



U. S. Coast Guard Sector



Auxiliary Assistant Maritime Enforcement Investigator

Performance Qualification Standard

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Sector Training Guide

Auxiliary Assistant Maritime Enforcement Investigator Performance Qualification Standard

Qualification Code: AUX-EO

This booklet is one section of your personal 'on the job training' (OJT) manual. It is your OJT guide to qualification as an Auxiliary Assistant Maritime Enforcement Investigator. It is your responsibility to document completed unit training items.

The Marine Investigations Specialty, which includes the Maritime Enforcement Investigator competency, is considered an advanced level specialty of the Marine Safety program. Active duty members assigned to Investigations billets are required to be familiar with marine safety laws and regulations through prior training and qualification as a marine inspector, port state control officer, or facilities inspector. As such, this same progression is expected of Auxiliarists that wish to pursue the Auxiliary Assistant Maritime Enforcement Investigator competency. That is, Auxiliarists must hold two Auxiliary Assistant Marine Inspector qualifications, or an Auxiliary Assistant Port State Control officer qualification or an Auxiliary Assistant Facility Inspector qualification before they can pursue the Auxiliary Assistant Maritime Enforcement Investigator qualification.

Verifying Officers shall be experienced and qualified personnel who have demonstrated the ability to evaluate, instruct, and observe other personnel in the performance task criteria. Verifying Officers must be certified in the competencies for which they are to verify and must be Sector command designated. Verifying Officers must enter their title, name, and initials in the Record of Verifying Officers section before making entries in your workbook.

A Verifying Officer shall observe your successful performance of each task and document such with date and initials in the appropriate space provided in this booklet. It may be necessary to perform a task several times. The Verifying Officer will not give credit for any task that is not performed satisfactorily.

Auxiliarists do not have law enforcement authority. They cannot independently exercise COTP, OCMI, FMSC or FOSC authority and may become personally liable for actions they take outside of prescribed directives. Do not allow an Auxiliarist to be placed in a position that will compromise the limitations on the member's authority.

Auxiliarists involved in activities related to Civil Penalty or Notice of Violation (NOV) cases must be under the direct "shoulder to shoulder" supervision of a qualified Maritime Enforcement Investigator. Auxiliary Assistant Maritime Enforcement Investigators shall not initiate any action or have direct contact with a Responsible Party (RP), RP's Counsel, Witness or Hearing Officer without a qualified Maritime Enforcement Investigator present.

When you have completed all of the items required for this qualification, your COTP will issue a Letter of Designation and your Active Duty Unit Training Coordinator will record and certify the your qualification in Training Management Tool (TMT). You must forward a copy of your Letter of Designation to your DIRAUX for entry into AUXDATA. Should any item be waived the qualification is considered local and will not be entered into AUXDATA and may not be used toward qualification for the Trident device.

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Auxiliary Assistant Maritime Enforcement Investigator

RECORD OF VERIFYING OFFICERS		
Title	Verifying Officer's Name	Initials

RECORD OF MAJOR TASKS COMPLETED		
Task Number	Major Tasks	Date Completed
1.0	Demonstrate Knowledge of Coast Guard Enforcement Authorities	
2.0	Prepare for Maritime Enforcement Investigation	
3.0	Conduct Maritime Enforcement Investigation	
4.0	Determine Possible Enforcement Actions	

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Auxiliary Assistant Maritime Enforcement Investigator

RECORD OF COMPLETION

Training Prerequisites	Date	Training Coordinator's Signature
A. Completion of any of the following Auxiliary Assistant qualifications:		
1. Auxiliary Assistant Port State Control Examiner <i>or</i>		
2. Two (2) Auxiliary Assistant Marine Inspector qualifications <i>or</i>		
3. Auxiliary Assistant Facility Inspector qualification		
B. Completion of correspondence courses:		
1. Introduction to Marine Safety and Environmental Protection (IMSEP)		
2. ICS 100		
3. ICS 200		
4. ICS 210 <u>or</u> ICS 300		
5. IS 700		
6. IS 800		
C. Favorable DO PSI		
D. Completion of PQS Workbook.		
E. Successful completion of unit level oral board.		
F. Designation Letter submitted for approval.		
G. Once Designation Letter is signed, enter certification in TMT		

All qualification requirements have been satisfactory completed by _____.

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Auxiliary Assistant Maritime Enforcement Investigator

References

The following references will aid you in completing the tasks in this PQS.

