

# FAX COVER SHEET

**DATE:** February 19, 2016

**NUMBER OF PAGES:** 6  
(INCLUDING COVER)

**TO:** Congressman David Cicilline (D) 1<sup>st</sup> District

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**SUBJECT:** Joint Supervisory Civilian Police Employee Complaint  
U.S. Naval Station Newport, RI  
to the Secretary of the Navy

**COMMENTS:** Joint Supervisory Civilian Police Employee Complaint  
attached (5) pages

POLICE DEPARTMENT • U.S. NAVAL STATION • 1373 SIMONPIETRI DRIVE, NEWPORT, RHODE ISLAND 02841  
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02/19/2016 2:57PM (GMT-05:00)

OPNAV 5316/44A (Rev. 8-81)  
Navy 11 LF-03 3336

DEPARTMENT OF THE NAVY

# Memorandum

To: Honorable Ray Mabus,  
Secretary of the Navy

From: (b) (6),  
(b) (6), Naval Station Newport, Rhode Island  
(b) (6),  
(b) (6), Naval Station Newport, Rhode Island  
(b) (6),  
(b) (6), Naval Station Newport, Rhode Island  
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(b) (6), Naval Station Newport, Rhode Island  
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(b) (6), Naval Station Newport, Rhode Island  
(b) (6),  
(b) (6), Naval Station Newport, Rhode Island

Subj: SUPERVISORY CIVILIAN EMPLOYEE COMPLAINT

Date: February 18, 2016

Ref: (a) Command Investigation into the Operations and Manning of Naval Station  
(NAVSTA) Newport, Security Department, 5830 Ser 00J/042, dated January 22,  
2016 (551 pages)  
(b) Supervisory Civilian Employee Complaint to Commander, U. S. Fleet Forces  
Command (COMFLTFORCOM) and Commander, Navy Installations Command  
(CNIC), dated October 20, 2015  
(c) Supervisory Civilian Employee Complaint to Commander, Navy Region Mid-  
Atlantic (CNRMA), dated September 17, 2015

Secretary Mabus,

The authors of this joint correspondence collectively comprise the remaining Supervisory Civilian GS-0083 series Police Officers at Naval Station (NAVSTA) Newport, Rhode Island. Throughout the past year we have unsuccessfully exhausted our internal and external chains of command to resolve ongoing intolerable, hostile and potentially unsafe working conditions at NAVSTA Newport. The problems are undeniable, yet the NAVSTA Newport Command continue their abuse of power, ignore directives, instructions and law, refuse to accept any responsibility or take corrective actions to remedy the situation. By default, CNRMA, COMFLTFORCOM and CNIC also condones these actions by failing to act.

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02/19/2016 2:57PM (GMT-05:00)

OPNAV 5316/144A (Rev. 9-81)  
NEX 611-1F-402-22M

DEPARTMENT OF THE NAVY

## Memorandum

As Secretary of the United States Navy, we understand the tremendous demands on your time, but regrettably we have been forced to turn to you directly for some hopeful relief. We deeply apologize for this inconvenience, but we are left with nowhere else to turn. As evidenced below, this is a frustrating summary of the actions we have taken in an attempt to resolve significant and legitimate concerns at NAVSTA Newport, only to be ignored or dismissed at every level:

- **July 28, 2015:** After growing frustration with the Command and collective concerns over inadequate supervisory staffing, employee safety, training, violations of directives/instructions and other significant issues, the Supervisory Civilian Police Officers employed at NAVSTA Newport attempted to address and resolve their initial complaints and concerns at the lowest level possible. However, the installation Commanding Officer, Captain Dennis Boyer and his Command Triad failed to acknowledge or respond to our issues, which were subsequently resubmitted again on August 21, 2015 and once again ignored. The pursuance of the joint supervisory police complaint outside the local chain of command only resulted in retaliation, threats and perceived harassment by Captain Boyer and his Command Triad staff.
- **September 17, 2015:** Following Captain Boyer's continued refusal to acknowledge or address our issues and concerns, the Supervisory Civilian Police Officers employed at NAVSTA Newport appealed to Rear Admiral Rick Williamson, Commander, Navy Region Mid-Atlantic (CNRMA). Despite a visit to NAVSTA Newport approximately a week after receiving reference (c), Rear Admiral Rick Williamson also chose to ignore our collective complaint.
- **October 20, 2015:** After once again receiving no response to the issues raised in our complaint from Rear Admiral Williamson, the Supervisory Civilian Police Officers employed at NAVSTA Newport were forced to escalate our complaint to Admiral Phil Davidson, Commander, U. S. Fleet Forces Command (COMFLTFORCOM) and Vice Admiral Dixon Smith, Commander, Navy Installations Command (CNIC). Reference (b) was once again ignored by COMFLTFORCOM and CNIC. However, eight days later reference (a) was ordered to commence by CNRMA, the very command that we appealed to a month earlier.
- **October 28, 2015:** (b) (6), PMP, Inspector General, CNRMA initiated a Command Directed Investigation, ordered by Rear Admiral Williamson (CNRMA). He travelled to NAVSTA Newport, conducted interviews and completed his investigation on December 23, 2015. The investigation was formally endorsed on January 22, 2016 and in response to a Freedom of Information Act (FOIA) request collectively filed by the Supervisory Civilian Police Officers employed at NAVSTA Newport, it was released to us on January 28, 2016. It should also be noted that approximately 87 pages were withheld from our FOIA request, which we find unacceptable under the circumstances.

We share the utmost respect for Inspector (b) (6) and are grateful for his time and efforts, but reference (a) proved to be a complete waste of time. Considerations and recommendations were

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OPNAV 5214/44A (Rev. 9-81)  
SN 017-1JF-002-2329

DEPARTMENT OF THE NAVY

# Memorandum

made, but no corrective measures have been implemented. Wrongdoing on the part of Captain Boyer was affirmed, yet nothing has changed. If anything, the NAVSTA Newport Commanding Officer and Executive Officer have stepped up their retaliation and animosity. Captain Boyer ordered removing a Navy master-at-arms (MAA) from supervisory police duties to assist in training junior master-at-arms for patrol officer duties, in direct violation of DoD Instruction 5525.15 and related CNIC HPD Advisories and instructions. This will also subject the Civilian GS-0083 series Supervisory Police Officers to even more unnecessary over-time and schedule changes. (b) (6) ordered all NAVSTA Newport law enforcement/security personnel undergo mandatory Equal Employment Opportunity (EEO), then lied to the Civilian GS-0083 series Supervisory Police staff with regard to what prompted the supplemental training. Disciplinary actions remain bias towards civilian staff, while violations by MAAs are ignored. The tensions between the NAVSTA Newport Command and the Law Enforcement and Security Department have never been worse and morale has never been so low.

The Civilian GS-0083 series Supervisory Police Officers also respectfully dispute some of the content, conclusions and recommendations contained in reference (a). Specifically:

1. Approximately eighty-seven (87) pages were withheld from our FOI request, which is unacceptable and suspect. We have no objection to the exclusion of names and personally identifiable information, but for 'transparency' purposes how are we NOT be entitled to any and all information pertinent to the complaint that WE collectively filed?
2. Reference (a) also overwhelmingly affirmed many of the issues raised in our complaint and sustained many of the allegations we made against the Commanding Officer, NAVSTA Newport. However no corrective remedies have been instituted and no punitive action has been taken against Captain Boyer. The 'requests for consideration' in reference (a) were also meaningless, because they are only directed at the Navy Region Mid-Atlantic level, which is powerless to fund, implement and enforce the changes that are needed.
3. Some of the recommendations in reference (a) even highlight the DoN's discriminatory bias and contempt for the civilian supervisory police officers at NAVSTA Newport.

■ Recommendation # 3 on page 12 of reference (a) proposes consideration be given to developing 'TERM' government employment positions to bridge the gap as further attrition occurs with security supervision. Recommendation # 4 further proposes sending Navy master-at-arms (MAAs) to the Federal Law Enforcement Training Center (FLETC) for advanced law enforcement training, the same as civilian law enforcement employees, with the intention to promote MAs to supervisory status once they meet requirements.

○ First, what is the logic behind creating 'TERM' positions for supervisory police officer positions that are clearly necessary and essential to the law enforcement and security mission. Does the DoN 'TERM' promote military personnel? These civilian supervisory police officer vacancies should be filled with full-time, permanent positions, enabling career

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OPNAV 5216/144A (Rev. 8-91)  
NPR 01-17-000-000

DEPARTMENT OF THE NAVY

# Memorandum

problems at NAVSTA Newport. If the Department of the Navy (DoN) continues it's unwillingness to remedy the situation and ignore our pleas for help, we will be forced to seek relief through our Senate and Congressional representatives or expose these issues to the public media. We look forward to hearing from you soon.

Respectfully,

(b) (6)

(b) (6)

(b) (6)

(b) (6)

(b) (6)

cc: Senator Jack Reed (D-RI)  
Senator Sheldon Whitehouse (D-RI)  
Congressman David Cicilline (D) 1st Congressional District  
Congressman James Langevin (D) 2nd Congressional District

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02/19/2016 2:57PM (GMT-05:00)

# FAX COVER SHEET

**DATE:** October 21, 2015

**NUMBER OF PAGES:** 4  
(INCLUDING COVER)

**TO:** Congressman David Cicilline (D) 1<sup>st</sup> District

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Providence, RI, 02903  
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**SUBJECT:** Supervisory Civilian Employee Complaint  
U.S. Naval Station Newport, RI

**COMMENTS:** Supplemental complaint. Filed after receiving no response  
to initial complaint submitted on September 18, 2015.

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10/21/2015 11:55PM (GMT-04:00)

OPNAV 5111/144A (Rev. 8-81)  
FORM 10-1 (10-1-14)

DEPARTMENT OF THE NAVY

# Memorandum

To: Admiral Phil Davidson (USN)  
Commander, U. S. Fleet Forces Command (COMFLTFORCOM)

Vice Admiral Dixon Smith (USN)  
Commander, Navy Installations Command (CNIC)

From: (b) (6), (b) (7)(C), (b) (7)(D) Naval Station Newport, Rhode Island  
(b) (6), (b) (7)(C), (b) (7)(D) Naval Station Newport, Rhode Island  
(b) (6), (b) (7)(C), (b) (7)(D) Naval Station Newport, Rhode Island  
(b) (6), (b) (7)(C), (b) (7)(D) Naval Station Newport, Rhode Island  
(b) (6), (b) (7)(C), (b) (7)(D) Naval Station Newport, Rhode Island

Subj: SUPERVISORY CIVILIAN EMPLOYEE COMPLAINT

Date: October 20, 2015

Ref: (a) Supervisory Civilian Employee Complaint to Commander, Navy Region Mid-Atlantic (CNRMA), dated September 17, 2015

Admiral Davidson and Vice Admiral Smith,

The authors of this joint complaint collectively make up the remaining supervisory civilian GS-0083 series police officers at Naval Station (NAVSTA) Newport, Rhode Island. Reference (a) to this correspondence, summarizes only some of our complaints against the Commanding Officer, NAVSTA Newport, Captain Dennis R. Boyer (USN) and where applicable, his command triad staff.

As previously stated in reference (a), we attempted to resolve these matters at the lowest level possible, but Captain Boyer failed to respond to or even acknowledge our complaints, which were processed through the chain of command on July 28, 2015 and subsequently resubmitted again on August 21, 2015. He consistently shows no care or concern for his civilian personnel or the laws, directives and instructions we are sworn to uphold.

OPNAV N216/144 (Rev. 8-81)  
NAVJAG P 202 1/20

DEPARTMENT OF THE NAVY

## Memorandum

Finding no resolution or satisfaction from Captain Boyer we submitted reference (a) to Rear Admiral Rick Williamson, Commander, Navy Region Mid-Atlantic (CNRMA), the next level within his chain of command. Unfortunately, as of this date Rear Admiral Williamson has also failed to respond or even acknowledge our complaints. This is especially disturbing and upsetting because Rear Admiral Williamson even visited NAVSTA Newport the week after receiving our complaint and failed to seize the opportunity to meet with us to discuss our issues. Being trivialized and ignored in this manner has forced us to proceed beyond the CNRMA level.

As for the here and now, elevating our complaint to the next level was somewhat problematic, since both CNIC and COMPTFORCOM have a bearing on the issues we raise. This is why we have decided to contact both of you. We only hope that you will apply those bedrock principles and core values of the Navy (HONOR, COURAGE and COMMITMENT) and finally address reference (a) with us.

Regrettably, nothing significant has changed since our initial complaint and in some aspects, matters have worsened. Upon learning of our complaint to Rear Admiral Williamson, Captain Boyer's first reaction was threats of collective retaliation against the civilian (GS-0083) supervisory police officers, i.e., threatening to reassign the Operations Officer to patrol officer duties, changing police watch commander and patrol supervisor shift assignments and increasing their duty shifts to twelve hours daily and implying that a consequence for filing our complaint could result in the Navy eliminating our jobs and replacing all civilian police officers with military personnel. Fortunately, cooler heads prevailed. Intervention and guidance from our former civilian Security Director/Precinct Commander reportedly convinced Captain Boyer not to act on his retaliatory impulses. More importantly, his first reaction offers a glimpse into Captain Boyer's animosity towards us, his prejudice towards civilian employees and his dismissal of the issues raised in reference (a).

We want to stress that we never sought out an adversarial relationship with Captain Boyer or the Navy. It takes us no more pleasure writing these complaints than it does for you to read them. However, unlike the military, we do not PCS (Permanent Change of Station) and change duty locations every few years. As Federal civil service employees, the civilian supervisory and non-supervisory police officers at NAVSTA Newport are the constant and stabilizing law enforcement and security element. Our careers are firmly planted here in Newport. We help make up the permanent community at NAVSTA Newport and we are always been committed to providing the highest level of service and protection to this installation, including the fifty other naval and defense commands and activities we patrol. Like our military counterparts, Federal 'civilian' service employees also proudly serve the Navy, but sadly we are looked upon in a much different light. The bias statements, views and actions of Captain Boyer, his command staff and perhaps the Navy in general have never been more evident. The resounding perception is that civilian employees do not matter. We are viewed as an insignificant nuisance, rather than valuable and contributing assets to the mission.

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OPNAV 5216/14A (Rev. 8-71)  
NO. 0115 of 3118

DEPARTMENT OF THE NAVY

# Memorandum

Just as we could never presume upon or fathom the complexities of your position(s), you cannot appreciate our roles as supervisory police officers. Just as your superiors trust in your ability to manage your commands and you invoke that concept down the chain of command, please trust in our law enforcement and security expertise at the roots level. Nobody is better suited than us to comment on law enforcement and security operations at NAVSTA Newport and reference (a) illustrates growing problems that you cannot afford to ignore.

In spite of the diminishing emphasis on the civilian police component at NAVSTA Newport, despite our complaints being ignored by our installation and regional commanders and in spite of the ongoing hostile and potentially unsafe working conditions, we will continue to protect, serve and defend NAVSTA Newport and safeguard the lives of all personal to the best of our abilities.

