



# Civil Penalty Enforcement (CPE) Tactics, Techniques, and Procedures (TTP)



Force Readiness Command  
(FORCECOM)

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COAST GUARD TACTICS, TECHNIQUES, AND PROCEDURES 3-72.7

Subj: CIVIL PENALTY ENFORCEMENT (CPE)

- Ref:
- (a) USCG Marine Safety Manual, Volume V: Investigations and Enforcement, COMDTINST M16000.10 (series)
  - (b) Notice Of Violation (NOV) User's Guide, COMDTINST M5582.1 (series)
  - (c) Maritime Law Enforcement Manual (MLEM), COMDTINST M16247.1 (series)
  - (d) LANTAREA Law Enforcement Boarding Report and MISLE Activity Process Guide, LANTAREAINST 16247.1 (series)
  - (e) USCG Marine Safety Manual, Volume I: Administration and Management, COMDTINST M16000.6 (series)
  - (f) Federal Water Pollution Control Act (FWPCA), 33 U.S.C. §1321, as amended by the Oil Pollution Act (OPA) of 1990, 33 U.S.C. §§ 2701-2762, and the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9607
  - (g) Enforcement; Civil and Criminal Penalty Proceedings, 33 C.F.R. Subpart 1.07
  - (h) Adjustment of Civil Monetary Penalties for Inflation Table, 33 C.F.R. § 27.3
  - (i) Civil Penalty Hearing Officer Procedures, COMDTINST, M16200.5 (series)
  - (j) U.S. Coast Guard Investigating Officer (IO) Enforcement Job Aid, CG-3PCA-1
  - (k) USCG Civil Penalty Case Guide, 2014
  - (l) Oil Sample Handling and Transmittal Guide, U.S. Coast Guard Marine Safety Laboratory, Eight Edition, 2013
  - (m) Designation, Reportable Quantities, and Notification, 40 CFR Part 302
  - (n) Withholding of Vessel Clearances or Permits; Identification of Satisfactory Sureties in Lieu of Clearance or Permit Denial, 69 FR 40400-01
  - (o) Federal Water Pollution Control Act, 33 U.S.C. 1321(b) (12)
  - (p) Act to Prevent Pollution from Ships, 33 U.S.C. 1908(e), and implementing regulations
  - (q) Ports and Waterways Safety Act, 33 U.S.C. 1232(f)
  - (r) Tank vessel operating or inspection requirements, 46 U.S.C. 3718(e)
  - (s) Inland Navigation Rules, 33 U.S.C. 2072(d)
  - (t) Non-indigenous Aquatic Nuisance Prevention and Control Act of 1990, as amended by the National Invasive Species Act, 16 U.S.C. 4711(g) (3)
  - (u) Criminal Penalties, 33 C.F.R. § 1.07-90

- (v) Written Warnings by Coast Guard Boarding Officers, 33 C.F.R. Part 1, Subpart 108 and Applicability, 33 C.F.R. § 1.08-1
- (w) Information and Life Cycle Management Manual, COMDTINST M5212.12 (series)
- (x) Navigation Safety Regulations, 33 C.F.R. Part 164
- (y) Oil and Hazardous Substance Liability, 33 U.S.C. § 1321
- (z) Rules of Practice, Procedure, and Evidence for Formal Administrative Proceedings of the Coast Guard, 33 C.F.R. Part 20

1. PURPOSE. This publication provides standard tactics, techniques, and procedures (TTP) for investigating, evaluating, processing, and disposing of United States Coast Guard (USCG) civil penalty enforcement activities. It includes pollution, recreational boating, commercial fishing vessel, and other marine safety/security violations of laws, regulations, and orders.
2. ACTION. This Coast Guard tactics, techniques, and procedures (CGTTP) publication applies to all USCG personnel responsible for detecting, investigating, and recommending civil penalty enforcement actions. Internet release authorized.
3. DIRECTIVES/TTP AFFECTED. None.
4. DISCUSSION. Civil penalty action is one tool the USCG uses to achieve compliance with laws and regulations. A review of the USCG civil penalty instructions has resulted in a recommendation to update and standardize guidance for USCG personnel issuing civil penalty enforcement (CPE) actions. The specific focus of this TTP publication is on the following enforcement actions: letter of warning, notice of violation civil penalty, class I & II administrative civil penalties, and judicial civil penalty. This TTP publication does not include Marine Information Safety and Law Enforcement (MISLE) performance tasks and steps. Instead the reader is referred to MISLE Enforcement User Guide located on the [MISLE CGPortal community site](#) for MISLE activities and procedural guidance.

The expected performance objective of the CPE TTP is effective and efficient selection of enforcement actions to promote timely compliance, ensure penalties are not considered a cost of doing business, deter future violations, and assure penalties recommendations for similar violations and circumstances are consistent nationwide.

5. DISTRIBUTION. FORCECOM TTP Division posts an electronic version of this TTP publication to the CGTTP Library on CGPortal. In CGPortal, navigate to the CGTTP Library by selecting **References > Tactics, Techniques, and Procedures (TTP)**. FORCECOM TTP Division does not provide paper distribution of this publication.
6. FORMS/REPORTS. The forms called for in this publication are available in USCG electronic forms on the standard workstation or on the Internet: <http://www.uscg.mil/forms/>; CGPortal: Select References from the home page; and Intranet at <http://cgweb.comdt.uscg.mil/CGForms>.

7. **REQUEST FOR CHANGES.** Submit recommendations for TTP improvements or corrections via email to [FORCECOM-PI@uscg.mil](mailto:FORCECOM-PI@uscg.mil) or through the TTP Request form on CGPortal. In CGPortal, navigate to the TTP Request form by selecting **References > Tactics, Techniques, and Procedures (TTP) > TTP Request**.

Send lessons learned applicable to this TTP publication via command email to FORCECOM TTP Division at [CMD-SMB-CG-FORCECOM](mailto:CMD-SMB-CG-FORCECOM).

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By Direction of Commander,  
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# Chapter 1: Introduction

## Introduction

This chapter discusses the background and scope of the civil penalty enforcement (CPE) tactics, techniques, and procedures (TTP) publication. It also defines the use of notes, cautions, and warnings in TTP publications.

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## In This Chapter

This chapter contains the following sections:

Section	Title	Page
A	Civil Penalty Enforcement	1-2
B	Notes, Cautions, and Warnings	1-5

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## Section A: Civil Penalty Enforcement

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### **A.1. Background/ Performance Objectives**

The United States Coast Guard (USCG) uses CPE as a tool to achieve compliance with laws and regulations. A review of USCG civil penalty instructions resulted in a recommendation to consolidate, update, and standardize guidance for USCG personnel issuing CPE actions. Per reference (a), USCG Marine Safety Manual, Volume V: Investigations and Enforcement, COMDTINST M16000.10 (series), marine safety personnel, units, district, and area commanders MAY select appropriate enforcement action(s) to:

- Assure timely compliance.
- Guarantee penalties are not a cost of doing business.
- Effectively deter future violations by the party and by the public at large.
- Assure that penalties for a given violation in similar circumstances are consistent nationwide.

---

### **A.2. Scope**

This publication provides TTP to investigate, evaluate, process, and dispose of USCG CPE activities. Violations include those related to pollution, recreational boating, commercial fishing vessels, or other marine safety and security violations of laws, regulations, and orders the USCG enforces. This TTP publication focuses on the following enforcement actions:

- Warning.
- Notice of violation (NOV).
- Class I administrative penalty.
- Class II administrative penalty.
- Judicial civil penalty.

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### **A.3. Target Audience**

The primary audience for this TTP publication is USCG personnel responsible for detecting, investigating, and recommending CPE actions.

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**A.4. Commonly Cited References**

The following references are considered “commonly cited references” and cited numerous within this publication. As such, they will be referred to by their short title for economy of reference citation.

- Reference (a), USCG Marine Safety Manual, Volume V: Investigations and Enforcement, COMDTINST M16000.10 (series).
  - Short title: MSM, Volume V, COMDTINST M16000.10 (series).
- Reference (b), Notice of Violation (NOV) User’s Guide, COMDTINST M5582.1 (series).
  - Short title: NOV User’s Guide, COMDTINST M5582.1 (series).
- Reference (c), Maritime Law Enforcement Manual (MLEM), COMDTINST M16247.1 (series).
  - Short title: MLEM, COMDTINST M16247.1 (series).
- Reference (d), LANTAREA Law Enforcement Boarding Report and MISLE Activity Process Guide, LANTAREAINST 16247.1 (series).
  - Short title: LANTAREAINST 16247.1 (series).
- Reference (e), USCG Marine Safety Manual, Volume I: Administration and Management, COMDTINST M16000.6 (series).
  - Short title: MSM, Volume I, COMDTINST 16000.6 (series).
- Reference (f), Federal Water Pollution Control Act (FWPCA), 33 U.S.C. §1321, as amended by the Oil Pollution Act (OPA) of 1990, 33 U.S.C. §§ 2701-2762, and the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9607.
  - Short title: FWPCA, 33 U.S.C. §1321, as amended by the OPA of 1990, 33 U.S.C. §§ 2701-2762, and the CERCLA, 42 U.S.C. § 9607. This short title refers the reader to the relevant sections of the formal citation.

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**A.5. Exclusions**

The scope of this TTP publication does not include Marine Information Safety and Law Enforcement (MISLE) performance tasks and steps. Instead, the reader is referred to the MISLE Enforcement User Guide located on the [MISLE](#) CGPortal site for guidance.

Once at MISLE CGPortal site:

- Click **IIP and Enforcement** folder.
  - Click **Enforcement\_User\_Guide**.
-

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### A.6. Publication Disclaimer

This TTP publication cannot cover every CPE scenario that might arise. In some cases it may be appropriate to deviate from guidance in this publication to better achieve program goals and to complete tasks with greater safety, effectiveness, or efficiency. Do not take such deviations lightly. Temper any decision to deviate with maturity and a complete understanding of the mission, equipment, and members' capabilities. The cognizant Coast Guard Headquarters office must authorize any such deviations. Whenever possible, consult your unit chain of command prior to deviation. Report TTP adjustment needs per the "request for changes" paragraph located in the letter of promulgation.

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### A.7. Process Map Legend

This publication uses process maps to provide a graphical summary of performance tasks. The following map legend defines the process map symbols:

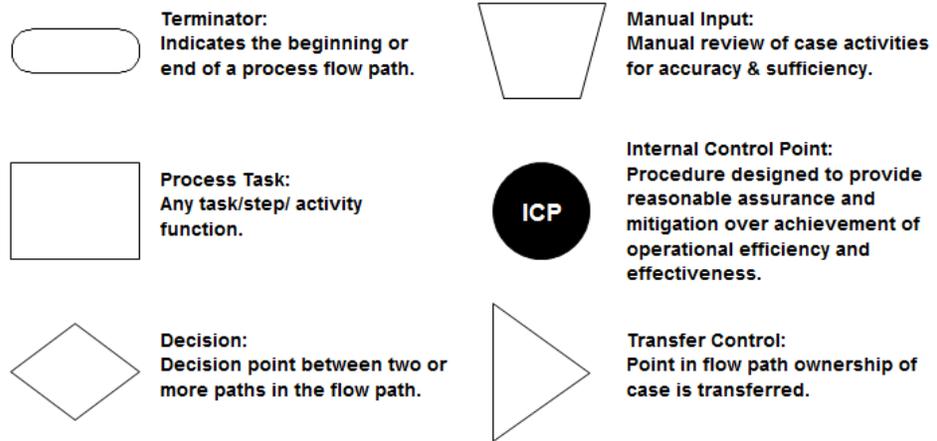


Figure 1-1 Process map legend

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## Section B: Notes, Cautions, and Warnings

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**B.1. Overview**      The following definitions apply to notes, cautions, and warnings found in TTP publications.

**NOTE:**      **An emphasized statement, procedure, or technique.**

**CAUTION:**      **A procedure, technique, or action that, if not followed, carries the risk of equipment damage.**

**WARNING:**      *A procedure, technique, or action that, if not followed, carries the risk of personnel injury or death.*

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## Chapter 2: Civil Penalty Enforcement Authority and Jurisdiction

**Introduction** This chapter discusses the authorities, requirements, and job aid resources for issuing civil penalties. The chapter also discusses qualifications and designations for NOV CPEs.

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**In This Chapter** This chapter contains the following sections:

<b>Section</b>	<b>Title</b>	<b>Page</b>
A	Civil Penalty Enforcement Authority and Jurisdiction	2-2
B	Civil Penalty Enforcement Qualification	2-4
C	Civil Penalty Enforcement Policies and Resources	2-5

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## Section A: Civil Penalty Enforcement Authority and Jurisdiction

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### A.1. Federal Civil Penalty Enforcement Authority

The following authorities provide federal law and regulation guidance for enforcement of civil penalty actions:

- [United States Code](#) (U.S.C.): Collects and arranges U.S. statutes by subject into 50 titles. Supplements are updated annually and editions are updated every six years. U.S.C. captures the overarching penalty authority and amount for the regulations promulgated under each statute.

**NOTE:** **Be aware: Penalty amounts listed in the U.S.C. may be outdated.**

- U.S.C. Annotated: Is an unofficial commercially published version of the U.S.C. This code includes all the features and tables of U.S.C., with the addition of annotations of cases interpreting code sections, detailed indexes, and historical notes of amendments and legislative history.
- Code of Federal Regulations (C.F.R.): Are rules, having the force of law, issued by a federal agency to implement the intent of a statute. C.F.R.s are published annually and changes are recorded daily in the [Federal Register](#) (FR). There are several methods to research or identify appropriate penalty authorities within the C.F.R. parts.
  - The **authority** element is the law governing the regulation. This element is displayed as the **AUTHORITY** note listed at the beginning of the C.F.R. part. The **AUTHORITY** note identifies the statutory or executive authority under which the regulations are issued.
  - The **source** element describes the FR first promulgation of the regulation. This element is displayed as the **SOURCE** note listed within the C.F.R. part. The **SOURCE** note identifies the FR volume number, page number, and date of issue where the rule appears.

- The **Parallel Table of Authorities and Rules**, found under the **Related Resources** section. This table provides a simple cross reference that identifies each U.S.C. authority and lists the regulations that are promulgated under the authority.
  - **Electronic C.F.R. (e-C.F.R.)**: Government Printing Office's unofficial website provides several search and browse features not available for the static print version of CFR. This site updates regularly with information added from the FR.

## A.2. Civil Penalty Amount Resources

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The following references provide USCG authority for performing CPE activities:

- Reference (g), Enforcement; Civil and Criminal Penalty Proceedings, 33 C.F.R. Subpart 1.07, describes procedures for enforcement and administration for all statutory penalty provisions that the Coast Guard is authorized to enforce.
- Reference (h), Adjustment of Civil Monetary Penalties for Inflation Table, 33 C.F.R. § 27.3, identifies statutes authorizing the Coast Guard personnel that issue civil monetary penalties and includes the most up to date maximum penalty amount as adjusted for inflation. Any changes to the table in reference (c) are announced via the FR.