- Act to Prevent Pollution from Ships (33 USC 1901, et seq)
- Carriage of Liquid Bulk Dangerous Cargoes (46 USCA Chapter 37)
- Clean Water Act (33 USC 1321, et seq)
- Comprehensive Environmental Response, Compensation, and Liability Act (42 USC 9601, et seq)
- Deepwater Ports Act (33 USC 1501-1524)
- Federal Hazardous Materials Transportation Law (49 USC 5101-5127)
- Inland Navigation Rules Act (33 USC 2071)
- Load Line Act (46 USCA Chapter 51)
- Magnuson Act (50 USC 191, et seq)
- Marine Plastic Pollution Research and Control Act (33 USC 1901, et seq)
- Marine Protection, Research, and Sanctuaries Act (33 USC 1401, et seq)
- Maritime Transportation Security Act (46 USC 75557, et seq)
- National Invasive Species Act of 1996 (16 USC 4711)
- Outer Continental Shelf Lands Act (43 USC 1801)
- Ports and Waterways Safety Act (33 USC 1221, et seq)
- Title 33 Code of Federal Regulations (various) Navigation and Navigable Waters
- Title 46 Code of Federal Regulations (various) Shipping
- U. S. Coast Guard Civil Penalty Hearing Officer Procedures, COMDTINST M16200.5 (series)
- U. S. Coast Guard Civil Penalty Procedures and Administration, COMDTINST 16200.3 (series)
- U. S. Coast Guard Freedom of Information (FOIA) and Privacy Acts Manual, COMDTINST M5260.3 (series)
- U. S. Coast Guard Marine Information for Safety and Law Enforcement (MISLE) Process and User's Guides
- U. S. Coast Guard Marine Safety Manual, Volume I, Administration and Management, COMDTINST M16000.6 (series)
- U. S. Coast Guard Marine Safety Manual, Volume II, Material Inspection, COMDTINST M16000.6 (series)
- U. S. Coast Guard Marine Safety Manual, Volume III, Marine Industry Personnel, COMDTINST M16000.8 (series)
- U. S. Coast Guard Marine Safety Manual, Volume V, Investigations, COMDTINST M16000.10 (series)
- U. S. Coast Guard Notice of Violation (NOV) User's Guide, COMDTINST M5582.1 (series)
- U. S. Coast Guard Program Managers' Policy Letters (various)
- Vessel Bridge-to-Bridge Radiotelephone Act (33 USC 1201)
- Coast Guard Portal – Investigations Place

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Auxiliary Assistant Maritime Enforcement Investigator

<u>Task Number</u>	<u>AUX-EO Task</u>	<u>Date Completed</u>	<u>Verifying Officer's Initials</u>
1.0	Demonstrate Knowledge of Coast Guard Enforcement Authorities		
1.1	Demonstrate a basic knowledge of Port Security Laws by discussing the regulations (CFR cites) which implement the following: <ul style="list-style-type: none">• Magnuson Act (50 U.S.C. 191, et seq)• Maritime Transportation Security Act (46 U.S.C. 75557, et seq)	_____	_____
1.2	Demonstrate a basic knowledge of Port Safety Laws by discussing the regulations (CFR cites) which implement the following: <ul style="list-style-type: none">• Ports and Waterways Safety Act (33 U.S.C. 1221, et seq)• Federal Hazardous Materials Transportation Law (49 U.S.C. 5101-5127)	_____	_____
1.3	Demonstrate a basic knowledge of Pollution Prevention Laws by discussing the regulations (CFR cites) which implement the following: <ul style="list-style-type: none">• Act to Prevent Pollution from Ships (33 U.S.C. 1901, et seq)• Clean Water Act (33 U.S.C. 1321, et seq)• Deepwater Ports Act (33 U.S.C. 1501-1524)• Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601, et seq)• Marine Protection, Research, and Sanctuaries Act (33 U.S.C. 1401, et seq)• Marine Plastic Pollution Research and Control Act (33 U.S.C. 1901, et seq)• Outer Continental Shelf Lands Act (43 U.S.C. 1801)	_____	_____
1.4	Demonstrate a basic knowledge of Vessel Operating Laws by discussing the regulations (CFR cites) which implement the following: <ul style="list-style-type: none">• Inland Navigation Rules Act (33 U.S.C. 2071)• Vessel Bridge-to-Bridge Radiotelephone Act (33 U.S.C. 1201)		

