

MEMORANDUM



From: LCDR [REDACTED]
HEALY AIM Board

Reply to
Attn of:

To: CDR [REDACTED]
Military Judge

Subj: APPLICATION FOR SEARCH AND SEIZURE AUTHORIZATION

1. I, LCDR [REDACTED], submit the following facts in support of my application for a search authorization: The location and description of the premises to be searched include any or all CG work station computer accounts assigned to or belonging to Captain Douglas Russell onboard USCGC HEALY (WAGB 20). The USCGC HEALY is military property of the United States.
2. I put forth the following facts as establishing probable cause to believe that the CG work station computer accounts assigned to Captain Douglas Russell onboard USCGC HEALY as described in Paragraph 1 to be searched and the property to be seized is connected with the offense of dereliction in the performance of duties in violation of Article 92, UCMJ.

On August 17, 2006 LT Jessica Hill and BM2 Steven Duque perished in a diving accident. Subsequent to that tragic accident an AIM board was convened to investigate the accident. I am a member of the AIM board.

During the course of the investigation the AIM board has obtained evidence that there was a lack of command supervision of the dive program aboard HEALY and the dive itself. In fact, it appears this dive operation was planned at the last minute, inadequately briefed, and poorly executed. During our interview of Captain Russell he stated he had a complete unfamiliarity with CG dive operations and he relied on LT Hill as his subject matter expert.

Through witness interviews, documents, and on scene observation, we have learned that the dive program aboard HEALY was not maintained IAW CG requirements. There is a severe lack of documentation regarding dive equipment PMS and dive operations in general aboard HEALY. Further, the dive locker was not well maintained. EM1 [REDACTED], described how he needed to move tanks and gear from the deck in order to open the door and enter the dive locker. The dive equipment used on the 17th also had material defects.

There is also evidence to indicate that after the accident Captain Russell may have specifically chosen to omit several key facts in the initial mishap report and in subsequent briefs to the PACAREA District Chief of Staff. Specifically, he failed to mention that an ice liberty party where alcohol was served and people participated in polar bear plunges was taking place in the same area and simultaneously with the dive operation.

Coast Guardsmen regularly conduct Coast Guard business using their CG work stations. Specifically, emails are sent and filed on a daily basis. Many members now use emails in the same way that memos were previously used. Instead of storing the information in paper files, they now store them in their email pst. Further, many documents are drafted in personal accounts on the CG work station and are filed in folders. These files and folders are generally stored for the life of the account.

(b)6 + 7(c)

13 Oct 2006

3. I have personal information and hearsay information via numerous witnesses of the preceding facts.
4. This request is made based on my training and my discussions with other investigators.



(Applicant)

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(b) 6 + 7(c)

SEARCH AUTHORIZATION

LCDR [REDACTED] of the USCGC HEALY Administrative Investigation Board is hereby authorized to execute this search authorization on the basis of an application made before me.

The application in support of this request is either attached hereto, or, if this search warrant was obtained telephonically, will be attached and is incorporated into this authorization.

On the basis of the information provided by the applicant, I find that probable cause exists to believe that the offense mentioned has been committed, and that the property to be seized is located at the place to be searched.

LCDR [REDACTED] is ordered to search CG work station computer accounts onboard USCGC HEALY (WAGB 20) for any accounts assigned to or belonging to Captain Douglas Russell onboard USCGC HEALY (WAGB 20).

A copy of this order will be given to any person in possession of the place searched. Night time service is not authorized. If found in the place described above the subject property shall be seized and a receipt therefor issued to the person found in possession thereof or from whom it is taken. If there is no person present this receipt will be left conspicuously at the place or premises from which the property is seized. A written inventory will also be made of the property seized and attached to this warrant for return.

Notice of this search warrant will be given to the commanding officer prior to execution.

APPROVED:

[REDACTED]

[REDACTED], CDR, USCG
Military Judge

1345 HST
13 OCT 06

(b)(6)+(7)(c)