### NOTE:

**The data contained in MISLE Cite Builder is manually updated and may need to be cross-referenced with reference (h).**

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## Section B: Civil Penalty Enforcement Qualifications

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### **B.1. Notice of Violation Letter of Designation**

A notice of violation (NOV) letter of designation authorizes USCG personnel to issue NOVs for alleged violations within their respective performance qualification standards (PQS). The sector commander or the officer-in-charge of marine inspection (OCMI) authorizes and issues NOV designation letters per reference (b), NOV User's Guide, COMDTINST M5582.1 (series).

- Per reference (g), Enforcement; Civil and Criminal Penalty Proceedings 33 C.F.R. Subpart 1.07, the term issuing officer means any qualified Coast Guard commissioned officer, chief warrant officer, chief petty officer, or petty officer.
- Issuing and processing NOVs is not limited to the Investigation Division. Unit issuing officers with NOV designation can issue and process NOVs.

**NOTE:**

**NOV letters of designation are effective for the issuing officer's current command only. Each command is required to re-verify that new personnel meet requirements and issue NOV letters of designation accordingly per reference (b).**

### **B.2. Marine Enforcement Officer Qualification**

The Maritime Enforcement Officer qualification is specifically intended for investigating officers and is **NOT** required to complete a CPE action. The qualification ensures that the individual demonstrates appropriate knowledge of applicable Coast Guard CPE statutes and authorities. While not required, this qualification is useful to develop proficiency in enforcing civil penalty authorities and actions.

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## Section C: Civil Penalty Enforcement Policies and Resources

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### C.1. Overarching Policies

The following USCG directives and publications provide overarching CPE policies:

- Reference (a), MSM, Volume V: Investigations and Enforcement, COMDTINST M16000.10 (series), provides policy and procedures governing civil penalty reporting and investigation.
- Reference (b), NOV User’s Guide, COMDTINST M5582.1 (series), establishes instruction and processes for NOV administration.
- Reference (c), MLEM, COMDTINST M16247.1 (series), provides civil penalty authority and guidance for 4100 boardings.
- Reference (d), LANTAREAINST 16247.1 (series), provides guidance for documenting and processing 4100/4100F type boardings submitted to the Atlantic Area (LANTAREA) [Violation Case Coordination Center \(VCCC\)](#).
- Reference (i), Civil Penalty Hearing Officer Procedures, COMDTINST, M16200.5 (series), provides guidance for adjudicating civil penalties.

### C.2. Civil Penalty Policy Letters

Policy letters are issued to clarify existing regulations and enforcement guidance for each respective program. Be familiar with each respective programs’ policy letter guidance updates to CPE activities.

CPE policy letters are:

- Centrally located on [CG-INV](#) CGPortal site, select “**Reference Library**” list, then select folder titled “**Policy Letter(s)**.”
- Posted in chronological order by calendar year.
- Maintained by their respective program.
- Once policy letters are incorporated into USCG directive, the policy letter is cancelled.

NOTE:

**Historical staff symbols for the Office of Investigations and Casualty Analysis ([CG-INV](#)) were G-PCA and CG-545.**

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**C.3. Civil  
Penalty Job Aids**

The following CGPortal site contain CPE job aids:

- [CG-INV](#) CGPortal site contains policy, job aids, and resources to perform civil penalty enforcement.
  - MISLE 5.0 deployment information is also available on [CG-INV](#) CGPortal site in the “**Shortcuts**” list. Resources provide policy, procedures, and guidance associated with the deployment of MISLE 5.0 exclusively for marine investigations.
- [Coast Guard Hearing Office](#) (HO) internet site contains policy, procedural guidance, and resources for the USCG civil penalty hearing process.
- [VCCC](#) CGPortal site contains policy, metrics, job aids, and resources for 4100 boarding report violations. These violations are identified during examination, inspection, and investigation of recreational, fishing vessels, and uninspected commercial vessels.

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**C.4.  
Investigating  
Officer  
Enforcement Job  
Aid**

Reference (j), U.S. Coast Guard Investigating Officer Enforcement Job Aid, CG-3PCA-1, has a checklist of civil penalty core performance tasks. The Investigating Officer (IO) Enforcement Job Aid is located on the [CG-INV](#) CGPortal site, in the “**Reference Library**.” Core tasks include:

- Investigation preparation.
- Incident timeline development.
- Causal and human error analysis.
- Conclusion documentation.
- Recommendations and alerts development.
- Violation analysis.

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**C.5. Report of  
Boarding Form  
(CG-4100)**

Report of Boarding Form (CG-4100) is a USCG form used by boarding officers (BO) to record a description of the violations, evidence, and additional information.

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**C.6. Notice of  
Violation Form  
(CG-5582)**

Notice of Violation Form (CG-5582) is a four-part carbonless form used to record information and issue NOV violations to the responsible party or entity.

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**C.7. USCG Civil  
Penalty Case  
Guide**

[Coast Guard HO](#) maintains the USCG Civil Penalty Case Guide. This guide provides an overview of what a Coast Guard hearing officer expects to see in a well-prepared civil penalty case. The guide also outlines what a responsible party can expect to see in his/her copy of the case file with the preliminary assessment letter.

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**C.8. Boarding  
Officer Job Aid  
Kit**

The USCG Maritime Law Enforcement Academy (MLEA) maintains the Boarding Officer Job Aid Kit (BOJAK). This job aid provides procedural guidance for violations detected during vessel inspections or examinations. Access the BOJAK in the [MLEA](#) CGPortal site in the “Reference and Job Aids” library.

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## Chapter 3: Civil Penalty Investigation and Administration

**Introduction** This chapter discusses civil penalty factors, elements, evidence collection, and how these components affect violation category and penalty amount determination.

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**In This Chapter** This chapter contains the following sections:

Section	Title	Page
A	Elements of a Violation	3-2
B	Investigation Evidence	3-6
C	Pollution Violation Evidence Collection	3-10
D	Marine Safety Or Security Violation Evidence Collection	3-12
E	Responsible Party or Entity Determination	3-14
F	Letters of Undertaking and Surety Bonds	3-17

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## Section A: Elements of a Violation

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### A.1. Violation Elements

Violation cases are required to specify both jurisdictional and factual elements. Each element must be clearly specified and supported by evidence.

- **Jurisdictional Element:** Establishes the nexus for the Coast Guard’s jurisdiction to impose a penalty, and the responsible party subject to the regulation.
- **Factual Element:** Provides the specific allegations against the responsible party to meet evidence requirements.

Upon detection of a violation, immediately consult regulatory citation(s) for required information that supports the jurisdictional and factual elements obtained while on-scene.

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#### A.1.a. Jurisdictional Elements

Limits of jurisdiction are defined by the applicable law or regulation. While some laws and regulations expressly state the capacity of the party responsible, others may not. In these instances, it is necessary to research the appropriate part or subpart contained in the applicable regulation or review the penalty authority for guidance.

Jurisdictional elements generally include:

- Capacity of the person or organization responsible.
- Subject matter evidence of the individual’s role as the owner/operator or person directing the movement of the vessel. This is used to identify the actual owner/operator of the vessel or facility at the time of the violation.
- Geographical location.

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#### A.1.a.(1). Jurisdictional Element Example

The below example identifies the jurisdictional elements for documentation in a civil penalty offense investigation.

- **Regulatory Citation:** 33 C.F.R. § 155.720 Transfer procedures, which is found in Subpart C of Part 155.
- **Scenario:** “The operator of a vessel with a capacity of 250 or more barrels of oil, hazardous material, or liquefied gas as regulated in Table 4 of 46 C.F.R. Part 154, shall provide transfer procedures that meet the requirements of this Part and Part 156 of this chapter for transferring (a) to or from a vessel; and (b) from tank to tank within the vessel.”

- **Jurisdictional Location:** In this particular instance, the role of the party and the capacity of the vessel are noted in the regulation. While not stated in the regulation, the location of the vessel is also a jurisdictional component that needs to be considered. This information is found within the “Applicability” section located in Subpart A of Part 155.

Applicability Section of 33 C.F.R. Subpart 155.100: (a) Subject to the exceptions provided in paragraph (b) and (c) of this section, this Subpart applies to each ship that:

- Is operated under the authority of the United States, wherever located, or,
- Is operated under the authority of another country other than the United States while in the navigable waters of the United States, or while at a port or terminal under the jurisdiction of the United States.

For this example, the issuing officer collects evidence to:

- Identify the operator or entity.
- Support the vessel capacity of 250 or more barrels of oil, hazardous material, or liquefied gas.
- Indicate the vessel was operating in a location identified in the applicability section.

NOTE:

**If the MISLE data fields do not allow the jurisdictional elements to be entered, use the “Factual Elements” data fields to capture the missing element.**

A.1.a.(2). If  
Jurisdiction Does  
NOT Exist

If Coast Guard jurisdiction does not exist for the apparent violation, do not pursue a civil penalty. Instead:

- Consider a referral to another regulatory agency if appropriate.
- Consult agency and local unit memorandums of understanding or agreements to determine if a procedure for referral exists.
- Coordinate referrals to another agency through the chain of command.

A.1.b. Factual  
Elements

Penalties assessed for violations of laws or regulations deprive a person of property (money) and requires due process of law. Due process includes ensuring the responsible party receives notice of what they are accused of. The factual elements of a violation establish the specific allegations against the responsible party to meet due process requirements.

The factual elements must clearly describe what was violated in the regulation and cite the specific subsection(s). MISLE auto populates factual elements for some violations; however, the majority of violations require drafting the elements.

- Consult the law or regulation to determine the requirement(s).
- Draft the element to capture specifically **HOW** the responsible party did not meet the requirement(s).
  - In some instances, such as boating under the influence or equipment requirements, elements may be simply stated. However, there are instances that require complex factual elements, such as multipart regulations, or when a course of conduct constitutes a violation.
  - An example of a multipart regulation is Requirements of Transfer, 33 C.F.R. § 156.120. The regulation pertains to transfers of oil and other regulated bulk liquids. Section 156.120 has thirty-one subparagraphs from (a) to (ee), some of which are further subdivided.
  - The citation offense in MISLE only documents 33 C.F.R. § 156.120 as the alleged violation. To clearly describe what was violated in the regulation, it is necessary to identify the actual subparagraph when drafting the factual elements.

Factual elements include:

- Regulation violated.
- Succinct statement of how it was violated.

A.1.b.(1). Factual  
Element Example

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The following is an example of sufficient factual elements:

- **Scenario:** A boarding inspection was conducted on a recreational vessel carrying four persons on board (POB). During the boarding it was discovered the vessel only carried two personal flotation devises (PFD) on board.
  - **Regulation violated:** 33 C.F.R. § 175.15 (a) No person may use a recreational vessel unless, at least, one wearable or throwable PFD is on board for each person.
  - **Statement of how regulation was violated:**
    - *[Insert vessel information]* is a recreational vessel with four POB.
    - Vessel had two PFD's on board.
-

A.1.b.(2).  
Insufficient  
Factual Elements

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Avoid vagueness when drafting factual elements. Factual elements do not simply state “see enclosed statements” or include generic statements such as “based on numerous deficiencies.”

Accurate and sufficient factual evidences provides the responsible party with a clear understanding of the alleged violation and a basis upon which to make informed decisions regarding his/her response to the hearing officer.

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## Section B: Investigation Evidence

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### **B.1. Dual Department/ Division/Agency Investigation Process**

Upon detection of a violation, it is imperative that the issuing officer identify whether the investigation requires action by another division, department, or agency. In a dual investigation, the issuing officer:

- Searches for responsible party(s) or entity in MISLE to determine if another division, department, or agency has initiated an investigation.
- Establishes dual investigation roles and responsibilities to avoid duplicating efforts.
  - Determines and communicates appropriate level of civil penalty actions for each responsible party or entity to avoid issuing multiple enforcement actions to one party for the same violation.
  - Maintains communications with the other investigating entity. This ensures effectiveness of evidence collection, witness interviews, violations determination, and disposition of the case that involve commercial operations.
- Creates one MISLE case and incident investigation activity (IIA) for dual division, department, or agency investigations.
  - Record multiple detection activities in one MISLE case.

**NOTE:**

**Do not assess separate penalties for the same offense unless there are distinct features supporting the conclusion that two offenses occurred.**

**NOTE:**

**Create a single CPE activity per responsible party for the same incident.**

### **B.1.a. Dual Division/ Department/ Agency Investigation Examples**

Dual investigation incident examples:

- If a marine casualty caused a pollution incident and a credentialed mariner was responsible for the discharge (e.g., tankerman person-in-charge (PIC) during loading operation). Both a pollution responder and investigating officer would be required.
- A BO, during a 4100 boarding inspection detects a violation involving a credentialed mariner. This may require an investigating officer to conduct a personnel investigation.

- An inspected vessel violates U.S. regulation resulting in a reportable marine casualty. A marine inspector and an investigating officer would perform a dual investigation.
- A security breach of a vessel at an inspected facility. A facility inspector and a marine inspector would work together to investigate incident.

**B.2.  
Enforcement  
Posture**

---

Expect information concerning an alleged violation of federal law, regulation, or order to come from multiple sources. Examples include violation detected during inspections, or reported by other law enforcement agencies or concerned citizens. Violation cases must include charges and evidence to support each element of the charges.

**Prima facie:** Evidence that is accurate and sufficient on its face; such evidence, in the judgment of the law, is sufficient to establish a given fact, or the group or chain of facts needed to meet the USCG's burden of proof. If not rebutted or contradicted, such evidence remains sufficient to prove a violation. **Prima facie** evidence, if unexplained or uncontradicted, is sufficient to meet the USCG's burden of proof but could be contradicted by other evidence.

- Initiate administrative, judicial, or criminal enforcement actions when there is **prima facie** evidence of violation per reference (a), MSM, Volume V, COMDTINST, M16000.10 (series).
- Document evidence in the case file to establish each of the elements' jurisdictional applicability and substantives, for the provision of law allegedly violated.
- A clear understanding of the alleged violated regulation is helpful when determining the details to document as "accurate and sufficient" evidence.

NOTE:

**If each element is not supported with documented evidence, do not take enforcement action.**

NOTE:

**When evidence is not readily available at the time of the on-scene boarding, inspection, investigation, or exam, wait to begin enforcement action until sufficient evidence is obtained.**

- Make an enforcement determination once the investigation is complete and there is sufficient proof of the alleged violations. The command ensures the equities of each affected program or mission are considered before proceeding with an enforcement action when violations affect more than one program or mission.

- During an on-scene boarding, inspection, investigation, or exam, explain to the responsible party or representative the deficiencies and that the USCG could pursue civil penalty actions.

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### B.3. Evidence

Evidence must:

- Support the jurisdictional and factual elements of the case.
- Support the formulation of a penalty amount (if a civil penalty is pursued).
- Support the narrative summary found in the “**Enforcement Summary**” report of MISLE

Evidence can be physical, oral, or written (documentary) and contain an incident, circumstance, or relevant action. Consult reference (a), MSM, Volume V, COMDTINST M16000.10, for evidence types and definitions.

