of money or property in excess of \$10,000. Pub. L. No. 111-207.

<sup>4</sup> CVSSA requires the Secretary of Homeland Security to maintain and publicly post a statistical compilation of alleged crimes reported and no longer under investigation by the Federal Bureau of Investigation. These statistics are published on the Coast Guard’s website. Pub. L. No. 111-207.

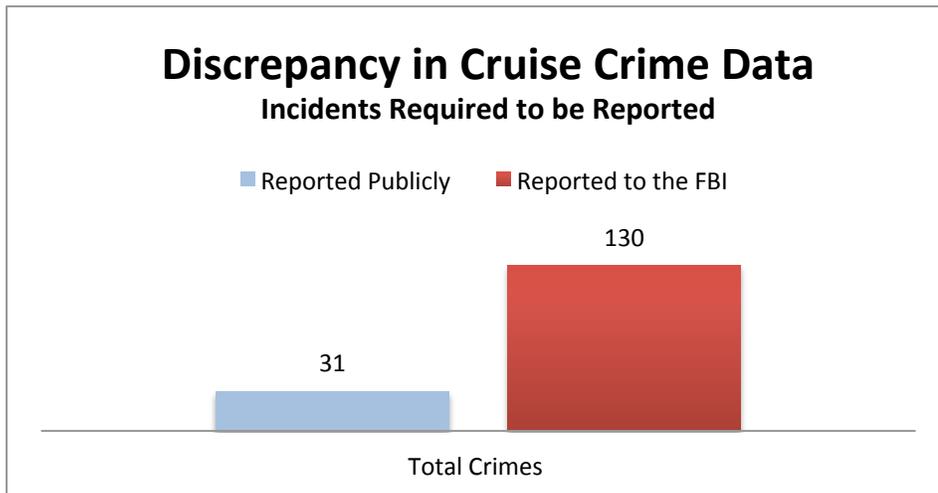
<sup>5</sup> Federal Bureau of Investigations, Crime Statistics, Uniform Crime Reports Web Site (online at <http://www.fbi.gov/about-us/cjis/ucr/ucr-publications#Crime>) (accessed June 10, 2013).

<sup>6</sup> The owner of a cruise vessel is required to keep logs of all allegations of crime but is only required to report certain types of crime incidents to the FBI. The owner of a cruise vessel may voluntarily report other alleged crimes to the FBI. CVSSA provides that only the crimes that are required to be reported to the

Guard and the FBI shows that, since passage of the CVSSA, the number of alleged crimes cruise lines reported to the FBI – including crimes reported voluntarily by cruise lines – is 30 times higher than the number of alleged crimes reported publicly. Since 2011, cruise lines have reported 959 alleged crimes to the FBI, while the Coast Guard reported only 31 alleged crimes publicly.



Further, with respect to the categories of crimes for which the CVSSA specifically requires cruise lines to report alleged incidents to the FBI, the number of alleged crimes that cruise lines reported is over four times higher than the number of alleged crimes reported publicly. Since 2011, cruise lines have reported 130 of such alleged crimes to the FBI, while only 31 alleged crimes were reported publicly.



FBI must be reported publicly. These crimes include all homicide, suspicious death, a missing United States national, kidnapping, assault with serious bodily injury, any offense to which section 2241, 2242, 2243, or 2244(a) or (c) of title 18 applies, firing or tampering with the vessel, or theft of money or property in excess of \$10,000. Pub. L. No. 111-207. The FBI records crimes reported to the Bureau, but not required to be reported or publicly listed by the Coast Guard, as “Other Crimes.”

## **CRIMES COMMITTED AGAINST MINORS ARE UNREPRESENTED IN OFFICIAL STATISTICS**

The Committee's review of cruise crime statistics also identified that crimes committed against minors are unrepresented in publicly available statistics. In cases of sexual assault, cruise crime data that is not publicly reported indicates minors are the victim in a significant percentage of total alleged sexual assaults.

## **I. THE COMMERCE COMMITTEE’S REVIEW**

In March 2012, the Senate Committee on Commerce, Science, and Transportation held a hearing on the cruise industry and its ability to protect its passengers. The Committee received testimony raising concerns that the public was receiving incomplete information regarding alleged cruise crimes.<sup>7</sup> At the hearing Ross Klein, a professor at Memorial University of Newfoundland, testified about his Freedom of Information (FOIA) request to the FBI for cruise crime data after the passage of CVSSA:

The material returned in response was totally unhelpful. All useful information was redacted. As well, the FBI says they are not required to keep track of or report crimes committed on cruise ships unless they have opened a file of investigation and subsequently closed the file. That means that allegations of crime are no longer available for analysis... [This absence of data] is not in the interest of the public or in the spirit of the Cruise Vessel Security and Safety Act of 2010.”<sup>8</sup>

