

An aerial photograph of a Bahamian island, showing a mix of deep blue ocean water, shallow turquoise reefs, and a small island with a sandy beach and a few buildings. The water's clarity reveals the underlying coral and sand. The island is surrounded by a shallow lagoon with a sandy beach and a few small structures.

**WILDAID**

**MARINE  
PROGRAM**

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# THE BAHAMAS MARINE PROTECTION SYSTEM BLUEPRINT

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## ASSESSMENT METHODOLOGY

In 2018, WildAid Marine, The Nature Conservancy (TNC), The Bahamas Department of Marine Resources (DMR), Royal Bahamas Defence Force (RBDF), Royal Bahamas Police Force (RBPF), The Bahamas Customs Department (Bahamas Customs), and the Bahamas National Trust (BNT) commenced work to form a Marine Action Partnership (MAP), along with other non-governmental (NGO) organizations, to better protect fisheries resources and marine heritage in The Bahamas. The MAP is a formal, multi-year initiative to enhance marine patrol, surveillance, investigation, and public outreach efforts through effective collaboration and coordination among law enforcement, fishing communities, protected area managers, and other stakeholders. This enforcement gap assessment is the first of a three-phase approach under the MAP.

Research methods were developed and applied by WildAid Marine together with TNC. Interviews were carried out with DMR, BNT, RBDF, RBPF, and Bahamas Customs. We are especially thankful for the time, guidance, and support of our colleagues at TNC.

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## ABOUT WILDAID MARINE

WildAid Marine's mission is to build well-enforced and sustainable fisheries by empowering local stakeholders to protect their marine resources. With over 20 years of on-the-ground experience, we have pioneered an approach to marine enforcement that deters illegal fishing, strengthens regulations, allows fisheries to recover, and encourages positive economic opportunity for local communities. Our proven model strengthens the five key elements of a complete and successful Marine Protection System for measurable improvement in compliance. It can be customized to meet local needs, meaning it can be scaled to reach hundreds of sites around the world. Together with our partners, WildAid Marine is

working to make sustainable fisheries a reality by amplifying regional leadership skills and compliance techniques that enable replenished fish stocks, abundant wildlife, and thriving coastal communities. [WILDAID.ORG/MARINE](http://WILDAID.ORG/MARINE)

## ABOUT THE NATURE CONSERVANCY

The Nature Conservancy is a global conservation organization dedicated to conserving the lands and waters on which all life depends. Guided by science, we create innovative, on-the-ground solutions to our world's toughest challenges so that nature and people can thrive together. We are tackling climate change, conserving lands, waters and oceans at an unprecedented scale, providing food and water sustainably and helping make cities more sustainable. Working in 79 countries and territories, we use a collaborative approach that engages local communities, governments, the private sector, and other partners.



## ACRONYMS

<b>AG</b>	Attorney General
<b>BaWEN</b>	Bahamas Wildlife Enforcement Network
<b>BNT</b>	Bahamas National Trust
<b>BNT Act</b>	Bahamas National Trust (Amendment) Act, 2010
<b>BREEF</b>	Bahamas Reef Environment Education Foundation
<b>CaribWEN</b>	Caribbean Wildlife Enforcement Network
<b>CITES</b>	Convention of International Trade in Endangered Species of Wild Fauna and Flora
<b>DMR</b>	The Bahamas Department of Marine Resources
<b>DR</b>	Dominican Republic
<b>EEZ</b>	Exclusive Economic Zone
<b>GDP</b>	Gross Domestic Product
<b>GPS</b>	Global Positioning System
<b>IUCN</b>	International Union for Conservation of Nature
<b>IUU</b>	Illegal, Unreported, Unregulated
<b>MAP</b>	Marine Action Partnership
<b>MPS</b>	Marine Protection System
<b>NGO</b>	Non-governmental organization
<b>NOAA</b>	U.S. National Oceanic and Atmospheric Administration
<b>PIO</b>	Public Information Officer
<b>PSMA</b>	Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing
<b>RBDF</b>	Royal Bahamas Defence Force
<b>RBPF</b>	Royal Bahamas Police Force
<b>RDF</b>	Radio Detection Finder
<b>SIMP</b>	Seafood Import Monitoring Program
<b>SOP</b>	Standard Operating Procedures
<b>TNC</b>	The Nature Conservancy
<b>U.S.</b>	United States of America
<b>USCG</b>	United States Coast Guard
<b>USD</b>	United States Dollar
<b>USFWS</b>	U.S. Fish and Wildlife Service
<b>VHF</b>	Very High Frequency
<b>WCT</b>	Wildlife Conservation and Trade Act of 2004

# TABLE OF CONTENTS

EXECUTIVE SUMMARY	05
OBJECTIVES AND INTRODUCTION	06
OBJECTIVE	06
INTRODUCTION	06
AREA CHARACTERISTICS & CONTEXT	09
LOCATION AND SIZE	09
BIODIVERSITY INFORMATION	09
COMMUNITY	09
KEY MANAGEMENT AUTHORITY AND PLANNING	09
INFRASTRUCTURE	10
FISHING CHARACTERISTICS AND IUU	10
TOURISM	13
ANALYSIS OF EXISTING ENFORCEMENT CAPACITY	15
REGULATORY FRAMEWORK	15
PUBLIC SECTOR (AUTHORITY/LEGAL)	16
PARTNERSHIPS AND PRIVATE SECTOR	20
FINDINGS / RECOMMENDATION	23
BLUEPRINT FOR MARINE PROTECTION	25
SURVEILLANCE AND ENFORCEMENT	26
POLICIES AND CONSEQUENCES	31
TRAINING AND MENTORSHIP	32
COMMUNITY OUTREACH	33
CONSISTENT FUNDING	34
CONCLUSION	37
APPENDIX	38







# EXECUTIVE SUMMARY

This fisheries enforcement gap assessment is part of the first phase of the Marine Action Partnership (MAP) between Bahamian fisheries enforcement agencies, WildAid Marine, The Nature Conservancy (TNC), and other NGOs. The goal of this initiative is to enhance the ability of marine law enforcement to increase overall compliance with fisheries laws, with a priority focus on reducing Illegal, Unreported, and Unregulated (IUU) fishing within the Exclusive Economic Zone (EEZ) of The Bahamas. According to the Food and Agriculture Organization of the United Nations, “IUU is a broad term that captures a wide variety of fishing activity. IUU fishing is found in all types of fisheries; it occurs both on the high seas and in areas within national jurisdiction.”

The Bahamas has the largest EEZ in the Caribbean region, spanning over 2,000 islands and cays, and encompassing 2,378,016 square miles. This area of responsibility and limited capacity to deter foreign vessels from fishing illegally within the Bahamian EEZ, coupled with an inability to discourage the marketplace from trafficking in stolen resources, has led to an erosion of community confidence in law enforcement. As a result, a number of Bahamians dependent on healthy fisheries, including fishers, have launched informal initiatives outside of government assistance in an effort to elevate awareness and provide law enforcement with actionable intelligence. While these citizen efforts demonstrate a strong commitment from the fishing community to be a part of the solution, the struggle to contain foreign poaching has become a barrier to accepting actions that address domestic IUU and its contribution to the decline in marine resources.

In this report, we analyze the legal framework, competencies, and jurisdictions of all marine enforcement agencies and stakeholders in order to strengthen the existing Bahamian compliance system in a practical, affordable, and feasible manner, implemented over a five-year period. The next phase of the MAP project is to convene a workshop to develop a strategic action plan by the partner agencies in support of increased marine resource protection through improvements in four areas:

- Responses to foreign and domestic poaching;
- Maintaining high compliance with regulations;
- Elevating consumer and marketplace awareness to discourage illegal trade; and
- Establishing collaborative pathways between and among law enforcement agencies and fishery stakeholders.

This assessment’s findings are based on extensive interviews conducted with members of government agencies tasked with marine enforcement duties, NGOs, and island communities. The process included a review of the availability and status of personnel and equipment assets for agencies in the Northern and Southern Bahamas, including New Providence, Abaco, Bimini, Freeport, and Great Inagua. Those locations were also evaluated for representation of enforcement agencies, their location relative to the IUU problem, and their suitability for launching potential action items, such as implementation of technology, training, and joint operations.

Our assessment found dedicated and skilled individuals amongst government enforcement agencies and throughout fishing communities that are ready and willing to face the challenge of eradicating IUU fishing. However, there are gaps at the policy, operational, and community outreach levels identified within this report that, unless addressed, will continue to hamper the ability to control IUU fishing, including poaching in any meaningful way.

While there are notable successes by individual agencies, in order to ensure a unified approach to the protection of marine resources, the RBPF, RBDF, Bahamas Customs, DMR, and BNT need improvement in nationwide training, coordination, and cohesion. For all agencies, competing duties reduce attention to poaching and hinder the development of subject matter expertise in fisheries enforcement, especially at the complex crimes level. As a result, opportunities to detect and respond to IUU or local poaching could be missed.

Rather than dramatic changes in structure, we recommend improvements within the existing agencies and legal framework. The recommendations span the five key elements of an effective Marine Protection System (MPS) and include activities such as: supporting community activism, building inter and intra-agency communication and coordination, in-depth investigations, leveraging technology, supporting enforcement staff with the proper tools and skills training, and most importantly, dedicating personnel solely to natural resource law enforcement.

To achieve a high degree of compliance, natural resource protection cannot be an ancillary duty. Fisheries crimes often contain layers of complexity, even inviting organized crime, challenging even the most skilled investigators. Going beyond the initial harvest activity by linking poaching to financiers and markets and identifying all the co-conspirators extends the reach of law enforcement and increases deterrence. Currently, enforcement agencies do not have dedicated personnel to fully occupy the role of fisheries detective and thus struggle with approaching enforcement in a preventative fashion. The result is a response largely driven by a heavy reliance on observed offenses. To ensure there is investigative depth beyond the initial violation detection, among the key recommendations is the development of positions within both the RBPF and RBDF to serve as marine resource enforcement investigators and liaisons between agencies, within and outside The Bahamas EEZ.

As the lead agencies for fisheries and marine parks, DMR and BNT must also strengthen their detection capacity, which investigators rely on, and make critical investments in staff, infrastructure, and officer development training. It is also recommended that Bahamas Customs build upon its existing public education and detection capabilities to place more emphasis on fisheries resources, particularly where there is a cross-border nexus.



# OBJECTIVES AND INTRODUCTION

## OBJECTIVE

The main objective of this report is to provide the results of a marine enforcement gap assessment and practical recommendations for strengthening the capacity of marine enforcement agencies in controlling illegal, unreported, and unregulated (IUU) fishing. This was facilitated via an assessment of current compliance efforts in The Bahamas, based on literature review, interviews with local enforcement actors and communities, analysis of existing co-management strategies, and two comprehensive site visits.

## INTRODUCTION

The sustainability of the Bahamian marine environment and survival of Bahamian culture are under threat from climate change, pollution, run-off, habitat loss, and IUU fishing. Chief among these threats is the presence of IUU by foreign fishing vessels operating in the Bahamian EEZ, which unless adequately addressed will impact progress on any other front. Stronger protection of Bahamian marine resources requires that residents and visitors change how they interact with the sea.

For The Bahamas, establishing a comprehensive marine protection plan is further complicated by the vastness of the marine landscape, the overarching goal of controlling IUU fisheries while supporting legitimate domestic fisheries, and the presence of multiple in-country government agencies that share responsibility for marine enforcement. Improving marine protection here will require a robust and well-coordinated multi-agency plan.

This report is the first of a multi-step strategy designed by the MAP and will inform the development of a strategic plan containing specific actions crafted by Bahamians. Lastly, Bahamian law enforcement agencies will implement the action plan, with additional support by key stakeholder groups.

Regardless of where on the globe you look, it's rare to find one government agency that possesses all the funding, tools, authorities, personnel, and expertise to unilaterally carry out a marine resource protection mission. In The Bahamas though, it is clear that a solid foundation exists from which to build out an effective marine protection program and increase compliance. All agencies recognize the importance of functioning partnerships for improving marine law enforcement and regulatory compliance.

## WILDAID MARINE METHODOLOGY

The design of an enforcement and compliance system requires a sound understanding of site characteristics, a snapshot of the biological and social relevance of the area, nature of threats, the broad body of laws and regulations that make up the legal framework, and an operational profile of key agencies. This Marine Protection System assessment was developed through a combination of the following three complementary activities:

1. A literature review
2. Informational interviews (both formal and informal)
3. A comprehensive site visit

The scope of the assessment is limited to the information provided and is designed to provide a broad strategy to focus efforts of future planning workshops in phase 2 of the MAP project. See Appendix I for a complete overview of the methodology.

The assessment takes WildAid Marine's partners through our replicable 'BLUEprint for Marine Enforcement' process to create a comprehensive, self-sustaining Marine Protection System that discourages illegal activity and provides meaningful improvements in enforcement and compliance. The assessment process takes place during phase three of our BLUEprint and provides a plan for carrying out phases 4-6.

## BLUEPRINT IN DETAIL





Our proven MPS model strengthens the five key elements of a complete and successful law enforcement system. It can be customized and scaled to meet local needs to discourage illegal activity and encourage law-abiding behavior. Our 'BLUEprint' process helps partners address and strengthen all five elements, addressed in the Marine Protection System assessment and plan. By the time a site becomes a Regional Leader, they will have demonstrated measurable improvement in their Marine Protection System and can act as Regional Leaders, exemplifying successful marine management in their region.

Sustainable fisheries management cannot succeed without effective enforcement and compliance efforts. In its absence, open access and resource conflicts will continue to promote unsustainable resource use and jeopardize the future of The Bahamas' marine resources. Establishing a comprehensive Marine Protection System and respect for the rule of law are the cornerstones of sustainable fisheries management and mandatory for long-term success in The Bahamas. The next step in this process is a stakeholder workshop to develop an action plan based on gaps and recommendations identified in this assessment.



#### **SURVEILLANCE AND ENFORCEMENT:**

Sustainable fisheries require surveillance systems (such as cameras and radar) and patrol resources (such as boats) to find and catch poachers. We tailor resource recommendations based on local needs.



#### **POLICIES AND CONSEQUENCES:**

We work with lawyers, judges, and governments to strengthen laws and ensure meaningful consequences for poaching and other illegal activities.



#### **CONSISTENT FUNDING:**

We develop long-term budgets that streamline operating costs and create new revenue streams to ensure the MPS has consistent, long-term funding.



#### **TRAINING AND MENTORSHIP:**

Staff must understand the System, their responsibilities within it, and how to operate and maintain tools. We provide training, mentorship, and professional development to build local capacity.



#### **COMMUNITY ENGAGEMENT:**

We empower fishers, tourism operators, and local communities to participate in the management of their marine resources. We help law enforcement officers educate their communities on the value of their marine environment, design awareness campaigns to foster understanding and buy-in for new enforcement strategies, and support community-based management strategies.







