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U.S. Department of
Homeland Security

United States
Coast Guard



Commandant
United States Coast Guard

2100 2ND ST SW STOP 7516
WASHINGTON DC 20593-
Staff Symbol: CG-MLE
Phone: (202) 372-2167
Fax: (202) 282-9515

5720
FOIA: 2018-CGFO-01594
April 24, 2018

John Greenwald, Jr.
Owner/Founder
The Black Vault
27305 W. Live Oak Rd., Suite 1203
Castaic, CA 91384-4520

Dear Mr. Greenwald:

This is the electronic final response to your Freedom of Information Act (FOIA) request dated March 28, 2017. Your request was received in the Office of Law Enforcement (CG-MLE) on April 3, 2018. You are requesting access to COMDTINST 16245.1, Seventh District Command Center Communications with Cuban Border Guard submitted to the U.S. Coast Guard (USCG).

We have conducted a search of Office of Law Enforcement (CG-MLE) directives for documents and have located one (1) document responsive to your request. This document consists of seventeen (17) pages. It was determined that four (4) pages of the records are releasable in its entirety and thirteen (13) pages are partially releasable. The withheld information is exempt from disclosure pursuant to Title 5 U.S.C. § 552 b7(E).

FOIA Exemption (b)(7)(E) affords protection to all law enforcement information which would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law. It was determined that disclosure of this manual could reasonably be expected to risk circumvention of the law. Additionally, the techniques and procedures at issue are not well known to the public.

Provisions of the FOIA allow us to recover part of the cost of complying with your request. In this instance, because the cost is below the \$14 minimum, there is no charge. 6 CFR § 5.11(d)(4).

You have a right to appeal our withholding determination. Should you wish to do so, you must send your appeal and a copy of this letter, within 60 days of the date of this letter, to:

COMMANDANT (CG-611)
US COAST GUARD
ATTN: FOIA/PA OFFICER
2100 2ND ST SW STOP 7101
WASHINGTON DC 20593-7101

Following the procedures outlined in the DHS regulations at 6 C.F.R. § 5.9. Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS regulations are available at www.dhs.gov/foia.

This completes the U.S. Coast Guard's response to your request. If you have any questions or need further assistance regarding this request, please contact CG-MLE FOIA Officer, Zsatique Ferrell at (202)372-2167. You may also contact our FOIA Public Liaison by emailing efoia@uscg.mil or calling (202) 475-3522.

Sincerely,

A handwritten signature in cursive script that reads "Zsatique Ferrell". The signature is written in dark ink and is positioned above the printed name and title.

Zsatique Ferrell
U.S. Coast Guard, Office of Law Enforcement
CG-MLE FOIA Officer
By Direction of the Commandant

Enclosure(s): Attachment, Seventh District Command Center Communications with Cuban Border Guard, COMDTINST 16245.1, 17 pages



COMDTINST 16245.1

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COMMANDANT INSTRUCTION 16245.1

Subj: SEVENTH DISTRICT COMMAND CENTER COMMUNICATIONS WITH CUBAN
BORDER GUARD

Ref: (a) Maritime Law Enforcement Manual (MLEM), COMDTINST M16247.1 (series)

1. PURPOSE. This Instruction sets forth policy and procedures for Seventh District Command Center (CCGD7 Command Center) communication with the Cuban Border Guard (*Tropas Guarda Fronteras*) (TGF) for specific tactical operational matters. It does not apply to communications by other Coast Guard units or personnel, such as personnel assigned to the U.S. Interests Section in Havana, personnel attending international conferences, or operational units that may encounter Cuban authorities in the course of operations. Such contacts are governed by "Guidelines on Relations with Cuba," an interagency memorandum issued by the Department of State on March 10, 2003.
2. ACTION. Commander, Atlantic Area; Commander, Maintenance and Logistics Command Atlantic; Assistant Commandant of Operations; Seventh District Commander; and the Judge Advocate General shall ensure compliance with the provisions of this Instruction. Not authorized for Internet release.
3. DIRECTIVES AFFECTED. The following messages are cancelled for Coast Guard commands:
 - a. *Communications with Cuba Regarding Operational Law Enforcement Incidents*, SECSTATE WASHINGTON DC 01059Z FEB 89 (Classification: CONFIDENTIAL)
 - b. *Communications with Cuba Regarding Operational Law Enforcement Incidents*, COMDT COGARD WASHINGTON DC 032217Z FEB 89 (Classification: CONFIDENTIAL)

