

**UNITED STATES DISTRICT COURT**

**DISTRICT OF MASSACHUSETTS**

|                          |   |                          |
|--------------------------|---|--------------------------|
| UNITED STATES OF AMERICA | ) |                          |
|                          | ) |                          |
| v.                       | ) | CRIMINAL NO. 23-4293-DHH |
|                          | ) |                          |
| JACK DOUGLAS TEIXEIRA    | ) |                          |

**DEFENDANT JACK DOUGLAS TEIXEIRA'S**  
**DETENTION HEARING**

**Exhibit 3**

**Department of the Air Force Memorandum regarding Implementation of  
Commander/First Sergeant Checklist for Airmen and Guardians under Investigation**



DEPARTMENT OF THE AIR FORCE  
WASHINGTON, DC

APR 30 2021

MEMORANDUM FOR ALMAJCOM-FLDCOM-FOA-DRU  
DISTRIBUTION C

SUBJECT: Implementation of Commander/First Sergeant Checklist for Airmen and Guardians  
Under Investigation

Our Airmen and Guardians are the foundation of our Air and Space Forces and the core of a Lethal Ready Force. They fly, fight, and win every day, make sacrifices to defend our nation, and uphold our core values. We, as leaders, are committed to caring for them so they can continue to advance their Services' missions.

Commanders and First Sergeants have many resources at their disposal to ensure they can take care of our Airmen and Guardians; however, some personnel still face coping and problem solving challenges that, if left unchecked, can erode morale, undermine relationships, and deprive them of a sense of belonging and purpose. Airmen and Guardians under investigation may feel particularly overwhelmed or even hopeless.

The attached checklist provides Commanders and First Sergeants a tool to support these personnel in times of difficulty. Checklist use is mandatory if a Commander or First Sergeant has Airmen or Guardians under investigation under the Uniform Code of Military Justice or the civilian criminal justice system. Additionally, we recommend checklist use for other Airmen or Guardians who may be experiencing legal problems.

Thank you for all you do to care for our Air and Space Forces and Families. Leadership at all levels is essential to prompting a sense of belonging and unit cohesion while making a difference in lives of each Airman and Guardian. My point of contact for this is Andrea Bryant, A1ZP, [andrea.bryant.2@us.af.mil](mailto:andrea.bryant.2@us.af.mil).

This letter supersedes all previous memorandums on the same subject.

A handwritten signature in black ink, appearing to read "D W Allvin".

DAVID W. ALLVIN  
General, USAF  
Vice Chief of Staff of the Air Force

A handwritten signature in black ink, appearing to read "D D Thompson".

DAVID D. THOMPSON  
General, USSF  
Vice Chief of Space Operations

Attachment:

Commander/First Sergeant Checklist for Airmen and Guardians Under Investigation or Involved in the Military/Civilian Criminal Justice/Legal Systems

cc:

MAJCOM/A1Z  
MAJCOM/VPPM

**Commander/First Sergeant Checklist for Airmen and Guardians  
Under Investigation or Involved in the Military/Civilian Criminal  
Justice/Legal Systems**

In accordance with AFI 90-5001, *Integrated Resilience*, use of this checklist is **mandatory for Unit Commanders/ First Sergeants** upon notification that an Airmen or Guardian, defined as those subject to the UCMJ, is under investigation under the UCMJ or a civilian jurisdiction for a criminal offense. For Commander Directed Investigations (CDIs), this checklist is **mandatory for Unit Commanders/ First Sergeants** when the member is informed of the CDI. The use of this checklist is **recommended for Unit Commanders/ First Sergeants** for all Airmen and Guardians (as defined above) who may benefit due to current, recent or anticipated investigation(s) or legal issues of any type to include non-judicial punishments or involuntary separations. If the Unit Commander is preferring charges, tasks can be delegated. **The checklist is initiated only after the member has been apprised by Office of Special Investigation (OSI) or other law enforcement agency conducting an investigation** (Consult with SJA for guidance as needed).

