MEMORANDUM

From: Victoria L. Taylor, LCDR
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To: D5 Northern Region Auxiliary

Subj: D5NR INTERVENTION AND INVESTIGATION PROCESS GUIDE

1. PURPOSE. This memorandum promulgates the D5NR Intervention and Investigation process guide.

2. ACTION. All Auxiliarist in D5NR are required to adhere to the guidelines set forth in the enclosed process guide.

3. DIRECTIVES AFFECTED. None.

4. DISCUSSION. This process guide ensures procedural standardization throughout the D5NR region.

5. CHANGES. Recommendations for changes and improvements to the D5NR Intervention and Investigation Process Guide will be submitted via the Chain of Leadership within the Auxiliary.

6. ENVIRONMENTAL ASPECTS AND IMPACT CONSIDERATIONS. Environmental considerations were examined in the development of this instruction and have been determined to be not applicable.

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CHAPTER 1. OVERVIEW

A. INTRODUCTION:

This guide sets forth the procedures for intervention, investigation and records management of informal and formal administrative discipline cases in the USCG Auxiliary District Five Northern Region (D5NR). The information contained herein supplements but does not replace the all-encompassing guidance contained in the Auxiliary Manual, COMDTINST M16790.1 (series).

B. PURPOSE:

This Guide provides guidance to personnel conducting interventions and/or investigations to include counseling interventions and investigations related to general criminal activity, conflicts of interest, rules and procedures, breaches of our Core Values, member relations and other issues as directed by USCG Auxiliary leadership.

This guide standardizes procedures for interventions and/or investigation of administrative discipline cases. It also assigns accountability and responsibility for the process, and outlines the documentation requirements. Effective intervention and discipline combined with efficient management and thorough documentation results in fewer cases of administrative discipline.

Every intervention/investigation has its unique issues, circumstances, dimensions, challenges and outcomes. This guide clarifies the process by which investigations are prioritized, elevated and reported. While investigations by their nature cannot always follow a single path, all investigators should follow this process as far as practical, while applying their experience and judgment where circumstances indicate. All investigations should be conducted in line with our Core Values of Honor, Respect and Devotion to Duty.

C. OBJECTIVE:

The objective of any intervention is behavioral change. Undesirable behavior comes in many forms, from the simplest uniform discrepancy up to and including the most egregious violations of our Core Values. It is necessary in any well-managed, well-disciplined organization to address infractions in a timely manner, at the lowest level possible and in a way appropriate to the infraction. Any infraction should be addressed verbally to inform the member of the infraction, and then a document of the conversation shall be filed. If this does not resolve the issue, an informal coaching session should be conducted. If informal coaching session fails to resolve the matter, informal discipline becomes appropriate and can result in a letter of caution. When informal discipline is unheeded, it may become necessary to administer formal discipline up to and including disenrollment. If formal discipline becomes necessary, specific steps must be followed and documentation maintained throughout.
D. **RESPONSIBILITIES:**

Overall responsibility and authority for initiating, directing, and defining the scope of an intervention or investigation rests with the District Commodore (DCO) or his/her delegate(s) and the Director of Auxiliary (DIRAUX). Typically, the responsibility is delegated to the District Staff Officer-Human Resources (DSO-HR) and the District Staff Officer-Legal (DSO-LP) or appropriate Assistant District Staff Officer-Legal (ADSO-LP) under the supervision of the District Chief of Staff (DCOS). The DIRAUX and the area District Captain(s) (DCAPT) are normally involved as well. Elected flotilla and division leaders typically initiate coaching or investigations.

The DSO-HR is responsible to ensure cases are processed according to the requirements outlined in the Auxiliary Manual. The DSO-HR manages all the required forms (Appendices A-G) and forwards to the appropriate leader(s) for action.

The DSO-LP/ADSO-LP is responsible to review the cases and provide legal counsel to the leaders who are managing them. The DSO-LP/ADSO-LP also serves as the docketing and filing clerk for all documentation. Upon completion of any investigation, all documentation should be forwarded to the DIRAUX for retention in the member’s file.

The DIRAUX and DCO have the final authority for the administration of discipline.

The DCAPT is responsible to ensure that proper procedures are followed, that cases are managed according to the time requirements and in some cases may participate in investigations.

Elected officers of flotillas and divisions are responsible to resolve personnel matters. At times, it may be appropriate for staff officers at the same organizational levels to resolve matters that may arise within their areas of responsibility. In all cases, issues should be resolved at the lowest level possible.

If an elected or appointed officer needs assistance to manage a personnel matter effectively, they can call upon the Intervention/Investigation Team members to help them (see Chapter 5). The Intervention/Investigation Team members have the required skill and experience to support and will serve as intermediaries for resolution.
CHAPTER 2. INTERVENTION / COACHING PROCESS

A. REQUIREMENTS:

When issues are addressed at the lowest level possible right away, there is a greater likelihood that they will be resolved without the need for administrative discipline. Therefore, this guide is offered to help elected and appointed officers to intervene appropriately and/or seek support from experienced leaders via the Intervention/Investigation Team.

1. All members have a responsibility to address any and all behaviors that are not in keeping with our Core Values, policies and procedures. It is important to note that requirements listed in the Auxiliary Manual COMDINST M16790 (series) for approval pending (AP), members apply to existing members as well (Chapter 3, Section A.).

2. If a member is offended by another member, the person offended has the responsibility to bring the offense to the attention of the person offending. If the behavior continues, the offended party should elevate the matter to the elected or appointed leader (FC, DCDR, DCAPT) in their Chain of Leadership and Management (COLM). (See Appendix A., Request for Intervention).

3. The elected or appointed leader must discuss the matter with the offending member, state the behavior that is expected to resolve the matter, and the consequences of failure to comply. This conversation must be informally documented.

4. If the coaching by the elected/appointed leader is unsuccessful, the offended member and leader shall complete a Request for Investigation (See Appendix B) and submit it to the next elected leader in the COLM. That leader will submit the Request for Investigation to the DSO-HR.

5. E-mail streams should not be part of the communications process nor the investigation except for notification purposes. Reports can be attached to e-mails with caution as to who receives them.

B. RESPONSIBILITIES:

1. It is the responsibility of every member to identify any offense or infraction of our Core Values, policies or procedures.

2. It is the responsibility of every members who may become offended to advise the offending member of the offense or violation, and then informally document the conversation.

3. If the offending/violating member does not cease the behavior, the observing member must report the issue to their elected or appointed leader.

4. When the matter is reported to the elected or appointed leader, that leader is required to address the matter immediately.
C. PROCESS:

1. A member must try to resolve an issue directly with another member.
2. In the absence of a resolution, the member must report the matter to the elected or appointed leader at the appropriate level.
3. The elected or appointed leader must discuss the matter with the offending member in an effort to resolve it.
4. If the matter is resolved, the leader should keep notes of the discussion and file them in case they are required for future reference.
5. If the matter is unresolved, the leader should prepare a Request for Intervention (Appendix C) and forward up the COLM.
6. E-mail streams should not be part of the communications process nor the investigation except for notification purposes. Reports can be attached to e-mails with caution as to who receives them.

D. REQUESTING INTERVENTION SUPPORT:

An elected or appointed leader who feels they require support should engage their Chain of Leadership and Management (COLM) and he/she can request support from the Intervention/Investigation Team via the DSO-HR.

1. Requesting procedures:
   
a) Elected or appointed leader sends request (see Appendix B) to the DSO-HR.
b) The DSO-HR reviews the request and sends the Intervention/Investigation Team for investigation.
c) A minimum of two members of the Team will be assigned to manage the case. The Intervention/Investigation Team members will interview the members involved in an attempt to resolve the matter.
d) The Intervention/Investigation Team will document all information (Appendix B, C, D, E, F, G, H) as appropriate that is pertinent to the case and forward to the DSO-LP/ADSO-LP for record retention.
e) E-mail streams are for notification only and should not be part of the communications/investigation process. Reports can be attached to e-mails with caution as to who receives them.
CHAPTER 3. INFORMAL DISCIPLINE PROCESS

A. REQUIREMENTS:

If individual coaching sessions/conversations do not yield satisfactory results, it may be necessary to administer discipline that is more progressive. Progressive discipline can be informal or formal as outlined in the Auxiliary Manual (Chapter 3, Sections F, G, H). Section F. presents the process to follow for informal disciplinary action.