To further examine these concerns, Committee Chairman John D. Rockefeller IV requested that the FBI provide the Committee the crime data that the cruise lines reported to the FBI since passage of CVSSA. Using the crime data provided by the FBI,<sup>9</sup> Committee staff then compared this data to the publicly reported cruise crime data that is posted on the Coast Guard’s website.<sup>10</sup>

## **II. BACKGROUND ON CRUISE PASSENGER RESOURCES AND RECOURSE FOLLOWING A CRIME ONBOARD**

According to the cruise industry, a cruise is as safe as “your average community in the United States,”<sup>11</sup> and “the incidence of crime onboard is very small given the large number of

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<sup>7</sup>Testimony of Professor Ross Klein, Senate Committee on Commerce, Science, and Transportation, *Oversight of the Cruise Ship Industry: Are Current Regulations Sufficient to Protect Passengers and the Environment?*, 112<sup>th</sup> Cong. (Mar. 1, 2012).

<sup>8</sup> *Id.* at p. 47.

<sup>9</sup> Letter from Stephen D. Kelly, Assistant Director, Office of Congressional Affairs, Federal Bureau of Investigation, to Senate Commerce Committee Chairman Rockefeller (July 16, 2012); Letter from Stephen D. Kelly, Assistant Director, Office of Congressional Affairs, Federal Bureau of Investigation, to Senate Commerce Committee Chairman Rockefeller (Apr. 4, 2013).

<sup>10</sup> The Coast Guard Cruise Crime Web site (online at <http://www.uscg.mil/hq/cg2/cgis/CruiseLine.asp>) These statistics can be found attached to this report as Appendix III.

<sup>11</sup> *Mystery at Sea: Who Polices the Ships?*, New York Times (Feb. 26, 2006) (online at [http://www.nytimes.com/2006/02/26/travel/26crime.html?pagewanted=all&\\_r=1&](http://www.nytimes.com/2006/02/26/travel/26crime.html?pagewanted=all&_r=1&)).

guests carried.”<sup>12</sup> However, there are significant differences between how crimes that occur on land in the United States are responded to as compared to crimes that occur on cruise vessels.

### A. CALLING FOR HELP

In the United States, when a crime occurs, a victim or a witness to the crime generally can call 911 to access police, medical, and other services.<sup>13</sup> Often, within minutes, law enforcement trained to investigate and eventually help prosecute criminals is on the scene.<sup>14</sup> Law enforcement called to the scene is an impartial party to the investigation;<sup>15</sup> they must protect the scene, take statements, and collect and preserve evidence in accordance with the law.<sup>16</sup>

When a crime occurs on a cruise vessel, it can be an entirely different story for the victim. Victims generally report crimes to cruise vessel security officers, who are employees of the cruise company.<sup>17</sup> These employees do an initial investigation and determine when and whether to report a crime to law enforcement.<sup>18</sup> As employees of the cruise lines, these security officers do not have the same arm’s length relationship with the cruise lines as do local and federal law enforcement officials.<sup>19</sup> Rape, Abuse & Incest National Network (RAINN) testified before the Commerce Committee about the inherent difficulties victims face when reporting a crime that occurred onboard to security officers who work for the cruise company:

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<sup>12</sup> Carnival Cruise Line Web site (online at [https://secure.carnival.com/cms/fun/cruise\\_control/security\\_safety\\_act.aspx](https://secure.carnival.com/cms/fun/cruise_control/security_safety_act.aspx)) (accessed June 10, 2013).

<sup>13</sup> The National 911 Program (online at <http://www.911.gov/about.html>).

<sup>14</sup> See, e.g., Department of Justice, *Crime Scene Investigation: A Guide for Law Enforcement* (Jan. 2000) (online at <http://www.nij.gov/nij/topics/law-enforcement/investigations/crime-scene/guides/general-scenes/welcome.htm>).

<sup>15</sup> See, e.g., Florida Department of Law Enforcement, Officer Requirements page (online at <http://www.fdle.state.fl.us/Content/CJST/Menu/Officer-Requirements-Main-Page/LE-Ethical-Standards-of-Conduct.aspx>); FBI, *Quick Facts* (noting FBI core values include fairness) (online at <http://www.fbi.gov/about-us/quick-facts>) (accessed June 28, 2013).

<sup>16</sup> Department of Justice, *Crime Scene Investigation: A Guide for Law Enforcement* (Jan. 2000), pp.iii, 1, and 10.

<sup>17</sup> House Subcommittee on Coast Guard and Maritime Transportation of the Committee on Transportation and Infrastructure, *Hearing on Crimes Against Americans on Cruise Ships*, 110<sup>th</sup> Cong. (Mar. 27, 2007), p. 30.