Photo by Shane Gross for TNC

## MAP 1: BAHAMAS EEZ, DISPLAYED NEXT TO ITS CLOSEST NEIGHBORS.



# AREA CHARACTERISTICS & CONTEXT

## LOCATION AND SIZE

For The Bahamas, controlling fishing activity is complicated by its broad spatial scale. The Bahamas consists of 700 islands and 2,000 cays, with an EEZ encompassing 2,378,016 square miles. As it relates to IUU fishing, its key neighbors include the Dominican Republic, at approximately 100 miles to the south, and the United States of America, at approximately 50 miles to the north.

## BIODIVERSITY INFORMATION

Said to occupy the edge of what has been dubbed as the Caribbean Biodiversity Hotspot, the island habitats of The Bahamas support dozens of endemic species, including 13 marine, 26 reptile, and 8 bird species. The marine environment provides sanctuary to migrating species, including sharks, saw-fish, rays, and sea turtles on the International Union for Conservation of Nature (IUCN) Red List of Threatened Species. To help protect this delicate ecosystem, which includes fragile coral reefs, is a national park system encompassing more than 2.2 million acres of terrestrial and aquatic areas.

## COMMUNITY

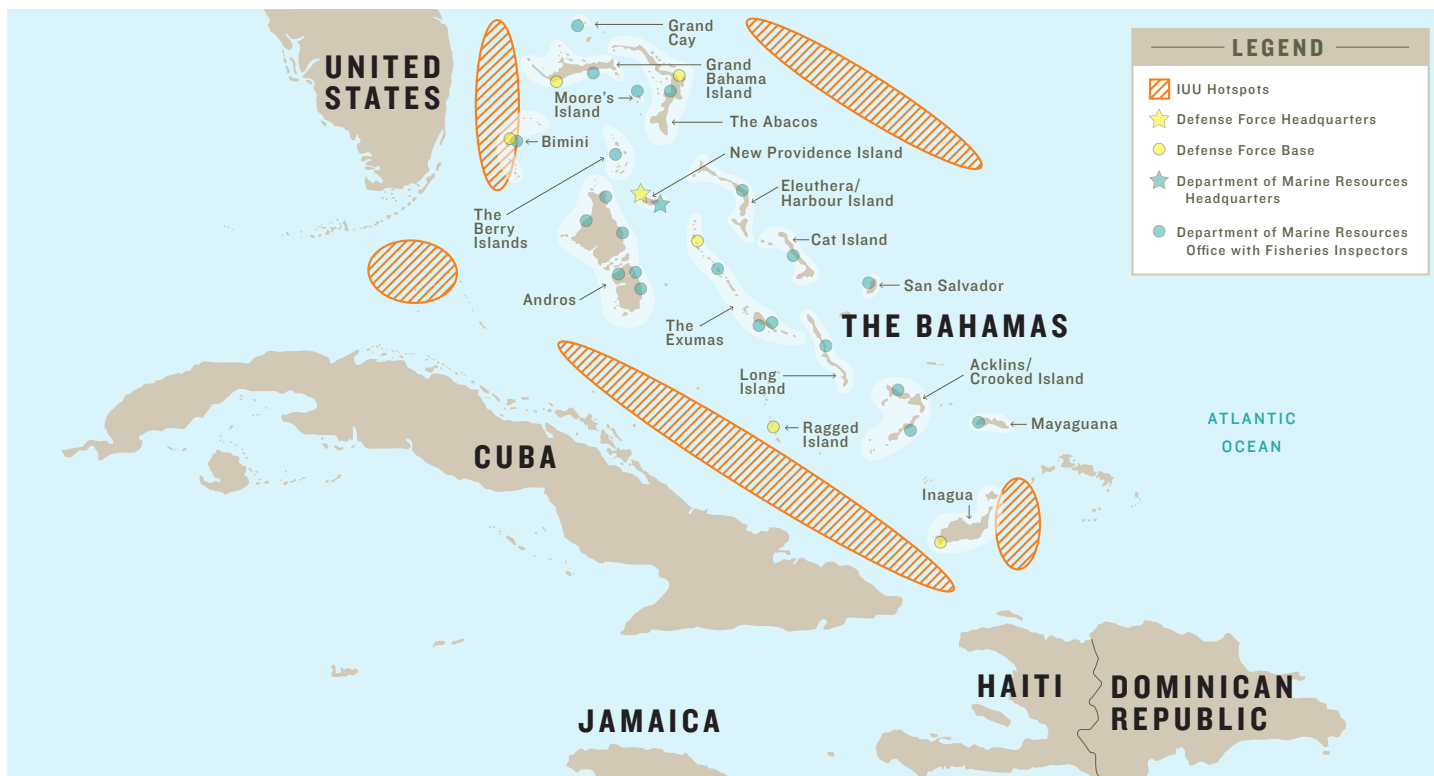
New Providence and Grand Bahama have the largest population sizes at 250,000 and 50,000 respectively and are the most

developed. The remaining inhabited islands, referred to as Family Islands, are more remote with limited infrastructure and smaller population sizes, ranging from less than 100 to approximately 18,000 people. Fish and fisheries consumption provide 10% of total protein intake for the country. Approximately 15% of the labor force works in the fisheries sector<sup>11</sup>. In 2017, capture fisheries in The Bahamas produced 11,400 tonnes, with Caribbean spiny lobster and queen conch accounting for 68 and 29 percent of total catches respectively.

## KEY MANAGEMENT AUTHORITY AND PLANNING

A number of laws are in place that provide a proper basic legal foundation to protect marine resources. The Fisheries Act provides the overarching management and enforcement authority for fisheries in general, including within marine parks. The Bahamas National Trust Act establishes laws for governing activities within marine park borders. The Wildlife Conservation and Trade Act (WCT) of 2004 provides import and export controls beyond the Fisheries Act by implementing the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). Though Customs, Defence Force, and Fisheries Inspectors have the authority to enforce the WCT, the provisions are not well known and underutilized.

## MAP 2: ILLEGAL FISHING HOTSPOTS IN THE BAHAMAS EEZ AND ENFORCEMENT INFRASTRUCTURE.



As the consummate fisheries conservation agency, DMR is ultimately responsible for setting related national priorities and over-all coordination at the policy level. BNT provides enforcement within the boundaries of most marine parks. Marine parks may also be established under the Fisheries Act. Under the current legal and operational scheme, DMR and BNT rely heavily upon other agencies to detect and pursue fisheries violations. Those agencies include RBDF, RBPF, and Bahamas Customs, who have competing primary missions, such as homeland security and public safety. This model is not unusual, and can work, provided that a single agency is coordinating and guiding the fisheries enforcement efforts of supporting organizations. Success, though, is predicated upon the lead agency having the subject-matter expertise in the area of fisheries law enforcement and connecting that with other agencies in a way that provides guidance.

## INFRASTRUCTURE

The Headquarters of the Defence Force: Coral Harbour, on New Providence Island. Additional bases are located in Matthew Town, Great Inagua and Freeport, Grand Bahama.

DMR – The Headquarters of the Department of Marine Resources is located in Nassau. Offices distributed throughout the islands that have DMR personnel designated as Fisheries Inspectors include: Grand Bahama, Bimini, South and North Andros, Acklins, Long Island, Abaco, Grand Key, Moores Island, Exuma, San Salvadore, Berry Island, and Cat Island.

## FISHING CHARACTERISTICS AND IUU

Domestically, the quality of life and survival of Bahamian culture is dependent on its fisheries. For example, residents of Family Islands rely on subsistence fishing as a source of protein and Bahamian commercial fisheries, such as the spiny lobster industry, contribute \$90M USD per year to the nation's economy. Other important fishery resources include snappers, stone crab, Nassau grouper, and various mackerel species<sup>2</sup>.

Spiny lobster stocks in The Bahamas are being fully exploited, while conch, snappers, and groupers undergo heavy fishing pressure, like in the rest of the Caribbean. Some of these stocks may be overexploited. Conch landings have declined in recent years and most fishing grounds are overfished to densities incapable of reproduction. Likewise, Nassau grouper (*Epinephelus striatus*) production has decreased by half over the past decade<sup>3</sup>.

There are an estimated 9,300 commercial fishers in The Bahamas. The commercial fishing fleet is well-known and includes approximately 4,000 active fishing vessels. These include both small dinghies and large motherships.

Small vessels (around 17 feet (ft)/5.5 meters), or dinghies, operate different types of gears/fishing techniques, including diving to target conch and lobsters. Fishers typically take these out on single day trips, but some do operate under a mothership during the season.

Motherships are usually above 20ft (6.6 meters) and require registration. These can operate at sea for several days to weeks, depending on their size. Motherships mainly target conch and lobster but can also operate secondary gears, like nets, to capture snappers, groupers, or other groundfish.





The Bahamas has banned longlines as a gear type. Large pelagic fish species are primarily targeted by Bahamian sport interests, such as charters, with some smaller vessels pursuing them commercially. There are reports of foreign vessels illegally targeting these species, with a recent seizure of a Dominican vessel that had a small number of sharks onboard along with closed season grouper.

Fishing in The Bahamas, as in most Caribbean countries, is based on open access fisheries. No license is required to fish with authorized fishing gear, except lobster traps. Fishing by use of scuba diving gear is officially forbidden, but a special permit license can be obtained by trained professional divers to use compressors for targeting conch and lobsters. Originally intended to assist divers who catch lobsters from condos or casitas, the permit is not species-specific; thus, the use of compressors for conch fishing has grown as an unintended consequence. Fishing is restricted to Bahamian vessels, with the exception that non-citizens can participate in sportfishing with a license that is valid for up to nine months.

Trap licenses are needed to use traps for lobsters – trap numbers (markers/identifiers) must be written on the traps, or buoys, with some specific characteristics. There are no regulations that specifically forbid the tampering of traps, though thefts are reported to be an ongoing problem. A closed season is in place for spiny lobster and groupers<sup>4</sup>.

Commercial fishing takes place on the continental shelf, mainly on the Great Bahama Bank and Little Bahama Bank. However, landing sites are difficult to compile, as nearly any beach in The Bahamas can be used as a landing site. Some popular sites include Spanish Wells in Eleuthera and Montagu Ramp in New Providence.

IUU fishing poses a major threat to the sustainability of Bahamas fisheries. IUU fishing targets valuable resources including corals, reef fish, sponges, and sharks, among others. Limited government records were found to evaluate the scale of the problem. However, marine scientists conclude that approximately 36% of all Bahamian landings are categorized as IUU fishing<sup>5</sup> and a report by The Bahamas states that 35% (or 4.3 million) of the known export of 12.5 million lobsters from The Bahamas are removed illegally. Other news reports, fisheries research, and witness accounts from Bahamian fishermen and law enforcement officials all illustrate the significance of the threat.

## FOREIGN IUU

Bahamian waters are threatened by foreign IUU especially on its northern and southern borders. RBDF has reported foreign illegal fishing by multiple countries in the southern Caribbean, as well as the United States (U.S.).

### IUU THREATS FROM THE SOUTH:

Foreign illegal fishing has been reported by RBDF by multiple countries in the southern Caribbean. Of the threats posed, the threat from the Dominican Republic (DR) is reported as the most prevalent.

Vessels from the DR primarily target lobster, grouper, and conch, as well as sharks. Media reports illustrate the escalating conflict between the Bahamian fishing community and DR-flagged fishing vessels, including exchanges of gunfire. Dominican vessels actively resist at-sea boardings by the RBDF, incorporating evasive tactics. In one instance, a Dominican vessel rammed an RBDF patrol vessel when attempts to elude were unsuccessful, causing extensive damage to the RBDF vessel hull and endangering the crew.



The RBDF has seized a number of DR-flagged vessels with the ability to deploy 20 to 30 small skiffs, and there are reports of even larger vessels that can hold over 50 skiffs. These mother-ships host divers using compressed air to harvest deep-water resources up to 90 feet in depth – a practice that is illegal under Bahamian law. Motherships often reduce their risk of detection by positioning themselves just outside the Bahamian border, then deploying smaller vessels to fish all day within the Bahamian EEZ before retrieving crews and stolen fisheries resources at night.

According to the Dominican Republic's Third National Report to the United Nations Convention on Climate Change, fishing production in the country is declining – from 18,000 tonnes in 1996 to just 8,944 tonnes in 2015. Like The Bahamas, the DR is tourist dependent, with seafood consumption inherently built into the experience. Some claim legal seafood imports make up the difference between supply and demand, but other anecdotes suggest that their resources have been illegally obtained from Bahamian waters.

#### **IUU THREATS FROM THE NORTH:**

The proximity of the United States and the substantial number of recreational vessels operating out of South Florida and fishing in the Bahamian EEZ contribute to IUU fishing in The Bahamas. Reports of U.S. recreational vessels violating Bahamian law abound, including entering Bahamian waters for the day without checking in or out with Customs, fishing without a permit, and exceeding possession limits. Given the reliance on American tourism, there is some reluctance within The Bahamas to tackle this side of the poaching problem. For example, a DMR inspector attempted to take action on

Floridian citizens who exceeded possession limits and found a lack of local support from the business community, fishing club, and police, resulting in no formal sanctions.

While less information is available regarding IUU by U.S. vessels for commercial purposes, there have been unverified reports over the past year of encounters with vessels suspected of harvesting aquarium fish, and U.S.-based businesses offering unlicensed charter services for the dive and sportfishing community. There is also anecdotal information that restaurants in Florida and other states are being supplied with fish, lobster, and conch harvested under recreational or sportfishing pretenses by U.S.-based fishermen. Further investigation is warranted, given the extent of the anecdotes.

### **DOMESTIC IUU**

Information from in-country interviews and observations suggests that the rate of detection for domestic IUU is far lower than the rate of compliance. Because the domestic fleet returns to Bahamian ports and is subject to inspections both on and off the water, Bahamian law enforcement could be in a better position to achieve a higher violation detection rate and level of compliance than what might be achieved with foreign vessels. Despite the additional inspection opportunities, there are few case examples. This may be attributed to the focus of the Defence Force on foreign poaching, which takes limited resources away from local oversight, as well as loopholes in regulations, coordination challenges among the agencies, and a lack of readiness for the primary fisheries protection agency.





The vast majority of the local land-based inspection and enforcement work is conducted by DMR personnel, who are at risk because they are not properly trained and equipped to pursue crimes and protect themselves from harm. Being under-prepared to fully execute the law enforcement responsibility is an important factor in whether personnel are willing to place themselves in a position that might require them to act. Within the marine parks, BNT Wardens share a similar situation.

Partly due to legal system design, and partly due to practice, Fisheries Inspectors are often treated rather than as law officers who are able to intervene when an inspector or warden encounters a hostile or uncooperative subject only exacerbates the lack of respect as a fisheries enforcement authority. Because most of the interactions with the public stem from suspicious activity, a routine inspection can quickly escalate into conflict, thus the inspector or warden needs to be able to immediately respond to changing situations.