**NOTE:**

**Consult chain of command and/or servicing legal office (SLO) with evidence questions.**

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#### B.3.a. Reliable Evidence

Use the following practices to ensure evidence statements are reliable:

- If statements are hand written, the statements must be legible, include the printed name and/or signature of the drafter, and the preparation date.
- If statements are submitted electronically, include an e-signature of the drafter and preparation date.
- If statements are submitted by Coast Guard members, only include remarks relative to the violation(s).

**NOTE:**

**Do not include personal opinions, unsupported conclusions, or unfairly discuss persons.**

- Witness statements should include position held as relevant to the violation and any actions or inactions that contributed to the violations.
  - Photographs used to depict the important information regarding the violation are labeled with a description of the photograph, the date, and time taken, the place taken, and who took the photograph. Use a scale in the picture to reference the size of objects.
-

B.3.b. Relevant  
Evidence

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Evidence is relevant if it has a tendency to make a fact more or less probable than it would be without the evidence, and the fact is of consequence in determining an action.

Evidence is collected to establish the truth. Evidence is used to prove (or in some cases, disprove) the truth of a fact in question. Evidence, in all forms (physical, oral, and written) must be directly related to the incident, circumstances, or actions relevant to the issues immediately surrounding the incident.

During the initial stages of an investigation, an investigator may not know which evidence is relevant to the findings of fact. There are numerous documents kept onboard a vessel or facility which may be valuable in determining the facts surrounding an incident. Physical evidence must be properly documented and key pieces of evidence taken into direct custody.

While it is human nature to arrive on scene and take everything possible, this causes alarm and ultimately more work. In order to minimize the amount of evidence taken into custody, concentrate on documents that are expected to have valuable information related to the cause of the incident.

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## Section C: Pollution Violation Evidence Collection

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### C.1. Overview

Investigate all reported pollution incidents within USCG jurisdiction, regardless of size. Collect violation evidence to identify the following five elements of Federal Water Pollution Control Act (FWPCA) violations:

- Oil is discharged or hazardous substance is released.
- Discharge or release is from a known source.
- Discharge or release is into or upon the navigable waters of the United States.
- Discharge or release creates a sheen, sludge, film, or emulsion, or there is a discharge or release of reportable quantity.
- Discharge or release is by a known responsible party (i.e., owner, operator, PIC).

Issuing officer:

- Collect and document factual information, evidence, timeline, and violation(s).
    - See reference (k), USCG Civil Penalty Case Guide, 2014, for examples of evidence by violation type.
    - See reference (a), MSM, Volume V, COMDTINST M16000.10 (series), and reference (l), Oil Sample Handling and Transmittal Guide, U.S. Coast Guard Marine Safety Laboratory, Eight Edition, 2013, for details on how to collect pollution samples.
    - If unable to document and answer yes to **ALL** five elements, then take **NO** enforcement action.
    - If able to document and answer yes to all five elements, use the hazardous substance discharge violation guidance found in reference (b), NOV User's Guide, COMDTINST M5582.1 (series), for evidence collection.
-

C.1.a. Pollution  
Violation  
Evidence

Table 3-1 provides evidence examples of the FWPCA five element types per reference (a), MSM, Volume V, COMDTINST M16000.10 (series):

<b>Elements and Evidence Examples of FWPCA Violations</b>			
	<b>Oil Discharges and Hazardous Substance Releases</b>	<b>NOV Evidence Type</b>	<b>Class I Administrative Penalty Evidence Type</b>
1	Oil is discharged or hazardous substance is released.	Pollution Responder (PR) statement.	PR statement; digital photos are suggested, but not required.
2	Discharge or release is from a known source (vessel, on or off shore facility, etc.).	PR statement; MISLE referential vessel or facility.	PR statement; MISLE referential vessel or facility; digital photos are suggested but not required.
3	Discharge or release is into or upon the navigable waters of the United States.	PR statement.	PR statement; a scanned chart or Geospatial Information Systems (GIS) image showing the discharge location.
4	Discharge or release creates a sheen, sludge, film, or emulsion, or there is a discharge or release of reportable quantity per reference (m), Designation, Reportable Quantities, and Notification, 40 CFR Part 302.	PR statement.	PR statement; digital photos are suggested, but not required.
5	Discharge or release is by a known responsible party (i.e., owner, operator, person-in-charge).	PR statement; MISLE referential responsible party or entity.	PR statement; MISLE referential responsible party or entity.
		Do not issue an NOV if oil discharge incident does not meet <u>ANY</u> of the five elements.	If using National Response Center (NRC), report as a piece of evidence to support an element of FWPCA, perform verification, and corroboration of the supporting evidence.

**Table 3-1 Five elements and evidence examples of FWPCA violations**

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## Section D: Marine Safety Or Security Violation Evidence Collection

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### D.1. Overview

If there was no oil discharge violation, determine if it is a violation of marine safety, security or other U.S. laws, regulations, or orders.

Collect and document jurisdictional information, factual evidence, timeline, and citation for violation(s).

- See reference (k), USCG Civil Penalty Case Guide, 2014, for examples of evidence by violation type.
- See reference (a), MSM, Volume V, COMDTINST, M16000.10 (series), for evidence collection details.
- See reference (j), U.S. Coast Guard Investing Officer Enforcement Job Aid, CG-3PCA-1, for checklist of core tasks to perform civil penalty investigations.

**NOTE:**

**It is critical that issuing officers are qualified and experienced in the enforcement of civil penalty laws and regulations. Do not solely rely on job aids to identify the factual elements of violations. If in doubt, consult your chain of command.**

D.1.a. Boarding Inspections CPE Violations and Evidence

The following are examples of civil penalty violations and evidence from 4100 boarding inspections. For additional guidance on boarding inspection evidence, see reference (d), LANTAREAINST 16247.1 (series).

Boarding Inspection CPE Violations	Supporting Evidence
Citizenship/manning violations. 75/25 violations.	Narrative description of unlicensed crewmember engaging in the fisheries on active fishery vessel; photographs of individuals and identification; signed witness statements and waivers; catch on-board and how offender was engaged in fishing, and how crewmember role was identified. Document the vessel was commanded by a non-U.S. citizen, determine citizenship status and description of how U.S. citizen or permanent resident alien was determined.
Boarding activity resulted in repeat safety violations.	Narrative description of repeat safety offenses; photographs of safety violation(s).
Boating under the influence (BUI).	Completed field sobriety test (FST); include boating while intoxicated (BWI) certificate date and signature; signed statements, and pictures if applicable. Narrative description of how the operator was determined to be operating the vessel and to the nature of the incident.
Negligent operations (NEG OPS) violations.	Narrative description of how the responsible party operated the vessel in negligent manner to endanger life, limb, or property; photographs and signed witness statements. Include a description specific to the nature of the incident and the standard of due care that was violated.
Children failed to wear PFDs violations.	Narrative description of child's age, weight, how the age was verified, and child's location on vessel.
Safety or security zone violations. Regulated navigation area.	Identification of actual zone and where vessel was in relation. Evidence of actual notice is required only if the zone, regulated navigation area, or order is not published in the CFR or FR; or if restrictions are only effective when directed by the captain of the port (COTP).

**Table 3-2 Boarding inspection civil penalty violations and supporting the evidence**

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## Section E: Responsible Party or Entity Determination

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**E.1. Responsible Party Determination** It is important to consider the role of the responsible party being charged. Many penalty provisions authorize penalties against the owner, operator, or person in charge. While some authorize penalties against any person who violates the requirements. Collect evidence to show the responsible party was acting in a relevant role. Some regulations place a duty on a particular person, e.g., master or employer, to do something. If the duty is not performed, there is a violation.

NOTE:

**Keep in mind, the penalty statute, not the regulation, determines WHO is liable for the penalty.**

Multiple parties could be involved in the violation, and one party could be more culpable than the others. However, this does not preclude charging all parties involved. When determining responsible parties, select the party that can most effectively bring about compliance or a remedy. If this can be achieved with equal effectiveness by two or more parties, select the parties that are most seriously out of compliance.

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### E.2. Entity Determination

Consider the three types of entities below when determining entity responsible for the violation(s):

- **Noncommercial entity:** The person responsible for the discharge or violation of a law or regulation engaged in a noncommercial activity at the time of the discharge. A noncommercial penalty is always against an individual.
- **Commercial entity:** The vessel, facility, or other entity that discharges or violates the law or regulation engaged in a commercial activity, and includes any maintenance, transit, or provision to support a commercial activity.
- **Commercial individual:** The individual responsible for the discharge or violation of the law or regulation engaged in a commercial activity at time of discharge.
  - Promptly determine if the responsible party is a credentialed mariner. This promotes efficient engagement with the respective investigation entity (e.g., suspension and revocation (S&R) enforcement investigation).

NOTE:

**NOV penalty amounts are based on the types of entities. Proper entity determination is crucial to determine the appropriate penalty amount when issuing a NOV. For further guidance see reference (b), NOV User’s Guide, COMDTINST M5582.1 (series).**

### E.3. Multiple Entity Entries

Documenting the responsible party correctly in MISLE is critical for legacy tracking to determine most effective CPE. Corporations can submit layers of different names and identities to the USCG, but may use the same address and phone numbers. Either through data entry errors, ineffective query practices, and/or minor changes in corporate structure, these corporations display in MISLE as different vessels or parties, with separate violation histories.

Be aware:

- A vessel’s status can be listed under both documentation and state number data fields and the regulations governing its registration can change over time.
- A vessel can be renamed or renumbered multiple times.
- Credentialed mariners can be incorrectly listed in MISLE as a non-mariner during a recreational vessel boarding inspection. Cross reference responsible party in the Merchant Mariner License Database (MMLD) in MISLE. MMLD provides mariner license application, renewed license date, obtained license type, and other criminal background information not displayed in MISLE.

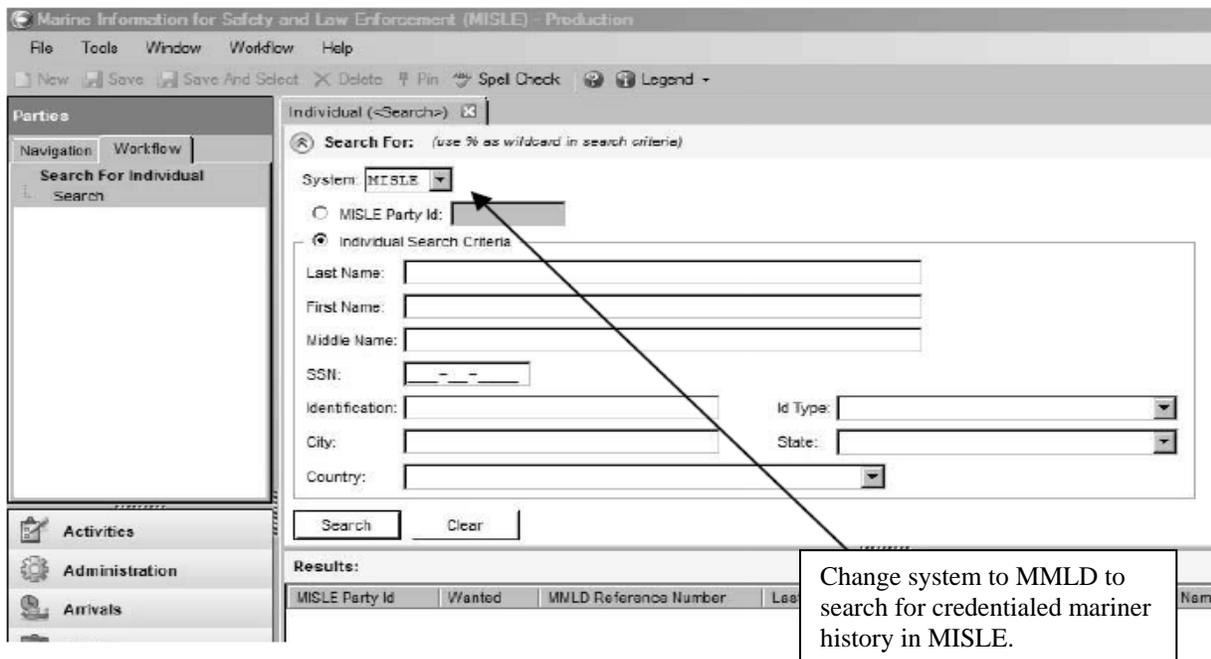


Figure 3-1 MMLD in MISLE

**NOTE:**

**When multiple entries exist, conduct an analysis of the multiple violations and submit a MISLE help ticket to combine entries as needed.**

**E.4. Searching  
Violation  
History**

The issuing officer ensures the proper party is identified and attached to the investigation in MISLE as an “involved party” per [MISLE Enforcement User Guide](#). There are several ways to search a party’s violation history.

- **MISLE wild card query:** A wild card query reviews the violation history for a responsible party or entity, keeping in mind that there can be several variations of spelling or associated activities. Conduct a thorough search of multiple queries to determine if the party or entity is already in MISLE. Do not create a new entry for an existing party or entity. Use the special character “%” in spaces where entity characters might have been entered differently. This character can be used in multiple spaces as needed.
  - For example: A vessel can be entered with or without spaces between letters and numbers. If searching for the vessel with a state number of “MD2510AW” use “MD%2510%AW” for search query to provide results of a vessel listed as “MD2510AW” or “MD 2510 AW.”
  - For MISLE guidance, see MISLE 5.0 [Known Issues](#) link on CGPortal site.
- **MMLD:** Search this database to verify if the responsible party is a credentialed mariner and has a violation history.
- **Coast Guard Business Intelligence (CGBI):** This system pulls from MISLE to search the responsible party’s violation history via data cube reports. The information contained in CGBI reports is for **INTERNAL USCG USE ONLY**. The Data Administrative Division Chief (CG-5) is responsible for providing information that is used outside the USCG. For additional information or guidance, refer to [CGBI](#) CGPortal site.

**NOTE:**

**Violation history searches require strategic and diligent review efforts, and are critical to identifying repeat violators.**

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## Section F: Letters of Undertaking and Surety Bonds

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**F.1. Overview** This section address two types of USCG sureties used to assure payment of assessed penalties by foreign vessels or parties.

- Letter of Undertaking (LOU): Surety suitable for any assessed civil penalty or fine below \$500,000.
- Surety Bond: Surety suitable for criminal or civil cases where the penalty is \$500,000 or more.

**NOTE:**

**Without an LOU, surety bond, or other form of surety agreement, collection of any penalty is difficult and unlikely to be successful if the foreign person or entity refuses to pay.**

**NOTE:**

**USCG has full discretion to accept or reject a LOU, surety bond, or any other form of surety. If there is any doubts, whether the surety offered is satisfactory, consult the local SLO.**

**F.2. Letter of Undertaking**

The USCG uses letters of undertaking (LOU) for foreign vessels or parties to assure payment of any assessed penalty or fine below \$500,000 per reference (n), [Withholding of Vessel Clearances or Permits; Identification of Satisfactory Sureties in Lieu of Clearance or Permit Denial](#), 69 FR 40400-01. The purpose of an LOU identifies an agent for service in the United States. Without an LOU, collection of any penalty would be difficult and is unlikely to be successful if the foreign person or entity refuses to pay.

