BY ORDER OF THE SECRETARY OF THE AIR FORCE

AIR FORCE INSTRUCTION 90-301

15 MAY 2008

Specialty Management

INSPECTOR GENERAL COMPLAINTS RESOLUTION

COMPLIANCE WITH THIS PUBLICATION IS MANDATORY

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This instruction implements Air Force Policy Directive (AFPD) 90-3, *Inspector General--The Complaints Resolution Program;* Department of Defense (DoD) Directive 5505.06, *Investigations of Allegations Against Senior Officials of the Department of Defense;* DoD Directive 7050.06, *Military Whistleblower Protection;* DoD Instruction 7050.01, *Defense Hotline Program* and President's Council on Integrity and Efficiency, *Quality Standards for Federal Offices of Inspector General, October 2003*. It applies to all Air Force military personnel subject to the Uniform Code of Military Justice (UCMJ), all Air Force Reserve personnel and Air National Guard members, and to all Air Force civil service personnel subject to civilian administrative or disciplinary action under applicable directives or implementing instructions.

Military members who violate the prohibition against reprisal in paragraph **5.3.1.1.** or the prohibitions against restriction in paragraph **6.3.1.1.** are subject to prosecution and/or disciplinary and administrative action under Article 92 of the UCMJ. Civil servants who violate these provisions are subject to administrative or disciplinary action under applicable directives or implementing instructions governing civilian disciplinary or administrative action. Air National Guard personnel not in federal status are subject to their respective state military code or applicable administrative actions, as appropriate.

It assigns responsibilities and prescribes procedures for reporting and processing all allegations or adverse information of any kind against Air Force Senior Officials, colonels (grade of O-6), colonel-selects, GS-15s, NSPS Pay Band 3s, and complaints involving allegations of reprisal, restriction, or improper referral for mental health evaluations.

This instruction requires collecting and maintaining information protected under the Privacy Act of 1974 as authorized by 10 USC 8013 and 8020. System of Records Notice F090 AF IG B, *Inspector General Records,* applies and AF IMT 102, *Inspector General Personal and Fraud, Waste and Abuse Complaints Registration,* contains a Privacy Act statement. In implementing this instruction, IGs may collect and maintain this information. The reporting requirements in this instruction (except for RCS: HAF-IGO [M] 7701) are exempt from licensing in accordance with AFI 33-324, *The Information Collections and*

Reports Management Program; Controlling Internal, Public, and Interagency Air Force Information Collections.

Major Commands (MAJCOMs), Field Operating Agencies (FOAs), Direct Reporting Units (DRUs) or equivalent can supplement this instruction. However, any supplement must be submitted to and approved by SAF/IGQ.

For the purpose of this instruction, the term; "installation IG" refers to IGs serving at active duty installations, ANG wings, and Air Force Reserve wings; "MAJCOM" includes the Air Force District of Washington (AFDW). Additionally, for purposes of this instruction, *commander* is as defined in AFI 51-604, *Appointment to and Assumption of Command*.

Commanders may use this directive as guidance for commander-directed inquiries or investigations but not as the authority for such inquiries or investigations. Commanders should use the inherent authority of command (rather than this instruction) to authorize commander-directed administrative inquiries and investigations conducted outside of IG channels.

Refer recommended changes and questions about this publication to the Office of Primary Responsibility (OPR) using the AF IMT 847, *Recommendation for Change of Publication*; route AF IMT 847 from the field through the appropriate MAJCOM IG. Ensure that all records created as a result of processes described in this publication are maintained in accordance with AFMAN 37-123, Management of Records, and disposed of in accordance with the Air Force Records Disposition Schedule (RDS) located at **https://afrims.amc.af.mil/**.

SUMMARY OF CHANGES

This document is substantially revised and must be completely reviewed. This revision reformatted the entire instruction to group like subject areas in separate chapters. It changes the grade requirements for appointment of installation IGs. It also eliminates the requirement for grade differences between the Investigating Officer (IO) and the subject of an investigation. This revision expands the definition of chain of command to match DoDD 7050.06. It identifies new notification and investigation approval procedures for allegations of restriction. Allegations of improper mental health evaluation referral will now follow the same reporting and approval procedures as reprisal and restriction. The creation of a single Equal Opportunity office from the Equal Employment Opportunity and Military Equal Opportunity offices is reflected. A new acid test for abuse of authority was added as an attachment. This revision also provides guidance on using the Automated Case Tracking System (ACTS) to document IG actions relating to complainant contacts and investigations. Additionally, the complaint processing timeline for investigations has changed to 135 days.

Chapter 1— THE INSPECTOR GENERAL COMPLAINTS RESOLUTION PROGRAM **15**

Section 1A—The Air Force Inspector General System 15

1.1. Overview. 15

1.2. The IG System. 15

1.3. Relationships Within the IG System. 15

Section 1B—- Authority of The Air Force Inspector General 15

1.4. Key Terms. 15
1.5. Statutory Authority. 16
1.6. Investigations not Covered by the Authority of the IG System. 16
1.7. Authority to Direct Investigations. 16
1.8. Authority to Conduct Investigations. 17
1.9. Authorized IG Positions. 17
1.10. Authority for IG Access to Records. 17

Section 1C—The Air Force Inspector General Complaints Resolution Program (CRP) 18

1.11. Program Policy. 18
1.12. Mission Focus. 18

Section 1D—- Roles and Responsibilities 18

1.13. SAF/IG Responsibilities. 19
1.14. SAF/IGS Responsibilities. 20
1.15. SAF/IGQ Responsibilities. 20
1.16. SAF/IGX Responsibilities. 22
1.17. MAJCOM, JFHQ, FOA, and DRU IG Responsibilities. 22
1.18. Installation/Wing IG Responsibilities. 23
1.19. Deployed Liaison IG Responsibilities. 24

Section 1E—The Installation IG Program 25

1.20. Installation IG Program Background. 25
1.21. Establishment of the Installation IG Program. 25
1.22. Installation IG Organization. 25
1.23. Unique Requirements for Air National Guard (ANG) IGs. 25
1.24. Assigning Additional Duties to Installation IGs. 26

Section 1F—- Commanders and the Inspector General Program 27

1.25. Key Terms. 27
1.26. How the IG System Helps the Commander. 27
1.27. Roles of the IG in Relation to the Commander. 27
1.28. Commander Support of the IG System. 28
1.29. Allegations of Primary Interest Under the Air Force CRP. 28

1.30. Investigations not Covered by the Authority of the IG System. 28
1.31. Commander-Directed Investigations (CDIs). 28
Section 1G—Administering the IG Complaints Resolution and FWA Programs 29
1.32. Key Terms. 29
1.33. Administrative Policy. 29
1.34. Data Management. 29
Section 1H—- Training Requirements 30
1.35. IG Training Requirements. 30
1.36. Investigating Officer (IO) Training Requirements. 30
Section 1I—- Education of Air Force Personnel 31
1.37. Educating Air Force Personnel on the IG System. 31
Section 1J—- Filing an IG Complaint 31
1.38. Policy for Filing an IG Complaint. 31
1.39. Approval of Official Travel to Submit Complaints. 32
1.40. Complaints Not Appropriate for the IG System. 32
Section 1K—Complainant's Rights and Responsibilities 32
1.41. Complainant's Rights. 32
1.42. Complainant's Responsibilities. 33
1.43. Removing Complaints from the IG System. 34
1.44. Requests to Delay Command Action. 35
Section 1L—- How to File an IG Complaint 35
1.45. When to Use. 35
1.46. Procedures for Filing an IG Complaint. 35
Table 1.1. How to File a Complaint. 36
Section 1M—Agencies with Responsibilities to the IG System 36
1.47. Judge Advocates (JA) 36
1.48. The General Counsel of the Air Force (SAF/GC) 37
1.49. The Judge Advocate General (AF/JA) 37
1.50. The Deputy Chief of Staff, Manpower, Personnel and Services (AF/A1) 37
1.51. Equal Opportunity (EO) Office 38

1.52. The Secretary of the Air Force, Legislative Liaison, Congressional Inquiry Division (SAF/LLI) 39
1.53. The Air Force Inspection Agency (AFIA) 39
1.54. The Air Force Office of Special Investigations 39
1.55. The Air Force Audit Agency 40
1.56. The Secretary of the Air Force, Office of Public Affairs 40
1.57. The Headquarters Air Force Directorate of Security Forces (AF/A7S 40
1.58. The Surgeon General of the Air Force (AF/SG) 41
1.59. The Office of the Assistant Secretary of the Air Force (Financial Management and Comptroller) (SAF/FM) 41
1.60. The Secretary of the Air Force-Manpower and Reserve Affairs, Air Force Civilian Appellate Review Office (SAF/MRB 41

Chapter 2— MANAGING IG COMPLAINTS 42

Section 2A—Overview 42
2.1. In this Chapter. 42
2.2. Key Terms. 42
2.3. Protection of Information. 42
2.4. Policy on Managing IG Complaints. 43
2.5. The Complaint Resolution Process. 43
Table 2.1. The Complaint Resolution Process. 44
Section 2B—Step 1: Contact (< 7 Days) 44
2.6. Key Terms. 44
2.7. Policy on Receiving Complaints. 44
2.8. Complaint Clarification Procedures. 44
Table 2.2. How to Conduct a Complaint Clarification. 45
2.9. Administrative Procedures for Processing Complaints. 45
Table 2.3. Processing Complaints. 46
Section 2C—Step 2: Conducting a Complaint Analysis (< 20 Days) 46
2.10. Key Terms. 46
2.11. Policy for Complaint Analysis. 46
2.12. Conducting a Complaint Analysis. 46
2.13. Complaint Analysis Procedures. 47

Table 2.4. How to Conduct a Complaint Analysis. 47
2.14. Documenting a Complaint Analysis. 47
2.15. Policy When Another Appeal or Grievance Channel Exists: Referral. 48
2.16. Referral Agencies and Grievance Channels. 48
2.17. Handling Air Force Civilian Complaints. 48
Table 2.5. Matters Not Appropriate for the IG Complaints Resolution Program (CRP). 49
2.18. Processing Allegations of a Special Nature. 52
Table 2.6. Processing Special Interest Complaints. 53
2.19. Referring a Complaint. 53
Table 2.7. When to Refer A Complaint. 54
2.20. Transferring a Complaint. 54
Table 2.8. When to Transfer A Complaint to Another Air Force IG. 55
2.21. Dismissing a Complaint. 55
Table 2.9. When to Dismiss a Complaint. 56
2.22. Investigating a Complaint. 57
2.23. Assisting a Complainant. 57
Section 2D—Step 3: Tasking: Refer, Transfer, Dismiss, Assist, or Investigate (< 7 Days) 57
2.24. Key Terms. 57
2.25. Higher Headquarters Taskings. 58
2.26. Procedures for Referring a Complaint. 58
Table 2.10. How to Refer a Complaint. 59
2.27. Procedures for Transferring a Complaint. 59
Table 2.11. How to Transfer a Complaint. 60
2.28. How to Dismiss a Complaint. 60
Table 2.12. How to Dismiss a Complaint. 61
2.29. Procedures for Assisting a Complainant. 61
Table 2.13. How to Assist a Complainant. 62
2.30. Policy for Conducting Investigations. 62
2.31. Procedures for Tasking an Investigation. 62
Table 2.14. How to Task an Investigation. 63
2.32. Notification Requirements for Investigations on Lieutenant Colonels (or Below) 63

Table 2.15. Notification Matrix for Investigations on Lieutenant Colonels (or Below) (Complaint Analysis and Investigation Phases). 63

Section 2E—Step 4: Pre-fact Finding (< 7 Days) 64

2.33. Key Terms. 64

2.34. Policy for Appointing an Investigating Officer (IO). 64

2.35. How to Appoint an Investigating Officer. 65

2.36. Requirements for Investigation Preparation. 65

Section 2F—Step 5: Fact Finding (< 14 Days) 65

2.37. Key Terms. 65

2.38. Policy on Investigating Complaints. 65

2.39. IG Responsibilities. 66

2.40. Responsibilities of IOs. 66

2.41. Gathering Evidence. 67

2.42. Interviewing Witnesses. 68

2.43. Persons Present During an Interview. 69

2.44. Civilian Employees Represented by Unions. 70

2.45. Policy Regarding Rights Advisements. 70

2.46. Policy Regarding Subject/Suspect/Witness Hand-offs. 71

Section 2G—Step 6: Writing the Report (< 25 Days) 72

2.47. Key Terms. 72

2.48. Standard of Proof. 72

2.49. Analyzing the Evidence. 73

2.50. Category of Findings. 73

2.51. Policy Regarding Report Writing. 73

2.52. Case File Format. 74

2.53. Report of Investigation (ROI) Format. 74

2.54. Other Forms/Checklists. 75

2.55. Requirement for Progress Reports (PR). 75

2.56. Requirement for Interim Responses (IR). 75

Section 2H—Step 7: IG Quality Review (< 7 Days) 75

2.57. Requirement for IG Quality Reviews. 75

Section 2I—Step 8: Technical Review (< 7 Days) 75

2.58. When is a Technical Review Necessary? 75

Section 2J—Step 9: Legal Review (< 7 Days) 76

2.59. Requirement for Legal Reviews. 76

Table 2.16. Actions to Take Based on Legal Sufficiency Review. 77

Section 2K—Step 10: Reworking the Report (< 7 Days) 77

2.60. When Are Reports Returned for Rework? 77

Section 2L—Step 11: Closing the Case (< 7 Days) 77

2.61. Key Terms. 77

2.62. Appointing Authority Approval. 77

2.63. Closure Requirements. 78

2.64. Notification Requirements for Case Closures. 78

2.65. Responding to Complainants. 79

Table 2.17. Notification Matrix for Closure of Investigation on Lieutenant Colonels (or Below). 80

Section 2M—Step 12: Command Action 80

2.66. Key Terms. 80

2.67. Policy. 80

2.68. Placing Cases in Completed Status. 80

Section 2N—Step 13: Higher Headquarters (MAJCOM) Review (< 10 Days) 80

2.69. Requirement for Higher Headquarters Quality Review (QR). 80

2.70. Disagreement with Findings. 81

Section 2O—Step 14: SAF/IGQ Review (< 10 Days) 82

2.71. Key Terms. 82

2.72. Requirement for SAF/IGQ Review. 82

Chapter 3— SENIOR OFFICIAL COMPLAINTS 83

3.1. Key Terms. 83

3.2. Requirements for Investigating Allegations Against Senior Officials. 83

3.3. Notification Requirements. 83

Table 3.1. Senior Official Complaint Processing. 84

Table 3.2. Senior Official Notification Matrix. 84
3.4. Investigating Allegations Against Senior Officials. 85
3.5. Closing a Senior Official Investigation. 85
3.6. SOUIFs on Senior Officials. 86

Chapter 4— COLONEL AND CIVILIAN EQUIVALENT COMPLAINTS 88
4.1. Governing Directives. 88
4.2. Key Terms. 88
4.3. Reporting Allegations Against Colonels (or civilian equivalent). 88
4.4. Requirements for Investigating Allegations Against Colonels (or civilian equivalent). 89
4.5. Colonels (or civilian equivalent) Assigned to Joint Activities. 89
4.6. Notification Requirements. 90
Table 4.1. Colonels (or civilian equivalent) Notification Matrix. 90
4.7. Closing a Colonel (or civilian equivalent) IG Investigation. 92
Table 4.2. Documents required by SAF/IGQ on Colonel (or civilian equivalent) IG Cases. 93
4.8. Documents Required by SAF/IGQ on Non-IG Cases or Investigations Against Colonels (or civilian equivalent). 93
Table 4.3. Documents Required by SAF/IGQ for Non-IG Cases on Colonels (or civilian equivalent). 94
4.9. Commander-Directed Investigations (CDI) on Colonels (or civilian equivalent)..... 95
4.10. SOUIFs on Colonels. 96

Chapter 5— REPRISAL COMPLAINTS 98
5.1. Governing Directives. 98
5.2. Key Terms. 98
5.3. Whistleblower Protection Against Reprisal Under Title 10, United States Code, Section 1034 (10 USC 1034). 98
5.4. Policy for Receipt of Reprisal Complaints. 99
Table 5.1. Reprisal Referral for Civilian Employees. 99
5.5. Notification Requirements for Reprisal Complaints. 100
5.6. Conducting a Reprisal Complaint Analysis (RCA). 101
5.7. Investigating Reprisal Complaints. 102
5.8. Reprisal Evaluation Form. 103

5.9. Reviewing and Approving Reprisal Investigations. 103
5.10. Final Approval and Notification Requirements. 104

Chapter 6— RESTRICTION COMPLAINTS 105

6.1. Governing Directives. 105
6.2. Key Terms. 105
6.3. Right of Access Protection Under Title 10, United States Code, Section 1034 (10 USC 1034). 105
6.4. Policy for Receipt of Restriction Complaints. 105
Table 6.1. Restriction Referral for Civilian Employees. 106
6.5. Notification Requirements for Restriction 106
6.6. Conducting a Restriction Complaint Analysis. 106
6.7. Evaluating Allegations of Restriction. 107
Table 6.2. Questions for use in Evaluating Restriction. 107
6.8. Investigating Restriction Complaints. 107
6.9. Reviewing and Approving Restriction Investigations. 108
6.10. Final Approval and Notification Requirements. 109

Chapter 7— IMPROPER MENTAL HEALTH EVALUATION (IMHE) REFERRAL COMPLAINTS 110

7.1. Governing Directives. 110
7.2. Key Terms. 110
7.3. Air Force Member Protections and Rights Regarding Involuntary MHE. 110
7.4. Policy for Receipt of IMHE Referral Complaints. 110
7.5. Conducting an IMHE Referral Complaint Analysis. 111
7.6. Notification Requirements for IMHE Referral Complaints. 111
7.7. Conducting IMHE Referral Complaint Investigations. 111
7.8. Reviewing and Approving IMHE Referral Investigations. 112
7.9. Final Approval and Notification Requirements. 112

Chapter 8— CONGRESSIONAL INQUIRIES 114

8.1. Governing Directive. 114
8.2. Sources for Congressional Inquiries. 114
8.3. Responses to Congressional Inquiries. 114
8.4. Congressional Inquiry Complaint Resolution Strategies. 114