While a recent change in the BNT Act (Chapter 244) in 2019 has, to some degree, rectified this for Wardens by giving them the power to issue fines on the spot, without the proper use of force or tactical training and safety equipment, the usefulness of this tool is limited to only the most compliant violator. Under current law, Fisheries Inspectors do not have the ability to issue fines and still have to deliver the suspect to the police or rely on police response. In a recent example, a DMR Fisheries Inspector contacted a fisherman who then became non-compliant, resulting in an assault on the inspector. The inspector lacked the basic equipment (such as handcuffs and a radio) to safely detain the violators and protect himself. The police were reached after the fact, yet they were unsupportive.

## TOURISM

As the primary industry, tourism represents over 40% of the country's total gross domestic product (GDP). Tourism places a significant demand on marine resources through marine life viewing, sportfishing, and by consumption of native seafood<sup>6</sup>. The Bahamas hosts the largest shark diving industry in the world and organizes fishing tournaments on a regular basis with United States and Bahamian sportfishing associations.

The Bahamian fishing license, required for all non-citizens, is actually a "cruising license" and thus applies to multiple activities making it difficult to differentiate fishing from general boating and estimate the sportfishing population. No information was available regarding the catch per unit of effort for this sector.

While visitors are subject to vessel catch limits, gear restrictions, and a seasonal structure for some species, non-compliance can contribute significantly to overfishing and can compromise fisheries management. The majority of law enforcement officers interviewed believe that they are inspecting only a fraction of the visiting fishing fleet. Within the marine parks, Wardens advise that other duties such as revenue collection competes with these inspections.

There is no data available regarding the number of violations compared to the number of inspections available, but anecdotal information exists to suggest the level of compliance is low. We witnessed numerous examples on social media of Floridian citizens sharing pictures and stories of illegal fishing from The Bahamas. Additionally, there are other reports of Bahamian citizens encountering violations of seasonality and gear by U.S. citizens. Law enforcement officials have shared that they believe more violations would be detected if they had more time to focus on compliance work.









Photo on left by Jeff Yonover for TNC

Photo below by Gregg Casad for WildAid Marine

# ANALYSIS OF EXISTING ENFORCEMENT CAPACITY

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## REGULATORY FRAMEWORK

In the following section, we provide some observations on loopholes and other problems present in the regulatory framework relevant to fisheries enforcement identified during the preparation of this report. These were assessed during the literature review and there may be other key pieces of legislation governing fisheries enforcement that may have been missed.





TABLE 1: REGULATORY FRAMEWORK

REGULATORY ITEM	OBSERVATIONS	MEANING FOR BAHAMAS
Fisheries Resources (Jurisdiction and Conservation) Act (Chapter 244) - 1986	<p>The main act governing fisheries management and which provides authority to various enforcement agencies. Both the current and draft Fisheries Acts were reviewed.</p> <p>Various stakeholders comprising of the Fisheries Advisory Council recently reformed the Fisheries Act. The amendments address numerous gaps, resulting in improved protection for The Bahamas' marine resources. Currently pending approval by the Attorney General's Office. Gaps include unclear or convoluted arrest, inspection, and evidence collection authorities; the lack of definitions, and processes or penalties for emerging activities the government should be controlling (see Appendix I).</p> <p>In addition to issues addressed in the draft Fisheries Act, we found that vessel seizure and forfeiture is part of the same criminal proceeding as the underlying crime. There were two examples observed during the assessment cycle where Fisheries Inspectors were told to release vessels prior to adjudication of the case. Evaluating the decisions behind the seizure or release is beyond the scope of the assessment. However, early release of seized evidence can be a negative factor in compelling foreign nationals to return to The Bahamas to face charges.</p>	Implementation of the many recommendations in the proposed draft of the Fisheries Resource and Jurisdiction Act are necessary to increase compliance and control IUU fishing. The present legal foundation must be strengthened or many of the recommended measures for improvement will be ineffective. We provide an overview of recommendations in subsequent sections.
Wildlife Conservation and Trade Act (Chapter 250A) - 2004	Though all the agencies mentioned in this report have the authority to enforce this Act, indications are that the law is not being used as a tool due to lack of awareness.	The provisions within this Act have a direct bearing on controlling smuggling and illegal trade of natural resources, to include CITES listed species. Training on this Act should be complementary to training on CITES as the two are connected.
The Bahamas National Trust (Amendment) Act (Chapter 391) – 1959; amended 2010, and 2019.	It appears that the BNT Act provides exclusive jurisdiction to the BNT, requiring the presence or involvement of a Warden to enforce the provisions.	A 2019 amendment allows for park wardens to issue fines and on-the-spot power to take action, rather than relying solely on the RBPF. Before this amendment, any offender, even if the offense is minor, would have to be taken to the nearest police station, which could be 70-100 miles away. The offender would have to then be charged and processed through the court system, in a very lengthy and involved process. This amendment allows fines to be issued immediately.
Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)	Partner agencies, especially Customs, requested identification guidelines of banned or endangered species and penalties for possession.	Training Customs and other agencies on this treaty and how The Bahamas supports controlling illegal trafficking of sensitive species and the provisions of CITES in general can create more enforcement capacity, multiplying the number of personnel that can detect violations, especially in funnel areas such as ports of entry.
Vessel entry/exit requirements Customs Management Regulations Part III	<p>Bahamas Customs issues fishing and cruising permits.</p> <p>While entry into The Bahamas is well-controlled where there is a terrestrial crossing, vessel traffic is more challenging.</p> <p>Legally, non-resident vessels and their passengers can come and go within the country after initial formal entry, provided they purchased a cruising/fishing permit. At the time of assessment, departures were less controlled. Only vessels traveling south were required to check out because southern countries require it. North-bound vessels, such as those returning to the U.S., were not required to do so.</p>	<p>Some visitors take advantage of not having to declare departures from The Bahamas and exceed bag limits on their way out of the country. Effective in January 2020, fishing permits are valid for up to 3 months, and cruising permits (combined with fishing) are valid for 12 months. Visiting anglers can easily reduce interactions with Bahamas Customs officials though they do have to be re-inspected within 90 days, which could be a vital opportunity to detect violations. The ease with which violators can avoid detection encourages risk-taking and higher non-compliance.</p>
Conch Fisheries Resources (Jurisdiction and Conservation) Act Regulations; Chapter 244; Section 19; Part III, Conch; .27	The current regulation requires that “no person shall take, have in his possession or sell any conch, the shell of which does not possess a well-formed flaring lip.”	Without a legal definition of “well-formed”, any violation can be viewed as subjective and can cause problems in prosecution. Additionally, there is no requirement that conch be possessed or landed in the shell. These regulatory weaknesses could encourage non-compliance, including harvesting undersized conch and leaving the evidence (shell) on the seafloor. The result is a higher than anticipated harvest rate on juvenile conch.
Bag Limits Fisheries Resources (Jurisdiction and Conservation) Act Regulations; Chapter 244; Section 19 Part X, Sportfishing, .48 (d) (f)	Restrictions on bag limits only apply to visitors with a permit when the fish or shellfish are present on the vessel. Thus, this law is frequently bypassed by foreign fishers who make multiple trips in a single day, or quickly offload excesses.	Because fishers can quickly offload goods, the time that enforcement officers have for inspections is greatly reduced. This could lead to lower compliance, because the fisher knows they have a lower risk of getting caught, and more violations of the regulation.

TABLE I CONTINUED...

REGULATORY ITEM	OBSERVATIONS	MEANING FOR BAHAMAS
Prohibited apparatus (dive compressors) Fisheries Resources (Jurisdiction and Conservation) Act Regulations; Chapter 244; Section 19; Part I, General; .2 & .10	This regulation specifies that equipment such as dive compressors are prohibited when intended to be used for fishing. However, DMR currently provides some licenses for the use of compressors during the lobster season. It does not specify what the compressor can be used for but was intended for use during lobster season for harvesting lobsters from condos. It is only permitted between 30 and 60ft of water which is very difficult to enforce but was enacted to protect critical reef species in shallow waters and to protect divers from the bends at depths over 60ft. Enforcing a law based on intent is difficult and subjective. For example, in June 2018, the RBDP encountered a vessel on the fishing grounds in possession of five compressors. While not being used at the time of the contact, the crew was dressed in dive suits and had equipment ready for launch, among other factors. Officers stated that at a minimum, the vessel's crew was "attempting to commit a crime," which is crime under Bahamian law. The operator admitted that they were fishing for conch but denied any intent to use the compressors. No fish or shellfish were onboard, but the boarding officers did witness something get thrown overboard upon their approach. Despite the strong evidence and well-documented investigative and legal briefs, the decision to take law enforcement action was reversed and the case was ultimately dismissed in a court. In this example, simply forbidding the possession of a compressor onboard a vessel would be the easiest to enforce. While fisheries laws are often written to accommodate some legitimate practice, policymakers must consider legal loopholes used by illegal fishers and poachers.	Unless the regulation is constructed in a way that ensures law enforcement is successful in detecting abuse under challenging circumstances, compliance is likely to be low. Therefore, this ambiguity in the law could potentially have negative impacts on fishery sustainability.
Underweight Fish Fisheries Resources (Jurisdiction and Conservation) Act Regulations; Chapter 244; Section 19; Part V, Scalefish, .35	Strictly written, hooking either rockfish or grouper weighing less than three pounds constitutes a crime, even if the animal is released, which results in criminal sanctions. To better address this issue, and if hooking mortalities are not a factor, the law could be amended to make possession unlawful or enact gear restrictions on hook size.	A stronger regulation is likely to increase compliance.
Special Use permits Fisheries Resources (Jurisdiction and Conservation) Act Regulations; Chapter 244; Section 19, Part I, General Part II, Crawfish, 20 (4) Part X, Sportfishing, .46 Part XV, General; .73 Part XIII Licenses and Permits	Operational staff from partner agencies expressed frustration over the lack of real-time access to information such as fishing, research, and cruising permits or special use permits that are exceptions to the law. Additionally, they requested identification guidelines of banned or endangered species and penalties for possession.	Better-informed law enforcement officials spend less time detaining suspects, which reduces public frustration, and generally increases efficiency.
Seafood Traceability Fisheries Resources (Jurisdiction and Conservation) Act Regulations; Chapter 244; Section 19; Part II, Crawfish; .23	DMR is the only entity enforcing the limited seafood traceability regulations, though other agencies would have that authority under the Fisheries Act. Restaurants and retail vendors do not keep records, with one exception: lobsters. Prior to seasonal closures, DMR sends a letter to known restaurants and requires them to submit closed season inventory of lobster tails, though they are not required to report who provided them. Letters do not always go out in a timely manner and, legally, there is no time limit to turn in the report. After submission, inspectors generally visit the restaurant once every two weeks (depending on the total number of establishments) until the season opens. This process appears to be time consuming, and restaurants intent on buying out-of-season lobster could easily bypass the regulations by starting with a large inventory and replenishing with closed-season lobster, as long as they do not exceed the originally reported amount. While DMR Fisheries Inspectors have the authority to view and compare sales receipts, only a thorough audit would prevent illegal activity.	Required seafood harvest and receiving records aid in tracing seafood back to origin. This also creates a record that can give law enforcement an important starting point to ascertain legal origin. This should be implemented across sectors to increase effective fisheries management and law enforcement.  With limited resources, the time burden on DMR Fisheries Inspectors to inspect "known" lobster markets seems intense and must be weighed against potentially taking attention away from identifying the illegal markets.



## PUBLIC SECTOR (AUTHORITY/LEGAL)

In the following section, we aim to gauge the capacity of the current enforcement actors to enforce regulations in The Bahamas.

Multiple enforcement agencies in The Bahamas are authorized to ensure compliance with fisheries regulations via the Fisheries Resources (Jurisdiction and Conservation) Act (1986). Any infractions of the Act constitute a crime punishable by jail and or a fine. Chapter 244 states that:

“...every member of the Defence Force, every officer of the revenue, every peace officer and every officer of the Department of Agriculture and Fisheries appointed for the purpose by the Minister by instrument in writing shall be a fisheries inspector for the purpose of this Act and shall have and may exercise the functions assigned to a fisheries inspector by or under this Act.”

According to procedural requirements within the Fisheries Resources Act, any items or people detained under this section by a Fisheries Inspector should be delivered into the custody of the most senior police officer as soon as possible. The fisheries officer will inform the police officer of the crime and the police officer will bring the detainee before a magistrate's court for prosecution and sanctions. The Fisheries Resources Act also requires the police to release the offender if there is no complaint filed by the Fisheries Inspector.

The management of fisheries is primarily the responsibility of the Department of Marine Resources (DMR). Under the current legal scheme, DMR, RBDF, BNT, Bahamas Customs, and the RBPF can all detect and apprehend fisheries violations or IUU to varying degrees, but only the RBPF can bring charges to the magistrate. Without the support and interest of the RBPF, whose primary mission is public safety, natural resource enforcement can be effectively paralyzed.

Even though DMR Fisheries Inspectors and RBDF officials are authorized to conduct entire IUU fishing investigations and conclude them by making arrests, the usual RBPF procedure is to conduct a parallel investigation of their own, likely duplicating the work. On the surface, this design can be viewed as providing understaffed fisheries officers with needed assistance; in reality, this process has caused confusion, likely inhibiting DMR inspectors or BNT wardens from building the expertise and tactical confidence necessary to go the distance on an investigation.

Without extraordinary coordination, this heavy reliance on other agencies through a hand-off procedure for natural resource cases in the investigative stage can result in missed opportunities to delve deeper into fisheries violations and connect other illegal acts and co-conspirators, as well as affect ownership and responsibility for the enforcement work.

Any lack of interest on behalf of the RBPF in bringing a case to prosecution level readiness will directly impact the outcome. There are also examples where RBPF constables unfamiliar with natural resource regulations dismissed cases brought forward by DMR officers, questioning their authority, procedures, and tactics.

## CHALLENGES

The current system poses a number of challenges for law enforcement officials. Punitive action involving a fisheries violation first requires a physical arrest, delivery to an RBPF constable, and RBPF participation to file the charges, regardless of the seriousness of the offense. Some general challenges include:

The Fisheries Resources (Jurisdiction and Conservation) Act treats a person in possession of a single lobster during the closed season the same way as someone with 100. All those interviewed felt that physically arresting someone was excessive for all but the most serious offenses. Consequently, many violations are handled by warnings, even where intent can be established by the person's behavior (hiding or destroying evidence, evasiveness) or prior contact with law enforcement (past warnings). No summons or citation system or other process to compel presence before a magistrate exists.

Arresting a person often involves the need to then care for a suspect's vessel and property, which is not always feasible. The larger the vessel, the greater the responsibility and liability for the seizing agency and officer.

Physically arresting a member of the community, neighbor, or relative can result in social consequences for the DMR inspector or BNT warden and even their families.

Except for a few staffers with police-level training through exposure as a reserve constable or other experiences, DMR inspectors and BNT wardens receive limited and sporadic training in arrest, detention, and defensive tactics, which threatens personal safety and agency liability. As a result, some personnel avoid enforcement in favor of other duties. Numerous encounters were described that illustrate the dangers of the job. For example, a poacher rammed an RBDF patrol vessel, jeopardizing the lives of the crew and leaving a large gash in the hull. DMR officers described suspects brandishing knives and firearms to avoid apprehension, and recent physical assaults on inspectors.