Best practice is to use the LOU optional standard form template provided in reference (a), MSM, Volume V, COMDTINST M16000.10 (series). This form contains two key provisions:

- (1) Identifies the responsible party for payment if a civil penalty is assessed.
- (2) Identifies a U.S. agent for service of correspondence for the civil penalty process.

See reference (n), pages 40400 to 40402 for additional details of a LOU optional standard form.

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F.2.a. Customs  
Clearance  
Withholding for  
LOU

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An LOU or other surety is required for all violations by foreign vessels. Request a customs clearance hold to compel a party to submit the LOU. However, this control action is limited to certain violations as provided in the following statutes and implementing regulations:

- Reference (o), Federal Water Pollution Control Act, 33 U.S.C. 1321(b) (12).
- Reference (p), Act to Prevent Pollution from Ships, 33 U.S.C. 1908(e), and implementing regulations.
- Reference (q), Ports and Waterways Safety Act, 33 U.S.C. 1232(f), and implementing regulations.
- Reference (r), Tank vessel operating or inspection requirements, 46 U.S.C. 3718(e), and implementing regulations in 33 C.F.R. part 157, and 46 C.F.R. parts 30 through 40, and 150 through 154.
- Reference (s), Inland Navigation Rules, 33 U.S.C. 2072(d).
- Reference (t), Non-indigenous Aquatic Nuisance Prevention and Control Act of 1990, as amended by the National Invasive Species Act, 16 U.S.C. 4711(g) (3).

See reference (c), MLEM, COMDTINST M16247.1 (series), and reference (e) MSM, Volume I, COMDTINST 16000.6 (series), for more details on the authorities which allow the USCG to request that U.S. Customs and Border Protection (CBP) withhold departure clearance associated with civil penalty violations.

- Request that CBP revoke or withhold departure clearance under its authority (46 U.S.C. § 60105) until an LOU is received in an amount sufficient to cover the civil penalty amount for the alleged violations.
  - If a cashier's check is accepted the unit is still required to obtain an agreement from the responsible party. This agreement must appoint an agency for service in the U.S. for correspondence related to the civil penalty case.

**NOTE:**

**Occasionally, other forms of surety for alleged fines or penalties payment are accepted, such as a cashier's check. Use this practice sparingly. Consult the local SLO if there is doubt an obtained or offered surety meets requirements before accepting the agreement.**

- The COTP obtains a surety agreement from the responsible party or entity.

- Per reference (k), USCG Civil Penalty Case Guide, 2014, include the original LOU in the case file. Mark the front of the case folder with the letters “LOU” to alert the Coast Guard HO of the original LOU. The original LOU remains with the case file through the processing stages and the appeal to ensure retention of document.
    - Return original LOU copy to the party either upon payment of final assessed penalty or violation case dismissal.
  - Provide a copy of the original LOU in the charged party’s case file.
- 

### **F.3. Surety Bond**

A surety bond is another method the USCG uses as evidence that the owners and operators (including demise charterers of certain vessels) establish and maintain evidence of financial responsibility (i.e., ability to pay) sufficient to meet the applicable maximum amount of subjected liability.

Surety bonds are suitable for criminal cases or civil cases where the penalty is \$500,000 or more. Serious or complex cases may require other forms of surety. Request assistance from the SLO to negotiate and draft these complex agreements. Surety agreements in complex cases include some or all of the following pledges or guarantees from the vessel owner, operator, or person in charge:

- Make vessel crewmembers and other employees available for legal proceedings, including arrangements for travel, salary compensation, and lodging to facilitate court appearances by the witnesses in the United States after the vessel leaves.
- Stipulate to certain incontrovertible facts, e.g., ownership and operation of the vessel or the authenticity of documents and items from the ship, without prejudice to its other rights and defenses.
- Authorize acceptance of correspondence and legal papers.
- Enter an appearance in federal district court.
- Comply with instructions for payment of funds.

As with LOUs, the Coast Guard asks the CBP to withhold the foreign vessel's departure clearance until a satisfactory surety bond agreement is received.

- Consult the SLO for assistance with negotiating and drafting a surety bond request. Verify with the SLO if an obtained or offered surety agreement meets the requirements before accepting an agreement.
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## Chapter 4: Civil Penalty Enforcement (CPE) Actions

**Introduction** This chapter discusses the main types of CPE actions and decision guidelines.

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**In This Chapter** This chapter contains the following sections:

<b>Section</b>	<b>Title</b>	<b>Page</b>
A	Civil Penalty Enforcement Determination	4-2
B	Address Validation and Quality Assurance Review	4-6
C	Warnings	4-9
D	Notice of Violation (NOV)	4-14
E	Class I Administrative Penalty	4-24

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## Section A: Civil Penalty Enforcement Determination

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**A.1. Overview** This section provides guidelines and considerations when determining appropriate enforcement action. There are five main enforcement actions this publication addresses:

- **Written Warning:** A formal written notice of an apparent violation for which no monetary or other sanction is appropriate. The USCG issues two types of warnings.
- **Notice of violation (NOV):** A formal written notice (ticket) of an apparent violation where a predetermined monetary penalty is appropriate. The NOV program modifies the civil penalty process by creating a citation which immediately notifies the responsible party of the alleged violation(s) and the government's proposed penalty. In all cases, the findings are part of the relevant violation history for use in future USCG activities.
- **Class I administrative penalty:** Used when a warning or NOV is not appropriate. Coast Guard HO adjudicates these cases. In all cases, the findings are part of the relevant violation history for use in future USCG activities, unless the finding is successfully challenged on an appeal.
- **Class II administrative penalty:** Used only for certain violations of reference (f), FWPCA, 33 U.S.C. §1321, as amended by the OPA of 1990, 33 U.S.C. §§ 2701-2762, and the CERCLA, 42 U.S.C. § 9607. USCG administrative law judges (ALJ) are responsible for adjudication of Class II administrative penalty cases.
- **Judicial Civil Penalty (JCP):** A judicial civil penalty can be pursued for a variety of violations under certain statutes. But it is usually reserved for egregious and willful violations where the maximum penalties associated with a class I administrative penalty are deemed insufficient to meet enforcement goals. In all cases, the prosecution is considered part of the relevant violation history for use in future USCG activities. This process requires legal and District coordination for a referral.

NOTE:

**Civil penalty enforcements, regardless of type, are NOT considered punitive in nature. They are intended to correct deficiencies, deter future non-compliance, and minimize risks to persons, property, and the marine environment.**

**A.2. Penalty Considerations** Consider the following factors when selecting enforcement action(s) applicable and appropriate to the violation committed.

Evaluation Factors	Decision Guidelines
Jurisdiction to impose a particular sanction.	First determine if the USCG has jurisdiction over the alleged responsible party.
The seriousness of the offense.	Consider the: <ul style="list-style-type: none"> <li>• Gravity of the offense. Was it an egregious offense or a minor offense?</li> <li>• Offense nature, circumstance, and extent.</li> <li>• Offender’s degree of fault or responsibility and cooperation to mitigate damage or achieve compliance.</li> </ul>
The deterrent effect on the individual or general public involved.	Consider if the: <ul style="list-style-type: none"> <li>• Enforcement action will deter the entity from future violations of the same kind.</li> <li>• Degree to which the offender economically benefited from the violation.</li> <li>• Offense history of warnings and same violations.</li> </ul>
The USCG’s relative ranking of enforcement action.	Select the appropriate level of enforcement based on USCG policy guidance. See <a href="#">Table 4-2</a> for relative ranking of CPE actions. Take consistent enforcement actions for similar violations and charged parties.
Competing compliance, investigation, and law enforcement workload.	Due to limited resources, it is impossible for all identified violations to be given the same level of attention and scrutiny. Use discretion to divert investigative resources to life, limb, and environmental safety cases when weighed against non-safety violations. This focuses finite resources to address and correct the highest at risk violations. Inform chain of command of investigative resource issues and workload decisions.

**Table 4-1 Enforcement evaluation factors and decision guidelines**

**A.3.  
Enforcement  
Action Relative  
Ranking**

<b>Severity of Consequence</b>	<b>Enforcement Action</b>	<b>Circumstances Where Enforcement is Appropriate</b>
Minor	Warnings	When no monetary or other sanction is appropriate.
	Notice of violation	Notice for which a monetary penalty is appropriate or warning is declined.
Moderate	Class I administrative penalties	When issuance of notice of violation is not appropriate or warning or NOV is declined.
Severe	Class II administrative penalties	Willful violations of reference (f) FWPCA, FWPCA, 33 U.S.C. §1321, as amended by the OPA of 1990, 33 U.S.C. §§ 2701-2762, and the CERCLA, 42 U.S.C. § 9607.
	Judicial civil penalty	Willful and extreme violation.

**Table 4-2 Relative ranking of enforcement actions by severity of consequence**

Issuing offer:

- Evaluates and selects enforcement actions for each alleged violation detected.
- Evaluates the least severe action and proceeds toward more severe actions as necessary to achieve law enforcement, marine safety, or environmental protection goals.
- Ensures the command reviews and endorses enforcement recommendation. Command review can refer to department head, supervisor, or commanding officer (CO).
  - If the enforcement action is withdrawn or closed, the command notifies the issuing officer of the decision.
  - In cases where the enforcement action has been initiated, then rejected by the command, withdraw the enforcement action until the command reviews and approves the case documentation and recommended enforcement activity.

**NOTE:** **All enforcement actions must be documented in MISLE and included in the case file.**

**A.4. Other Considerations**

Taking one enforcement action related to a specific offense does not exclude the USCG from taking other simultaneous enforcement actions. However, there are exceptions:

- Do not initiate warnings, notices of violation, class I and class II administrative penalties for the same offense.
- Do not initiate a CPE and an S&R to the same individual for the same offense. If the CPE is initiated outside the Investigations Division, contact the Investigations Division before issuing the CPE. This ensures that the most effective enforcement action is taken. A credentialed mariner could ignore an NOV enforcement, but the potential suspension or revocation of credentials (thereby impacting the mariner's livelihood) may serve as a more effective deterrent.

**A.5. Criminal Penalty Provisions**

Although this TTP publication does not discuss criminal referrals, please note that many of the statutes and regulations the USCG enforces contain criminal penalty provisions. Criminal penalty referrals sent to the U.S. Attorney General depend on the severity, circumstances, and multitude of the violations.

Never cite a criminal penalty provision as an alleged violation in an administrative enforcement activity. USCG must have applicable administrative enforcement authority to pursue a criminal enforcement activity.

When making this decision, see the following references:

- Reference (a), MSM, Volume V, COMDTINST M16000.10 (series), addresses criminal referral to the U.S. Attorney.
- Reference (e), MSM, Volume I, COMDTINST M16000.6 (series).
- Reference (c), MLEM, COMDTINST M16247.1 (series).
- Reference (u), Criminal Penalties, 33 C.F.R. § 1.07-90.

NOTE:

**Only a district commander is authorized to make a criminal proceeding referral to the U.S. Attorney General.**

NOTE:

**Document other enforcement actions taken by other civil authorities (e.g., state or local authorities) that include criminal enforcement in the case file for command and Coast Guard HO awareness.**

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## Section B: Address Validation and Quality Assurance Review

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### **B.1. Responsible Party Address Validation**

A responsible party has the right to a timely notice of a civil penalty enforcement action.

Per reference (i), Civil Penalty Hearing Officer Procedures, COMDTINST M16200.5 (series), the Coast Guard HO is required to send a letter of notification (via mail) stating the nature of the alleged violation(s) and providing the responsible party with an opportunity to be heard. A valid mailing address for the responsible party is critical to effective disposition of alleged violation(s) by Coast Guard HO.

The Coast Guard HO and Legal Service Command Claims and Collections Division (LSC-5) cannot assess a civil penalty without a valid address to send legal correspondence to the responsible party or entity. Without a valid address or other method/plan to legally serve correspondence, the USCG HO dismisses the case and transfers the MISLE activity to the unit.

**NOTE:**

**If a warning or NOV is hand delivered while on-scene, an accurate address is still necessary in the event the party declines and further correspondence is required.**

#### **B.1.a. Best Practices to Validate Mailing Address**

The following are best practices for validating a responsible party's address:

- Verify name and address using picture identification. Verify address is complete to include a number, street name, state, and zip code.
- When reviewing the charged party's picture identification, ask the person, "Is the address listed current." If the response is no, record both addresses. Indicate in MISLE which address is current and which is listed on the picture identification.
- Verify taxpayer identification number (TIN) or social security number (SSN). This information is crucial to initiate collection of unpaid debts related to enforcement. The NOV form does not have a specified data field to capture TIN. Record TIN anywhere on the NOV and scan NOV into MISLE.

**NOTE:**

**Be aware the charged person's name may appear in MISLE, but the contact information may not be current. Perform thorough review and verify information is accurately recorded into MISLE.**

NOTE:

**Avoid post office box number as an address. Post office box number addresses have a high mail delivery failure rate. Make every attempt to capture additional addresses of responsible party.**

- Check MISLE for **ACCURACY** of the responsible party's address. Verify correct entry of name, date of birth, phone number, address, TIN, SSN, and any other identifying information as obtained.

If unable to validate the responsible party's address:

- In MISLE **Enforcement Narrative Field**, record "inability to contact responsible party."
- In **Enforcement Activity Status**, click **Open-Suspended**.
- In **Party Wanted in Relation to Activity** list, add charged party.
- Select **Wanted for Pending Enforcement Action** status.
- Select the correct role from pick list.

NOTE:

**Inability to contact responsible party PREVENTS progression of enforcement action by Coast Guard HO. It is important to record this information in the enforcement narrative and add the charged party's name to MISLE's Party Wanted list.**

**B.2. Internal  
Control Point –  
Quality  
Assurance  
Review**

Once the issuing officer has verified the case file contains sufficient and relevant evidence (and that nothing detracts from the professional and straightforward presentation of the evidence), the next step is to perform a quality assurance (QA) review by another person (also serves as internal control point).

Internal control points (ICP) mitigate issues that could jeopardize the case and make it more likely that enforcement goals will be achieved. This promotes operational efficiency and effectiveness. The QA review process serves as an ICP for CG-INV's mission objectives. The QA process is a two-phased review of the enforcement case file package. It looks for case comprehensiveness and technical accuracy.

B.2.a. Quality Assurance –Role

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QA reviewer(s):

- Are ideally not involved in the case. This eliminates bias.
- Are experienced in case writing comprehension and technical accuracy.
- Detect mistakes or unclear oversight in the case details. This ensures the Coast Guard HO has sufficient information and evidence to effectively adjudicate the case. Using a second set of eyes to review the case package is an effective method for building quality into the investigation and enforcement process. If available, use two individuals to perform the QA review of case file package.
- Perform case file package review in a two-step approach.
  - First QA review is for clarity and comprehensiveness. Review narrative for who, what, where, when, why, and how.
  - Second QA review is for technical accuracy. This ensures that the case file sufficiently proves all violation elements.