DISTRIBUTION - SDL No. 143

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NON-STANDARD DISTRIBUTION:

- c. *Guidelines for USCG/USCS Communications with Cuba on Drug Interdiction*, SECSTATE WASHINGTON DC 281015Z OCT 90 (Classification: SECRET)
 - d. *Guidelines for Communications with Cuba on Drug Interdiction*, COMDT COGARD 111503Z JAN 91 (Classification: SECRET)
 - e. *PD-27 Guidelines for Anti-Narcotics Communications with Cuba*, SECSTATE WASHINGTON DC 050636Z JUN 92 (Classification: SECRET)
 - f. *Telex Communications with Cuba*, COMDT COGARD WASHINGTON DC 091425Z MAR 00
 - g. *Reporting Requirements for Communications with Cuba*, COMDT COGARD WASHINGTON DC 231906Z JUN 00
 - h. *Clarification of Reporting Requirements for Telex/Telephone Communications with Cuba*, COMDT COGARD WASHINGTON DC 171425Z AUG 00
4. DISCUSSION.
- a. The United States does not maintain diplomatic relations with the current Cuban Government and Cuba is designated as a state-sponsor of terrorism. In order to ensure that all government-to-government contacts are handled in a manner consistent with U.S. foreign policy, the U.S. Government has long restricted contacts between U.S. Government officials and representatives of the Cuban Government. This long-standing practice exists both to ensure consistency of message and to deny the Cuban regime the opportunity to mischaracterize contacts between U.S. and Cuban officials. This instruction outlines special rules regarding a narrow scope of communications with Cuban authorities: direct communications via the CCGD7 Command Center regarding tactical case-specific operational matters. Any other proposed contact by Executive Branch officials or agencies with Cuban officials and diplomats must be cleared in advance through the Department of State's Office of Cuban Affairs (WHA/CCA).
 - b. Notwithstanding other restrictions on contact with officials of the Castro regime, the U.S. interagency has authorized the exchange of routine tactical information between the CCGD7 Command Center and TGF in real-time Search and Rescue (SAR) and interdiction cases since 1980. A telex system was established between the CCGD7 Command Center and TGF to facilitate the transmittal of pre-approved messages containing non-sensitive, real-time tactical information on SAR and suspicious aircraft and vessel movements. TGF frequently provides information to the CCGD7 Command Center via telex, e-mail or voice regarding suspect vessels approaching the United States. Exchange of information with TGF assists in enhancing the maritime security and maritime domain awareness of the United States and is not intended to endorse the Castro regime.
 - c. This instruction is not intended to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies or personnel, or any person.

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- d. This instruction is "For Official Use Only". Requests for disclosure of any part of this instruction in connection with civil discovery or the Freedom of Information Act (FOIA) shall be coordinated with Commandant (G-OPL) before any release.

5. RESPONSIBILITIES.

- a. *Seventh District Commander.* The Seventh District Commander is responsible for:
- (1) Ensuring efficient authorized transmission and receipt of communications with TGF in accordance with this instruction.
 - (2) Ensuring that all U.S.-initiated communications pursuant to this instruction are authorized only when such communications provide either long- or short-term benefits to the United States that outweigh any incidental benefits that may inure to the Cuban regime.
 - (3) Ensuring that the CCGD7 Command Center and other appropriate personnel are properly trained to ensure compliance with this instruction.
 - (4) Informing Commandant (G-OPL) regarding the ongoing efficiency of communications as well as the need for updating this instruction.
- b. *Commandant (G-OPL).* Commandant (G-OPL) shall be responsible for:
- (1) Developing and maintaining policy and procedures for CCGD7 Command Center communication with TGF.
 - (2) Providing oversight of the CCGD7 Command Center's communications with TGF, including maintaining a current count of the number of communications per year as described in paragraph 8.c of this instruction.
- c. *Commandant (G-LMI).* Commandant (G-LMI) shall provide advice to Commandant (G-O) on communications that may require interagency coordination, including all proposed non-standard communications.

6. POLICY. As appropriate, and to the extent consistent with enhancing the maritime domain awareness and maritime security of the United States, the CCGD7 Command Center is authorized to transmit to and receive communications from TGF regarding specific tactical operational matters, as provided below.