## HUMAN RESOURCES

A number of DMR and BNT personnel interviewed suggested that many basic law enforcement needs were not met by their respective agencies. While the RBDF, RBPF, and Bahamas Customs have chain of command structures, policies, training, and practices in place, DMR and BNT are lacking. Properly trained, vested, and directed wardens and DMR Fisheries Inspectors are crucial to the success of marine resource enforcement.

### LACK OF STAFF:

Enforcement officers require a focused approach to ensure they have the skills to pursue violations, can perform their job safely, will not violate civil rights, and have the flexibility to go where they are needed, when they are needed.

DMR is responsible for all fisheries enforcement. However, New Providence is the only place where enforcement is a full-time priority with three officers filling the role. Moreover, Great Inagua, the closest island to the Southern border, does not have a DMR Fisheries Inspector stationed, despite adequate government

Photo by Shane Gross for TNC

infrastructure and law enforcement partners. This is a major gap in addressing the threat of IUU fishing from the south.

As a primarily part-time activity, approximately 30 DMR personnel are charged with providing oversight to monitor 9,300 fishers, tens of thousands of visiting tourists, and local commercial fishing nationwide. Other duties include fish management inspections and food safety. The competing responsibilities conflict with their ability to develop the subject matter expertise needed for an effective enforcement role. Moreover, a number of positions that include the law enforcement responsibility are filled by personnel without the requisite formal appointment or commission to enforce the law. As a result, the law enforcement capacity is extremely low.

Likewise, 13 BNT wardens have enforcement responsibilities for 32 Parks, but reportedly spend little time enforcing fisheries regulations, as they are often focused on scientific studies, search and rescue, general park maintenance, mooring repairs, and revenue collection.

#### **INADEQUATE ONBOARDING:**

Several DMR Fisheries Inspectors shared examples of a lack of positional and situational respect. Oftentimes, the inspector's authority and actions were questioned by both the public and other law entities. Some believe this is because all DMR personnel are hired as assistant fisheries superintendents, and the process is not consistent with hiring, vetting, and training practices normally associated with most law enforcement agencies. DMR employees are vetted by RBPF (Police Certificate of Character) to ensure their suitability for a general public service position, rather than suitability for enforcement. No formal information was available that described specific qualifications and job responsibilities of a fisheries inspector.

By comparison, an RBPF constable undergoes an in-depth assessment exercise, conducted over a two-day period, which includes: physical fitness test, written test, individual interview with assessors, a medical evaluation, and a psychological evaluation.

#### **POOR PAY:**

DMR inspectors are paid far less than RBPF constables. A number of employees reported having second jobs in order to provide for their families and meet a reasonable standard of living in a high-cost environment. A closed season lobster poacher offering \$100 to look the other way provides almost a tenth of a DMR officer's monthly salary. Poor vetting and low pay can set the stage for corruption and bribery.

#### **TRAINING:**

Both BNT and DMR lack adequate routine law enforcement training regimen. However, DMR and BNT have provided limited law enforcement training for some of its personnel through workshops and partnerships, but it appears to be ad hoc instead of a formal approach that ensures skills and abilities are continuously refreshed. BNT officials highlighted their training facility, but we were unable to visit and evaluate the site.

#### **DMR AND BNT PERSONNEL AND CHAIN OF COMMAND:**

Neither agency has a formal chain of command structure for law enforcement activities. A formalized law enforcement chain of command is key to providing oversight and guidance to field personnel to ensure consistency of interactions with fishers and the public. As currently established, DMR Fisheries Inspectors report to regional or island supervisors that are primarily focused on non-enforcement duties. Further, it appears these supervisors receive limited to no guidance on evaluating an employee's law enforcement performance and proficiency. Additionally, our





TABLE 2: RELEVANT AUTHORITIES

GOVERNMENT AGENCY	JURISDICTION	SCOPE OF AUTHORITY	PHYSICAL PRESENCE AND RESOURCES	KEY OBSERVATIONS
Department of Marine Resources (DMR)	DMR is responsible for nation-wide fisheries enforcement, with a greater presence at landing sites than on-the-water.	Empowered to enforce the Fisheries and Wildlife Conservation Trade Acts, perform related inspections, arrests, investigation, submit reports to RBPF for prosecution and sanctions.	<p>New Providence is the only place where enforcement is a full-time priority with three officers filling the role. Approximately 30 DMR personnel have the ability to enforce the Fisheries Act as an ancillary duty.</p> <p>In Grand Bahama, DMR has access to immigration and customs vessels. Efforts are underway for an interagency agreement to allow RBDF personnel to patrol on DMR vessels for fisheries enforcement. The process has been delayed by liability insurance.</p> <p>DMR Fisheries Inspectors use personal vehicles due to a lack of agency-issued transportation.</p> <p>DMR has six total patrol vessels (many were recently purchased) but have not deployed many of them due to a lack of certified operators and some inspectors state they have little time to conduct patrols. Some existing patrol vessels are not appropriate for the context. For example, large patrol vessels cannot access shallow water.</p> <p>RBDF patrol vessel fleet includes a 187' multi-purpose cargo carrier, two 98' patrol boats, four 40-50' cutters, and a number of smaller fast response boats. Patrol boats lack simple radio direction finder technology (RDF). Global Positioning System (GPS) trackers do not seem to be used as a vessel or vehicle surveillance tool. Though the RBDF possesses a range of patrol vessels, many are not capable of accessing shallow water areas due to draft and size.</p> <p>They have a radar system for The Bahamas located at Great Inagua, the closest landmass to the southern border. They recently launched a fairly new drone program that includes 55 short and medium-range drones to help enhance surveillance efforts for various enforcement agencies. This should be a valuable asset in IUU vessel detection and complementary to physical patrols in responses to threats.</p>	<p>While DMR has the authority to make arrests for fisheries violations, they rarely do so. They feel under-prepared and often their investigation is minimal. They typically notify RBPF about violations, then when booked, the inspector writes a report recommending pertinent charges.</p> <p>DMR appears to have specified and adequate warrantless inspection powers on vessels and at businesses. There are differing internal opinions for implementing this power in the field: e.g. some feel that conducting an inspection of a processing plant without a warrant versus doing so on a vessel is problematic.</p> <p>DMR provides the primary presence at processors, landing sites, and markets. DMR inspectors have limited training in appropriate police procedure that is critical to decreasing case, officer, and agency liability.</p> <p>No policies exist for DMR related to wearing uniforms or personal appearance. DMR issues one uniform style to some of their personnel and the functionality, look, and distribution are inconsistent. Staff provide their own boots and hats. DMR Fisheries Inspectors lack badges and some lack government identification.</p> <p>DMR inspectors are not required to keep a formal patrol log – these are important information resources that can be used as evidence and protect officers and their agencies against false complaints and allegations. DMR inspectors lack VHF radios or other communication equipment and use personal cell phones to communicate. DMR Fisheries Inspectors are not issued flashlights.</p>
Royal Bahamas Defense Force (RBDF)	Military of The Bahamas, primarily the maritime domain with a focus on external security, with some domestic security functions.	<p>The same range of authorities as police, however, occupies primarily a supporting role inland. Has an effective intelligence branch and co-shares office space with the police.</p> <p>Specifically empowered in the Fisheries and Wildlife Trade Act. Fisheries protection is focused on marine harvest grounds.</p>	<p>RBDF patrol vessel fleet includes a 187' multi-purpose cargo carrier, two 98' patrol boats, four 40-50' cutters, and a number of smaller fast response boats. Patrol boats lack simple radio direction finder technology (RDF). Global Positioning System (GPS) trackers do not seem to be used as a vessel or vehicle surveillance tool. Though the RBDF possesses a range of patrol vessels, many are not capable of accessing shallow water areas due to draft and size.</p> <p>They have a radar system for The Bahamas located at Great Inagua, the closest landmass to the southern border. They recently launched a fairly new drone program that includes 55 short and medium-range drones to help enhance surveillance efforts for various enforcement agencies. This should be a valuable asset in IUU vessel detection and complementary to physical patrols in responses to threats.</p>	<p>RBDF has the authority to arrest and conduct the entire investigation. For agencies such as RBDF, escorting a violator back to shore requires ending a patrol and creating enforcement gaps for other criminal activity.</p> <p>RBDF issue both field and dress uniforms, distinguish between rank with insignia, and provide credentials that are professional and identifiable with that organization. They have policies related to wear and personal appearance and have personal safety equipment, including firearms, with appropriate use of force and tactical training, and safety gear, such as ballistic vests.</p>

TABLE 2 CONTINUED...

GOVERNMENT AGENCY	JURISDICTION	SCOPE OF AUTHORITY	PHYSICAL PRESENCE AND RESOURCES	KEY OBSERVATIONS
Royal Bahamas Police Force (RBPF)	A general authority law enforcement agency focused on Bahamas public safety.	Authority to enforce all pertinent Acts and can conduct inspections, arrests, investigations. Is the primary agency responsible for submitting cases for prosecution and sanction. Police provide the prosecutors.	Patrol vessels distributed throughout The Bahamas in various operational states. Mostly reactive responses compared to general patrols.	RBPF depends on RBDF or DMR inspectors to identify violations before investigating. After an alleged violation, RBPF officers conduct an in-depth investigation with statements, evidence collection, and preparation of the final case report. They deliver the case to a prosecutor who presents the case to a magistrate. DMR, RBDF, and RBPF relationships with the public, particularly on Family Islands, can hinder enforcement of fisheries laws. The RBPF has a fraud unit and the ability to carry out investigations. RBPF issues both field and dress uniforms, distinguish between rank with insignia, and provide credentials that are professional and identifiable with that organization. They have policies related to wear and personal appearance and have personal safety equipment, including firearms, with appropriate training, and safety gear such as ballistic vests.
Bahamas Customs Department (Bahamas Customs)	Primarily a revenue and tax collection agency that also focuses on smuggling and controlling exports and imports.	Authority to enforce the Fisheries and Wildlife Trade Acts.	Bahamas Customs has representation on 14 islands/cays that have 32 ports of entry.	In 2015, Bahamas Customs established a Marine Unit, currently led by a Superintendent. While the role of the Marine Unit seems to be focused on collecting revenue generated by the boating community through the purchase of cruising and fishing permits (both activities covered under the same permit), Bahamas Customs has the authority to enforce a number of Acts related to natural resources. There is an incredible opportunity to further engage this agency to increase enforcement capacity, particularly on the trafficking (smuggling) aspect of fisheries products.
Bahamas National Trust (BNT)	Manages and protects 32 marine and terrestrial parks with a territory of 2.2 million acres.	Authority to enforce provisions of the Bahamas National Trust Act within the boundaries of the parks.	BNT has 13 Park Wardens. BNT has a joint patrol agreement with RBDF for RBDF staff to ride on BNT vessels, but it is limited to Exuma Cays Land and Sea National Park.	Notably absent from the list of agencies granted authority by the Fisheries Act are BNT's wardens, whose ability to detain a violator within a Trust managed area (until recently) has been described as "grey." An amendment to the BNT Act (chapter 391) intended to clarify BNT warden's authority recently passed into law, but we were unable to determine if those changes also enabled wardens to enforce the provisions of the Fisheries Act and leverage those inspection authorities. The BNT could promulgate fisheries regulations within the parks – such as closing fishing – and enforce those provisions under the BNT Act.  DMR inspectors and BNT wardens have had limited training in appropriate police procedure that is critical to decreasing case, officer, and agency liability.  Inconsistent policies exist for BNT related to uniform wear or personal appearance. BNT issues one uniform style to some of their personnel and the functionality, look, and distribution are inconsistent. They are not provided the defensive equipment or training, should they encounter a violent suspect. BNT wardens do not require a formal patrol log – these are important information resources that can be used as evidence and protect officers and their agencies against false complaints and allegations.



interviews highlighted minimal or no law enforcement related expectations given to officers at the beginning of the year. These factors create uncertainty about whether developing law enforcement proficiency positively impacts an individual's ability to advance their career within the agency.

BNT wardens do not appear to report to a central law enforcement lead, which can affect uniformed training, planning, and operations.

#### **OPERATING SCHEDULE:**

DMR Fisheries Inspectors are required to work 8-hour days from 0900 to 1700 hours, five days per week. By contrast, fishing vessels generally return to port at the end of the day, providing inspectors a small window of time to operate. Night patrols are virtually unheard of. In small communities, such as those in The Bahamas, poachers can easily avoid detection by operating when law enforcement presence is thinnest. The fixed schedule of DMR fisheries inspectors is not conducive to preventing IUU activities. The operating schedule for BNT wardens was not assessed.

#### **STANDARD OPERATING PROCEDURES:**

DMR Fisheries Inspectors do not have a standard operating procedures (SOP) and policy manual for law enforcement. Fisheries Inspectors use templates/forms from other agencies or create their own to meet the need. BNT conducted some work with the RBPF to develop SOPs and policies while they were pursuing a special law enforcement commission, however, it is not clear if there is a final product, or if it has been implemented.

## **PARTNERSHIPS AND PRIVATE SECTOR**

Marine law enforcement agencies in The Bahamas lack the staff and resources to effectively prevent IUU. Poachers and traffickers easily transcend borders, and the internet has dramatically increased opportunities for buyers and sellers of seafood to conduct legal and illegal trade on a global scale. With greater distances between the market and the harvest grounds, poachers can more easily avoid detection. Law enforcement officials are unlikely to know laws outside their country and likewise face hurdles in prosecuting someone that lives or operates outside their jurisdiction. Strengthening relationships with other fisheries enforcement agencies, both within and outside of The Bahamas, could solve some of these challenges.

#### **CURRENT BAHAMIAN LAW ENFORCEMENT PARTNERSHIPS:**

There was a strong desire at the highest levels of the DMR, RBDF, and Bahamas Customs to forge working alliances that facilitate a higher level of compliance with marine fishing regulations. Interaction with the RBPF during the assessment was limited to island commanders, but they were also supportive of cooperation amongst agencies. Despite bureaucratic challenges to coordination and intelligence-sharing, such as heavy chain of command notifications and approval systems, as well as limited assets, site visits in The Bahamas revealed strong partnership opportunities.

In Great Inagua, the local RBDF station, a visiting RBDF patrol vessel command, Bahamas Customs, and RBPF all meet on a regular basis to discuss ongoing activities. Even without a DMR Fisheries Inspector stationed there, all other agencies have embraced the value of the fisheries mission, in addition to illegal immigration and humanitarian issues that require a lot of attention, given the island's proximity to the southern border.

In Bimini and Grand Bahama, DMR Fisheries Inspectors stationed in both locations have proven that they are able to build local support and strengthen partnerships through collaboration and joint operations. There are recent examples that involve joint responses to poaching.