<sup>18</sup> Senate Subcommittee on Surface Transportation and Merchant Marine Infrastructure, Safety, and Security of the Committee on Commerce, Science, and Transportation, *Hearing on Cruise Ship Safety: Examining Potential Steps for Keeping Americans Safe At Sea*, 110<sup>th</sup> Cong. (June 19, 2008), pp. 55-56.

<sup>19</sup> House Subcommittee on Coast Guard and Maritime Transportation of the Committee on Transportation and Infrastructure, *Hearing on Crimes Against Americans on Cruise Ships*, 110<sup>th</sup> Cong. (Mar. 27, 2007), p. 30.

You won't have any rape crisis personnel onboard to support you, let alone law enforcement officials to come to your aid. You might turn to cruise ship employees for help, only to later find that the cruise line has a vested interest in shielding themselves against negative publicity or legal jeopardy. And you might wonder how any security personnel hired by the cruise line will react if presented with any situation that might give rise to a potential conflict of interest between their employer and yourself.<sup>20</sup>

## **B. ONBOARD INVESTIGATION**

Since law enforcement generally is not immediately present when a crime occurs on a cruise ship, the cruise ship security officers and sometimes the victims themselves are responsible for preserving the scene of the crime and any evidence.<sup>21</sup> According to Congressional testimony, cruise lines have taken the position that they have no duty to investigate crimes.<sup>22</sup> Victims groups and others have raised concerns that cruise lines have omitted basic steps such as taking witness statements and have lost, destroyed, or mishandled evidence.<sup>23</sup> The International Maritime Organization<sup>24</sup> (IMO) is developing draft guidelines to help guide cruise line crew in crime scene preservation.<sup>25</sup>

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<sup>20</sup> Senate Subcommittee on Surface Transportation and Merchant Marine Infrastructure, Safety, and Security of the Committee on Commerce, Science, and Transportation, Senate Committee on Commerce, Science, and Transportation, *Hearing on Cruise Ship Safety: Examining Potential Steps for Keeping Americans Safe At Sea*, 110<sup>th</sup> Cong. (June 19, 2008), p. 13.

<sup>21</sup>*Id.* p. 12.

<sup>22</sup> See Testimony of International Cruise Victims Association, Inc. President Kendall Carver, *Cruise Ship Safety: Examining Potential Steps for Keeping Americans Safe at Sea* (June 19, 2008) (discussing cruise lines' legal position and attaching legal memo by a leading cruise line taking this position) (online at [http://www.internationalcruisevictims.org/files/Total-testimoney1a-1-with\\_titles.pdf](http://www.internationalcruisevictims.org/files/Total-testimoney1a-1-with_titles.pdf)) (accessed July 15, 2013).

<sup>23</sup> See, e.g., *The World Today – Brimble inquest hears staff disturbed crime scene*, ABC Online (June 15, 2006) (online at <http://www.abc.net.au/cgi-bin/common/printfriendly.pl?http://www.abc.net.au/worldtoday/content/2006/s1663754.htm>); Testimony of Professor Ross Klein, Senate Committee on Commerce, Science, and Transportation, *Oversight of the Cruise Ship Industry: Are Current Regulations Sufficient to Protect Passengers and the Environment?*, 112<sup>th</sup> Cong. (Mar. 1, 2012), pp. 39 and 43 (stating that crew training for crime scenes is inadequate); Testimony of RAINN (Rape, Abuse, and Incest National Network), Senate Subcommittee on Surface Transportation and Merchant Marine Infrastructure, Safety, and Security, of the Committee on Commerce, Science, and Transportation, *Cruise Ship Safety: Examining Potential Steps for Keeping Americans Safe at Sea*, 110<sup>th</sup> Cong. (June 19, 2008), p. 12, 18 (discussing issues concerning contaminated evidence).

<sup>24</sup> IMO is a United Nations agency that sets international standards for ship safety, security, and pollution. IMO, See *About IMO* page (on line at <http://www.imo.org/About/Pages/Default.aspx> ).

<sup>25</sup> International Maritime Organization, *Collation and Preservation of Evidence Following an Allegation of a Serious Crime Having Taken Place on Board a Ship or Following a Report of a Missing Person from a Ship, and Pastoral and Medical Care of Victims*, Legal Committee 100<sup>th</sup> session, Agenda item 7

### C. JURISDICTIONAL ISSUES

Because of complex jurisdictional rules governing cruise line activities, in some cases passengers may not have the same legal protections on cruise vessels as they do in the United States.<sup>26</sup> U.S. laws and protections only govern in certain circumstances and there are instances where U.S. law enforcement has limited jurisdiction over crimes.<sup>27</sup> For example, a U.S. citizen can report a cruise crime to the FBI, but if the ship has left U.S. port the FBI is not typically in a position to act as an onboard police force immediately after the crime happens.<sup>28</sup> Law enforcement may be located thousands of miles away<sup>29</sup> and may have to work through a myriad of jurisdictional issues with other countries that share jurisdiction over the incident.<sup>30</sup>