In closing, we want to both apologize for having to bring this matter to your level and sincerely thank you for all time and consideration offered in this matter. We look forward to hearing from you soon and hopefully rectifying some, if not all of the problems and concerns we raised.

**Respectfully,**

(b) (6)

(b) (6)

(b) (6)

(b) (6)

(b) (6)

**cc:** Senator Jack Reed (D-RI)  
Senator Sheldon Whitehouse (D-RI)  
Congressman David Cicilline (D) 1st Congressional District  
Congressman James Langevin (D) 2nd Congressional District

**Encl: Supervisory Civilian Employee Complaint to Commander, Navy Region Mid-Atlantic (CNRMA), dated September 17, 2015**





# FAX COVER SHEET

**DATE:** September 18, 2015

**NUMBER OF PAGES:** 7  
(INCLUDING COVER)

**TO:** Congressman David Cicilline (D) 1<sup>st</sup> District

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170 Westminster St. Suite 1100  
Providence, RI, 02903  
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**SUBJECT:** Supervisory Civilian Employee Complaint  
U.S. Naval Station Newport, RI

**COMMENTS:**

Joint Police Supervisor complaint attached (6) pages

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OPNAV 5310.14A (Rev. 8-41)  
5310.14A (Rev. 8-41)

DEPARTMENT OF THE NAVY

# Memorandum

To: Rear Admiral Rick Williamson (USN)  
Commander, Navy Region Mid-Atlantic (CNRMA)

From: (b) (6)  
(b) (6), Naval Station Newport, Rhode Island

(b) (6)  
(b) (6), Naval Station Newport, Rhode Island

(b) (6)  
(b) (6), Naval Station Newport, Rhode Island

(b) (6)  
(b) (6), Naval Station Newport, Rhode Island

(b) (6)  
(b) (6), Naval Station Newport, Rhode Island

Subj: SUPERVISORY CIVILIAN EMPLOYEE COMPLAINT

Date: September 17, 2015

Ref: (a) 5 C.F.R. § 2635.101(b)  
(b) 10 U.S.C. §§ 801 - 946 (as amended).  
(c) DoD Instruction 5525.15  
(d) DOD Instruction 6055.4  
(e) USFFC OPORD 3300 (series)  
(f) OPNAVINST 5100.12J  
(g) OPNAVINST 5530.14E  
(h) CNICINST 5530.14A  
(i) NTTP 3-07.2.1  
(j) NTTP 3-07.2.3

Rear Admiral Williamson,

We have never had the honor and pleasure of meeting personally, but defer to your authority as Commander Navy Region Mid-Atlantic (CNRMA). First and foremost, we are NOT covered by an exclusive bargaining agreement or have any union affiliation. However, we collectively make up the remaining supervisory civilian police officers at Naval Station (NAVSTA) Newport. As such, we are morally and ethically duty bound to elevate the following civilian employee complaint to your level against the Commanding Officer, NAVSTA Newport.

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OPNAV M1414 (Rev. 1-11)  
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DEPARTMENT OF THE NAVY

# Memorandum

Captain Dennis R. Boyer (USN) and where applicable, NAVSTA Newport (b) (6)

(b) (6) and NAVSTA Newport (b) (6)

(b) (6)

Unfortunately, Captain Boyer has failed to acknowledge or respond to formal supervisory complaints processed through the chain of command on July 28, 2015 and subsequently resubmitted on August 21, 2015. The following issues are not only procedurally violating in nature, they have potentially life threatening implications to the civilian police who serve and protect NAVSTA Newport, but the general public as well.

## COMPLAINT 1. Officer Safety and Violation of Lawful Regulations

1. Failure to properly recruit, hire and retain civilian police officers and supervisory police officers at NAVSTA Newport undoubtedly compromises our ability to sustain a robust law enforcement, anti-terrorism and physical security posture, jeopardizing the overall security mission.

2. Staffing shortages approaching nearly 50% also present another undeniable consequence - The fatigue, anxiety and stress placed on civilian police officers and supervisory police officers at NAVSTA Newport who are forced to work countless over-time hours, to compensate for manning deficiencies. Personnel are routinely working sixteen (16) hour duty shifts, several days per week, in violation of maximum on-duty driving times and duty periods.

a. The joint supervisory civilian police officer complaint lodged against Captain Boyer on July 28, 2015 specifically cited these direct violations of Appendix 3 to Enclosure 3 of reference (d), page 23 and reference (f), pages 15-16.

b. As the Commanding Officer, NAVSTA Newport, Captain Boyer is not only privy to these violations he supports and endorses them, as evidence by his weekly review and approval of the duty schedule, commonly referred to as the watch bill. We assert that Captain Boyer's willful failure to obey the aforementioned lawful regulations as de facto violations of § 892, Article 92 of the Uniform Code of Military Justice (UCMJ).

c. By default, adhering to and implementing watch bills approved by Captain Boyer has placed the supervisory civilian police officers in a very uncomfortable and precarious position. If a subordinate civilian police officer is injured or killed, or he/she injures or kills another person as a result of driver fatigue, we would be culpable for furthering the violations of DoD instruction 6055.4 and OPNAVINST 5100.121, needlessly exposing us to potential civil or criminal action.

d. Negligence due to fatigue on duty is also not being considered, i.e., implications to the law enforcement and security mission and accountability. What happens if a member falls asleep on watch? Furthermore, how do we hold that person accountable under such conditions?

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OPNAV N210/144A (Rev. 2-81)  
Navy Department

DEPARTMENT OF THE NAVY

# Memorandum

## COMPLAINT 2. Financial Fraud, Waste and Abuse

1. Since 2004 NAVSTA Newport previously staffed one (1) supervisory Police Watch Commander (Lieutenant) and one (1) supervisory Police Patrol Supervisor (Sergeant) on each of three (3) duty shifts. This layered level of supervision ensured optimum coverage on every shift.

a. Civilian Police Watch Commanders and Patrol Supervisors at NAVSTA Newport represent the continuity of core leadership, knowledge and expertise within the Security Department. We epitomize good judgment, prudence, and logic and relate these traits to the varied skills and talents necessary in police leadership. Together, the remaining civilian supervisory police officers at NAVSTA Newport possess an average of 23.4 years of law enforcement knowledge, education, training and experience at this installation. In comparison with civilian supervisory police personnel, Navy Master-at-Arms lack the skills, longevity, familiarity and local proficiency to adequately perform supervisory police duties in CONUS.

2. In 2012 the Mission Profile Validation - Protection (MPV-P) eliminated "all" supervisory Police Watch Commander and Police Patrol Supervisor positions at NAVSTA Newport. Through attrition all civilian police supervisors will be removed from the department. Since 2012 one (1) supervisory Police Watch Commander (Lieutenant) and one (1) supervisory Police Patrol Supervisor (Sergeant) have retired and the vacancies created were never filled.

a. OPNAV Instruction 5530.14E, Appendix A to Enclosure 1 clearly states all shore installations and activities will be validated using the MPV-P. This is the Chief of Naval Operations (CNO) (N4) developed model used to determine posts required to meet protection requirements, associated staffing and resource options. It further states that the MPV-P is the only approved model authorized for use to determine and validate shore installation and activity security post and staffing requirements.

3. Captain Boyer and his predecessors have repeatedly authorized paying overtime compensation to civilian Police Watch Commander and/or Police Patrol Supervisor vacancies at NAVSTA Newport.

a. Most notably, supervisory over-time is being expended to fill the vacancies created by the aforementioned retirements, during existing supervisory leave periods or during times of illness. We are being strenuously overworked, filling positions that are clearly essential and necessary but they do not exist according to the MPV-P.

b. Supervisory over-time has also increased exponentially, for non-supervisory police patrol vacancies. Supervisors are also picking up the proverbial 'slack' for the police officers being forced to fill numerous patrol related vacancies.

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OPNAV 516700A (Rev. 8-81)  
NAVY LETTER

DEPARTMENT OF THE NAVY

## Memorandum

4. Authorizing and paying over-time compensation for 'non existent' supervisory police officer vacancies at NAVSTA Newport is overwhelming evidence of Fraud, Waste and Abuse. Quite simply, how is it fiscally responsible or ethical to expend Navy funds on positions that the Navy ridiculously eliminated? The fact of which has been reported to the Department of Defense Inspector General Hotline, because it is not good stewardship.

a. We acknowledge that Captain Boyer is not solely culpable in this matter. Clearly, the logical and responsible action in this matter is to revalidate all Police Watch Commander and Patrol Supervisor positions at NAVSTA Newport, whose roles and responsibilities are annotated throughout references (g), (h) and (i).

(1) A point paper supporting the proposition to revalidate three (3) Police Watch Commander and three (3) Patrol Supervisor positions at NAVSTA Newport was submitted to and rejected by Captain Boyer on August 31, 2015. Instead, he continues to fund the 'non existent' supervisory positions to the detriment of the remaining supervisory police officers on staff, rather than advocate for the obvious solution to this dilemma.

(2) This proposed revalidation parallels the supervisory police chain of command in all surrounding state and municipal law enforcement agencies of comparable size and is far less layered and redundant than the vast ranks within the military branches.

### COMPLAINT 3. Unfair Labor Practice (ULP) Violations

1. On July 24, 2015 Captain Boyer made numerous changes to and directed implementation of the 26 July 26 through August 1, 2015 NAVSTA Newport Police watch bill. His changes needlessly created over-time vacancies and violated a previously signed agreement between Management and the exclusive representative for the non-supervisory police officers, International Brotherhood of Police Officers (IBPO) – Local 479. As challenged by the police officer's union, this was an undeniable violation of Title 5 U.S. Code § 7116 (Unfair Labor Practice).

a. Civilian supervisory police leadership at NAVSTA Newport clearly warned management officials via the chain of command. Captain Boyer was advised and ignored the counsel of management.

b. By default, adhering to and implementing Captain Boyer's actions forced civilian supervisory police officers to be complicit and further violate Title 5 U.S. Code § 7116. We therefore obeyed what we believed to be an unlawful order and did so under protest. We collectively requested a waiver from Captain Boyer absolving us from any responsibility in this matter and was ignored.

c. During his meeting with 'non-supervisory' bargaining unit police officers on August 17, 2015 Captain Boyer freely admitted culpability and accepted responsibility for committing the Unfair Labor Practice. However, he attributed the violation as unintentional because he was

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OPNAV 331M/44A (Rev. 8-81)  
Navy Form 100-100

DEPARTMENT OF THE NAVY

# Memorandum

given poor advice by supervisory leadership. Even though he failed to name any particular supervisor, he scapegoated police leadership for his subjective and lone actions.

## COMPLAINT 3. Miscellaneous

1. Complaint(s) 1-3 are only at the forefront of our collective supervisory concerns. There are far too many others to list in a single correspondence and some parallel complaints leveled by the collective bargaining unit of 'non-supervisory' civilian police officer's. However, the following is a mere summary of additional issues directly impacting civilian police supervisors.

a. Micromanagement and criticism of supervisory civilian police officers.

(1) Following adherence to ambiguous and often conflicting language and requirements in references (g) through (j).

b. Significantly increased ancillary administrative and collateral duties, regardless of our drastic manpower shortages. In military terms, this can also be attributed to "mission creep".

c. Compulsion and increased pressure to qualify Navy Master-at-Arms personnel to perform law enforcement duties, who fail to meet the minimum 'prerequisite' training requirements mandated in Enclosure (4) to reference (c).

(1) Successful completion from the Uniformed Police Training Program (UPTP) at the Federal Law Enforcement Training Center (FLETC) and/or a compliance equivalent, satisfies DoD and CNIC minimum training standards for civilian police officers in the DoN. The FLETC-UPTP course is 59 instructional days in length. There are a total of 485:30 course hours in the program, excluding afterhours computer based training, which is an individual effort. In contrast, Navy Master-at-Arms only receive a mere 8 hours of law enforcement training during their 7 week "A" School. Reference (c) stipulates that the 'minimum' training standards are uniform across the military components for all GS-0083 series civilian police officers and military police personnel, prior to commencing law enforcement duties.

(2) Compelling civilian supervisory police officers at NAVSTA Newport to come up with a plan to train and qualify Navy Master-at-Arms personnel in violation of reference (c) is unrealistic, unattainable and has serious liability implications for all parties involved.

d. Training To Fail, Because We Fail To Train. This is another significant burden and source of anxiety for the civilian supervisory police leadership. Our depleted manning prevents us from participating in any actual training. Microsoft PowerPoint is an ineffective means of teaching "hands on" tactics and the time required for computer based training is unreasonable and often unattainable due to mission requirements.

We truly understand the constraints on your time and hoped to avoid troubling you with these issues. However, our professional and personal concerns for safety, order and discipline left us

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# Memorandum

with no choice. Understandably, our issues are not unique to NAVSTA Newport, but this is our installation and our home. We will continue to protect, serve and defend NAVSTA Newport and safeguard the lives of all personal on board. We only wish that we had the tools, resources and support to "fight the enemy" without "fighting our own fatigue" in the process.

In closing, we would like to thank you for this opportunity to present our complaints and concerns. We look forward to your response and resolution.

Respectfully,

(b) (6)



(b) (6)



(b) (6)



(b) (6)



(b) (6)



CC: Senator Jack Reed (D-RI)  
Senator Sheldon Whitehouse (D-RI)  
Congressman David Cicilline (D) 1st Congressional District  
Congressman James Langevin (D) 2nd Congressional District

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-----Original Message-----

From: (b) (6) NAVSTA Newport, N3AT  
Sent: Thursday, March 17, 2016 15:46  
To: (b) (6) NAVSTA Newport, N3AT  
Subject: PAT and New Uniforms for Supervisors ONLY and Related Complaints  
Signed By: (b) (6)

Importance: High

(b) (6)

Please see below. Since (b) (6) left last Thursday you and I have spoken at length, so I will not bother repeating everything already conveyed by the other supervisory staff.

It just amazes me how blatantly retaliatory and maliciously vindictive this Command, and apparently this Region has become. If there was ever any question over how the civilian GS-0083 (series) police supervisors at NAVSTA Newport are being treated, the answer is clear now.

This hypocrisy and double-standard is ridiculous!

- The Wednesday evening before (b) (6) last day here, he blatantly said that he was not going to implement the SECNAV 5512/1 (Local Population ID Card-Base Access Pass Registration Form) at CNRMA installations, even though it is mandated in CNICINST 5530.14 CH-1 (08MAR2016)?
- (b) (6) is now the ASF Coordinator, despite the fact that CNICINST 5530.14A specifically states that the ASF Coordinator has to be an E7 or above and this is not the first time that a PO1 has been assigned that collateral duty. CNICINST 5530.14A also states that it is inappropriate and prohibits assigning NSF members other duties outside the protection program (e.g., Quarterdeck Watches, Command Duty Officer (CDO), Officer of the Deck (OOD), Colors, Urinalysis Collecting, Chief Master at Arms (CMAA), Harbor Security Boat (HSB) maintenance (other than preoperational maintenance), Barrier Operations, etc.) when budget constraints, or diminished or declining resources exist. With 63% staffing (25.25 vacancies) and our existing budget, I would say that these circumstances exist at NAVSTA Newport?
- Per CNICINST 5530.14A, the active barriers (i.e., pop-up bollard) are supposed to be deployed in the up position, during low vehicular traffic periods and whenever ECP gates are closed, but we do not do that either?
- Don't even get me started on the new "minimum law enforcement training standards" for GS-0083 (series) police officers versus Navy Master-At-Arms. The Command and CNRMA and CNIC cannot even get their act together to be in compliance with DoD Inst. 5525.15 or the associated CNIC N3AT HPD Advisories.