8.5. Notification Requirements. 114
8.6. Closing a Congressional Inquiry. 114

Chapter 9— EQUAL OPPORTUNITY (EO) COMPLAINTS 116

Section 9A—Military Equal Opportunity (MEO) Complaints 116

9.1. Governing Directives. 116
9.2. Key Terms. 116
9.3. MEO Program Policy. 116
9.4. Processing MEO Complaints. 116
9.5. Notification Requirements for MEO Allegations against Senior Officials and Colonels (or civilian equivalent). 116
9.6. Closure Documents Required by the IG for MEO Complaints. 117

Table 9.1. Closure Documents Required by the IG on Colonel (or civilian equivalent) Cases. 117

Section 9B—Equal Employment Opportunity (EEO) Complaints 117

9.7. EEO Program Policy. 117
9.8. Processing EEO Complaints. 117
9.9. Closure Documents Required by the IG for EEO Complaints. 117

Table 9.2. Closure Documents Required by the IG on Colonel (or civilian equivalent) Cases. 118

Chapter 10— FRAUD, WASTE, AND ABUSE (FWA) AND GROSS MISMANAGEMENT COMPLAINTS 119

10.1. Governing Directives. 119
10.2. Key Terms. 119
10.3. Background. 119
10.4. FWA Policy. 119
10.5. IG Responsibilities (MAJCOM, JFHQ, FOA, DRU, and below). 119
10.6. Commander FWA Program Responsibilities: 120

Chapter 11— DEFENSE HOTLINE COMPLAINTS 121

11.1. Governing Directive. 121
11.2. Key Terms. 121
11.3. SAF/IGQ Responsibilities. 121
11.4. MAJCOM, JFHQ, FOA, DRU, and lower-level IG Responsibilities. 121

11.5. Investigating a Defense Hotline Complaint. 122
11.6. Closing a Defense Hotline Complaint. 122
11.7. Referring Defense Hotline Complaints to Other Investigative Agencies. 122

Chapter 12— INTELLIGENCE OVERSIGHT COMPLAINTS 124

12.1. Governing Directive. 124
12.2. Key Terms. 124
12.3. Background. 124
12.4. SAF/IGQ Responsibilities. 124
12.5. MAJCOM, JFHQ, FOA, and DRU IG Responsibilities. 124
12.6. Installation IG Responsibilities. 124

Chapter 13— IG RECORDS 126

Section 13A—Maintenance of IG Records 126

13.1. Governing Directives. 126
13.2. Overview. 126
13.3. Key Terms. 126
13.4. Marking IG Records. 126
13.5. Protection of IG Records. 126
13.6. Protecting Privacy Interests. 127
13.7. Maintenance and Disposition of IG Records. 128

Section 13B—Restriction for Use of IG Records 128

13.8. Restrictions for Use of IG Records. 129

Section 13C—Official Use Requests (OUR) 129

13.9. Types of OURs. 129
13.10. Release Determination for OURs. 130
13.11. Policy and Procedure for all OURs. 130
13.12. OURs for Command Action. 130
13.13. Requests from Other DoD Agencies. 131
13.14. Requests from Government Agencies Outside the DoD, Except Congress. 131
13.15. Requests From Congress. 131
13.16. Requests from Non-Government Agencies. 132

Section 13D—Freedom of Information Act (FOIA) and Privacy Act (PA) Requests 133

13.17. Authority Responsible for Making Release Determinations for FOIA and PA Requests. 133

13.18. Procedures Regarding FOIA and PA Requests. 133

13.19. Maintenance of FOIA Records. 134

Section 13E—Making Release Determinations 134

13.20. General Guidance. 134

13.21. Release Analysis. 134

Section 13F—Prescribed Forms 135

13.22. Prescribed Forms. 135

Attachment 1— GLOSSARY OF REFERENCES AND SUPPORTING INFORMATION 136

Attachment 2— COMPLAINT ANALYSIS DOCUMENTATION LETTER TEMPLATE 154

Attachment 3— SAMPLE REFERRAL LETTER 158

Attachment 4— SAMPLE TRANSFER LETTER 159

Attachment 5— SAMPLE INITIAL NOTIFICATION MEMORANDUM TO SUBJECT'S COMMANDER 160

Attachment 6— SAMPLE INVESTIGATING OFFICER (IO) APPOINTMENT LETTER 162

Attachment 7— SAMPLE INVESTIGATION PLAN 164

Attachment 8— WITNESS INTERVIEW FORMAT 168

Attachment 9— SUBJECT INTERVIEW FORMAT 174

Attachment 10— SUSPECT INTERVIEW FORMAT 181

Attachment 11— CASE FILE FORMAT FOR NON-SENIOR OFFICIAL INVESTIGATIONS 188

Attachment 12— REPORT OF INVESTIGATION (ROI) TITLE PAGE FOR NON-SENIOR OFFICIAL INVESTIGATIONS 190

Attachment 13— ROI FORMAT FOR NON-SENIOR OFFICIAL INVESTIGATIONS 191

Attachment 14— SAMPLE PROGRESS REPORT 193

Attachment 15— SAMPLE RESULTS NOTIFICATION MEMORANDUM TO SUBJECT'S COMMANDER 194

Attachment 16— NOTIFICATION MEMORANDUM FOR REPORTING ALLEGATIONS AGAINST A SENIOR OFFICIAL 196

Attachment 17— NOTIFICATION MEMORANDUM FOR REPORTING ALLEGATIONS AGAINST A COLONEL (OR CIVILIAN EQUIVALENT) 197

Attachment 18— WHISTLEBLOWER PROTECTIONS UNDER 10 USC 1034 198

Attachment 19— NOTIFICATION OF ALLEGATIONS OF REPRISAL PROHIBITED UNDER 10 USC 1034 199

Attachment 20— SAMPLE COMPLAINT ANALYSIS FOR ALLEGATIONS OF REPRISAL 200

Attachment 21— FORMAT FOR ACID TEST FOR REPRISAL 209

Attachment 22— FORMAT FOR ACID TEST FOR ABUSE OF AUTHORITY 211

Attachment 23— FORMAT FOR REPRISAL INVESTIGATION EVALUATION FORM 212

Attachment 24— NOTIFICATION OF ALLEGATIONS OF RESTRICTION PROHIBITED UNDER 10 USC 1034 216

Attachment 25— FORMAT FOR MENTAL HEALTH REFERRAL EVALUATION FORM CHECKLIST FOR ASSESSING ALLEGATIONS OF VIOLATIONS OF DODD 6490.1, DODI 6490.4, AND AFI 44-109 217

Attachment 26— NOTIFICATION OF ALLEGATIONS OF IMPROPER MHE REFERRAL 224

Attachment 27— HOTLINE COMPLETION REPORT FORMAT HOTLINE COMPLETION REPORT 225

Attachment 28— SAMPLE OFFICIAL USE REQUEST (OUR) FROM A COMMANDER 227

Attachment 29— OFFICIAL USE REQUEST (OUR) RELEASE MEMORANDUM 228

Chapter 1

THE INSPECTOR GENERAL COMPLAINTS RESOLUTION PROGRAM

Section 1A—The Air Force Inspector General System

1.1. Overview. This chapter covers the background, authority, and purpose of the IG system. It defines the roles and responsibilities of IGs and other offices and agencies involved in the IG process. It also covers the organization of the IG system throughout the Air Force, Air Force Reserve, and Air National Guard.

1.2. The IG System. The IG system used throughout the total force is based on the concept that IGs serve as an extension of their commander by acting as his/her eyes and ears to be alert to issues that affect the organization. IGs primarily serve their commanders and their assigned organizations both by executing the complaint resolution process and by proactively training all members of the organization about IG processes and Fraud, Waste, and Abuse (FWA) issues. A successful complaint resolution program is designed to enhance the organization's discipline, readiness, and warfighting capability. IGs use fact-finding methodologies to seek out systemic issues that affect the organization.

1.2.1. The effectiveness of the IG system requires the mutual cooperation of all Air Force IGs.

1.2.2. IGs assist Airmen of all ranks, family members, civilian employees, retirees, and other civilians. These individuals represent the IG's constituency, and IGs bolster the chain of command by performing a problem-solving mission in support of this constituency.

1.2.3. All IGs must maintain a clear distinction between being an extension of the commander and their sworn duty to serve as fair, impartial and objective fact-finders and problem solvers. They must be sufficiently independent so that those complainants requesting IG help will continue to do so, even when they feel that the commander may be the problem. Commanders must support this clear distinction for their IGs to be effective.

1.2.4. The IG system support process includes operational planning, training, administration, personnel and resource management. These processes facilitate the execution of complaint resolution processes to all Air Force leaders.

1.2.5. Operational readiness is integrated into all phases of the IG system. IGs provide complaint resolution services at all times.

1.3. Relationships Within the IG System. IGs may request and are expected to provide support to other IGs within the total force IG system. The IG system is not a stovepipe system because IGs work for their respective commanders. All IGs who work matters under the Complaint Resolution Program must adhere to IG policies. SAF/IG maintains the integrity of the IG system through policy, training, and oversight.

Section 1B—Authority of The Air Force Inspector General

1.4. Key Terms. This section uses the following key terms: *The Adjutant General (TAG), appointing authority, Automated Case Tracking System (ACTS),* colonel (or civilian equivalent), *commander-directed investigation (CDI), The Commanding General, complaint analysis, completion, file check, independence, inspector general (IG), The Inspector General (TIG), investigating officer (IO),*

report of investigation (ROI), senior officials, and statutory authority. Refer to **Attachment 1** for the definition of these key terms.

1.5. Statutory Authority. The Inspector General (TIG), United States Air Force, derives statutory authority from Title 10, United States Code, Section 8014 and Section 8020 (10 USC 8014 and 8020).

1.5.1. In accordance with 10 USC 8014, the Secretary of the Air Force has sole responsibility for the function of The Inspector General of the Air Force (SAF/IG) and provides for deputies and assistants to TIG. As further defined in 10 USC 8014, no other office or entity may be established or designated within the Air Staff to conduct IG functions.

1.5.2. In accordance with 10 USC 8020, when directed by the Secretary of the Air Force or the Chief of Staff, The Inspector General shall:

1.5.2.1. Inquire into and report upon the discipline, efficiency, and economy of the Air Force.

1.5.2.2. Perform any other duties prescribed by the Secretary or the Chief of Staff.

1.5.3. AFPD 90-3, *Inspector General--The Complaints Resolution Program* implements 10 USC 8020. Subordinate Inspectors General at all organizational levels below SAF/IG derive their authority from AFI 90-301, *Inspector General Complaints Resolution*. Within the Air Force, authority to manage the Inspector General Complaints Resolution Program (CRP) is hereby delegated to IGs at all organizational levels.

1.5.4. In accordance with 10 USC 936(b)(4), the authority to administer oaths for the purpose of military administration may be granted to persons designated by regulations of the armed forces. Authority to administer oaths for IG investigations is hereby granted to the IG investigative staff and IOs at all organizational levels. This authority includes not only the administering of oaths to witnesses, but also the administering of oaths to technical advisors and administrative support personnel.

1.6. Investigations not Covered by the Authority of the IG System. Non-IG personnel who conduct administrative inquiries or investigations (e.g., CDIs) governed by other policy directives and instructions will not cite this instruction as the authority.

1.7. Authority to Direct Investigations. The Air Force Complaints Resolution Program (CRP) requires that each investigation be initiated and closed in writing by a designated appointing authority. This authority is hereinafter referred to as appointing authority. The individuals listed below are the only positions authorized to direct an IG investigation. Appointing authorities have the singular authority to direct investigations, appoint investigating officers (IOs), and approve the report of investigation. Commanders or IGs at any organizational level will not further delegate "appointing authority" except as stated below.

1.7.1. Secretary of the Air Force (SECAF).

1.7.2. The Inspector General of the Air Force (SAF/IG) and designees.

1.7.3. Chief of Staff of the Air Force (CSAF).

1.7.4. Chief, National Guard Bureau (Chief, NGB).

1.7.5. The Adjutant General (TAG) of all states, Puerto Rico, the US Virgin Islands, Guam, and The Commanding General of the District of Columbia.

1.7.6. MAJCOM, FOA, DRU, NAF, Center, Installation, Wing, and Joint Base commanders.

1.7.7. MAJCOM, JFHQ, FOA, DRU, NAF, Center, NGB, Wing, ANGRC, and host Installation Inspectors General, if designated in writing by their respective commander. At the MAJCOM level, commanders can delegate appointing authority to their deputy Inspectors General and IGQ division chief.

1.8. Authority to Conduct Investigations.

1.8.1. Appointed inspector general investigating officers are authorized to conduct IG investigations within the scope of their appointment and under the authority and guidance of this instruction. Appointed inspector general investigating officers' responsibilities expire when the report of investigation (ROI) is approved by the appointing authority or after final higher headquarters approval, whichever is later.

1.8.1.1. Appointing authorities will not initiate investigations into allegations against themselves or their immediate staff including wing staff and subordinate commanders reporting to the wing (FOA, DRU, etc.) commander.

1.8.1.2. Appointing authorities will not initiate investigations into their commander or individuals reporting directly to that commander. To avoid any perception of self-investigation, such allegations will be transferred to the next higher-level IG.

1.8.1.3. As appointing authorities, TAGs and The Commanding General of the District of Columbia will not initiate investigations into themselves or individuals reporting directly to them. Additionally, they will not initiate an investigation into subordinate IGs or their staff. To avoid the perception of self-investigation, such allegations will be transferred to SAF/IGS or SAF/IGQ as appropriate.

1.9. Authorized IG Positions. The below are authorized IG positions:

1.9.1. The Inspector General of the Air Force (SAF/IG).

1.9.2. National Guard Bureau (Chief, NGB).

1.9.3. The Adjutant General (TAG) of all states, Puerto Rico, the US Virgin Islands, Guam, and The Commanding General of the District of Columbia.

1.9.4. MAJCOM, FOA, DRU, NAF, Center, and Installation.

1.9.5. Commanders must request SAF/IG, through the MAJCOM IG (if applicable), approval to appoint IGs to positions not identified in this instruction, such as associate (geographically separated, tenant, or wing-level) units. Commanders requesting IG authorization must certify that the individuals assigned will solely function as a full-time IG. SAF/IG must approve requests for such positions in writing prior to individuals functioning in this capacity.

1.9.6. IGs approved by SAF/IG have the same authority and responsibilities as IGs in positions identified in this instruction.

1.10. Authority for IG Access to Records. To carry out their responsibilities, IGs, IG staff members, and IOs must have expeditious and unrestricted access to and copies of all Air Force, Air Force Reserve, and Air National Guard records, reports, investigations, audits, reviews, documents, papers, recommendations, or other relevant material that are authorized by law and policy. IGs are authorized access to all documents and all other evidentiary materials needed to discharge their duties to the extent allowed by

law. IGs will coordinate with JA to ensure records are properly obtained (e.g., medical records, e-mails, etc.)

1.10.1. No Air Force, Air Force Reserve, or Air National Guard member or employee may deny an IG, an IG staff member, or a properly appointed IO such access.

1.10.2. Appointing authorities will ensure that IOs appointed to conduct investigations involving classified material have the appropriate security clearance and access.

1.10.3. See DoD 6025.18-R, *DoD Health Information Privacy Regulation,* paragraph C 2.3, for applicability of the Health Insurance Portability and Accountability Act (HIPAA) to IG operations.

Section 1C—The Air Force Inspector General Complaints Resolution Program (CRP)

1.11. Program Policy. The Air Force IG CRP is a leadership tool that:

1.11.1. Indicates where commander involvement is needed to correct systemic, programmatic, or procedural weaknesses and ensures resources are used effectively and efficiently.

1.11.2. Resolves issues affecting the Air Force mission promptly and objectively.

1.11.3. Creates an atmosphere of trust in which issues can be objectively and fully resolved without retaliation or the fear of reprisal.

1.11.4. Assists commanders in instilling confidence in Air Force leadership.

1.12. Mission Focus.

1.12.1. The primary charge of the IG is to sustain a credible Air Force IG system by ensuring a responsive CRP. In addition, the IG is responsible for the Fraud, Waste, and Abuse (FWA) Program.

1.12.2. The IG ensures the concerns of all complainants and the best interests of the Air Force are addressed through objective fact-finding.

1.12.3. To create an atmosphere that encourages submission of well-founded complaints, IGs must:

1.12.3.1. Ensure their personal behavior is above reproach.

1.12.3.2. Adhere to and advocate Air Force core values.

1.12.3.3. Enhance openness and approachability by briefing the Air Force IG CRP at newcomers' sessions, commander's calls, staff meetings, and other base and unit gatherings.

1.12.3.4. Educate Air Force members, commanders, and civilian leadership regarding rights of and protection for those contacting an IG.

1.12.3.5. Avoid self-investigation and the perception of self-investigation.

1.12.3.6. Ensure IOs and IG staff members are trained to write detailed complaint analyses and conduct thorough, unbiased investigations based on fair and objective fact-finding.

1.12.3.7. Adhere to and encourage their staffs to adhere to the timeline for completing all complaint actions (i.e., complaint analyses, investigations, etc.), thus promoting responsiveness to all parties and enhancing Air Force credibility.

Section 1D—Roles and Responsibilities

1.13. SAF/IG Responsibilities.

1.13.1. SAF/IG provides Air Force IG policy guidance, develops procedures, and establishes and evaluates the Air Force Complaints Resolution and FWA Programs.

1.13.2. When necessary, SAF/IG may direct as the appointing authority, that investigations be conducted on any pertinent matter.

1.13.3. SAF/IG has also authorized the following individuals to be responsible for certain types of cases:

1.13.3.1. Director, Senior Official Inquiries Directorate (SAF/IGS) for senior official and special inquiries.

1.13.3.2. Director, Complaints Resolution Directorate (SAF/IGQ) for colonel (or civilian equivalent) cases with Air Force wide delegated appointing authority.

1.13.3.3. Commander, Air Force Inspection Agency (AFIA) for investigations directed by SAF/IG.

1.13.4. SAF/IG has oversight authority over all IG investigations and has the authority to comment on and overturn a subordinate IG's findings.

1.13.5. SAF/IG must report all allegations of misconduct made against senior officials, including a summary of the allegation(s) and date received to the:

1.13.5.1. Inspector General of the Department of Defense (IG DoD).

1.13.5.2. Office of the Secretary of the Air Force (SAF/OS).

1.13.5.3. Air Force General Officer Management (AF/DPG) for general officers or general officer selects, and civilian senior officials.

