



COMDTINST 5520.5F  
30 NOV 2011

COMMANDANT INSTRUCTION 5520.5F

Subj: COAST GUARD INVESTIGATIVE SERVICE ROLES AND RESPONSIBILITIES

- Ref:
- (a) Military Justice Manual, COMDTINST M5810.1 (series)
  - (b) The Coast Guard Organization Manual, COMDTINST M5400.7 (series)
  - (c) Coast Guard Investigations Manual, COMDTINST M5527.1 (series)
  - (d) Administrative Investigations Manual, COMDTINST M5830.1 (series)
  - (e) U.S. Coast Guard Maritime Law Enforcement Manual (MLEM), COMDTINST M16247.1 (series)
  - (f) Intelligence, Coast Guard Publication 2-0, May 2010
  - (g) Coast Guard Field Intelligence Support to Operations (FISO) Manual, COMDTINST M3800.5
  - (h) Sexual Assault Prevention and Response Program (SAPRP), COMDTINST 1754.10 (series)
  - (i) Safety and Environmental Health Manual, COMDTINST M5100.47 (series).
  - (j) Workplace Violence and Threatening Behavior, COMDTINST 5370.1 (series)
  - (k) Privacy Incident Response, Notification and Reporting Procedures for Personally Identifiable Information (PII), COMDTINST 5260.5 (series)
  - (l) Coast Guard Family Advocacy Program, COMDTINST 1750.7 (series)
  - (m) Coast Guard Transportation Worker Identification Credential (TWIC) Verification and Enforcement Guide, COMDTINST M16601.1 (series)
  - (n) Coast Guard Counterintelligence Program, COMDTINST 3850.1
  - (o) Information and Life Cycle Management Manual, COMDTINST M5212.12 (series)

1. **PURPOSE.** Coast Guard Investigative Service (CGIS) is the criminal investigative arm of the Coast Guard. As a cadre of dedicated criminal investigators, CGIS supports Coast Guard commanders by providing investigative support to operations, force protection, intelligence collection and maintenance of good order and discipline. This instruction describes the organizational placement, authority, missions, and services of CGIS; provides policy for reporting incidents requiring formal investigation by CGIS; and, describes procedures for requesting investigative assistance.

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NON-STANDARD DISTRIBUTION: CG-6; B:c Fifth District (50); E:a San Diego (6); E:b Miami (30); D:y Deployable Operations Group

2. ACTION. Director CGIS, Coast Guard unit commanders, commanding officers, officers-in-charge, deputy/assistant commandants, and chiefs of headquarters staff elements shall comply with the provisions of this Instruction. Internet release is authorized.
3. DIRECTIVES AFFECTED. Mandatory Reporting of Incidents to Coast Guard Investigative Service and Requesting Investigative Assistance, COMDTINST 5520.5E is cancelled. If conflict arises between the contents of this directive and the contents of other Coast Guard directives, the more recent directive will apply.
4. DISCUSSION.
  - a. As stated in references (b) and (c), CGIS maintains a cadre of trained and experienced special agents who conduct criminal investigations into actual, alleged, or suspected felony-level violations of federal law and the Uniform Code of Military Justice (UCMJ). As the primary maritime law enforcement agency within the U.S. government, the Coast Guard is charged with enforcing the laws, treaties, regulations, and statutes on the high seas and waters over which the United States has jurisdiction. CGIS special agents provide proactive and reactive criminal investigative support to Coast Guard commanders in fulfilling maritime law enforcement missions, supporting homeland and national security objectives, and maintaining good order and discipline, consistent with Coast Guard policy and the Constitution.
  - b. Good order and discipline and mission execution are the direct responsibility of command. In the discharge of this responsibility, commanding officers must frequently rely on prompt investigative action by professionally trained, properly equipped, and experienced criminal investigators. CGIS special agents help provide commanders with the facts necessary for effective resolution of actual, alleged, or suspected criminal offenses, and also preserve statements, collect and safeguard evidence, and construct an evidentiary foundation for subsequent command action, including administrative investigation, or criminal prosecution in accordance with reference (a), and/or applicable federal statutes.
  - c. CGIS special agents are fact finders committed to providing fair and impartial investigative products for use by the appropriate command and legal office. Unlike investigating officers conducting administrative investigations in accordance with reference (d), CGIS special agents are prohibited from offering recommendations or opinions in matters concerning guilt, innocence or punishment, in order to preserve the objectivity of the criminal investigative process to the maximum extent possible.
  - d. As the Coast Guard's primary criminal investigative arm, CGIS is dedicated to working just as aggressively to disprove allegations as prove them. In conducting criminal investigations, CGIS is responsible for supporting a unit's ability to maintain good order and discipline, as well as ensuring operational and other needs of the service are met. While commanding officers maintain a limited investigative capability for the resolution of minor UCMJ offenses and have authority to appoint administrative fact-finding bodies to determine the circumstances of specific incidents in accordance with references (d) and (e), CGIS is responsible for the investigation of serious offenses. This instruction delineates the responsibilities and limitations of commanding officers and CGIS Special Agents-in-Charge (SAC) with regard to criminal investigations, death investigations, Protective Service Operations (PSO), and information/intelligence collection and sharing in support of law enforcement operations and criminal investigations.

5. ORGANIZATION, STRUCTURE, AND CAPABILITIES.

- a. Organization. CGIS is organized as an independent and centralized investigative agency under Coast Guard Headquarters (CG-2). CGIS is led and managed by an OPM series 1811 (professional federal criminal investigator) Senior Executive Service Director. Director, CGIS reports to the Assistant Commandant for Intelligence and Criminal Investigations (CG-2). All CGIS Special Agents, analysts, administrative support personnel, field and headquarters elements, task force representatives and special operations personnel report through the CGIS chain-of-command to the Director, CGIS.
- b. Structure. CGIS is organized with (i) a Headquarters program management staff, (ii) Regional Offices led by Special Agents-in-Charge (SACs) and aligned to support Area Commanders and District Commanders, and (iii) smaller dispersed Resident Agent Offices (RAOs) under each Regional Office. A Resident Agent-in-Charge (RAC) manages the activities of an RAO; RAOs are arrayed geographically to provide support to Sector Commanders and other Coast Guard commands.
- c. Resources. CGIS Regions and their subordinate RAO offices provide investigative resources for responsive direct support to Area, District and Sector Commanders as well as other Coast Guard commanding officers and their mission priorities. When necessary, SACs may surge investigative resources from among RAOs to address high priority operational and investigative activities. The Director of CGIS may surge investigative resources from across the agency or arrange for assistance from other criminal investigative agencies to (i) address serious threats to the Coast Guard, (ii) expedite high priority operational or investigative activity anywhere affecting the Coast Guard, or (iii) support Coast Guard law enforcement missions or the Coast Guard's homeland or national security responsibilities.
- d. Capabilities. All CGIS special agents receive extensive training in the conduct of highly complex and sensitive criminal investigations. This training includes techniques for investigating the range of felony violations including homicide, sexual assault, aggravated assault, robbery, burglary, drug trafficking, and fraud. In addition, CGIS special agents receive specialized training in the investigation of military-specific offenses, such as desertion, and Coast Guard mission areas including, alien smuggling, crimes on the high seas, violations of environmental laws, and terrorism. All CGIS special agents are trained in use of force, use of specialized investigative equipment, surveillance, interrogations, witness interviews, courtroom testimony, undercover operations, and other specialized tradecraft. In addition, CGIS maintains a cadre of special agents with expert training, certifications and experience in computer forensics, dignitary protection and polygraphy.