These are just a few examples of corrupt manipulation of the regulations by this Command, and now the Region. These decide what laws, directives, instructions and regulations to abide by and which ones (or sections of) that they will disobey or ignore. Captain Boyer, CDR Sellerberg and (b) (6) apparently don't have to follow the rules and if we, the civilian police supervisor dare to question them or bring

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their misdeeds, wrongdoings, fraud, waste and abuse to light we suffer the consequences - retaliation, harassment, threats, or whatever else they can dish out to either force us to quit or retire like (b) (6) or drum up anything they can to try to fire us.

I guess Defense Secretary Ash Carter was correct in what he said last September: The military has a "fantastic system" to manage its people BUT "I can't really claim we have a good system for managing civilians," "I actually think it's appalling and we don't treat them very well. And I sometimes ask myself why do they stick with us." He quickly answered his own question: "But I know why they stick with us . . . and this is why we have the finest people in service as well . . . because of the mission." Too bad the sentiment didn't trickle down to the Navy because this is the absolute worst it has ever been in Newport. The police supervisors get no support outside Building 1373, we're micro-managed by the Command, our subject matter experience is constantly ignored, supervisors are blamed for any and all issues and held to impossible standards, I agree with everyone's sentiments below - Hostile working conditions, targeted retaliation and an effort to single out the civilian supervisors and get rid of us. As I showed you the other day, only a couple of all installations in CONUS are doing the Physical Agility Tests (PAT) and/or wearing that CNICINST 5530.14A uniform. The prior Commands and Directors (including CAPT Boyer) agreed to hold off on implementation of the instruction until all bases, and all supervisory and non-supervisory made the switch. Now after almost 6 years, all of a sudden, after (b) (6) visit, now all bets are off! It this nonsense ever going to end!

I know you have been in a tough spot, but thanks for being impartial, objective and supportive. Everyone is appreciative and feels bad for the predicament you've been placed in.

Respectfully,

(b) (6)

Naval Station Newport Police  
Building 1373, Simonpietri Drive  
Newport, Rhode Island 02841

OFFICE: (b) (6)

CELL: (b) (6)

DISPATCH: (401) 841-4041

FAX: (401) 841-2648

DSN: (b) (6)

(b) (6)

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-----Original Message-----

From: (b) (6) NAVSTA Newport, N3AT  
Sent: Wednesday, March 16, 2016 12:12 PM  
To: (b) (6) NAVSTA Newport, N3AT  
Subject: Agility Tests and New Uniforms only for supervisors complaint  
Importance: High

(b) (6)

At first I wasn't going to say anything, but its been eating at me, so I just wanted to send you an E-Mail after what took place last week. I have a real problem with these new supervisor directives to start taking annual agility tests and to go out and have to buy all new uniforms. The timing seems a lot live revenge and retaliation.

After 31 and 1/2 years as a member of this Police Department, from NETC to NAVSTANPT, now all of a sudden I'm going to be force to take a medical screening and agility test, when it was never required when I was hired!

Back when I was hired on 04 August 1984, I accepted this job and started working for the Department of Defense. I was never required or never informed that in the future I might have to take annual agility tests to stay employed with the US Government. Back in 1989 I was sent to the RI Municipal Police Academy and represented the Naval Education and Training Center (NETC) Police Department as the first officer to attend the academy. I completed all Academic and Physical Fitness portions required and graduated from the Police Academy. No Police Department in the State of R.I., then or now forces their police officers to take annual agility tests after completion of the Police Academy. In Federal Government Service the LEO agencies may have to do it, but they also get time on duty to work out and they get the LEO pay, benefits and retirement.

Being required now after all these years in Federal Government Service to take an Agility test in order to keep my job is not right. I have been a exemplary employee and police supervisor for all these years, but now all of a sudden my job is on the line for no fault of my own. I should also mention that the agility test and uniforms came up years ago and our Director and Navy Cos agreed not to make any changes until all of the other Navy bases in the country switched and were on the same page, supervisors and nonsupervisory police officers. Now all of a sudden after our complaints up the Navy chain of command to the SECNAV, NRMA (b) (6) visit's NAVSTANPT last week and as soon as he leaves the orders start coming out.

Like everyone else except for (b) (6) I spoke with (b) (6) while he was here. He told me that he read the Supervisors complaint and that he was here at NAVSTANPT to fix the problem. So I believed that (b) (6) and region finally wanted to help come up with a solution to all of the issues we raised.

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Last Thursday after our meeting with Mr. Hemmingsen and Captain Boyer and (b) (6) when the CO said (b) (6) was here because of all our letters and said he was on our side and that were going to be hiring supervisors in the near future to bring us back up to six supervisors. Then after that meeting they go in with (b) (6) (Director) and turn on us. I could not believe it when (b) (6) came into the sergants office and told us that the CO told him that we need to start doing agility tests and change our uniforms. The CO didn't even have the guts to tell us, but he told MAC that he was the Director so the order had to come from him. If that is not retaliation, what is. Are these hostile working conditions ever going to stop or are they just going to get worse.

In my opinion we are just being ignored and things are getting worse not better and now that I have to take an Agility test, change my uniform, badges and buy two new hats that only a couple of bases in the entire country have their supervisors following. I feel that Supervisory Police Officers at NAVSTANPT should either be grandfathered in for the agility test or give us the same benefits that the LEO get.

I have been in the Military (Army) Military Police Company Army National Guard. I did Fifteen Years and was a Non-Commissioned Officer (NCO - E5) and had leadership responsibilities. I learned that respect is earned not just given because you hold a certain rank. So I know how the Chain of Command structure works in the military and I know things just don't happen overnight. Previous installation CO's (including Capt Boyer), Security Directors, NRMA chain of command have been aware of the uniform and badges that we wear and have never said a word, until now. (b) (6) died in the line of duty and was buried in honor wearing his uniform and nobody said a word. All of these changes, and only for supervisors, after all these years right now after we filed our supervisory complaints is pure retaliation.

I also want to make another complaint for the record. You know that Capt Boyer assigned me as the Police/Security representative to the Safety Sub-Committee. This came about because of our complaint about all of the over-time, on-duty and driving limit violations per the DOD and OPNAV instructions. (b) (6) and (b) (6) from NAVSTANPT Safety and (b) (6) from NRMA HRO were also on the board. We were supposed to do a Operational Risk Management (ORM) for the CO. You told me about your meeting with (b) (6) and (b) (6) last Friday and I couldnt believe it. The (b) (6) rejected the report, flat out tells (b) (6) and (b) (6) that we are NOT HIRING police supervisors and for them to order me to write a SOP to fix the overtime problem with what we've got and if I don't she can reprimand me. Thursday the CO told us they are hiring and backfilling to get our 6 supervisors, then the next day the XO says we're not hiring. Are you kidding me!

I just want to say in closing that I been with the NAVSTANPT Police Department for over 30 years and have never worked under conditions like this or for a CO/XO like these two and never had a command Master Chief ever get involved with NAVSTANPT Police matters. The years of experience, dedication and professionalism that the supervisory staff at NAVSTANPT Police Department has is over the top. All Supervisory staff takes pride in their work and get the job done at the best of their ability. So the disrespect, micromanagement that we get from this triad is unheard of and I for one am sick and tired of it and whatever you call it harassment, retaliation, hostile work environment or whatever else I'm tired of looking over my shoulder having everything we do questioned. A civilian does something wrong they get hammered, a military member does something wrong, is incompetent or even breaks the law, the Command looks the other way. The civilian police have always been here and we are the ones constantly here keeping the installation safe and protected 24-7 with not even a good job or well done to the officers that do the job day in day out. I guess we never should have blown the whistle on all of the wrongdoing going on here, but since the CO says everything that goes bad is supervision and

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leaderships fault, we would never be right anyways. From the lack of supervisors, the gundecked and screwed up MA compliance training, tons of over-time and even the police cars that have been sitting in the front lot since last summer, something has to be done!

(b) (6)

-----Original Message-----

From: (b) (6) NAVSTA Newport, N37D  
Sent: Tuesday, March 15, 2016 13:28  
To: (b) (6) NAVSTA Newport, N3AT  
Cc: (b) (6) NAVSTA Newport, N37D  
Subject: RE: Police Supervisors - Physical Agility Test (PAT) Medical Screening  
Signed By: (b) (6)

(b) (6)

I am at a loss for words right now. The blatant reprisal/retaliation by the current NAVSTA Newport Navy Chain of Command (BLDG 690) is dumbfounding. Being made to do a physical agility test and medical screening that isn't in my PD, wasn't a condition for employment 15 years ago, or NEVER required before is outrageous and pure retaliation to the supervisor complaint that we have filed. This continued harassment of supervisors has gone way beyond the realm of a hostile work environment. And the coincidence that the regional security director, (b) (6) came to Newport because of our complaint and only within a couple of hours of him leaving after meeting with MAC and the CO, now this comes out??? This issue of an agility test has NEVER been brought to light since the CO's or XO's assignment to NAVSTA Newport. Only after a visit from the regional security director in regards to our complaint? Coincidental, I think not!

Our complaint over the lack of supervisory staff is legitimate and has even been reaffirmed by the CO, IG and (b) (6). In my last 8 years as a supervisor, we (supervisors) have NEVER complained or drawn attention to ourselves or NAVSTA Newport. Shouldn't this be an immediate red flag to region & CNIC that something is wrong??? We are NOT the problem! We have tried numerous times to resolve our issues at the lowest level to no avail. The only outcome was lies and broken promises to fill positions. I was even told by the CO directly that he was going to "work on getting me that Lieutenant's position." (a pretty bold statement for a competitive position for which he has no say in).

Furthermore, with regards to the investigation that was completed and recommendations that were made, what steps have been taken or even followed by the command? Instead, the only feedback received is constant harassment and threats of disciplinary action if we fail to follow orders even when they are against regulations, instructions and policies or from people outside our chain of command?

I have been on this department for 15 years and have seen 5 or 6 CO's and we have NEVER been harassed or treated like this. Perception is everything and the perception is "it's my way or the highway." The CO & XO only care about regulations and instructions when it's beneficial to them, otherwise it's the mentality of "this is my base and I'll do whatever I want." This is dictatorship NOT leadership which creates an unhealthy and hostile work environment. I am fearful for my future employment here at NAVSTA Newport.

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In summary, I feel the threats/actions taken by the NAVSTA Newport Navy Chain of Command (BLDG 690) are blatant whistle blower violations and retaliatory for our complaint, and am making an official complaint via this e-mail.

V/R

(b) (6)

NAVSTA Newport Police  
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Newport, Rhode Island 02841  
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(b) (6)

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-----Original Message-----

From: (b) (6) NAVSTA Newport, N3AT  
Sent: Monday, March 14, 2016 20:06  
To: (b) (6) NAVSTA Newport, N3AT  
Cc: (b) (6)  
Subject: Recent proposed sanctions/actions relative to Supervisory Police Staff at NAVSTA Newport  
Signed By: (b) (6)

(b) (6)

I don't really know where to start this memorandum/e-mail for the record. I believe there is more than enough documentation outlining our concerns over the supervisory staff shortage here at Naval Station Newport Police and the perceived hostile work environment created by the current NAVSTA Newport Navy Chain of Command (Triad). We have filed official complaints through numerous channels, including the most recent filing through the office of the SECNAV. To my utter surprise, things have taken an even more concerning turn.

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I was on Annual leave, out of the country, when a recent visit was paid to our precinct by the NRMA (b) (6). I was not present for this concocted visit, so I cannot speak directly as to what was asked of or said to any of my peers, but I have been briefed thoroughly by you. The visit by (b) (6) was described as being a direct result of our previous supervisory complaint(s) and no attempt was made to hide this fact by either (b) (6) or Captain Boyer. This visit would leave the reasonable and prudent employee to believe that a remedy was being sought by the employer and that an answer regarding the complaint would be delivered. This was evidently not the case. As I understand it, (b) (6) spent time with each supervisor and more or less imparted his agreement with the current shortage of supervisors and work environment, however, when it was all said and done, a meeting was had between (b) (6), (b) (6), and Captain Boyer. The results of this clandestine meeting resulted in some directives that are troublesome, if not even to the point of blatant retaliation based on our group complaint(s).

I have been employed as a police officer here at NAVSTA Newport for over twenty-three (23) years, Nineteen (19) of those as a Supervisory Police Officer. I am also a 26 year veteran of the United States Air Force and Air National Guard. I retired from the military in 2013 holding the rank of Chief Master Sergeant (E-9). The last four (4) years of my career holding the title of Command Chief Master Sergeant, which is the equivalent of a Command Master Chief in the Navy. Prior to my promotion to E-9, I was a First Sergeant (E-7 & E-8) for over 6 years. The positions of Command Chief and First Sergeant are Command level NCO positions, trusted agents and enlisted subject matter experts/advisors to the commanders they serve. I was hired and answered directly to a Colonel (O-6). I routinely briefed general officers and congressional staffers. Thus, I am intimately familiar with higher echelon command and the way in which it is supposed to operate. I have been witness to both competent and poor leadership styles. I have on occasion had to advise my commander(s) regarding unfair or improper decisions or implementation of a poor policy or action. My point is, I don't understand the blatant retaliatory actions being discussed/directed, specifically, the sudden proposed uniform change, medical screening, and physical agility testing for Supervisory Police staff. I know a bad decision when I see one and I also know retaliation when I see it. I have been through Inspector General (IG) training and have sat in on Commander out briefs by IG staff. The most recent actions are textbook examples of IG violations or what not to do. These proposed actions are more than mere coincidence. Previous installation commanders, precinct commanders, and CNRMA/NRMA chain of command have been well aware of our current uniform configuration. They have also never enforced or implemented any physical agility testing or medical evaluations. I am insulted that the chain of command thinks I don't see what is happening. I am insulted as a veteran and retired command level Non-Commissioned Officer. Perception is everything, the current situation is perceived as and smacks of direct retaliation. I have never been treated in such a dismissive manner and I take offense to the treatment. I am not one to flaunt my military experience, but I get the way things are supposed run militarily. This command (triad) is failing to notice the toxic work environment unfolding in front of them. I am in genuine fear for my job on a daily basis and my personal stress level is becoming more than unbearable. I am witnessing the most gross example of toxic command/unit leadership ever encountered in my 26 years of military service. The precinct is not without its faults, however, all is overshadowed by the command climate. I have never been asked to sit down with any member of the triad to speak about my perceptions, maybe they don't want to hear the sobering truth? There was also no effort by (b) (6) to reach out to me upon my return from leave to air my concerns. Let me be clear, I can pass their tests and consider myself in decent shape, however that isn't the point here, it's the principle, and the perceived underhanded "we'll teach them to buck the system " type tactics being perpetrated. The tactics and directives by the Executive Officer are particularly concerning and border on being illegal in nature.