Further, only certain crimes meet the threshold for the FBI to intervene. Theft of items valued under a certain amount<sup>31</sup> or lack of evidence<sup>32</sup> may result in the FBI declining to investigate an alleged crime. Even if the FBI does investigate, another country's law enforcement agency may play the lead role in investigating and prosecuting the crime.<sup>33</sup>

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(I:\LEG\100\7.doc) (Feb. 8, 2013). The International Cruise Victims Association has raised concerns about the adequacy of these draft guidelines. See CDR. Mark Gaouette, USNR (Ret.), *Unpublished paper entitled ICV Discussion on the IMO Legal Committee Guidelines: "Collation and Preservation of Evidence Following an Allegation of a Serious Crime" 2013*; Mark Gaouette, *Campaigners and industry clash over crime guidelines*, Fairplay (June 6, 2013).

<sup>26</sup> Myers, Rosie, *Cruise Industry Regulation: What Happens on Vacation Stays on Vacation*, A&NZ Mar LJ (2007) (online at <http://heinonline.org/HOL/LandingPage?collection=journals&handle=hein.journals/ausnewma21&div=11&id=&page=>), pp. 109 and 114.

<sup>27</sup> Senate Subcommittee on Surface Transportation and Merchant Marine Infrastructure, Safety, and Security of the Committee on Commerce, Science, and Transportation, *Crimes Against Americans on Cruise Ships*, 110<sup>th</sup> Cong. (Mar. 27, 2007), p. 1.

<sup>28</sup> Senate Subcommittee on Surface Transportation and Merchant Marine Infrastructure, Safety, and Security of the Committee on Commerce, Science, and Transportation, *Cruise Ship Safety: Examining Potential Steps for Keeping Americans Safe At Sea*, 110<sup>th</sup> Cong. (June 19, 2008), p. 13.

<sup>29</sup> Rosie Myers, *Cruise Industry Regulation: What Happens on Vacation Stays on Vacation*, 21 Australian and New Zealand Maritime Law Journal (2007), pp. 106-107.

<sup>30</sup> *Id.* at pp. 114-117.

<sup>31</sup> Asia N. Wright, *High Seas Ship Crimes*, Loyola Maritime Law Journal 1 (2009), p. 8.

<sup>32</sup> House Subcommittee on Coast Guard and Maritime Transportation of the Committee on Transportation and Infrastructure, *Hearing on Crimes Against Americans on Cruise Ships*, 110<sup>th</sup> Cong. (Mar. 27, 2007), p. 12.

<sup>33</sup> House Subcommittee on Coast Guard and Maritime Transportation of the Committee on Transportation and Infrastructure, *Hearing on Crimes Against Americans on Cruise Ships*, 110<sup>th</sup> Cong. (Mar. 27, 2007), pp. 11-12; Asia N. Wright, *High Seas Ship Crimes*, Loyola Maritime Law Journal 1 (2009), p. 19.

#### D. TICKET CONTRACTS LIMIT PASSENGER RIGHTS

Passengers may also find their ability to pursue legal action limited by clauses in the passenger contract that provides the terms and conditions of a cruise.<sup>34</sup> For example, ticket contracts may require that a passenger has to file a lawsuit in a much shorter period than if the crime had occurred on land.<sup>35</sup> Contracts also may include restrictions on the location of where an aggrieved passenger can file a lawsuit – typically requiring actions to be brought in Florida, where the major cruise lines are based.<sup>36</sup> Further, cruise contracts often require mandatory arbitration<sup>37</sup> or limit class action lawsuits.<sup>38</sup>

#### E. IMPACT OF DIFFERENCES

The vast majority of cruise passengers are not victims of onboard crime. However, where a crime does occur, the difference between passenger resources and recourse available on a cruise vessel versus on land can be the difference between justice and injustice for a crime victim. A case in point is the account of Laurie Dishman, who testified to Congress that while she was traveling on a cruise to Mexico, a janitor who was “filling in” for a security guard raped her, leaving ligature marks on her neck and other physical evidence.<sup>39</sup> According to Ms. Dishman’s testimony, following this incident, the cruise line personnel contaminated the scene, mishandled evidence, destroyed or “re-used” closed circuit television camera tapes, delayed notifying the FBI, delayed providing medical treatment, did not immediately seal the crime scene, and provided limited information to Ms. Dishman.<sup>40</sup> Further, she stated that the FBI was

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<sup>34</sup> Christopher Elliott, *Can you trust the cruise lines’ new passenger “bill of rights”?*, Chicago Tribune (June 18, 2013) and Princess Cruises, *Passage Contract* (online at [http://www.princess.com/legal/passage\\_contract/index.jsp](http://www.princess.com/legal/passage_contract/index.jsp)).