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b(7)(E)

7. PROCEDURES.

- a. *Medium of communication.* Communications have been accomplished through facsimile, Telex, E-mail, and voice. The Seventh District Commander may prescribe the medium or media of communication for any and all cases, as appropriate. In doing so, the Seventh District Commander shall consider:
- (1) Possible or known limitations on technology available to TGF;
 - (2) The necessity for ready backup communications when primary means are impaired, particularly for those cases involving the safety of life at sea;
 - (3) The requirement to keep complete records of written communication;
 - (4) Difficulties which may arise with voice communications, including language barriers; and

(5) Ease of use for CCGD7 Command Center watch standers.

- b. *Manner of communication.* In light of the political sensitivities noted above, watch standers must be aware that each communication sent to TGF may be subject to close scrutiny. Moreover, given language barriers, the potential for miscommunication or misunderstanding remains. As a result, watch standers shall be trained to exclude all but the most professional, concise language. Consistency in terminology and format of transmissions should be sought to the highest degree practicable.
- c. *Information copies.* To the extent practicable, all communications with TGF shall be made available via information copies to the Drug Interdiction Specialist (DIS) of the U.S. Interests Section in Havana, Cuba. To the extent information copies are impracticable (such as when communication is via telephone), oral or written summaries of such communications should be provided to the DIS as soon as practicable.

8. ADMINISTRATION.

- a. *Recordkeeping.* All written communications with TGF must be maintained by the Seventh Coast Guard District for 3 years, and must be retrievable upon request.
- b. *The Freedom of Information Act.* Communications with TGF may be subject to release under the Freedom of Information Act (FOIA). Commandant (G-OPL) will respond to all such requests. Any proposed response to such a FOIA request must be cleared by the Department of State if the FOIA request requires release of (1) any non-standard communications described in paragraph 6.b above, or (2) any standard communications involving incidents that, due to subsequent events, adversely affect the foreign relations of the United States.
- c. *Fiscal year count.* In light of frequent requests from the public, media, and government entities regarding communications with TGF, the Seventh Coast Guard District shall provide to Commandant (G-OPL) an ongoing count of such communications by fiscal year. The fiscal-year count shall be broken down by individual communications received and transmitted, and further broken down by mission area (search and rescue, drug interdiction, migrant interdiction, ports, waterways, and coastal security, or other). Such count will not include communications regarding repatriation operations and administrative matters described in paragraphs 6.b.2 and 6.b.3 above.
- d. *Civil penalty/criminal litigation.* Communications with TGF shall be made available to parties of civil or criminal proceedings as required by law or as provided by regulation.

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9. ENVIRONMENTAL ASPECT AND IMPACT CONSIDERATIONS. Environmental considerations were examined in the development of this Instruction and have been determined to be not applicable.
10. FORMS. None