#### **CURRENT CIVILIAN PARTNERSHIPS:**

Various NGOs, such as Bahamas Reef Environmental Educational Foundation and The Nature Conservancy, as well as Tourism and Fisheries Associations, such as the Fisheries Advisory Council, support fisheries enforcement in The Bahamas primarily through community outreach and education programs and in advising the Minister of Agriculture and Marine Resources on issues affecting the marine environment, including IUU fishing. The Fisheries Advisory Council, a collection of fishing industry and government representatives, was also involved in reviewing changes to the Fisheries Act. The involvement of such groups is important to inclusiveness in decision-making and, in the future, members drawn from these interests could be helpful in establishing and validating a unified set of law enforcement priorities. Other partnerships include informal community-led intelligence gathering groups. These could be valuable groups to include in larger decision-making or to trial a new hotline.

#### **CURRENT INTERNATIONAL PARTNERSHIPS:**

The RBDF has demonstrated a strong capability to garner assistance from other countries in order to enhance its intelligence gathering and monitoring effort related to foreign poaching. Networking efforts have involved the U.S. Coast Guard, U.S. National Oceanic and Atmospheric Administration (NOAA), and the government agencies of other Caribbean Nations.

Another international partnership is the Caribbean Wildlife Enforcement Network (CaribWEN), which was organized to help law enforcement better respond to poaching and intelligence sharing for the illegal trafficking of the Caribbean's endemic flora and fauna.

In July 2016, representatives of 11 Caribbean nations, various U.S. government agencies, NGOs, and intergovernmental organizations participated in the first Caribbean Regional Wildlife Enforcement Network workshop in Nassau, Bahamas. The vision includes the formation of a national organization, Bahamas Wildlife Enforcement Network (BaWEN), that will drive the regional construct and program. Even though BaWEN has not been implemented, this forum has vast potential in forming an operational task force platform that targets a full suite of illegal activity, including the targeting of marine resources.

Top photo by WWF  
Bottom photo by WWF









# FINDINGS / RECOMMENDATIONS

The following sections outline recommendations and strategies based on WildAid Marine's evaluation and technical expertise and are intended as ideas for strengthening the marine enforcement capability in The Bahamas. While these are not meant to address every issue that affects the viability of a Marine Protection System, many of the identified needs would be considered essential to law enforcement best practices and effectiveness, no matter the jurisdiction. The next step, under the Marine Action Partnership, is to build upon these observations during a stakeholder workshop to produce a strategic plan with agreed upon actions to close gaps.

## OVERALL OBSERVATIONS:

The enforcement of criminal provisions within the Fisheries Resources (Jurisdiction and Conservation) Act requires implementation of the same police procedures, skills, abilities, and tools found in general criminal enforcement. While other agencies share the fisheries enforcement authority, DMR inspectors and BNT wardens do not have access to the same tools and training as their colleagues in RBDF and RBPF.

While there are violators who are unaware of regulations and opportunists who take advantage of weaknesses in the protection system, there is a criminal element that requires a higher degree of preparedness. The first two kinds of violators can often be handled with a muted law enforcement response and an increased presence. The criminal poachers, however, do not distinguish between the police, a fisheries inspector, or warden when it comes to potential consequences and are more apt to use tactics to avoid capture, including aggression. An enforcement officer often doesn't know what category of violator he or she is dealing with until after the initial contact, which puts the officer's safety at risk. Law enforcement is a dynamic activity requiring officers to be fluid and immediately react. Thus, it is crucial to train enforcement staff so that they are prepared for all situations, an aspect currently lacking in the training of DMR inspectors and BNT wardens.

Regardless of where on the globe you look, it's rare to find one government agency that possesses all the funding, tools, authorities, personnel, and expertise to unilaterally carry out a marine resource protection mission. Sharing the marine resource protection duty is a necessity and positively increases the law enforcement footprint, but at the same time, one entity needs to be responsible for directing the total effort. Otherwise, there is a real risk of minimal agency cohesion, mission commitment, and cross-communication.

The best insurance is to properly invest in all the people that are doing this kind of work by dedicating more attention to the development of the law enforcement program in terms of training, equipment, and direct support.

Thus, our recommendations are framed to allow DMR and BNT to increase their law enforcement presence and capacity, while at the same time enhancing a unified approach among the various enforcement agencies to maximize the use of personnel and surveillance resources.

## PROJECT EXECUTION:

The actions recommended in this document will involve various considerations in terms of cost and logistics, so we recommend implementation at specific pilot sites.

The policy level components of the project should be centralized and should take place in Nassau where most agencies have headquarters. These should be flexible enough to meet and respond to changing local needs. Thus, we suggest establishing pilot projects to test many of the operational elements discussed in detail in the following sections, and then building out from there. The locations we recommend contain the following elements: (1) situated close to the foreign poaching problem, (2) most law enforcement agencies are represented, (3) officials have expressed a strong desire to support the fisheries enforcement mission, (4) some level of inter-agency cooperation already exists, (5) agency representatives are actually conducting law enforcement work, and (6) a supportive local community.

**Great Inagua:** Situated near the Southern border. RBDF Base with secure marine moorage, radar station, Police Base, Customs and Immigration presence, vessel patrol assets present, and a U.S. Coast Guard air station.

**Grand Bahama (Freeport):** Situated near the Northern border with frequent U.S. visitation, both U.S. and Customs and Immigration semi-co-located; RBDF, Police and DMR Fisheries Inspectors present, equipment-sharing and operational coordination exists.

**Bimini:** Situated near Florida with frequent U.S. vessel presence, DMR Fisheries Inspector present, recent examples of coordination between DMR, Police, Customs and Immigration; local community supportive of enhanced efforts to address IUU fishing.







# BLUEPRINT FOR MARINE PROTECTION

A law enforcement system is designed to monitor all activities within a given area ranging from tourism, research, and transportation to fisheries. Fisheries enforcement requires a holistic approach that accounts for the five components of the Marine Protection System listed in Table 3.

**TABLE 3: BLUEPRINT FOR MARINE PROTECTION RECOMMENDATIONS**

COMPONENT	RECOMMENDATIONS
 <p><b>SURVEILLANCE AND ENFORCEMENT</b></p>	<p>Partnerships:</p> <ul style="list-style-type: none"> <li>Expand partnerships with international agencies, particularly wildlife enforcement agencies</li> <li>For existing partnerships seek opportunities to strengthen collaboration on fisheries and wildlife enforcement</li> </ul> <p>Investigations:</p> <ul style="list-style-type: none"> <li>Increase detection of fisheries crimes by examining the flow of commerce and links between businesses (e.g. investigating the presence of criminal networks)</li> <li>Conduct investigation of large-scale fisheries crimes via a new position in RBPF to lead these</li> <li>Develop a trained investigative unit to follow up on fisheries crimes</li> <li>Create a new operational RBDF position to focus on fisheries enforcement and policy</li> <li>Increase the use of search warrants as an investigative tool</li> <li>Increase surveillance of suspects</li> <li>Increase seafood traceability</li> </ul> <p>Equipment:</p> <ul style="list-style-type: none"> <li>Issue standardized patrol logs for all agencies</li> <li>Create a shared database with real-time access</li> <li>Acquire basic technological tools for all enforcement officers</li> <li>Standardize DMR/BNT enforcement officer uniforms, identification, and equipment</li> <li>Provide defensive equipment and training for enforcement officers</li> <li>Conduct a fleet inventory for all fisheries enforcement agencies and establish inter-agency agreements to maximize use of resources</li> </ul> <p>Human Resources:</p> <ul style="list-style-type: none"> <li>Increase focus on enforcement duties</li> <li>Refine position description of DMR and BNT enforcement staff</li> <li>Re-design hiring process for DMR and BNT enforcement staff</li> <li>Consider establishing a dedicated chain of command for law enforcement branch of DMR and BNT</li> <li>Evaluate alternative work schedules</li> </ul>
 <p><b>POLICIES AND CONSEQUENCES</b></p>	<ul style="list-style-type: none"> <li>Customize a summons/citation program</li> <li>Consider administrative sanctions</li> <li>Establish vessel seizures as a civil action, to include posting bonds for release</li> <li>Support the amendments to the Fisheries Resources (Jurisdiction and Conservation) Act</li> <li>Develop a violation scale</li> <li>Train for tolerance of the law, rather than following the letter of the law</li> <li>Add BNT wardens to the Fisheries Resources (Jurisdiction and Conservation) Act</li> <li>Standardize the use of liability in fisheries laws rather than requiring a focus on intent/knowledge</li> </ul>
 <p><b>TRAINING AND MENTORSHIP</b></p>	<ul style="list-style-type: none"> <li>Develop institutional policies for DMR and BNT via a manual or guiding document that includes SOPs and job aids</li> <li>Provide systematic training for enforcement staff in various topics</li> <li>Provide new employee mentorship before allowing independent field operations</li> <li>Increase training opportunities in white-collar crimes</li> <li>Expose legal staff to fisheries enforcement via ride-alongs</li> </ul>
 <p><b>COMMUNITY ENGAGEMENT</b></p>	<ul style="list-style-type: none"> <li>Ensure that sources of legal information are accurate</li> <li>Establish a universal poaching hotline or tip system</li> <li>Provide rewards for tips that lead to a conviction</li> <li>Consolidate MAP outreach efforts via a dedicated public information officer and a shared media platform</li> </ul>
 <p><b>CONSISTENT FUNDING</b></p>	<ul style="list-style-type: none"> <li>Pursue grants</li> <li>Establish a Marine Conservation &amp; Enforcement Fund</li> <li>Add harvest card for visiting sport fishermen as an added fee</li> <li>Work with insurers and risk pool to bring down premiums or reduce payouts</li> <li>Formalize agreements with other law enforcement agencies to share equipment, trainers, and spaces</li> <li>Offer online training to increase efficiency and reduce costs</li> <li>Reduce operating expenditures</li> </ul>



# SURVEILLANCE AND ENFORCEMENT

## INVESTIGATIONS AND INSPECTIONS

Due to the span of geographic challenges previously discussed, the marine law enforcement approach should be diversified to increase detection of fisheries crimes. Interviews revealed that a large proportion of the effort is focused on patrolling the fishing grounds. We recommend some of the following actions to strengthen the ability to increase detection of fisheries crimes.

Large-scale poaching and trafficking often involve criminal networks impossible to properly investigate or understand simply at the patrol level. For example, police in Argentina recently dismantled a foreign criminal organization involved in the seafood export business for large-scale tax evasion, smuggling, and money laundering. Being in a position to address this large-scale abuse requires a fisheries specific monitoring, intelligence-sharing, and investigative capability. Whether agencies are facing IUU fishing challenges or non-compliance with bi-lateral fishing agreements, the required level of preparedness to either dissuade or address abuse is the same.

Common investigative techniques such as surveillance of suspects and businesses, undercover work, search warrants, and scouring social media for tips and evidence to build a case against poachers and illegal traffickers are underutilized for fisheries crimes in The Bahamas. Both training and dedicating personnel to fisheries-specific investigative work have been identified as needs that should be met to increase proficiency.

### INCREASE THE USE OF INVESTIGATIVE TOOLS:

Search warrants are more than a tool to access protected areas to obtain obvious evidence. Agencies should encourage their use to reveal the extent of the illegal activity by identifying illegal markets, financiers of vessel operators, and other co-conspirators. We recommend an introduction to writing a search warrant affidavit for all DMR, RBDF, and BNT law enforcement that have not had related formal training. To ensure the training is complementary to the special search authorities under the Fisheries Act, the curriculum should be customized for a fisheries enforcement application and include protocols for accessing vessel electronics and cell phones. Representatives from the RBPF and RBDF would likely be best suited to design and deliver the material.

Advanced search warrant training focused on drafting affidavits for bank and computer records and social media accounts is also recommended for those agency personnel that are best positioned to engage in in-depth investigations. The RBPF financial crimes unit could be a valuable resource for curriculum development and delivery.

Covert and overt surveillance is no doubt used by the police, Bahamas Customs, and RBDF to monitor suspects engaged in smuggling and illegal drug trafficking. An investment in these same tactics should be made for fisheries crimes. DMR should evaluate the Fisheries Inspector role in this approach. We recommend sending a representative from the Bahamas Customs, RBPF, and DMR to the natural resource criminal investigators school in the U.S.

### ESTABLISH A DEDICATED POSITION WITHIN RBPF:

The RBPF already has a unit specializing in financial crimes and fraud, which are both transferable to commercial fisheries matters. We recommend training members of this unit on large-scale fisheries crimes and, additionally, funding an RBPF official as the fisheries detective for the nation. While this position would not be responsible for all investigations, they would instead act as a resource within the RBPF, as well as for RBDF and DMR to ensure that cases do not lose momentum and provide advice inside and outside the agency on investigations. Typical duties could involve investigating additional criminal connections and coordinating or guiding the effort, as well as assisting in developing fisheries enforcement skills training such as search warrant and case preparation.

### ESTABLISH A DEDICATED POSITION WITHIN RBDF:

Create an operational position within RBDF exclusively focused on fisheries enforcement, intelligence gathering and dissemination, and related policy to liaise with RBPF, DMR, and the other agencies, including the international community. The RBDF has identified itself as a dedicated partner with DMR and BNT in protecting marine resources, providing training, and developing enforcement networks. With extra capacity, the agency could likely take on the lead role in fulfilling the task force recommendation that follows.

### CREATE A TASK FORCE:

Draw from multiple agencies to form a trained investigative task force to more robustly incorporate the full suite of investigative techniques to follow up on fisheries crimes. The already established BaWEN would be an ideal platform for this group. This collection of agency representatives from Bahamas Customs, RBPF, RBDF, and DMR (one each) would follow up on initial observations and results of patrol activities. For example, RBDF already investigates illegal EEZ incursions and vessel origin, and members of the task force would continue investigating in an effort to identify financiers, illegal markets, smuggling routes, and co-conspirators. It is recommended that the task force design encourages operational latitude, with its function and protocols identified through a formal charter or multi-agency agreement. Cost-neutral training is available to enhance skills in surveillance, fraud, and financial crimes to dismantle businesses that support poaching. Members of this team should be given priority access to identified training needs, which could be supported through the MAP.

### INCREASE SEAFOOD TRACEABILITY:

Seafood traceability records are an important tool to determine whether seafood has been lawfully harvested. In The Bahamas, processors must fill out reports about all seafood received, including who provided the seafood. However, fishermen are not required to report their sales, and, aside from lobster, other seafood markets are not required to maintain records. The fishing community perceives that the foreign and domestic illicit markets are undermining legitimate businesses, and many are not inspected or investigated.

Visiting anglers are not required to report harvests. Some of the sport harvest is believed to fuel the illicit market in the U.S. We recommend a thorough evaluation of current fish management records to identify reporting gaps. The addition of a few more data elements or fields in current record requirements could provide better seafood traceability and determine if it was legally caught, possessed, and sold. Expanding requirements to other sectors, such as the visiting sportfishing sector can exponentially increase law enforcement effectiveness.

## EQUIPMENT AND TECHNOLOGY

### ISSUE STANDARDIZED PATROL LOGS FOR DMR AND BNT:

There are various electronic and paper officer log options. Their use should be standardized and required whenever the employee is engaged in law enforcement work.