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Honestly, the original complaint filed will work its way through the official channels and the bean counters will find a way to fund the vacant supervisory positions, thus placating the original complaint. However, It is my intention to address this most recent attack and blatant acts of retaliation of the supervisory staff. The most recent directives/actions (uniform change, medical evaluation, and physical agility testing) are too coincidental for me to fathom based on my experience and higher educational learning. I hold two degrees, I am not a stupid man. I am insulted as a taxpayer, civil service employee, and veteran. I intend to address these blatant whistle blower violations through channels other than the United States navy or Department of Defense. My next action will likely be through personal legal counsel, Federal Law Enforcement Officers Association legal counsel, and my Rhode Island Congressional delegation. I also intend to seek guidance and air my concerns to the State Veterans Affairs Representative, as I feel wronged as a veteran employed by a company/entity located within the state of Rhode Island (the ranking member of which is a retired Navy E-8). Local media outlets also need to be made aware of the adverse treatment. I am beyond appalled and fear for my employment. The entire United States Navy Chain of Command should be ashamed of how they dealing with this situation, the worst of which is the manner in which they are attempting shield their actions and provide false or conflicting answers.

Respectfully Submitted,

(b) (6)

Naval Station Newport Police Department  
1373 Simonpietri Dr.  
Naval Station Newport, RI 02841  
COMM: (b) (6)  
DSN: (b) (6)  
FAX: 401-841-3120

(b) (6)

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Per DON CIO Message 171625Z Feb 12, PII may no longer be transmitted via fax as of 1 Oct 12; if you are unable to reply via encrypted e-mail, you can utilize the Safe Access File Exchange (SAFE) at:  
<https://safe.amrdec.army.mil/safe2/>  
<<https://naeaquazef92.nadsusea.nads.navy.mil/exchweb/bin/redir.asp?URL=https://safe.amrdec.army.mil/safe2/>> to provide your response in a secure manner.

-----Original Message-----

From: (b) (6) NAVSTA Newport, N3AT  
Sent: Saturday, March 12, 2016 6:39 AM  
To: (b) (6) NAVSTA Newport, N3AT

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Cc: (b) (6) NAVSTA Newport, N3AT  
Subject: RE: Police Supervisors - Physical Agility Test (PAT) Medical Screening

(b) (6)

I would like to bring to your attention the serious issues that I have with having to take a Physical Agility test and the medical screening. When I was hired and accepted this job and started my employment in this department back in January 1989 and in the 27 years that I have been employed here I have never been required to take a Physical Agility Test. A Physical Agility Test was never a condition of my employment with this department, and even in the interview that I did with then (b) (6) (b) I was told that I did not have to take a Physical Agility test as part of the requirements for this job.

Furthermore in regard to now being required to take an Agility Test now, and only to the supervisors, I believe that this is pure retaliation to the supervisor complaints that we have filed and the continued harassment of us as supervisors who have tried to solve a legitimate issue through discussion at the onset to address the supervisor overtime issue and met no results. Only stonewalling and empty promises. We then met no results at the next level at region. We then had an investigation into the issue with recommendations to promote temporary supervisors and to eventually hire permanent supervisors. The results and recommendations of that report have not been followed by the command. No action has been taken to fix the issue of the supervisor overtime.

The issue has never been raised by Capt. Boyer or CDR Sellerberg since they have been assigned to Naval Station Newport for supervisors to take a Physical Agility Test. All of a sudden the issue about the agility test and the uniforms is raised after (b) (6) the (b) (6) from CNRMA, visited to assist in rectifying the supervisor overtime issue??? No viable solution has been offered.

The only feedback we seem to get from the Triad is more harassment, demands and threats of disciplinary action if we do not follow the commands orders, even if they are against the regulations and instructions or getting orders from people that are not even in our chain of command. This issue could have been addressed by reasonable discussion instead of just providing thoughts and agreeing that there is a problem, and continuing to make empty promises to fix it with no results. Only ideas for schedules that are not feasible where we get accused of not being willing to compromise to solve the problem.

I have been in this department for almost three decades and have never seen this type of treatment. It seems that there is no compromise. Captain Boyer and CDR Sellerberg give their ideas and orders and expect them to be followed with no deviation and no questions. This is not leadership! I as a supervisor know that discussion feedback on some issues from your employees creates a healthy and respectful working relationship, and also creates an optimal working environment that provides the best work product.

As you are aware, the talent, dedication and professionalism of the supervisors that work here in the Police Department is an asset and glue to this command that seems to be overlooked. I have pride in my work and to this Police Department that I have been a part for almost three decades. I, along with my peers, have a deep respect for the Naval Station Police Department and the duties that we provide for Naval Station Newport. The type of disrespect we are currently receiving puts me at a loss for words. To try and begin to understand why we are treated like this when all we have tried to do was

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address legitimate issues, and try to resolve them in a civilized manner.

To sum it all up plain and simple, I feel this action is a reprisal against us for our complaints and a violation of the Whistle Blower Act which I am making an Official complaint about with this e-mail. I have no further information to add to this e-mail at this time.

(b) (6)

Naval Station Newport Police Department Naval Station Newport RI.

Bldg 1373 Simonpietri DR. 02841

Ph# (b) (6)

Fax#1-401-841-2648.

(b) (6)

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# FAX COVER SHEET

**DATE:** March 17, 2016

**NUMBER OF PAGES:** 6  
(INCLUDING COVER)

**TO:** Congressman David Cicilline (D) 1<sup>st</sup> District

2244 Rayburn HOB  
Washington, DC 20515  
Fax: (202) 225-3290

1070 Main Street, Suite 300,  
Pawtucket, RI 02860  
Fax: (401) 729-5608

**Congressman James Langevin (D) 2nd District**

109 Cannon HOB  
Washington, DC 20515  
Fax: (202) 225-5976

300 Centerville Rd, Suite 200 South  
Warwick, RI 02886  
Fax: (401) 737-2982

**Senator Jack Reed (D-RI)**

728 Hart Senate Office Building  
Washington, DC 20510  
Fax: (202) 224-4680

1000 Chapel View Boulevard, Suite 290  
Cranston, RI 02920-5602  
Fax: (401) 464-6837

**Senator Sheldon Whitehouse (D-RI)**

Hart Senate Office Bldg. Room 530  
Washington, DC, 20510  
Fax: (202) 228-6362

170 Westminster St. Suite 1100  
Providence, RI, 02903  
Fax: (401) 453-5085

**SUBJECT:** Supplemental Joint Supervisory Civilian Police Employee  
Complaint of Ongoing Harassment & Retaliation at the U.S.  
Naval Station, Newport, RI attached (5) pages

**COMMENTS:** Attached will also be included in DoD Hotline complaint  
No. 20160303-036145

POLICE DEPARTMENT • U.S. NAVAL STATION • 1373 SIMONPIETRI DRIVE, NEWPORT, RHODE ISLAND 02841  
TEL (401) 841-4041 • FAX (401) 841-2648

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# Memorandum

To: Congressman David Cicilline  
*Rhode Island (D) 1<sup>st</sup> District*

Senator Jack Reed  
*Rhode Island (D)*

Congressman James Langevin  
*Rhode Island (D) 2<sup>nd</sup> District*

Senator Sheldon Whitehouse  
*Rhode Island (D)*

From: (b) (6)  
*Naval Station Newport, Rhode Island*

(b) (6)  
*Naval Station Newport, Rhode Island*

(b) (6)  
*Naval Station Newport, Rhode Island*

(b) (6)  
*Naval Station Newport, Rhode Island*

(b) (6)  
*Naval Station Newport, Rhode Island*

Subj: SUPPLEMENTAL SUPERVISORY CIVILIAN EMPLOYEE COMPLAINT OF  
ONGOING HARASSMENT AND RETALIATION AT NAVAL STATION  
NEWPORT

Date: March 16, 2016

Ref: (a) Supervisory Civilian Employee Complaint to the Secretary of the Navy (SECNAV),  
dated February 18, 2016

(b) Command Investigation into the Operations and Manning of Naval Station  
(NAVSTA) Newport, Security Department, 5830 Ser 00J/042, dated January 22,  
2016 (551 pages)

(c) Supervisory Civilian Employee Complaint to Commander, U. S. Fleet Forces  
Command (COMFLTFORCOM) and Commander, Navy Installations Command  
(CNIC), dated October 20, 2015

(d) Supervisory Civilian Employee Complaint to Commander, Navy Region Mid-  
Atlantic (CNRMA), dated September 17, 2015

Honorable Rhode Island Senate and Congressional Leaders,

As you know, we collectively comprise what remains of the Civilian GS-0083 series  
Supervisory Police Officers at Naval Station (NAVSTA) Newport, Rhode Island. Over the past

# Memorandum

several months we have professionally and patiently exhausted our Department of the Navy (DON) chain of command. References (a-d) have been unsuccessful attempts to resolve ongoing, intolerable and hostile working conditions that potentially jeopardize personal safety and the law enforcement and security mission at NAVSTA Newport. What you do not know is that we are now being targeted by Navy officials for our efforts. Our proverbial whistle blowing, i.e., exposing and challenging violations of law, regulations and mismanagement have done nothing more than put us on the defensive.

Before dismissing our assertions as paranoia, or unduly cautious unsubstantiated speculation, please consider the following, which a mere sampling of what we are enduring:

- On March 4, 2016 a motorist sent an email to the NAVSTA Newport Executive Officer, Commander Julie Sellerberg complaining that he was yelled at by (b) (6) while driving into the installation. Subsequent investigation on March 7, 2016 revealed that the motorist failed to obey (b) (6) traffic directions and failed to yield to a City of Newport Rescue, responding with lights and siren on mutual aid to the Navy base. There was no evidence of wrong doing and this was affirmed by the on-duty (b) (6) (b) (6) and the (b) (6). As of March 15, 2016 Commander Sellerberg and the (b) (6) will not accept the findings and have assigned another military member to solicit further complaints and investigation, while excluding the previous findings by the Director, Major and Watch Commander.

- After filing reference (a), Frederick E Crecelius, SES CNRMA, DCOM sent (b) (6) (b) (6) CNRMA (b) (6) to NAVSTA Newport. From March 8-10, 2016 he spoke with (b) (6) (b) (6) and the installation Commanding Officer, Executive Officer and the current Security Director/Precinct Commander. Unfortunately (b) (6) was on vacation all week.

- Prior to his departure on Thursday, March 10, 2016 the NAVSTA Newport Commanding Officer, Captain Dennis Boyer and (b) (6) met with (b) (6) (b) (6) and (b) (6) at 09:30 AM. Captain Boyer stated that (b) (6) (b) (6) visit was in response to our letters. Captain Boyer said that he was on our side and stated that Requests for Personnel Actions (RPAs) were being submitted through CNRMA to CNIC, to back fill the vacant supervisory police officer positions, restoring us to our former compliment of six (6) police watch commanders/patrol supervisors.

- Immediately following this meeting, Captain Boyer and (b) (6) met in private with the current NAVSTA Newport Security Director/Precinct Commander, (b) (6) (b) (6). During that meeting (b) (6) was reportedly directed to order all of the complaining Supervisory Police Officers to immediately begin screening to take annual physical

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## Memorandum

agility tests. Furthermore, he was instructed to order us to purchase all new uniforms that comply with CNICINST 5530.14A. (b) (6) revealed that Captain Boyer emphatically stated that these orders would not come from (b) (6) or him, but they had to come from (b) (6).

▪ It should be noted that since the first incarnation of CNICINST 5530.14 in June 2011 no supervisory or non-supervisory police officer at NAVSTA Newport have ever been forced to take a post-employment annual agility test, even those police officers who were hired with that condition of employment. In fact, previous management and command officials at NAVSTA Newport rejected implementation until it could be universally applied across all ranks and all installations. The annual physical agility requirement was also never implemented at most other U.S. Naval bases in the Continental United States (CONUS). Now, all of a sudden, only the remaining supervisory police officers at NAVSTA Newport have been ordered to complete Pre-Agility Test Medical Screening no later than April 10, 2016.

▪ It should be noted that since the first incarnation of CNICINST 5530.14 in June 2011, uniform changes were never negotiated or implemented with the non-supervisory police officer's Union at NAVSTA Newport. To ensure financial fairness and uniformity, while maintaining a professional image, previous management and command officials at NAVSTA Newport rejected selective implementation of the new uniforms with the supervisory police staff. Until the new style uniforms were universally adopted across all ranks and all installations the decision was made to delay implementation and remain status quo. This trend continued after CNICINST 5530.14A was published in May 2013 and has remained unchanged to date. Now, all of a sudden, only the remaining supervisory police officers at NAVSTA Newport have been told to purchase all new uniforms, despite the fact that most other U.S. Naval bases in the Continental United States (CONUS) have not switched to the new uniforms.

• In response to reference (b), the NAVSTA Newport Commanding Officer, Captain Boyer finally designated an Operational Risk Management (ORM) Safety Sub-Committee examine the implications of supervisory and non-supervisory police over-time, as raised in references (c), (d) and our initial complaint to Captain Boyer. Designated committee members included NAVSTA Newport (b) (6), NAVSTA Safety Office officials, (b) (6) and (b) (6) and CNRMA Human Resources Representative, (b) (6).

○ At approximately 09:00 AM on March 11, 2016 (b) (6) and (b) (6) met with the NAVSTA Newport Security Director/Precinct Commander, (b) (6) and (b) (6) in the Director's office. (b) (6) and (b) (6) explained that their 'ORM Safety Sub-Committee Findings' were just rejected by the NAVSTA Newport (b) (6). She reportedly exclaimed that 'Hiring and Back-filling police Supervisors' is not an option and it was not going to happen. (b) (6) reportedly directed (b) (6) to order (b) (6) to draft a policy to rectify the over-time problem with the current compliment of personnel. She also alluded to the fact that if (b) (6) refused the order or fails to come up with a solution, she could always

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## Memorandum

reprimand him. (b) (6) and (b) (6) said that they tried to explain the parameters of the ORM process and that they had no authority to do what she wanted, but she refused to listen.

- After the filing of reference (c) and commencement of reference (b), the NAVSTA Newport Executive Officer, Commander Julie Sellerberg re-opened (b) (6) 2015 year end Performance Appraisal, removed the digital signature of the Security Director/Precinct (b) (6) and deleted his evaluation of (b) (6) performance. Commander Sellerberg then designated herself as both Rating Official and Senior Rating Official and inserted assessments that were totally un-true, unfair and in no way reflected (b) (6) actual performance over the past year. Despite producing a two page, signed letter from the former (b) (6) (Ret.) corroborating these facts no action has been taken to rectify the matter or discipline Commander Sellerberg and any others involved.