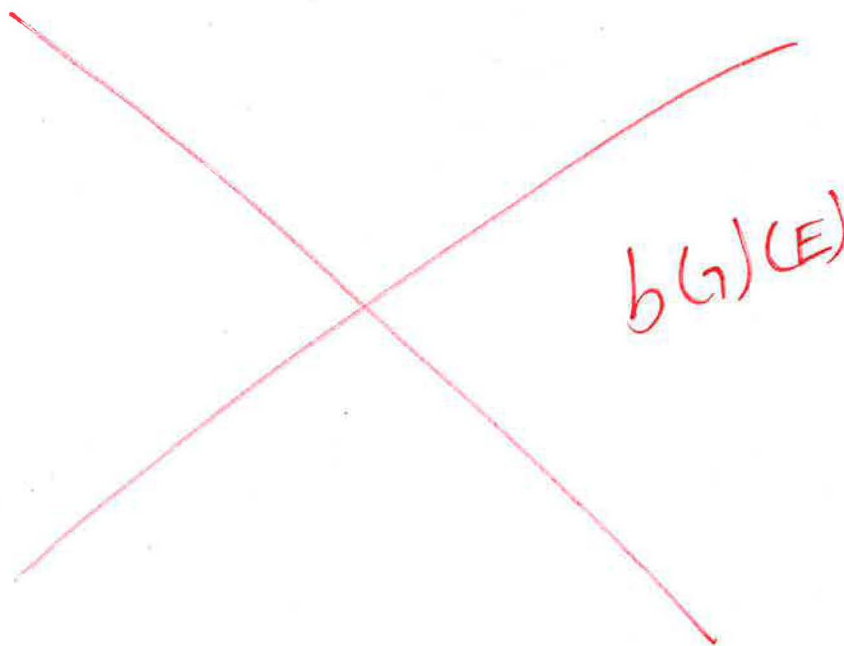


R. D. SIROIS

Assistant Commandant for Operations

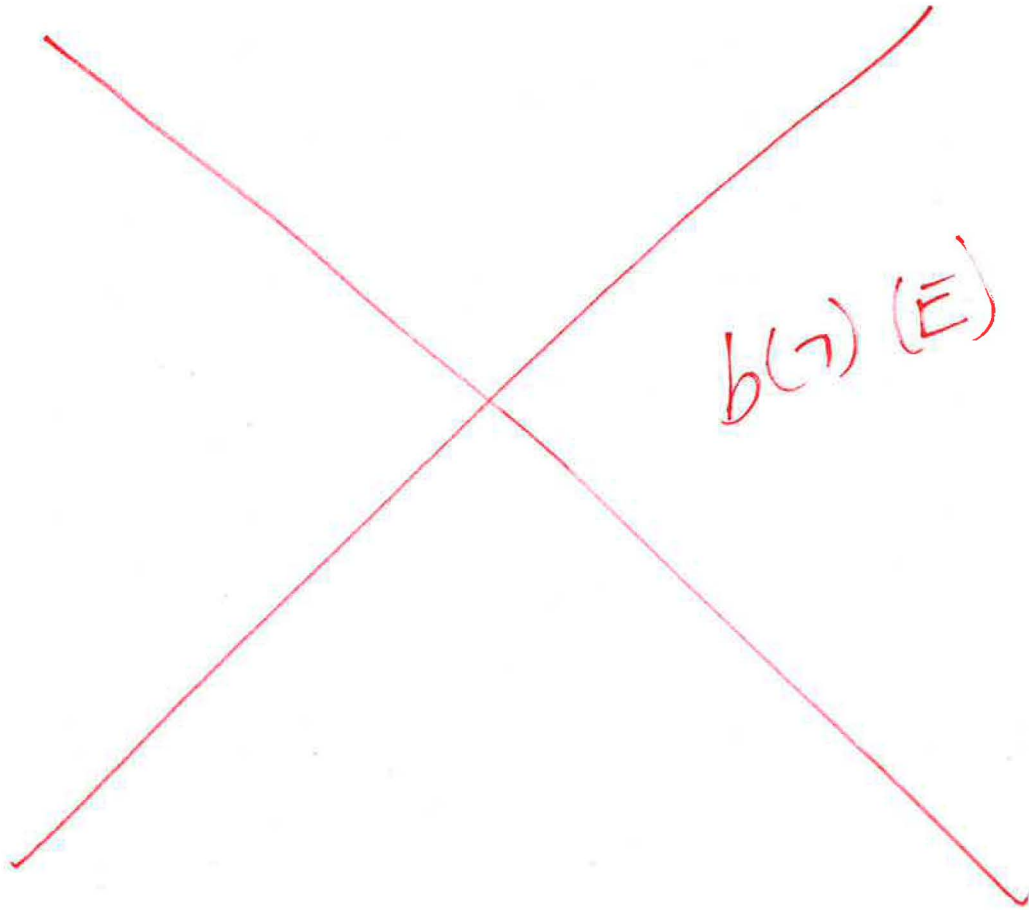
Encl: (1) Sample format communications with Cuban Border Guard