6. AUTHORITY, JURISDICTION, AND MISSIONS.

- a. Authority. CGIS special agents are active duty, reserve and civilian personnel credentialed by the Director, CGIS to exercise the law enforcement authority contained in 14 U.S.C. § 95. This law enforcement authority shall be exercised only in the enforcement of statutes for which the Coast Guard has law enforcement authority, or in exigent circumstances. 14 U.S.C. § 95 authorizes CGIS special agents to:

- (1) Carry firearms;

- (2) Execute and serve any warrant or other process issued under the authority of the United States; and
- (3) Make arrests without warrant for:
  - (a) any offense against the United States committed in the special agent's presence; or
  - (b) any felony cognizable under the laws of the United States if the agent has probable cause to believe that the person to be arrested has committed or is committing the felony.

b. Jurisdiction.

- (1) CGIS has investigative jurisdiction over:
  - (a) Incidents of alleged, suspected, or actual violations of the UCMJ by a covered person;
  - (b) Incidents of alleged, suspected, or actual violations of state or local laws and regulations by a covered person, or affecting the Coast Guard or Coast Guard personnel; and
  - (c) Incidents of alleged, suspected, or actual violations of federal regulations or statutes for which the Coast Guard has law enforcement authority.
- (2) "Covered persons" include;
  - (a) Active duty Coast Guard personnel;
  - (b) Reserve Coast Guard personnel on active duty;
  - (c) Auxiliary Coast Guard personnel while assigned to duty;
  - (d) Civilian Coast Guard employees;
  - (e) Public Health Service (PHS) personnel assigned to the Coast Guard;
  - (f) Department of Defense (DoD) military and General Defense Intelligence Program (GDIP) civilian personnel assigned to the Coast Guard; and
  - (g) Visitors to Coast Guard facilities.

c. Missions. The primary missions of CGIS include, but are not necessarily limited to:

- (1) Criminal Investigations. CGIS special agents provide proactive and reactive criminal investigative support to Coast Guard commanders in fulfilling maritime law enforcement missions, supporting homeland and national security objectives, protecting Coast Guard assets and personnel, and maintaining good order and discipline. As the criminal investigative arm of the Coast Guard, CGIS investigates actual, alleged, or suspected felony-level violations of statutes and treaties for which the Coast Guard has law

enforcement authority, including violations of the UCMJ by active duty and reserve personnel while on active duty.

- (2) Support to Force Protection. In accordance with reference (f), CGIS will “protect the welfare of Coast Guard people...and support Coast Guard missions worldwide.” Accordingly, CGIS supports Coast Guard force protection through a variety of operations, investigations, and other activities, including: (i) assessing the criminal and terrorist threat to Coast Guard personnel, stations, cutters, aircraft, and other equipment; (ii) developing and reporting relevant information on Coast Guard deployment sites; (iii) developing formal liaison and information sharing relationships with other U.S. and foreign security services; (iv) coordinating operational and other support activities with U.S. embassy country teams and State Department Regional Security Officers; (v) coordinating with Department of Defense Force Protection Detachments; (vi) negotiating cooperative activities on the part of U.S. and allied agencies; (vii) recruiting and managing confidential informant networks; (viii) conducting counter-surveillance threat detection operations; (ix) investigating potential threats; (x) training crews; (xi) briefing and advising commanding officers; and (xii) investigating criminal and terrorist incidents involving Coast Guard personnel and units in the United States and worldwide.
- (3) Support to Operational and Intelligence Elements. CGIS will support (i) Operational Elements of the Coast Guard, including Area and District Commanders and their command echelon of Sectors, Maritime Force Protection Units, cutters, aviation, Deployable Specialized and shore forces; and (ii) Intelligence elements of the Coast Guard. CGIS will collect, report and share operational intelligence and law enforcement information in cooperation with other federal, state, local, tribal, military, and foreign law enforcement and criminal investigative agencies through inter- and intra-agency agreements, compliance with crime reporting requirements, and participation in various task force operations.
- (a) To carry out this mission, SACs shall serve as the primary CGIS point of contact for Area and District Commanders and shall appoint liaison agents for routine interactions with Area and District staffs. It is imperative CGIS Regions, Areas and Districts ensure alignment and unity of effort. In doing so, SACs shall coordinate activities closely with Area and District Commanders, including the following:
- i. SACs shall ensure that CGIS participates in regular Area or District briefings and operational planning, including development of joint priorities and objectives;
  - ii. Area and District Commanders shall ensure CGIS agents have regular access to and interaction with command and intelligence staffs;
  - iii. SACs will serve as the primary conduit for the Area and District in coordinating and obtaining CGIS support on criminal investigative matters and those Area or District activities that may require CGIS support or require CGIS notification as detailed in this instruction;

- iv. As appropriate, SACs will ensure that CGIS coordinates attendance and shares information regarding inter- and intra-agency meetings on criminal operations and investigations within the Area, District or Sector's area of responsibility;
  - v. SACs will ensure investigative efforts are appropriately coordinated with Area and District SJAs, except in those limited circumstances where it is necessary for CGIS to limit the number of "need-to-know" personnel listed in section 10(b) below. Early and continuous engagement with SJAs is imperative to ensuring alignment and in resolving issues that might arise in the conduct of the investigation.
- (b) Sector Liaison Agents. To carry out this mission, CGIS has designated certain special agents as "Sector Liaison Agents," to serve as the primary CGIS point of contact for each Sector Commander within a District. In those locations where the CGIS Regional Office or RAO is in geographic proximity, the Sector support will come from the nearest Regional Office or RAO. In those few areas where a Sector Command has no CGIS office in close proximity, the CGIS Regional Office with responsibility over that geographical area will assign a Sector Liaison Agent as a principal point of contact responsible for supporting the Sector. Under the direction of the Regional SAC or RAO RAC, the Sector Liaison Agent shall normally be expected to:
- i. Participate in regular Sector briefings and operational planning;
  - ii. Have regular, if not daily, access to and interaction with the Sector Commander, Deputy Sector Commander, and the Sector Intelligence Officer;
  - iii. Serve as the primary conduit for the Sector in coordinating and obtaining CGIS support on criminal investigative matters and those Sector operational activities that may require CGIS support;
  - iv. As appropriate, coordinate attendance and share information regarding inter- and intra-agency meetings on criminal operations and investigations within the Sector's area of responsibility, to ensure better alignment and unity of effort;
  - v. Serve as the conduit by which Sectors may report to CGIS those incidents detailed in this instruction that require CGIS notification;
  - vi. Support the Sector through source development and intelligence collection in support of the Sector Response, Prevention and Intelligence elements in accordance with reference (g).
- (4) Protective Service Operations (PSO). CGIS will provide PSO support to the Commandant and Vice Commandant of the Coast Guard. When directed by the Commandant, CG-2, CGIS Director, or higher authority, CGIS will provide PSO support to other Department of Homeland Security or Coast Guard personnel, or provide assistance to the U.S. Secret Service and other law enforcement agencies with their PSO missions. Director, CGIS may also provide the above PSO support upon request from other agencies.