### CREATE A SHARED DATABASE WITH REAL-TIME ACCESS:

A shared database to quickly determine a suspect's current arrest history is important when making sentencing recommendations for repeat offenders. Representatives from the various agencies could evaluate any of the existing options to address their needs and to expedite implementation. For example, a popular system for customs agencies is Single Window, a data-sharing platform that allows parties involved in trade and transport to include standardized information and documents with a single-entry point. The information and documentation are normally submitted by different agencies, each with its own specific system and paper forms.

### ACQUIRE TECHNOLOGY TOOLS FOR ENFORCEMENT OFFICERS:

Representatives from the various agencies with technical expertise should agree upon low- to mid-cost technology, including handheld cameras and GPS devices that provide valuable evidence for prosecutions and can be used by all enforcement officials. We recommend meeting with the AG's office first to best understand the rules of engagement before investing in new devices. If the technology can be legally used, funding should cover their acquisition and training on use. Other possibilities that can be addressed by the committee include RDF technology for patrol vessels, a low-cost device to find the direction towards a radio source, the establishment of remote cameras, and a common communication network between all agencies, such as VHF radios or police band monitoring and communication capabilities.

### STANDARDIZE DMR/BNT UNIFORMS AND EQUIPMENT:

The Fisheries Act grants Fisheries Inspectors the authority to enter processing facilities to conduct compliance checks and requires that they present evidence of their authority. A standard and exclusive uniform would help differentiate DMR and BNT enforcement personnel from non-enforcement staff and the general public. Together with government identification and a badge, the uniform promotes legitimacy with the public and proof of authority. When the uniform or insignia is not exclusive to enforcement personnel, it can invite questions of authority and create risks to their safety. We recommend the use of standardized uniforms and field equipment for DMR and BNT enforcement officers. Designs should be functional, distributions should be consistent with use, and policies should be in place requiring proper wear. For each agency, The Bahamas should:

- Consider establishing an ad-hoc uniform committee for each agency to select uniform components
- Draft an agency policy related to uniform wear and personal appearance
- Require different uniforms or obvious uniform insignia to distinguish between commissioned and non-commissioned personnel if non-commissioned are also required to wear uniforms
- Issue a shield or badge that represents The Bahamas and the organization with a personnel number assigned to each
- Issue law enforcement credentials (warrant card)
- Issue boots and a hat that identifies the agency
- Issue appropriate belt with a flashlight, knife, and handcuffs (with training)
- Issue a ballistic vest

### DEFENSIVE EQUIPMENT:

DMR and BNT should consider issuing other defensive equipment such as tasers or pepper spray, and even firearms for protection against violent suspects. These should only be assigned to full-time personnel that are required to commit to annual training and qualification tests on the proper use of force and proficiency in the use of defensive equipment. Policies would need to be in place prior to deployment.

### FLEET INVENTORY AND INTER-AGENCY AGREEMENTS:

We recommend an evaluation of the existing vessel inventory in order to provide improved fisheries monitoring and response capability. The Bahamas should consider convening an advisory body to identify gaps across all agencies and the development of a plan to redeploy vessels according to the marine environment and need (long-range vs. mid- or short-range), with qualified operators (or access to immediate training) for each vessel. Part of the plan should address maintenance and operating costs along with available funding.

We also recommend establishing inter-agency agreements to share assets or conduct joint patrols, when reasonable. These agreements should address funding for fuel and maintenance of vessels, training, and protocols. Once the current fleet has been optimized, the advisory body should make vessel procurement recommendations to address unmet needs. Successful applications for funding these recommendations both inside and outside the government would require that agencies demonstrate that existing resources were exhausted.

We recommend that DMR invest in patrol assets, such as pickup trucks, that identify with the agency and the law enforcement mission and issue them to personnel that routinely perform core duties. Additional equipment should include a transport cage and communication equipment. Use of private vehicles detracts from positional and situational respect and puts the officer's personal property at risk for vandalism on and off duty. Personal vehicles are not equipped to transport suspects, evidence, or seized property and, when used for those purposes, can allow for allegations of misuse.

## HUMAN RESOURCES

We strongly recommended that DMR and BNT law enforcement programs consider evolving toward a full-time responsibility for selected personnel or to remove enforcement duties altogether.



Effective enforcement staff require ongoing training and learning to become proficient at their jobs. While there can be some activities indirectly associated with law enforcement, it is important that all duties assigned to enforcement personnel are related to these needs and that they do not dilute the focus on prevention of IUU fishing. We recommend conducting a law enforcement staffing study in order to develop a deployment and funding plan for their agencies.

#### **REFINE POSITION DESCRIPTIONS OF LAW ENFORCEMENT STAFF:**

We recommend refining position descriptions for Fisheries Inspectors and wardens to ensure that law enforcement duties, tasks, and essential functions are fully described and represented in percentage of time dedicated to each duty. The sample in Appendix III can be customized to fulfill each agency's needs.

#### **RE-DESIGN HIRING PROCESS:**

We recommend forming a committee made up of representatives from RBDF, RBPF, BNT, and DMR to re-design the hiring process for Fisheries Inspectors and wardens so that it requires that staff meet similar standards to that of RBPF constables or reserve constables. Whether or not wardens and inspectors continue to possess responsibilities unrelated to law enforcement work, staff should be required to pass background checks, interviews, and physical and psychological testing to qualify for these positions of authority. This could be done through the creation of a law enforcement certification or endorsement program, and with additional pay to reflect their increased duties. Those employees already serving in law enforcement roles could be grandfathered in, provided they pass future minimum training standards.

#### **CONSIDER STRONGER OVERSIGHT OF LAW ENFORCEMENT:**

We recommend refining position descriptions for DMR Fisheries Inspectors and BNT Wardens a chain of command is an especially important component of any law enforcement organization, even when it is a branch within an agency that may have other missions, such as fisheries management. Law enforcement operates in an active environment where personnel are responsible not only for their actions but also for the actions of their subordinates, which in turn creates a culture of accountability and dependency on others. Dedicating people to these roles and ensuring they have the confidence and authority to make decisions avoids inaction. A typical design has multiple layers and is often dependent on the size of the force. Ideally, a chain of command has four tiers (Chief, Lieutenant, Captain, Sergeant), however, in consideration of staffing challenges, this recommendation is based on a minimum of three levels:

- **Chief of Operations:** A policy level, big picture, senior management position - manages the law enforcement budget, sets priorities for the law enforcement branch, measures success, and, on a broad scale, ensures fulfillment of the needs in the field. Just as important, this position helps to align policy decisions and field operations to ensure they are complementary.
- **Lieutenant:** This position is located at headquarters and typically answers directly to a Captain, but in this case, would answer directly to the Chief. The position handles many of the administrative responsibilities and centralized activities such as records management, equipment procurement and issuance, policy development, and development and delivery of structured training. Depending on the workload, other responsibilities could be added.
- **Sergeant:** This position is based in the field and strictly focused on operations. Normally, Sergeants report to a Captain, but in this case, it is suggested that they report to the Chief. Sergeants are the frontline supervisors and operational subject matter experts. They are the Chief's implementers and handle day-to-day challenges such as assisting inspectors or wardens with policy and legal questions, assigning work, providing advice on operational challenges, designing patrol strategies, and handling citizen complaints.

#### **EVALUATE ALTERNATIVE WORK SCHEDULES:**

If Bahamian labor laws allow it, we recommend creating a flexible work schedule for enforcement officers. Natural resource police agencies normally do not schedule employees. Instead, a pool of hours for the work period is divided up around the agency with flexibility that allows employees to respond to calls for service or follow their instincts to catch poachers. Employees meet with supervisors ahead of their shift to develop a supervisor-approved plan. Paid overtime is still available but is not a factor until the pool of hours is exhausted (e.g. after 160 hours within 30 days).

## **PARTNERSHIPS**

Partnerships are instrumental to effective law enforcement. We recommend leveraging the following partnership opportunities to strengthen surveillance and enforcement of IUU fishing in The Bahamas in a cost-effective manner that utilizes existing resources.

**TABLE 4: PARTNERSHIP OPPORTUNITIES**

PARTNERSHIP OPPORTUNITY	BENEFITS TO BAHAMAS FISHERIES ENFORCEMENT
Develop a Bahamas Fisheries Intelligence Task Force	<p>By shifting from a reactive model of enforcement to an intelligence-led model, the focus of operations can shift towards the prevention of crimes. This could include engaging fishing communities and other sources for information to better understand the problem, identifying target vessels and suspected poachers, fish dealers, and peak shipping times and sharing the information across agencies, thus ensuring that patrol efforts are more likely to apprehend the worst offenders.</p> <p>The RBDF has a functioning intelligence unit and leverages the information to guide field operations. Likewise, DMR inspectors in the field receive information from a variety of sources and use creative strategies to share it. However, the forums are neither agency-supported nor secure.</p> <p>To improve the flow of intelligence, The Bahamas may consider:</p> <p>Developing a fisheries task force, supported by a charter, composed of people with operational control of field staff from Bahamas Customs, RBDF, RBPF, DMR, and BNT to centralize planning, share intelligence, and coordinate inspection/patrol activities.</p>
U.S. Fisheries Enforcement agencies	<p>U.S. enforcement agencies could be instrumental in investigating their citizens' involvement in IUU fishing within The Bahamas EEZ. We recommend implementing a comprehensive policy and tactical strategy to elicit their interest. For example, diplomatic efforts could be used to leverage NOAA's analytical team to focus on imports from the Caribbean to guide law enforcement and provide leads for investigations.</p> <p>For cross-border investigations to occur, The Bahamas needs a capable investigator with the creative latitude and responsibility for the case. The Bahamian Intelligence Task Force could provide an ideal solution. Through the task force, The Bahamas could implement a fisheries tabletop exercise involving U.S. enforcement agencies to further refine roles, responsibilities, and capabilities to inform standard operating procedures for executing joint investigations and patrols. This will ensure that both parties understand what is needed to ensure prosecution of crimes. Topics covered should include conducting investigations, report writing, and evidence collection.</p>
Bahamas Wildlife Enforcement Network	<p>BaWEN could easily be a supporting platform for the fisheries enforcement task force recommendation while at the same time supporting CITES programs. Eventually, these efforts could extend to support of CaribWEN.</p>
Florida Fish and Wildlife Commission	<p>The State of Florida has the authority to inspect, investigate, and to a certain extent, control the behavior of their fishers returning from The Bahamas. Related regulations pertaining to possession limits, condition of the fish, and licensing obligations currently exist and are prominently posted on the Florida Fish and Wildlife Commission website: <a href="https://myfwc.com/fishing/saltwater/recreational/bahamas/">https://myfwc.com/fishing/saltwater/recreational/bahamas/</a>.</p> <p>Florida has over 800 officers dedicated to fish and wildlife enforcement and can pursue any state crimes, even those outside of natural resources. They have an investigative unit specializing in illegal fish and wildlife businesses, including money laundering, fraud, and tax schemes.</p> <p>The Division of Law Enforcement for the Florida Fish and Wildlife Commission has committed to further educating visitors from their State, helping with training for Bahamian enforcement agencies on investigation of natural resources, and assisting in operations or investigations involving their citizens. The Bahamas should consider dispatching a representative to discuss additional regulatory ideas and options with the United States, State of Florida, and potentially the South Atlantic Fisheries Council, the regional fisheries management entity, to ensure greater compliance with U.S. vessels departing the northern Bahamian EEZ.</p>
Bahamas Comprehensive Maritime Agreement	<p>Recent U.S. legislation encourages the U.S. Coast Guard (USCG) to be more engaged in IUU and to expand maritime agreements with other countries to facilitate joint operations and better cooperation. An agreement currently exists between the USCG and the RBDF to share intelligence and personnel to address illegal migrant and narcotics trafficking. This agreement could also support fisheries enforcement at the same time. The treaty includes a component that allows representatives from either country to join patrols. The USCG has helicopters stationed in The Bahamas and patrol vessels either in-country, or nearby. When conducting joint patrols, enforcement officials could apprehend illegal fishers. The Bahamas could approach the USCG to:</p> <p>Support expanding the current maritime enforcement agreement to formally recognize IUU fishing as an area of collaboration while conducting joint patrols and sharing intelligence.</p> <p>Explore integrating DMR into the joint RBDF/USCG patrols.</p> <p>Explore joint training sessions or the development of an SOP related to IUU fishing enforcement that includes current regulations and priorities, including the development of a custom pre-patrol briefing for each joint or solo mission (e.g. IUU fishing vessel identification, species, and locations at the highest risk for poaching, fishing methods (legal and illegal), and tactics).</p>
Bahamas Fisheries Advisory Council	<p>The Bahamas Fisheries Advisory Council includes representatives from RBDF, RBPF, Bahamas Customs, and others. However, there has been a lack of interest from some of these agencies because they do not see the connection between the Council and their agencies. We recommend an increased understanding of the utility of enforcement agencies participating in the Fisheries Advisory Council. An example of this approach is the Fishery Advisory Body in the U.S., comprised of the USCG, NOAA, and state natural resource law enforcement divisions, that advises the fishery policy body (Pacific Fishery Management Council). The group comments on the enforceability of proposed regulations, discusses compliance trends, plans joint operations, and networks. The group does not replace an operational task force but ensures that national protection priorities translate to work on the ground.</p>
Seafood Import Monitoring Program (SIMP)	<p>The SIMP is a risk-based traceability program requiring the U.S. importer of record to provide and report key data from the point of harvest to the point of entry into U.S. commerce on 13 imported fish/fish products vulnerable to IUU fishing and/or fraud, including grouper. Customs and fisheries officers in the U.S. can use their single data portal for all import and export reporting to trace these species back to the point of harvest or production and verify whether they were lawfully harvested or produced. There is potential to add other species, which should be considered.</p> <p>Additionally, other seafood traceability measures in place can connect seafood to origin and should be evaluated.</p>
Lacey Act	<p>Multiple U.S. agencies can charge U.S. fisheries violations under the Lacey Act, including the State of Florida, NOAA, U.S. Customs, and U.S. Fish and Wildlife Service (USFWS). Under the Act, it is unlawful to import, export, sell, acquire, or purchase fish, wildlife, or plants that are taken, possessed, transported, or sold in violation of U.S., interstate, or foreign commerce, involving any fish, wildlife, or plants taken, possessed, or sold in violation of State or foreign law. The law covers all fish and wildlife and their parts or products, plants protected by the CITES, and those protected by individual state laws.</p> <p>Although this could be a valuable partnership between Bahamian and U.S. law enforcement, some previous efforts by Bahamian fisheries enforcement to prosecute U.S. suspects accused of exceeding bag limits via the Lacey Act were unsuccessful. Thus, we recommend developing a violation report template to ensure the presence of all the elements necessary for a Lacey Act case investigation or prosecution referral. bag limits via the Lacey Act were unsuccessful. Thus, we recommend developing a violation report template to ensure the presence of all the elements necessary.</p>
Port State Measures Agreement	<p>As a Party to the Port State Measures Agreement (PSMA) to prevent, deter, and eliminate IUU fishing, The Bahamas currently coordinates with NOAA on implementation. One of the key elements of the PSMA is the requirement that the parties cooperate and share information, which can be useful in identifying markets involved in receiving illegal seafood, extending the law enforcement reach beyond harvest grounds. As The Bahamas builds out their capacity to meet PSMA obligations, we recommend designating an agency to ensure information is being exchanged not only at a policy level but also at the operational levels, where it can be utilized to prevent, deter, and eliminate IUU fishing.</p>

## POLICIES AND CONSEQUENCES

The following recommendations are in addition to the current draft revisions to the 2019 Fisheries Resources (Jurisdiction and Conservation) Act to strengthen the regulatory framework of Bahamian fisheries enforcement.