The aforementioned are just a mere sampling of the ingoing escalation of harassment and retaliation we are being subjected to. The timing of these actions is not coincidental and the intent of these 'Ex Post Facto' targeted actions is clear evidence that the NAVSTA Newport Command staff and possibly CNRMA will stop at nothing to break our spirit and unjustly end our careers.

To no avail, we have made good faith attempts to resolve serious supervisory, manning, training and safety issues at NAVSTA Newport, at the lowest possible level. At every level within the Navy we have been ignored and retaliated against, while the situation at NAVSTA Newport persists and grows more intolerable each day. However, despite these issues, coupled with over 20 vacancies, budgetary constraints and equipment deficiencies, we still honor our oath of office, reporting for duty every day, serving and protecting the daily population at NAVSTA Newport.

In closing, it is with great despair, humility and desperation that we are appealing to you directly. We need your help and are pleading for any meaningful resolution and protection against the willful and malicious treatment we have faced and will undoubtedly continue to face! Our jobs are hard enough under current conditions, but the physical and emotional stressor we are enduring are starting to take a toll both at work and in our home-life. We look forward to hearing from you soon or possibly meeting with you in person to fully articulate all of the fraud, waste, abuse and corrupt retaliation taking place within the Law Enforcement/Security Department at NAVSTA Newport.

Respectfully,

(b) (6)

(b) (6)

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4

# Memorandum

(b) (6)

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# Memorandum

To: Honorable Ray Mabus,  
Secretary of the Navy

From: (b) (6)  
(b) (6), Naval Station Newport, Rhode Island  
  
(b) (6)  
(b) (6), Naval Station Newport, Rhode Island  
  
(b) (6)  
(b) (6), Naval Station Newport, Rhode Island  
  
(b) (6)  
(b) (6), Naval Station Newport, Rhode Island  
  
(b) (6)  
(b) (6), Naval Station Newport, Rhode Island

Subj: SUPERVISORY CIVILIAN EMPLOYEE COMPLAINT

Date: February 18, 2016

- Ref: (a) Command Investigation into the Operations and Manning of Naval Station (NAVSTA) Newport, Security Department, 5830 Ser 00J/042, dated January 22, 2016 (551 pages)
- (b) Supervisory Civilian Employee Complaint to Commander, U. S. Fleet Forces Command (COMFLTFORCOM) and Commander, Navy Installations Command (CNIC), dated October 20, 2015
- (c) Supervisory Civilian Employee Complaint to Commander, Navy Region Mid-Atlantic (CNRMA), dated September 17, 2015

Secretary Mabus,

The authors of this joint correspondence collectively comprise the remaining Supervisory Civilian GS-0083 series Police Officers at Naval Station (NAVSTA) Newport, Rhode Island. Throughout the past year we have unsuccessfully exhausted our internal and external chains of command to resolve ongoing intolerable, hostile and potentially unsafe working conditions at NAVSTA Newport. The problems are undeniable, yet the NAVSTA Newport Command continue their abuse of power, ignore directives, instructions and law, refuse to accept any responsibility or take corrective actions to remedy the situation. By default, CNRMA, COMFLTFORCOM and CNIC also condones these actions by failing to act.

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## Memorandum

As Secretary of the United States Navy, we understand the tremendous demands on your time, but regretfully we have been forced to turn to you directly for some hopeful relief. We deeply apologize for this inconvenience, but we are left with nowhere else to turn. As evidenced below, this is a frustrating summary of the actions we have taken in an attempt to resolve significant and legitimate concerns at NAVSTA Newport, only to be ignored or dismissed at every level:

- **July 28, 2015:** After growing frustration with the Command and collective concerns over inadequate supervisory staffing, employee safety, training, violations of directives/instructions and other significant issues, the Supervisory Civilian Police Officers employed at NAVSTA Newport attempted to address and resolve their initial complaints and concerns at the lowest level possible. However, the installation Commanding Officer, Captain Dennis Boyer and his Command Triad failed to acknowledge or respond to our issues, which were subsequently resubmitted again on August 21, 2015 and once again ignored. The pursuance of the joint supervisory police complaint outside the local chain of command only resulted in retaliation, threats and perceived harassment by Captain Boyer and his Command Triad staff.
- **September 17, 2015:** Following Captain Boyer's continued refusal to acknowledge or address our issues and concerns, the Supervisory Civilian Police Officers employed at NAVSTA Newport appealed to Rear Admiral Rick Williamson, Commander, Navy Region Mid-Atlantic (CNRMA). Despite a visit to NAVSTA Newport approximately a week after receiving reference (c), Rear Admiral Rick Williamson also chose to ignore our collective complaint.
- **October 20, 2015:** After once again receiving no response to the issues raised in our complaint from Rear Admiral Williamson, the Supervisory Civilian Police Officers employed at NAVSTA Newport were forced to escalate our complaint to Admiral Phil Davidson, Commander, U. S. Fleet Forces Command (COMFLTFORCOM) and Vice Admiral Dixon Smith, Commander, Navy Installations Command (CNIC). Reference (b) was once again ignored by COMFLTFORCOM and CNIC. However, eight days later reference (a) was ordered to commence by CNRMA, the very command that we appealed to a month earlier.
- **October 28, 2015:** (b) (6), PMP, Inspector General, CNRMA initiated a Command Directed Investigation, ordered by Rear Admiral Williamson (CNRMA). He travelled to NAVSTA Newport, conducted interviews and completed his investigation on December 23, 2015. The investigation was formally endorsed on January 22, 2016 and in response to a Freedom of Information Act (FOIA) request collectively filed by the Supervisory Civilian Police Officers employed at NAVSTA Newport, it was released to us on January 28, 2016. It should also be noted that approximately 87 pages were withheld from our FOIA request, which we find unacceptable under the circumstances.

We share the utmost respect for (b) (6) and are grateful for his time and efforts, but reference (a) proved to be a complete waste of time. Considerations and recommendations were

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# Memorandum

made, but no corrective measures have been implemented. Wrongdoing on the part of Captain Boyer was affirmed, yet nothing has changed. If anything, the NAVSTA Newport Commanding Officer and Executive Officer have stepped up their retaliation and animosity. Captain Boyer ordered removing a Navy master-at-arms (MAA) from supervisory police duties to assist in training junior master-at-arms for patrol officer duties, in direct violation of DoD Instruction 5525.15 and related CNIC HPD Advisories and instructions. This will also subject the Civilian GS-0083 series Supervisory Police Officers to even more unnecessary over-time and schedule changes. Commander Julie Sellerberg ordered all NAVSTA Newport law enforcement/security personnel undergo mandatory Equal Employment Opportunity (EEO), then lied to the Civilian GS-0083 series Supervisory Police staff with regard to what prompted the supplemental training. Disciplinary actions remain bias towards civilian staff, while violations by MAAs are ignored. The tensions between the NAVSTA Newport Command and the Law Enforcement and Security Department have never been worse and morale has never been so low.

The Civilian GS-0083 series Supervisory Police Officers also respectfully dispute some of the content, conclusions and recommendations contained in reference (a). Specifically:

1. Approximately eighty-seven (87) pages were withheld from our FOI request, which is unacceptable and suspect. We have no objection to the exclusion of names and personally identifiable information, but for 'transparency' purposes how are we NOT be entitled to any and all information pertinent to the complaint that WE collectively filed?

2. Reference (a) also overwhelmingly affirmed many of the issues raised in our complaint and sustained many of the allegations we made against the Commanding Officer, NAVSTA Newport. However no corrective remedies have been instituted and no punitive action has been taken against Captain Boyer. The 'requests for consideration' in reference (a) were also meaningless, because they are only directed at the Navy Region Mid-Atlantic level, which is powerless to fund, implement and enforce the changes that are needed.

3. Some of the recommendations in reference (a) even highlight the DoN's discriminatory bias and contempt for the civilian supervisory police officers at NAVSTA Newport.

- Recommendation # 3 on page 12 of reference (a) proposes consideration be given to developing 'TERM' government employment positions to bridge the gap as further attrition occurs with security supervision. Recommendation # 4 further proposes sending Navy master-at-arms (MAAs) to the Federal Law Enforcement Training Center (FLETC) for advanced law enforcement training, the same as civilian law enforcement employees, with the intention to promote MAs to supervisory status once they meet requirements.

- First, what is the logic behind creating 'TERM' positions for supervisory police officer positions that are clearly necessary and essential to the law enforcement and security mission. Does the DoN 'TERM' promote military personnel? These civilian supervisory police officer vacancies should be filled with full-time, permanent positions, enabling career

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## Memorandum

enrichment and progression for civilian employees. The former OPNAVINST 5530.14C cited the correct 'rule of thumb' staffing ratio (... *a post manned 24 hours a day, seven days a week needs approximately six personnel...*). This is the Civilian GS-0083 series Supervisory ratio that had always been used successfully in Patrol Operations at NAVSTA Newport. One GS-0083-09 Police Watch Commander and one GS-0083-08 Police Patrol Supervisor on each shift. This ensures optimum supervisory presence, leadership consistency, progressive experience and expertise and eliminates over-time for regular days off, vacations, sick leave, etc.

o Secondly, it is logistically and financially doubtful that the DoN will send Navy MAAs to the FLETC Uniformed Police Training Program (UPTP). However, even if this occurs, promoting MAAs to supervisory status immediately following initial training is ridiculous and contradicts Inspector (b) (6) earlier statement in reference (a) [*MAAs have minimal training in law enforcement operations making them "generally" unsuitable for supervisory positions*]. The junior most Supervisory Civilian Police Officer employed at NAVSTA Newport has over fifteen years of knowledge, education, training and experience exclusively at NAVSAT Newport, Rhode Island. Any reasonably objective person can recognize that this level of veteran police experience and expertise is unmatched when compared to Navy MAAs fresh out of initial training or when Permanent Change of Station (PCS) moves Navy MAAs from one duty station to another every couple of years.

o Thirdly, with limited exceptions police work at naval bases within the Continental United States (CONUS) are no different than that of state, county or municipal law enforcement agencies. Most civilian law enforcement agencies require police officers to be employed within the agency for 3-5 years before he/she can even compete for the rank of Sergeant (Patrol Supervisor). Following promotion, he/she is generally required to serve 2 years as a Sergeant before competing for advancement to the rank of Lieutenant (Watch Commander) and so on up through the ranks. This ensures progressive supervisory proficiency and experience throughout the ranks of the agency. As previously stated, the civilian police officers at NAVSTA Newport are the reliable constant. Unlike disadvantaged MAAs who constantly PCS, civilian GS-0083 series law enforcement personnel continuously serve and protect NAVSTA Newport day after day, year after year, decade after decade. They grow and change with the installation and progressively become more and more knowledgeable in site specific practices, procedures and local laws.

As previously stated in past complaints, we will continue to protect, serve and defend NAVSTA Newport and safeguard the lives of all personal to the best of our abilities. We proudly fulfill our duty obligations; despite our complaints constantly being ignored, despite ongoing hostile and potentially unsafe working conditions and despite the erosion of morale and deplorable treatment by the DoN. Unlike our military chain of command, our complaints, concerns and demeanor have been professional, not personal. The DoN acknowledges the problems, yet we are scorned for taking a stance to solve the problems before a tragedy occurs.

In closing, we want to thank you for your time and any consideration offered in this matter. We remain vigilant and confident that it is within your power to resolve or order resolution to these

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# Memorandum

problems at NAVSTA Newport. If the Department of the Navy (DoN) continues it's unwillingness to remedy the situation and ignore our pleas for help, we will be forced to seek relief through our Senate and Congressional representatives or expose these issues to the public media. We look forward to hearing from you soon.

Respectfully,

(b) (6)



(b) (6)



(b) (6)



(b) (6)



(b) (6)



cc: Senator Jack Reed (D-RI)  
Senator Sheldon Whitehouse (D-RI)  
Congressman David Cicilline (D) 1st Congressional District  
Congressman James Langevin (D) 2nd Congressional District

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# Memorandum

To: Admiral Phil Davidson (USN)  
Commander, U. S. Fleet Forces Command (COMFLTFORCOM)

Vice Admiral Dixon Smith (USN)  
Commander, Navy Installations Command (CNIC)

From: (b) (6)  
(b) (6) Naval Station Newport, Rhode Island

(b) (6)  
(b) (6) Naval Station Newport, Rhode Island

(b) (6)  
(b) (6) Naval Station Newport, Rhode Island

(b) (6)  
(b) (6) Naval Station Newport, Rhode Island

(b) (6)  
(b) (6) Naval Station Newport, Rhode Island

Subj: SUPERVISORY CIVILIAN EMPLOYEE COMPLAINT

Date: October 20, 2015

Ref: (a) Supervisory Civilian Employee Complaint to Commander, Navy Region Mid-Atlantic (CNRMA), dated September 17, 2015

Admiral Davidson and Vice Admiral Smith,

The authors of this joint complaint collectively make up the remaining supervisory civilian GS-0083 series police officers at Naval Station (NAVSTA) Newport, Rhode Island. Reference (a) to this correspondence, summarizes only some of our complaints against the Commanding Officer, NAVSTA Newport, Captain Dennis R. Boyer (USN) and where applicable, his command triad staff.

As previously stated in reference (a), we attempted to resolve these matters at the lowest level possible, but Captain Boyer failed to respond to or even acknowledge our complaints, which were processed through the chain of command on July 28, 2015 and subsequently resubmitted again on August 21, 2015. He consistently shows no care or concern for his civilian personnel or the laws, directives and instructions we are sworn to uphold.

## Memorandum

Finding no resolution or satisfaction from Captain Boyer we submitted reference (a) to Rear Admiral Rick Williamson, Commander, Navy Region Mid-Atlantic (CNRMA), the next level within his chain of command. Unfortunately, as of this date Rear Admiral Williamson has also failed to respond or even acknowledge our complaints. This is especially disturbing and upsetting because Rear Admiral Williamson even visited NAVSTA Newport the week after receiving our complaint and failed to seize the opportunity to meet with us to discuss our issues. Being trivialized and ignored in this manner has forced us to proceed beyond the CNRMA level.

As for the here and now, elevating our complaint to the next level was somewhat problematic, since both CNIC and COMFLTFORCOM have a bearing on the issues we raise. This is why we have decided to contact both of you. We only hope that you will apply those bedrock principles and core values of the Navy (HONOR, COURAGE and COMMITMENT) and finally address reference (a) with us.

Regrettably, nothing significant has changed since our initial complaint and in some aspects, matters have worsened. Upon learning of our complaint to Rear Admiral Williamson, Captain Boyer's first reaction was threats of collective retaliation against the civilian (GS-0083) supervisory police officers, i.e., threatening to reassign the Operations Officer to patrol officer duties, changing police watch commander and patrol supervisor shift assignments and increasing their duty shifts to twelve hours daily and implying that a consequence for filing our complaint could result in the Navy eliminating our jobs and replacing all civilian police officers with military personnel. Fortunately, cooler heads prevailed. Intervention and guidance from our former civilian Security Director/Precinct Commander reportedly convinced Captain Boyer not to act on his retaliatory impulses. More importantly, his first reaction offers a glimpse into Captain Boyer's animosity towards us, his prejudice towards civilian employees and his dismissal of the issues raised in reference (a).