1. Before administrative action can be initiated, an investigation into the facts of the case must be established (Section F.2.a.). (See Appendix B)
2. Members who believe an Auxiliarist has violated the governing policies as set forth by the Commandant can make a request for a preliminary investigation (Section F.2.a.) (See Appendix C)
3. The subject member of an investigation must be kept apprised of all aspects of any proceedings (Section F.2.b). (See Appendix F)
4. The leader receiving the request for investigation can determine if the charges are warranted or unwarranted (Section F.2.c.) (See Appendix C).
5. If the leader determines there was no violation, the leader will notify all parties (Section F.5.)
6. If the leader determines the investigation is warranted, the investigation shall proceed.
7. Upon the conclusion of the investigation, the leader will make a preliminary determination if policy was violated (Section F.4.)
8. If the leader determines there was a violation, the leader will notify all parties and proceed per AUXMAN (Sections G and H). (See Appendix G).
9. E-mail streams are for notification only and should not be part of the communication/investigation process. Reports can be attached to e-mails with caution as to who receives them.

B. RESPONSIBILITIES:

Chapter 3, Section G of the Auxiliary Manual states:

"Informal disciplinary action provides the structured, non-judicial course of action that an Auxiliary unit elected leader or appropriate appointed leader (hereinafter referred to as "the leader") should follow when the determination is made pursuant to provisions of section F of this chapter that a minor violation of Coast Guard or Auxiliary policy has occurred. It is meant to document and address the commission and correction of such violation."
The DSO-HR has the responsibility to identify a Primary Investigator (PI) and other members of the investigative team and recommend these members to the DCO or designee. Upon receiving the recommendation of the DSO-HR, the DCO or designee, in consultation with the DIRAUX, will assign the PI and members of the investigative team. It is preferred to have the investigative team be a neutral third party. The Intervention/Investigation Team can provide assistance if needed.

Upon assignment to the case, the PI will do the following:

1. Determine what infraction has occurred. Infractions warranting informal disciplinary action include:
   a) Failure to apply and adhere to Coast Guard core values in the conduct of Auxiliary programs.
   b) Exerting a disruptive influence upon the conduct of Auxiliary business.
   c) Flagrant and/or repeated uniform or grooming violations.
   d) Unintentionally compromising or mishandling Coast Guard or Auxiliary examinations, privacy act information, or sensitive official message traffic or correspondence.
   e) Unwarranted violations or abuse of the chain of leadership and management (Chapter 1, Section C.1.).
   f) Unintended violations of Coast Guard or Auxiliary written directives, procedures, standing rules, or policies. In reviewing a complaint of this nature, the facts must show that the Auxiliarist had knowledge or reasonably should have had knowledge of the directives, procedures, standing rules, or policies.
   g) Misrepresentation in official correspondence or reports.
   h) Misrepresenting Coast Guard authority, rank, government title, or Auxiliary position or status, either implied or by design.
   i) Failure to follow established patrol procedures as prescribed by written directives or policies.
   j) Failure to follow published Auxiliary web policies and guidelines.

2. Determine who witnessed the infraction(s).
3. Interview witnesses and determine the facts of the case.
4. Document all interviews.
5. Render a written report and recommendation.
7. Report all process steps to the appropriate parties
8. E-mail streams are for notification and should not be a part of the communications/investigation process. Reports can be attached to e-mails with caution as to who receives them.
C. REQUESTING INTERVENTION SUPPORT:

An elected or appointed leader that requires support should engage their COLM. If the elected leader requires support, he/she can request support from the Intervention/Investigation Team via the DSO-HR.

1. Requesting procedures:

   a) Elected or appointed leader sends request (see Appendix C) to the DSO-HR.
   b) The DSO-HR will review the request and send it to the appropriate leader for investigation.
   c) If the investigating leader requires support, they can request the involvement of the Intervention/Investigation Team.
   d) At least two members of the Intervention/Investigation Team will be assigned to manage the case. The Investigation/Investigation Team members will interview the involved members and attempt to resolve the issue(s).
   e) The Team members will document all information pertinent to the case and forward to the DSO-LP/ADSO-LP for record retention.
   f) E-mail streams are for notification only and should not be part of the communication/investigation. Reports can be attached to e-mails with caution as to who receives them.
CHAPTER 4. FORMAL DISCIPLINE PROCESS

A. REQUIREMENTS:

If individual coaching sessions/conversations and/or informal disciplinary action do not yield satisfactory results, or if the infraction is so egregious as to warrant more severe disciplinary action, it may be necessary to administer more progressive discipline. Formal progressive discipline is outlined in the Auxiliary Manual (Chapter 3, Sections H). Section H. presents the process to follow for formal disciplinary action. It is the same process as administering informal discipline:

1. Before administrative action can be initiated, an investigation into the facts of the case must be established (Section F.2.a.).
2. Members who believes an Auxiliarist has violated the governing policies as set forth by the Commandant can make a request for a preliminary investigation (Section F.2.a).
3. The subject member of an investigation must be kept apprised of all aspects of any proceedings (Section F.2.b).
4. The leader receiving the request for investigation can determine if the charges are warranted or unwarranted (Section F.2.c.)
5. If the leader determines there was no violation, the leader will notify all parties (Section F.5.).
6. If the leader determines the investigation is warranted, the investigation shall proceed.
7. Upon the conclusion of the investigation, the leader will make a preliminary determination if policy was violated (Section F.4.)
8. If the leader determines there was a violation, the leader will notify all parties and proceed per AUXMAN (Sections G and H).

B. RESPONSIBILITIES:

Chapter 3, Section H of the Auxiliary Manual states:

"Formal disciplinary action provides the structured, non-judicial course of action that an Auxiliary unit elected leader or appropriate appointed leader (hereinafter referred to as “the leader”) should follow when the determination is made pursuant to provisions of section F of this chapter that a major violation of Coast Guard or Auxiliary policy has occurred. It is meant to document and address the commission and correction of such violation."
The DSO-HR has the responsibility to identify a Primary Investigator and other members of the investigative team. Upon receiving the recommendation of the DSO-HR, the DCO or designee, in consultation with DIRAUX, will assign the PI and members of the team. The assignment should take into consideration the involvement (if any) of the Primary Investigator in the case. Preferably, it will be a neutral third party. The Intervention/Investigation Team Members stand ready to provide this support.

Upon assignment to the case, the Primary Investigator will do the following:

1. Determine what infraction has occurred. Infractions warranting formal disciplinary action include:

   a) Failure to apply and adhere to Coast Guard core values in the conduct of Auxiliary programs to a greater degree than that warranting informal disciplinary action.

   b) Exerting a disruptive influence upon the conduct of Auxiliary business to a greater degree than that warranting informal disciplinary action.

   c) Any action which may or does bring discredit to the Coast Guard or Coast Guard Auxiliary, whether assigned to duty or not. This includes violation of the Commandant’s zero tolerance policy on drug/alcohol abuse, as evidenced by driving or boating under the influence or while intoxicated (DUI/DWI) convictions, as well as conviction of a state or federal felony or misdemeanor related to drug possession or use, sexual deviation, or aggravated assault after exhaustion of any appeals.

   d) Refusing to follow regulations for the wearing of the Auxiliary uniform or insignia, including misrepresentation as a Coast Guard employee, or flagrant or repeated misuse of rank, titles, or insignia.

   e) Misuse of Coast Guard or Auxiliary funds or property, including the use of Coast Guard or other government property without proper authority.

   f) Repeated actions prejudicial to the good order of the Auxiliary or any of its programs, as documented in the Auxiliarist’s record.

   g) Failure to follow appropriate civil rights laws, the Commandant’s Equal Opportunity Policy Statement, and/or the Commandant’s Anti-Discrimination and Anti-Harassment Policy Statement.

   h) Any attempt to deceive or issue false official statement, oral or written, including when involved with an enrollment application, a facility offer of use, a facility inspection or vessel examination, test taking and administration, and performance reporting and recognition. This includes forging signatures on an official document as well as falsification of an official record.

   i) Breaches of electronics and communications protocols or any other public communications media, so as to reflect discredit or to publicly embarrass the Coast Guard or Auxiliary.
2. Determine who witnessed the infraction(s).
3. Interview witnesses and determine the facts of the case.
4. Document all interviews.
5. Render a written report and recommendation.
7. Report all process steps to the appropriate parties.
8. E-mail streams are for notification only and should not be part of the communication/investigation process. Reports can be attached to e-mails with caution as to who receives them.