<sup>35</sup> Justice Thomas A. Dickerson, *The Cruise Passengers’ Rights and Remedies: 2013* (June 10, 2013), pp. 120-123. (online at [http://www.nycourts.gov/courts/9jd/TacCert\\_pdfs/Dickerson\\_Docs/CRUISEPASSENGERSRIGHTS&REMEDIES2013ONLINE.pdf](http://www.nycourts.gov/courts/9jd/TacCert_pdfs/Dickerson_Docs/CRUISEPASSENGERSRIGHTS&REMEDIES2013ONLINE.pdf)).

<sup>36</sup> Michael D. Eriksen, *U.S. Maritime Public Policy Versus Ad-hoc Federal Forum Provisions in Cruise Tickets*, The Florida Bar Journal Volume 80, p.11 (Dec. 2006) (online at [http://www.floridabar.org/DIVCOM/JN/JNJournal01.nsf/c0d731e03de9828d852574580042ae7a/78faff425fc6f9e48525723300561ebf!OpenDocument&Highlight=0,\\*](http://www.floridabar.org/DIVCOM/JN/JNJournal01.nsf/c0d731e03de9828d852574580042ae7a/78faff425fc6f9e48525723300561ebf!OpenDocument&Highlight=0,*)).

<sup>37</sup> Justice Thomas A. Dickerson, *The Cruise Passengers’ Rights and Remedies: 2013* (June 10, 2013) (online at [http://www.nycourts.gov/courts/9jd/TacCert\\_pdfs/Dickerson\\_Docs/CRUISEPASSENGERSRIGHTS&REMEDIES2013ONLINE.pdf](http://www.nycourts.gov/courts/9jd/TacCert_pdfs/Dickerson_Docs/CRUISEPASSENGERSRIGHTS&REMEDIES2013ONLINE.pdf)), pp. 127-128.

<sup>38</sup> *E.g.*, Princess Cruise Lines Passage Contract, p. 14 (online at [http://www.princess.com/legal/passage\\_contract/index.jsp](http://www.princess.com/legal/passage_contract/index.jsp)) (accessed July 1, 2013).

<sup>39</sup> House Subcommittee on Coast Guard and Maritime Transportation of the Committee on Commerce, Science, and Transportation, *Crimes Against Americans on Cruise Ships*, 110<sup>th</sup> Cong. ( Mar. 27, 2007) pp. 158-159.

<sup>40</sup> *Id.*

not able to access the crime scene for several days. At the time, the FBI indicated they did not have enough evidence to further investigate the crime. The accused crew member was not arrested, and he was allowed to return to his home country.<sup>41</sup>

Stories like this and others provided impetus for Congress to enact a number of provisions addressing crime on cruise ships in the 2010 CVSSA.<sup>42</sup>

### III. THE CVSSA CRIME REPORTING REQUIREMENTS

In 2007, the FBI, Coast Guard, and the cruise lines agreed that cruise lines would voluntarily report to the FBI incidents involving serious violations of U.S. law: homicide, suspicious death, missing U.S. nationals, kidnapping, assault with bodily injury, sexual assaults, firing or tampering with vessels, and theft greater than \$10,000.<sup>43</sup>

According to U.S. Coast Guard testimony, under this agreement, the FBI would annually compile this data and prepare a comprehensive report to share with the Cruise Lines International Association (CLIA). The Coast Guard encouraged CLIA to disclose this information to potential cruise ship passengers.<sup>44</sup> A victims group indicated it had been able to obtain these statistics through FOIA requests.<sup>45</sup> However, this information was not readily available to the public.

One of the ways Congress sought in the CVSSA to improve the safety of cruise passengers was to provide for greater transparency in reporting crimes that occur on cruise ships.<sup>46</sup> In most major U.S. localities and foreign countries, the public can view local crime statistics based on crimes reported.<sup>47</sup> The FBI views these crime statistics as an important and

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<sup>41</sup> *Id.*

<sup>42</sup> *Id.*; Senate Subcommittee on Surface Transportation and Merchant Marine Infrastructure, Safety, and Security of the Committee on Commerce, Science, and Transportation, *Hearing on Cruise Ship Safety: Examining Potential Steps for Keeping Americans Safe At Sea*, 110<sup>th</sup> Cong. (June 19, 2008).

<sup>43</sup> House Subcommittee on Coast Guard and Maritime Transportation of the Committee on Transportation, *Crimes Against Americans on Cruise Ships* (110-21) (Mar. 27, 2007), pp. 2, 15-16.