We want to stress that we never sought out an adversarial relationship with Captain Boyer or the Navy. It takes us no more pleasure writing these complaints than it does for you to read them. However, unlike the military, we do not PCS (Permanent Change of Station) and change duty locations every few years. As Federal civil service employees, the civilian supervisory and non-supervisory police officers at NAVSTA Newport are the constant and stabilizing law enforcement and security element. Our careers are firmly planted here in Newport. We help make up the permanent community at NAVSTA Newport and we are always been committed to providing the highest level of service and protection to this installation, including the fifty other naval and defense commands and activities we patrol. Like our military counterparts, Federal 'civilian' service employees also proudly serve the Navy, but sadly we are looked upon in a much different light. The bias statements, views and actions of Captain Boyer, his command staff and perhaps the Navy in general have never been more evident. The resounding perception is that civilian employees do not matter. We are viewed as an insignificant nuisance, rather than valuable and contributing assets to the mission.



## Memorandum

Just as we could never presume upon or fathom the complexities of your position(s), you cannot appreciate our roles as supervisory police officers. Just as your superiors trust in your ability to manage your commands and you invoke that concept down the chain of command, please trust in our law enforcement and security expertise at the roots level. Nobody is better suited than us to comment on law enforcement and security operations at NAVSTA Newport and reference (a) illustrates growing problems that you cannot afford to ignore.

In spite of the diminishing emphasis on the civilian police component at NAVSTA Newport, despite our complaints being ignored by our installation and regional commanders and in spite of the ongoing hostile and potentially unsafe working conditions, we will continue to protect, serve and defend NAVSTA Newport and safeguard the lives of all personal to the best of our abilities.

In closing, we want to both apologize for having to bring this matter to your level and sincerely thank you for all time and consideration offered in this matter. We look forward to hearing from you soon and hopefully rectifying some, if not all of the problems and concerns we raised.

Respectfully,

(b) (6)



(b) (6)



(b) (6)



(b) (6)



(b) (6)



cc: Senator Jack Reed (D-RI)  
Senator Sheldon Whitehouse (D-RI)  
Congressman David Cicilline (D) 1st Congressional District  
Congressman James Langevin (D) 2nd Congressional District

Encl: Supervisory Civilian Employee Complaint to Commander, Navy Region Mid-Atlantic (CNRMA), dated September 17, 2015

# Memorandum

To: Admiral Phil Davidson (USN)  
Commander, U. S. Fleet Forces Command (COMFLTFORCOM)

Vice Admiral Dixon Smith (USN)  
Commander, Navy Installations Command (CNIC)

From: (b) (6)  
(b) (6) Naval Station Newport, Rhode Island

(b) (6)  
(b) (6) Naval Station Newport, Rhode Island

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(b) (6) Naval Station Newport, Rhode Island

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(b) (6) Naval Station Newport, Rhode Island

(b) (6)  
(b) (6) Naval Station Newport, Rhode Island

Subj: SUPERVISORY CIVILIAN EMPLOYEE COMPLAINT

Date: October 20, 2015

Ref: (a) Supervisory Civilian Employee Complaint to Commander, Navy Region Mid-Atlantic (CNRMA), dated September 17, 2015

Admiral Davidson and Vice Admiral Smith,

The authors of this joint complaint collectively make up the remaining supervisory civilian GS-0083 series police officers at Naval Station (NAVSTA) Newport, Rhode Island. Reference (a) to this correspondence, summarizes only some of our complaints against the Commanding Officer, NAVSTA Newport, Captain Dennis R. Boyer (USN) and where applicable, his command triad staff.

As previously stated in reference (a), we attempted to resolve these matters at the lowest level possible, but Captain Boyer failed to respond to or even acknowledge our complaints, which were processed through the chain of command on July 28, 2015 and subsequently resubmitted again on August 21, 2015. He consistently shows no care or concern for his civilian personnel or the laws, directives and instructions we are sworn to uphold.

## Memorandum

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As for the here and now, elevating our complaint to the next level was somewhat problematic, since both CNIC and COMFLTFORCOM have a bearing on the issues we raise. This is why we have decided to contact both of you. We only hope that you will apply those bedrock principles and core values of the Navy (HONOR, COURAGE and COMMITMENT) and finally address reference (a) with us.

Regrettably, nothing significant has changed since our initial complaint and in some aspects, matters have worsened. Upon learning of our complaint to Rear Admiral Williamson, Captain Boyer's first reaction was threats of collective retaliation against the civilian (GS-0083) supervisory police officers, i.e., threatening to reassign the Operations Officer to patrol officer duties, changing police watch commander and patrol supervisor shift assignments and increasing their duty shifts to twelve hours daily and implying that a consequence for filing our complaint could result in the Navy eliminating our jobs and replacing all civilian police officers with military personnel. Fortunately, cooler heads prevailed. Intervention and guidance from our former civilian Security Director/Precinct Commander reportedly convinced Captain Boyer not to act on his retaliatory impulses. More importantly, his first reaction offers a glimpse into Captain Boyer's animosity towards us, his prejudice towards civilian employees and his dismissal of the issues raised in reference (a).

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## Memorandum

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In spite of the diminishing emphasis on the civilian police component at NAVSTA Newport, despite our complaints being ignored by our installation and regional commanders and in spite of the ongoing hostile and potentially unsafe working conditions, we will continue to protect, serve and defend NAVSTA Newport and safeguard the lives of all personal to the best of our abilities.

In closing, we want to both apologize for having to bring this matter to your level and sincerely thank you for all time and consideration offered in this matter. We look forward to hearing from you soon and hopefully rectifying some, if not all of the problems and concerns we raised.

Respectfully,

(b) (6)

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(b) (6)

cc: Senator Jack Reed (D-RI)  
Senator Sheldon Whitehouse (D-RI)  
Congressman David Cicilline (D) 1st Congressional District  
Congressman James Langevin (D) 2nd Congressional District

Encl: Supervisory Civilian Employee Complaint to Commander, Navy Region Mid-Atlantic (CNRMA), dated September 17, 2015

# Memorandum

To: Rear Admiral Rick Williamson (USN)  
Commander, Navy Region Mid-Atlantic (CNRMA)

From: (b) (6)  
(b) (6) Naval Station Newport, Rhode Island

(b) (6)  
(b) (6) Naval Station Newport, Rhode Island

(b) (6)  
(b) (6) Naval Station Newport, Rhode Island

(b) (6)  
(b) (6) Naval Station Newport, Rhode Island

(b) (6)  
(b) (6) Naval Station Newport, Rhode Island

Subj: SUPERVISORY CIVILIAN EMPLOYEE COMPLAINT

Date: September 17, 2015

Ref: (a) 5 C.F.R. § 2635.101(b)  
(b) 10 U.S.C. §§ 801 – 946 (as amended).  
(c) DoD Instruction 5525.15  
(d) DOD Instruction 6055.4  
(e) USFFC OPOD 3300 (series)  
(f) OPNAVINST 5100.12J  
(g) OPNAVINST 5530.14E  
(h) CNICINST 5530.14A  
(i) NTTP 3-07.2.1  
(j) NTTP 3-07.2.3

Rear Admiral Williamson,

We have never had the honor and pleasure of meeting personally, but defer to your authority as Commander Navy Region Mid Atlantic (CNRMA). First and foremost, we are NOT covered by an exclusive bargaining agreement or have any union affiliation. However, we collectively make up the remaining supervisory civilian police officers at Naval Station (NAVSTA) Newport. As such, we are morally and ethically duty bound to elevate the following civilian employee complaint to your level against the Commanding Officer, NAVSTA Newport,

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# Memorandum

Captain Dennis R. Boyer (USN) and where applicable, NAVSTA Newport (b) (6)  
(b) (6) and NAVSTA Newport (b) (6)  
(b) (6).

Unfortunately, Captain Boyer has failed to acknowledge or respond to formal supervisory complaints processed through the chain of command on July 28, 2015 and subsequently resubmitted on August 21, 2015. The following issues are not only procedurally violating in nature, they have potentially life threatening implications to the civilian police who serve and protect NAVSTA Newport, but the general public as well.

## **COMPLAINT 1. Officer Safety and Violation of Lawful Regulations**

1. Failure to properly recruit, hire and retain civilian police officers and supervisory police officers at NAVSTA Newport undoubtedly compromises our ability to sustain a robust law enforcement, antiterrorism and physical security posture, jeopardizing the overall security mission.
2. Staffing shortages approaching nearly 50% also present another undeniable consequence - The fatigue, anxiety and stress placed on civilian police officers and supervisory police officers at NAVSTA Newport who are forced to work countless over-time hours, to compensate for manning deficiencies. Personnel are routinely working sixteen (16) hour duty shifts, several days per week, in violation of maximum on-duty driving times and duty periods.
  - a. The joint supervisory civilian police officer complaint lodged against Captain Boyer on July 28, 2015 specifically cited these direct violations of Appendix 3 to Enclosure 3 of reference (d), page 23 and reference (f), pages 15-16.
  - b. As the Commanding Officer, NAVSTA Newport, Captain Boyer is not only privy to these violations he supports and endorses them, as evidence by his weekly review and approval of the duty schedule, commonly referred to as the watch bill. We assert that Captain Boyer's willful failure to obey the aforementioned lawful regulations as de facto violations of § 892, Article 92 of the Uniform Code of Military Justice (UCMJ).
  - c. By default, adhering to and implementing watch bills approved by Captain Boyer has placed the supervisory civilian police officers in a very uncomfortable and precarious position. If a subordinate civilian police officer is injured or killed, or he/she injures or kills another person as a result of driver fatigue, we would be culpable for furthering the violations of DoD instruction 6055.4 and OPNAVINST 5100.12J, needlessly exposing us to potential civil or criminal action.
  - d. Negligence due to fatigue on duty is also not being considered, i.e., implications to the law enforcement and security mission and accountability. What happens if a member falls asleep on watch? Furthermore, how do we hold that person accountable under such conditions?

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# Memorandum

## COMPLAINT 2. Financial Fraud, Waste and Abuse

1. Since 2004 NAVSTA Newport previously staffed one (1) supervisory Police Watch Commander (Lieutenant) and one (1) supervisory Police Patrol Supervisor (Sergeant) on each of three (3) duty shifts. This layered level of supervision ensured optimum coverage on every shift.

a. Civilian Police Watch Commanders and Patrol Supervisors at NAVSTA Newport represent the continuity of core leadership, knowledge and expertise within the Security Department. We epitomize good judgment, prudence, and logic and relate these traits to the varied skills and talents necessary in police leadership. Together, the remaining civilian supervisory police officers at NAVSTA Newport possess an average of 23.4 years of law enforcement knowledge, education, training and experience at this installation. In comparison with civilian supervisory police personnel, Navy Master-at-Arms lack the skills, longevity, familiarity and local proficiency to adequately perform supervisory police duties in CONUS.

2. In 2012 the Mission Profile Validation - Protection (MPV-P) eliminated "all" supervisory Police Watch Commander and Police Patrol Supervisor positions at NAVSTA Newport. Through attrition all civilian police supervisors will be removed from the department. Since 2012 one (1) supervisory Police Watch Commander (Lieutenant) and one (1) supervisory Police Patrol Supervisor (Sergeant) have retired and the vacancies created were never filled.

a. OPNAV Instruction 5530.14E, Appendix A to Enclosure 1 clearly states all shore installations and activities will be validated using the MPV-P. This is the Chief of Naval Operations (CNO) (N4) developed model used to determine posts required to meet protection requirements, associated staffing and resource options. It further states that the MPV-P is the only approved model authorized for use to determine and validate shore installation and activity security post and staffing requirements.

3. Captain Boyer and his predecessors have repeatedly authorized paying overtime compensation to civilian Police Watch Commander and/or Police Patrol Supervisor vacancies at NAVSTA Newport.

a. Most notably, supervisory over-time is being expended to fill the vacancies created by the aforementioned retirements, during existing supervisory leave periods or during times of illness. We are being strenuously overworked, filling positions that are clearly essential and necessary but they do not exist according to the MPV-P.

b. Supervisory over-time has also increased exponentially, for non-supervisory police patrol vacancies. Supervisors are also picking up the proverbial 'slack' for the police officers being forced to fill numerous patrol related vacancies.

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## Memorandum

4. Authorizing and paying over-time compensation for 'non existent' supervisory police officer vacancies at NAVSTA Newport is overwhelming evidence of Fraud, Waste and Abuse. Quite simply, how is it fiscally responsible or ethical to expend Navy funds on positions that the Navy ridiculously eliminated? The fact of which has been reported to the Department of Defense Inspector General Hotline, because it is not good stewardship.

a. We acknowledge that Captain Boyer is not solely culpable in this matter. Clearly, the logical and responsible action in this matter is to revalidate all Police Watch Commander and Patrol Supervisor positions at NAVSTA Newport, whose roles and responsibilities are annotated throughout references (g), (h) and (i).

(1) A point paper supporting the proposition to revalidate three (3) Police Watch Commander and three (3) Patrol Supervisor positions at NAVSTA Newport was submitted to and rejected by Captain Boyer on August 31, 2015. Instead, he continues to fund the 'non existent' supervisory positions to the detriment of the remaining supervisory police officers on staff, rather than advocate for the obvious solution to this dilemma.

(2) This proposed revalidation parallels the supervisory police chain of command in all surrounding state and municipal law enforcement agencies of comparable size and is far less layered and redundant than the vast ranks within the military branches.

### **COMPLAINT 3. Unfair Labor Practice (ULP) Violations**

1. On July 24, 2015 Captain Boyer made numerous changes to and directed implementation of the 26 July 26 through August 1, 2015 NAVSTA Newport Police watch bill. His changes needlessly created over-time vacancies and violated a previously signed agreement between Management and the exclusive representative for the non-supervisory police officers, International Brotherhood of Police Officers (IBPO) – Local 479. As challenged by the police officer's union, this was an undeniable violation of Title 5 U.S. Code § 7116 (Unfair Labor Practice).

a. Civilian supervisory police leadership at NAVSTA Newport clearly warned management officials, via the chain of command. Captain Boyer was advised and ignored the counsel of management.

b. By default, adhering to and implementing Captain Boyer's actions forced civilian supervisory police officers to be complicit and further violate Title 5 U.S. Code § 7116. We therefore obeyed what we believed to be an unlawful order and did so under protest. We collectively requested a waiver from Captain Boyer absolving us from any responsibility in this matter and was ignored.

c. During his meeting with 'non-supervisory' bargaining unit police officers on August 17, 2015 Captain Boyer freely admitted culpability and accepted responsibility for committing the Unfair Labor Practice. However, he attributed the violation as unintentional because he was

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# Memorandum

given poor advice by supervisory leadership. Even though he failed to name any particular supervisor, he scapegoated police leadership for his subjective and lone actions.