- (5) Criminal Justice Information Services (CJIS). CGIS is responsible for granting, controlling access to, and auditing Coast Guard use of law enforcement information databases within the CJIS network.
- (6) Computer Forensics and Document and Media Exploitation (DOMEX). CGIS is responsible for maintaining a cadre of certified computer forensic examiners and DOMEX technicians and analysts to support Coast Guard operations, investigations, and intelligence analysis.
- (7) Polygraph. CGIS is responsible for maintaining a cadre of certified polygraph examiners and other technical investigative experts to support CGIS operations and investigations worldwide.
- (8) Support to Counterintelligence Operations and Investigations. CGIS is responsible for supporting counterintelligence operations and investigating felony-level violations of security and espionage statutes of the United States.
- (9) Law Enforcement Liaison. CGIS maintains an active liaison program in order to coordinate Coast Guard law enforcement activities with partner agencies.
  - (a) This program includes assignment of CGIS special agents to criminal investigative task forces, other agencies, and as liaisons to various professional organizations. Currently, CGIS special agents serve on numerous task forces including the FBI's Joint Terrorism Task Forces (JTTF) located in many major U.S. cities, High Intensity Drug Trafficking Area (HIDTA) Task Forces, and the Organized Crime Drug Enforcement Task Force (OCDETF). In addition, CGIS Special Agents serve as collateral duty agency representatives to organizations like the Defense Criminal Investigative Organizations (DCIO) Enterprise-Wide Working Group (DEW Group), the International Association of Chiefs of Police (IACP), the Federal Law Enforcement Officers' Association (FLEOA), Women in Federal Law Enforcement (WIFLE), and the National Organization of Black Law Enforcement Executives (NOBLE).
  - (b) CGIS agents work closely with local, state, federal, and international law enforcement agencies and within the Coast Guard to share information, coordinate cases, and deconflict operations in cases of overlapping or concurrent jurisdiction. This function may include facilitating requests to utilize Coast Guard assets or authorities. The legal authority to limit or control the movement of a vessel, restrict access to a port or vessel, or order the surrender of a license or document is vested with the Captain of the Port and Officer in Charge of Marine Inspections, and early coordination with the appropriate commander is critical in achieving investigative or prosecutorial objectives. Therefore, when another agency or a U.S. Attorney requests such assistance in support of criminal investigation, litigation or settlement negotiation, CGIS is responsible coordinating such requests with the servicing legal office and the relevant commander to ensure respect for Coast Guard authorities and mission responsibilities.

(c) While referral to a United States Attorney's Office pursuant to 33 C.F.R. Part 1.07-90 is vested in the Commandant, Area and District Commanders, CGIS agents frequently act as agency representatives for routine interactions with state and federal prosecutors. When referral of criminal cases by the Coast Guard to outside agencies is contemplated, close coordination between CGIS, the servicing legal office and relevant commander is required in accordance with section 12 of this instruction.

(10) Special Investigative Techniques. CGIS special agents are authorized to engage in undercover surveillance, seek information in the civilian community by assuming undercover roles, cultivate paid informants, and conduct other covert law enforcement activities subject to the approval requirements in reference (c) and guidance in reference (g).

(11) Limitations. The CGIS does not routinely conduct maritime law enforcement operations, casualty investigations, or administrative investigations, unless investigative assistance has specifically been requested by the appropriate command authority, or directed by the Assistant Commandant for Intelligence and Criminal Investigations (CG-2) or higher authority. SACs or the Deputy Director of CGIS may approve requests from command authorities for assistance with administrative investigations.

## 7. MANDATORY REPORTING TO CGIS.

a. Felony-Level UCMJ Violations. All actual, alleged, or suspected felony violations of the UCMJ must be reported to CGIS when the suspect/accused is:

- (1) A Coast Guard member on active duty, a reserve member serving on active duty, or a former Coast Guard member who was on active duty when the offense was committed;
- (2) A DoD active duty or reserve member serving on active duty assigned to the Coast Guard or attending training at a Coast Guard facility; or
- (3) A Public Health Service (USPHS) member assigned to the Coast Guard.
- (4) EXCEPTION: All alleged incidents of rape or other suspected sexual assault involving a covered person are to be administered in accordance with reference (h).

b. Violations of Federal Criminal Law. All actual, alleged, or suspected felony violations of federal criminal law must be reported to CGIS when:

- (1) The suspect is a covered person;
- (2) The federal offense occurred on Coast Guard property; or,
- (3) The Coast Guard has law enforcement authority over the offense. As per Section 6(c)(3), SACs are responsible for ensuring close coordination with operational commanders to ensure the timely reporting of information.

c. Victim Status. CGIS must be notified whenever the victim of an actual, alleged, or suspected felony-level UCMJ violation or federal offense is a covered person.

- (1) The CGIS Regional SAC will coordinate with the appropriate Coast Guard legal office, family programs and command cadre to determine to what extent CGIS investigation and reporting are appropriate or necessary. CGIS may, but will not normally initiate or support investigations if another agency is leading an investigation: (i) when a covered person is the victim of a crime not directly related to their position or responsibilities within the Coast Guard, (ii) when the victim is a Coast Guard dependent, or (iii) when the crime occurred all or in part within the jurisdiction of civilian law enforcement authorities.
- (2) EXCEPTION: All alleged incidents of rape or other suspected sexual assault involving a covered person are to be administered in accordance with reference (h).

d. Lost, Stolen, or Misappropriated Government Property. CGIS must be notified when:

- (1) Government/Coast Guard owned firearms, munitions, explosives, pyrotechnics or restricted law enforcement equipment such as body armor or vehicle lights and sirens are lost, stolen or misappropriated to ensure appropriate investigative response and entry, as necessary, of the item(s) into National Crime Information Center (NCIC) ;
- (2) Government/Coast Guard owned or leased vehicles and license plates are lost, stolen or misappropriated to ensure appropriate investigative response, entry, as necessary of the item(s) into NCIC databases, and notification of law enforcement and physical security partner organizations; and
- (3) Government/Coast Guard monies, instrumentalities, purchase cards, and property in excess of \$5000 in value, either aggregate or individually, are lost, stolen or misappropriated to ensure appropriate investigative response and entry, as necessary, of the item(s) into NCIC.

e. Death of Covered Person. CGIS must be notified and must conduct an Investigation under certain circumstances:

- (1) Suspicious Death Investigations. The purpose of investigations arising from a report of suspicious death of a covered person is to determine and document, to the extent possible, the cause, manner and circumstances of a covered person's death, preserve any evidence available, ensure the Coast Guard's interests are addressed in those investigations involving civilian law enforcement, and provide Coast Guard decision makers with any information that may be useful in identifying and addressing personnel safety, health and well-being concerns, and responding to the needs of the immediate family of the deceased member.
- (2) Other Than Suspected Homicide. As a matter of Coast Guard policy in accordance with legislation contained in the Defense Authorization Act of 1994, CGIS must be immediately notified upon the reported death of a covered person, or any person under the command and control of the Coast Guard at the time of death, to include any persons detained or otherwise under Coast Guard custody as a result of maritime law enforcement operations. The exceptions to mandatory notification and investigation under this section are:
  - (a) Natural or Accidental Death. Deaths in a hospital setting due to known natural or accidental causes, such as terminal illness or a motor vehicle accident, unless misconduct or foul play is suspected. CGIS can, however, assist commanding

officers in obtaining from civilian law enforcement information associated with a member's death as a result of a motor vehicle or some other accidental cause for use in any subsequent command-directed administrative investigation; and