B.2.b. Quality Assurance - Review Process

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QA review includes (but not limited to):

- Verify the evidence supports each alleged violation identified under the law or regulation citations.
  - Verify the cited statutes and regulations apply to the responsible party, place, and offense at time of violation. Review surrounding C.F.R. sections to find the applicability provisions.
  - Verify that evidence identifies the responsible party and the role (e.g., owner, operator, etc.) at time of violation.
  - Verify that the recommended civil penalty is authorized and appropriate for the specific violation.
    - Review violation citation for authorized penalty amount and level (e.g., maximum and minimum amounts).
  - Review extenuating or mitigating circumstances supporting recommended enforcement actions.
  - Review reference (k), USCG Civil Penalty Case Guide, 2014, to identify common mistakes noted for specific violation citations.
    - For example, if alleging a BUI violation, document exactly how the responsible party was identified as the operator at the time of the violation. Never rely on bare conclusions. Instead, rely on actual observations that support the conclusions. Ensure what is being conveyed reflects what was observed and not the legal conclusion you want the Coast Guard HO to reach.
  - Route case file to originator to address QA issues as needed. Provide timely and specific feedback (positive and negative) to the case file originator or to CG-INV for policy clarification or updates.
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## Section C: Warnings

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### C.1. Overview

Use warnings to educate the public about federal laws and regulations as well as provide an acceptable deterrence against future violations. They are also effective in reducing man hours needed to produce and process violation cases. Warnings are formal notices of an alleged violation in lieu of a NOV, class I administrative penalty, or S&R proceeding.

Responsible parties have the right to appeal or decline warnings within a specific timeframe per reference (a), MSM, Volume V, COMDTINST M16000.10 (series). A declined warning initiates the next level of enforcement action (e.g., NOV, class I administrative penalty, or S&R proceedings).

BOs can issue “on-the-spot” warnings for specific minor offenses, per reference (v), Written Warnings by Coast Guard Boarding Officers, 33 C.F.R. Part 1, Subpart 108 and Applicability, 33 C.F.R. § 1.08-1.

Warnings can be issued as one of the following:

- Letter of Warning (LOW) serves as a written warning record issued in the form of a “by direction” authority letter.
- Report of boarding form (CG-4100) serves as a written warning issued on-scene by an authorized BO.

### C.2. Warning Enforcement Authorities

The following USCG manuals and regulations provide authority and guidance for warning enforcement actions:

- Reference (a), addresses the use of warnings for marine safety security and pollution violations.
- Reference (d), LANTAREAINST 16247.1 (series), provides Boarding Report form (CG-4100) procedural guidance as written warnings.
- Reference (v), and reference (c), MLEM, COMDTINST M16247.1 (series), address the use of warnings by BOs for certain recreational boating safety violations.

NOTE:

**Per reference (a), verbal warnings and unit letters of concern are not authorized.**

**C.3. When to Issue and Not Issue a Warning**

Although warnings are the lowest level of enforcement action, issuing officers must support all warnings with sufficient evidence in case the responsible party or entity declines the warning. Table 4-3 provides guidance for warning enforcement determination.

<b>IF</b>	<b>THEN</b>
Minor (non-commercial source) discharges where the quantity of oil spilled < 50 U.S. gallons.	Issue warning in lieu of civil penalty.
Minor (commercial source) discharges where the quantity of oil spilled < 25 U.S. gallons.	
Minor violations that are the first offense, and there is a willingness to promptly correct the problem.	
More than two warnings to the same party for the same type of oil discharge in the past 12 months.	Do NOT issue warning in lieu of civil penalty.
Any violation that represents significant threat to health, safety, or the environment.	
Any intentional violation (e.g., operator is required to be licensed or credentialed).	
A second violation of the exact same offense within a two-year period is detected.	
Any second violation of different statutes or regulations within the past 12 months is detected.	
More than three violations of different statutes or regulations are discovered during any single detection activity.	

**Table 4-3 Warning enforcement determination guidance**

**NOTE:**

**Do not issue warnings if an administrative penalty or S&R is a more appropriate action.**

**C.4. Warning Enforcement Process**

Figure 4-1 represents the warning enforcement process.

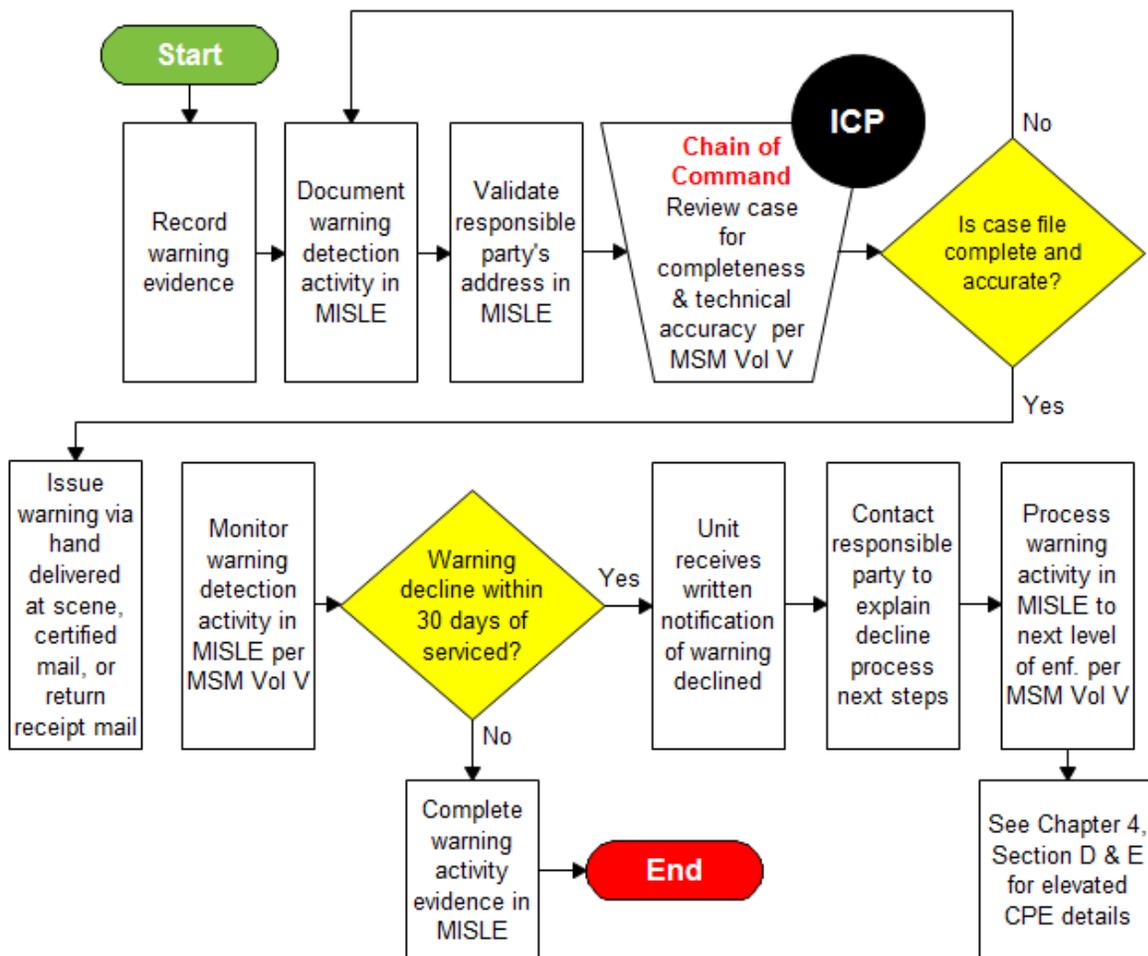


Figure 4-1 Warning enforcement process

Upon completion of violation investigation and evidence collection, the issuing officer:

- Reviews authority documents for guidance on specific violation(s) to understand policy limitations for issuing warnings.
- Document warning detection activity in MISLE following the [MISLE Enforcement User Guide](#).
- Validates responsible party's or entity's address. Refer to [Chapter 4: CPE Actions, Section B.1: Responsible Party's Address Validation](#) for best practices on validating addresses of responsible parties and entities.

- Documents proof of violation elements in 4100 boarding report warning or letter. This is critical if the responsible party declines the warning, which then elevates the warning to the next enforcement level.
- Draft an LOW.
  - For LOW's, MISLE database has the capability of generating an LOW template once data fields are completed. However, format the template once produced if necessary.
  - Reference (a), MSM, Volume V, COMDTINST M16000.10 (series), provides an example of an LOW template.
- Routes the warning for QA review (i.e., completeness and technical accuracy of case information), and chain of command approval. Refer to [Chapter 4: CPE Actions, Section B.2: Internal Control Point – Quality Assurance Review](#).
- Signs warnings using “by direction” authority, unless the CO retains signature authority.
- Scans and electronically attaches the signed warning to the MISLE enforcement activity.
- Maintains a copy of the signed warning in the unit case file per reference (w), Information and Life Cycle Management Manual, COMDTINST M5212.12 (series).
- Sends the original warning to the responsible party using certified or return receipt mail if warning is not hand-delivered to responsible party.
  - Records the method of issuance to the responsible party (e.g., hand-delivered, certified or return-with-receipt mail) in the signature block of the unit's warning copy.

**NOTE:** Per reference (a), all warnings **MUST** be signed by the responsible party or contain a statement detailing proof of receipt.

**NOTE:** Do not issue a warning if there is insufficient evidence to support a higher level administrative penalty or if unable to provide a valid address for the responsible party or entity.

**C.5. Warning  
Enforcement  
Disposition**

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Once a warning has been delivered to the responsible party or entity, the next steps are to monitor enforcement actions.

Issuing officer:

- Marks calendar for 30 day follow-up reminder.
    - If the responsible party acknowledges the warning, or provides no response within 30 days, it is considered accepted.
    - If the responsible party declines the warning within 30 days:
      - Converts warning to elevated enforcement activity in MISLE.
      - Initiate elevated enforcement actions.
-

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## Section D: Notice of Violation (NOV)

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**D.1. Overview** The NOV program modifies the civil penalty process by creating a citation that allows immediate notification to the responsible party of the alleged violation(s) and the government's proposed penalty. The program allows the responsible party the option of accepting the proposed penalty and making direct payment to the treasury.

Responsible parties have the right to decline a NOV. Per reference (b), NOV User's Guide, COMDTINST M5582.1 (series), refer all declined NOV's to the Coast Guard HO in the form of a class I administrative penalty.

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**D.2. NOV Authorities**

The below USCG manuals and regulations provide authority and guidance for NOV enforcement actions:

- Reference (g), Enforcement; Civil and Criminal Penalty Proceedings, 33 C.F.R. Subpart 1.07.
- Reference (b).
  - Since the release of reference (d) in 2004, numerous USCG policy letters have been issued incorporating additional U.S.C. and C.F.R. cites within the NOV program. See [CG-INV](#) CGPortal site for list of USCG policy letters.
- Reference (h), [Adjustment of Civil Monetary Penalties for Inflation Table](#), Title 33 C.F.R. Part 27.3.
- MISLE Enforcement Cite Builder section for listed penalty amounts.
- Reference (j), U.S. Coast Guard Investigating Officer Enforcement Job Aid, CG-3PCA-1.

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**D.3. Unit NOV Form (CG-5582) Management**

NOV form (CG-5582) is a four-part carbonless paper form used to record information and issue NOV violations to the responsible party or entity. The forms are pre-printed with sequential numbers to minimize data entry errors and to allow tracking by the USCG Finance Center (FINCEN) and MISLE.

Reference (b) contains instructions for ordering forms. Each unit is responsible for ordering and managing NOV forms. As multiple ticket books are in use at one time, units are strongly encouraged to maintain a system of record to manage NOV issuance.

A best practice for NOV form (CG-5582) management is to maintain a NOV log with the following data fields:

- MISLE enforcement activity number.
- NOV form number.
- NOV incident date.
- NOV issue date.
- Names of responsible party and NOV issuer.
- Original “Voided NOV” forms. Ensure “Yes/No” is marked indicating whether or not it was voided.

The NOV form (CG-5582) does not include data fields to record the TIN and SSN. Record information at the bottom of the form and enter into MISLE.

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#### **D.4. When to Issue NOV**

Consider issuing a NOV enforcement action for the following situations (list is not all inclusive):

- Civil penalty authority statute provides that each day of a continuing violation constitutes a separate violation. Issue only one NOV per incident. So for any given incident or NOV, there can be multiple violations over a period of several days.
- Violation of a duly established law or regulation intended to promote maritime safety.
- Violation of a safety or security zone.
- Condition(s) that warrant termination of the use of a commercial vessel until violations are corrected.
- Boating while intoxicated or under the influence of a controlled substance.
- Negligent operation of a recreational vessel.
- Failure to comply with a COTP order.
- Failure to adhere to the navigation safety regulations per reference (x), Navigation Safety Regulations, 33 C.F.R. Part 164.

NOTE:

**Consult an investigating officer or sector prevention department personnel before issuing any enforcement actions to credentialed mariners, to determine if a S&R proceedings is more appropriate for the situation.**

**D.5. When Not  
to Issue NOV**

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Do not issue a NOV:

- If violation citation is not included in reference (b), NOV User's Guide, COMDTINST M5582.1 (series).
- If the listed penalty amount would not deter repeated violations or the violation has a condition of a "per day" civil penalty violation that might exceed the NOV monetary guidance amounts.
- If the listed penalty amounts exceed \$10,000. Multiple violation citations can be included in one NOV, but total penalty amount assessed must not exceed \$10,000.

**NOTE:**

**Issuance of a NOV is optional, and the command retains the discretion to initiate the appropriate level of CPE deemed necessary.**

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**D.6. NOV  
Penalty Amount  
Guidance**

Table 4-4 indicates NOV offense levels and history criteria. Use this table and Notice of Violation Guidance for Oil Discharge Violations enclosure of reference (b), NOV User’s Guide, COMDTINST M5528.1 (series), as a starting point when proposing a penalty amount.