1.13.6. SAF/IG will, within 10 duty days of receipt, report to IG DoD all allegations submitted to an Air Force IG that a service member was:

1.13.6.1. Reprised against for making a protected communication in violation of 10 USC 1034 and DoDD 7050.06. Refer to **Chapter 5** for further guidance.

1.13.6.2. Restricted from making lawful communications to a Member of Congress or an Inspector General (IG) in violation of 10 USC 1034 and DoDD 7050.06. Refer to **Chapter 6** for further guidance.

1.13.6.3. Improperly referred for a mental health evaluation in violation of DoDD 6490.1, DoDI 6490.4, and AFI 44-109, *Mental Health, Confidentiality, and Military Law*. Refer to **Chapter 7** for further guidance.

1.13.7. SAF/IG is responsible for reviewing all cases involving substantiated allegations or adverse information against senior officials and colonels (or civilian equivalent) and for preparing draft Adverse Information Summaries (AIS) to support the SECAF Senior Officer Unfavorable Information File (SOUIF) process.

1.13.8. Following completion of investigations into allegations involving senior officials, SAF/IG will forward a copy of the final report of investigation to the IG DoD within 7 duty days.

1.13.9. SAF/IG will comply with all reporting requirements to IG DoD upon completion of investigations into allegations involving violations of DoDD 7050.06, DoDD 6490.1, or DoDI 6490.4. Refer to **Chapter 5**, **Chapter 6**, and/or **Chapter 7** for specific guidance and requirements.

1.13.10. SAF/IG will provide IG DoD a written report of any disciplinary and/or administrative action taken against any individual in connection with an investigation into allegations involving senior officials and violations of DoDD 7050.06, DoDD 6490.1, or DoDI 6490.4 within 7 duty days of being notified of such action by the commander concerned.

1.13.11. SAF/IG will provide CSAF adverse information on Command Screening Board (CSB) candidates. SAF/IG is the decision authority on which summaries are provided to CSAF.

1.13.12. SAF/IG will forward to SAF/MRM an informational copy of all incoming and outgoing AF Academy related correspondence that suggests a problem for fulfillment of their responsibility to serve as the focal point for analysis of Academy trends.

1.14. SAF/IGS Responsibilities.

1.14.1. Manage the Senior Official Complaints Program and process senior official cases in accordance with (IAW) **Chapter 3**.

1.14.2. Conduct complaint analyses and investigations on complaints involving Air Force senior officials, including allegations of military equal opportunity (MEO) violations (only SAF/IGS is authorized to conduct these investigations).

1.14.3. Assign IOs for senior official and special inquiries as a designated appointing authority by SAF/IG.

1.14.4. Notify appropriate persons/offices involved with senior official complaints as set forth in **Table 3.2.**

1.14.5. Act as the Air Force repository for substantiated allegations or other adverse information against senior officials.

1.14.6. Respond to inquiries involving senior officials. Conduct files checks as required by the Air Force General Officer Management (AF/DPG) (for general officers or general officer selects, and civilian senior officials only) to support pre- and post-board actions and US Senate confirmation. SAF/IGS will review Air Force, DoD, and other government investigative files to determine whether derogatory information exists on specific senior officials.

1.15. SAF/IGQ Responsibilities.

1.15.1. Establish policies and procedures to manage and execute the Air Force IG Complaints Resolution and FWA Programs for non-senior official personnel.

1.15.2. Administer the Automated Case Tracking System (ACTS) and serve as the central point to compile, process, and analyze Air Force IG complaint data.

1.15.3. Conduct investigations as directed by SAF/IG, or as required by this instruction and, as a designated appointing authority by SAF/IG, appoint IOs when investigations are administered by SAF/IGQ.

1.15.4. Conduct training for newly assigned IGs and IG staff members at all levels. Provide special training as requested by lower-level IGs.

1.15.5. Manage, monitor, and report to IG DoD the actions of audit, inspection, and investigative groups on Defense Hotline complaints which IG DoD referred to the Air Force for action.

1.15.5.1. Ensure such audits, inspections, and investigations are conducted in accordance with applicable laws, DoD regulations, and policies.

1.15.6. Conduct biennial staff assistance visits to answer any questions and review MAJCOM, JFHQ, FOA, and DRU files and documentation to help standardize the way IG cases are handled.

1.15.7. Manage the IG responsibilities for reporting intelligence oversight complaints under the authority of DoDD 5240.1, *DoD Intelligence Activities*; DoD 5240.1-R, *Procedures Governing the Activities of DoD Intelligence Components that Affect United States Persons*; and AFI 14-104, *Oversight of Intelligence Activities*.

1.15.8. Maintain adverse information concerning colonels (or civilian equivalent).

1.15.8.1. Maintain the Air Force central repository for reports and adverse information of any kind (other than AFOSI reports) concerning colonels (or civilian equivalent).

1.15.8.2. Act as the Air Force office of primary responsibility for SOUIF preparation supporting the brigadier general selection process.

1.15.8.2.1. Ensure eligible colonels meeting a brigadier general promotion board are afforded a reasonable opportunity to provide written comments on adverse information concerning them, prior to SAF/GC's decision to create a SOUIF. If provided, member comments become part of the SOUIF.

1.15.8.2.2. Conduct files checks requested by AF/DPG or SAF/IG to identify adverse information, or allegations, which if substantiated, may constitute potentially adverse information, about colonels (or civilian equivalent) by reviewing Air Force, DoD, and other government investigative files to support the post-board US Senate confirmation process. If adverse or potentially adverse information is identified, a summary of the adverse or potentially adverse information will be provided to AF/DPG.

1.15.9. Examine Command Screening Board (CSB) and NSPS Pay Band 3 Leadership Development (LD) Board candidates for adverse information. Prepare and submit Adverse Information Summaries (AIS) to SAF/IG. SAF/IG will determine which summaries to provide to CSAF along with the CSB report.

1.15.10. Review all non-senior official investigations involving allegations of reprisal and/or restriction as identified in 10 USC 1034 and DoDD 7050.06. Provide progress reports to the IG DoD as required by DoDD 7050.06 (refer to **Chapter 5** and **Chapter 6**).

1.15.11. Review all non-senior official investigations involving allegations of improper mental health evaluation referrals as identified in DoDD 6490.1 and AFI 44-109. Provide progress reports to the IG DoD as required by DoDI 6490.4 (refer to **Chapter 7**).

1.15.12. SAF/IGQ is the next higher-level IG for JFHQ-(State) IG and the ANGRC. If the SAF/IGQ complaint analysis determines that an investigation is required, and the subject is a certified Army IG

under the authority of AR 20-1, *Inspector General Activities and Procedures,* SAF/IGQ will coordinate with the Department of the Army IG to determine the appropriate investigative course of action.

1.16. SAF/IGX Responsibilities.

1.16.1. Manage SAF/IG policy, planning, program evaluation and resources for Air Force Security, Investigative Activities and Foreign Counterintelligence (CI) programs.

1.16.2. Develop and direct all USAF-level policies and plans concerning counterthreat operations (CTO), with particular emphasis on criminal investigations and CI operations.

1.16.2.1. Represent TIG in all policy, planning, resource and program evaluation matters concerning Air Force criminal investigations, CI and CTO within the DoD and other government departments and agencies.

1.16.3. Focal point for all DoD, US Government Accountability Office, Department of Justice and congressional inquiries on Air Force criminal investigative matters.

1.16.4. Provide SAF/IG coordination on all allegations and adverse information on colonels (or equivalent) and above.

1.16.4.1. Notify SAF/IGS when AFOSI receives allegations or adverse information of any kind against a general officer (or equivalent), or information that a general officer (or equivalent) was involved in an incident as a subject or suspect.

1.16.4.2. Notify SAF/IGQ when AFOSI receives allegations or adverse information of any kind against a colonel (or equivalent), or information that a colonel (or equivalent) was involved in an incident as a subject or suspect.

1.16.4.3. Provide periodic updates to SAF/IGS on AFOSI investigations with a senior official as a subject or suspect.

1.16.4.4. Provide periodic updates to SAF/IGQ on AFOSI investigations with a colonel (or equivalent) as a subject or suspect.

1.16.4.5. Provide SAF/IGS a copy of any AFOSI report where the subject of the report is a general officer (or equivalent).

1.16.4.6. Provide SAF/IGQ a copy of any AFOSI report involving a colonel (or equivalent).

1.16.5. Conduct senior-level coordination on significant criminal and CI investigations.

1.16.6. Respond to inquiries involving colonels and above (or equivalents). Conduct a file check as required by SAF/IG for adverse information or potential adverse information on eligible officers for general officer or federal recognition in support of the Senior Officer Unfavorable Information File (SOUIF), post-board US Senate confirmation, command screening board, or other requests as appropriate.

1.17. MAJCOM, JFHQ, FOA, and DRU IG Responsibilities.

1.17.1. Establish procedures to manage and execute the Air Force IG Complaints Resolution and FWA Programs for non-senior official personnel at MAJCOM level and below.

1.17.2. Answer all higher headquarters IG taskings within applicable time constraints.

1.17.3. Refer criminal allegations to AFOSI, or Security Forces, IAW AFI 71-101V1, *Criminal Investigations*. If they decide not to investigate a criminal matter, obtain a documented transfer back to the IG and complete the complaint analysis to determine appropriate resolution path.

1.17.4. Provide progress reports to SAF/IGQ as required by paragraph **2.55.** of this instruction.

1.17.5. Obtain SAF/IGQ review and approval of all MAJCOM, JFHQ, FOA, and DRU supplements to this instruction prior to publication.

1.17.6. Follow all procedures and requirements for resolving IG complaints as outlined in this instruction.

1.17.7. Ensure required training for newly assigned IGs and IG staff members is accomplished.

1.17.8. Review and approve or disapprove lower-level IG decisions on complaint resolution.

1.17.9. Manage, monitor, and report to SAF/IGQ the actions of audit, inspection, and investigative groups on Defense Hotline complaints which IG DoD referred to the Air Force for action.

1.17.9.1. Ensure such audits, inspections, and investigations are conducted in accordance with applicable laws, DoD regulations and policies.

1.17.10. Conduct staff assistance visits to answer any questions and review lower-level IG files and documentation to help standardize the way IG cases are handled.

1.17.11. Notify SAF/IGQ within 7 duty days after receiving complaints containing allegations of reprisal, restriction, or improper referral for a mental health evaluation. Follow the notification procedures in paragraphs **5.5.**, **6.5.**, or **7.6.** of this instruction, as appropriate.

1.18. Installation/Wing IG Responsibilities.

1.18.1. Establish procedures to manage and execute the Air Force IG Complaints Resolution and FWA Programs for non-senior official personnel at the installation level.

1.18.2. Answer all higher headquarters IG taskings within applicable time constraints.

1.18.3. Refer criminal allegations to AFOSI, or Security Forces (SF), IAW AFI 71-101V1, attachment 2. If they decide not to investigate a criminal matter, obtain a documented transfer back to the IG and complete the complaint analysis to determine appropriate resolution path.

1.18.4. Provide progress reports as required by paragraph **2.55.** of this instruction.

1.18.5. Follow all procedures and requirements for handling IG complaints as outlined in this instruction.

1.18.6. Manage, monitor, and report to SAF/IGQ, through the appropriate MAJCOM, JFHQ, FOA, or DRU IG, the actions of audit, inspection, and investigative groups on Defense Hotline complaints which IG DoD referred to the Air Force for action.

1.18.6.1. Ensure such audits, inspections, and investigations are conducted in accordance with applicable laws, DoD regulations and policies.

1.18.7. Notify SAF/IGQ, through the appropriate MAJCOM, JFHQ, FOA, or DRU IG, within 7 duty days after receiving complaints containing allegations of reprisal, restriction, or improper referral for a mental health evaluation. Follow the notification procedures in paragraphs **5.5.**, **6.5.**, or **7.6.** of this instruction, as appropriate.

1.18.8. Immediately notify SAF/IGQ, through the appropriate MAJCOM, JFHQ, FOA, or DRU IG, after receiving complaints containing allegations of wrongdoing by O-6s (or equivalent). Follow the procedures in paragraph **4.6.**

1.18.9. Immediately notify SAF/IGS, through the appropriate MAJCOM, JFHQ, FOA, or DRU IG, after receiving complaints containing allegations of wrongdoing by senior officials. Follow the procedures in paragraph **3.3.**

1.18.10. Coordinate with EO (formerly MEO and EEO), JA, and FOIA offices to ensure an understanding of each others roles in the complaints resolution process.

1.18.11. Participate as a member of the EO led Commander's forum on Climate and EO issues.

1.18.12. Meet with the senior intelligence officer assigned to the installation and discuss the handling of intelligence oversight complaints.

1.18.13. Educate the base populace on their rights and responsibilities in regard to the Air Force IG system.

1.18.14. Installation IG duties under the "One Installation – One IG" principle. (N/A for the AF Reserve). In those situations where there is a host installation IG and an associate unit (with no assigned IG) from another MAJCOM residing on the installation, the host installation IG will:

1.18.14.1. Coordinate with all associate units and conduct training for all personnel.

1.18.14.2. Intake complaints from all sources.

1.18.14.3. Resolve all complaints within the host organization (as normal).

1.18.14.4. Resolve all complaints resulting in assistance, referral, dismissal, or transfer. Allegations of reprisal, restriction, and IMHE referral will be transferred to the organization or MAJCOM IG that has responsibility for the subject/suspect.

1.18.14.5. Coordinate with the appropriate MAJCOM, JFHQ, FOA, or DRU that has responsibility for the associate unit as to how to proceed if referral to command channels is the recommended resolution strategy. The owning MAJCOM, JFHQ, FOA, or DRU will have final determination concerning a transfer to them or referral by the installation IG to the local unit. Transfer complaints that the complaint analysis indicates should be investigated, to the organization/MAJCOM that has responsibility for the complainant and/or subject (ref to **Table 2.8.**).

1.18.14.6. For allegations against colonels or associate unit commanders, notify the owning MAJCOM through the Installation IG's parent MAJCOM.

1.18.14.7. Assist the appointing authority as requested. Appointing authority will remain with commanders designated in paragraph **1.7.** An associate unit commander (if authorized in paragraph **1.7.**) is authorized to delegate their appointing authority to the installation IG.

1.18.14.8. Be provided manpower assistance, as required, by any organization authorized to have a full time IG and electing not to appoint one (i.e., Organizations must provide manpower assistance to the installation IG if they are going to use the installation IG's services).

1.18.14.9. Work with associate units to develop memorandums of agreement (support agreements) as required.

1.19. Deployed Liaison IG Responsibilities.

1.19.1. Liaison IGs are authorized in the deployed environment only.

1.19.2. Assigned liaison IGs will be a field grade officer or SNCO who is not assigned to a commander or vice commander position.

1.19.3. Liaison IGs will:

1.19.3.1. Brief leadership and assigned personnel on the availability of a local IG liaison program.

1.19.3.2. Advise complainants and forward their complaints to the IG responsible for the applicable AOR (i.e., complaints taken in Afghanistan or Iraq would be forwarded to the AFCENT/IG).

Section 1E—The Installation IG Program

1.20. Installation IG Program Background.

1.20.1. The concept of appointing a separate full-time installation IG was implemented to remove any perceived conflict of interest, lack of independence, or apprehension by Air Force personnel as a result of the previous practice of assigning vice commanders IG duties. This issue was identified in Committee Report H.R. 4301 of the 1995 National Defense Authorization Act.

1.20.2. To sustain a trustworthy relationship with Air Force personnel, the installation IG must be independent (see paragraphs **1.2.3.** and **1.27.3.**). Air Force personnel must be free from any form of retribution, retaliation, or reprisal for communicating with the installation IG.

1.21. Establishment of the Installation IG Program.

1.21.1. Independent installation IGs will be established at all active duty bases and at Air Force Reserve and Air National Guard wings. IGs at Air Force installations with a base population (military, civilians, and dependents) of 5,000 people or more will be in the rank of lieutenant colonel or colonel; those installations with a base population of less than 5,000 people will be in the rank of major or lieutenant colonel.

1.21.1.1. Selection or assignment of an officer of a lower rank (e.g., major for lieutenant colonel IG position) requires coordination and approval by SAF/IGQ.

1.21.1.2. Commanders may appoint a civilian of appropriate grade in lieu of a military member.

1.21.2. Associate unit personnel may use the installation IG for complaint analysis and assistance.

1.22. Installation IG Organization.

1.22.1. The installation IG is organized as a staff function and will report directly to the installation commander.

1.22.2. The two-letter functional address code for the Office of the Inspector General at all levels will be “IG” and the office symbol shall be “unit designation/IG” (e.g., 51 FW/IG).

1.23. Unique Requirements for Air National Guard (ANG) IGs.

1.23.1. Each ANG flying wing is authorized an inspector general on the military manpower document. The wing IG is a peacetime Unit Type Code (UTC.)

1.23.1.1. Air National Guard wing IGs are organized as a staff function and will report directly to the Wing Commander.

1.23.2. The authorized rank for individuals serving as the wing IG is lieutenant colonel.

1.23.2.1. Selection or assignment of a lower rank officer (e.g., a major for lieutenant colonel position) requires coordination with SAF/IGQ prior to nomination.

1.23.2.2. Waiver requests to nominate a company grade officer as the wing IG will not be considered.

1.23.3. To appoint an ANG wing IG, the ANG Wing Commander nominates a qualified candidate in writing. The written appointment is endorsed by the JFHQ-(State) IG, (or TAG where no state IG is assigned), and forward a copy to SAF/IGQ for information.

1.23.4. The tour of appointment for ANG members appointed as the IG should be for three or four years. A new appointment must be completed each time a subsequent IG is appointed.

1.23.5. The IG position may not be combined with another position in the organization.

1.23.6. The wing IG will be responsible for all complaint resolution matters that occur within the wing and within any Geographically Separate Units (GSUs) that are supported by the wing.

1.23.7. JFHQ-(State) is authorized to assign ANG members within their state IG office to manage cases involving ANG personnel. Manpower authorizations and grade determination are under the purview of each JFHQ-(State). ANG members assigned to the state IG office will complete Air Force inspector general training (Army inspector general training as required by the state IG). The Adjutant General will select and appoint ANG members to the state IG office. The written appointment will be sent to SAF/IG through SAF/IGQ for approval.

1.23.7.1. JFHQ IG in each state is a staff function that reports directly to The Adjutant General (TAG). The JFHQ-(State) IG has duties and responsibilities related to both the Army National Guard and Air National Guard IG systems.