C. REQUESTING INTERVENTION SUPPORT:

An elected or appointed leader that requires support should engage their COLM. If the elected leader requires support, he/she can request it from the Intervention/Investigation Team via the DSO-HR.

1. Requesting procedures:

   a) Elected or appointed leader sends request (see Appendix B) to the DSO-HR.
   b) The DSO-HR will review the request and send it to the appropriate leader for investigation.
   c) If the investigating leader feels they require support, they can request the involvement of the Intervention/Investigation (I/I) Team to assist with the process.
   d) At least two members of the Intervention/Investigation Team will be assigned to manage the case. The Intervention/Investigation Team members will interview the involved members and attempt to resolve the issue(s).
   e) The Team members will document all information pertinent to the case and forward to the DSO-LP/ADSO-LP for record retention.
   f) E-mail streams are for notification and should not be part of the communication/investigation process. Reports can be attached to e-mails with caution as to who receives them.
CHAPTER 5. INTERVENTION / INVESTIGATION TEAM

A. REQUIREMENTS:

Given that not all our leaders are skilled or experienced in the field of human resources management, the DCO has commissioned an Intervention/Investigation team of Auxiliary leaders who possess the skills and experience necessary to manage personnel matters.

The purpose of the team is to provide support for those leaders at all levels who need support in managing personnel matters. These matters can range from simple uniform infractions up to and including serious infractions of our Core Values and egregious violations of our policies and procedures that may warrant immediate disenrollment.

The members of the Intervention/Investigation Team are listed in Appendix I.

B. RESPONSIBILITIES:

Members of the Team who are assigned to specific cases will do the following:

1. Retain Material
   a) All material related to an investigation (e.g., documents reviewed, copy of electronic communications, transcripts of member interviews, etc.) shall be included in the investigation file as well as the case file in the DSO-LP/ADSO-LP. All documents shall be labelled ‘Confidential’ and working documents shall be labelled ‘Draft’ until such time as the document is finalized.
   b) The retention of final documents, including originals, will be in accordance with Coast Guard documentation standards and emailed to the DIRAUX office.

2. Maintain Privacy / Confidentiality
   a) All investigations should be conducted in compliance with privacy laws relevant to the jurisdiction where the investigation is conducted as well as the USCG policies.
   b) Guidance on the application of privacy laws can be obtained from the DSO-LP/ADSO-LP. There are generally three primary considerations:
      1) Identify whether the data that could be processed during the investigation is Personally Identifiable Information (PII).
      2) Identify whether there is a legitimate business purpose for local collection and processing of PII.
3) Determine whether the locally collected PII needs to be transferred outside the originating organization for further processing and identify the best mechanism for transfer.

   c) All interventions/investigations should be considered Personnel matters and held in the highest confidentiality.

1) Strict limits shall be held on a “need to know” basis in maintaining the structure of interventions and investigations.

2) All reports and accompanying documentation are strictly confidential and become part of an Auxiliarist’s file.

3) The Director or DCO will determine the scope of the dissemination of any information, documentation or reports related to an intervention or investigation.

4) Interventions or investigations being defined as private personnel matters shall not be discussed or become part of the agenda for unit meetings.

3. Maintain Impartiality

   a) Investigators must be independent of the issues raised, the functions and the people involved to avoid actual or perceived conflicts of interest.

   b) Investigations must be conducted impartially, demonstrating the USCG Auxiliary and USCG Core Values, and without any assumptions of guilt or innocence.

   c) If there is any perceived or potential conflict of interest with the investigators, or any perceived pressure to influence or interfere with the investigation, the matter must be referred to the DSO-LP/ADSO-LP.

4. Maintain Confidentiality and Non-Retaliation

   a) The USCG and USCG Auxiliary have a non-retaliation policy to protect individuals from any retribution as a result of raising issues in good faith.

   b) All members charged with the responsibility for conducting investigations are to ensure that, where relevant, confidentiality and anonymity will be preserved.

   c) Specific arrangements for the safeguarding of members who raise concerns are to be discussed and agreed upon by the investigator and the DSO-HR on assignment to the investigation.
5. Seek Investigation Support

a) Where there are practical difficulties for the investigator to conduct an investigation the DSO-LP/ADSO-LP may be asked to support the investigation or external resources may be used.

b) External resources (e.g., USCG legal) may also be used where there is a need to demonstrate impartiality and in such cases, the use of external resources is to be approved by the DSO-LP/ADSO-LP.

6. Recommend Suspension of Suspected Member

a) The question of suspension of a suspected member is a delicate one and must be carefully and sensitively planned. Where the suspension of a suspected member is considered, consultation must take place with the DSO-HR and the DSO-LP/ADSO-LP.

b) Early consultation with the DSO-IS should be made to ensure the member's IT accounts are suspended if an actual suspension is issued by the Director.

7. Conduct coaching sessions with involved parties as required.

a) It may be appropriate for Team members to support local leaders in a coaching session

8. Conduct investigations via interviews and other research as required. (See Section C. Guidelines for Conducting Investigations.

9. Make recommendations to the DCO and DIRAUX based upon the findings of their investigation. (See Section F. Final Report)

10. Maintain required documentation and submit it for review and filing. (See Appendix A, B, C, D, E, F, G, H.)

11. E-mail streams are for notification only and should not be part of the communication/investigation process. Reports can be attached to e-mails with caution as to who receives them.

C. GUIDELINES FOR CONDUCTING THE INVESTIGATION

Allegations can be received from a number of sources including issues raised by anonymous members and those who wish to remain confidential.

The recipient of the initial complaint should respond to the source acknowledging receipt of the complaint using the following or similar wording:

"Thank you for reporting your concerns. I would like to reassure you that the USCG Auxiliary takes your concerns seriously and they will be evaluated and investigated as appropriate. Depending on the nature of your concern, a team will be designated to deal with it and will respond to you in the near future."

5-3
The Primary Investigator assigned to the case by the DSO-HR (See Appendix D) acts as the Single Point of Contact (SPOC) with the source of the complaint and is responsible for providing support, advice about safeguarding and protecting their identity.

Following the initial response to the source, the PI (SPOC) should maintain communication with the source as often as necessary but as a minimum on a monthly basis. Circumstances will dictate the frequency and method of communication with the source. This should be assessed on a case-by-case basis.

Any contact with the source must be recorded.

At the conclusion of the investigation the PI (SPOC) (See Appendix G), DCO, should notify the complainant of the outcome of the investigation or DIRAUX as appropriate via registered letter.

In cases where criminal activity is suspected or discovered in the course of the investigation, the appropriate law enforcement agency should be notified and the Auxiliary process suspended for the duration of the law enforcement agency’s investigation. Reports written prior to that notification may be subject to subpoena and Auxiliary investigators may be called to give statements, perhaps under oath. Auxiliary cooperation must be assured. However, it is possible that parallel investigations could impede that conducted by law enforcement.

D. DEVELOPING AN INVESTIGATION PLAN

An investigation plan should be prepared before any work commences. Having a plan ensures an efficient and effective process. The plan should incorporate details of the initial report, as far as they known, and the proposed steps to be taken to confirm the accuracy.

E. INVESTIGATION PHASES

There are usually four phases during an investigation process.