<b>NOV Offense Level Definition and History Criteria</b>			
<b>Offense Level</b>	<b>Definition</b>	<b>Pollution Violation History</b>	<b>Laws or Regulation Violation History</b>
1 <sup>st</sup> Offense	Use the first offense amount if the noncommercial entity, commercial entity, or commercial individual has <u>NO</u> history of a previous violation within the last <u>12 months</u> from the date of the violation being investigated.	<u>NO</u> history of previous oil discharge violation.	<u>NO</u> history of previous <u>SPECIFIC</u> law or regulation.
	A previous offense is defined as a paid NOV, accepted warning, or when the Coast Guard HO has made a civil penalty or warning assessment.		
2 <sup>nd</sup> Offense	Use the second offense amount if the noncommercial entity, commercial entity, or commercial individual has a history of <u>ONE</u> previous violation within the last <u>12 months</u> from the date of the violation being investigated.	History of <u>ONE</u> previous violation for a discharge.	History of <u>ONE</u> previous violation for the <u>SAME</u> law or regulation.
	The second offense is determined by the history of the involved vessel, facility, or individual. Do not consider the records of other entities owned by the same company in determining the level of offense.		
3 <sup>rd</sup> / Maximum Offense	Use the third offense amount if the noncommercial entity, commercial entity, or commercial individual has a history of <u>TWO</u> or <u>MORE</u> previous violations within the last <u>12 months</u> from the date of the violation being investigated.	History of <u>TWO</u> or <u>MORE</u> previous violations for a discharge.	History of <u>TWO</u> or <u>MORE</u> previous violations for the <u>SAME</u> law or regulation.
	Consider enforcing a class I administrative civil penalty case for submission to the Coast Guard HO if a party or entity has multiple offenses within a <u>12-month</u> period.		
History Unknown	Use the first offense penalty amount if the spill history or law or regulation violation history of the party or entity involved is <u>UNKNOWN</u> .	History <u>UNKNOWN</u> for spill violation.	History <u>UNKNOWN</u> .
Violation in the Past 12 Months Not Considered	Use the first offense penalty amount if the command is unable to verify or has chosen not to consider the past spill history.	Unable to verify history or not considered.	Not applicable.

**Table 4-4 NOV offense level definition and history criteria**

**D.7. MARSEC Multiplier Determination**

Maritime Security Condition (MARSEC) multiplier determination:

- Verify MARSEC level on date of violation within the HOMEPORT database to determine if MARSEC multiplier is applicable to penalty amount.
- For citations under 33 C.F.R. 104, 105, and 106, proposed NOV penalty amounts are multiplied by 1.5 and 2 for violations that occur during MARSEC Levels 2 and 3, respectively, per reference (b), NOV User’s Guide, COMDTINST M5582.1 (series).

**D.8. NOV Enforcement Process**

Figure 4-2 provides a process summary of the NOV enforcement action process. Once NOV is processed in MISLE, the responsible party has 60 days to respond. [Section D.9: Monitor NOV Outcome](#) of this chapter provides details of the four response outcomes that may occur next in the process.

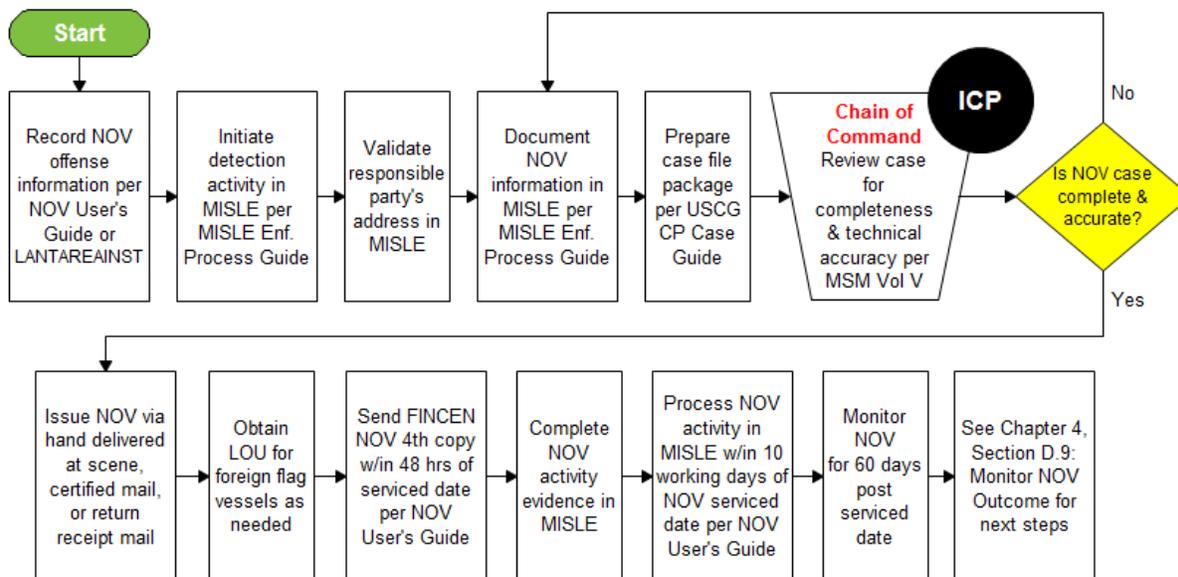


Figure 4-2 NOV enforcement process

Upon completion of a violation investigation, the issuing officer:

- Reviews authority documents for guidance to specific violation(s) to understand requirement or jurisdictional limitations for issuing NOV enforcement.
- Records the offenses information on:
  - NOV form (CG-5582) per reference (b), or

- Report of boarding form (CG-4100) per reference (d), LANTAREAINST 16247.1 (series).
- Initiates detection activity in the MISLE per the [MISLE Enforcement User Guide](#).
  - Documents and scans all evidentiary items and electronically attaches them to the MISLE enforcement activity.
  - Maintains unit copy of NOV in the unit's case file per reference (w), Information and Life Cycle Management Manual, COMDTINST M5212.12A (series).
- Validate responsible party's or entity's address. Refer to [Chapter 4: CPE Actions, Section B.1: Responsible Party's Address Validation](#) for best practices on validating addresses of responsible parties and entities.

NOTE:

**Inability to contact responsible party PREVENTS progression of enforcement action. It is important to record this information in the enforcement narrative and add the charged party's name to MISLE's Wanted List.**

- For 4100 boarding report:
  - Checks the "Law Enforcement Action Taken" block which indicates a NOV has been issued and records NOV identifying number on report (e.g., NOV issued/TK 1234567).
  - Ensures a photocopy of the NOV is in the 4100 boarding case package sent to the VCCC. This allows the VCCC to clearly identify what enforcement action was or was not taken, thereby eliminating redundancy.
- Routes NOV for QA review (i.e., sufficiency and technical accuracy of case information), and chain of command approval. Refer to [Chapter 4: CPE Actions, Section B.2: Internal Control Point – Quality Assurance Review](#).

NOTE:

**Do not deviate from the listed penalty amounts in reference (b), NOV User's Guide, COMDTINST M5582.1 (series).**

- Delivers NOV to responsible party in person or by certified or return receipt mail.

- Obtains responsible party signature or note how NOV was issued in the receiving signature block of the form (e.g., hand-delivered, mailed via certified or return receipt). If NOV is not signed, document proof of delivery receipt in correspondence section of MISLE.

NOTE:

**Per reference (b), NOV User's Guide, COMDTINST M5582.1 (series), all NOVs MUST be signed by the responsible party or contain a statement detailing proof of receipt (typically via certified mail).**

NOTE:

**USCG personnel are not authorized to accept NOV payment. The NOV form contains instructions to the responsible party of their options, rights, and payment procedures. Inform responsible party to follow payment instructions.**

- For foreign flag vessels only, request the CBP revoke or withhold departure clearance under its authority (46 U.S.C. § 60105) until an LOU is received in an amount sufficient to cover the civil penalty sought for the alleged violations.
  - See Chapter 3: Civil Penalty Investigation and Administration, [Section F.2 Letter of Undertaking](#) and [Section F.3 Surety Bond](#) for types of security agreements and authorities.

NOTE:

**Without an LOU, surety bond, or other form of security agreement, collection of any penalty is difficult and unlikely to be successful if the foreign person or entity refuses to pay.**

- Sends FINCEN the fourth copy of NOV within 48 hours of the date the responsible party is served.
- Completes NOV activity evidence in MISLE.
- Refers detection activity in MISLE to NOV within three working days of the date of issuance.
- Processes NOV activity within ten working days of the date the NOV is served to the responsible party. Failure to select “**process**” button in MISLE delays FINCEN activity.
- Monitors NOV status for 60 days. If party pays NOV within 60 days of serviced date, a system-generated notification changes MISLE activity status to **Closed-Payment Received**. No further action required.

NOTE:

The actual violation date may be different from the issue date. The 60 day calendar in MISLE is calculated based on the NOV issue date.

**D.9. Monitor NOV Outcomes**

Once the “**process**” button has been selected in MISLE, FINCEN initiates payment activities. The next steps are to monitor NOV activity and respond appropriately. There are four NOV process outcomes:

- Payment received from responsible party.
- NOV voided by the issuing officer or unit.
- No response from responsible party.
- NOV declined by the responsible party.

**D.10. NOV Payment Received**

MISLE processes NOVs by creating accounts receivable in the FINCEN database. If party pays NOV within 60 days of serviced date, MISLE activity status is closed and no further action is required.

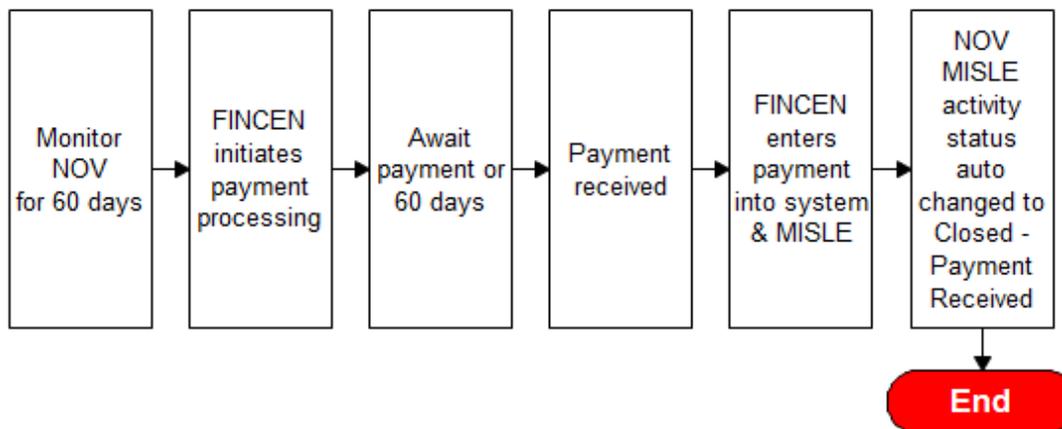


Figure 4-3 Received payment from responsible party process

**D.11. NOV – Voided or Error**

If NOV is voided once it is processed in MISLE:

- Notify FINCEN per reference (b), NOV User’s Guide, COMDTINST M5582.1 (series).
- FINCEN transfers MISLE activity to the initiating unit.
- Unit annotates voided NOV information in MISLE and closes case. No further action required.

- If there is an error in the NOV documentation after it has been processed, identify the error(s) and provide correct information in email to CG-INV. Ensure the following data fields are included in email:
  - NOV number,
  - Penalty amount,
  - Citation,
  - Respondent or charged party,
  - Identifying information.
- Update NOV log with void or error data as audit best practice. See [Chapter 4: CPE Actions, Section D.3: Unit NOV Form \(CG-5582\) Management](#) for more information.

**D.12. No Response From Responsible Party**

If the responsible party does not decline or pay NOV within 60 days of service date the party is in default. MISLE activity status changes automatically to **Open – Forward to Collections**.

Issuing officer or unit:

- Updates MISLE activity to **Open – Submitted to Collections**.
- Transfers NOV activity ownership to LSC-5 in MISLE.
- Forwards NOV case package and NOV activity evidence to LSC-5 per reference (b), NOV User’s Guide, COMDTINST M5582.1 (series). No further action required.

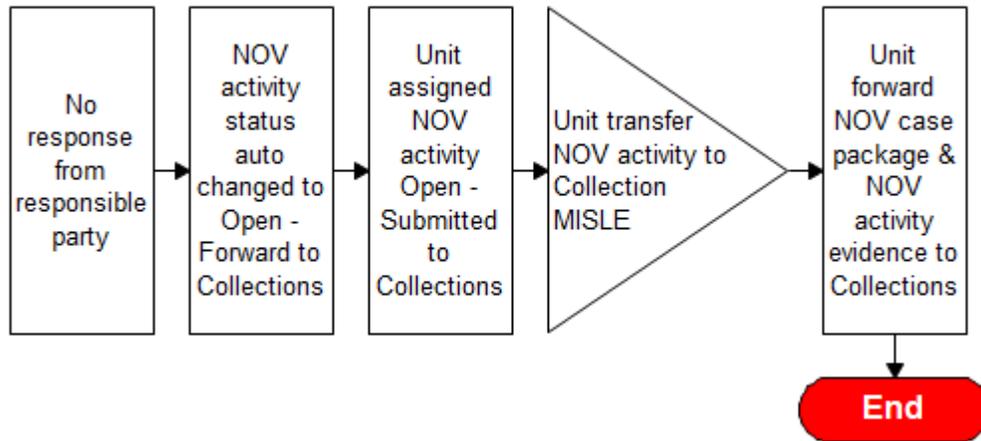


Figure 4-4 No response from responsible party process

**D.13.  
Responsible  
Party Declined  
NOV**

If unit receives written notification of NOV declination from the responsible party or a request to modify NOV value within 60 days, post-service date, issuing officer or unit:

- Notifies responsible party that NOV is being processed to the next level of enforcement to be adjudicated by the Coast Guard HO as a class I administrative penalty and explain the hearing process.
- Packages and sends case file to Coast Guard HO per reference (k), USCG Civil Penalty Case Guide, 2014. Include declination NOV or letter from responsible party declining NOV and NOV refusal statement.
- Converts NOV activity into class I administrative penalty and transfer control to Coast Guard HO in MISLE.

Review NOV Checklist Appendix A (steps 12 through 20) of reference (j), U.S. Coast Guard Investigating Officer Enforcement Job Aid, CG-3PCA-1, for additional NOV considerations.

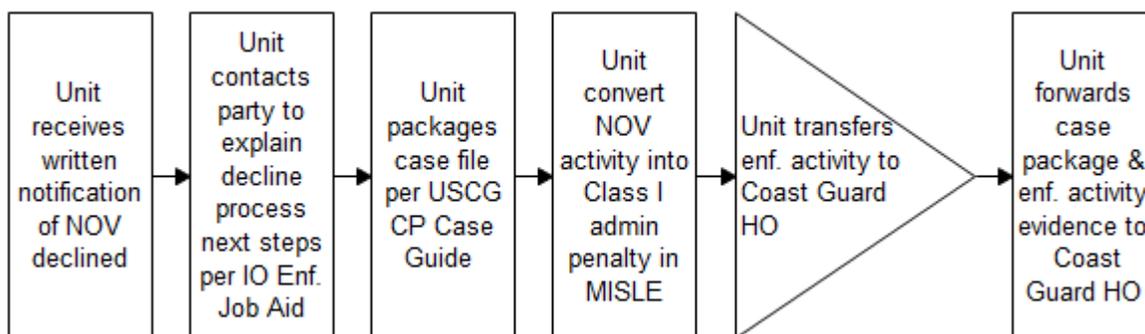


Figure 4-5 Declined NOV by responsible party process

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## Section E: Class I Administrative Penalty

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### E.1. Overview

The Coast Guard HO adjudicates class I administrative penalties. Unit participation in the civil penalty adjudication process is limited per regulations and generally consists of written submission to the Coast Guard HO. Hearings are rarely requested and are primarily an opportunity for the responsible party to present their side of the case.