## COMPLAINT 3. Miscellaneous

1. Complaint(s) 1-3 are only at the forefront of our collective supervisory concerns. There are far too many others to list in a single correspondence and some parallel complaints leveled by the collective bargaining unit of 'non-supervisory' civilian police officer's. However, the following is a mere summary of additional issues directly impacting civilian police supervisors.

a. Micromanagement and criticism of supervisory civilian police officers.

(1) Following adherence to ambiguous and often conflicting language and requirements in references (g) through (j).

b. Significantly increased ancillary administrative and collateral duties, regardless of our drastic manpower shortages. In military terms, this can also be attributed to "mission creep".

c. Compulsion and increased pressure to qualify Navy Master-at-Arms personnel to perform law enforcement duties, who fail to meet the minimum 'prerequisite' training requirements mandated in Enclosure (4) to reference (c).

(1) Successful completion from the Uniformed Police Training Program (UPTP) at the Federal Law Enforcement Training Center (FLETC) and/or a compliance equivalent, satisfies DoD and CNIC minimum training standards for civilian police officers in the DoN. The FLETC-UPTP course is 59 instructional days in length. There are a total of 485:30 course hours in the program, excluding afterhours computer based training, which is an individual effort. In contrast, Navy Master-at-Arms only receive a mere 8 hours of law enforcement training during their 7 week "A" School. Reference (c) stipulates that the 'minimum' training standards are uniform across the military components for all GS-0083 series civilian police officers and military police personnel, prior to commencing law enforcement duties.

(2) Compelling civilian supervisory police officers at NAVSTA Newport to come up with a plan to train and qualify Navy Master-at-Arms personnel in violation of reference (c) is unrealistic, unattainable and has serious liability implications for all parties involved.

d. Training To Fail, Because We Fail To Train. This is another significant burden and source of anxiety for the civilian supervisory police leadership. Our depleted manning prevents us from participating in any actual training. Microsoft PowerPoint is an ineffective means of teaching "hands on" tactics and the time required for computer based training is unreasonable and often unattainable due to mission requirements.

We truly understand the constraints on your time and hoped to avoid troubling you with these issues. However, our professional and personal concerns for safety, order and discipline left us

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# Memorandum

with no choice. Understandably, our issues are not unique to NAVSTA Newport, but this is our installation and our home. We will continue to protect, serve and defend NAVSTA Newport and safeguard the lives of all personal on board. We only wish that we had the tools, resources and support to "fight the enemy" without "fighting our own fatigue" in the process.

In closing, we would like to thank you for this opportunity to present our complaints and concerns. We look forward to your response and resolution.

Respectfully,

(b) (6)



(b) (6)



(b) (6)



(b) (6)



(b) (6)



CC: Senator Jack Reed (D-RI)  
Senator Sheldon Whitehouse (D-RI)  
Congressman David Cicilline (D) 1st Congressional District  
Congressman James Langevin (D) 2nd Congressional District

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6

# Memorandum

To: (b) (6)  
Deputy Security Director, Naval Station Newport, Rhode Island

From: (b) (6)  
(b) (6) Naval Station Newport, Rhode Island

Subj: CIVILIAN EMPLOYEE COMPLAINT: HOSTILE WORKING CONDITIONS

Date: April 26, 2015 (Sunday)

Ref: (a) 5 C.F.R. § 2635.101(b)  
(b) 10 U.S.C. §§ 801 – 946 (as amended).  
(c) DoD Instruction 1400.25, Vol. 771  
(d) HRO Norfolk Civilian Personnel Manual

(b) (6)

1. After careful consideration, I am regretfully compelled to file the following civilian employee complaint, in accordance with section(s) 3.a.(1) of reference (c) and 9.c.(1-2), Chap. 22 of reference (d). As my immediate supervisor, the following is being submitted for your attention and action.

## 2. COMPLAINT.

a. Hostile working conditions and environment, described as ongoing and recurring incidents of harassment, unprofessional and potentially illegal behavior prohibited by references (a) and (b), perpetrated solely, in part or jointly by the Naval Station (NAVSTA) Newport Commanding Officer, Captain Dennis Boyer, NAVSTA Newport Executive Officer, Commander Julie Sellerberg and NAVSTA Newport (b) (6)  
(b) (6).

b. The aforementioned behavior is believed to be retaliatory for candid revelations made by the Complainant during a Security Manning meeting held at BLDG 690 in February 2015. In attendance were Captain Boyer, Commander Sellerberg, (b) (6) and the complainant. Following Captain Boyer's permission to speak freely, the complainant expressed workplace concerns and cited numerous examples of:

(1) Command micro-mismanagement impacting law enforcement and security operations within the Security Department at NAVSTA Newport.

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# Memorandum

(2) Repeated incidents of unprofessional, unethical and legally questionable conduct by the NAVSTA Newport Command Master Chief.

(3) Violation of OPNAV instructions by the Executive Officer, which were witnessed by members of the exclusive bargaining unit (International Brotherhood of Police Officers (IBPO) Local 479) and challenged by the Union President with the Complainant.

(4) The growing divide between military and civilian members of the Security Department, being fueled by the actions of the Command Triad. Specifically, numerous incidents of military favoritism and a disparity between disciplinary actions taken against civilian police officers and Master-At-Arms personnel.

(5) Operational and safety concerns due to: Dangerously low staffing levels, impacts of unattainable supervisory coverage due to CNIC reductions, overall low morale and the general feeling of mistrust of the Command by members of the Security Department.

(6) Additional training, qualification and proficiency issues plaguing the Security Department.

c. The Complainant alleges being subjected to hostile working conditions, categorized as an environment of ongoing and recurring acts of harassment and unprofessional behavior, including but not exclusively limited to:

(1) Comments made to the Security Director by Captain Boyer, shortly after the Security Manning Meeting. Captain Boyer questioned the validity of the Security Department Operations Division Officer position, exclaiming words to the affect, "what does (b) (6) really do... I just don't see the value in his position".

(2) Ongoing and escalating character assassination by the Command Master Chief, including, but not limited to:

(a) Criticizing and questioning the Complainant's abilities, professionalism and leadership traits to the Deputy Security Director.

(b) Making unfounded, unsubstantiated and blatantly false statements concerning the Complainant's integrity.

1. Most recently, on April 7, 2015 she accused me of creating a hostile work environment, based on alleged comments made by a Master-At-Arms, First Class Petty Officer. It should be noted that these alleged comments were made in circumvention of the chain of command and later proven to be false. However, no action was taken against the member by the Command Master Chief and she persisted as if the falsifications were substantiated. Here continued comments concerning my performance are malicious, harassing and maligning. Not

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## Memorandum

only are her actions unprofessional and unethical, but her comments are both unsubstantiated and outright falsifications.

(3) Recent unprofessional discourse with one of the Complainant's subordinate Patrol Supervisors.

(a) On April 21, 2015 the Deputy Security Director informed the Complainant that a Master-At-Arms, Second Class Petty Officer was reportedly "grilled" about the Complainant during the member's check-out process with the Executive Officer. Later that morning, the Master-At-Arms, Second Class Petty Officer in question exclaimed words to the affect that, *"all the XO talked about during my check-out was you... She wanted to know what you actually do... What exactly you do on a daily basis and stuff like that..."* It should be noted that Second Class Petty Officer's comments were made from the hallway outside the Complainant's office, overheard by the Security Director, Deputy Security Director and subordinate employees.

(b) The Complainant telephoned the Executive Officer at approximately 13:00 and asked her how he could be of assistance to her. When she questioned what he was referring to, The Complainant informed her what the Second Class Petty Officer had told him, stating that he was apparently the object of her curiosity. As a result, she was asked what aspects of the Complainant's job she wanted clarified, so a factual and thorough response could be provided.

1. Commander Sellerberg blatantly denied what the Second Class Petty Officer had said, claiming the discussion was about the Complainant providing a great deal of training, so she was questioning why the Training Officer was not doing his job.

2. The Complainant explained to Commander Selleberg that like many personnel within the Security Department, he performs numerous administrative and ancillary tasks that are generally outside his position, ie., researching and revising over eighty post orders, policies and procedures; numerous local instructions; MOAs/MOUs; legal and training references; recruitment and labor relation actions, etc. He also let her know that he consistently performs more independent training annually than all other members of the Security Department combined, to stay current and be at the top of his game. The entire telephone conversation with Commander Sellerberg was overheard and witnessed in the Complainant's office, at his request, by the Security Director and Deputy Security Director.

3. The conversation with Commander Selleberg ended amicably, but almost immediately after the telephone call ended the Security Director as summoned to meet with Captain Boyer. Commander Selleberg had apparently told Captain Boyer that all the Complainant does all day is complete online training, during on-duty government time, to pad his resume. Although the Security Director had reportedly explained what actually took place, the damage had been done.

d. The aforementioned actions and behaviors by members of the Command Triad are a irrefutable evidence of malicious and concerted attempts to damage the Complainant's personal

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# Memorandum

and professional reputation through unsubstantiated and/or fabricated allegations, designed to undermine his position as the Operations Division Officer, destroy his long established rapport with supervisors and subordinates and potentially sabotage his future career advancement aspirations at NAVSTA Newport.

### 3. PROPOSED REMEDIES.

a. As the civilian supervisory employee impacted and affected this Complainant respectfully requests the following:

(1) Recognition, acknowledgment and immediate intervention regarding the cited actions and discovery of the root causes and motivations of those involved.

(2) Immediate cessation of the previously cited actions and behaviors against the Complainant, by members of the Command Triad.

(3) Impartial review of this complaint and if warranted, corrective action up to and including disciplinary action for the affected personnel for any sustained violations contained in reference (a) and/or the Punitive Articles contained in reference (b). This includes any acts previously taken and for any future occurrences following this complaint.

(4) Stipulation that any official discussions with the Complainant and those named in this complaint be held in the presence of the Complainant's supervisor(s), the Officer of General Council and/or Inspector General. Audio transcript recordings of any such discussions would be an acceptable alternative.

### 4. CONCLUSION.

a. In contrast to the baseless personal attacks made by the Command Triad to negatively portray this Complainant, my record to date at NAVSTA Newport has been exemplary. My qualifications, performance, personal achievements and accolades are both factual and verifiable.

b. Despite enduring undue physical and emotional distress as a result of the Command Triad's behavior, this Complainant continues to perform all occupational duties and responsibilities to the best of his abilities.

c. If Alternative Dispute/Problem Solving is unsuccessful in resolving this complaint and/or if the described pattern of abuse persists, this Complainant reserves the right to pursue this matter further. This may include filing of an Administrative Grievance in accordance with the

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## Memorandum

procedures outlined in references (c) and (d), seeking other avenues of relief within Department of the Navy, Department of Defense or other applicable entities or appealing for Congressional assistance through my elected officials. It is my professional duty and responsibility to ensure that these abuses of power and position not be tolerated again at NAVSTA Newport, especially after the painful lessons we learned from past administrations, that my predecessor was criticized for not opposing at the time.

In closing, thank you in advance for all of your time and efforts in this matter.

Respectfully submitted,

(b) (6)



(b)  
(6)



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FORMAL COMPLAINT to CO- NAVSTA Newport Supervisory Police Officers - 28JUL2015  
From: (b) (6) Newport, N3AT  
Sent: Friday, August 21, 2015 8:09  
To: (b) (6) NAVSTA Newport, N3AT; (b) (6) NAVSTA  
Newport, N3AT  
Cc: (b) (6) NAVSTA Newport, N3AT; (b) (6)  
NAVSTA Newport, N37D; (b) (6) NAVSTA Newport, N3AT;  
(b) (6) NAVSTA Newport, N3AT  
Subject: FORMAL COMPLAINT - NAVSTA Supervisory Police Officers - Follow-  
Up\_21AUG2015  
Signed By: (b) (6)

Importance: High

(b) (6)

Having received no formal response to the supervisory complaint lodged on 28JUL2015, I just wanted to make a follow up inquiry.

With regard to Complaint (1), I acknowledge that CAPT Boyer freely accepted responsibility for his actions regarding the schedule changes when he met with the Union and relayed that to the police supervisors. The police supervisor's recurring perception of "micro-management" by the Command was also discussed with CAPT Boyer following his meeting with the Union and on 17AUG2015 during our weekly Security Sync. Meeting. I believe that this complaint has been sufficiently addressed.

As for the Complaint (2), the supervisory police staff remain united in our position and would like a formal response. First, the persistent violations of the maximum on-duty driving times for police officers is a serious safety and liability concern for all of us. Secondly and most importantly, the lack of sufficient supervisory police staffing is becoming intolerable. As discussed with CAPT Boyer on numerous occasions, NAVSTA Newport Police traditionally and accurately staffed a police watch commander and patrol supervisor for each of the three watch sections. The 2012 MPV-P ridiculously eliminated all police watch commander and patrol supervisor billets at NAVSTA Newport. Since that time both (b) (6) (MIDS Watch Commander) and (b) (6) (EVES Patrol Supervisor) left Federal civilian service and their positions were never recruited/filled. However, we have continuously been paying supervisory police over-time to compensate for those losses. Whenever one of the remaining police watch commanders/patrol supervisors is sick or on leave we pay over-time to fill their positions.

On the one hand, funding "non-validated" positions could be viewed as an abuse, or misuse of government funds. On the other hand, since these positions are defined and referenced in OPNAVINST 5530.14E, CNICINST 5530.14A, NTP 3-07.2.3, etc., it indicates they are essential and a serious lapse in judgment was made in eliminating them. From the police supervisor's perspective the Navy cannot have it both ways; positions cannot be "eliminated" through attrition, then work the remaining

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FORMAL COMPLAINT to CO- NAVSTA Newport Supervisory Police Officers - 28JUL2015  
supervisors to death, sixteen hour shift after sixteen hour shift to plug holes  
created by the MPV-P.

As the Law Enforcement/Security Operations Division Officer, I am the immediate  
supervisor and  
advocate for the police supervisors, so I implore you to exhaust all efforts to  
rectify this issue  
immediately --- for the safety of our supervisors, the operational integrity of this  
agency and the  
potential liability to the DoN and this Command if a tragedy occurs. The solution  
is simple, restore both  
(b) (6) and (b) (6) former positions.

Respectfully,

(b) (6)

Naval Station Newport Police  
Building 1373, Simonpietri Drive  
Newport, Rhode Island 02841  
OFFICE: (b) (6)  
CELL: (b) (6)  
DISPATCH: (401) 841-4041  
FAX: (401) 841-2648  
DSN: (b) (6)  
(b) (6)

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~~the Act which~~  
~~permits disclosure to individuals within the Department of Defense (DoD) with an~~  
~~official need to know.~~  
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-----Original Message-----

From: (b) (6) NAVSTA Newport, N3AT  
Sent: Tuesday, August 04, 2015 6:47  
To: (b) (6) NAVSTA Newport, N3AT  
Subject: RE: FORMAL COMPLAINT - NAVSTA Newport Supervisory Police Officers -  
28JUL2015  
Signed By: (b) (6)

(b) (6)

Do we have any update or response to our complaint yet, regarding this issue?