- (b) Death On Official Duty. Deaths that occur in the performance of official duties for which a Mishap Analysis Board would be convened in accordance with reference (i).
- (3) Suspected Homicide and "Apparent" Suicide. Death of a covered person suspected to be the result of homicide or apparent suicide must be reported to and fully investigated by CGIS to provide competent medical examiners ample evidence with which to make appropriate determinations of the cause and manner of death.
- (a) Suspected Homicides. Suspected homicides involving a covered person will be fully investigated by CGIS, regardless of the location where the death is believed or known to have occurred. CGIS will coordinate directly with appropriate law enforcement and medical examiner offices, as necessary.
  - (b) Apparent Suicide. "Apparent suicides" involving a covered person will be treated by the Coast Guard and CGIS as homicides and must be reported to and fully investigated by CGIS regardless of the location where the death is believed or known to have occurred. CGIS will coordinate directly with appropriate law enforcement and medical examiner offices, as necessary.
  - (c) Notice to Local Law Enforcement, Securing Evidence and Property. In addition to immediate notification of CGIS, commanding officers should, in cases of death or injury resulting in death occurring on Coast Guard controlled property, immediately contact local law enforcement to ensure that professional investigators secure the scene and preserve any items of evidentiary value pending CGIS arrival. Commanding officers are to ensure that the area surrounding the scene is secured, with guards posted as necessary to prevent access to the scene by any persons other than responding law enforcement or emergency medical personnel. Commanding officers must also ensure that the deceased's living and work areas, locker, personal effects, etc. are protected from access, damage, deterioration, tampering, or return to next-of-kin pending CGIS examination and investigation.
  - (d) Chain of Command Notice. When CGIS has initiated a formal investigation into the death of a covered person, the appropriate commanding officer will be immediately notified. Command-directed administrative investigations into the death of a covered person, regardless of its purpose, e.g., line of duty, misconduct, pay and benefits determination, are not to be initiated if the CGIS has initiated a formal investigation into the matter. However, if death benefits might be delayed or other hardship is created awaiting the conclusion of a CGIS investigation, the commanding officer may, with the concurrence of the SAC, convene an administrative investigation. In any event, findings of completed CGIS death investigations may be provided to the appropriate Command authority for use in any administrative investigation or other action deemed necessary by the Coast Guard.
- (4) Workplace Violence and Threatening Behavior. In accordance with reference (j), incidents or potential incidents of workplace violence or threatening behavior at Coast Guard facilities shall be reported to CGIS.

- (5) Personally Identifiable Information (PII). Reference (k) requires notification to CGIS and the appropriate police/federal law enforcement agencies if a Privacy Incident indicates theft or other illegal activity has occurred.
- (6) Cyber Crime. Incidents of actual, alleged or suspected computer-related crime such as unauthorized access, intrusion, and intentional data destruction involving Coast Guard computer systems shall be reported to CGIS and the Coast Guard Telecommunication and Information Systems Command (TISCOM) Computer Incident Response Team (CIRT). The SAC of the CGIS Electronic Crimes Section may require that certain digital or other electronic evidence of the crime be “mirrored” or seized for forensic examination, analysis, and to preserve evidence for investigation and any subsequent prosecution.
- (7) Child Pornography. Incidents of actual, alleged or suspected child pornography involving covered persons must be reported to CGIS. Receipt of unsolicited electronic mail messages and attachments of purported or suspected child pornography should be reported to the National Center for Missing and Exploited Children at 1-800-843-5678. Unsolicited email messages and attachments of actual, suspected or alleged child pornography must not be forwarded, copied, or otherwise distributed.
- (8) Child Abuse and Spouse Abuse. In accordance with reference (l), CGIS must be notified of all actual, alleged or suspected incidents of child or spouse physical abuse involving injury, to include child sexual abuse; however, all alleged incidents of rape or other suspected sexual assault involving adult dependants or active duty service members must be handled in accordance with reference (h).
- (9) TWIC Criminal Investigative and Enforcement Action. In accordance with reference (m), CGIS is to be notified of any actual, alleged or suspected forged or counterfeit Transportation Workers Identification Credentials (TWIC) card detected at a Maritime Transportation Security Act (MTSA) regulated facility or vessel.
- (10) Security Violations. The reporting of security violations to CGIS should be isolated to suspected espionage, or the actual or possible theft of classified and sensitive-but-unclassified (SBU) information. The compromise or loss of classified information is not itself inherently criminal and falls under the purview of the Commandant (DCMS-34). Should Commandant (DCMS-34) suspect, or develop information indicating malfeasance or criminal negligence caused such a loss or compromise, Commandant (DCMS-34) will notify CGIS.
- (11) Desertion or Disappearance of a Coast Guard Member on Active Duty. CGIS must be notified immediately upon issuance of a DD Form 553, Deserter/Absentee Wanted by the Armed Forces, declaring a Coast Guard member a deserter from their assigned unit in order for CGIS to enter the absentee into the NCIC system. This is particularly important if the absentee poses a risk to themselves or others. Incidents involving the disappearance of a Coast Guard member under unusual circumstances not believed to be that of desertion or absence without leave (AWOL), should also be reported promptly to CGIS in order for prompt entry of the missing person’s identifiers into NCIC and CGIS investigative coordination with civilian law enforcement. Upon receiving notification a covered person with an Sensitive Compartmented Information (SCI) clearance is missing, or has gone

AWOL, CGIS will notify the Coast Guard Counterintelligence Service (CGCIS) and will coordinate appropriate investigative activity.

- (12) Protective Service Operations (PSO). PSOs require specialized training, skills, and procedures. CGIS personnel receive extensive training in dignitary protection, motorcade operations and other activities unique to PSO. CGIS is responsible for the conduct of PSOs in support of the Commandant, Vice Commandant and any other foreign or domestic dignitaries as requested or directed. Commanding Officers must immediately notify CGIS upon receipt of any request from the U.S. Secret Service, U.S. State Department, or any other federal, state or local law enforcement agency for PSO support from the Coast Guard. CGIS has established procedures for conducting threat assessments, coordinating the use of Coast Guard afloat and aircraft resources in the conduct of a PSO, and ensuring that requests for PSO support from other agencies do not jeopardize ongoing Coast Guard operations. Coast Guard afloat and aircraft resources are often used to support the conduct of PSO for the Commandant, Vice Commandant and other federal, state, local, or military dignitaries, or agencies. CGIS routinely conducts direct liaison with other federal, state, local, and foreign law enforcement agencies in effecting dignitary protection and, upon request, will detail CGIS special agents to other agencies in support of their dignitary protection missions.
- (13) Fraud, Waste and Abuse. Actual, alleged, or suspected incidents of fraud, waste, or abuse involving Government funds or property by a covered person or by persons or companies contracted to provide services or material to the Coast Guard must be reported to CGIS for evaluation and appropriate investigation and coordination with the Department of Homeland Security, Office of Inspector General.
- (14) Information of Significant Interest to Criminal Investigative Agencies. As the primary criminal investigative arm of the Coast Guard, the CGIS maintains direct liaison with other federal, state, local, tribal, foreign, and military law enforcement agencies in areas of mutual criminal investigative, force protection, or protective service interest. CGIS has reporting procedures in place for referring actual, alleged, or suspected criminal activity or threats directed at foreign and domestic dignitaries and U.S. and foreign citizens to agencies such as the Federal Bureau of Investigation (FBI), Immigrations and Customs Enforcement – Homeland Security Investigations (ICE-HSI), Drug Enforcement Administration (DEA), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), U.S. Marshals Service, Customs and Border Protection, State Department Bureau of Diplomatic Security, Transportation Security Administration, Federal Air Marshals Service, U.S. Secret Service, Air Force Office of Special Investigations, Naval Criminal Investigative Service, Army Criminal Investigation Command, and Defense Criminal Investigative Service. CGIS also has in place policy and procedures for referring incidents of alleged fraud, waste, or abuse to the appropriate Office of Inspector General, as well as procedures in place for referring violations of state or local laws to the appropriate civilian authorities. Coast Guard personnel are encouraged to contact CGIS and seek assistance in reporting to an appropriate law enforcement entity any information related to criminal activity or threats.
- (15) Prisoner Transport. Units will notify CGIS and the appropriate Legal Office to determine the necessity for armed escort of a prisoner by CGIS using commercial aircraft. CGIS is the only Coast Guard entity authorized to transport by commercial air prisoners in the custody and control of the Coast Guard who require an armed escort. CGIS special agents

have the prerequisite Law Enforcement Officer Flying Armed training and necessary credentials and badge to conduct armed prisoner escorts on commercial aircraft as required by Title 49 of the Code of Federal Regulations (CFR), Section 1544.219.