**Phase One:**

1. Determine the objectives and scope of the investigation.
2. Submit the initial case report (Appendix C)
3. Determine what laws, regulations, policies, guidelines, procedures, practices, Core Values apply)
4. Consider what subject matter experts are required to support the investigation.
5. Liaise with the DSO-HR and DSO-LP/ ADSO-LP for advice on local laws or policies relating to the protection of members.
6. Consider whether the investigation should be confidential in order to secure and preserve evidence.

7. Consider how to obtain relevant documents and secure evidence.

8. Consider what, if any, potential criminal proceedings may result from the investigation.

9. Consider the recovery of losses and prevention of further losses.

10. Consider the requirement for immediate action as the first 48 hours in an investigation may be critical. For example:
   - Securing evidence
   - Suspending member(s) during the investigation.
   - Suspending the use of particular vendors or agents.
   - Notifying higher authorities.
   - Ensuring that members are free from potential retaliation or retribution and can confidently perform their duties.

11. Determine who you should interview (and the sequence of interviews) and determine who should be present.

12. Establish an investigative tie table (See Appendix A).


14. Set up investigation files and control procedures for gathering evidence.

15. Determine the format of the final report.

**Phase Two**

The second phase involves executing the investigation. The primary objective during this phase is to clearly understand the allegation(s), secure, analyze and present complete and accurate evidence in a thorough, methodical, consistent, timely and professional manner. Every case should be conducted with the view of defending the actions taken at member meetings, civil or criminal courts, or with an external investigative or regulatory entity.

It is important to secure the evidence at the earliest possible time to ensure it is available for review and analysis later on and to preserve the integrity of the data. The manner of collection of the evidence should be carefully considered and could be subject to chain of custody scrutiny and a clear chronology of possession will need to be shown to prove that the evidence has not been altered and is therefore admissible. All evidence should be recorded in an exhibit log.

**Phase Three**

The third phase involves the analysis of the information and evidence, considering its reliability and relevance, and how it fits the overall purpose of the investigation.
This may be summarized as:

- Reliability: assessing the nature, context, basis and source of the information.
- Relevance: gaining a detailed understanding of the information, assessing the purpose, implications and issues.
- Evidence: determining the use of information as evidence and its value to the investigation.

**Phase Four**

This phase involves preparing the report and closing the case.

On conclusion of the investigation, a final report is to be sent to the DSO-LP/ADSO-LP who is responsible for further dissemination as appropriate. No later than 60 days (see Appendix A) after receipt of the initial report, if the report has not been completed, an interim report is to be sent to the DSO-LP/ADSO-LP.

Reports should be quality checked by the DSO-LP/ADSO-LP.

The investigation phase of the case should be closed as soon as possible after completing the final report (preferably within one day).

Files should include all relevant documents, reports and hand-written notes. The file should be case ready in that it would stand in the event of legal action by or against the member.

The case is considered closed when confirmation is received that follow up action has been administered.

The DSO-LP/ADSO-LP is responsible for closing the case.

Copies of all documentation should be retained in the member’s file in the office of the DIRAUX.

**F. THE FINAL REPORT**

In general, the following should be observed:

- Double-spaced.
- Font: Aerial 11 point.
- Text: Justified.
- Titles: Written out the first time in the report.
- Abbreviations: Spell out first time in the report, then use abbreviations.
- Dates: Remain consistent throughout the report.
- Section numbering: Each section should be consistent.
ACKNOWLEDGEMENTS

This document is a compilation of information from several sources including the following:

- D5NR PPE Guide prepared by OTO Richard Clark (format)
- Bell Atlantic Management Guidelines (content)
- MBNA Human Resources Guidelines (content)
- GSK Investigations Manual (content)
- D8WR Investigations – forms by permission of DCOS D8WR

APPENDICES

APPENDIX A – RFI INDEX
APPENDIX B – RFI 1 REQUEST FOR INTERVENTION
APPENDIX C – RFI 2 REQUEST FOR PRELIMINARY INVESTIGATION
APPENDIX D – RFI 3 APPOINTMENT OF PRELIMINARY INVESTIGATOR
APPENDIX E – RFI 4 SUMMARY DENIAL OF REQUEST FOR PRELIMINARY INVESTIGATION
APPENDIX F – RFI 5 NOTICE OF REQUEST FOR PRELIMINARY INVESTIGATION
APPENDIX G – RFI 6 NOTICE OF DECISION BY CONVENING AUTHORITY
APPENDIX H – NOTICE OF DISCIPLINARY DECISION
APPENDIX I – LIST OF INTERVENTION/INVESTIGATION TEAM MEMBERS
APPENDIX J – FLOW CHARTS / JOB AIDS
U.S. COAST GUARD AUXILIARY
DSO-LP/ADSO-LP FORM
RFI INDEX
This is a fillable form

**INDEX FOR AUXILIARY PRELIMINARY INVESTIGATION PROCESS**

The Auxiliary disciplinary process is codified in COMDTINST M16790.1G Auxiliary Manual, Chapter 3, Sections F, G H and I. This INDEX serves as a guide and timetable for the process.

**DSO-LP ASSIGNED CASE NO:**

**SUBJECT AUXILIARIST:**

<table>
<thead>
<tr>
<th>ITEM</th>
<th>FORM</th>
<th>TITLE</th>
<th>DATE DUE</th>
<th>DATE FILED</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>RFI 1</td>
<td>REQUEST FOR PRELIMINARY INVESTIGATION filed with the Auxiliary Leader or Staff Officer.</td>
<td></td>
<td>[1]</td>
</tr>
<tr>
<td>2</td>
<td>RFI 2</td>
<td>APPOINTMENT OF PRELIMINARY INVESTIGATING OFFICER by the Auxiliary Leader/Convening Authority</td>
<td>+7 FROM [1]</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>RFI 3</td>
<td>SUMMARY DENIAL OF REQUEST FOR PIO by the Convening Authority to Requesting Authority</td>
<td>+7 FROM [1]</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>RFI 4</td>
<td>NOTICE OF REQUEST FOR PRELIMINARY INVESTIGATION to the Subject Auxiliarist</td>
<td>+7 FROM [1]</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td></td>
<td>WRITTEN ENDORSEMENT OF PIO by the PIO to the Convening Authority.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td></td>
<td>PRELIMINARY INVESTIGATION REPORT by the PIO to the Convening Authority.</td>
<td>&lt;60 DAYS</td>
<td>[2]</td>
</tr>
<tr>
<td>7</td>
<td></td>
<td>PRELIMINARY DETERMINATION by Convening Authority after consultation with the DSO-LP</td>
<td>+15 FROM [2]</td>
<td>[3]</td>
</tr>
<tr>
<td>8</td>
<td></td>
<td>NOTICE OF DETERMINATION by Convening Authority that NO DISCIPLINE WARRANTED.</td>
<td>+5 FROM [3]</td>
<td></td>
</tr>
<tr>
<td>9</td>
<td></td>
<td>NOTICE OF RECOMMENDATION by Convening Authority of INFORMAL DISCIPLINE.</td>
<td>+5 FROM [3]</td>
<td></td>
</tr>
<tr>
<td>10</td>
<td></td>
<td>ADMINISTRATION of INFORMAL DISCIPLINE by the Convening authority</td>
<td>+10 FROM [3]</td>
<td>[4]</td>
</tr>
<tr>
<td></td>
<td></td>
<td>NOTICE OF APPEAL from INFORMAL DISCIPLINE by the Subject Auxiliarist</td>
<td>+30 FROM [4]</td>
<td></td>
</tr>
<tr>
<td>11</td>
<td></td>
<td>RECOMMENDATION by Convening Authority of FORMAL DISCIPLINE WARRANTED.</td>
<td>+5 FROM [3]</td>
<td>[5]</td>
</tr>
<tr>
<td>12</td>
<td></td>
<td>DETERMINATION of DISCIPLINE by DCO and DIRAUX</td>
<td>+30 FROM [5]</td>
<td>[6]</td>
</tr>
<tr>
<td>13</td>
<td></td>
<td>NOTICE OF APPEAL from DCO – DIRAUX DETERMINATION by the Subject Auxiliarist.</td>
<td>+30 FROM [6]</td>
<td>[7]</td>
</tr>
</tbody>
</table>

**DSO-LP WILL MAINTAIN THE CASE DOCKET AND ACT AS FILING CLERK. ITEMS 1-10 SHOULD BE FILED WITH DSO-LP WHO WILL BE RESPONSIBLE FOR FORWARDING THE ITEM TO THE APPROPRIATE PERSONNEL.**
I believe that the following member of the United States Coast Guard Auxiliary requires some direct intervention. I request that a discussion be conducted in accordance with the, COMDTINST M16790.1G Auxiliary Manual Chapter 3.