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<u>Task Number</u>	<u>AUX-EO Task</u>	<u>Date Completed</u>	<u>Verifying Officer's Initials</u>
1.4 (Cont.)	<ul style="list-style-type: none"> • Load Line Act (46 U.S.C.A. Chapter 51) • Carriage of Liquid Bulk Dangerous Cargoes (46 U.S.C.A. Chapter 37) • National Invasive Species Act of 1996 (16 U.S.C. 4711) 	_____	_____
1.5	Determine the U.S. Code section, CFR part, and the maximum penalty that applies to interfering with aids to navigation violations.	_____	_____
1.6	Determine the U.S. Code section, CFR part, and the maximum penalty that applies to vessel certification and inspection violations.	_____	_____
1.7	Determine the U.S. Code section, CFR part, and the maximum penalty that applies to vessel documentation violations.	_____	_____
1.8	Determine the U.S. Code section, CFR part, and the maximum penalty that applies to violations of the maritime personnel credentialing and manning requirements.	_____	_____
1.9	Determine the U.S. Code section, CFR part, and the maximum penalty that applies to negligent operations of vessels.	_____	_____
1.10	Determine the U.S. Code section, CFR part, and the maximum penalty that applies to Oil and Hazardous Substance discharges.	_____	_____
1.11	Determine the U.S. Code section, CFR part, and the maximum penalty that applies to Rules of the Road violations.	_____	_____
1.12	Determine the U.S. Code section, CFR part, and the maximum penalty that applies to violations of the marine casualty reporting requirements.	_____	_____
1.13	Determine the U.S. Code section, CFR part, and the maximum penalty that applies to violations of the chemical testing requirements.	_____	_____

Auxiliary Assistant Maritime Enforcement Investigator

Task
Number

AUX-EO
Task

Date
Completed

Verifying
Officer's Initials

2.0 Prepare for Maritime Enforcement Investigation

- 2.1 **Discuss** and **explain** the purpose or use of the following official documents found aboard U.S. and foreign commercial vessels:
- Certificate of Inspection (COI)
 - Certificate of Documentation (COD)
 - Declaration of Inspection (DOI)
 - Load Line Certificate
 - International Oil Pollution Prevention Certificate (IOPP)
 - Shipboard oil Pollution Prevention Emergency Plan (SOPEP)
 - Safe Manning Document
 - Oil Record Book (ORB)
 - Certificate of Financial Responsibility (COFR)
 - Official Log Book
 - Certificate of Compliance
 - SOLAS Documents
 - International Safety Management System (Safety Management Certificate & Document of Compliance)
 - International Safety Security Certificate
 - Vessel Response Plan
- _____
- 2.2 **Define** the following terms:
- Exclusive Economic Zone (EEZ)
 - Territorial Sea
 - Contiguous Zone
 - Inland Waters
 - Coastal Waters
 - Navigable Waters
 - COLREGS Demarcation Lines
 - Safety Zone
 - Security Zone
 - Regulated Navigation Area
- _____

Auxiliary Assistant Maritime Enforcement Investigator

<u>Task Number</u>	<u>AUX-EO Task</u>	<u>Date Completed</u>	<u>Verifying Officer's Initials</u>
2.3	Discuss various methods for notification of apparent violation(s).	_____	_____
2.4	Process a notification in Marine Information for Safety and Law Enforcement (MISLE).	_____	_____
2.5	Gather/review information by completing following subtasks: <ul style="list-style-type: none"> • Evaluate site safety/risk assessment • Determine responsible party/involved parties/parties in interest • Consult with other CG personnel (Inspectors, IO's, Legal, SME, etc.). 	_____	_____
2.6	Conduct MISLE review by completing following subtasks: <ul style="list-style-type: none"> • Review violation history of involved parties • Review violation/inspection history of involved subjects • Determine whether mariner holds a CG issued credential. • Demonstrate how to access the Merchant Mariner Licensing and Documentation System (MMLD) to determine if a mariner has valid credentials • Demonstrate how to retrieve and use the Wanted List 	_____	_____
2.7	Describe policy and use of NCIC.	_____	_____
2.8	Describe purpose and use of CGIS wanted list.	_____	_____
2.9	Discuss the Health Insurance Portability and Accountability Act (HIPAA) as it pertains to Maritime Enforcement Investigations.	_____	_____
2.10	Assist in Briefing Command, as appropriate.	_____	_____
2.11	Assist in Completing notifications, as appropriate.	_____	_____