8. USE OF COMMAND INVESTIGATORS.

- a. CGIS is the only Coast Guard entity authorized to initiate or conduct felony criminal investigations. Coast Guard police, security forces or investigating officers appointed to address an administrative investigation or inquiry pursuant to reference (d) are limited to non-felony-level UCMJ offenses or cases where CGIS has declined to investigate uniformed members or civilian employees. Upon request for assistance, the appropriate CGIS Regional SAC will, in coordination with the servicing legal office and commanding officer, decide the extent and nature of CGIS support to a command-conducted investigation, based on the needs of the service, seriousness or sensitivity of the incident under investigation, and availability of CGIS investigative resources. CGIS must be notified without delay if a command-conducted investigation develops evidence or information indicating serious violations beyond its stated scope. CGIS, the referring command and the servicing legal office will collectively determine the courses of action to be taken, including referral to another investigative body or the initiation of a CGIS criminal investigation.
- b. This policy shall not in any way restrict the duties of assigned base police or hinder the law enforcement functions of authorized personnel. Their responsibility is to execute appropriate procedures on suspicion or discovery of any criminal offense, such as preventing the escape or loss of identity of suspected offenders; preserving crime scenes and the integrity of physical evidence; conducting preliminary on scene inquiries; providing investigative assistance under the operational direction of CGIS; or any other actions which, in the judgment of the responsible commander, are necessary for the immediate preservation of good order and discipline.

9. MATTERS NORMALLY NOT INVESTIGATED BY CGIS.

- a. Adult Consensual Sexual Acts. Except as specified below, CGIS will not conduct criminal investigations based solely on allegations of adultery or fraternization by or between adults where there is no other allegation of additional offenses. CGIS will refer adultery or fraternization allegations back to the command for its determination of the proper administrative action or remedy. Regional SACs may approve opening a CGIS investigation if requested by a flag officer or equivalent and the allegation of adultery or fraternization either clearly affect good order and discipline or involves senior command cadre personnel.
- b. Civil Rights Violations. CGIS will not conduct a criminal investigation into alleged Civil Rights violations unless specifically directed by the Assistant Commandant for Intelligence and Criminal Investigations (CG-2) or higher authority in consultation with Office of The Judge Advocate General. Investigation of alleged Civil Rights violations are the responsibility of the Civil Rights entities of the Coast Guard and Department of Homeland Security.
- c. Sexual Harassment, Other Harassment and/or Hostile Workplace Allegations. CGIS will not investigate alleged sexual harassment or hostile workplace allegations unless the servicing legal office advising the command determines that a criminal offense may also have occurred. Sexual harassment and hostile workplace allegations are normally referred to the servicing legal office

and/or the appropriate civil rights service provider; however, criminal conduct such as wrongful sexual contact or sexual assault must be referred in accordance with reference (h).

- d. Limits on Sexual Orientation Investigations. CGIS will not investigate allegations of harassment or abuse based on a victim's sexual orientation unless the activity involves felony-level criminal activity such as threat, extortion, or aggravated assault. If directed by higher authority, Director, CGIS may support or investigate non-felony allegations which have been referred by the appropriate command.
- e. Coast Guard Dependents. CGIS will normally not conduct a criminal investigation into alleged criminal activity by a Coast Guard dependent or the victimization of a Coast Guard dependent unless the activity/victimization occurs on Coast Guard controlled or owned property, or has some other direct nexus to the good order and discipline of the Service. For example, CGIS will not investigate alleged drug trafficking by a dependent on public school property for which Coast Guard has no jurisdiction. CGIS will investigate and coordinate with other law enforcement entities with jurisdiction for (i) alleged rape or sexual assault of a Coast Guard dependent by a Coast Guard member on active duty, or (ii) alleged theft of Coast Guard property by a dependent.
- f. Identity Theft. Unless directly related to a Privacy Incident as detailed in reference (k), CGIS will normally not investigate incidents of identity theft where the only nexus to the Service is the victim's affiliation with the Coast Guard. Personnel who believe they are the victim of identity theft should immediately contact their banking institution(s) and creditors to minimize the damage to their accounts, file a report with their servicing police department, and contact the Federal Trade Commission (FTC) to report the situation, either online or toll free by phone at 1-877-ID THEFT (877-438-4338).
- g. Misuse of Government Issued Credit/Travel Card. CGIS normally will not investigate misuse of a government issued credit/travel card by a covered person, such as unauthorized purchases, personal travel charges, or delinquent accounts. Incidents of this nature referred to CGIS will be forwarded to Command or the Department of Homeland Security, Office of Inspector General for action deemed appropriate. CGIS shall be notified of alleged, suspected or actual theft, embezzlement, fraud, or other misuse involving government issued purchase cards.
- h. Evaluation of Service Providers. CGIS normally will not conduct clandestine, undercover, or other surreptitious inspections of service providers to the Coast Guard, such as urinalysis collection and testing facilities, for the purpose of determining compliance with mandated policy, procedures and doctrine, unless such inspections are in direct support of a CGIS criminal investigation.
- i. Counterintelligence (CI) Activities. The Coast Guard Counterintelligence Service (CGCIS) will coordinate and lead CI investigations into suspected intelligence activities directed against the Coast Guard. In accordance with reference (n), the Director, CGIS, will detail CGIS special agents to CGCIS when necessary to conduct or otherwise support felony-level investigations into suspected intelligence activity directed against the Coast Guard, or suspected felony-level criminal CI offenses conducted by a covered person. CI investigations may be a collaborative effort involving the CGCIS, CGIS, FBI, and other agencies.

## 10. CONTACTING CGIS AND COMMAND NOTIFICATION OF INVESTIGATIVE ACTION.

- a. Contacting CGIS.
  - (1) During Normal Working Hours. Refer to the local directory of USCG offices for contact numbers.
  - (2) After Normal Working Hours. All Coast Guard Area and District Command Centers, as well as the Coast Guard Headquarters Command Center, maintain a list of contact telephone numbers for CGIS duty personnel for after-hours contact.
  
- b. CGIS Initiated Investigations and Command Notification. Prior to initiating a formal criminal investigation by generating a Notice of Case Initiation, CGIS will advise the appropriate command authority upon receipt of a report of a felony-level violation for which the Coast Guard has law enforcement authority in order to coordinate CGIS, command and servicing legal office responses. The sole exception to this requirement is when members of the command cadre themselves are the subject of the investigation. In such a situation, the next echelon command authority (District, Area, Headquarters) will be notified by the SAC. If a SAC deems it inappropriate to notify the local command or its next echelon, Director, CGIS will notify CG-2 when an investigation is initiated. It may also be necessary for CGIS to limit the number of “need-to-know” personnel notified of an investigation, in order to:
  - (1) Gather information through the conduct of a Preliminary Inquiry to determine the validity of vague allegations of misconduct or criminal activity for the purpose of determining appropriate disposition. CGIS Preliminary Inquiries are limited in scope and are not conducted in place of formal criminal investigations in accordance with CGIS policy and procedures;
  - (2) Protect the integrity of an investigation, protect confidential sources, or ensure the safety of special agents or their sources, at the discretion of the Director, CGIS, or at the request of the Department of Justice, a judge, or other law enforcement or intelligence agency;
  - (3) Protect the identity of confidential sources, cooperating witnesses, undercover agents, or the use of specialized investigative techniques such as tracking devices and electronic intercepts; or
  - (4) Prevent the destruction of evidence, preserve crime scene integrity, or ensure that witness, victim or suspect testimony or cooperation is not compromised or otherwise influenced.
  