1.23.8. In states where no ANG members are assigned to the JFHQ IG office, actions associated with the CRP will be completed by the assigned Army or Army National Guard staff.

1.24. Assigning Additional Duties to Installation IGs.

1.24.1. The focus of installation/wing IGs must be the Air Force Complaints Resolution and FWA Programs. Any activities that may diminish the effectiveness of installation IGs in the performance of their complaints resolution and FWA responsibilities are not acceptable.

1.24.2. The IG position will not be combined with another position in the organization.

1.24.3. IGs must not be constrained by additional duties that detract from their primary responsibilities. Therefore, IGs and IG staff members must not be:

1.24.3.1. Assigned any duties (such as Director of Staff) that subsequently disqualify them from conducting an unbiased analysis of complaints against functions or activities of the wing or installation to which they are assigned or organizations for which they have IG functional responsibility.

1.24.3.2. Appointed as an IO to conduct a commander-directed investigation.

1.24.3.3. Given responsibility for the installation commander's "action line."

Section 1F—Commanders and the Inspector General Program

1.25. Key Terms. This section uses the following key terms: *frivolous allegation, gross mismanagement, independence and ombudsman*. Refer to **Attachment 1** for the definition of these key terms.

1.26. How the IG System Helps the Commander.

1.26.1. Complaints help commanders discover and correct problems affecting the productivity and morale of assigned personnel. Resolving the underlying cause of a complaint may prevent more severe symptoms or costly consequences, such as reduced performance, accidents, poor quality work, poor morale, or loss of resources.

1.26.2. Even though allegations may not be substantiated, the evidence or investigation findings may reveal systemic, morale, or other problems that impede efficiency and mission effectiveness.

1.27. Roles of the IG in Relation to the Commander.

1.27.1. The roles of the IG are to:

1.27.1.1. Be the "eyes and ears" of the commander; be alert for and inform the commander of matters that are indicative of systemic, morale, or other problems that impede efficiency and mission effectiveness.

1.27.1.2. Keep the commander informed of potential areas of concern as reflected by trends based on analysis of complaint data.

1.27.1.3. Function as the ombudsman, fact-finder, and honest broker in the resolution of complaints.

1.27.1.4. Educate and train commanders and members of the base populace on their rights and responsibilities in regard to the Air Force IG system.

1.27.1.4.1. Ensure periodic education/training is provided to new commanders and other installation leadership regarding reporting requirements in this instruction (e.g., reprisal, allegations against senior officials, etc.).

1.27.1.5. Assist commanders in preventing, detecting, and correcting fraud, waste, abuse and gross mismanagement.

1.27.2. To fulfill these roles, the IG must be an integral member of the commander's staff and have unimpeded access to the commander. Commanders must ensure their IG's authority, duties, and responsibilities are clearly delineated.

1.27.3. The independence of the IG must be firmly established and supported to overcome any perceived lack of autonomy that would discourage potential complainants and preclude disclosures of wrongdoing from being brought to the attention of the IG. IG offices should be located in areas that foster open and unfettered access to everyone and which are not in close proximity to the commander's office.

1.28. Commander Support of the IG System. To support the IG system, commanders should ensure that their IGs have the resources necessary to intake, process, maintain, and protect material associated with the CRP. To support the IG system, commanders will:

1.28.1. Ensure the IG office is fully manned, equipped, and trained.

1.28.2. Ensure the IG and subordinate commanders follow the requirements of this instruction.

1.28.3. Educate Air Force members about the rights and responsibilities of all personnel regarding the IG system at commander's calls, staff meetings, and other gatherings.

1.28.4. Ensure that other staff agencies provide support when required.

1.28.5. Designate personnel to serve as IOs to conduct investigations when required.

1.29. Allegations of Primary Interest Under the Air Force CRP. IGs will always retain responsibility to resolve allegations of:

1.29.1. Reprisal (see **Chapter 5**).

1.29.2. Restriction (see **Chapter 6**).

1.29.3. Improper Mental Health Evaluation (IMHE) referrals (see **Chapter 7**).

1.29.4. For allegations of IG wrongdoing regarding actions taken relating to the CRP. The next higher-level IG will conduct the complaint analysis and investigate complaints if required.

1.30. Investigations not Covered by the Authority of the IG System. Non-IG personnel who conduct administrative inquiries or investigations governed by other policy directives and instructions will not cite this instruction as the authority.

1.31. Commander-Directed Investigations (CDIs).

1.31.1. All commanders possess inherent authority to investigate matters or incidents under their jurisdiction unless preempted by a higher authority. The primary purpose of a CDI is to gather, analyze, and record relevant information about matters of primary interest to command authorities.

1.31.2. Commanders should:

1.31.2.1. Consult with the staff judge advocate (SJA) before initiating a CDI.

1.31.2.2. Refer to the CDI guide available on the SAF/IGQ website (**www.ig.hq.af.mil/igq**) for guidance on conducting a CDI.

1.31.3. Commanders will not:

1.31.3.1. Cite this instruction as authority to conduct CDIs.

1.31.3.2. Investigate allegations of reprisal, restriction, or IMHE referral. Commanders will refer such allegations to the IG at the appropriate command level for investigation.

1.31.3.3. Refer suspected criminal or subversive activities into IG channels.

1.31.3.4. Appoint IGs or IG staff members as inquiry or investigation officers for CDIs.

1.31.4. Authority responsible for making release determinations for CDIs:

1.31.4.1. The commander is the authority responsible for making release determinations for commander-directed investigative reports unless the allegations pertain to senior officials. Refer to paragraph **1.14.2.** and **Chapter 3**.

1.31.4.2. The commander must ensure all information subject to the Privacy Act and references to third-party information are protected.

1.31.5. Commander's reporting requirements for CDIs.

1.31.5.1. Immediately report to SAF/IGS, through the applicable MAJCOM, JFHQ, FOA, or DRU IG, all allegations against senior officials in accordance with reporting requirements set forth in **Chapter 3**.

1.31.5.2. Immediately report all allegations of wrongdoing (which are not obviously frivolous) against colonels (or civilian equivalent) through their MAJCOM, JFHQ, FOA, or DRU IG to SAF/IGQ.

Section 1G—Administering the IG Complaints Resolution and FWA Programs

1.32. Key Terms. This section uses the following key terms: *Automated Case Tracking System (ACTS)* and *contact*. Refer to **Attachment 1** for the definition of these key terms.

1.33. Administrative Policy. IGs at every level are responsible for establishing and directing the Air Force IG Complaints Resolution and Fraud, Waste, and Abuse Programs in accordance with this instruction. All IGs will:

1.33.1. Develop and implement procedures for administering the IG Complaints Resolution and FWA Programs.

1.33.2. Establish procedures for interaction with higher headquarters IGs, other military service IGs, other statutory IGs, and other agencies regarding IG matters.

1.33.3. Document correction of substantiated wrongs and their underlying causes. Identify systemic problems and provide the commander, or a civilian leading an organization designated as a unit IAW AFI 38-101, *Air Force Organization*, with recommendations for corrective action (if requested).

1.33.4. Conduct and analyze trend assessments and submit reports when required.

1.33.5. If designated as the appointing authority, appoint field grade officers, senior NCOs, and Air Force civilians as IOs to investigate complaints (refer to paragraph **2.34.**). ANG investigations for colonels (to include Group Commanders in the rank of lieutenant colonel) and above need to go through JFHQ-(State) for the appointment of an IO.

1.33.6. Control access to information obtained under this instruction to protect against unauthorized disclosure.

1.34. Data Management.

1.34.1. All IG actions (assists, dismissals, investigations, referrals, and transfers), Congressional inquiries, and FWA contact(s) must be recorded in the Automated Case Tracking System (ACTS) in accordance with established guidance as published by SAF/IGQ. The ACTS User's Manual is available on the SAF/IGQ web site (**https://www.ig.hq.af.mil/igq**).

1.34.1.1. ACTS is the Air Force IG tool used to capture all IG investigative and administrative activity Air Force-wide, except for SAF/IGS. ACTS also captures all non-IG actions tracked by the Air Force IG system, such as non-IG Congressionals and non-IG colonel cases.

1.34.1.2. ACTS enables IGs at every level to accurately analyze complaint trends and findings and advise commanders, and civilians leading an organization designated as a unit IAW AFI 38-101, on appropriate action to take in response to these trends.

1.34.1.3. To accomplish this data input, every IG must maintain proficiency in ACTS use.

1.34.1.4. IGs will use ACTS to record all non-IG Congressional inquiries when the IG is the Congressional POC for the installation. Enter as "other special interest" and "non-IG Congressional" in nature of complaint, and close as an "Assist."

1.34.1.5. Use the ACTS attachment tab to attach all relevant case documents. Once files are attached to ACTS, the hard copies may be destroyed.

Section 1H—Training Requirements

1.35. IG Training Requirements.

1.35.1. Newly assigned IGs and IG staff members should attend the Installation IG Training Course prior to assignment, but must attend no later than 90 days after assignment. Training will be coordinated through the MAJCOM or equivalent command IG.

1.35.1.1. Air National Guard installation IGs must be appointed in writing by the wing commander as the Installation IG before attending the course.

1.35.1.2. Army personnel assigned to JFHQs as the primary IG and other National Guard personnel assigned to JFHQ IG offices with assigned responsibilities for ANG complaints resolution matters should attend the Installation IG Training Course as soon as practical after assignment.

1.35.1.3. Other DoD or US Government agencies will nominate their IG personnel directly to SAF/IGQ.

1.35.1.4. Course dates and locations may be found on the SAF/IGQ web site (**http://www.ig.hq.af.mil/igq**).

1.35.2. All IG staff members designated to receive complaints or conduct investigations will be familiar with AFPD 90-3 and this instruction.

1.35.3. IGs and their staff will receive refresher training after being in an IG position for three years or if returning to the office after being detailed or deployed for at least 12 months (i.e., attend IIGTC, MAJCOM Conference, or the Worldwide IG Conference).

1.36. Investigating Officer (IO) Training Requirements.

1.36.1. IGs at all levels are required to provide investigative training and oversight to all individuals appointed as IOs for IG investigations.

1.36.2. A Computer-Based IO Overview course is available on the AETC/ADLS web site (**https://golearn.csd.disa.mil/kc/login/login.asp**)

1.36.3. Upon completion of the IO Overview course, all IOs will report to the IG office for additional training and guidance prior to beginning their investigative duties.

1.36.4. A comprehensive Investigating Officer Toolkit (IO Toolkit) is available on the SAF/IGQ web site (**http://www.ig.hq.af.mil/igq**).

Section 1I—Education of Air Force Personnel

1.37. Educating Air Force Personnel on the IG System.

1.37.1. IGs at every level are responsible for ensuring Air Force members are aware of and understand their rights and responsibilities regarding the IG Complaints Resolution and FWA Programs.

1.37.2. IGs will actively publicize the IG CRP and train Air Force members by taking the following actions:

1.37.2.1. Publicize the IG CRP and FWA Hotline through base websites, bulletins, newcomers' orientations, leadership schools, staff meetings, commanders' calls, and by visiting work areas.

1.37.2.2. Distribute IG Complaints Resolution and FWA Program posters for unit high traffic areas (for maximum exposure), reflecting the IG's name and picture, location, and phone number, and the Defense Hotline, AF FWA Hotline, MAJCOM FWA Hotline, and any base level FWA Hotline phone numbers. The purpose of these posters is to assist personnel in contacting the IG. IGs at every level are authorized to develop and publish visual aids using AFI 90-301 as the prescribing directive.

1.37.2.3. Educate personnel on how to use the IG system and the Air Force policy on reprisal, restriction, and mental health evaluation referrals.

1.37.2.4. Educate commanders, and civilian leaders, on their reporting responsibilities regarding allegations against senior officials and colonels (or equivalents) and on their responsibility to provide documentation of non-IG cases (i.e., CDIs) on colonels (or equivalent) to SAF/IGQ.

1.37.2.5. Educate commanders, civilian leaders, and supervisors about the rights of service members to make protected communications.

1.37.2.6. Locally disseminate IG-related news, innovative ideas, and lessons learned.

Section 1J—Filing an IG Complaint

1.38. Policy for Filing an IG Complaint.

1.38.1. Air Force military and civilian employees (appropriated and non-appropriated fund) have a duty to promptly report FWA or gross mismanagement; a violation of law, policy, procedures, instructions, or regulations; an injustice; abuse of authority, inappropriate conduct, or misconduct (as defined by this instruction); and a deficiency or like condition, through appropriate supervisory channels, to an IG or other appropriate inspector, or through an established grievance channel. FWA complaints may also be reported to the AFAA, AFOSI, Security Forces, or other proper authority. All military and civilian employees must promptly advise the AFOSI of suspected criminal misconduct or fraud.

1.38.2. Complainants should attempt to resolve complaints at the lowest possible level (appropriate for the circumstances) using supervisory channels before addressing them to higher-level command channels or the IG.

1.38.2.1. The lowest level supervisors can often resolve complaints more quickly and effectively than a higher-level one not familiar with the situation.

1.38.2.2. The IG system should be used when there is fear of reprisal.

1.38.3. When complaints are addressed to a higher-level (the President, Congress, IG DoD, SAF/OS, SAF/IG, etc.), the IG office that is tasked with the complaint will determine the appropriate level or organization for redress of the complaint. The complaint may be referred back to the complainant's command IG for investigation.

1.38.4. When complainants send the same or a similar complaint to several levels of the government, the highest level with which the complainant corresponds will reply, unless determined otherwise by the higher-level office or other directives. If it is decided that a lower-level will respond, the IG must inform the complainant they will not receive separate replies from various levels of the government and inform the complainant which level will provide the response.

1.39. Approval of Official Travel to Submit Complaints.

1.39.1. Complainants normally do not travel at government expense to present a complaint unless authorized. If authorized, funding would come from the complainant's unit. Such travel may only be funded in accordance with the Joint Travel Regulation.

1.39.2. Requests to travel to meet with SAF/IG personnel must be approved by SAF/IGS or SAF/IGQ prior to unit approval of the TDY request.

1.40. Complaints Not Appropriate for the IG System.

1.40.1. The IG CRP should not be used for matters normally addressed through other established grievance or appeal channels, unless there is evidence that those channels mishandled the matter or process.

1.40.1.1. If a policy directive or instruction provides a specific means of redress or appeal of a grievance, complainants must exhaust those procedures before filing an IG complaint.

1.40.1.2. Complainants must provide relevant evidence that the process was mishandled or handled prejudicially before IG channels will process a complaint of mishandling. Mere dissatisfaction or disagreement with the outcome or findings of an alternative grievance or appeal process is not a sufficient basis to warrant an IG investigation.

1.40.2. **Table 2.5.** outlines agencies with established programs for the redress of various complaints. The table is not all-inclusive. Matters without specific grievance channels or not mentioned in **Table 2.5.** may generally be referred back to the chain of command.

Section 1K—Complainant's Rights and Responsibilities

1.41. Complainant's Rights. Complainants have the right to:

1.41.1. File an IG complaint at any level without going through their supervisory channel.

1.41.2. File a complaint with an IG without fear of reprisal.

1.41.3. Request withdrawal of their IG complaint in writing; however, IGs may still examine the issues at their discretion and treat it as a third-party complaint.

1.41.4. Request the next higher-level IG review their complaint within 90 days of receiving the IG response. However, simply disagreeing with the action taken will not justify additional IG review. The request for review must:

1.41.4.1. Be in writing and give specific reasons why the complainant believes the original IG complaint resolution was not valid or adequate.

1.41.4.2. Provide additional information to justify a higher-level review on previously considered issues.

1.41.5. Submit complaints anonymously.

1.41.6. Submit a complaint if they reasonably believe inappropriate conduct has occurred, or a wrong or violation of law, policy, procedure, instruction, or regulation has been committed, even if the complainant is not the wronged party or was not affected by the alleged violation. Individuals may also submit a complaint on behalf of another individual; those who do so are known as third party complainants.

1.41.6.1. Third-party complainants are not entitled to a response regarding the substance of alleged wrongs not directly affecting them. Third-party complainants are only entitled to have receipt of their complaint acknowledged.

1.41.6.2. Third-party complainants are not entitled to personal information or other information not releasable to the public under the FOIA/Privacy Act (PA). To release personal information concerning a first-party individual (complainant, subject), a written, and signed, consent to release private information must be acquired from the affected individual. If the individual does not give their consent to release first party information to a third-party, IGs must inform the requestor that personal privacy information will not be released. See **Chapter 13** for additional release information.

1.41.7. Request whistleblower protection under 10 USC 1034, if they believe they have been reprised against for making or planning to make a protected communication. Refer to **Chapter 5** for more specific information regarding reprisal complaints.

1.41.8. File complaints with allegations that have been previously investigated and reviewed by a higher-level IG office. If the current complaint does not provide new information or evidence that justifies further investigation it will be dismissed.

1.41.9. Associate unit members maintain the right to address their complaints to the installation IG if the associate unit does not have an appointed IG.

1.42. Complainant's Responsibilities.

1.42.1. Complainants must submit IG complaints within 60 days of learning of the alleged wrong. Normally, complainants will prepare, sign, and submit to an IG an AF IMT 102 to ensure awareness of the Privacy Act and their responsibilities. Complainants making verbal or telephonic complaints should normally return a completed AF IMT 102 to an IG within 5 duty days. Complaints not submitted on an AF IMT 102 should be drafted following the same format outlined in **Table 1.1.**

1.42.2. Time Limit: Complainants must submit IG complaints in a timely manner in order for the IG to resolve them effectively. An IG is not required to look into a complaint if the complainant has failed to present the matter to an IG within 60 days of learning of the alleged wrong. IG complaints not reported within 60 days may seriously impede the gathering of evidence and testimony. The IG may dismiss a complaint if, given the nature of the alleged wrong and the passage of time, there is reasonable probability that insufficient information can be gathered to make a determination, and/or no special Air Force interests exist to justify investigating the matter. See paragraph **2.21.** and **Table 2.9.**

1.42.2.1. IGs may accept and refer complaints that exceed the above time requirements if the complaint is of special Air Force interest or the complainant is able to demonstrate that he/she was unable to meet the time standards due to unforeseen or extraordinary circumstances and such circumstance justifies the delay.