---

**REQUEST FOR INTERVENTION**

<table>
<thead>
<tr>
<th></th>
<th></th>
<th>DST</th>
<th>DIV</th>
<th>FLT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. NAME OF REQUESTING AUXILIARIST and AUXID:</td>
<td></td>
<td>053</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. DST</td>
<td>DIV</td>
<td>FLT</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. THE NEXT HIGHEST AUXILIARY LEADER IN MY CHAIN OF LEADERSHIP AND MANAGEMENT OR APPLICABLE STAFF OFFICE IS:</td>
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<tr>
<td>NAME OF AUXILIARY LEADER</td>
<td>OFFICE OR POSITION HELD</td>
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<tr>
<td>I believe that the following member of the United States Coast Guard Auxiliary requires some direct intervention. I request that a discussion be conducted in accordance with the, COMDTINST M16790.1G Auxiliary Manual Chapter 3.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. NAME OF AUXILIARIST and AUXID:</td>
<td></td>
<td>053</td>
<td></td>
<td></td>
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<tr>
<td>4. DST</td>
<td>4 DIV</td>
<td>4 FLT</td>
<td></td>
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<tr>
<td>5. DESCRIBE THE ISSUE(S):</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6 DATE(S) OF ISSUE(S):</td>
<td>7. LOCATION OF ISSUE(S)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8. FACTS SUPPORTING MY REQUEST:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9. DOCUMENTS SUPPORTING MY REQUEST:</td>
<td></td>
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</tr>
</tbody>
</table>
10. THE FOLLOWING INDIVIDUALS WITNESSED THE EVENTS DESCRIBED ABOVE:

<table>
<thead>
<tr>
<th>Witness Name</th>
<th>What they witnessed</th>
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</thead>
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</tbody>
</table>

COMDTINST M16790.1G, Auxiliary Manual provides that: “All Auxiliarists should consider that in many situations, particularly those of a first-time and minor nature which might otherwise result in informal disciplinary action inappropriate or incorrect conduct is most appropriately and effectively dealt with on-the-spot and in non-confrontational fashion. Frank, mature, and respectful discussion of inappropriate or incorrect conduct, coupled with informal instruction on expected behavior and/or correct performance, often prevents any need to expend significant time and effort associated with administrative disciplinary processes.

11. HAVE YOU TRIED TO RESOLVE THE ISSUE INFORMALLY WITH ON-THE-SPOT IN A NON-CONFRONTATIONAL MANNER? YES | NO | Not Applicable

12. IF NO, WHY NOT:

13. IF YES DESCRIBE WHAT YOU DID AND THE RESULT:

14. IN FILING THIS REQUEST, I ACKNOWLEDGE THAT AUXMAN 3-40 PROVIDES: “An Auxiliarist for whom it is subsequently determined had attempted to employ
Auxiliary administrative disciplinary policies in a frivolous, disruptive, or deliberately malicious manner may, as a consequence, subject themselves to administrative disciplinary action."

I CERTIFY THAT ALL INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

DATE: ____________________________

REQUESTING AUXILIARY

SEND THE REQUEST TO THE DSO-HR WHO WILL ACT AS DOCKETING AND FILING CLERK. DSO-HR WILL SUBMIT YOUR REQUEST TO THE AUXILIARY LEADER IDENTIFIED AT NO. 1. IF THAT LEADER HAS A CONFLICT OF INTEREST IT WILL BE SUBMITTED TO A PARALLEL OR NEXT HIGHEST LEADER WHO IS UNCONFLICTED.
U.S. COAST GUARD AUXILIARY

REQUEST FOR PRELIMINARY INVESTIGATION

1. NAME OF REQUESTING AUXILIARIST and AUXID:

2. DST DIV FLT

   085

3. THE NEXT HIGHEST AUXILIARY LEADER IN MY CHAIN OF LEADERSHIP AND MANAGEMENT OR APPLICABLE STAFF OFFICE IS:

   NAME OF AUXILIARY LEADER
   OFFICE OR POSITION HELD

I believe that the following member of the United States Coast Guard Auxiliary has violated the governing policies established by the Commandant. I request that a preliminary investigation be conducted in accordance with the, COMDTINST M16790.1G Auxiliary Manual Chapter 3.

4. NAME OF ALLEGED VIOLATOR and AUXID:

   4. DST 4 DIV 4 FLT

   053

5. DESCRIBE ALLEGED VIOLATION:

6 DATE(S) OF ALLEGED VIOLATION 7. LOCATION OF ALLEGED VIOLATION

8. FACTS SUPPORTING MY REQUEST:

9. DOCUMENTS SUPPORTING MY REQUEST:
10. THE FOLLOWING INDIVIDUALS WITNESSED THE EVENTS DESCRIBED ABOVE:

<table>
<thead>
<tr>
<th>Witness Name</th>
<th>What they witnessed</th>
</tr>
</thead>
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11. HAVE YOU TRIED TO RESOLVE THE VIOLATION INFORMALLY WITH ON-THE-SPOT IN A NON-CONFRONTATIONAL MANNER? | YES | NO | Not Applicable

12. IF NO, WHY NOT:

13. IF YES DESCRIBE WHAT YOU DID AND THE RESULT:
14. IN FILING THIS REQUEST, I ACKNOWLEDGE THAT AUXMAN 3-40 PROVIDES:

"An Auxiliarist for whom it is subsequently determined had attempted to employ Auxiliary administrative disciplinary policies in a frivolous, disruptive, or deliberately malicious manner may, as a consequence, subject themselves to administrative disciplinary action."

I CERTIFY THAT ALL INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

DATE: ___________________________ REQUESTING AUXILIARIST

SEND THE REQUEST TO THE DSO-LP WHO WILL ACT AS DOCKETING AND FILING CLERK. DSO-LP WILL SUBMIT YOUR REQUEST TO THE AUXILIARY LEADER IDENTIFIED AT NO. 1. IF THAT LEADER HAS A CONFLICT OF INTEREST IT WILL BE SUBMITTED TO A PARALLEL OR NEXT HIGHEST LEADER WHO IS UNCONFLICTED.
On [1] __________________________ a Request for Preliminary Investigation was filed by AUX [2] __________________________, requesting a preliminary investigation be instituted regarding the acts or omissions of AUX [3] __________________________. A copy of the Request for Preliminary Investigation is attached hereto.

FINDINGS

1. After reviewing the Request for Preliminary Investigation and documents attached thereto, I am of the opinion that request should be granted and a standard preliminary investigation conducted.

2. Furthermore, I am of the opinion that the evidence submitted in support of the Request for Preliminary Investigation does[4] _____ does not[5] _____ warrant consideration of a temporary suspension of the membership privileges pending the result of the preliminary investigation in accordance with COMDTINST M16790.1G, Auxiliary Manual, Chapter 3, Section I. This recommendation is being forwarded to the DCO and DIRAUX.
APPOINTMENT


The investigation should be conducted in accordance with COMDTINST M16790.1G, Auxiliary Manual, Chapter 3, Section F3b and F4 and COMDTINST M5830.1A, Administrative Investigations Manual. The Preliminary Investigation Report shall be in the form prescribed by COMDTINST M5830.1A, Chapter 5, section B. The Preliminary Investigation Report shall be filed with me no later than [8] _________________. If additional time is required, the PIO shall request, in writing for an extension. DSO-LP/ADSO-LP has appointed AUX [9] __________________________ as your legal servicing officer for the investigation. The PIO is requested to endorse this Appointment to me in writing by [10] _________________.