#### NOTE:

**See reference (d), LANTAREAINST 16247.7 (series), and reference (k), USCG Civil Penalty Case Guide, 2014, when preparing information and supporting evidence for a civil penalty case file.**

### E.2. Authorities

The following references provide policy and procedural guidance for class I administrative penalties:

- Reference (g), Enforcement; Civil and Criminal Penalty Proceedings, 33 C.F.R. Subpart 1.07, requires USCG personnel to investigate or evaluate apparent violations.
- Reference (e), MSM, Volume I, COMDTINST M16000.6 (series), provides details for CPE case package information, best practices, and evidence examples.

### E.3. When to Issue

The following applies to class I administrative penalties for marine safety security, and pollution violations.

Consider issuing class I administrative penalty:

- If the NOV amount is excessive for the specific scenario, gain compliance by submitting a class I administrative penalty for a lesser amount.
- If the total amount for all violations exceeds the \$10,000 limit for an NOV.
- If offenses are penalized by day or when multiple violations impact other programs.
  - Include all violations in one civil penalty action. This allows the Coast Guard HO to evaluate the totality of the alleged violations related to the incidents and make a determination based on a complete understanding of the circumstances.

NOTE:

**Always issue enforcement actions deemed appropriate based on violation thresholds. Neither a warning nor an NOV is required to be issued first.**

**E.4. When Not to Issue**

Consider other enforcement actions if the case involves:

- A repeat offender, continuous violations, or significant discharges or releases of hazardous substances. Such cases could be candidates for a class II administrative penalty or JCP, if statute allows it.
- A credentialed mariner and S&R enforcement actions are more appropriate.
- A possible criminal, egregious, and willful violations, and the maximum penalties associated with a class I administrative penalties are insufficient to meet enforcement goals.

**E.5. Penalty Amount Factor Authorities**

Ensure penalty amounts are:

- Appropriate to deter future non-compliance.
- Appropriate to promote the safety of life at sea.
- Appropriate to protect the environment and property.
- Consistent nationwide for a given violation in similar circumstances.

There are a few provisions that have mandatory minimum penalty recommendations, and aggravating factors may justify adjusting the penalty recommendations up or down. Remember, civil penalties are intended to be remedial rather than punitive.

General civil penalty factors are identified from the following references:

- Reference (a), MSM, Volume V, COMDTINST M16000.10 (series).
- Reference (y), Oil and Hazardous Substance Liability, 33 U.S.C. § 1321.

NOTE:

**Contact the CG-INV for questions regarding MISLE Cite Builder citations and penalty amounts.**

### **E.6. Coast Guard HO Final Assessed Penalty Amount**

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A recommended penalty amount is required when submitting civil penalty case files to the Coast Guard HO for adjudication. When formulating the final assessed penalty amount, the Coast Guard HO considers the recommended penalty amount, supporting enforcement evidence, charged party's evidence, applicable laws and regulations, and authoritative agency policies or interpretations of law.

Often the Coast Guard HO's final penalty amount is different from the issuing offer's recommended penalty amount. The Coast Guard HO considers not only the USCG civil penalty case file, but also the defense evidence provided by the responsible party or entity.

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### **E.7. Penalty Amount Factors**

- **Gravity, extent, or severity:** Consider the size, type, and duration of the violation, or environmental sensitivity of the affected area. Is the offense a continuing violation? The offense becomes more severe as there is a concern the entity is unable to immediately resolve the violation. Did the occurrence of the violation cause a marine casualty, injury, death, property or environment damage?
  - If the total penalty amount is greater than \$10,000, initiate class I, II administrative, or JCP.
  - Ensure penalty exceeds economical benefit of non-compliance.
- **Degree of culpability:** Was the violation intentional? Could the violation be prevented if the responsible party or entity used a degree of reasonable care?
- **Violation nature:** Consider the type of noncompliance with law, regulation, or order.
- **Violator history:** Consider the responsible party's history of violations (i.e., prior, similar, and outstanding violations). Has responsible party been cited for this or other offenses in the past? How recently? What enforcement actions were taken? For serious violations (i.e., category C and D) consider the past five-year history in its entirety.
- **Other violations identified:** Are there a number of alleged violations identified during the detection activity?
- **Violation responsible party or entity:** Is source or operator associated with a non-commercial, commercial, or commercial individual entity?
- **Economic impact of the penalty on the violator:** Consider the ability of the responsible party to pay the penalty. The enforcement intent is not to put the company or person out of business but to promote future compliance.
- **Entity's maritime experience:** Is operator a professional (i.e., holds a USCG credential) or recreational mariner? Did the responsible party use good seamanship?

- **Vessel operation purpose:** Determine whether the vessel is on a recreational or commercial voyage. A vessel can operate in multiple capacities, which influence enforcement options. For example, a vessel that holds a Certificate of Inspection (COI) can operate as an uninspected passenger vessel, commercial fishing vessel, or recreational vessel, if it has proper recreational endorsement. Each category has its own statutory or regulatory requirements, as well as enforcement provisions.
  - Additionally, if the vessel holds a Certificate of Documentation (COD), verify the COD is endorsed for the engaged activity.
- **Intent of violation or economic benefit:** Ensure penalty exceeds economic benefit of non-compliance (i.e., impact of the penalty on the violator). Is violation a simple oversight versus a case where the operator determines it is cheaper to accept the civil penalty (willful violation) instead of bringing the vessel into compliance? Evaluate the economic advantage gain to the violator. If the economic advantage exceeds the possible penalty amount, the operator may consider the penalty a “cost of business” and it may not deter future non-compliance.
  - Request assistance from district, Headquarters, or other specific programs to correctly and accurately conduct this analysis. This analysis is vital if seeking a class I administrative penalty with economic benefit cited as an aggravating factor.
- **Remedial action:** Civil penalties for pollution violations under the FWPCA serve a remedial purpose to finance the elimination and prevention of pollution. Penalty recommendations for discharges requiring remedial action may warrant higher assessments than those limited only to considerations of deterrence.
- **Good faith or degree of cooperation:** Did the responsible party or entity try to minimize or mitigate the effect of the violation(s)? What type of response did violator display to achieve rapid compliance? For example, was response prompt, successful, adequate, inadequate, poor, or no response, to achieve rapid compliance?
- **Circumstances:** Are there unusual or severe circumstances that contributed to the violation cause? Or other pertinent matters as justice requires. For example, was the violation considered an act of God or third party?
- **MARSEC level:** Consider the MARSEC level at the time of the violation.

If a statute does not indicate factors for consideration, then base the recommendation on the amount of penalty necessary to achieve compliance and deterrence.

Also consider the responsible party's status as a small business per reference (i), Civil Penalty Hearing Officer Procedures, COMDTINST M16200.5 (series). While there are varying degree of penalty amounts, units should consider recommending lower penalty amounts for smaller entities, such as small business and small commercial fishing boats. Remember the purpose is to gain compliance with laws and regulations, not financially bankrupt businesses.

Adhere to civil penalty monetary amounts in federal and USCG policies. For a monetary penalty that is different than the listed or recommended amount, provide evidence of mitigating or aggravating factors impacting the penalty amount decision.

NOTE:

**Do not consider a monetary penalty amount as arbitrary numbers. Depending on the law or regulation, it might not be appropriate to recommend the maximum penalty allowable.**

E.7.a. MISLE  
Penalty Factors

Document all civil penalty factors used to determine the listed or recommended enforcement penalty amount in MISLE. Address the penalty factors when completing MISLE case work. The **Penalty Factors** tab is located in the **Offenses** section of MISLE.

Figure 4-6 MISLE penalty factor tab

## E.8. Penalty Enforcement Process

Figure 4-7 is an overview of the class I administrative penalty enforcement process.

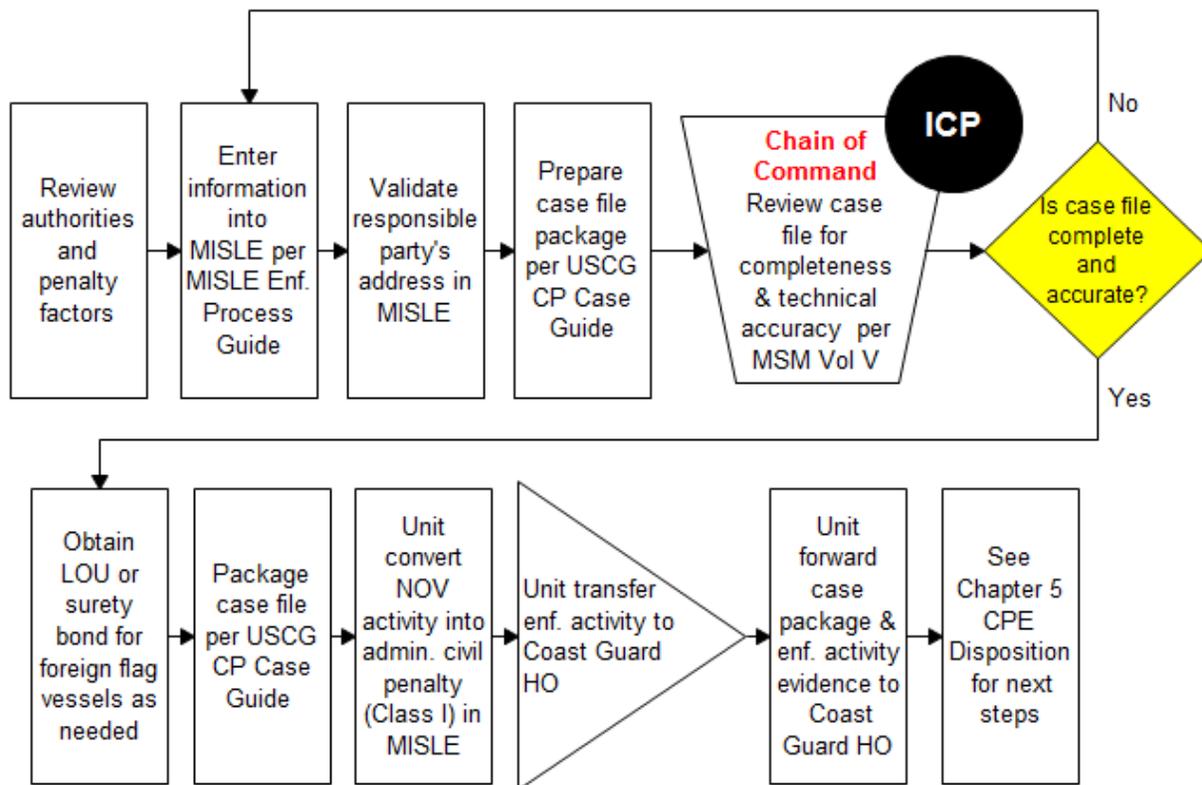


Figure 4-7 Class I administrative penalty enforcement process

Upon completion of the investigation, issuing office:

- Reviews authority documents for guidance on specific violation(s) to understand policy limitations for issuing class I administrative penalty.
- Enters required information and evidence into MISLE enforcement activity.
- Validates responsible party or entity information for completeness and accuracy in MISLE. Refer to [Chapter 4: CPE Actions, Section B.1: Responsible Party's Address Validation](#) for best practices on validating information of responsible party or entity.

- Verifies case file package has:
  - Evidence to support each element of the alleged violation(s). One piece of evidence can support more than one element.
  - Properly labeled, legible, and relevant evidence.
  - A “narrative overview of the activity” that presents a coherent, big-picture summary of activities. This allows the Coast Guard HO to understand what happened, what the responsible party(s) did (or did not do), the impact to others, property, or the environment, etc. Consider both the Coast Guard HO and responsible party when drafting the narrative overview.

NOTE:

**Present a professional, sufficient, and coherent case file to the Coast Guard HO for case adjudication. Keep in mind that the responsible party is also sent a copy of the case file.**

NOTE:

**The Coast Guard’s burden of proof for a class I administrative penalty enforcement case is a “preponderance of the evidence.” The Coast Guard HO is responsible for ensuring each element of the violation, including jurisdictional or factual elements, is supported by the greater weight of the evidence. The issuing officer is responsible for ensuring the submitted case file meets the Coast Guard’s burden of proof.**

- Routes case file for QA review (i.e., sufficiency and technical accuracy of case information), and chain of command approval. Refer to [Chapter 4: CPE Actions, Section B.2: Internal Control Point – Quality Assurance Review](#).
  - For foreign flag vessels only, request the CBP revoke or withhold departure clearance under its authority (46 U.S.C. § 60105) until an LOU is received in an amount sufficient to cover the civil penalty sought for the alleged violations.
    - See Chapter 3: Civil Penalty Investigation and Administration, [Section F.2 Letter of Undertaking](#) and [Section F.3 Surety Bond](#) for types of security agreements and authorities.
-

**E.9. Prepare Case  
File for Coast  
Guard HO**

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Once command has approved case package and CPE recommendations, the issuing officer:

- Contacts and informs the responsible party of the pending enforcement action and verifies accuracy of identification information and address.
  - Ensures the following documentation is included in the case file:
    - Original security agreement. Mark case file folder with “LOU or surety bond” to alert Coast Guard HO.  
Legible copy of the boarding or deficiency report (e.g., 4100 boarding report).
    - Copy of program or policy instruction with relevant sentences marked (list copied pages as enclosure or exhibit).
  - Transfers control of activity to Coast Guard HO in MISLE.
  - Packages and sends case file to Coast Guard HO per reference (k), USCG Civil Penalty Case Guide, 2014.
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## Chapter 5: Civil Penalty Enforcement Disposition

**Introduction** This chapter discusses the Coast Guard HO civil penalty disposition process, and the debt collection process.

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**In This Chapter** This chapter contains the following sections:

Section	Title	Page
A	Coast Guard Hearing Office Civil Penalty Disposition Process	5-2
B	Class II Administrative Penalty	5-5
C	Judicial Civil Penalty	5-6
D	Debt Collection Process	5-7

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## Section A: Coast Guard Hearing Office Civil Penalty Disposition Process

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### A.1. Overview

Once a civil penalty case is submitted to the Coast Guard HO, the adjudication process begins. This process assesses if there is sufficient evidence for a prima facie case.

The Coast Guard HO:

- Reviews the case package and activity evidence for:
  - Applicability of cited statutes and regulations to the charged party, location, and offense.
  - Evidence that the responsible party and his/her role during the alleged violation, e.g., owner, operator, etc., have been correctly identified.
  - Jurisdictional applicability and factual elements for the regulations allegedly violated.
  - Whether a civil penalty is authorized and appropriate.
- Determines initial review outcome. There are three Coast Guard HO outcomes:
  - **Return** case file due to errors or omissions in case file or evidence. If case package is insufficient, HO drafts a written statement of reason for return. Sends return statement and case file package to issuing unit. Transfers control of the enforcement activity to issuing unit in MISLE.
    - Issuing officer promptly corrects and returns case files within the designated time or requests an extension.
    - If case is deemed uncorrectable, issuing officer closes case within designated correction time and notifies Coast Guard HO of outcome.