1.42.3. Cooperation. Complainants must cooperate with IGs and IOs by providing factual and relevant information regarding the issues and/or allegations (unless exercising Article 31, UCMJ, or Fifth Amendment rights). If complainants do not cooperate, the IG may dismiss the complaint if the lack of information leaves the IG unable to conduct a thorough complaint analysis.

1.42.3.1. Complainants will normally be allowed at least 5 duty days to provide requested information prior to the IG dismissing their complaint. If a complaint is dismissed, and complainant later files the same complaint issues, the complaint will be accepted as a new complaint (i.e., with a new ACTS number).

1.42.4. Truthfulness. Complainants providing information to the Air Force IG system must understand they are submitting official statements within official Air Force channels. Therefore, they remain subject to punitive action (or adverse administrative action) for knowingly making false statements and for submitting other unlawful communications. Additionally, any information complainants provide to the IG is subject to release during or after the IG inquiry.

1.43. Removing Complaints from the IG System.

1.43.1. Commanders have no authority to take a complaint submitted to an IG for disposition and resolve it through a commander-directed inquiry or investigation.

1.43.2. Complainants may elect to withdraw a complaint from IG channels and then submit it to supervisory channels for resolution. However, IGs may elect to proceed with an investigation if the allegations clearly identify a recognizable wrong or a violation of law, policy, procedure, or regulation. **EXCEPTION:** Allegations of reprisal, restriction, or IMHE referral must be resolved within IG channels.

1.43.3. Generally, IGs should not accept complaints that belong in another Air Force investigative or grievance channel. Refer to paragraph **2.16.** and **Table 2.5.** for assistance in determining if a complaint belongs in other channels. If not specifically listed in **Table 2.5.**, IGs should generally refer complaints to the chain of command, unless they involve reprisal, restriction, or IMHE referral.

1.43.3.1. Inform the complainant of the alternatives and advise the complainant that it would be appropriate to submit their complaint in that channel.

1.43.3.2. IGs may refer a complaint (e.g., AF IMT 102, written/typed complaint, etc.) even if the complainant disagrees with the referral. Such referrals may include, but are not limited to, allega-

tions of crimes, notice of danger to people and/or property, personnel matters, and problems with potential impact on national defense.

1.44. Requests to Delay Command Action.

1.44.1. IGs cannot delay command and personnel actions regarding a complainant based on the filing of an IG complaint or the initiation of an IG investigation. Filing an IG complaint will not delay or prevent completion of command actions such as reassignment, retirement, discharge, nonjudicial punishment, etc, unless deemed necessary by appropriate commanders.

1.44.2. IGs do not have the authority to place individuals on administrative hold or delay a command or personnel action. The authority to place an individual on administrative hold or to delay command action rests only with commanders and the respective personnel center. Therefore, complainants must submit such requests through their respective commander or servicing personnel office.

Section 1L—How to File an IG Complaint

1.45. When to Use. Use these procedures when you have a complaint you reasonably believe is appropriate for IG resolution.

1.45.1. Read **Section 1J**, **Section 1K**, and **Section 1L** of this instruction completely**.**

1.45.2. Complainants may file complaints anonymously through an IG FWA Hotline, the Defense Hotline, or directly with an IG.

1.46. Procedures for Filing an IG Complaint.

1.46.1. Complainants should follow the steps in **Table 1.1.** and complete an AF IMT 102*, IG Personal and Fraud, Waste and Abuse Complaint Registration*, prior to filing a complaint with the IG office.

1.46.2. Complaints not submitted on an AF IMT 102 should be drafted following the same format outlined in **Table 1.1.** Complaints not submitted in the outlined format may cause a delay in the processing of the complaint and the determination of IG action.

Table 1.1. How to File a Complaint.

Step	Action
1	If you believe you are unable to resolve your complaint in supervisory channels, review **Table 2.5.** to determine if the complaint should be filed with the IG. You may file a complaint if you reasonably believe inappropriate conduct has occurred or a violation of law, policy, procedure, instruction, or regulation has been committed.
2	Complete the personnel data information on an AF IMT 102 (typed or printed legibly), the preferred format for submitting complaints so it may easily be reproduced.
3	Briefly outline the facts and relevant background information related to the issue or complaint on the AF IMT 102 in chronological order.
4	List the allegations of wrongdoing BRIEFLY, in general terms and provide supporting narrative detail including chronology and documents later when interviewed. Allegations should be written as bullets and should answer: 1. What violation was committed? 2. What law, regulation, procedure, or policy was violated? 3. When did the violation occur? 4. Who committed the violation?
5	If more than 60 days have elapsed since the alleged conduct occurred: 1. When did you first become aware of the conduct? 2. How did you become aware of the conduct?
6	Submit the completed AF IMT 102 to any Air Force IG and set up a follow-on meeting to discuss the complaint.
7	If the IG is named in the complaint, contact the next higher-level IG.

Section 1M—Agencies with Responsibilities to the IG System

1.47. Judge Advocates (JA) at every level assist IGs by:

1.47.1. Analyzing complaints to identify allegations of wrongdoing.

1.47.2. Providing advice on framing or re-framing allegations prior to investigation.

1.47.3. Providing advice and assistance to IOs during the course of investigations.

1.47.4. Providing legal review of IG Reports of Investigation (ROI).

1.47.4.1. Consider having a different JA perform the legal review than the individual assigned to advise the IO.

1.47.4.2. The JA will review the ROI for legal sufficiency (see definition in **Attachment 1**) and provide written legal reviews prior to the appointing authority review. See paragraph **2.59.**

1.47.5. Providing pertinent comments or recommendations regarding ROIs.

1.47.6. Reminding commanders, and civilians leading an organization designated as a unit IAW AFI 38-101, of their responsibility to immediately notify SAF/IGS or SAF/IGQ through their MAJCOM, JFHQ, FOA, or DRU IG and their higher-level commanders when:

1.47.6.1. They receive allegations against senior officials and colonels (or civilian equivalent) IAW **Chapter 3** and/or **Chapter 4**.

1.47.6.2. Article 15s are served on senior officials and colonels. Copies of the final actions and any appeal documents must be provided upon completion of the action.

1.47.6.3. Court-martial charges are preferred against senior officials and colonels. Follow-on notification must also be made when the charges are referred to trial and again at the conclusion of the trial.

1.47.7. Advising IGs on the disposition of materials gathered during investigations such as recording tapes, discs, memos, etc.

1.48. The General Counsel of the Air Force (SAF/GC) assists SAF/IG by:

1.48.1. Providing legal advice and support in directing, administering, and overseeing the Air Force FWA Program.

1.48.2. Providing legal support in initiating, conducting, and finalizing cases on senior officials as required.

1.48.3. Reviewing (when requested) any report submitted by or to SAF/IG.

1.48.4. Managing the SOUIF process and providing adverse information summaries to general officer selection and federal recognition boards.

1.49. The Judge Advocate General (AF/JA) assists SAF/IG by:

1.49.1. Providing legal support to SAF/IGS and SAF/IGQ as needed. Advising SAF/IGS and SAF/IGQ on the disposition of materials gathered during investigations such as recording tapes, discs, memos, etc.

1.49.2. Reviewing all senior official investigations and reviewing all adverse information summaries proposed by SAF/IG.

1.49.3. Ensuring subordinate JAs are aware of their responsibility to remind commanders, and civilians leading an organization designated as a unit IAW AFI 38-101, to immediately notify SAF/IGS (for senior officials) or SAF/IGQ (for colonels or equivalent) through their MAJCOM, JFHQ, FOA, DRU, or installation IG when notified of allegations or adverse information of any kind against individuals in these grades.

1.49.4. Ensuring commanders notify SAF/IGS and SAF/IGQ whenever Article 15 action is taken (upon completion of the action and appeal, if any) or when charges are preferred against a senior official or colonel.

1.49.5. Providing SAF/IGS and SAF/IGQ, as appropriate, copies of Article 138 complaints concerning general officers or colonels.

1.50. The Deputy Chief of Staff, Manpower, Personnel and Services (AF/A1) assists SAF/IG by:

1.50.1. Ensuring AF/DPG, AF/A1L, AF/A1Q, and AF/A1P maintain close liaison with SAF/IG on policies governed by this instruction.

1.50.2. Providing electronic and hard copy of each new issue of the Personnel Accounting Symbol Directory and Worldwide Personnel Directory to SAF/IGQ.

1.50.3. Ensuring IG access to Military Personnel Data System (MILPDS) to allow SAF/IG staff access to personnel records and information.

1.50.4. Ensuring AF/DPG provides SAF/IGS copies of any adverse information received on general officers or general selects.

1.50.5. Ensuring AF/DPG provides SAF/IGQ copies of any Unfavorable Information Files on colonels.

1.50.6. Ensuring AF/DPG immediately notifies SAF/IGQ of any adverse information on colonels (or civilian equivalent) and forwards derogatory information to SAF/IGQ accordingly.

1.50.7. Notifying SAF/IGQ when formal allegations of violations of EEO or MEO policies are made against colonels (or civilian equivalent).

1.50.7.1. Providing SAF/IGQ status reports of all EEO, MEO, or other grievance cases involving allegations against colonels (or civilian equivalent) as required by paragraphs **4.3.2.** and **Table 4.1.**, as appropriate.

1.50.7.2. Providing SAF/IGQ with EEO/MEO case closure documents on finalized formal cases regardless of the findings.

1.50.7.3. Providing SAF/IGQ a copy of settlement or mediation agreements for civilian formal grievances and EEO or MEO formal complaints resolved through settlement, mediation, or similar means.

1.50.8. Ensuring EO personnel do not conduct complaint clarification reviews of allegations against senior officials. These complaints must be forwarded to SAF/IGS.

1.50.9. Acting as technical advisors, when requested, for IG investigations involving personnel policy and/or procedures.

1.50.10. Providing SAF/IGS the same information provided to SAF/IGQ in paragraph **1.52.7.** when complaints of violations of EEO policies against senior officials are made.

1.51. Equal Opportunity (EO) Office personnel at every level assist IGs by:

1.51.1. Acting as technical advisors on MEO complaints when unlawful, discrimination, or sexual harassment allegations cannot be separated from other matters under IG investigation.

1.51.2. Providing follow-up and final reports to the general court-martial convening authority as required by law for IG investigations conducted into allegations of sexual harassment.

1.51.3. Referring any allegations of reprisal, restriction, and IMHE referrals into the IG system.

1.51.4. Referring any allegations against senior officials to SAF/IGS. Refer to **Chapter 3**.

1.51.5. Notifying SAF/IGQ through MAJCOM, JFHQ, FOA, DRU, or installation IG when allegations of wrongdoing against colonels (or civilian equivalent) are received. Refer to **Chapter 4**.

1.51.6. Providing the results of MEO investigations or complaint analyses conducted as a result of allegations against colonels (or civilian equivalent) to SAF/IGQ.

1.52. The Secretary of the Air Force, Legislative Liaison, Congressional Inquiry Division (SAF/LLI) assists SAF/IG by:

1.52.1. Referring congressional complaints involving IG matters not pertaining to senior officials to SAF/IGQ for complaint analysis and determination of appropriate IG action.

1.52.2. Referring congressional complaints involving senior officials to SAF/IGS for complaint analysis and determination of appropriate IG action.

1.52.3. Notifying congressional staff members of complaints accepted by SAF/IG for action and direct response to the complainant.

1.52.4. Referring complaints not accepted by SAF/IG for action to the appropriate agency for action and response.

1.52.5. Acting as office of primary responsibility for communications with congressional staffers.

1.52.6. Forwarding courtesy copies of IG investigative responses and findings to congressional staffers, when appropriate.

1.52.7. Installation IGs may act as the main processing POC for all congressional inquiries at the installation level. The IG should ensure that the commander reviews the response provided from the installation level back through the appropriate agency to SAF/LLI.

1.53. The Air Force Inspection Agency (AFIA) supports SAF/IG by:

1.53.1. Reviewing MAJCOM, JFHQ, FOA, and DRU FWA programs, detecting FWA, and identifying indicators of possible FWA during all inspection activities.

1.53.2. Acting as the Appointing Authority and conducting IG investigations at the direction of SAF/IG.

1.54. The Air Force Office of Special Investigations (AFOSI) supports SAF/IG by:

1.54.1. Detecting fraud during investigative activities and process disclosures referred to AFOSI.

1.54.2. Conducting appropriate investigations into allegations of fraud referred through SAF/IGQ by the Defense Hotline.

1.54.2.1. Providing SAF/IGQ interim reports on investigations into allegations of fraud made through the Defense Hotline as prescribed in **Chapter 2**.

1.54.2.2. Reporting findings to SAF/IGQ by forwarding a copy of the findings, using HCR format, and corrective actions taken upon completion of the investigation.

1.54.3. Providing periodic updates to SAF/IGQ for investigations assigned by SAF/IG.

1.54.4. Assisting commanders, and civilians leading an organization designated as a unit IAW AFI 38-101, by providing briefings and other material related to FWA, and providing investigative assistance to inspectors and auditors examining suspected fraud.

1.54.5. Conducting internal reviews (using AFOSI/IG) for IG complaints involving allegations against AFOSI personnel or programs.

1.54.6. Notifying SAF/IG (through SAF/IGX) when AFOSI receives allegations or adverse information of any kind against a senior official or a colonel (or civilian equivalent), or information that a senior official or a colonel (or civilian equivalent) was involved in an incident as a subject or suspect.

1.54.7. Providing SAF/IGS (through SAF/IGX) a copy of any AFOSI report involving a senior official.

1.54.8. Providing SAF/IGQ (through SAF/IGX) a copy of any AFOSI report involving a colonel (or civilian equivalent).

1.54.9. Conducting files checks as requested by SAF/IGS and SAF/IGQ through SAF/IGX.

1.55. The Air Force Audit Agency (AFAA) assists SAF/IG by:

1.55.1. Identifying policies and procedures discovered in the course of an audit, which may contribute to FWA.

1.55.2. Performing audits when conditions or situations indicate FWA, determining the effects on operations and programs, and recommending corrective action.

1.55.3. Reporting to managers apparent FWA disclosed by an audit; referring the matter to the appropriate commander or civilian leading an organization designated as a unit IAW AFI 38-101, and AFOSI detachment for investigation when fraud is suspected; and delaying the publication of audit results relating to apparent fraud, if requested by AFOSI, since publication could interfere with ongoing investigations.

1.55.4. Reporting any FWA allegation or adverse information against senior officials to SAF/IGS or against colonels (or civilian equivalent) to SAF/IGQ.

1.55.5. Providing audit assistance when asked by inspectors and investigators looking at allegations of FWA and providing periodic updates to the tasking activity when audits involve IG taskings; to allow preparation of progress and completion reports.

1.56. The Secretary of the Air Force, Office of Public Affairs (SAF/PA) assists SAF/IG by designating a point of contact to handle news media questions about IG cases. SAF/PA is responsible for informing media officials of the proper procedures for obtaining IG records through the Freedom of Information Act.

1.57. The Headquarters Air Force Directorate of Security Forces (AF/A7S) assists SAF/IG by:

1.57.1. Ensuring incidents of FWA reported to Security Forces are referred to the proper agencies for information or action, assisting Loss Prevention Working Groups with identifying waste, and staffing corrective actions.

1.57.2. Ensuring resource protection technical consultants are trained to recognize FWA when performing surveys.

1.57.3. Notifying SAF/IGS when an allegation or adverse information is received regarding senior officials.

1.57.4. Notifying SAF/IGQ when an allegation or adverse information is received regarding colonels (or civilian equivalent).

1.58. The Surgeon General of the Air Force (AF/SG) assists SAF/IG by:

1.58.1. Notifying SAF/IGS (for senior officials) or SAF/IGQ (for colonel, or civilian equivalent) when completing actions to suspend, limit, or revoke clinical privileges as governed by AFI 44-119, *Medical Quality Operations*, and forwarding a copy of the final report to the appropriate SAF/IG directorate.

1.58.2. Conducting Medical Incident Investigations, or reviewing and commenting on complaints referred by IGs regarding medical treatment. Provide the IG who referred the complaint with a copy of final response to complainant (if applicable).

1.59. The Office of the Assistant Secretary of the Air Force (Financial Management and Comptroller) (SAF/FM) assists SAF/IG when a senior official or colonel (or civilian equivalent) is accused of violating the Anti-Deficiency Act, by notifying SAF/IGS or SAF/IGQ, respectively, and by providing a copy of the completed ROIs to SAF/IG.

1.60. The Secretary of the Air Force-Manpower and Reserve Affairs, Air Force Civilian Appellate Review Office (SAF/MRB A**)** (also referred to as AFCARO) assists SAF/IG by:

1.60.1. Reporting allegations of wrongdoing by colonel an civilian equivalents contained in formal EEO complaints and any adverse information to SAF/IGQ.

1.60.2. Providing case information and status to SAF/IGQ or SAF/GCM upon request.

Chapter 2

MANAGING IG COMPLAINTS

Section 2A—Overview

2.1. In this Chapter. This chapter instructs IGs at every organizational level how to manage and process IG complaints and discusses the complaint lifecycle from receipt through resolution. The Air Force endorses a proactive oversight and follow-up system that achieves the high program standards described in the President's Council on Integrity and Efficiency, *Quality Standards for Federal Offices of Inspector General*.

2.2. Key Terms. This section uses the following key terms: *allegation, complainant, complaint, complaint analysis, complaint resolution process (CRP), confidentiality, contact, self-investigation, thoroughness, and timeliness*. Refer to **Attachment 1** for the definition of these key terms.

2.3. Protection of Information. A key goal of the Inspector General CRP is to facilitate a complaints resolution environment that promotes confidence in Air Force leadership. Assurance that an individual's privacy will be safeguarded to the maximum extent practicable encourages voluntary cooperation and promotes a climate of openness in identifying issues requiring leadership intervention. Specifically, the IG has the responsibility to safeguard the personal identity and complaints of individuals seeking assistance or participating in an IG process such as an investigation. While this does not mean that communications made to an IG are privileged or confidential, it does mean that disclosure of those communications (and the identity of the communicant) should be strictly limited to an official, need-to-know basis. This information should not be disclosed unless required by law or regulation, when necessary to take adverse action against a subject, or with the approval of The Inspector General (SAF/IG), or IAW paragraph **2.3.2.** See **Chapter 13** for guidance on the Air Force IG Records Release Program. Persons who request anonymity or who express a concern about confidentiality must be informed of this policy. All personnel reviewing or processing IG information shall be briefed on this policy. All IGs and staff members are obligated to protect IG information when their tenure of service as an IG is completed. The following guidance applies to all personnel at all organizational levels:

2.3.1. IG personnel must protect the identity of all complainants as described above in paragraph **2.3.** At the time the IG receives a complaint, they will advise the complainant:

2.3.1.1. If a complaint is more appropriate for other channels, the IG will refer the complaint.

2.3.1.2. Even if the complainant disagrees with referring the complaint, the complaint may still be referred for action.

2.3.1.3. The referral may require release of the complainant's identity so the referral agency can effectively work to resolve the issue.