Date: ____________________.

AUXILIARY LEADER / CONVENING AUTHORITY

SEND THE SIGNED FORM TO THE DSO-LP WHO WILL ACT AS THE FILING CLERK AND WILL FORWARD COPIES TO THE APPROPRIATE PERSONNEL.
U.S. COAST GUARD AUXILIARY

SUMMARY DENIAL OF REQUEST FOR PRELIMINARY INVESTIGATION


NOTE: DECISION MUST BE ISSUED 7 DAYS FROM THE DATE THE REQUEST FOR PRELIMINARY INVESTIGATION WAS RECEIVED.


BASED UPON MY REVIEW OF THE REQUEST FOR PRELIMINARY INVESTIGATION AND EVIDENCE SUBMITTED IN SUPPORT THEREOF, AND AFTER HAVING CONFERRED WITH THE DSO-LP, IT IS MY OPINION THAT THE REQUEST SHOULD BE AND IT IS HEREBY DENIED.

### BASIS FOR DENIAL

<p>| | |</p>
<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>4. INSUFFICIENT EVIDENCE</td>
<td></td>
</tr>
<tr>
<td>5. NO VIOLATION OF THE AUXILIARY MANUAL OR OTHER RULE OR REGULATION.</td>
<td></td>
</tr>
<tr>
<td>6. MINOR INFRACTION NOT WARRANTING A PRELIMINARY INVESTIGATION.</td>
<td></td>
</tr>
<tr>
<td>7. FRIVOLOUS COMPLAINT</td>
<td></td>
</tr>
<tr>
<td>8. OTHER:</td>
<td></td>
</tr>
</tbody>
</table>

DATE: ____________________________

SEND SIGNED FORM TO DSO-LP/ADSO-LP WHO WILL ACT AS FILING CLERK AND FORWARD COPIES TO ALL OF THE APPROPRIATE PERSONNEL.

AUXILIARY LEADER
INSTRUCTIONS

Summary Denial is used when the information contained in the Request for Preliminary Investigation reveals **on its face** that a preliminary investigation is not warranted. Send the signed form to the DSO-LP/ADSO-LP who will act as the filing clerk and forward copies to all of the appropriate personnel.

In this situation, it is not necessary to proceed to notify the subject of the complaint and request a written response. The complaint is summarily disposed of in the subject's favor. The subject is notified after the fact that a complaint was filed and summarily denied.

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td>1.</td>
<td>Date the Request for Preliminary Investigation was Received</td>
</tr>
<tr>
<td>2.</td>
<td>Name of the Auxiliarist requesting the Investigation.</td>
</tr>
<tr>
<td>3.</td>
<td>AUXID of the Auxiliarist requesting the Investigation.</td>
</tr>
<tr>
<td>4.</td>
<td>Basis for denial: Insufficient Evidence</td>
</tr>
<tr>
<td>5.</td>
<td>Basis for denial: No violation of the Auxiliary Manual or other regulation.</td>
</tr>
<tr>
<td>7.</td>
<td>Basis for denial: Frivolous complaint.</td>
</tr>
<tr>
<td>8.</td>
<td>Basis for denial: Other- please describe in detail.</td>
</tr>
</tbody>
</table>
U.S. COAST GUARD AUXILIARY

NOTICE OF
REQUEST FOR PRELIMINARY INVESTIGATION


On [3] ____________________ A REQUEST FOR PRELIMINARY INVESTIGATION WAS FILED. A COPY OF

THE REQUEST IS ATTACHED AS “ANNEX 1” AND STATES THE GROUNDS FOR THE REQUEST AND THE SOURCE OF

THE REQUEST. AFTER REVIEWING THE REQUEST AND SUPPORTING DOCUMENTATION THE AUXILIARY

LEADER, ACTING AS THE CONVENING AUTHORITY, DETERMINED THAT A PRELIMINARY INVESTIGATION

SHOULD BE CONDUCTED.

INITIAL PLAN OF ACTION

ON [4] ____________________ THE CONVENING AUTHORITY APPOINTED


COPY OF THE APPOINTMENT IS ATTACHED AS “ANNEX 2”. PLEASE NOTE THAT THE CONVENING AUTHORITY


PRIVILEGES BE SUSPENDED DURING THE PRELIMINARY INVESTIGATION. THE PRELIMINARY INVESTIGATION

REPORT IS TO BE FILED NO LATER THAN [8] ____________________ .

THE PURPOSE OF A PRELIMINARY INVESTIGATION IS TO GATHER ALL INFORMATION RELEVANT TO THE

COMPLAINT. YOU HAVE THE RIGHT TO SUBMIT A WRITTEN RESPONSE TO THE ALLEGATIONS IN THE

REQUEST AND TO SUPPORT YOUR RESPONSE WITH CORROBORATING DOCUMENTS AND EVIDENCE. YOU
ARE ENCOURAGED TO DO SO. **YOU SHOULD SUBMIT YOUR RESPONSE DIRECTLY TO THE PIO AND IT WILL**

**BECOME PART OF THE INVESTIGATION RECORD.** ALL DECISIONS WILL BE BASED UPON THE INVESTIGATION

RECORD. CONSEQUENTLY, IT IS IMPORTANT THAT YOU SUBMIT ALL OF THE INFORMATION YOU WANT THE
CONVENCING AUTHORITY TO CONSIDER IN DECIDING THIS CASE. BASED UPON THE WRITTEN REPORT BY THE
PRELIMINARY INVESTIGATING OFFICER THE CONVENCING AUTHORITY WILL MAKE A DETERMINATION AS TO
WHETHER THE MATTER SHOULD BE DISMISSED OR PROCEED TO INFORMAL OR FORMAL DISCIPLINARY
ACTION. YOU ARE URGED TO READ AUXILIARY MANUAL CHAPTER 3 CONCERNING THE AUXILIARY
DISCIPLINARY PROCESS.

DATE: ____________________________  DSNR DSO-LP

ATTACHED:

ANNEX 1: (RFI 1) REQUEST FOR PRELIMINARY INVESTIGATION
ANNEX 2 (RFI 2) APPOINTMENT OF PRELIMINARY INVESTIGATION OFFICER

YOUR ATTENTION IS CALLED TO THE FOLLOWING REFERENCES:

COMDTINST M16790.1G, Auxiliary Manual, Chapter 3:
Section F, Auxiliary Administrative Discipline
Section G, Informal Discipline
Section H, Formal Discipline
Section I, Temporary Suspension
Section J, Appeals of Disciplinary and PSI Actions.
Disciplinary Decision by Convening Authority

On: [1] ________________________________ a Request for Preliminary Investigation was filed by AUX [2] ________________________________ requesting an investigation be instituted regarding the acts or omissions of AUX [3] ________________________________. A copy of the Request for Preliminary Investigation is attached hereto. After reviewing the Request, I determined that it should be granted. Accordingly, on [4] _____________________ I appointed [5] AUX ______________________ as the Preliminary Investigating Officer (PIO) and requested that he conduct a preliminary investigation pursuant to COMDINST M16790. 1G Chapter F., Section F., 2.a.

On [6] ________________________________ the PIO filed the Investigation Report. After reviewing the above documents and the Investigation Report I FIND: All relevant requirements of COMDINST M16790.1G, the Auxiliary Manual, Chapter 3, and Section F have been satisfied and the issue of discipline is now before me for decision.
**FINDINGS OF FACT AND DECISION**

After reviewing the Preliminary Investigations Report and the relevant portion of COMDINST M16790.1G, and after consulting with DSO-LP I **FIND**:

**1. DISMISSAL**

(Check box [7] if you find that the complaint should be dismissed)

<table>
<thead>
<tr>
<th>7</th>
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</table>

**There is no factual basis** to conclude that the subject Auxiliarist has violated a provision of COMDINST M16790.1G, the Auxiliary Manual, or other rule or regulation of the U.S. Coast Guard and accordingly the complaint should be **DISMISSED**.