- c. Command Initiated Investigations. In addition to mandatory reporting requirements contained herein, commands may request CGIS investigative assistance into incidents of actual, alleged, or suspected misconduct or criminal activity involving covered persons, occurring on Coast Guard owned or controlled property, or involving statutes for which the Coast Guard has law enforcement authority. Initial requests may be made verbally or telephonically, with a follow-up memo or email to document the request for assistance. Those units or personnel not having authority to directly request investigative assistance from CGIS, as listed below, must forward requests for such investigative assistance via their chain-of-command for appropriate visibility and approval. In order to ensure that appropriate Coast Guard authority is aware of official requests for CGIS investigative assistance, only the following levels of Command may request CGIS investigative assistance:

- (1) Commanding officers of non-Sector units or their designees. This includes Commanding officers, Commanders and Directors of Headquarters, Director of Operational Logistics and Force Readiness Command units;
  - (2) Sector Commanders or Deputy Sector Commanders;
  - (3) District Commanders, Branch or Division Chiefs, or higher authority, for District staff elements, and any District unit or Headquarters unit within the geographical boundaries of the District;
  - (4) Area Commanders, Branch or Division Chiefs, for Area staff elements, and any Area units for which they exercise administrative/operational control;
  - (5) Superintendent, Coast Guard Academy; Commander, Deployable Operations Group; and Force Readiness Command, Director of Logistics; and
  - (6) Deputy Commandants, Assistant Commandants, The Judge Advocate General, or higher authority or their designees with respect to their divisions and headquarters units they sponsor.
- d. Notification of On-Going CGIS Investigative Activity. Since every investigation conducted by CGIS has its own unique set of factors and case-specific circumstances, CGIS, in consultation with the appropriate command cadre and servicing legal office, shall determine when, how, and by whom a Coast Guard member will be notified or otherwise made officially aware that they are under investigation. Said determination will include consideration of whether Work-Life and EAP support may be necessary.

## 11. CGIS REPORTING RESPONSIBILITIES.

- a. Reporting to Assistant Commandant for Intelligence and Criminal Investigations (CG-2). In addition to other requirements for consultation and briefing noted in this instruction and reference (c), Director, CGIS, shall regularly brief the Assistant Commandant for Intelligence and Criminal Investigations (CG-2) regarding CGIS activities, including but not limited to:
  - (1) All significant investigative activities;
  - (2) Any new investigation where the subject of the investigation is a senior civilian (GS-15 or above) or military member (O-6 or above).
  - (3) Investigations initiated without notification to the appropriate command authority;
  - (4) Any decision by a Regional SAC to decline a request for investigative assistance;
  - (5) Any new investigation into actual or possible theft, or other unauthorized disclosure or compromise, of classified or sensitive-but-unclassified (SBU) information;
  - (6) Any potential conflicts between Coast Guard operations, intelligence, and criminal investigative activities;

- (7) Any case where command briefs must be limited to ensure operational security or protect sensitive sources or investigative tactics. Limited briefings may be necessary for a number of reasons, particularly when CGIS is not the lead investigative agency in a criminal investigation, or judicial orders limit briefings and notifications of investigative action;
  - (8) Any CGIS activity that is likely to be the subject of congressional inquiries or investigations; and
  - (9) Any CGIS activity that is likely to be the subject of media interest.
- b. Initiation of Investigations. Incidents requiring CGIS notification shall be reported to the nearest CGIS Office or designated liaison agent. The CGIS special agent taking the initial report is responsible for advising the CGIS Regional SAC through the chain-of-command as soon as practical. CGIS Regional SACs, SAC, CGIS Electronic Crimes Section, and SAC, CGIS Polygraph Section are the approving authorities for the initiation of any CGIS investigative activity within their respective, assigned area of responsibility. If an approving Regional SAC is physically absent or otherwise unable to reasonably review the basis for an investigative activity, the SAC may delegate approval to the Regional Assistant Special Agent-in-Charge (ASAC). CGIS Regional SACs and ASACs have command and control responsibilities over subordinate RACs, who are in turn responsible for the activities of CGIS RAOs:
- (1) Declinations. The Regional SAC may decline a request for investigative assistance if, for example, the incident is outside the authority or jurisdiction of CGIS; the incident does not rise to the level of a felony violation; CGIS investigative resources are unavailable; or if the incident is an offense of a nature that could be best resolved at the command level through an Administrative Investigation. Such a declination, including the reason behind such a decision, will be made in consultation with the requesting command and Deputy Director, CGIS, and provided in writing to the requesting command with a copy to Director, CGIS.
  - (2) Suspension or termination of CGIS Investigations. Only the Director, CGIS, may direct the suspension or premature termination of an open and ongoing CGIS investigation. If such action is taken, CG-2 will be notified immediately.
- c. Requests for Augmentation. Area, District and Sector Commanders may submit requests for additional CGIS staffing support directly to the Director, CGIS, for consideration. The Director, CGIS, has the discretion to allocate scarce CGIS resources to maximize efficiency and balance capability, capacity, and responsiveness to Commandant, CG-2, Area, District and Sector priorities. The Director, CGIS, may direct a surge of CGIS investigative resources to address ad hoc, urgent operational or investigative priorities of Coast Guard leadership at every echelon of command. The Director, CGIS, may use centrally-coordinated fly-away teams or specialists to address diverse and ad hoc requirements in the most efficient manner.
- d. District/Sector Coordination for Investigations of Area and Headquarters Personnel. CGIS is not required to coordinate with or provide briefs to District and Sector Commanders or District and Sector staffs regarding criminal investigations into violations of the UCMJ by active duty and reserve personnel assigned to Area or Headquarters staffs, or Area or Headquarters units within District or Sector boundaries.

## 12. REFERRAL OF CASES TO OUTSIDE PROSECUTORIAL AUTHORITIES.

- a. Referral Authority. As the senior Coast Guard law enforcement officer within the boundaries of their District, the District Commander is responsible for formally referring cases to an outside prosecutorial authority, including the United States Attorney's Office in accordance with 33 C.F.R. Part 1.07-90. A referral is a formal request by the Coast Guard for another agency to take some sort of prosecutorial action. This authority may be delegated to the District SJA and may be communicated by CGIS special agents. Prior to communicating a formal referral, CGIS must consult with the Staff Judge Advocate - servicing legal office and have written authorization from the appropriate authority to refer the case, barring exigent circumstances. This requirement is in no way meant to prohibit or limit either informal or formal communications between CGIS and other law enforcement agencies necessary for coordination and conduct of criminal investigations. Further, it must be recognized that other law enforcement agencies may refer cases without consulting the Coast Guard.
- b. Environmental Crimes. In environmental crimes cases, referral decisions will include District and Headquarters advance consultation with the Environmental Crimes Section of the Department of Justice.

### 13. INVESTIGATIVE ASSISTANCE TO DEFENSE COUNSEL.

- a. Defense requests for investigative support must be made in writing to the servicing Staff Judge Advocate, who will forward the request along with a recommendation to the convening authority in accordance with reference (a). If the convening authority grants the request and investigative resources, other than CGIS special agents, are available within the convening authority's Command that would satisfy the needs of the defense, the convening authority will appoint an investigator. CGIS special agents are never the default source of defense investigative assistance; in the absence of a specific request for a CGIS special agent, one will not be provided. Defense requests for investigative assistance by CGIS special agents must demonstrate why the particular skills of a CGIS special agent are needed.
- b. If the convening authority concludes that appointment of a CGIS special agent is necessary under the circumstances, or is ordered to provide a special agent to assist the defense by a military judge, the convening authority will forward the request to Director, CGIS. The Director, CGIS, is the decision authority for appointment of CGIS agents to assist as defense investigators. The Director, CGIS, will determine which agent(s) to appoint to a given case, considering available resources throughout CGIS, and possible conflicts of interest. In addition, the Director, CGIS, after consultation with the convening authority that approved appointment of a CGIS special agent, may coordinate appointment of a special agent from another agency or military service. In all cases, the convening authority will provide the funding for expenses associated with CGIS special agent assistance.