<sup>44</sup> *Id.*

<sup>45</sup> Kendall Carver and Jamie Barnett, *International Cruise Victims Challenges Cruise Crime Statistics Provided by FBI* (June 10, 2012) (online at [http://internationalcruisevictims.activeboard.com/t49559394/icv-update-june-10-2012/?w\\_r=1354674534](http://internationalcruisevictims.activeboard.com/t49559394/icv-update-june-10-2012/?w_r=1354674534))

<sup>46</sup> Pub. L. No. 111-207.

<sup>47</sup> The Federal Bureau of Investigations, *Uniform Crime Reporting Program page* (online at <http://www.fbi.gov/about-us/cjis/ucr>); the State Department, *International Travel Page* (online at [http://travel.state.gov/travel/cis\\_pa\\_tw/cis/cis\\_4965.html](http://travel.state.gov/travel/cis_pa_tw/cis/cis_4965.html)).

helpful tool.<sup>48</sup> The public can use information regarding the occurrence of crimes to make more informed decisions about their travel and actions.<sup>49</sup>

The CVSSA includes language providing for public access to crime reports for cruise lines similar to reports the public can access regarding communities across the country. Toward that end, the law requires cruise lines to report a specific set of crimes to the FBI that (1) occur on a vessel owned by a U.S. person, (2) involve a U.S. national, (3) that occur in U.S. waters, or (4) will depart from or arrive at a U.S. port.<sup>50</sup> Additionally, the Coast Guard must make these crime statistics publicly available online.<sup>51</sup> However, unlike crime reporting on land in the United States,<sup>52</sup> the FBI interprets the CVSSA to require public reporting of only those incidents that are no longer under investigation by the FBI.<sup>53</sup>

The CVSSA also requires cruise lines to keep logs of all complaints of crimes committed on any voyage that embarks or disembarks passengers in the United States.<sup>54</sup> This requirement covers a broader range of crimes than those required to be reported to the FBI. Under the CVSSA, cruise lines may voluntarily report any of the alleged incidents that do not fall under the

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<sup>48</sup> See Federal Bureau of Investigation, Uniform Crime Reports, Crime in the United States, *Statement of FBI Director Robert S. Mueller* (noting: “The significant challenge of protecting life and property requires many different kinds of resources, including data such as the information found in this report. The highest mission of the FBI’s UCR Program is to provide information to help law enforcement and other community leaders better understand the issues they face and more effectively prepare to meet them each day”) (online at <http://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2010/crime-in-the-u.s.-2010/message-from-the-director>).

<sup>49</sup> For example, numerous travel articles discuss crime as a factor for consumers considering tourist destinations. See, e.g., Komal Bakhru, *Safest Vacation Destinations in the Caribbean* (July 2011) (online at <http://www.buzzle.com/articles/safest-vacation-destinations-in-the-caribbean.html>).

<sup>50</sup> The CVSSA requires cruise lines to report to the FBI all incidents of homicide, suspicious death, a missing United States national, kidnapping, assault with serious bodily injury, any offense to which section 2241, 2242, 2243, or 2244(a) or (c) of title 18 applies, firing or tampering with the vessel, or theft of money or property in excess of \$10,000. Pub. L. No. 111-207.

<sup>51</sup> *Id.*

<sup>52</sup> Federal Bureau of Investigations, Crime Statistics, Uniform Crime Reports Web Site (online at <http://www.fbi.gov/about-us/cjis/ucr/ucr-publications#Crime>) (accessed June 10, 2013).

<sup>53</sup> Under the CVSSA, the incidents of homicide, suspicious death, a missing United States national, kidnapping, assault with serious bodily injury, any offense to which section 2241, 2242, 2243, or 2244(a) or (c) of title 18 applies, firing or tampering with the vessel, or theft of money or property in excess of \$10,000, that are reported and are no longer under investigation by the Federal Bureau of Investigation must be maintained on an Internet site that provides a numerical accounting of each of these incidents. Pub. L. No. 111-207 (2010).

<sup>54</sup> Pub. L. No. 111-207.

category of incidents required to be reported, and many cruise lines have voluntarily provided this information to the FBI.<sup>55</sup>

While CVSSA attempted to improve public access to reported cruise crime data, today complete information is still not publicly released.