### CUSTOMIZE A SUMMONS/CITATION PROGRAM:

Alternatives to physically arresting a suspect should be explored and implemented. A summons/citation program would hold perpetrators accountable, increase officer safety, reduce the challenges associated with the care of personal property, and eliminate the need for RBPF involvement in minor fisheries



violations. This program could include one or a combination of the following strategies:

**Notice of Summons:** When issued to a suspect, this summons requires they appear before a magistrate and enter a plea or set a date to contest the allegation.

**Notice of Citation:** This notice requires the suspect to: (1) accept a guilty plea and pay the fine (derived from a bail schedule), (2) plead guilty, explain the circumstances, and appeal to a magistrate to reduce the penalty, or (3) plead not guilty and appear at a trial.

**Combined Summons/Citation Program:** A combined notice would allow enforcement officers to select either a summons or citation, depending on the nature of the offense. Egregious offenses could mandate a summons to a magistrate, while low level violations can be resolved through a fine. A bail schedule could provide guidance on which offenses require an appearance.

The summons and citation program will not eliminate the need to arrest some suspects and detain their vessels and catch, nor does it eliminate the need to conduct a proper investigation and collect evidence.

#### **CONSIDER ADMINISTRATIVE SANCTIONS:**

Another way to address some violations is through a civil sanction, such as a permit revocation or suspension of fishing authorization. Because not all fisheries activities require a permit in The Bahamas, this program would require additional regulation of fisheries activities via a permit, but it could provide a separate civil penalty from the criminal process.

#### **AMENDMENTS OF THE FISHERIES RESOURCES (JURISDICTION AND CONSERVATION) ACT (2019):**

WildAid Marine reviewed some of the proposed amendments (see Appendix II) to the Fisheries Resources (Jurisdiction and Conservation) Act and support its passage. The changes proposed substantially strengthen the law, including removal of the current requirement to deliver a suspect or thing to the “most senior” police officer and the addition of a penalty schedule. We recommend a final review to ensure that the authority sections are broad enough to apply to all aspects of fishing, handling of fish, processing, and marketing fish. Suspects and defense attorneys are often quick to challenge whether law enforcement followed legal procedure, particularly when the evidence is not overwhelming.

#### **ADD A SEPARATE CIVIL FORFEITURE PROCESS FOR SEIZED ITEMS:**

Current law only addresses the seizure of assets for use in criminal cases. Though the authors of the draft Fisheries Act aimed to rectify this, we suggest three different procedures for seizures of assets. In this modification, authorized personnel would have the choice to seize the asset for use as evidence, forfeiture, or both. If the seizure is for evidence, then it follows the same legal process as the criminal case. If the item is intended for forfeiture, then DMR would run a stand-alone proceeding. The benefit of this change is that, for smaller violations of the law, the seizure of their assets or catch could present a more appropriate penalty than arrest and jail time. For example, with this amendment to the law,

a DMR officer could seize the catch and fishing gear from an illegal fisher that has caught five lobsters out of season; if a fisher illegally caught 100 lobsters, the officer could seize his catch, fishing gear, and make an arrest. Moreover, the asset seizures could potentially be used to fund marine enforcement programs if they are not tied to a criminal case. See Appendix IV for sample language.

#### **BUILD ENFORCEMENT DISCRETION WITHIN THE FISHERIES ACT FOR CERTAIN VIOLATIONS**

Not all violations are equal in terms of impacts to the resource, nor are they all intentional. The law enforcement response should be appropriately scaled. For DMR and RBDF, the ability to seize illegal fishing gear or unlawfully possessed seafood is tied to an arrest. Because exercising proper discretion is fundamental to reasonable law enforcement, we support revisions to the Fisheries Act to allow law enforcement to seize items after a formal warning.

#### **DEVELOP A VIOLATION SCALE:**

Not all fisheries violations are created equal in terms of damage to conservation and quality of life. Using the penalty schedule in the draft Fisheries Resources (Jurisdiction and Conservation) Act revisions, we recommend that DMR and its interagency partners develop a graduated activity scale to highlight regulations that are important to the prevention of the most harmful activities. This can assist in setting national and regional priorities, and educating partner agencies, prosecutors, and magistrates to the consequences of serious acts.

#### **BNT:**

Adding BNT wardens to the Fisheries Resources (Jurisdiction and Conservation) Act should be considered to bestow fisheries enforcement authority, unless recent changes to the BNT Act clearly do so. Since most of the violations within marine protected areas managed by the BNT are related to fisheries, BNT wardens can expand law enforcement presence with the proper legal authority and training.

#### **MAINTAIN A STRICT LIABILITY STANDARD:**

Under a strict liability standard, a person is legally responsible for the consequences of their activity, even in the absence of fault or criminal intent on their part. This standard eliminates the need to prove knowledge or intent. This is especially important for natural resource laws that do not involve a victim and occur in open land or waterscapes, with no witnesses other than the enforcement officer.

#### **CREATE A REGULATORY REVIEW COMMITTEE:**

DMR should develop a process that allows for adequate internal and external review of proposals and draft regulations prior to the implementation stage. It is common for fisheries managers to write regulations in the conservation realm. However, those that write regulations and those that are charged with implementation can offer different perspectives. To ensure greater compliance, common methods of avoiding the law should be considered during the development of regulations.

# TRAINING AND MENTORSHIP

## DEVELOP INSTITUTIONAL POLICIES:

DMR and BNT personnel are charged with enforcing criminal codes that require subject matter expertise, and, as such, should be equipped and supported just like other police agencies. Institutional standards should be established and followed to ensure consistency in the application of regulations and establishment of best practices. As a starting point, we recommend the elaboration of an institutional manual or guiding document for all DMR and BNT fisheries enforcement staff. The management plan and regulations for protected areas and marine reserves are useful documents, however, personnel must be given clear guidelines and support for their implementation. The manual can also be used as a reference for future training and new employee onboarding. RBPF templates could be customized to DMR/BNT needs to expedite the process and prevent duplicate efforts. The manual could include the following SOPs:

- Definition of roles and responsibilities
- Ethics and code of conduct
- Communication protocols
- Use of force
- Evidence collection and procedures
- Vessel/vehicle operations
- Case report templates
- Seizure forms

- Patrol strategies
- Key Performance Indicators to measure effectiveness of operations and best practices
- A regularly updated section with all active fishing sites in The Bahamas, including all relevant fishing regulations

To complement the SOPs, we recommend crafting various job aids and checklists to help staff retain training information and allow them to perform a job even if they do not recall all of the steps associated with that job. We recommend crafting job aids and checklists that are concise, focused, and written at the reading level of the typical user. Incorporate pictures, diagrams, and other visual elements when they can more easily communicate a task. Each job aid and checklist should be thoroughly tested and reviewed. Ideally, job aids and checklists should be printed on water-resistant paper and should be small enough to easily fit into a pocket or on a clipboard.

## SYSTEMATIC TRAINING:

Systematic training and SOPs are designed to create routines that increase awareness and reduce risk. We highly recommend a combination of theoretical and practical exercises for improved retention of information and swift adoption of newly developed skills. The following courses would ensure DMR Fisheries Inspectors and BNT wardens possess the fundamentals to plan and safely execute effective maritime enforcement. Courses could be developed together with RBPF or RBDF.

**TABLE 5: RECOMMENDED COURSES**

COURSE TOPIC	COURSE DESCRIPTION
A refresher course	<ul style="list-style-type: none"> <li>• A course to ensure that all enforcement staff have a baseline level of knowledge. Should be delivered at minimum once per year and consist of 40+ hours of training.</li> <li>• Content should include the agency's mission, common regulations, as well as a code of conduct and ethics.</li> <li>• All staff should understand their arrest and inspection authority under the Fisheries Resources (Jurisdiction and Conservation) Act (and any relevant amendments). This segment could be prepared with the Attorney General's office. It should include real-world scenarios to ensure retention and confidence in disputing any challenges to their authority</li> </ul>
Basic International Maritime Organizations Training	<ul style="list-style-type: none"> <li>• First aid</li> <li>• Survival at sea</li> </ul>
Marine Coastal Enforcement Operations	<ul style="list-style-type: none"> <li>• Operations planning and preparation including risk assessment, asset use, reporting, communication procedures, surveillance strategies, and documentation.</li> <li>• Personal safety issues for patrolling and boarding</li> <li>• Use of visual sensors in marine patrolling</li> <li>• Boarding procedures: performing inspections, documentation to request, what to look for, and documenting your inspection.</li> <li>• Conflict resolution, defensive tactics, and use of force (if applicable)</li> <li>• Crime scene key practices: investigation, interviewing techniques, evidence collection and handling.</li> <li>• Operations/Felony Reports: Information and items that are typically in a "good" report.</li> <li>• Search and rescue</li> <li>• Arrest techniques</li> </ul>
Vessel Maintenance Course	<ul style="list-style-type: none"> <li>• We recommend participation in an Original Equipment Manufacturer basic outboard motor maintenance certification course.</li> </ul>
Train the Trainer courses	<ul style="list-style-type: none"> <li>• These courses allow an agency representative to train as a trainer in a particular subject. This strategy provides a cost-effective way to ensure that each agency has a knowledgeable resource for each of the topics studied, as well as a course instructor to mentor new staffers and provide trainings.</li> </ul>
Legal training for BNT, DMR, and RBDF	<ul style="list-style-type: none"> <li>• Advanced report writing and case preparation – the success of a case often depends on the quality of reports and case package. RBPF prosecutors could aid in course development, reporting templates, and crafting SOPs.</li> </ul>
Fisheries enforcement role of RBPF and Bahamas Customs	<ul style="list-style-type: none"> <li>• RBPF possesses all the tools necessary to identify fisheries violations, conduct an investigation from start to finish, and provide the first step in moving a case toward prosecution. Bahamas Customs is well positioned to detect smuggling and provide public education. It is important that they are aware of: (1) their role as ex-officio fisheries officers; (2) the authorities the various enforcement agencies each possess; (3) patrol and investigative tactics for fisheries enforcement; (4) the importance of the DMR and BNT missions; (5) natural resource protection priorities and related regulations.</li> <li>• RBPF: An introduction to fisheries and their role as ex-officio fisheries inspectors could be incorporated into the police academy curriculum. This could be developed and implemented in areas where most or all agencies are represented and collaborate, such as in Nassau, Grand Bahama, Bimini, and Great Inagua. The training should account for high turnover on Family Islands so that proficiency is not lost with staff changes. Great Inagua should be considered as a trial platform for joint training.</li> <li>• Bahamas Customs: While the department does recognize and act on Fisheries Resources (Jurisdiction and Conservation) Act violations that they are aware of, their potential as a detection force has not been fully realized due to a lack of training and real-time access to a fisheries enforcement expert. Training could be developed with RBDF and include fisheries regulations and contraband, trafficking in CITES or restricted fish and wildlife, and smuggling techniques.</li> </ul>



### **NEW EMPLOYEE MENTORSHIP:**

We recommend each agency provide a senior mentor for all new enforcement staffers to guide them in field operations. This program would ensure that all new staffers are familiar with their operating environment and have achieved some initial exposure to the work before independent operations. Mentors should have expertise in the field, integrity and work ethic, as well as proficiency with policies and operating procedures.

### **INCREASE TRAINING OPPORTUNITIES IN WHITE-COLLAR CRIME:**

USFWS and the Florida Fish and Wildlife Commission's investigative units offer opportunities for specialized training in financial crimes and fisheries-specific fraud. If possible, increasing the capacity of a local staffer to become a trainer in this subject could be a cost-effective and long-term solution to strengthen Bahamas agencies as a whole in this topic.

### **EXPOSE JUDGES AND PROSECUTORS TO LAW ENFORCEMENT:**

It is important for prosecutors and magistrates to understand the importance of conservation laws, the potential damage of IUU, and how to apply laws and sanctions to fisheries crimes. A "ride along program" provides opportunities for these officials to tour bases/offices and participate in patrols. This allows them to witness law enforcement professionalism, discuss challenges, and learn about the importance of the work. Any safety concerns can be addressed via a liability waiver. The Bahamas Reef Environment Education Foundation (BREEF) has demonstrated interest in partnering with law enforcement to develop educational materials for the judicial sector.

## **COMMUNITY OUTREACH**

### **ACCURATE INFORMATION SOURCES:**

Inaccurate fisheries regulation information can lead to dropped cases when suspects plead ignorance of the law. Although it would be impossible to track every source of information available, MAP could start by encouraging tourist companies and chambers of commerce to provide a disclaimer or link whenever they share information regarding regulations, such as a link to the government source (with no specifics of the law) or a clause that says something such as "This information is not intended to be comprehensive and may not reflect recent changes. Current regulations can be obtained by contacting DMR (provide appropriate link)."

### **UNIVERSAL POACHING HOTLINE/TIP SYSTEM:**

We recommend the implementation of a dedicated hotline to report fisheries violations, such as TIP411, a cost-effective, anonymous tip system that allows the enforcement agency and public to interact with each other across multiple channels in real-time. Tips can be submitted by the public through text via a custom keyword, over email, weblinks and through social media sites. Enforcement agencies can also use this system to send out community alerts to share enforcement successes.

### **OFFER A REWARD SYSTEM:**

In addition to a dedicated tip system, a reward system would motivate community members to report what they see. Revenue

produced by seizures could be used to fund the program, with a change in legislation. Other rewards could include access to unique opportunities, such as outdoor activities that are generally restricted. In some countries that offer a choice between cash rewards or eligibility points applied toward activities, most people select the eligibility rewards as the activities are otherwise not available. Rewards would only be paid out where information leads to a conviction.

### **CONSOLIDATE MAP OUTREACH:**

While all the agencies share their accomplishments with the public in some capacity, we recommend consolidating efforts for this project to highlight the collective successes. The agencies should agree on a primary public information officer (PIO), decide on an information sharing platform for the project (e.g. a Facebook page, dedicated YouTube channel, group website, or low-cost broadcasting), and establish protocols to protect sensitive information.

In the short-term, MAP may consider a review process for a joint agency news release, and upon approval by representatives from each agency, be distributed by individual PIOs within those agencies. The assigned PIOs would be connected to one another as a group in order to seamlessly exchange ideas and ensure agreement on final products.

## **CONSISTENT FUNDING**

We recommend employing the following general guidelines for the design of The Bahamas fisheries compliance program:

### **1. CONVENE A GROUP TO SCOPE AND PURSUE GRANTS:**

Many international grant opportunities exist that can fulfill technological and equipment needs.