V/R

(b) (6)

Naval Station Newport Police Department Naval Station Newport RI.  
Bldg 1373 Simonpietri DR. 02841  
Ph# (b) (6)  
Fax#1-401-841-2648.

Page 2

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FORMAL COMPLAINT to CO- NAVSTA Newport Supervisory Police Officers - 28JUL2015

(b) (6)

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-----Original Message-----

From: (b) (6) NAVSTA Newport, N3AT

Sent: Wednesday, August 19, 2015 13:12

To: (b) (6) NAVSTA Newport, N3AT

Subject: RE: FORMAL COMPLAINT - NAVSTA Newport Supervisory Police Officers - 28JUL2015

Signed By: (b) (6)

(b) (6)

Respectfully request a status of the below complaint sent collectively on 28 July 2015.

Respectfully submitted,

(b) (6)

Naval Station Newport Police Department

1373 Simonpietri Dr.

Naval Station Newport, RI 02841

COMM: (b) (6)

DSN:

FAX: 401-841-3120

(b) (6)

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~~official need to know. Release of such protected information outside of the DoD is prohibited.~~

Per DON CIO Message 171625Z Feb 12, PII may no longer be transmitted via fax as of 1 Oct 12; if you are

unable to reply via encrypted e-mail, you can utilize the Safe Access File Exchange (SAFE) at:

<https://safe.amrdec.army.mil/safe2/>

<<https://naeaquazef92.nadsusea.nads.navy.mil/exchweb/bin/redir.asp?URL=https://safe.amrdec.army.mil/safe2/>>

to provide your response in a secure manner.

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FORMAL COMPLAINT to CO- NAVSTA Newport Supervisory Police Officers - 28JUL2015

-----Original Message-----

From: (b) (6) NAVSTA Newport, N3AT  
Sent: Sunday, August 02, 2015 17:03  
To: (b) (6) NAVSTA Newport, N3AT  
Subject: RE: FORMAL COMPLAINT - NAVSTA Newport Supervisory Police Officers - 28JUL2015  
Signed By: (b) (6)

(b) (6)

I have just returned back from vacation and I was just checking on the status of this complaint and if we have heard anything back from the director.

Respectfully,

(b) (6)

Naval Station Newport Police  
Building 1373, Simonpietri Drive  
Newport, Rhode Island 02841  
OFFICE: (b) (6)  
DISPATCH: (401) 841-4041  
FAX: (401) 841-2648  
DSN: (b) (6)  
(b) (6)

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-----Original Message-----

From: (b) (6) NAVSTA Newport, N37D  
Sent: Thursday, July 30, 2015 14:25  
To: (b) (6) NAVSTA Newport, N3AT  
Subject: RE: FORMAL COMPLAINT - NAVSTA Newport Supervisory Police Officers - 28JUL2015  
Signed By: (b) (6)

MAJOR,

Have we heard anything back on this complaint?

V/R

(b) (6)

NAVSTA Newport Police  
Building 1373, Simonpietri Drive  
Newport, Rhode Island 02841  
OFFICE: (b) (6)  
DISPATCH: (401) 841-4041  
FAX: (401) 841-2648  
DSN: (b) (6)  
(b) (6)

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FORMAL COMPLAINT to CO- NAVSTA Newport Supervisory Police Officers - 28JUL2015

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-----Original Message-----

From: (b) (6) NAVSTA Newport, N3AT  
Sent: Tuesday, July 28, 2015 8:51 AM  
To: (b) (6) NAVSTA Newport, N93  
Cc: (b) (6) NAVSTA Newport, N3AT; (b) (6) NAVSTA Newport, N3AT;  
(b) (6) NAVSTA (b) (6); (b) (6)  
NAVSTA (b) (6); (b) (6) 323, Security (b) (6)  
Subject: FORMAL COMPLAINT - NAVSTA Newport Supervisory Police Officers - 28JUL2015  
Importance: High

(b) (6)

Since the (b) (6) is on leave, the following supervisory complaint is regretfully being submitted to you, both individually and collectively, for action. Unfortunately, for obvious reasons, (b) (6) must be excluded from this matter. However, the remaining 'civilian' supervisory police officers (b) (6), (b) (6) and (b) (6) collectively object to the following issues:

1) Directed implementation of the 26 July through 01 August 2015 Operations Division Watch bill, that was modified by CAPT Dennis Boyer (USN), Commanding Officer, Naval Station Newport.

- By default, adhering to and imposing the scheduling changes made by CAPT Boyer have placed supervisory personnel in a very precarious position. CAPT Boyer's actions are deemed to be a violation of Title 5 U.S.C. We are therefore being forced to obey an unlawful order and do so under protest. We collectively request a waiver from CAPT Boyer absolving us from any responsibility in this matter, for following this unlawful order and violating General Order 15-002, i.e., LE SOP 0101.

- CAPT Boyer's decision to remove (b) (6) from the watch bill was unwarranted and lacks any foundation in fact. Last Friday, (b) (6) openly complained about being on the watch bill, stating he had to watch his kids. In our opinion this 'preferential treatment' needlessly compromised the work schedule and was contrary to the safety, health and welfare of all Operations Division personnel. CAPT Boyer's contention that he was not confident in (b) (6)'s ability to stand a sentry post, because he

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FORMAL COMPLAINT to CO- NAVSTA Newport Supervisory Police Officers - 28JUL2015  
had not completed sustainment watches is also without merit. The Security Director,  
Deputy Security  
Director, Operations Officer and all supervisory police officers have sporadically  
performed sentry duties  
without completing two monthly sustainment watches or training days.

- CAPT Boyer's actions with regard to this week's schedule also lacked any formal  
guidance. Do the  
changes made only impact the EVE watch? Will these changes continue to be  
implemented in  
upcoming watch bills? What positions will mandatory over-time be approved for?

- To ensure positive supervisory control measures are imposed and liability  
protection for supervisory  
personnel, we are therefore being forced to obey this improper order and do so under  
protest. We  
collectively request that all directives, guidance, orders and instructions, etc.,  
impacting law  
enforcement/security operations from CAPT Boyer be provided in writing.

2) Failure to properly recruit, hire and retain police officers/supervisory police  
officers and/or activate  
sufficient Auxiliary Security Force (ASF) personnel to sustain our mission has  
resulted in countless over-  
time hours, which routinely violate the maximum on-duty driving times for all  
personnel.

- By default, adhering to and imposing the existing schedules that are approved by  
CAPT Boyer have  
placed supervisory personnel in a very precarious position. CAPT Boyer's actions are  
deemed to be  
direct violations of DOD instruction 6055.4, Change 2, Appendix 3 to Enclosure 3,  
page 23 and  
OPNAVINST 5100.12J, pages 15-16

- Police patrol personnel are NOT being limited to driving no more than 10 hours in  
a duty. As  
mandated by instruction, any driving in excess of this standard should only be  
undertaken after a  
thorough Risk Assessment is completed. CAPT Boyer is also required to document risk  
assessment and  
acceptance, to include one-time and routine alternative procedures as necessary.  
This has not been  
accomplished.

- We are therefore being forced to obey this improper order and do so under protest.  
We collectively  
request a waiver from CAPT Boyer absolving us from any responsibility in this  
matter, for following this  
improper order in violation of the aforementioned instructions.

We are deferring these matters to your attention and want it noted for the record  
that "we" will not be  
held responsible for actions taken solely by Commanding Officer, Naval Station  
Newport, Commander  
Navy Region Mid-Atlantic, Commander Naval Installations Command, etc., which are  
beyond our span of  
control to change.

Respectfully,

(b) (6)



FORMAL COMPLAINT to CO- NAVSTA Newport Supervisory Police Officers - 28JUL2015

(b) (6)

Naval Station Newport Police  
Building 1373, Simonpietri Drive  
Newport, Rhode Island 02841

OFFICE: (b) (6)

CELL: (b) (6)

DISPATCH: (401) 841-4041

FAX: (401) 841-2648

DSN: (b) (6)

(b) (6)

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DEPARTMENT OF THE NAVY  
OFFICE OF THE GENERAL COUNSEL  
1000 NAVY PENTAGON  
WASHINGTON DC 20350-1000

FEB 25 2016

(b) (6)

Naval Station Newport Police  
NAVSTA Newport  
Newport, RI 02841

Dear

(b) (6)

I hereby acknowledge receipt of your February 18, 2016 Freedom of Information Act (FOIA) appeal in both your own name and in the name of four other Naval Station Newport personnel (all five of whom made identical FOIA requests) received in this office on February 25, 2016 via the Office of the Judge Advocate General. As all five requesters/appellants signed the appeal, this office will consider this a single appeal applicable to all five FOIA requests, and this office will provide a single appellate response to this appeal. Your appeal will be processed in the order received.

Please be advised that, under U.S. Navy regulations, the administrative appellate authority (in this case, the Navy Deputy General Counsel) is allowed 20 working days from receipt of your appeal to make a final administrative decision concerning the appeal. If the Deputy General Counsel has been unable to take final action on your appeal within the 20 working days permitted by statute and regulation, then you may "consider [your] administrative remedies exhausted." However, you may prefer to "await a substantive response," which would not "prejudice [your] right to a judicial remedy."

Sincerely,

(b) (6)

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# Memorandum

To: Rear Admiral Rick Williamson (USN)  
Commander, Navy Region Mid-Atlantic (CNRMA)

From: (b) (6)  
(b) (6) Naval Station Newport, Rhode Island

Subj: FREEDOM OF INFORMATION ACT (FOIA) REQUEST

Date: November 25, 2015

Ref: (a) Title 5 U.S.C. § 552

Rear Admiral Williamson,

Pursuant to reference (a), please provide me with any and all copies of the following described records, showing dates, circumstances, investigative findings and dispositions involving:

1. The Supervisory Civilian Employee Complaint to Commander, U. S. Fleet Forces Command (COMFLTFORCOM) and Commander, Navy Installations Command (CNIC), submitted on October 20, 2015 by (b) (6) and (b) (6) otherwise referred to as the civilian GS-0083 (series) Supervisory Police Officers at the U.S. Naval Station, Newport, Rhode Island.
2. The Supervisory Civilian Employee Complaint to Commander Navy Region Mid-Atlantic (CNRMA), submitted on September 17, 2015 by (b) (6) and (b) (6) otherwise referred to as the civilian GS-0083 (series) Supervisory Police Officers at the U.S. Naval Station, Newport, Rhode Island.
3. The Supervisory Civilian Employee Complaint to Commanding Officer Naval Station (NAVSTA) Newport, submitted on July 28, 2015 and subsequently resubmitted on August 21, 2015 by (b) (6) and (b) (6) otherwise referred to as the civilian GS-0083 (series) Supervisory Police Officers at the U.S. Naval Station, Newport, Rhode Island.

For the purpose of this request "record" shall include all books, papers, documents, notes, recordings, reports, maps, photographs, information, machine readable materials, or other documentary materials, regardless of physical form or characteristics.

# Memorandum

If you choose to deny this request, then you are required to respond in writing and state the statutory exception authorizing such withholding of all or part of the information sought and the name and title or position of the person responsible for the denial.

Thank you for your assistance on this matter.

Respectfully,

(b) (6)





# Memorandum

To: Rear Admiral Rick Williamson (USN)  
Commander, Navy Region Mid-Atlantic (CNRMA)

From: (b) (6)  
(b) (6), Naval Station Newport, Rhode Island

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Respectfully,

(b) (6)



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Thank you for your assistance on this matter.

Respectfully,

(b) (6)



# Memorandum

To: Rear Admiral Rick Williamson (USN)  
Commander, Navy Region Mid-Atlantic (CNRMA)

From: (b) (6)  
(b) (6) Naval Station Newport, Rhode Island

Subj: FREEDOM OF INFORMATION ACT (FOIA) REQUEST

Date: November 25, 2015

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Respectfully,

(b) (6)



# Memorandum

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Commander, Navy Region Mid-Atlantic (CNRMA)

From: (b) (6)  
(b) (6) Naval Station Newport, Rhode Island

Subj: FREEDOM OF INFORMATION ACT (FOIA) REQUEST

Date: November 25, 2015

Ref: (a) Title 5 U.S.C. § 552

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Thank you for your assistance on this matter.

Respectfully,

(b) (6)

(b) (6)

# Memorandum

To: Vice Admiral James W. Crawford, III  
Office of the Judge Advocate General  
Department of the Navy  
ATTN: FOIA Appeals, Code 14  
1322 Patterson Avenue SE, Suite 3000  
Washington Navy Yard, DC 20374-5066

From: (b) (6)  
(b) (6), Naval Station Newport, Rhode Island

(b) (6)  
(b) (6), Naval Station Newport, Rhode Island

(b) (6)  
(b) (6), Naval Station Newport, Rhode Island

(b) (6)  
(b) (6), Naval Station Newport, Rhode Island

(b) (6)  
(b) (6), Naval Station Newport, Rhode Island

Subj: Freedom of Information Act (FOIA) Request Appeal for Additional Documents

Date: February 18, 2016

Ref: (a) Freedom of Information Request (FOIA) response from Commander Navy Region  
Mid-Atlantic (CNRMA), 5720 Ser 00J/048, dated January 28, 2016

Vice Admiral Crawford,

The authors of this joint correspondence collectively comprise the remaining Supervisory Civilian GS-0083 series Police Officers at Naval Station (NAVSTA) Newport, Rhode Island.

For nearly a year now we have been frustratingly engaged in complaint process, attempting to resolve significant and legitimate law enforcement, security and safety concerns at NAVSTA Newport, only to be ignored or dismissed at every level:

Reference (a) accompanied a 551 page CNRMA Command Investigation into the Operations and Manning of NAVSTA Newport, Security Department, 5830 Ser 00J/042, dated January 22,

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1

# Memorandum

2016. However, approximately 87 pages were withheld from our FOIA request, which we find unacceptable under the circumstances.

In accordance with section 6 of reference (a) we are appealing to receive the 87 pages that were withheld from our FOIA request. Obviously, we have no objection to the exclusion of names and personally identifiable information, but for 'transparency' purposes there is absolutely no objectively reasonable purpose for CNRMA withholding the enormous amount of 87 pages of information relevant to the complaint(s) that "we" collectively filed.

Internal advice, recommendations and subjective evaluations are already contained in the investigation, so we interpret the partial FOIA denial by Commander House as a further attempt by the Department of the Navy (DoN) to obstruct our efforts and the disclosures we are making to the Rhode Island Senate and Congressional representatives.

In closing, thank you for your time and an consideration offered in this matter.

Respectfully,

(b) (6)



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(b) (6)



cc: Senator Jack Reed (D-RI)  
Senator Sheldon Whitehouse (D-RI)  
Congressman David Cicilline (D) 1st Congressional District  
Congressman James Langevin (D) 2nd Congressional District

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