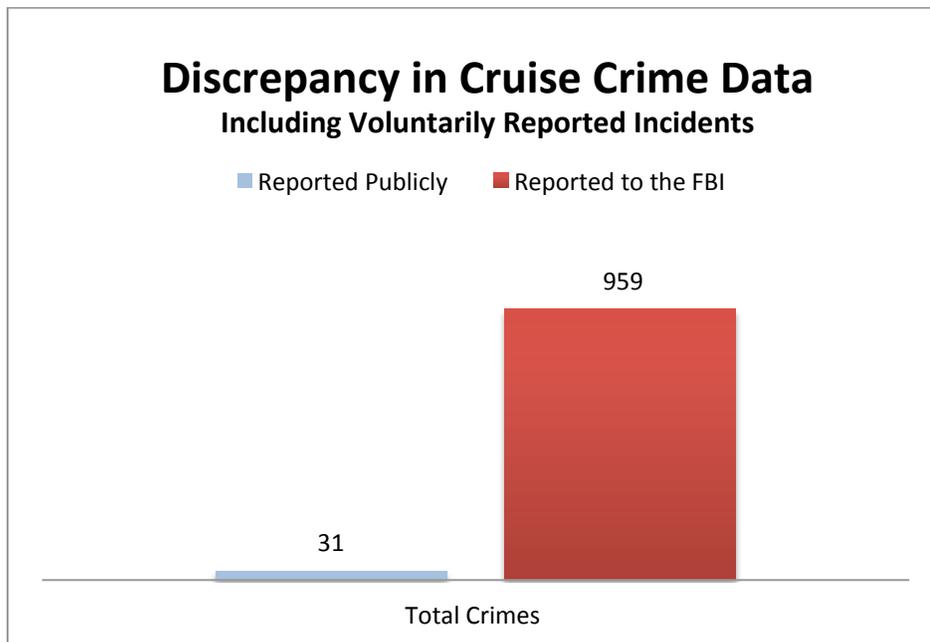
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<sup>55</sup> *Id.*

#### IV. ANALYSIS OF CRUISE CRIME STATISTICS SINCE CVSSA

Cruise crime data reviewed by Commerce Committee staff<sup>56</sup> shows that since enactment of CVSSA, the public has not been able to access complete information regarding reported crimes aboard cruise vessels. Since passage of the CVSSA, the total number of alleged crimes cruise lines reported to the FBI – including both incidents reported voluntarily and those required to be reported to the FBI by cruise lines – is 30 times higher than the number of alleged crimes reported publicly. Since 2011, cruise lines have reported 959 alleged crimes to the FBI, while the Coast Guard reported only 31 alleged crimes publicly.

*Figure I: Discrepancies Between Publicly and FBI Reported Cruise Crime Data*



<sup>56</sup> To conduct this analysis, Committee staff reviewed publicly available cruise crime statistics and those requested by the Chairman, and by victim advocate groups through Freedom of Information Requests (FOIA). Letter from Stephen D. Kelly, Assistant Director, Office of Congressional Affairs, Federal Bureau of Investigation, to Senate Commerce Committee Chairman Rockefeller (July 16, 2012); Letter from Stephen D. Kelly, Assistant Director, Office of Congressional Affairs, Federal Bureau of Investigation, to Senate Commerce Committee Chairman Rockefeller (Apr. 4, 2013); Letter from David M. Hardy Section Chief, Record/ Information Dissemination Section, Records Management Division, Federal Bureau of Investigation, to Mr. Kendall Carver, International Cruise Victims Association (June 14, 2013) regarding FOIA request for 2012 cruise crime data submitted to the FBI. Appendix I includes the incident data analyzed to determine total alleged crimes reported to the FBI versus total alleged crimes reported publicly in 2011 and 2012. The FBI provided such incident data for 2011 and the incident data for 2012 was drawn from an FBI response to a FOIA request. The FBI also provided the Committee data for 2012 that tallies victims of alleged crimes -- as opposed to incidents of alleged crimes -- and this data is shown in Appendix II.

There is also a significant discrepancy between the total crimes in the categories of crime for which CVSSA mandates reporting to the FBI, and total crimes in these categories that are reported publicly. According to the FBI, for the years 2011 and 2012, the total alleged crimes that cruise lines reported to the FBI, in categories where reporting is required, was 130 – over four times the total reported publicly by the Coast Guard. Figure II shows this difference.

*Figure II: Cruise Crime Statistics Reported to the FBI and by the Coast Guard, Excluding Crimes Voluntarily Reported to the FBI*