### **2. ESTABLISH A MARINE CONSERVATION & ENFORCEMENT FUND:**

We recommend establishing a Marine Conservation & Enforcement Fund (as recommended in the draft revisions to the Fisheries Resources (Jurisdiction and Conservation) Act, to provide funding for new positions as suggested for RBDF and RBPF. The trust fund could receive a portion of the proceeds from the sale of confiscated products, fines, permit fees, etc. The remainder of the proceeds could go to the consolidated Ministry of Finance fund. In many other countries, seized assets are usually transferred back to conservation to fund poaching information reward accounts, training, and law enforcement positions. By creating a civil forfeiture account and separating seizures from the criminal case (could still be used as evidence), revenues are likely to increase due to a process proven to be more efficient than a criminal court proceeding.

### **3. ADD A HARVEST CARD TO THE CRUISING AND FISHING PERMIT:**

Rate changes effective January 2020 decreased the permit expiration time from 9 months to 3 months and increased rates. Fees cover up to 3 people and both fishing and cruising activity. How or if any of this revenue is invested in marine

conservation was not evaluated, however, this recommendation assumes that new revenue has already been dedicated to supporting current functions. Consider requiring a base Cruising – Fishing Permit with a catch record card. The catch record card carries a separate fee, creates a source of new revenue dedicated for marine law enforcement, and provides fisheries managers with essential harvest information from visiting fishermen. Simple drop boxes located at marinas and DMR offices with a requirement that reports be filed could provide an efficient way to collect the catch data or electronic cards could be developed that would allow online submission. Cards could evolve in terms of which species are represented and initially be limited to highly sought-after species such as lobster, conch, and grouper. Under this idea, once the card is filled, additional cards would need to be purchased in order to pursue additional catch.

#### **4. WORK WITH INSURERS OR RISK POOL:**

With better training, you reduce your agencies risk of litigation. Training keeps your officers and agency safe and compliant with your policies and procedures. It may be possible to receive funding for training from their risk pool or insurer since training is an important aspect of civil liability and employee safety. It is worth approaching your insurer to learn about resources available for training officers in high-risk areas. These areas can include, but are not limited to, use of force, motor vehicle operations, and arrest practices.

#### **5. TEAM UP WITH OTHER LOCAL AGENCIES:**

There are already examples of how equipment, space, and other resources are shared. Scoping the opportunities to more formally and broadly asset share could lead to formal agreements and savings. One example is training, where instructors and classes could be multi-agency based.

#### **6. DEVELOP ONLINE TRAINING:**

Because of the challenges of training personnel in remote locations, like the Family Islands, online training should be considered as an effective and efficient method of delivering the service with savings realized from reduced travel and instructor time.

#### **7. REDUCE OPERATING EXPENDITURES (OPEX):**

Some possibilities for reducing operating expenditures include assessing the current patrol fleet and incorporating the most appropriately sized and fuel-efficient O/B motors, as well as adopting patrol strategies that are less resource intensive and incorporating interagency agreements in order to reduce operating expenditures and leverage their support.









Photo on left by Shane Gross for TNC

Photo below by Jeff Yonover for TNC

# CONCLUSION

To develop a strong and respected Marine Protection System for The Bahamas, each enforcement agency will need to dedicate staff to marine enforcement. Critical elements include undercover work, surveillance, and the ability to follow cases beyond single incidents. To truly have an effect on larger-scale poaching, enforcement operations must reach the financier and the markets that are reaping the larger profit, rather than focusing on vessel operators, who are often simply hired hands.

The RBPF and RBDF can both occupy a larger role in detection and investigations. Although both entities have many different priorities, effective marine protection is increasingly needed, given the pressing and emergent needs in terms of food security and guarding a marine heritage under threat. Moreover, a strong public safety argument can be made for natural resource protection. The social unrest associated with a failing marine ecosystem has quality of life consequences, examples of which can be seen all over the world.

To achieve this in The Bahamas and immediately increase the IUU detection rate, ensure a more cohesive presence in marine area protection, and increase compliance, we recommend the creation of a dedicated fisheries enforcement position in both the RBDF and RBPF. Those positions can dramatically improve coordination by serving as liaisons between the various agencies and inspiring other staff within their respective organizations to invest in the mission. Moreover, those positions can ensure that other personnel are assigned to fisheries violations that require investigative focus. For each case, someone needs to take ownership of following leads.

In terms of policy, we strongly endorse the proposed amendments to the Fisheries Act which are foundational to increasing effectiveness in controlling IUU fishing. The current version of the Fisheries Act leaves many gaps that poachers can exploit and requires a subjective assessment by enforcement personnel that can lead to dropped cases. The extensive revisions to the Act resolve many of these problems, thus increasing the ability to improve compliance and elevate the capacity of enforcement officials.

Although the challenges to marine enforcement and compliance in The Bahamas are many, The Bahamas has immense national pride in their marine heritage and the passion to protect it. We are confident that The Bahamas has the ability to strengthen its Marine Protection System through the coordinated effort of its enforcement agencies, NGOs, and fishery stakeholders. With some enhancements and strong leadership, the existing structure of shared responsibility can work to ensure the long-term sustainability of The Bahamas' fisheries and marine resources.

The next phase of the MAP project will convene partner agencies for a workshop to develop a strategic action plan in support of increased marine resource protection through improvements in four key areas: (1) responses to foreign and domestic poaching, (2) maintaining high compliance with regulations, (3) elevating consumer and marketplace awareness to discourage illegal trade, and (4) establishing collaborative pathways between and among law enforcement agencies and fishery stakeholders.





## APPENDIX I

### ASSESSMENT METHODOLOGY

In order to determine strengths and potential areas of improvement of marine law enforcement in The Bahamas, WildAid assessed the current capacity, policies, and compliance pertaining to Bahamian marine enforcement. Assessment activities took place between January – November 2019. This report only reflects the capacities of agencies at the time the assessment was conducted and does not include historical or future changes.

As a first step, current policies applicable to marine and fishery enforcement were reviewed. Virtual introductory meetings were then held prior to conducting in-country meetings to inform the development of questionnaires to guide interviews with enforcement agencies and key stakeholders. These introductory meetings were conducted with representatives from The Bahamas Department of Marine Resources, The Royal Bahamas Defence Force, The Bahamas National Trust, The Nature Conservancy, and with fisher groups. During the introductory meetings, WildAid interviewed agencies about their perceived strengths and areas for improvement for marine enforcement. They also gathered perspectives on compliance to better understand the local context and cultural norms of the country. Representatives also provided feedback on solutions for improving marine enforcement within their respective agencies and the country's borders.

Following introductory meetings, a series of in-person and virtual interviews were conducted over a period of six months with additional representatives from marine enforcement agencies, fisher groups, and local non-government organizations (NGOs).

In-country scoping trips were conducted on five islands to gather perspectives and to assess capacity and needs from various regions in the country. A scoping trip to the Northern Bahamas was conducted from May 5th – 11th 2019 on the islands of New Providence, Grand Bahama, Bimini, and Abaco. The second scoping trip was conducted in November 2019 on the islands of Inagua and New Providence. The objective of in-person meetings on Family Islands was to allow for a comprehensive review of capacity and perspectives of stakeholders outside of the capital of the country (Nassau/New Providence).

In addition to representatives from the aforementioned agencies/groups, The Royal Bahamas Police Department, Bahamas Customs Department, Department of Immigration, Friends of The Environment, Bahamas Reef Education and Environmental Foundation (BREEF), National Fishers Association and fisher representatives from varying communities were also interviewed. In-person interviews consisted primarily of officers in the field rather than senior leadership; with the exception of The Royal Bahamas Defence Force.

Participants were introduced to the MAP project objectives, the purpose of the scoping trips, and responded to questionnaire items. Information was documented, collated and analyzed by WildAid to inform this report. In order to verify the accuracy of information presented in this report a draft was circulated to all participating agencies and groups for review and feedback. This further input was then used to finalize the report.

## APPENDIX II

### PROPOSED REVISIONS INCLUDED IN THE 2019 DRAFT FISHERIES RESOURCES (JURISDICTION AND CONSERVATION) ACT

Critical revisions that address significant vagueness and weaknesses in the current law include:

- Organized, easy to understand and enforceable provisions,
- Defining “Bahamian National” to address marriage of convenience fraud believed to occur in order to enter Bahamian fisheries,
- Clarification and necessary expansion of the authority and general powers of authorized officers for all fisheries-related activities, to include amendments to the powers of seizure, detention, and evidence removal,
- Amendments to the arrest process for “authorized officers” (who are not members of the police force) that clarify responsibility, including the elimination of a currently untenable requirement to deliver arrested persons to the “most senior police officer.” The amendment instead requires that the arrested person be: “delivered into the custody of the Police Force, as soon as practicable, except that in such a case the duties relating to the laying and filing of an information shall be carried out by the arresting authorized officer where the officer is not a member of the Police Force.” So, delivery to “any” police officer of the police force with the caveat that the original arresting officer file the probable cause statement,
- Adding or clarifying general presumptions such as all fish onboard a vessel found to be violating the act are presumed to have been harvested in commission of the offence,
- Adding the ability to use photographic evidence,
- Adding the ability to issue a warning for minor violations and still seize the contraband,
- Protection of authorized persons from liability when operating under good faith,
- Improved clarification of what constitutes “obstruction” of governmental operations,
- Incorporation of Port State Measures provisions to better address IUU fishing, and
- Improved process for the release and forfeiture of seized items, to include a bonding mechanism.

## APPENDIX III

### SAMPLE POSITION DESCRIPTION FOR DMR/BNT LAW ENFORCEMENT STAFF

#### LAW ENFORCEMENT (90%)

##### TASKS INCLUDE:

Plans, organizes, and leads investigations of alleged or suspected violators of fisheries laws, commercial fishing, illegal trafficking, and marketing; collects and assembles facts; conducts surveillance; secures and serves search warrants; interviews witnesses and suspects; collects, maintains, and documents evidence; prepares administrative and criminal investigative reports.

- Plans, organizes, and carries out patrols on land and water
- Responds to violation reports and calls for service
- Seizes equipment used in fish or natural resource violations

and arranges for disposition of illegally taken fish

- Maintains liaison with other law enforcement agencies
- Contacts resource users to ensure species, season, bag-limit, and gear compliance
- Inspects fish processors, vessels, restaurants, and markets for compliance
- Monitors fish and wildlife commerce to stop illegal trafficking
- Conducts covert operations on short-term basis with supervisor's prior approval

## TRAINING (5%)

### TASKS INCLUDE:

Attends training to maintain proficiency in defensive tactics, defensive driving, officer survival, field training program, evidence collection, etc.

## OUTREACH & EDUCATION (5%)

### TASKS INCLUDE:

Non-enforcement related contacts that provide educational opportunities for the citizens and visitors to the country through direct or indirect avenues; makes or supports presentations to local fishing clubs and organizations, schools, and civic groups.

# APPENDIX IV

## SAMPLE PROVISION FOR PROPERTY SEIZURE

Authorized persons (defined as entities with powers of arrest under the Fisheries Act) may seize without warrant boats, airplanes, vehicles, motorized implements, conveyances, gear, appliances, or other articles they have probable cause to believe have been held with intent to violate or used in violation of the Fisheries Act. However, authorized persons may not seize any item or article, other than for evidence, if under the circumstances, it is reasonable to conclude that the violation was inadvertent. The property seized is subject to forfeiture to The Bahamas and the DMR under this section regardless of ownership. Property seized may be recovered by its owner by depositing with the DMR or into court a cash bond or equivalent security equal to the value of the seized property but not more than \$100,000 (or some maximum sum). Such cash bond or security is subject to forfeiture in lieu of the property. Forfeiture of property seized under this section is a civil forfeiture against property and is intended to be a remedial civil sanction.

(2) In the event of a seizure of property under this section, jurisdiction to begin the forfeiture proceedings shall commence upon seizure. Within fifteen days following the seizure, the seizing authority shall serve a written notice of intent to forfeit property on the owner of the property seized and on any person having any known right or interest in the property seized. Notice may be served by any method authorized by law or court rule, including service by certified mail with return receipt requested. Service by mail is deemed complete upon mailing within the fifteen-day period following the seizure.

(3) Persons claiming a right of ownership or right to possession of property are entitled to a hearing to contest forfeiture. Such a claim shall specify the claim of ownership or possession and shall

be made in writing and served on the director of DMR within forty-five days of the seizure. If the seizing authority has complied with notice requirements and there is no claim made within forty-five days, then the property shall be forfeited to The Bahamas and DMR.

(4) If any person timely serves the director of DMR with a claim to property, the person shall be afforded an opportunity to be heard as to the person's claim or right. The hearing shall be before the director or director's designee, or before an administrative law judge (or if no such person in The Bahamas, then the criminal court), except that a person asserting a claim or right may remove the matter to a court of competent jurisdiction (criminal court vs. civil court) if the aggregate value of the property seized is more than five thousand dollars. The department may settle a person's claim of ownership prior to the administrative hearing.

(5) The hearing to contest forfeiture and any subsequent appeal shall be as provided for in chapter 244 of the Fisheries Resources (Jurisdiction and Conservation) Act (or some other Bahamian law that already prescribes and administrative procedure act). The seizing authority has the burden to demonstrate that it had reason (more likely than not vs. beyond a reasonable doubt) to believe the property was held with intent to violate or was used in violation of this title or rule of the commission or director. The person contesting forfeiture has the burden of production and proof by a preponderance of evidence that the person owns or has a right to possess the property and:

- a) That the property was not held with intent to violate or used in violation of this title; or
- b) If the property is a boat, airplane, or vehicle, that the illegal use or planned illegal use of the boat, airplane, or vehicle occurred without the owner's knowledge or consent, and that the owner acted reasonably to prevent illegal uses of such boat, airplane, or vehicle.

(6) A forfeiture of a conveyance encumbered by a perfected security interest is subject to the interest of the secured party if the secured party neither had knowledge of nor consented to the act or omission. No security interest in seized property may be perfected after seizure.

(7) If seized property is forfeited under this section DMR may retain it for official use unless the property is required to be destroyed, or upon application by any law enforcement agency of the state, release such property to the agency for the use of enforcing this title, or sell such property, and deposit the proceeds to the fisheries enforcement reward account created under the Fisheries Resources (Jurisdiction and Conservation) Act.

## ENDNOTES

1 <http://www.fao.org/fishery/facp/BHS/en>

2 <http://www.fao.org/fishery/facp/BHS/en>

3 <http://www.fao.org/fishery/facp/BHS/en>

4 <http://www.fao.org/fishery/facp/BHS/en>

5 Medley, P. A. H. & Gittens, L. 2012. 2012 Bahamas Spiny Lobster Stock Assessment. Department of Marine Resources, Nassau, Bahamas. July 2012.

6 <http://www.seaaroundus.org/doc/publications/wp/2013/Smith-and-Zeller-Bahamas.pdf>