### 14. INVESTIGATIVE DIRECTION AND DISCLOSURE.

- a. Once a CGIS investigation is initiated, the investigation shall be controlled by CGIS, in consultation with the appropriate Staff Judge Advocate, and brought to a logical conclusion under the cognizance of the responsible CGIS SAC without external interference or command influence. A CGIS investigation may not be suspended or prematurely terminated unless authorized in writing by the Director, CGIS. Commands may provide input to CGIS regarding

the need for further inquiry if information developed during an investigation is insufficient to enable the command to make an informed decision regarding disposition, or information discovered during an investigation indicates additional areas of concern for the command. The investigating CGIS office shall confer often with the appropriate servicing legal office on matters under investigation to ensure appropriate visibility and guidance as necessary to ensure a case is conducted in a manner to satisfy criminal investigative and prosecutorial requirements.

- b. Once an investigation is completed by CGIS, a copy of the Report of Investigation (ROI) shall be provided to the requesting authority and/or command as well as the appropriate legal office and other entities with an official need-to-know for review and appropriate disciplinary, administrative or remedial action. Unlike Administrative Investigations, CGIS reports will not contain formal opinions or recommendations. Every ROI will contain the information gathered to enable commanding officers to make a meaningful evaluation of the allegations, findings and facts to determine a proper course of action
- c. CGIS ROIs contain PII, and must be properly handled and stored in accordance with the Privacy Act. CGIS ROIs are furnished on a loan basis for the period necessary for completion of any action determined to be necessary by the proper authority. Once an ROI has served the purpose for which it was provided, it must be returned directly to the issuing CGIS office. In order for CGIS to ensure strict accountability of investigative reports and maintain accurate Privacy Act and Freedom of Information Act disclosure records for each investigative report on file, Coast Guard units furnished ROIs are strictly prohibited from copying or redistributing ROIs without written approval from the servicing CGIS Regional SAC or CGIS Headquarters. The CGIS Office issuing the ROI is responsible for providing a copy or copies of the ROI to the appropriate commanding officer, staff judge advocate, trial counsel and/or defense counsel pursuant to the Rules for Courts-Martial, or an investigating officer appointed under Article 32, UCMJ, for use in judicial, non-judicial or administrative proceedings. A copy of an ROI is never to be included in a member's personnel records, Administrative Separation Package, packages submitted to the Board for Corrections of Military Records (BCMR), or similar administrative proceedings unless authorized in writing by Director, CGIS. Copies of CGIS ROIs for use by boards or other personnel or administrative procedures will be provided upon request by CGIS Headquarters.
- d. CGIS can normally obtain copies of investigative reports from other law enforcement and investigative agencies that may be required by a Coast Guard Command for judicial, non-judicial or administrative proceedings; however, under the 'Third Party Rule,' reports received by CGIS from other agencies cannot be released to Coast Guard Commands without specific written approval from the originating agency. If such approval is not granted, CGIS may only provide the Command a written summary of the contents of the originating agency's investigative report.
- e. SACs are prohibited from releasing incomplete, draft or pending ROIs to Commands for review or action unless specifically authorized by Director, CGIS. This policy is to prevent premature initiation of any adverse or disciplinary action prior to the logical conclusion of an investigation.
- f. As a participant in and administrator of the Coast Guard's access to the Department of Justice Criminal Justice Information System (CJIS), CGIS is required to report and maintain criminal history information associated with criminal offenses, to include felony violations of the UCMJ. Towards that end, the CGIS maintains ROIs and other investigative records and reports in accordance with approved retention periods outlined in reference (c) and (o). Furthermore, in accordance with reference (c), reporting of offender criminal history data on military suspects is

the responsibility of CGIS as part of its criminal investigative and liaison responsibilities. In furtherance of this reporting requirement, the Coast Guard entity responsible for final disposition in a matter investigated by CGIS must complete and return with the ROI provided a Report of Adjudication, form CG-6030 (Enclosure (1)). A completed Report of Command Action form is required for CGIS to ensure that case disposition is entered into the appropriate CGIS and CJIS records, and that final action has been taken in a matter investigated by CGIS in the event a request for information is filed in accordance with the Freedom of Information and the Privacy Acts.

#### 15. TRAINING, EDUCATION AND CREDENTIALING.

- a. Director, CGIS is responsible for developing and implementing policy and doctrine related to CGIS mission areas and responsibilities, to include appropriate civilian and military performance qualification factors specific to CGIS special agent personnel. Director, CGIS is also responsible for and will inform and coordinate with CG-2 the development of regulatory guidance for the employment of polygraph examinations, the conduct of undercover law enforcement operations, the installation of tracking devices, the conduct of law enforcement communication intercepts, covert audio and video surveillance, and other criminal investigative or criminal countermeasure aids.
- b. Official standardized badges and credentials are issued to all CGIS special agents at the sole discretion of Director, CGIS, only after (i) completing prescribed basic investigator training at FLETC or at another accredited law enforcement academy and (ii) passing a suitability screening.
- c. CGIS maintains liaison with federal, state, local, tribal, military, and foreign criminal investigative agencies for the purpose of coordinating, conducting and evaluating criminal investigative, law enforcement intelligence collection, PSO, and task force training and education activities. In accordance with Department of Homeland Security, Federal Law Enforcement Training Center (FLETC) policy, CGIS serves as the Coast Guard's On-Site Representative at the FLETC located at Glynco, Georgia. As the FLETC Glynco On-Site Representative, CGIS is responsible for coordinating with the Office of Reserve and Training Directorate (CG-13) attendance of Coast Guard personnel to any FLETC sponsored courses at the FLETC facilities located in Glynco, Georgia; Artesia, New Mexico; and, Cheltenham, Maryland. Coast Guard units interested in obtaining training quotas from FLETC must submit their requests to Commandant (CG-13) for approval and scheduling in coordination with CGIS Headquarters.
- d. CGIS Headquarters coordinates Emergency Vehicle Operating Course (EVOC) training to those uniformed Coast Guard personnel designated as official drivers for senior Coast Guard leaders authorized by DHS and Coast Guard policy to utilize government vehicles with emergency signaling equipment (lights and siren) installed. EVOC training provided by the CGIS shall be in accordance with requirements contained in DHS Management Directive 11015.
- e. CGIS is responsible for providing appropriate credentials for use by designated, official drivers and certain senior members of the Commandant and Vice Commandant's staff for the purpose of facilitating the conduct of PSOs by CGIS.