**Know the signs and risk factors for suicidality.** Risk factors may include, but are not limited to, current/pending disciplinary or legal action, relationship problems, substance use/abuse, financial problems, work-related problems, transitions (retirement, PCS, separation from service, etc.). Please see the Leaders Guide to Suicidal Behavior found at **[www.resilience.af.mil](http://www.resilience.af.mil)**.

Airmen and Guardians under investigation represent an “at-risk” group for a number of negative outcomes to include suicide. This checklist is intended to help leaders mitigate this risk. Leaders must remember two overarching recommendations in all interactions with Airmen and Guardians under investigation:

- 1) Ensure the member continues to feel connected to and valued by the unit.
- 2) Ensure the member is aware of helping resources and has access to them.

These overarching recommendations and the signs/risk factors for suicidality should be considered in each item of the checklist. **Additional resources are available via Violence Prevention Integrators and on the resilience website [www.resilience.af.mil](http://www.resilience.af.mil).**

| <b>Initial Actions (Within 24 Hours of Notification to the Subject) * see notes below<br/>for additional guidance</b> |  | <b>Date (s)</b> |
|---|--|-----------------|
| <b>1</b>  | Inform Unit Commander (CC), First Sergeant, Officer in Charge and Supervisor. Following any subject interview or notification, investigators must hand-off the member directly to their CC or 1 <sup>st</sup> Sgt through person-to-person documented contact. |                 |
| <b>2</b>  | Ensure “Hand Off” after investigative interviews in accordance with AFI 90-5001, <i>Integrated Resilience</i> .  |                 |
| <b>3</b>  | Reinforce to the member that they remain a <b>valued member of the unit</b> .  |                 |

|   |   |  |
|---|---|--|
| 4 | Provide Area Defense Counsel (ADC) information to the member, if needed. Consult with JA and see notes below.   |  |
| 5 | Ensure key personnel and the member have coping strategies in place and encourage healthy/positive help-seeking strategies via local resources. Ask directly about suicidal thoughts and contact the installation Director of Psychological Health/Mental Health Flight Commander or Wing Chaplain to seek consultation on assisting/supporting the member as necessary.  |  |
| 6 | Inform the member of the Limited Privilege Suicide Prevention Program (LPSP) and refer them to the Mental Health (MH) clinic in accordance with AFI 44-172, <i>Mental Health</i> , 13 November 2015, certified 23 April 2020.   |  |
| 7 | If member is unwilling to receive MH care and does not meet criteria for CC directed MH evaluation, encourage that member to engage with a Behavioral Health Provider in Primary Care, Chaplain, or Military OneSource and provide applicable contact information.  |  |
| 8 | Direct 1 <sup>st</sup> Sgt or Flt/CC and supervisor conduct regular reoccurring check ins with member to determine <b>coping strategies, social support, access/engagement with the Chaplain Corps and/or Mental Health, any thoughts of self-harm, and access to lethal means.</b>   |  |
| 9 | <p>If personal safety is a concern and the member has access to lethal means:</p> <ol style="list-style-type: none"> <li>1. Encourage member to voluntarily secure personal firearms with a friend/armory.</li> <li>2. Restrict access to duty weapons via Do Not Arm roster if necessary for members residing on base or in off-base privatized housing: <ol style="list-style-type: none"> <li>a. CC may have authority to order member to temporarily turn over personal firearms to mitigate immediate threat(s).</li> <li>b. CC must engage the installation SJA prior to taking action in this regard.</li> </ol> </li> <li>3. Consult with medical/mental health regarding management of medications and safe storage.</li> <li>4. CCs may be required to notify individuals of legal restrictions from owning or possessing firearms and ammunition IAW federal law and AFMAN 71-102. See Additional Instruction, #9, for guidance.</li> </ol> <p>If safety of others is a concern assess the need for a Military Protective Order, DD Form 2873, and issue any such order deemed necessary.</p> <p>Consult with JA and Law Enforcement as appropriate.</p> |  |