- **Dismiss** case due to lack of evidence that cannot be rectified by the USCG, unable to contact responsible party, or it is reasonable to conclude that further investigation will not produce sufficient evidence. If case file package is dismissed, enter dismissal outcome into MISLE and close case.
  - Cases are typically dismissed “without prejudice.” This means that the unit may endeavor to correct the reason for the dismissal and resubmit the enforcement activity for the Coast Guard HO adjudication. However, due process requires timely notice to the mariner of the violation. Units should proceed at deliberate speed to correct the deficiency and resubmit a dismissed enforcement activity so that the necessary due process can be afforded to the mariner.
- **Proceed** with prima facie case if case file package and activity evidence are sufficient. Process fair adjudication of the violation(s). Enter case disposition into MISLE.

## **A.2. Responsible Party Hearing Process**

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For prima facie cases, the Coast Guard HO issues preliminary assessment letter to responsible party or representative via regular mail per reference (i), Civil Penalty Hearing Officer Procedures, COMDTINST 16200.5 (series).

Coast Guard HO:

- Prepares letter and encloses responsible party’s copy of the case file. Sends letter and enclosure to responsible party via mail. Responsible party has 30 days to respond with:
  - A request for a hearing.
  - Written evidence and arguments in lieu of a hearing.
  - Payment of the preliminary penalty amount assessed by the Coast Guard HO.

**NOTE:**

**No response to preliminary assessment letter. Case moves to hearing status.**

- Provides opportunity for responsible party to be heard, either in a hearing or by submitting evidence in lieu of a hearing.

- Drafts determinations and sends final assessment letter to charge party via regular mail.
  - Updates case record and enters case outcome in MISLE.
- 

**A.3. Coast  
Guard Hearing  
Office Civil  
Penalty Appeal  
Process**

Once the hearing officer issues a decision with an assessment, the decision is final unless the responsible party exercises one of the below options (within 30-days from date of decision):

- Petitions to reopen in writing and explain the new issues or new evidence.
- Appeals Coast Guard HO final assessment.
  - Sends a copy of the appeal to the USCG (usually the originating unit) for the appeal comments.
  - Forwards the entire original case to the Coast Guard appeal authority Coast Guard Court of Criminal Appeals (CG-094C). The Coast Guard HO does not retain information related to the case once it is forwarded.
  - If the case is affirmed on appeal and payment is not made, CG-094C forwards the case to LSC-5 to start collection or await payment.
  - CG-094C returns dismissed cases to the originating unit.
  - If the appeal decision allows for further action by the Coast Guard HO, the case is returned to the Coast Guard HO.
  - CG-094C enters all appeal findings into MISLE for unit review.

Refer to reference (e), Civil Penalty Hearing Officer Procedures, COMDTINST M16200.5 (series), for further instructions on the appeals process.

**NOTE:**

**Rebuttal to a charged party's response or appeal requires a unit's response to the Coast Guard HO within 30 days. Failure to meet Coast Guard HO's deadlines can result in a case dismissal.**

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## Section B: Class II Administrative Penalty

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### **B.1. Class II Administrative Penalty**

Class II administrative penalties are used ONLY for certain violations of reference (f), FWPCA, 33 U.S.C. §1321, as amended by the OPA of 1990, 33 U.S.C. §§ 2701-2762, and the CERCLA, 42 U.S.C. § 9607.

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### **B.2. Class II Administrative Penalty Authorities**

- See reference (a), MSM, Volume V, COMDTINST M16000.10 (series), for processing guideline on class II administrative penalty authorities.
  - A USCG ALJ adjudicates class II administrative penalties under the regulations located in reference (z), Rules of Practice, Procedure, and Evidence for Formal Administrative Proceedings of the Coast Guard, 33 C.F.R. Part 20.
- 

### **B.3. When to Issue Class II Administrative Penalty**

Pursue class II administrative penalty when the offense is egregious or willful.

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### **B.4. Class II Administrative Penalty Process**

- Consult the SLO when conducting this type of enforcement action since S&R proceedings occur under these regulations as well.
  - Consult CG-INV for assistance with processing class II administrative penalties.
  - COTP, OCMI, and federal on-scene coordinator (FOSC) initiates civil penalty assessment process for all major non-criminal violations, repeat offenders, and minor violations that are not corrected immediately.
  - Document case information in MISLE.
- 

### **B.5. Class II Administrative Penalty Outcome**

An ALJ imposes findings. The Docketing Center maintains the official record of the hearing in the docket. MISLE is updated based on information entered into the docket.

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## Section C: Judicial Civil Penalty

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### **C.1. Judicial Administrative Penalty**

JCP enforcement cases are litigated as civil suits in federal district court. The Department of Justice (DOJ) is responsible for presenting all cases on behalf of the federal government. The USCG supports the DOJ in preparing the case for trial, and provides evidence and witnesses as required. DOJ may combine the JCP enforcement case with other federal government claims, such as a claim for oil pollution cleanup costs.

Once all relevant facts and evidence is presented, federal district court judges adjudicate JCP enforcements.

Follow chain of command when recommending a JCP case referral. Field units are not authorized to make referrals to the DOJ.

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### **C.2. JCP Authorities**

Enclosure one of reference (c), MLEM, COMDTINST M16247.1 (series), discusses the use of JCP's for violations of the FWPCA and CERCLA.

Reference (e), MSM, Volume I, COMDTINST M16000.6 (series).

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### **C.3. When to Seek a JCP**

JCP enforcement is pursued when a class I administrative penalty is deemed insufficient for the severity of the offense. In some cases, DOJ may commence a JCP enforcement case on its own initiative. If the USCG is aware that the DOJ has commenced a JCP enforcement case, then other CPE actions should be avoided. USCG provides support for the DOJ JCP enforcement case.

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### **C.4. JCP Process**

Consult the SLO as soon as possible for guidance on preparing a JCP referral package and MISLE enforcement activity.

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### **C.5. Class II & JCP Hearing Process**

JCP is a civil litigation case in the U.S. District Court presented by DOJ attorneys. The Coast Guard Office of Claims and Litigation (CG-LCL) provides USCG support, with LCL getting support from units and personnel as needed for the case.

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### **C.6. JCP Outcome**

A federal district judge imposes findings. The court maintains the official record of the hearing. MISLE will NOT contain information related to the outcome of the JCP. However, the MISLE referral activity can be manually updated by the unit to reflect most current status.

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## Section D: Debt Collection Process

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### D.1. Debt Collection Process

Unpaid debts (usually in the form of unpaid NOV's or other civil penalties) arrive at the LSC-5, after a field unit or Coast Guard HO has been unsuccessful in getting a responsible party or debtor to pay penalties. Figure 5-2 represents the debt collection process.

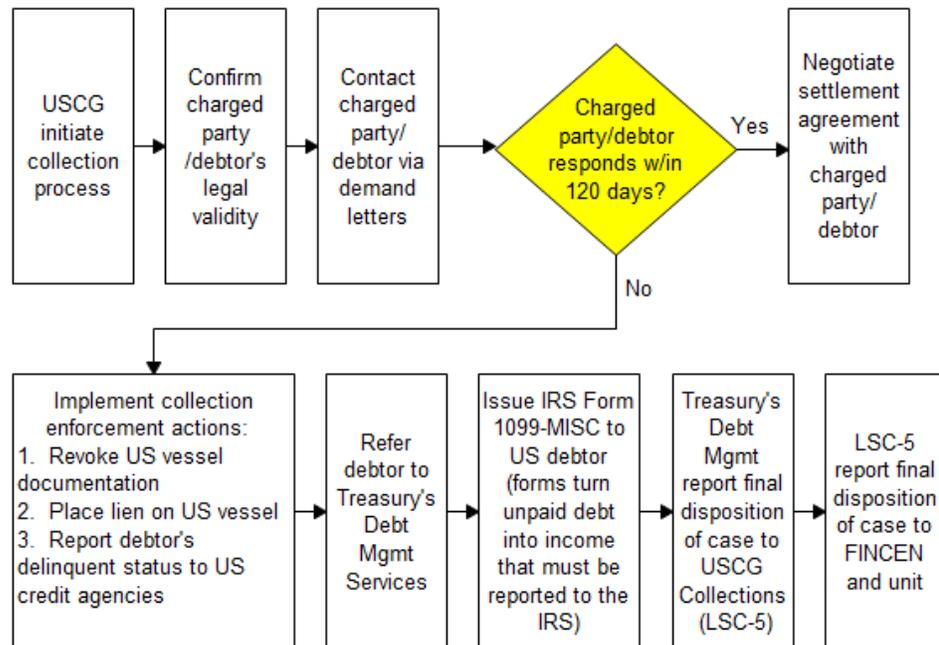


Figure 5-1 USCG civil penalty collection process

LSC-5 staff:

- Confirm the legal validity of the responsible party's debt and attempts to initiate contact with the responsible party. This is typically accomplished by mailing a demand letter to the debtor. The letter highlights the financial and other possible repercussions of not paying.
  - For U.S. debtors only, the LSC-5 staff implements several actions when dealing with a debtor:
    - Revokes a U.S. vessel's documentation.
    - Places a lien on U.S. vessels.
    - Reports debtor's delinquent status to the U.S. commercial credit reporting agencies.

- Negotiate a settlement agreement with the debtor by requesting submission of an LOU or surety bond via a demand letter.
- Refer the debt to the Treasury Department, if there is no response to the demand letter or other attempts to contact the debtor are unsuccessful after 120 days. The Treasury's Debt Management Service uses many of the same tools used by the USCG once a debt is referred. The most challenging aspect of collecting penalties from foreign debtors is they do not reside in the United States, which makes legally sufficient communications difficult.
  - For U.S. debtors, if all collection efforts fail, the Treasury Debt Management Service completes and submits to the Internal Revenue Service (IRS) a Miscellaneous Income form (1099). This form turns unpaid debt into income that must be reported to the IRS by the U.S. debtor.

NOTE:

**TIN or full SSN is crucial for debt collection purposes and should be collected at the time of issuance.**

NOTE:

**Without an LOU or surety bond, foreign debtors are essentially immune to these tools. Aside from threatening future enforcement action if responsible party or entity returns to U.S. port, the USCG can only get foreign debtors to pay by negotiating settlement agreements through U.S.-based agents.**

There is no time limit on the Treasury's collection efforts. Eventually, Treasury reports its results to LSC-5. Then, LSC-5 coordinates with FINCEN and the originating unit on final disposition of the case.

DOJ, not USCG, handles JCP collection. Once debt is forwarded for collection actions, interest on the debt begins to accrue.

If a responsible party contacts the unit after the collection action begins, inform the responsible party to contact LSC-5 to arrange payments.

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## Appendix A: Glossary and Acronyms

<b>ALJ</b>	Administrative law judge.
<b>BO</b>	Boarding officer.
<b>BOJAK</b>	Boarding officer job aid kit.
<b>BUI</b>	Boating under the influence.
<b>BWI</b>	Boating while intoxicated.
<b>CBP</b>	Customs and Border Protection.
<b>CERCLA</b>	Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9607.
<b>C.F.R.</b>	Code of Federal Regulations.
<b>CGBI</b>	Coast Guard Business Intelligence.
<b>CG-094C</b>	Coast Guard Court of Criminal Appeals.
<b>CG-INV</b>	Office of Investigations and Casual Analysis, formally G-PCA and CG-545.
<b>CG-LCL</b>	Coast Guard Office of Claims and Litigation.
<b>CGTTP</b>	Coast Guard tactics, techniques, and procedures.
<b>CG-094C</b>	Coast Guard Court of Criminal Appeals.
<b>CG-5</b>	Data Administrative Division Chief.

**Charged, involved, responsible, or respondent**

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Proper party or parties involved in an alleged violation.

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**Coast Guard HO**

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Coast Guard Hearing Office.

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**CO**

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Commanding officer.

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**COD**

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Certificate of Documentation.

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**COI**

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Certificate of Inspection.

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**COTP**

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Captain of the port.

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**CPE**

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Civil penalty enforcement.

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**DOJ**

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Department of Justice.

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**e-CFR**

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Electronic Code of Federal Regulations.

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**Elements of a violation**

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Elements include jurisdictional applicability and substantive elements reflecting the law's requirements. Jurisdictional and factual elements are sometimes found in surrounding provisions rather than the substantive law itself.

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**FC-P**

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FORCECOM TTP Division.

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**FINCEN**

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USCG Finance Center.

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**FORCECOM**

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Force Readiness Command

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**FOSC**

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Federal on-scene coordinator.

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**FR**

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Federal Register.

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**FST**

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Field sobriety test.

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<b>FWPCA</b>	Federal Water Pollution Control Act (FWPCA), 33 U.S.C. §1321, as amended by the Oil Pollution Act (OPA) of 1990, 33 U.S.C. §§ 2701-2762.
<b>GIS</b>	Geospatial Information Systems.
<b>G-PCA</b>	Staff symbol for the Office of Investigations and Casualty Analysis.
<b>ICP</b>	Internal control point.
<b>IIA</b>	Incident investigation activity.
<b>IO</b>	Investigating officer.
<b>IRS</b>	Internal Revenue Service.
<b>JCP</b>	Judicial civil penalty.
<b>LANTAREA</b>	United States Coast Guard Atlantic Area.
<b>LSC-5</b>	Legal Service Command Claims and Collections Division.
<b>LOU</b>	Letters of undertaking.
<b>LOW</b>	Letter of warning.
<b>MARSEC</b>	Maritime Security.
<b>MISLE</b>	Marine Information Safety and Law Enforcement.
<b>MLEA</b>	United States Coast Guard Maritime Law Enforcement Academy.
<b>MLEM</b>	Maritime Law Enforcement Manual.
<b>MMLD</b>	Merchant Mariner License Database.
<b>MSM</b>	Marine Safety Manual.

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<b>NEG OPS</b>	Negative operations.
<b>NOV</b>	Notice of Violation.
<b>NRC</b>	National Response Center.
<b>OCMI</b>	Officer in Charge of Marine Inspection.
<b>OPA</b>	Oil Pollution Act.
<b>PFD</b>	Personal flotation device.
<b>POB</b>	Persons on board.
<b>PQS</b>	Performance qualification standards.
<b>PIC</b>	Person-in-charge.
<b>PR</b>	Pollution responder.
<b>QA</b>	Quality assurance.
<b>S&amp;R</b>	Suspension and revocation.
<b>SLO</b>	Servicing legal office.
<b>SSN</b>	Social security number.
<b>TIN</b>	Tax identification number.
<b>TTP</b>	Tactics, techniques, and procedures.
<b>USCG</b>	United States Coast Guard.
<b>U.S.C.</b>	United States Code.
<b>VCCC</b>	Violation Case Coordination Center.

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