**OPTIONAL COMMENTS:** I make the following comments for future guidance of the complaining Auxiliarist and the subject Auxiliarist:

[8]

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Skip items 9 – 38 and proceed to sign the decision at box 39
<table>
<thead>
<tr>
<th>CHECK</th>
<th>INFRACTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>[9]</td>
<td>Pursuant to COMDTINST M 16790.1G, Auxiliary Manual, Ch. 3 Section G, one or more of the following <em>infractions have occurred</em> which warrant INFORMAL DISCIPLINARY ACTION:</td>
</tr>
<tr>
<td></td>
<td>If you have checked box [9] <strong>proceed to determine</strong> one or more infractions listed in boxes 10 through 20, determine the discipline at boxes 22-26; give notice of right to appeal at box 27, and sign at box 39. Skip boxes 28-38.</td>
</tr>
<tr>
<td>[10]</td>
<td>a. Failure to apply and adhere to Coast Guard core values in the conduct of Auxiliary programs.</td>
</tr>
<tr>
<td>[12]</td>
<td>c. Flagrant and/or repeated uniform or grooming violations.</td>
</tr>
<tr>
<td>[13]</td>
<td>d. Unintentionally compromising or mishandling Coast Guard or Auxiliary examinations, privacy act information, or sensitive official message traffic or correspondence.</td>
</tr>
<tr>
<td>[14]</td>
<td>e. Unwarranted violations or abuse of the chain of leadership and management.</td>
</tr>
<tr>
<td>[15]</td>
<td>f. Failure to follow procedures prescribed by Coast Guard or Auxiliary written directives, procedures, standing rules, or policies when the Auxiliarist had knowledge or reasonably should have had knowledge of the directives, procedures, standing rules or policies.</td>
</tr>
<tr>
<td>[16]</td>
<td>g. Misrepresentation in official correspondence or reports.</td>
</tr>
<tr>
<td>[17]</td>
<td>h. Misrepresenting Coast Guard authority, rank, Government title, or Auxiliary position or status, either implied or by design.</td>
</tr>
<tr>
<td>[18]</td>
<td>i. Failure to follow established patrol procedures as prescribed by written directives or policies.</td>
</tr>
<tr>
<td>[20]</td>
<td>k. Other: [describe] [21]</td>
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</table>
2 (b) INFORMAL DISCIPLINE DECISION

Taking into account the nature of the infraction, it is my opinion that the following Informal Disciplinary Action is warranted:

*Determine the appropriate discipline by described in boxes 22 through 26.*

**CHECK**

**INFORMAL DISCIPLINE:**

**[22]**

**COUNSELING:** The subject Auxiliarist should be formally counseled regarding the infraction. I appoint [23] to conduct the counseling, in person, which shall occur within twenty days from the date hereof. At the conclusion of the counseling, the counselor shall file a written report with me confirming that the counseling occurred and relevant details of the counseling. In the event the subject Auxiliarist fails to participate in counseling or does so in bad faith, that fact shall be made known to me by the counselor in which case I will recommend to the DCO and DIRAUX that formal discipline occur.

**[24]**

**SUSPENSION OF WEB PRIVILEGES:** The web privileges of the subject Auxiliarist is suspended indefinitely until such time as the subject Auxiliarist obtains training from the DSO-MT or his/her delegate, regarding the Auxiliary’s rules procedures concerning use of the Internet. Privileges will be reinstated upon written statement from the designated trainer that the subject Auxiliarist has actively and successfully participated in such training.

**[25]**

**LETTER OF CAUTION:** A letter of caution will be issued to the subject Auxiliarist within twenty days from the date hereof.

**[26]**

**OPTIONAL COMMENTS:** I make the following comments for future guidance of the complaining Auxiliarist and the subject Auxiliarist:

________________________
________________________
________________________
________________________
________________________
NOTICE OF RIGHT TO APPEAL Pursuant to COMDTINST M16790.1G, Auxiliary Manual, Chapter 3, Section G.3 you have the right to appeal against this informal disciplinary action that is not purely counseling. To do so you must file a written notice with DIRAUX within thirty days from the date hereof.

3. RECOMMENDATION FOR FORMAL DISCIPLINE

| [28]__ | Pursuant to COMDTINST M 16790.1G, Auxiliary Manual, Chapter 3 Section H, one or more of the following infractions have occurred, which I deem to be serious and which warrant a recommendation for formal disciplinary action:

If you determine that a recommendation of formal discipline is warranted please check box 28 and proceed directly to boxes 29 through 38 and sign at box 39.

<table>
<thead>
<tr>
<th>CHECK</th>
<th>INFRINGEMENT:</th>
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<tbody>
<tr>
<td>[29]__</td>
<td>a. Failure to adhere to the Coast Guard core values in the conduct of Auxiliary programs to a greater degree than that warranting informal disciplinary action.</td>
</tr>
<tr>
<td>[30]__</td>
<td>b. Exerting a disruptive influence upon the conduct of Auxiliary business to a greater degree than that warranting informal disciplinary action.</td>
</tr>
<tr>
<td>[31]__</td>
<td>c. Any action which may or does bring discredit to the Coast Guard or Coast Guard Auxiliary, whether assigned to duty or not. This includes violation of the Commandant’s zero tolerance policy on drug/alcohol abuse, as evidenced by driving or boating under the influence or while intoxicated (DUI/DWI) convictions, as well as conviction of a state or federal felony or misdemeanor related to drug possession or use, sexual deviation, or aggravated assault after exhaustion of any appeals.</td>
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<td>[32]__</td>
<td>d. Refusing to follow regulations for the wearing of the Auxiliary uniform or insignia, including misrepresentation as a Coast Guard employee, or flagrant or repeated misuse of rank, titles, or insignia.</td>
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<td>[33]__</td>
<td>e. Misuse of Coast Guard or Auxiliary funds or property, including the use of Coast Guard or other governmental property without proper authority.</td>
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<td>[34]__</td>
<td>f. Repeated actions prejudicial to the good order of the Auxiliary or any of its programs, as documented in the Auxiliarist’s record.</td>
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<td>[35]__</td>
<td>g. Failure to follow appropriate civil rights laws, the Commandant’s Equal Opportunity Policy Statement, and/or the Commandant’s Anti-Discrimination and Anti-Harassment Policy Statement.</td>
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<td>[36]</td>
<td>h. Any attempt to deceive or issue false official statement, oral or written, including when involved with an enrollment application, a facility offer of use, a facility inspection or vessel examination, test taking and administration, and performance reporting and recognition. This includes forging signatures on an official document as well as falsification of an official record.</td>
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<td>[37]</td>
<td>i. Breaches of electronics and communications protocols or any other public communications media, so as to reflect discredit or to publicly embarrass the Coast Guard or Coast Guard Auxiliary.</td>
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<td><strong>OPTIONAL COMMENTS:</strong> I make the following comments for future guidance of the complaining Auxiliarist, the subject Auxiliarist, the DCO and DIRAUX:</td>
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<td>[38]</td>
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**ACCORDINGLY,** I am, this date notifying the DCO and DIRAUX of these **FINDINGS AND DECISION.** Transmitted herewith is the Request for Preliminary Investigation, the Investigation Report and this Decision. Pursuant to COMDTINST M16790.1G Auxiliary Manual, Chapter 3, Section H2.a a copy of the Investigation Report is not being transmitted to the subject Auxiliarist.
<table>
<thead>
<tr>
<th>DISTRIBUTION LIST</th>
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<tr>
<td><strong>DISMISSAL</strong></td>
<td><strong>DCO</strong></td>
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<td><strong>DIRAUX</strong></td>
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<td><strong>COMPLAINING AUXILIARIST</strong></td>
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<td><strong>SUBJECT AUXILIARIST</strong></td>
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<td></td>
<td><strong>DSO-LP/ADSO-LP</strong></td>
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<tr>
<td><strong>INFORMAL DISCIPLINE</strong></td>
<td><strong>DCO</strong></td>
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<td><strong>DIRAUX</strong></td>
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<td><strong>SUBJECT AUXILIARIST</strong></td>
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<td><strong>AUX COUSELLOR (If appropriate)</strong></td>
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<td><strong>DSO-MT (If appropriate)</strong></td>
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<td></td>
<td><strong>DSO-LP/ADSO-LP</strong></td>
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<tr>
<td><strong>FORMAL DISCIPLINE</strong></td>
<td><strong>DCO w/ enclosures</strong></td>
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<td></td>
<td><strong>DIRAUX w/enclosures</strong></td>
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<tr>
<td></td>
<td><strong>SUBJECT AUXILIARIST w/enclosures w/o IR</strong></td>
</tr>
<tr>
<td></td>
<td><strong>DSO-LP/ADSO-LP w/o enclosures.</strong></td>
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U.S. COAST GUARD AUXILIARY
NOTICE OF DISCIPLINARY DECISION OR RECOMMENDATION