#### 16. CGIS SPECIAL AGENTS AND ACCESS.

- a. Director, CGIS, on behalf of Commandant, accredits and credentials CGIS personnel to carry out sensitive CGIS mission-related responsibilities. Those personnel are issued standardized badges and credentials designating them as “Deputy Director,” “Assistant Director,” “Deputy Assistant Director,” “Special Agent-in-Charge,” “Assistant Special Agent-in-Charge,” “Senior Special Agent,” “Resident Agent-in-Charge,” or “Special Agent.” No other person or entity of the Coast Guard is authorized to use the title “Special Agent” or issue “Special Agent” badges or credentials. Personnel issued CGIS badge and credentials have had the prerequisite law enforcement training, are sworn law enforcement officers, are authorized carriage of firearms, and maintain a Top Secret security clearance to perform their official duties and responsibilities.
- b. Other than while assigned to conduct undercover operations, CGIS special agents are required while in performance of official duties to use their issued badge and credentials for identification purposes when entering Coast Guard controlled property and other Coast Guard facilities or areas where official identification is necessary for entry. Upon presentation of their badge and credentials, CGIS special agents shall be provided access to Coast Guard units, vessels, buildings, areas, files, records, or reports, including classified information, without hindrance. CGIS special agents shall not be required to provide additional military or civilian forms of identification other than their badge and credentials. This policy, however, does not infringe upon a Command’s responsibilities to fully identify all personnel entering their facility, vessel or aircraft, or infringe upon the Command’s responsibility to verify security clearance level prior to allowing access to classified information under their direct control.
- c. Military personnel assigned as CGIS special agents are required to wear civilian clothing in performance of official duties, unless working in an undercover capacity. In order to eliminate any potential for intimidation, coercion or compromise of their mission, CGIS special agents shall not be required to participate in any uniformed military functions such as parades, ceremonies, guard duty, honor guard processions, uniform inspections, etc. Regional SACs are responsible for ensuring that military CGIS personnel under their supervision are exempt from such assignments. Military special agents are permitted to participate in uniformed military functions of a personal nature, such as promotions, award ceremonies, military approved initiations, etc. at their discretion, provided that such participation does not pose a risk of compromising any CGIS operations.
- d. In coordination with command and servicing legal office, CGIS special agents and any accompanying law enforcement personnel shall be permitted to enter or depart Coast Guard controlled vessels and shore facilities; review and, if necessary, seize records and reports, to include those associated with personnel training performance and health; interview witnesses, suspects and victims aboard Coast Guard vessels and facilities; and collect evidence or secure property and crime scenes. Official government vehicles used by CGIS in the course of official business shall be exempt from routine search, as shall accredited CGIS personnel and occupants of vehicles being operated by CGIS in the course of official business. This policy is to protect from compromise sensitive operations or compromise of the identities of certain persons, or inspection of sensitive material being transported in a CGIS vehicle.
- e. In accordance with reference (c), CGIS special agents are required to be armed while in the performance of their official duties and therefore shall not be prohibited from entering Coast Guard installations or going aboard Coast Guard vessels or aircraft on the basis of their carrying a firearm. Nor shall CGIS special agents, or law enforcement personnel accompanying them, be

required to relinquish their firearm for temporary storage when entering a Coast Guard installation or going aboard a Coast Guard vessel or aircraft in the performance of their official duties. Commanding officers of cutters may require CGIS special agents and other agency law enforcement personnel deploying for extended periods of time to store their firearms in the unit armory until needed.

17. PROCEDURES FOR DISCLOSING POTENTIAL IMPEACHMENT INFORMATION CONCERNING CGIS SPECIAL AGENT WITNESSES (“GIGLIO POLICY”).

- a. It is expected that a prosecuting attorney or servicing legal office generally will be able to obtain all potential impeachment information directly from potential CGIS special agent witnesses and/or affiants. CGIS special agents are obligated to inform prosecuting attorneys and servicing Coast Guard legal offices of potential impeachment information as early as possible prior to providing a sworn statement or testimony in any criminal investigation or case. Nevertheless, in some cases, prosecutors or servicing legal offices may also decide to request potential impeachment information from CGIS.
- b. Such requests shall be done in writing to the Assistant Director, CGIS or Legal Counsel, CGIS, and must utilize the Coast Guard Memorandum format if they are generated from within the Coast Guard. The Assistant Director, CGIS, will review each request and evaluate relevant CGIS records for information that could cast doubt upon a special agent’s credibility. This information may include but is not strictly limited to: (a) specific instances of conduct of a witness for the purpose of attacking the witness’ credibility or character for truthfulness; (b) evidence in the form of opinion or reputation as to a witness’ character for truthfulness; (c) prior inconsistent statements; and (d) information that may be used to suggest that a witness is biased.
- c. The purpose of this policy is to ensure that prosecutors and servicing legal offices receive sufficient information to meet their obligations under *Giglio v. United States*, 405 U.S. 150 (1972), while protecting the legitimate privacy rights of CGIS special agents.

18. LIMITATIONS. Nothing herein is to be construed as infringing upon, conflicting with, or restricting in any way the investigative functions of a command, e.g., courts of inquiry, or investigations conducted pursuant to the UCMJ or references (d) or (i), to include examinations and other actions concerning the effectiveness of command procedures for good order and discipline, or the effectiveness with which unit personnel have carried out their duties and responsibilities. Nor is anything herein to be construed as infringing upon a command’s responsibilities to fully identify all personnel entering their facility, vessel or aircraft, or to infringe upon the command’s responsibility to verify security clearance level prior to allowing access to classified information under their direct control.

19. RECORDS MANAGEMENT CONSIDERATION. This Instruction has been thoroughly reviewed during the directives clearance process, and it has been determined there are no further records scheduling requirements, in accordance with Federal Records Act, 44 U.S.C. 3101 et seq., NARA requirements, and Information and Life Cycle Management Manual, COMDTINST M5212.12 (series). This policy does not have any significant or substantial change to existing records management requirements.”

20. ENVIRONMENTAL ASPECT AND IMPACT CONSIDERATIONS. Environmental considerations were examined in the development of this directive and have been determined to be not applicable.
21. FORMS/REPORTS. The forms referenced in this Instruction are available in USCG Electronic Forms on the Standard Workstation or on the Internet: <http://www.uscg.mil/forms/>; CG Portal at <http://cgportal.uscg.mil/delivery/Satellite/CG611/FORMS>; and Intranet at <http://cgweb.comdt.uscg.mil/CGForms>.

T. F. ATKIN /s/  
Assistant Commandant for Intelligence  
and Criminal Investigations

Encl: (1) Sample Coast Guard Investigative Service Report of Adjudication, Form CG-6030

|   |  |                                       |
|---|--|---------------------------------------|
| U.S. DEPARTMENT OF<br>HOMELAND SECURITY<br>U.S. COAST GUARD<br>CG-6030 (Rev. 1-11)  | <h2 style="margin: 0;">Coast Guard Investigative Service</h2> <h3 style="margin: 0;">Report of Adjudication</h3>   |                                       |
| 1 CGIS Use Only - Region  | 2 CGIS Case Control Number:<br><br>- [    ]  | 3 Date ROI Forwarded for Review       |
| 4 Full Name of Accused  |  | 5 Duty Station / Residence of Accused |
| 6 USCG: <input type="checkbox"/> Active Duty <input type="checkbox"/> Reserve <input type="checkbox"/> Auxiliary <input type="checkbox"/> Civilian Employee or <input type="checkbox"/> Other Civilian _____  |  |                                       |
| 7 Servicing Legal Office Use Only<br><br>Referral: <input type="checkbox"/> Federal <input type="checkbox"/> State <input type="checkbox"/> Local<br><br><input type="checkbox"/> Tribal <input type="checkbox"/> Not Referred <input type="checkbox"/> Other _____   | 8 Uniform Code of Military Justice Proceeding<br><br><input type="checkbox"/> GCM <input type="checkbox"/> SPCM <input type="checkbox"/> SCM<br><br><input type="checkbox"/> NJP <input type="checkbox"/> No Punitive Action Taken |                                       |
| 9 Details of the Offense (Recite Article of UCMJ or Federal Statute; Generally describe actions of accused or allegations)  |  |                                       |
| 10 Disposition<br><br>Charges Dropped _____ Acquitted _____ Guilty _____ Other _____<br><br>Confinement _____ (days / months) Fines _____ (dollars) Forfeitures _____<br><br>Rate/Rank Reduction _____ Restriction _____ (days) Extra Duty _____ (days)<br><br>Discharge:           BCD                                   DD                                   OFFICER DISMISSAL<br><br>Admin Sep           Characterization:                   OTH                                   GEN                                   HON |  |                                       |
| 11 Other Administrative Action (i.e., Reassignment, EAPC Referral, MPO, CG-3307, Letters of Reprimand/Censure)  |  |                                       |
| 12 Reporting Official Use           (To be completed by Regional Special Agent-in-Charge for all External Investigations)<br><br>Signature of Reporting Official: _____ Rank: _____<br><br>Printed Name of Reporting Official: _____ Unit: _____<br><br>Date of Adjudication / Action: _____ Date ROI/Report of Adjudication Returned to CGIS: _____<br><br>Remarks: _____<br><br>Attachments: (Report of Results of Trial, CG-4910, Additional Documentation)  |  |                                       |