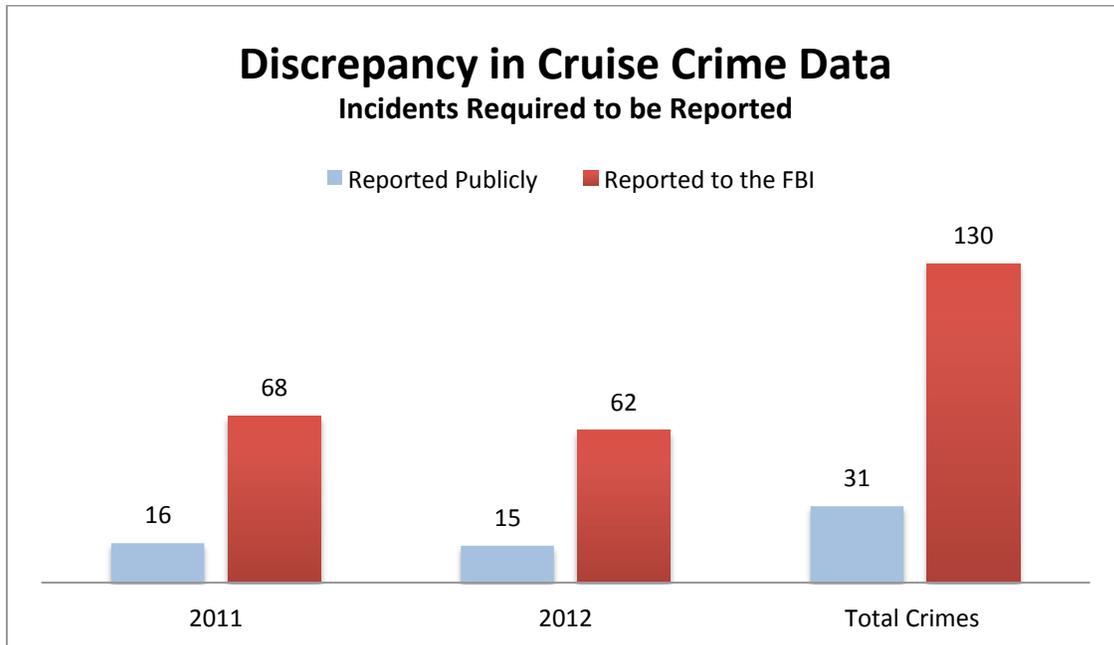


Figure III provides additional detail, displaying by categories of crime the difference between the number of alleged crimes reported to the FBI by cruise lines and the number of alleged crimes reported publicly.

*Figure III: Detailed Cruise Crime Statistics as Reported by the FBI and Coast Guard<sup>57</sup>*

Year	Reporting Source	Death	Missing U.S. National	Assault with Serious Injury	Firing or Tampering with Vessel	Theft > \$10,000	Sexual Assault	Total Crimes	Other Crimes	Total Including Other Crimes
2011	Public	-	-	3	-	-	13	16	-	16
	FBI	3	5	3	-	15	42	68	487	555
2012	Public	1	-	-	1	2	11	15	-	15
	FBI	-	7	10	1	15	29	62	342	404

In some cases, as with assaults with serious injury reported in 2011, the number of crimes publicly reported matches the number of crimes reported to the FBI. In most cases, however, the number of crimes reported to the FBI differs significantly from the number reported publicly. For example, with respect to alleged sexual assault crimes, the 13 alleged crimes publicly reported in 2011 represented only 31% of the 42 alleged crimes reported to the FBI, and in 2012 the 11 alleged crimes publicly reported represented only 38% of the 28 alleged crimes reported to the FBI. Figure III also shows that the FBI receives cruise line data on “other crimes” that is not shared publicly.

In addition to the discrepancy between total alleged crimes reported to the FBI and total alleged crimes reported publicly, the FBI also receives additional victim detail not reported publicly concerning the age of victims of reported crimes. According to the FBI, of the 29 alleged reported sexual assault victims in 2012, 10 – or 34% – were minors. Figure IV depicts this added detail that the FBI obtains when gathering cruise crime data with specific regard to alleged sexual assaults.

*Figure IV – 2012 Sexual Assault Data as Reported by the FBI<sup>58</sup>*

Sexual Assault Victim Data			
Adult	Minor	Other	Total
18	10	1	29

<sup>57</sup> *Id.*

<sup>58</sup> Letter from Stephen D. Kelly, Assistant Director, Office of Congressional Affairs, Federal Bureau of Investigation, to Senate Commerce Committee Chairman Rockefeller (Apr. 4, 2013).

Two recent media accounts of alleged sexual assaults on board cruise ships, one involving an alleged groping of a 12-year-old girl by a passenger,<sup>59</sup> and one involving an alleged groping of an 11-year-old girl by a crew member,<sup>60</sup> are reminders that minors as well as adults can be victims of crimes onboard cruise ships.

## V. CONCLUSION

Since the enactment of CVSSA, the number of alleged crimes reported by cruise lines to the FBI have been substantially higher than the number reported publicly. Further, the public does not currently have the ability to assess the extent to which minors are victims of cruise crime because this information is not currently publicly released.

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<sup>59</sup> KTOO, *Ketchikan DA Investigating Alleged Cruise Ship Sexual Assault* (July 12, 2013).

<sup>60</sup> USA Today, *Watchdogs Urge Better Reporting of Cruise Ship Crime* (June 10, 2013).