

**Law Enforcement Committee Report  
October 24, 2022  
General Joe Spraggins – Chair**

The Committee adopted the agenda (**Tab L, No. 1**). The minutes (**Tab L, No. 2**) from the August 2021 meeting were approved as written.

*LETC Meeting Summary from October 2022 Meeting (Tab L, No. 4)*

Staff reviewed the summary report from the October 18, 2022, meeting of the LETC, and noted that recommendations pertaining to actions to be reviewed by the Council at this meeting will be provided under the respective agenda item. In closed session, the LETC discussed the changes made to the fishing violations section of the Council’s SOPPs, which the Council had approved at its August 2022 meeting. The LETC described the differences between state and federal written warnings; whereas a federal written warning includes a process for contesting the violation, there is no due process for contesting a state written warning. Consistent with the LETC’s understanding of the types of violations the Council intends to identify, the LETC provided some modifications to the recently approved language in the SOPPs to reflect that a federal written warning is an applicable fishing violation, while state written warnings for an advisory panel applicant should not be included.

The Committee recommends, and I so **move, to recommend that the changes made to the fishing violations section of SOPPs be brought to the Administrative/Budget Committee for discussion and approval at their next meeting.**

The presence of a fishing violation is an important aspect in consideration of an AP appointment. The Council has determined: 1) Applicable fishing violations include only violations of federally managed species in either State or Federal waters, regardless of the penalty (i.e., civil fine, criminal conviction, federal written warning); 2) individuals are ineligible to serve on an AP within three years of the final finding of liability through adjudication, settlement, or default. A finding of liability is final after any applicable appeal period expires; and, 3) Vessel owners shall not automatically be held responsible for violations by a crew member when the owner is not present. If an individual who is currently serving on an AP is found to have a fishing violation that meets the preceding criteria, subsequent to their appointment, the decision to maintain or remove the individual from the AP is at the Council’s discretion.

*Motion carried without opposition.*

The LETC also discussed whether to continue updating the Strategic and Operations Plans. While these documents were helpful in supporting enforcement work in the states and agencies in the past, their utility has changed over time. The LETC supports retaining the current version of the Strategic Plan until a change is determined to be needed, and to discontinue the Operations Plan.

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The Committee recommends, and I so move, the Law Enforcement Committee concurs with the LETC's request to allow the Operations and Strategic Plans to expire and only be updated as needed in the future.

*Motion carried without opposition.*

Mr. Chair, this concludes my report.