Auxiliary Assistant Maritime Enforcement Investigator

<u>Task Number</u>	<u>AUX-EO Task</u>	<u>Date Completed</u>	<u>Verifying Officer's Initials</u>
3.0	Conduct Maritime Enforcement Investigation		
3.1	Explain the meaning of “prima facie” evidence.	_____	_____
3.2	Demonstrate the ability to identify and interview witnesses, summarizing their observations in a signed summary statement.	_____	_____
3.3	Demonstrate the ability to gather documentary evidence.	_____	_____
3.4	Demonstrate the ability to properly photograph evidence and complete a photo log.	_____	_____
3.5	Demonstrate the ability to identify and obtain evidence of aggravating and mitigating factors concerning the suspected violator.	_____	_____
3.6	Demonstrate the ability to identify and obtain evidence for cases involving chemical testing of individuals.	_____	_____
3.7	Demonstrate the ability to identify and obtain evidence for cases involving maritime personnel work/rest schedules.	_____	_____
3.8	Demonstrate the ability to gather physical evidence.	_____	_____
3.9	Demonstrate the ability to identify and obtain evidence for cases involving oil and/or hazardous substance discharges including the use of the Marine Safety Lab report.	_____	_____
3.10	Classify factual information based on the following subtasks: <ul style="list-style-type: none"> • Identify events • Identify actions • Identify conditions. 	_____	_____

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<u>Task Number</u>	<u>AUX-EO Task</u>	<u>Date Completed</u>	<u>Verifying Officer's Initials</u>
3.11	Determine sequence of actions, events, and conditions.	_____	_____
3.12	Demonstrate the ability to analyze the information available to determine what is involved and what is necessary to complete an investigation.	_____	_____
3.13	Demonstrate proper documentation of violations/deficiencies in a MISLE detection activity (i.e. incident investigation, vessel inspection, facility inspection, boarding, etc.).	_____	_____
4.0	Determine Possible Enforcement Actions		
4.1	Determine if evidence of criminal violation(s) exists by reviewing evidence and facts from detection activity.	_____	_____
4.2	Explain types of violations which require Commandant's approval prior to referral to U.S. Attorney.	_____	_____
4.3	Prepare an outline of the jurisdictional and factual elements pertinent to the type of investigation involved.	_____	_____
4.4	Identify involved party(s) and discuss policy concerning identification of responsible party.	_____	_____
4.5	Determine if jurisdiction exists over the involved party/organization.	_____	_____
4.6	Determine if jurisdiction exists over the subject matter.	_____	_____
4.7	Determine if jurisdiction exists over the geographical location.	_____	_____
4.8	Explain the evidence that proves each element pertinent to the type of investigation involved.	_____	_____

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<u>Task Number</u>	<u>AUX-EO Task</u>	<u>Date Completed</u>	<u>Verifying Officer's Initials</u>
4.9	Discuss policy and use of Letters of Warnings (in lieu of Civil Penalty) and provide the circumstances in which it might be an appropriate enforcement action.	_____	_____
4.10	Discuss policy and use of Notices of Violations (NOVs) and provide the circumstances in which it might be an appropriate enforcement action.	_____	_____
4.11	Explain policy regarding use of proposed penalty amounts and maximum penalty per NOV under the NOV program.	_____	_____
4.12	Discuss policy and use of Class I Administrative Civil Penalties and provide the circumstances in which it might be an appropriate enforcement action.	_____	_____
4.13	Explain policy regarding recommended penalty amounts Class I Administrative Civil Penalty cases.	_____	_____
4.14	Discuss Judicial Civil Penalties (referral to DOJ) and provide the circumstances in which it might be an appropriate enforcement action.	_____	_____
4.15	Discuss Class II Administrative Civil Penalties and provide the circumstances in which it might be an appropriate enforcement action.	_____	_____
4.16	Explain policy and use of Surety Bonds/Letters of Undertaking for foreign vessels.	_____	_____
4.17	Demonstrate knowledge of the Coast Guard's Suspension and Revocation (S&R) authority over Merchant Mariner Credentials (MMC's) for the following: <ul style="list-style-type: none"> ○ Acting under the authority of MMC offenses ● Holder of MMC offenses. 	_____	_____
4.18	Determine the Statute of Limitations for the following offenses: <ul style="list-style-type: none"> ● Misconduct ● Use of Dangerous Drugs ● Conviction of Dangerous Drug Law 	_____	_____