| <b>Follow-up Actions (72-Hours and Beyond) * see notes below for additional guidance</b> |  | <b>Date(s)</b> |
|--|--|----------------|
| <b>10</b>  | <p>Ensure 1<sup>st</sup> Sgt or Flt/CC or supervisor has frequent (weekly, at a minimum) check-ins with member and that unit leaders meet regularly with the member until legal action is resolved.</p> <ol style="list-style-type: none"> <li>1. Continue to ask the member directly about suicidal thoughts and any changes in access to lethal means regularly.</li> <li>2. Inquire about any additional stressors the member may be experiencing as a result of the situation (e.g., relationship difficulties, financial difficulties, concerns about career implications, etc.).               <ol style="list-style-type: none"> <li>a. These stressors should be addressed directly and/or communicated to helping resources to assist.</li> <li>b. Contact the installation Director of Psychological Health/Mental Health Flight Commander/Chaplain Corps to seek consultation on assisting/supporting the member as necessary.</li> </ol> </li> </ol> |                |
| <b>11</b>  | Have the member and 1 <sup>st</sup> Sgt or Flt/CC or supervisor develop activity plan for off duty time, e.g., weekends, leave & holidays. CC or 1 <sup>st</sup> Sgt should coordinate with MH and/or JA. Consult with law enforcement if the member is under investigation.   |                |
| <b>12</b>  | Have the member's leave (outside local area) requests reviewed/coordinated at the Sq/CC level. Prior to leave authorization consult with law enforcement if the member is under investigation. CC or 1 <sup>st</sup> Sgt must coordinate with JA.  |                |
| <b>13</b>  | 1 <sup>st</sup> Sgt should meet weekly, at a minimum, with the member to discuss any safety/coping concerns and provide support. 1 <sup>st</sup> Sgt should maintain regular contact with supervisor or CC updating status of weekly check-ins. Ensure that the 1 <sup>st</sup> Sgt reads the member his or her Article 31 rights if the member discusses any topics that may implicate criminal activity.   |                |
| <b>14</b>  | Encourage the member to remain engaged within their unit and community activities as appropriate.  |                |
| <b>15</b>  | Encourage hope and acknowledge positive changes, behaviors, or contributions made by the member regardless of current allegations or pending legal actions.  |                |

**Additional Instruction/Notes for Checklist items:**

**2. AF Investigative Interview Policy.** Per AFI 90-5001, para. 5.3.2, following any subject interview, Air Force investigators must hand-off the member directly to their CC or 1<sup>st</sup> Sgt through person-to-person documented contact and inform them of any perceived risk of suicide in accordance with investigative policies. **(T-1). Note:** For Air Reserve Component, when the Commander or First Sergeant is a traditional Guardsman or Reservist and unable to be contacted, the senior ranking unit member (E-7 or higher) on active status will receive person-to-person contact and in turn make notifications to the First Sergeant and Commander. **(T-1).**

The investigator will notify the unit representative that the individual was interviewed and is under investigation. **(T-1)**. Commanders and First Sergeants will use the checklist when notified that a Uniformed Member is under investigation under the Uniform Code of Military Justice or a civilian justice system. (T-1). This can assist with mitigating risk of suicide, suicide attempt or other forms of harm.

4. Following or preceding an OSI interview, the CC may have specific questions/issues they feel they need to address with the member in question (including providing information about legal defense services). Due to the nature of the commander's role, and in the instance that the member is suspected of criminal wrongdoing, any discussions may need to be preceded by an Article 31, UCMJ, or Miranda Rights advisement. CCs should immediately and frequently consult with their host installation SJA on whether or not they should advise a member of his or her rights prior to discussing things related to the suspected offense, such as consultation with an Area Defense Counsel or related matters, as it could prompt self-incriminating responses, questions, etc., from the member to the respective CC.