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<thead>
<tr>
<th>[1] TO: NAME OF REQUESTING AUXILIARIST and AUXID:</th>
<th>2. DST</th>
<th>DIV</th>
<th>FLT</th>
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<td>053</td>
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In the matter of the Request for Preliminary Investigation filed on [5]

by [6]

YOU ARE NOTIFIED that pursuant to COMDTINST M 16790.1G, Auxiliary Manual, Ch. 3 Section H and G:

[7] The complaint has been DISMISSED. No further action is necessary.

[8] The Convening Authority has determined that INFORMAL DISCIPLINE is appropriate. Please see the attached for details of the INFORMAL DISCIPLINE. PURSUANT TO COMDTINST M16790.1G, Chapter 3, Section G.3 YOU HAVE A RIGHT TO APPEAL THE DECISION TO THE DIRECTOR OF THE AUXILIARY. TO DO SO YOU MUST FILE A WRITTEN NOTICE OF APPEAL WITH DIRAUX WITHIN THIRTY DAYS FROM THE DATE OF THE DECISION.

[9] The Convening Authority has recommended to the DCO and DIRAUX that FORMAL DISCIPLINE be considered. The matter is now being transferred to DIRAUX.

A copy of the case file is transmitted herewith. However, pursuant to COMDTINST M16790.1G Chapter 3, Section H2. (a). You are not entitled to a copy of the Investigation Report.
APPENDIX I

Intervention/Investigation Team Members

➤ **COMO K.C. Murphy, Immediate Past District Commodore**

COMO Murphy has 11+ years direct experience in conducting and overseeing Auxiliary investigations and managing dispute resolutions and interventions under 5 Directors of Auxiliary. He introduced cross-district sharing of investigators with impressive success. COMO Murphy has extensive experience working with Coast Guard Legal, 5th CG District Headquarters senior staff including three District Commanders, Coast Guard Investigative Services, US Attorneys and District and National Auxiliary Legal Counsels as well as Senior National Leadership. He has advanced training in Auxiliary policy and procedures regarding investigations and conflict resolution and is an expert with regards to the Auxiliary manual and its applications. His studies in Clinical Psychology at Penn State University have provided him with expertise in interviewing, assessment, crisis intervention and negotiating.

Eighteen+ years Auxiliary service holding every elected office from VFC through District Commodore including 3 years as DCDR, 3 years as DCA—total of 7+ years on EXCOM. Appointed offices have included every level from FSO to DSO in areas such as IS, HR, OP, DV, MT, VE, PV, PE; specializing in Public Affairs. Qualification Examiner— Boat Crew, PWC and Paddlecraft.

➤ **Donald. W. Merrill, DCA—C**

DCA Merrill worked for 30 years managing a technical work force of 125 technicians for Bell Atlantic who installed and maintained customer services. The technicians were all members of the Communications Workers of America. Upon his retirement from Bell, he moved to MBNA America and managed the voice, data and network facilities and the workforce that installed and maintained the services.

Forty-five years as a member of the Auxiliary, holding most appointed and elected officer positions.

➤ **Philip Walmsley, District Administrative Assistant (Commodore’s Aide)**

A retired Senior Investigations Manager for GlaxoSmithKline Pharmaceuticals, Mr. Walmsley conducted comprehensive and complex investigations for GlaxoSmithKline Pharmaceuticals. Responsibilities included investigations into potential violations in high-risk legal compliance areas including fraud, GSK Commercial Practice, Code of Conduct, Conflict of Interest Policies and
Pharmaceutical Drug Marketing Act legislation. Collaborated with General Counsel to conduct investigations under Attorney/Client Privilege. Prepared, wrote and presented written reports detailing investigation findings.

Twenty-two years as a member of the Auxiliary, serving in many appointed offices.

➤ **James McCarty, Chief, Surface Operations Division-National Response Directorate**

Thirty years law enforcement with the Philadelphia Police Dept. Ten years as a detective (lots of Homicide), six years as an intelligence officer, intelligence analyst and C.O. of the Counter Terror Intelligence Unit. Later served as a District Commander with responsibility for District level discipline of officers. Served as President Judge, Police Board of Inquiry where accused officers are placed on trial. I served as senior officer and presiding judge in this non-criminal "court marshal" type proceeding.

As a college professor, administrator and Assistant Dean, was responsible for investigating student & faculty misconduct, plagiarism & other offenses at a state university.

Served as a member of the Auxiliary for twenty-two years.

➤ **Frank Russo, Flotilla Staff Officer-CM, Flotilla 053-16-01 Gull Island, NJ**

Retired Law Enforcement - State of New Jersey, Law and Public Safety Juvenile Justice Commission
Manager Investigator for Wal-Mart Stores Inc. conducting interviews and investigations concerning theft, fraud and HR matters.

District Asset Protection Manager for The Home Depot - conducting multiple investigations of fraud, internal theft and HR related matters.

Served as a member of the Auxiliary for two years.

➤ **Andrew Scherzinger, Flotilla Commander, Flotilla 053-20-01 Raystown, PA**

More than ten years of Military Police experience both stateside and combat while being enlisted and a Commissioned Officer.

Almost 20 years of service as a Pennsylvania Municipal Police Officer/Chief of Police. Also, a Pennsylvania Certified Deputy Sheriff for Blair County. In addition, numerous other trainings/education combined in military and civilian law enforcement.

Currently more than six years-experience as Union President where we investigate, research, look into labor law, federal statute, rule regulations to
assure that everything is done fair and equitable on BOTH sides (federal agency & Union) Also, have experience, knowledge & training with the N.A.A. Federal Sector Training, Litigation Training, & attended most recent 38th Arbitration Symposium.

Have Associates and Bachelor Degrees from the Pennsylvania State University and currently working on Master’s Degree from Southern New Hampshire University.

Served as a member of the Auxiliary for two years.
USCG Auxiliary: Administrative Discipline Job Aid

START
- Request or need to investigate given to appropriate senior elected leader

Elected leader informs Assistant in writing of accusation per requirements of 3.F.2.b

3.F.3
- Leader provides written information to justify further investigation
  - Leader notifies Director via Chair of Command of findings
  - Director requests investigation

3.F.3a
- Leader notifies Director via Chair of Command of required report
- Director informs leader in writing or via email
- Director agrees?
  - YES
  - Director informs leader in writing or via email
  - NO

3.F.3a
- Elected leader informs Director of outcome
  - Director informs leader per 3.F.3a

3.F.4
- Appointed Investigator
  - Provides written report of facts to elected leader
- Leader has 15 Days to consult with DSO-LP and determine if facts could be violation of Auxiliary policy subject to discipline
- Offer accused assistance with training or coaching, if appropriate
  - YES, conduct might be a violation of policy
  - INFORM in 5 days: compliant and all involved in investigation in writing or outcome and any actions taken
    - MINOR
      - See Sec. 3.G.1 for definition of minor violations
    - MAJOR
      - See Sec. 3.H.1 for definition of major violations
    - GOTO Job Aid for Informal Discipline

3.F.5
- END

GOTO Job Aid for Formal Discipline

See A-1 for letter template
See A-2 for letter template

END