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<u>Task Number</u>	<u>AUX-EO Task</u>	<u>Date Completed</u>	<u>Verifying Officer's Initials</u>
4.18 (Cont.)	<ul style="list-style-type: none"> • Offenses listed in 46 CFR 5.59 and 5.61 • National Driver Register Act (NDRA) Convictions • Other offenses 	_____	_____
4.19	<p>Explain the use of the following items in support of personnel enforcement action.</p> <ul style="list-style-type: none"> ○ Laws and regulations ○ Memorandum of Understanding (MOU)/Memorandum of Agreement (MOA) ○ Commandant Decisions on Appeal/Review (CDOAs/CDORs) ○ Administrative Law Judge (ALJ) Suspension and Revocation (S&R) Decisions & Orders ○ Policy letters ○ S&R Program Manager ○ District Legal ○ Senior Investigating Officer ○ Peers 	_____	_____
4.20	<p>Describe policy to conduct review of vessel's official log book and types of offenses which might be logged.</p>	_____	_____
4.21	<p>Discuss policy and use of Letters of Warnings (in lieu of S&R) and provide the circumstances in which it might be an appropriate personnel enforcement action.</p>	_____	_____
4.22	<p>Discuss policy and use of Good Faith Deposits and provide the circumstances in which it might be appropriate to pursue.</p>	_____	_____
4.23	<p>Explain policy and use of Voluntary Deposits and provide the circumstances in which it is and is not appropriate to accept.</p>	_____	_____
4.24	<p>Explain policy and use of Voluntary Surrenders and provide the circumstances in which it is and is not appropriate to accept.</p>	_____	_____
4.25	<p>Assist in Drafting enforcement recommendations to present to the Command to determine any further action.</p>	_____	_____

Auxiliary Assistant Maritime Enforcement Investigator

<u>Task Number</u>	<u>AUX-EO Task</u>	<u>Date Completed</u>	<u>Verifying Officer's Initials</u>
4.26	Discuss required MISLE detection activity data entry requirements, based on the type of detection activity involved, necessary to complete referral for enforcement.	_____	_____
4.27	Create enforcement activities for a Class I Civil Penalty and Notice of Violation case (Use MISLE Training)	_____	_____
4.28	Discuss required MISLE enforcement activity data entry requirements, based on the type of enforcement action involved, necessary to complete the enforcement activity.	_____	_____
4.29	Demonstrate ability to update and complete a MISLE enforcement activity based on the type of enforcement action involved. Complete this task for a Class I, Civil Penalty and Notice of Violation case. (Use MISLE Training)	_____	_____
4.30	Discuss the proper routing procedures for a Class I Civil Penalty and Notice of Violation case.	_____	_____
4.31	Demonstrate ability to prepare Class I Administrative Civil Penalty case folder for submission to Coast Guard Hearing Office.	_____	_____
4.32	Explain the Freedom of Information Act (FOIA). <ul style="list-style-type: none"> • The procedure a public citizen must follow to obtain information under the FOIA. • What information cannot be released under FOIA? • Who can deny the release of information under FOIA? • Who has the authority to release information on S&R actions? 	_____	_____
4.33	Explain the Privacy Act. <ul style="list-style-type: none"> • The purpose of the Privacy Act. • What information is protected? • Who is subject to the Privacy Act? 	_____	_____

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U.S. Department of
Homeland Security

United States
Coast Guard



SAMPLE LETTER OF DESIGNATION

Command's Name

Street Address
City, State Zip Code
Staff Symbol:
Phone:
Email:

1601
DATE

MEMORANDUM

From: I. M. Frank, CAPT
Unit's Name

Reply to
Attn of:

To: M. O. Ore, USCG Auxiliary

Subj: DESIGNATION AS AUXILIARY ASSISTANT MARITIME ENFORCMENT
INVESTIGATOR

Ref: Auxiliary Assistant Maritime Enforcement Investigator Performance Qualification
Standard Workbook

1. Congratulations! You have completed all requirements necessary to perform the duties of an Auxiliary Assistant Maritime Enforcement Investigator. You are authorized to carry out the responsibilities of an Auxiliary Assistant Maritime Enforcement Investigator within the scope of your qualifications. This is a significant milestone in your professional development and I commend your accomplishments.

2. This Letter of Designation should be retained as part of your personal Training Record and you will be assigned the Auxiliary Assistant Maritime Enforcement Investigator's Qualification Code "AUX-EO".

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