Sample Format Communications with Cuban Border Guard



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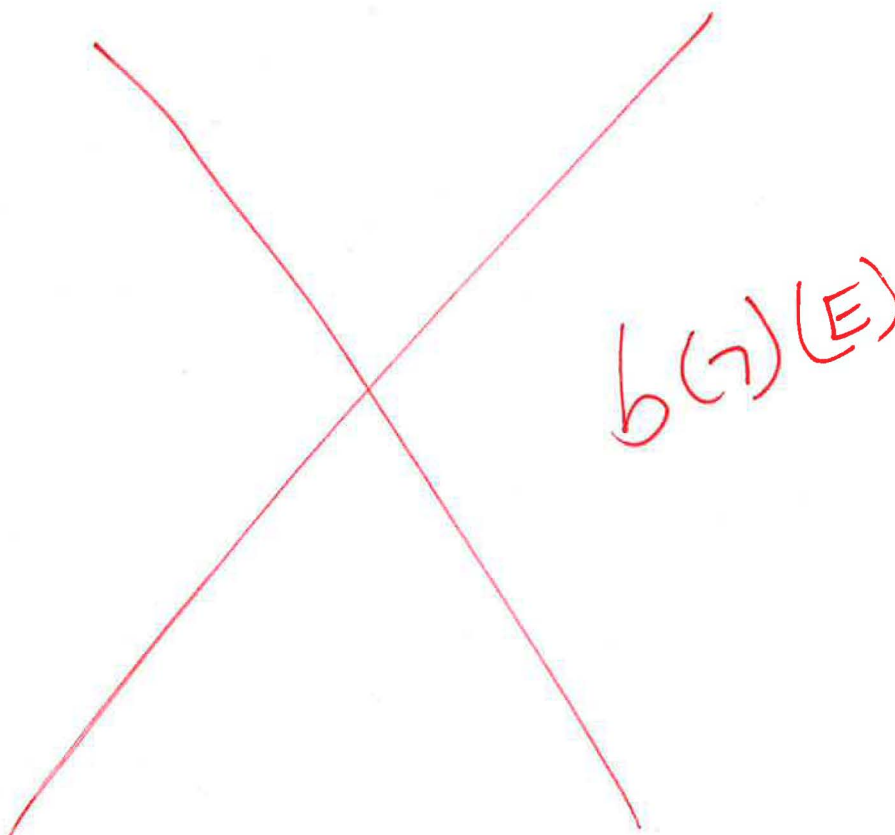
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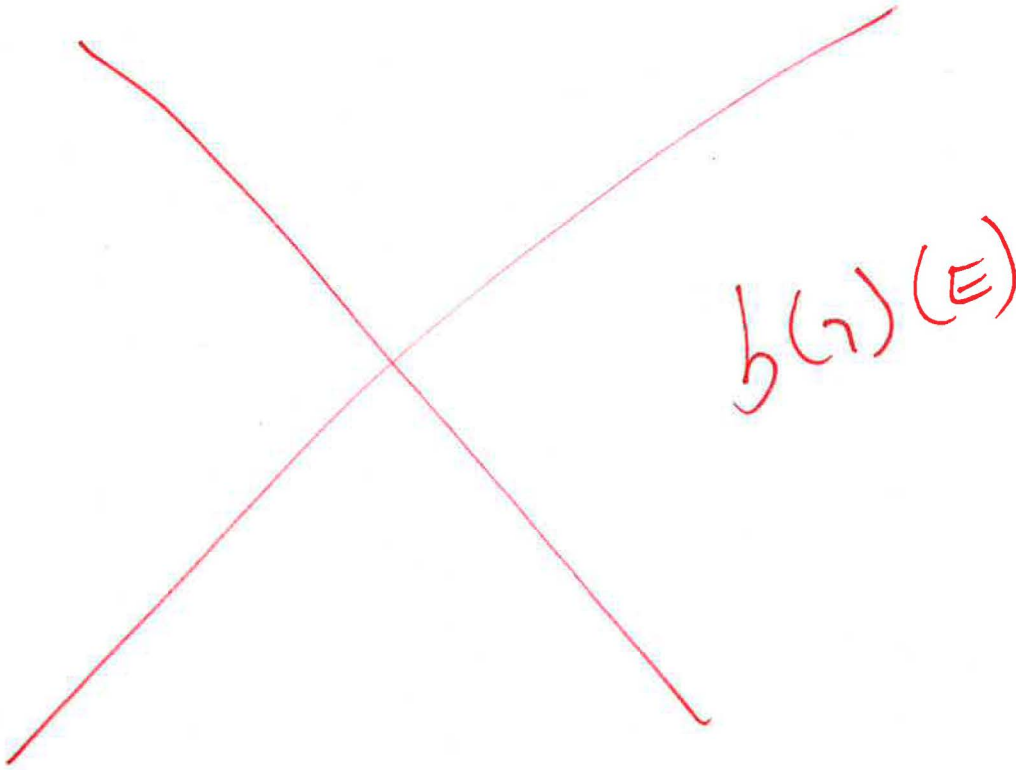
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