2.3.2. IOs should not divulge a complainant's name to a subject or to any witness, or permit a witness to read the complaint without the appointing authority's written permission--reference paragraph **2.40.8.**

2.3.2.1. IOs will advise witnesses in an investigation of the general nature of allegations under investigation. To the maximum extent possible, the IO should protect the identifying information of complainants, subjects, and suspects.

2.3.2.2. IOs will advise subjects or suspects of the allegation(s) under investigation. For reprisal, restriction, and improper referrals for mental health evaluations, the IO will read the allegations verbatim to the subject/suspect. For all other cases, the IO will summarize the allegation to protect the identity of the complainant.

2.3.3. Complainants and witnesses must be made aware that any information they divulge to the IG or IO, with the exception of their name, may be used during follow-on interviews with other witnesses.

2.4. Policy on Managing IG Complaints.

2.4.1. IG complaints will be managed in a manner that facilitates efficient and effective mission accomplishment. IG complaints will be reported and resolved with due diligence and in a timely manner. IGs at all organizational levels must document all complaints and adhere to the process timeline outlined in **Table 2.1.** Complaints that are within the purview of the IG CRP should be addressed at the lowest appropriate level, including high-level complaints (e.g., those sent to the President, Congress, DoD, SECAF, SAF/IG).

2.4.1.1. This ensures the higher-level IGs remain unbiased and are available to review any rebuttals or appeals of the lower-level investigations or actions.

2.4.1.2. IGs should resolve complaints at the lowest possible level but may elevate complaints when appropriate. IGs must elevate complaints when self-investigation or the perception of self-investigation is an issue.

2.4.1.3. Complaints against senior officials will be processed IAW **Chapter 3**.

2.5. The Complaint Resolution Process. To assist IGs in managing complaints, the following table describes actions required to resolve a complaint from receipt through investigation to closure. The process contains 14 steps and is divided into 3 phases; complaint analysis, investigation, and quality review. The goal is for 95 percent of all cases to be resolved according to the guidelines described in **Table 2.1.** For example, the goal for completing dismissal cases is 34 days (contact, 7 days; conduct complaint analysis, 20 days; close case, 7 days). For Air National Guard and Air Force Reserve IGs: To meet the goal to resolve all case matters promptly, Phase 1 actions need to be completed not later than the end of the next Unit Training Assembly (UTA) after receipt of the complaint.

Table 2.1. The Complaint Resolution Process.

A	B	C	D
PHASE	**STEP**	**PROCESS NAME**	**PROCESSING TIMELINE (calendar days)**
Phase 1: Complaint Analysis	1	Contact	≤ 7 Days
	2	Conducting a Complaint Analysis	≤ 20 Days
	3	Tasking	≤ 7 Days
Phase 2: Investigation	4	Pre-Fact Finding	≤ 7 Days
	5	Fact Finding	≤ 14 Days
	6	Report Writing	≤ 25 Days
Phase 3: Quality Review	7	IG Quality Review	≤ 7 Days
	8	Technical Review	≤ 7 Days
	9	Legal Review	≤ 7 Days
	10	Rework	≤ 7 Days
	11	Closing the Case	≤ 7 Days
	12	Command Action	N/A
	13	Higher Headquarters Review	≤ 10 Days
	14	SAF/IGQ Review	≤ 10 Days
Total Processing Time			≤ 135 Days

Phase 1: Complaint Analysis Phase

Section 2B—Step 1: Contact (≤ 7 Days)

2.6. Key Terms. This section uses the following key terms: *complaint, complaint clarification, contact,* and s*enior official*. Refer to **Attachment 1** for the definition of these key terms.

2.7. Policy on Receiving Complaints. Air Force, Air National Guard, and Air Force Reserve IGs receive and process complaints from any source (including anonymous), via any medium, regarding operations, organizations, functions, and personnel. IGs can accept telephonic and verbal complaints, but every attempt should be made to obtain a written complaint. For telephonic and verbal complaints, IGs should obtain adequate information for clarification and follow-up actions.

2.8. Complaint Clarification Procedures. If upon initial receipt of the complaint, the IG identifies the need for more information from the complainant, the IG will conduct a complaint clarification using the procedures in **Table 2.2.** Fully document the contact in ACTS.

Table 2.2. How to Conduct a Complaint Clarification.

Step	Action
1	Find a private location if the complaint is made in person.
2	If the complainant has not yet done so, ask them to complete the complainant portion of an AF IMT 102, if applicable.
3	Find out if the complaint was previously filed with another agency or individual.
4	If the complainant has not talked to their supervisory channel, find out why. Unless the circumstances warrant otherwise, encourage the complainant to attempt resolution in supervisory channels first. Explain why this is the preferred approach (faster resolution, commanders have the authority to remedy the situation, etc.). Explain that, if the matter is clearly a commander issue and not an IG issue, the complaint should be referred to supervisory channels regardless of the desires of the complainant. (refer to paragraph **2.3.1.**)
5	Determine if the individual has sought assistance from an appropriate support agency (for example, military personnel flight, finance, or equal opportunity office). Refer them to that source if they have not.
6	If it has been more than 60 days since the complainant learned of the alleged wrong inform them the complaint may be dismissed. Explain that complaints are reviewed for dismissal on a case-by-case basis and the length of time since the alleged event can seriously impede the effectiveness of an investigation. Ask the complainant why they delayed filing the complaint and if there were compelling circumstances.
7	Ask the complainant to clarify his/her allegations and provide a chronology, as necessary. Generally, a statement of fact must identify the nature and substance of the alleged wrong with sufficient detail and facts to enable the IG to ascertain what potential violations may have been committed. The complainant should also identify the source (for example, the documents or names of witnesses who can corroborate the allegations); the date; and the act or condition that occurred or existed at that date. If the complainant alleges reprisal, explain the whistleblower protection afforded by 10 USC 1034.
8	Advise the complainant that any records or documents he/she provides to the IG become part of an IG record and are not returnable.
9	Ask the complainant what remedy is being sought.
10	Explain the steps involved in processing an IG complaint and/or conducting an investigation.
11	Inform the complainant when you expect to get back to him/her (normally this will be an interim reply).

2.9. Administrative Procedures for Processing Complaints. IGs will log all contacts in ACTS and follow the administrative procedures in **Table 2.3.** to process complaints made to their office.

Table 2.3. Processing Complaints.

Step	Action
1	Log complaint into the ACTS database (NOTE: ACTS Case Notes should contain a complete description of the facts, sequence of IG actions taken, record of persons/organizations contacted, and date contact was made.
2	Mark documents "COMPLAINANT PROVIDED" on each page
3	Contact complainant in writing, by telephone, or in person within 5 duty days to acknowledge receipt (unless received directly from complainant). Provide interim response to the complainant 60 days after receipt of the complaint and every 60 days (For ANG/Air Force Reserve: every other UTA weekend) thereafter until a final response is provided.
4	Advise the complainant that any records or documents they provide to the IG are now part of an IG record and are not returnable.

Section 2C—Step 2: Conducting a Complaint Analysis (≤ 20 Days)

2.10. Key Terms. This section uses the following key terms: *appointing authority, assist, complaint analysis, criminal offense, dismiss, frivolous allegation, investigating officer (IO), investigation, referral,* and *transfer.* Refer to **Attachment 1** for the definition of these key terms.

2.11. Policy for Complaint Analysis. In each case, IGs at every organizational level will conduct a thorough complaint analysis to determine the appropriate complaint resolution strategy. A complaint analysis is always required, and results in assistance, dismissal, investigation, referral or transfer of the complaint. Complaints containing multiple assertions may require multiple resolution strategies, i.e., referral, dismissal and/or investigation. For every contact, document the rationale for the selected resolution strategy in ACTS (see template at **Attachment 2**).

2.12. Conducting a Complaint Analysis. A complaint analysis is a preliminary review of assertions and evidence to determine the potential validity and relevance of the issues to the Air Force and to determine what action, if any, is necessary within IG, supervisory, or other channels.

2.12.1. A properly framed allegation is a factual proposition to be proved or disproved during an investigation, and which if true, would constitute wrongdoing. If an allegation cannot be properly framed, then an investigation is inappropriate. Framed allegations must contain the following:

2.12.1.1. When did the alleged violation occur?

2.12.1.2. Who committed the alleged violation?

2.12.1.3. What violation was committed?

2.12.1.4. What law, regulation, procedure, standard, or policy was violated?

2.12.1.5. A properly framed allegation is constructed as follows:

When (on or about 10 January 2004), **Who,** (Major John A. Smith) **did what,** (gave a letter of reprimand), **to whom** (SrA William Tell), **in violation of what standard,** (in reprisal for a protected communication in violation of 10 USC 1034).

2.12.2. Do not combine allegations to simplify the process. If the complainant asserts multiple violations on different occasions, make each of these a separate allegation. The same rule applies when the complaint contains multiple subjects, occurrences, or standards.

2.12.3. Refer to paragraph **5.6.** when conducting a complaint analysis into allegations of reprisal.

2.13. Complaint Analysis Procedures. Use the complaint analysis procedures in **Table 2.4.** to determine whether a complaint is appropriate for IG action.

Table 2.4. How to Conduct a Complaint Analysis.

Step	Action
1	Determine if the complaint is appropriate for IG channels or should be referred. See **Table 2.5.**, *Matters Not Appropriate for the IG Complaint System*. If appropriate for referral, follow the guidance in paragraph **2.26.** and **Table 2.10.**, *How to Refer a Complaint.*
2	Determine whether the issues are appropriate for IG action, but should be addressed by another IG. See paragraph **2.20.** and **Table 2.8.**, *When to Transfer a Complaint to Another IG*. If appropriate for transfer, follow the guidance in paragraph **2.27.** and **Table 2.11.**, *How to Transfer A Complaint.*
3	Determine whether the issues are appropriate for dismissal. See **Table 2.9.**, *When to Dismiss a Complaint*. If appropriate for dismissal, follow the guidance in **Table 2.12.**, *How to Dismiss a Complaint*.
4	Determine whether the issues asserted are appropriate for investigation. See paragraph **2.30.**
5	Determine whether IG assistance is required. See **Table 2.13.**, *How to Assist a Complainant.*
6	Document the rationale for the selected complaint resolution strategy. For reprisal complaint analysis cases, use **Attachment 20**. The complaint analysis documentation letter in **Attachment 2** provides a template for documenting a non-reprisal complaint analysis.
7	Document appropriate complaint information in ACTS. See paragraph **2.14.**

2.14. Documenting a Complaint Analysis. IGs and IG staff members at every organizational level will document each complaint analysis and include the rationale for the selected complaint resolution strategy.

2.14.1. Document the complaint analysis using the complaint analysis documentation letter (**Attachment 2**) and attach the document to the ACTS case file. For complaints that are resolved through an assist or referral, the IG can document the complaint analysis in an ACTS case note in place of the complaint analysis documentation letter (include all appropriate information as referenced in **Attachment 2**).

2.14.2. If during initial complaint analysis the IG determines that the complaint should be handled by another IG office, the IG will document the rational for the transfer in ACTS and transfer the complaint. The IG that receives the transfer will accomplish a detailed complaint analysis and complete the required documentation.

2.14.3. If the complaint analysis recommends an IG investigation, the complaint analysis document must contain properly framed allegations.

2.14.4. For Reprisal Complaint Analysis cases, use the format in **Attachment 20**.

2.14.5. All complaint analyses for allegations of reprisal, restriction, and IMHE , and instances where the complaint analysis recommends investigation will be reviewed by the appointing authority. If appointing authority has been delegated to the IG, that IG (not an IG staff member) may review the complaint analysis document as the appointing authority.

2.15. Policy When Another Appeal or Grievance Channel Exists: Referral. When a member has a complaint or appeal regarding adverse actions for which law and/or regulation provide a specific means of redress or remedy, IGs must refer the complaint to those other redress or appeal channels as provided for by the specific law or regulation. Mere dissatisfaction with the outcome of an appeal is not sufficient basis for an IG investigation.

2.15.1. Complaints that are not appropriate for the IG CRP are dismissed or referred according to **Table 2.9.** and **Table 2.10.**

2.15.2. IGs will refer complaints when they fall under the purview of another office or agency, or when they are covered by other directives with established grievance channels.

2.15.3. If the member alleges the appeal process was improperly or prejudicially handled and has no other means of redress, the complainant may enter a complaint of mishandling under this instruction for IG complaint analysis.

2.15.4. If the complainant makes an allegation that could be considered a criminal offense not clearly an IG matter (i.e., restriction, reprisal, IMHE), the IG will consult with JA and law enforcement to determine whether the complaint should be referred or remain in IG channels.

2.15.5. When the appropriate referral agency is not located on the installation where the complaint was received, the receiving IG will transfer the complaint (through their MAJCOM, JFHQ, DRU, or FOA IG) to an IG that is co-located with the referral agency. The co-located IG will complete the referral.

2.16. Referral Agencies and Grievance Channels. DoD and Air Force policy mandates the use of specialized investigative agencies or procedures for certain types of complaints made against non-senior officials. In these cases, complainants should be referred to the appropriate agency. **Table 2.5.** assists IGs in determining if a complaint belongs in other channels.

2.17. Handling Air Force Civilian Complaints. The IG CRP does not cover matters concerning employment conditions for civilian employees. These matters must be processed under applicable civilian grievance, complaint, or appeal systems as stated in other directives. Refer to **Table 2.5.** for procedures for handling civilian complaints.

Table 2.5. Matters Not Appropriate for the IG Complaints Resolution Program (CRP).

RULE	A Type of Issue	B Appropriate Agency to Resolve the Issue
1	Appropriated Fund employees -- Conditions of employment (personnel policies, practices, and matters affecting working conditions) Equal Employment Opportunity (EEO) issues (discrimination based on age, race, color, gender, religion, disability, or national origin), or reprisal against a civil service employee or applicant.	The servicing Civilian Personnel Flight (CPF) for action in accordance with civilian grievance system (either Administrative IAW AFI 36-1203, *Administrative Grievance System* or Negotiated IAW locally negotiated agreements). EEO Complaints should be referred to the local EO Director for processing IAW AFI 36-1201, *Equal Employment Opportunity Complaints* For allegations of reprisal, direct the complainant to the Office of Special Counsel (**www.osc.gov**), DoD Hotline (**www.dodig.osd.mil/hotline/fwacompl.htm**)
2	Nonappropriated Fund employees -- Conditions of employment and discrimination or reprisal	Servicing Nonappropriated AF Employment Office for conditions of employment or for reprisal allegations advise the complainant they can file their complaint directly with IG DoD (IAW DoDD 1401.3, *Reprisal Protection for Non-appropriated Fund Instrumentality Employees/Applicants*) or receive the complainant's information and forward it to IG DoD (IAW DoDD 1401.3).
3	ANG Statutory tour program issues	See ANGI 36-6, *The Air National Guard Statutory Tour Program Policies and Procedures*
4	ANG Active Guard/Reserve (AGR) issues	See ANGI 36-101, *The Active Guard/Reserve (AGR) Program*
5	ANG incapacitation benefit program	Command -- ANGI 36-3001, *Air National Guard Incapacitation Benefits*
6	ANG Administrative demotions	Command -- ANGI 36-2503, *Administrative Demotion of Airmen*
7	ANG enlistment/reenlistment issues	Command -- ANGI 36-2002*, Enlistment and Reenlistment in the Air National Guard and As a Reserve of the Air Force*
8	ANG Retention matters	Command -- ANGI 36-2606, *Selective Retention of Air National Guard Officer and Enlisted Personnel;* ANGI 36-2607, *Air National Guard Retention Program*
9	National Guard Military Technicians (Excepted Civil Service under 32 USC § 709	State Human Resources Office (HRO)

RULE	A	B
	Type of Issue	**Appropriate Agency to Resolve the Issue**
10	Air Force Reserve Assignment matters	HQ AFRC/A1 -- AFI 36-2115, *Assignments Within the Reserve Components*
11	Military Equal Opportunity Issues	Local EO Director -- AFI 36-2706, *Military Equal Opportunity (MEO) Program*. For ANG refer to NGR 600-22/ANGI 36-3, *National Guard Military Discrimination Complaint System* and ANGI 36-7, *Air National Guard Military Equal Opportunity Program*
12	Administrative Separations	Local Military Personnel Flight (MPF) -- AFI 36-3208, *Administrative Separation of Airman*; AFI 36-3207, *Separating Commissioned Officers*; AFI 36-3209, *Separation and Retirement Procedures for Air National Guard and Air Force Reserve Members*
13	Equal Opportunity in off-base housing	The Housing Referral Office -- AFPD 32-60, *Housing*
14	Landlord or tenant disputes	Commander -- AFI 32-6001, *Family Housing Management*
15	Claims against the Government	JA -- AFI 51-502, *Personnel and Government Recovery Claims*
16	Correction of military records	AFPC and VMPF web sites for appropriate processing via AFBCMR -- per AFI 36-2603, *Air Force Board for Correction of Military Records*
17	Appeal of an Officer Performance Report (OPR), Enlisted Performance Report (EPR), or Promotion Recommendation Form (PRF)	AFPC and VMPF web sites for appropriate processing via AFERAB -- per AFI 36-2401, *Correcting Officer and Enlisted Evaluation Reports*. For ANG: refer enlisted appraisals to local MPF or commander -- ANGR 39-62, *Enlisted Performance Appraisal*
18	Support of Dependents and Private Indebtedness	Subject's commander or DFAS -- AFI 36-2906, *Personal Financial Responsibility*
19	The Air Force Innovative Development through Employee Awareness (IDEA) Program	Local IDEA POC -- AFI 38-401, *The Air Force Innovative Development Through Employee Awareness (IDEA) Program*. For ANG, refer to State POC per ANGI 38-401, *Suggestion Program*
20	Change to an Instruction/Regulation or current policy guidance	Appropriate AF OPR -- AFI 33-360, *Publications and Forms Management*
21	LOC, LOR, or Article 15 (other than discrimination/reprisal)	Commander or Area Defense Counsel (ADC)
22	Punishment under UCMJ	ADC -- AFI 51-201, *Administration of Military Justice.* For ANG refer to NGB-JA