**5. Guidance for Check-ins.** Key personnel may include those directly working with the uniformed member in supportive or treatment capacities. Be willing to ask about possible thoughts of wanting to die by suicide. It will help you know what type of help they may need. Use the ACE Model for discussing suicide. ACE stands for **Ask**, **Care**, and **Escort**. If you notice signs of distress or suicide risk factors, **Ask** your Airmen or Guardian what's going on and if they are having thoughts of self-harm; be an active listener and show that you **Care** about your wingman; and if necessary, **Escort** your wingman to the appropriate helping resource.

Additional questions to consider asking;

- Would you tell me if you were having thoughts of harm?
- Do you have a wingman for support?
- For more leadership tools visit [www.resilience.af.mil](http://www.resilience.af.mil).

**6. Limited Privilege Suicide Prevention Program (LPSP).** LPSP provides limited confidentiality with regard to information revealed in, or generated by a member's clinical relationship with their mental health provider. Information protected under LPSP may not be used in existing or any future UCMJ action or when weighing characterization of service in an administrative separation. This confidentiality is intended to help remove a potential barrier to help-seeking. Any Airmen or Guardian is eligible for entry in the LPSP after the member has been notified, verbally or in writing that he or she is under investigation or is suspected of the commission of an offense under the UCMJ. The member may be placed in the LPSP program after a MH provider determines the member poses a credible risk for suicide. Consult with SJA and mental health for application of the LPSP program.

7. Inform members of confidentiality when/if seeking counseling services.

**9. Access to Lethal Means.** Access to lethal means may put a member at increased risk for acting on thoughts of self-harm or suicide. Lethal Means Safety is a strategy to reduce potential risk. Given the elevated risk among Airmen and Guardians under investigation, it is recommended that unit leadership encourage the member to voluntarily relinquish firearms



temporarily to be secured in the armory or to a trusted friend or unit member. Other potentially lethal means (e.g., medications and/or hazardous chemicals) should be considered if the member has expressed thoughts of self-harm with these means. Leaders at all levels will comply with DoD requirements (e.g. gun locks, safe storage, danger to self or others procedures) and consult with SJA prior to taking action that would restrict a member's access to weapons. Additional question CC may consider asking may include, but not limited to, do you plan to purchase a weapon?

**10. Frequent Check-ins.** Check-ins (daily to 2-3 times a week) may be accomplished in person, via telephone, or text at the discretion of the Commander. Weekly contacts with the 1st Sgt should occur face to face. Ensure that these are "caring contacts".

**11. Activity Plan.** An activity plan is a set of instructions with activities to structure time while away from work, school or other regularly scheduled activities. The activities plan may include a daily schedule planning out each day from activities of daily living, events, and coping strategies. The plan should include daily check-ins with peers, family, friends or unit leadership. The plan must be re-evaluated on a regular basis and prior to any new leave requests/long weekends. The plan must also include regular check-ins. Seek consultation from the installation Director of Psychological Health/Mental Health Flight Commander on frequency of check-ins and assisting/supporting the member as necessary.

**12. Leave Requests.** Leave requests, especially outside the local area should be carefully considered in light of case status and the member's coping abilities. Commander review should be conducted in conjunction with MH, SJA, law enforcement, and supervisor input, as appropriate. CC or 1<sup>st</sup> Sgt must coordinate with JA and law enforcement if the member is under investigation because there may be concerns with the member being a flight risk (deserter/fugitive) to avoid prosecution or other punitive action.

**Ensure that the member does not feel "written off" by the Commander, chain of command, unit, or peers.** Airmen and Guardians under investigation must continue to meet applicable standards and should be given opportunities to contribute to the mission and interact with unit and peers through formal/informal squadron functions unless there are specific reasons to exclude them from such activities. Feared loss of career is a significant stressor and risk factor for suicide related behaviors. Social exclusion and feeling like a burden to others are identified suicide risk factors. Keep the member integrated and productive to every extent possible.

**Additional resources are available via Violence Prevention Integrators and on the resilience website [www.resilience.af.mil](http://www.resilience.af.mil).**