RULE	A Type of Issue	B Appropriate Agency to Resolve the Issue
23	ANG: Punishment under the State Code of Military Justice	State Staff Judge Advocate (SJA)
24	Article 138, UCMJ (Complaint of Wrong)	Legal channels -- AFI 51-904*, Complaints of Wrongs Under Article 138, Uniform Code of Military Justice*
25	Hazardous Working Conditions (unsafe or unhealthy)	AFI 91-301, *Air Force Occupational and Environmental Safety, Fire Protection, and Health (AFOSH) Program* and local Ground Safety Manager
26	Elimination From AETC Training	If elimination authority is squadron CC refer to the next higher CC. If elimination authority is the Group CC or higher, refer/transfer to AETC/IG
27	Elimination from other MAJCOM'S training courses	Appropriate MAJCOM
28	Medical Treatment	SG for Quality Assessment or Medical Incident Investigation (MII) -- AFI 44-119
29	TRICARE Complaints	TRICARE Benefits Services Office
30	Allegations of homosexual conduct	Commander -- AFI 36-3208 (Enlisted), AFI 36-3207 (Officers), AFI 36-3209 (Reserve and ANG)
31	Misuse or abuse of government vehicles	Base Transportation -- AFI 24-301,*Vehicle Operations*. For ANG: Refer to AFI 24-309 ANG SUP 1
32	Unprofessional Relationships/ Adultery	Commander -- AFI 36-2909, *Professional and Unprofessional Relationships*
33	Sexual Harassment/Discrimination	Command -- NGR 600-4, ANGP 30-02, *Prevention of Sexual Harassment,* local EO Director, AFI 36-2706, *Military Equal Opportunity (MEO) Program* and 36-1201, *Equal Employment Opportunity Complaints*
34	Allegations regarding non-AF organizations or agencies	Specific agency or Service IG or to Defense Hotline
35	Allegations of reprisal by DoD contractors	IG DoD (Reference paragraph **5.4.3.2.**)
36	Allegations against Military Defense Counsel	Chief Circuit Defense Counsel or HQ AFLOA/JAJD
37	Anti-Deficiency Act violations	SAF/FM -- AFI 65-608, *Anti-deficiency Act Violations*
38	Commander-Directed Investigation (CDI)	Commander for CDI process issues Commander or ADC for CDI corrective action
39	Acquisition Issues	Issuing contract unit or SAF/AQC

RULE	A	B
	Type of Issue	**Appropriate Agency to Resolve the Issue**
40	Intelligence Oversight	AFI 90-301, **Chapter 12** for appropriate handling procedures
41	Health Insurance Portability and Accountability Act (HIPAA) Issues	SG
42	Privacy Act complaints	Base Records Manager -- AFI 33-332, *Privacy Act Program*
43	Civil Air Patrol	Transfer to CAP-USAF/IG

NOTES:

1. **Table 2.5.** is not all-inclusive.
2. If a complainant has an issue identified in column A, the IG will assist the complainant by putting them in contact with the agency most appropriate to help them solve their issue. If the complainant makes an assertion of personal wrongdoing by a management official, their complaint will be referred to the appropriate agency listed in column B.
3. When the subject is a senior official, process the complaint IAW paragraph **2.18.** and **Table 2.6.**
4. If the complaint doesn't concern reprisal, restriction, IMHE and is not in **Table 2.5.**, the complainant should normally be referred to command channels.

2.18. Processing Allegations of a Special Nature. **Table 2.6.** explains special processing instructions when a complainant makes assertions against senior officials, colonels (or civilian equivalent), IGs, or allegations of a special nature.

Table 2.6. Processing Special Interest Complaints.

RULE	A **If the complainant makes assertions…**	B **Then immediately…**
1	Against a senior official	Report and transfer the entire case through your MAJCOM, JFHQ, FOA, or DRU IG to SAF/IGS by using **Attachment 16** and reference **Chapter 3**
2	Against a colonel (or civilian equivalent)	Report the allegations IAW paragraph **4.3.3.** through your MAJCOM, JFHQ, FOA, or DRU IG to SAF/IGQ by using **Attachment 17**. Follow the procedures in **Chapter 4**
3	Against an IG or IG staff member	Transfer the complaint to the next higher-level IG for action and document as a transfer in ACTS
4	That a military member was reprised against for making a protected communication	Advise complainants of whistleblower protection under 10 USC 1034. Continue with complaint analysis, and follow the procedures in **Chapter 2** and **Chapter 5**
5	That a military member was improperly referred for a Mental Health Evaluation	Notify SAF/IGQ through your MAJCOM, JFHQ, FOA, or DRU IG and continue with analysis, following the procedures in **Chapter 7**
6	That a military member was improperly restricted as stated in 10 USC 1034	Notify SAF/IGQ through your MAJCOM, JFHQ, FOA, or DRU IG and continue with analysis, following the procedures in **Chapter 6**
7	Of violations of Military Equal Opportunity policy	Refer the complainant to the Equal Opportunity office for a complaint clarification following the procedures in **Chapter 9**
8	Of fraud, espionage, sabotage, treason, subversion, disloyal statements, disaffection, or other criminal offenses (i.e., to include but not limited to homicide, sexual assault, use/possession/sale of drugs, theft, travel fraud, etc.)	Consult with the JA and local AFOSI office to determine whether the allegations should be handled through command, law enforcement, or IG channels

2.19. Referring a Complaint. When the complaint analysis discloses that an organization or agency outside the Air Force IG Complaints Resolution system can more appropriately handle a complaint that alleges a violation of instruction, policy or procedure by a management official, IGs will refer the complaint to the appropriate organization or agency following the procedures described in **Table 2.7.** and paragraph **2.26.**

Table 2.7. When to Refer A Complaint.

RULE	A	B	C
	If…	**And…**	**Then…**
1	The complaint is a matter not appropriate for the IG complaints resolution system	The complainant has not exhausted procedural appeals in the administrative process	Refer the complaint to the office having functional responsibility
2	The complaint is a command issue (i.e., financial irresponsibility, adultery, etc.)		Refer the complaint to the appropriate commander

2.20. Transferring a Complaint. A complaint is transferred when the complaint analysis discloses that the matter is appropriate for Air Force IG action, but an IG other than the one receiving the complaint should handle the matter. IGs will comply with the requirements of **Table 2.8.** and paragraph **2.27.** concerning the transfer of complaints to other IGs.

Table 2.8. When to Transfer A Complaint to Another Air Force IG.

RULE	A	B	C
	If…	**And…**	**Then…**
1	The subject is a senior official	The complaint is received by any IG office other than SAF/IGS	Transfer the complaint to SAF/IGS via MAJCOM, JFHQ, FOA, or DRU
2	The complaint has not been addressed at the level where the alleged wrongdoing occurred	The higher-level IG determines transfer to the lower-level IG is appropriate and no evidence of bias by lower-level IG exists	Transfer the case to the lower-level IG
3	The complaint presents a conflict of interest for the appointing authority or IG		Transfer the complaint to the next higher-level IG
4	The subject is the IG's commander or a member of the commander's immediate staff or subordinate commanders reporting to the commander		Transfer the complaint to the next higher-level IG
5	The subject is an IG or an IG staff member		Transfer the complaint to the next higher-level IG
6	The subject is assigned to AFOSI or the issue is related to AFOSI	The complaint is received by any IG other than SAF/IGQ	Transfer the complaint to AFOSI/IG via MAJCOM, JFHQ, NAF, or DRU
7	The subject is assigned to a higher-level of the Air Force or MAJCOM other than the IG receiving the complaint	The complaint is appropriate for IG action, but the alleged wrongs happened in a unit under the other MAJCOM or higher IG's jurisdiction	Transfer the complaint IAW **Table 2.11.** to the IG at the same level and command as the subject or where the alleged wrongs happened
8	The complainant is assigned to the host wing, an associate unit, or is anonymous or a third-party	The subject (person, process, or agency) is assigned to the host wing	The host IG will process the complaint and oversee or conduct the investigation (if required)
9	The complainant is assigned to the host wing, an associate unit, or is anonymous or a third-party	The subject (person, process or agency) is assigned to an associate unit	Follow the guidance in paragraph **1.18.14.**

2.21. Dismissing a Complaint. A complaint may be dismissed following a thorough complaint analysis if there is no assertion or evidence of a standard being violated or when the complaint falls under one of the **Table 2.9.** rules. **Table 2.9.** and **Table 2.12.** help IGs determine when and how to dismiss a complaint.

Table 2.9. When to Dismiss a Complaint.

RULE	A	B	C
	If…	**And…**	**Then…**
1	If the complaint analysis reveals the complainant has not brought forth credible evidence of a violation of law, instruction, regulation, or policy		Dismiss the complaint
2	The complaint is a matter not appropriate for the IG	The complainant has exhausted procedural appeals with the administrative process and there is no evidence of a process problem.	Dismiss the complaint.
3	The complaint analysis discloses a matter within the IG's purview, but the complainant did not contact the IG within 60 days of learning of the alleged wrongdoing (see paragraphs **1.42.1.** and **1.42.2.**)	The IG determines: (a) there are no extraordinary circumstances justifying the delay; and (b) there is no special AF interest in the matters alleged; and (c) given the nature of the alleged wrong and the passage of time, there is reasonable probability that insufficient information can be gathered to make a determination	Dismiss the complaint (Note 1)
4	The complainant refuses to provide sufficient evidence to properly conduct the complaint analysis		Dismiss the complaint
5	The complainant files a complaint under Article 138, UCMJ	The Article 138 complaint addresses the same matters addressed in the IG complaint	Dismiss the IG complaint
6	After completing a thorough complaint analysis, the IG determines the complaint cannot be referred and is: without merit; or frivolous; or that an IG investigation would not appreciably affect the outcome or remedy sought (Note 2)		Dismiss the complaint

RULE	A	B	C
	If…	**And…**	**Then…**
7	The complaint analysis discloses a matter within the IG's purview, but the allegations have already been investigated and reviewed by higher-level IG office	The complainant provides no new evidence or information that justifies further investigation	Dismiss the complaint

NOTES:

1. The most important consideration before dismissing a complaint based on the time requirement established in paragraph **1.42.1.** is the potential to gather sufficient information to determine the facts and circumstances surrounding the alleged wrongdoing. With the passage of time, it becomes increasingly difficult to gather relevant evidence, testimony, and information for many reasons. For example, it may be difficult or impossible to collect relevant witness testimony if witnesses have moved, retired, or died. In addition, as time passes, witnesses' memories may fade and documents are destroyed when their retention periods expire. The IG may dismiss a complaint if, given the nature of the alleged wrong and the passage of time, there is reasonable probability that insufficient information can be gathered to make a determination. However, if it is possible to gather sufficient information, a further analysis may be warranted.
2. See definition of *frivolous allegation* in **Attachment 1**.

2.22. Investigating a Complaint. Investigate a complaint when a properly framed allegation is derived from the issues asserted or implied by the complainant and the IG determines that the substantive issues framed in an allegation are appropriate IG matters. Though allegations may be successfully framed not all matters are appropriate for the IG, nor are all matters relevant to the Air Force. Most Air Force processes have embedded appeal procedures that provide complainants with due process. **Table 2.5.** outlines matters that are not appropriate for the IG to investigate. The complaint must be timely to ensure information is available to support the investigative process. Refer to **Table 2.14.** when initiating an IG investigation.

2.23. Assisting a Complainant. IGs assist complainants in resolving personal problems when there is no evidence or assertion of wrongdoing. To remedy a problem, IGs may make phone calls, ask questions of functional experts, solicit helpful information from the appropriate organization or agency, or put the complainant in contact with the person, organization, or agency that can appropriately address their problem. The purpose of assistance is to quickly resolve personal issues and allow the complainant to refocus on the assigned mission. **Table 2.13.** explains when and how to assist a complainant.

Section 2D—Step 3: Tasking: Refer, Transfer, Dismiss, Assist, or Investigate (≤ 7 Days)

2.24. Key Terms. This section uses the following key terms*: appointing authority, assist, case file, closure, colonel (or civilian equivalent), completion, dismiss, investigating officer (IO), investigation, lieu-*

tenant colonel (or below), referral, reprisal, restriction, senior official, self-investigation and transfer. Refer to **Attachment 1** for the definition of these key terms.

2.25. Higher Headquarters Taskings.

2.25.1. When complaints are addressed to a higher-level IG office, that office will decide if tasking to a lower-level IG is appropriate by determining whether:

2.25.1.1. The complaint was previously addressed and merits a higher-level IG review.

2.25.1.2. There is a need to avoid the appearance of self-investigation at a lower level.

2.25.1.3. There is evidence the lower-level IG or command may be biased.

2.25.2. Absent any of the circumstances described in paragraph **2.25.1.**, the higher-level IG may task the lower-level IG for complaint resolution and response to the complainant. This ensures the higher-level IG office remains unbiased and is available to review any rebuttals or appeals of the lower-level investigation.

2.26. Procedures for Referring a Complaint. Use the procedures in **Table 2.10.** to refer a complaint, and **Attachment 3** for a sample referral letter, but do not attach the IG's complaint analysis.

Table 2.10. How to Refer a Complaint.

Step	Action
1	Using complaint analysis, determine if the complaint should be handled in other channels.
2	Prepare a complaint analysis letter and supporting decision documents then attach the documents to the ACTS case file. The complaint analysis documentation letter (**Attachment 2**) provides the format for a non-reprisal complaint analysis. The analysis may also be documented in an ACTS case note (include all appropriate information as referenced in **Attachment 2**). For a case that does not result in an investigation, the case file should only contain the applicable documents for the type of tasking--a table of contents and tabs are not required.
3	For verbal complaints, advise complainant in writing that the complaint is not appropriate for IG action because other established grievance or appeal channels exist for resolution of the complaint. IGs will inform the complainant what the proper grievance or appeal channel is.
4	For written complaints, refer the complaint (e.g., AF IMT 102, written/typed complaint, etc.), in writing, to the appropriate agency, commander, or grievance channel using the Sample Referral Letter, **Attachment 3**. DO NOT attach the Complaint Analysis. Redact portions of the complaint that do not directly apply to the referral action. Notify the complainant, in writing, of the referral.
5	Ask the referral agency to provide you a copy of any closure response to the complainant for your case file (Note 1). IGs will follow-up with the referral agency within 30 days if a closure response has not been received**.**
6	Document the case in ACTS as "Refer," record appropriate information, and place the case in complete status. When a copy of the final response is provided to the IG, close the case in ACTS. (Note 2)

NOTES:

1. SAF/IGS will not normally send a closure response to the complainant on referred matters.
2. If the complainant notifies the referring IG that he/she did not receive a final response from the referral agency, the IG should follow-up to ensure the referral agency received the complaint and provided a response to the complainant.

2.27. Procedures for Transferring a Complaint. Use the procedures in **Table 2.11.** to transfer a complaint, and see **Attachment 4** for a sample transfer letter.

Table 2.11. How to Transfer a Complaint.

Step	Action
1	Using complaint analysis, determine if the complaint should be transferred to another IG
2	Prepare a complaint analysis letter and supporting decision documents then attach the documents to the ACTS case file The complaint analysis documentation letter (**Attachment 2**) provides the format for a non-reprisal complaint analysis. The analysis may also be documented in an ACTS case note (include all appropriate information as referenced in **Attachment 2**).. For a case that does not result in an investigation, the case file should only contain the applicable documents for the type of tasking.
3	Coordinate a complaint transfer with the appropriate IG explaining your rationale for transfer. If the transferring and receiving IGs do not agree whether a transfer is appropriate, elevate the case to the MAJCOM/IGQ office(s) for resolution. SAF/IGQ will act as the MAJCOM for ANG cases. The transfer will be documented in writing. See **Attachment 4** for an example transfer letter.
4	Transfer case file to receiving IG office through the applicable MAJCOM, JFHQ, NAF, or DRU-IG.
5	Notify the complainant of the transfer.
6	If the complainant expresses concern about bias at a lower-level, advise him/her of the right to appeal the lower-level IGs finding and the fact that the higher-level IG oversees the action of lower-level IG.
7	Document the case in ACTS as a "Transfer" and take other actions needed to ensure the ACTS record is transferred to the appropriate IG office. The IG office which resolves the issue will close the case in ACTS at the appropriate time.

2.28. How to Dismiss a Complaint. Follow the procedures in **Table 2.12.** to dismiss a complaint.

Table 2.12. How to Dismiss a Complaint.

Step	Action
1	Using the complaint analysis, determine if the complaint should be dismissed.
2	Prepare a complaint analysis letter and supporting decision documents then attach the documents to the ACTS case file The complaint analysis documentation letter (**Attachment 2**) provides the format for a non-reprisal complaint analysis. The analysis may also be documented in an ACTS case note (include all appropriate information as referenced in **Attachment 2**). For cases requiring a Reprisal Complaint Analysis, use **Attachment 20** instead of **Attachment 2** and follow guidance in **Chapter 5**. For a case that does not result in an investigation, the case file should only contain the applicable documents for the type of tasking.
3	If the complaint analysis determined that allegations against a colonel (or civilian equivalent) were obviously frivolous or do not warrant investigation (are dismissed), then, IAW paragraph **4.4.1.**, the IG promptly forwards complaint analysis to the next higher-level IG for approval and closure. Transfer the ACTS case file to the next higher-level IG.
4	For allegations of reprisal, restriction, and IMHE referral that do not include credible evidence of a violation of law, regulation, or policy, forward the complaint analysis to the next higher-level IG for forwarding to SAF/IGQ. Transfer the ACTS case file to the next higher-level IG.
5	Notify the complainant in writing of the dismissal ensuring the rationale for the dismissal is clearly communicated. For allegations of reprisal, restriction, and IMHE referral, wait until DoD has agreed with the AF recommendation to dismiss prior to notifying the complainant.
6	Advise the complainant of his/her right to appeal to the next higher-level IG and AFBCMR (or other appeal channels), if applicable.
7	Document the case in ACTS as a "Dismiss," record appropriate information, and close the case.

2.29. Procedures for Assisting a Complainant. Use the procedures in **Table 2.13.** to assist a complainant.

Table 2.13. How to Assist a Complainant.

Step	Action
1	Discuss concerns/issues with the complainant.
2	Determine if the complaint can be appropriately handled through assistance.
3	Conduct a complaint analysis. Document the complaint analysis using the complaint analysis documentation letter (**Attachment 2**) and attach the document to the ACTS case file. or Document the analysis in an ACTS case note (include all appropriate information as referenced in **Attachment 2**).
4	Advise the complainant that their complaint is not an IG matter but that you can assist them in resolving their concerns.
5	Make phone calls or other contacts to provide the complainant with assistance needed.
6	Ensure the complainant's concerns are being addressed by the appropriate authority/agency.
7	Document the case in ACTS as an "Assist," record appropriate information, and close the case.

2.30. Policy for Conducting Investigations. The decision to conduct an IG investigation will only be made after completing a thorough complaint analysis of all issues presented.

2.30.1. IG investigations are performed to address complaints by checking records and correspondence, reviewing applicable instructions, examining material evidence; and interviewing the complainant, subject(s), expert witnesses, and persons having direct knowledge of the matter. IAW paragraph **2.34.**, Policy for Appointing an Investigating Officer, all investigations require an appointment letter (see paragraph **2.35.**) from the appointing authority.

2.31. Procedures for Tasking an Investigation. Use the procedures in **Table 2.14.** to task an investigation.

Table 2.14. How to Task an Investigation.

Step	Action
1	Using a complaint analysis, determine if the complaint warrants an IG investigation.
2	Prepare and forward a complaint analysis document and supporting decision documents to the appointing authority. The complaint analysis documentation letter (**Attachment 2**) provides the format for a non-reprisal complaint analysis. For cases requiring a reprisal complaint analysis, use **Attachment 20** instead of **Attachment 2** and follow the guidance in **Chapter 5**.
3	The appointing authority reviews the complaint analysis and supporting material to determine whether an investigation is warranted.
4	The appointing authority directs an investigation by appointing an IO in writing (see paragraph **2.35.**).
5	Follow appropriate notification procedures per paragraphs **2.32.** and/or **4.6.**
6	The IG documents the case in ACTS as an "Investigate" and continues to record appropriate information in ACTS until the case is closed.

2.32. Notification Requirements for Investigations on Lieutenant Colonels (or Below). **Table 2.15.** describes the notification requirements when an IG investigation is started against a lieutenant colonel (or below). Refer to paragraph **3.3.** and **Table 3.2.** for senior official notifications and paragraph **4.6.** and **Table 4.1.** for colonel notifications.

Table 2.15. Notification Matrix for Investigations on Lieutenant Colonels (or Below) (Complaint Analysis and Investigation Phases).

RULE	A	B	C
	If in the…	**And…**	**Then…**
1	Complaint Analysis Phase	Complaint analysis identified the need for an IG investigation	1. Appointing authority directs an investigation by appointing an IO in writing 2. Appointing authority notifies the subject's commander in writing, of scope of investigation (in general terms), see **Attachment 5** 3. Commander notifies subject in writing 4. Commander notifies witnesses 5. IG notifies complainant 6. IG documents the case in ACTS as an "Investigate," and continues to record appropriate information in ACTS until the case is closed

RULE	A	B	C
	If in the…	**And…**	**Then…**
2	Investigation phase	Investigation is ongoing	1. IO provides progress reports (PRs) to higher-level IG (if required) at suspense date and the 1st of each month until investigation is finished per paragraph **2.55.** 2. IG provides interim response to complainant 60 days after receipt of complaint and every 60 days thereafter until final response is provided per paragraph **2.56.**

Phase 2: Investigation Phase

Section 2E—Step 4: Pre-fact Finding (≤ 7 Days)

2.33. Key Terms. This section uses the following key terms: *investigating officer (IO) and investigation plan*. Refer to **Attachment 1** for the definition of these key terms.

2.34. Policy for Appointing an Investigating Officer (IO).

2.34.1. An appointment letter is an IO's authority to conduct an investigation, swear in witnesses, collect evidence; and examine/copy documents, files and other data relevant to the investigation.

2.34.2. An appointment letter is necessary for all investigations, including those conducted by an IG or IG staff member.

2.34.3. An IO is the personal representative of the appointing authority. IOs must be impartial, unbiased, objective, thorough, and have the availability to complete the investigation.

2.34.4. The IO must be a field grade officer, senior NCO, or Air Force civilian with a substantial breadth of experience, exceptional maturity, and demonstrated sound judgment.

2.34.4.1. When no IO in the required grade is reasonably available for appointment, the appointing authority will request a waiver, in writing, from the MAJCOM/IG or Deputy IG. MAJCOM/IG is the waiver authority for cases investigated at the MAJCOM level and below. SAF/IGQ will act as the MAJCOM for ANG waivers. The waiver request should describe the measures taken to locate an IO in the required grade prior to requesting the waiver. If approved, the MAJCOM/IG will document the waiver in writing and provide courtesy copies of the waiver request and approval to SAF/IGQ. Waiver requests and MAJCOM approvals and disapprovals will be filed with the administrative documents in Section I, Tab K, of the case file.

2.34.4.1.1. When the MAJCOM/IG is the appointing authority, the MAJCOM/IG will notify SAF/IGQ of the deviation in writing and will document the reason for the deviation in the ROI. The notification letter to SAF/IGQ will be filed in Section I, Tab K, of the case file.

2.34.5. To support IO impartiality and independence, follow either of the two subsequent paragraphs:

2.34.5.1. There must be at least one level of command between the IO and the complainant, and there must also be at least one level of command between the IO and person(s) who are the subject(s) of the allegation(s).

2.34.5.2. The IO must be separated by organizational assignment from the complainant, and the IO must also be separated by organizational assignment from the person(s) who are the subject(s) of the allegation(s).

2.34.6. If necessary, an IO may be verbally appointed; however, a written directive must follow withied bye working days.

2.34.7. The investigation will be the IO's primary duty until the report is completed and approved by the appointing authority.

2.34.8. Appointing authorities should not appoint an IO who is retiring, separating, expects reassignment, or expects deployment withied180 days.

2.35. How to Appoint an Investigating Officer. **Attachment 6** shows a sample letter for appointing an IO to conduct an investigation. If the IG assumes the role of the IO, he/she is also required to be appointed and receive an appointment letter for that specific investigation from their appointing authority. IGs who have been designated as the appointing authority cannot appoint themselves as an IO. IGs may use the draft investigative plan (see **Attachment 7** and paragraph **2.39.7.**) as the "Directive to the IO" shown as **Attachment 1** ied be IO appointment letter (**Attachment 6**).

2.35.1. The IO's appointment and responsibilities expire when the report of investigation (ROI) is approved by the appointing authority or after final higher headquarters approval, which ever is later. (see **Attachment 6**).

2.36. Requirements for Investigation Preparation.

2.36.1. IGs will train IOs before they begin an investigation by using this instruction, the Air Force Inspector General Investigating Officer Overview course, available at **https://golearn.csd.disa.mil/kc/login/login.asp**, the SAF/IGQ *Investigating Officer Guide* (IO Guide), and the SAF/IGQ *IO Toolkit*. In addition, the IG will discuss the investigative requirements and answer questions.

2.36.2. IOs must confer with their JA, preferably by meeting in person, before initiating the investigation. The JA will assist the IG ied raining the IO.

2.36.3. IOs must review the allegations and supporting documentation as part of their investigative preparation. All appropriate regulations/directives should be identified and reviewed at this time.

2.36.4. Based on the review of the allegations, supporting documentation and applicable directives, the IO may complete an investigation plan, which will be approved by the IG. See **Attachment 7** for a sample investigation plan. This plan will assistd be IO iedcompleting progress reports and iedkeeping track of the dates he/she completes their planned actions.

Section 2F—Step 5: Fact Finding (< 14 Days)

2.37. Key Terms. This section uses the following key terms: *authentication, evidence, hand-off, ieterrogatories, investigation, preponderance of the evidence, proof analysis matrix, statement, summarized testimony, suspect, subject, testimony, and witness.* Refer to **Attachment 1** for the definition of these key terms.

2.38. Policy on Investigating Complaints.

2.38.1. All IG investigations are conducted IAW **Chapter 2** and other applicable laws and regulations concerning the specific allegations.

2.38.2. IG investigations are administrative in nature--they are fact finding rather than judicial proceedings. The standard of proof that applies is proof by a preponderance of the evidence.

2.39. IG Responsibilities. IGs are responsible for managing the investigative process. The IG must assist the IO in solving investigative challenges while managing the investigation's quality and schedule. It is the IG's responsibility to ensure the report of investigation is completed on time and meets qualitative standards. Specifically, the IG:

2.39.1. Must provide the IO an Appointment Letter describing the scope of investigation, authorizing the collection of evidence, and setting the suspense date for completion.

2.39.2. Must provide the IO the complaint analysis, all complainant-provided materials, and the framed allegations. Must enter all allegations addressed in the ROI in the subject tab of the ACTS case file.

2.39.3. Must verify the IO has completed the Investigating Officer Overview course and train the IO using the SAF/IGQ *IO Guide*, the SAF/IGQ *IO Toolkit*, and AFI 90-301.

2.39.4. Must brief the IO on the Hand-off Policy.

2.39.5. Must schedule appointments with key support staff including the JA and technical advisors as necessary.

2.39.6. Should provide the IO suitable workspace, computers, administrative support, and technical assistance.

2.39.7. Should review the proposed witness questions and associated rights advisement.

2.39.8. May prepare a draft investigative plan (**Attachment 7**) identifying key milestones, standards, witnesses, evidence, and administrative requirements.

2.39.9. May prepare a preliminary proof analysis matrix facilitating evidence collection IAW the SAF/IGQ *IO Guide*.

2.39.10. Has no authority to grant express promises of confidentiality to subjects, suspects, complainants or witnesses.

2.40. Responsibilities of IOs. The IO:

2.40.1. Must complete the Air Force Inspector General - Investigating Officer Overview Course, available at **https://golearn.csd.disa.mil/kc/login/login.asp** and provide the local IG a copy of the automated Certificate of Training, prior to beginning investigative duties.

2.40.2. Must advise the appointing authority immediately of any personal relationships or other factors that may affect his/her impartiality.

2.40.3. Must advise the appointing authority if he/she is retiring, separating, expects reassignment, or expects deployment within 180 days.

2.40.4. For ANG: Must agree to be put on continuous orders for 30 days initially to conduct the investigation. Must continue on orders if the investigation is not complete within 30 days.

2.40.5. Must begin the investigation without any preconceived notions. Never take sides with any party; be impartial, unbiased, and objective.

2.40.6. Must investigate the complaint, not the complainant. Keep the investigation focused on the allegations in the complaint and not the person making them.

2.40.7. Must interview the complainant first in order to re-clarify the allegations and obtain specific details to help with the investigation.

2.40.8. Must protect information IAW paragraph. **2.3.** and by:

2.40.8.1. Obtaining the appointing authority's written permission if they believe they must release the complainant's name to gain evidence or testimony.

2.40.8.2. Reporting the results of the case only to the appointing authority and IG.

2.40.8.3. Not commenting to any complainant, subject, or other witness regarding their opinions, findings, conclusions, or recommendations during or after completion of the investigation.

2.40.8.4. Not providing copies of testimony to complainants, subjects, or witnesses. However, if a subject/witness requests case file information, refer them to the appropriate FOIA office.

2.40.9. Has no authority to grant express promises of confidentiality to subjects, suspects, complainants, or witnesses.

2.40.10. Should not take leave except in emergencies or be involved with activities that would interfere with the timely completion of the case.

2.40.11. Should consult with the appointing authority and/or supporting IG and JA and read this instruction and all applicable instructions and directives before beginning an investigation.

2.40.11.1. Must consult in advance with the JA about the need for and substance of Article 31 rights advisement when applicable.

2.40.12. Should use the SAF/IGQ *IO Guide* for proper guidance on how to conduct an investigation.

2.40.13. May complete an investigative plan identifying key milestones, standards, witnesses, evidence, and administrative requirements and obtain IG approval.

2.40.14. May complete a proof analysis matrix facilitating evidence collection IAW the SAF/IGQ *IO Guide*.

2.40.15. Must verify the status of Air Force Reserve and Air National Guard personnel (witnesses, subjects, suspects, complainants) at the time of the occurrence and at the time of any scheduled interviews. Consult with the JA to determine what, if any, rights advisement is required.

2.41. Gathering Evidence. Evidence is information that tends to prove or disprove the existence of a fact. Evidence comes in many forms. It can be written or oral, direct or circumstantial, relevant or irrelevant, first-person or hearsay.

2.41.1. Documentary Evidence. During the course of investigations IOs normally collect copies of documents, records, and other physical evidence to aid them in their duties. Assuming it is authentic, documentary evidence gives the investigator a snapshot in time.

2.41.1.1. One way to further verify the authenticity of a document is to have it identified by its author, especially in the case of correspondence, personal notes, and computer records. This pro-

cess is known as authentication and must be referenced in the final report if the document has been so verified.

2.41.2. Computer Records. Data contained on computer hard drives, local area networks, e-mail systems, disks, etc., are considered to be documentary in nature but pose special challenges in accessing. Obtaining access to this information must always be coordinated through JA.

2.41.3. Testimony. The other major form of evidence is that presented by a live witness in the form of testimony. Normally, the bulk of evidence during an investigation is collected in this format and will be discussed separately in this section.

2.41.4. Hearsay. Hearsay is a statement heard and repeated by a third-party as the truth. In other words, the third-party is telling the IO that the content of the statement is true. Although IOs may consider evidence obtained as hearsay, whenever possible, an IO should always try to talk to the actual witness who made the statement, especially if they are reasonably available and the statement is important.

2.42. Interviewing Witnesses. The bulk of evidence collected during IG investigations will normally come from witness testimony. After properly framing the scope and purpose of the investigation, the next most important aspect is the preparation of intelligent, well-planned questions. Effective, cogent, interviews can only be accomplished through thorough preparation.

2.42.1. A witness' status will determine how they will be interviewed. For example:

2.42.1.1. The complainant is a key witness who must be interviewed first to clarify allegations and focus the investigation.

2.42.1.2. The subject is equally important since he/she is the one against whom the allegations have been made. This person should be interviewed last and given an opportunity to respond to the specific allegations against him/her. Additionally, they should be given a reasonable opportunity to respond to significant adverse information that may come about subsequent to the subject's initial interview.

2.42.1.3. An expert witness is someone with special knowledge and expertise in a particular subject matter. They may be used as consultants for background information or as a regular witness during the investigation.

2.42.1.3.1. Because of their special expertise, their testimony is normally given more weight than the testimony of non-experts in their area of specialty.

2.42.1.3.2. IOs should not allow the testimony of an expert witness to control their final findings and recommendations; this remains the ultimate responsibility of the IO.

2.42.1.4. Character witnesses are people who can verify the reputation of a particular person for certain conduct or personality traits, i.e., honesty, violence, etc.

2.42.2. Regardless of their status, all witnesses in investigations must be sworn. This puts witnesses on notice that the investigation is a serious matter and they are expected to testify truthfully. The IO must:

2.42.2.1. For each witness who is neither a suspect nor a subject, tailor the witness interview format outlined in **Attachment 8** as appropriate. Use the individually-tailored witness interview format for each witness interview. For each subject, tailor the subject interview format outlined in

Attachment 9 as appropriate and use it for that subject's interview. For suspect interviews, use the suspect interview format in **Attachment 10** and guidance in paragraph **2.45.**

2.42.2.2. Advise subjects/suspects that they may submit additional relevant information for the IOs consideration within a reasonable time following their interview.

2.42.2.3. Electronically record (audio only) all witness testimony to accurately capture what was said during the interview. Advise all witnesses that they are not authorized to record the interview. All electronic recordings must be given to the IG together with the completed ROI.

2.42.2.4. Transcribe verbatim (word-by-word) the complainant's, subject's, and key witnesses' testimony. At the discretion of the appointing authority, nonessential summarized testimony may be acceptable for all other witnesses.

2.42.2.5. Sign all testimony to certify its validity. Add the following statement to the end testimony: "I certify the above to be a true sworn (or affirmed) testimony given to me on (date) at (place)." It is encouraged (not mandatory) that witnesses also sign summarized testimony, whenever the witness is reasonably available to do so.

2.42.3. For witnesses outside the local area, an IO can either travel to meet and interview the witness, or interview the witness telephonically. If the witness is interviewed telephonically, the IO must make arrangements to verify the witness' identity. The appointed IO will (when possible) interview all subjects or suspects in person.

2.42.4. If a witness' status changes during the course of an investigation to that of a subject or suspect, the witness must be re-interviewed (following the format outlined in **Attachment 9** or **Attachment 10** as applicable) and given an opportunity to respond to the suspected misconduct or allegations in light of their new status.

2.42.4.1. The appointing authority will determine whether additional issues will be investigated separately and, if necessary, expand the scope of the investigation. If the scope of investigation is expanded, an addendum to the appointment letter must be completed. The IO will take no further action until consulting with the appointing authority and JA.

2.42.4.2. Conduct the proper read-in/rights advisement for a subject/suspect prior to the interview/reinterview. Refer to paragraph **2.45.** for further rules regarding rights advisement. The read-in/rights advisement is mandatory. Consult with JA prior to rights advisement.

2.42.5. Witnesses who are military members or federal civilian employees may refuse to testify only if they believe they might incriminate themselves (refer to paragraph **2.45.**). If self-incrimination is not a concern, witnesses may be ordered/directed by their commander to testify. Further refusal may be the basis for disciplinary action.

2.43. Persons Present During an Interview. A typical interview will involve the IO, any technical advisor (if necessary), and the witness. The introduction of any unauthorized party into the process reduces the ability to preserve a reasonable level of confidentiality.

2.43.1. Only a suspect has the right to have an attorney present during an interview; however, the attorney must not be allowed to answer any question for the interviewee.

2.43.2. When witnesses are considered subjects, they may consult with an attorney, but may not have an attorney present during the interview.

2.43.3. Union officials may have the right to be present during interviews per the provisions in paragraph **2.44.** of this instruction.

2.44. Civilian Employees Represented by Unions. Civilian employees (including non-appropriated fund employees) may have a right to union representation when interviewed as a suspect, subject, or witness. This right applies if the employee's position meets the local definition for inclusion in the collective bargaining unit. The employee's individual status as a union member has no bearing on the right to representation. Before interviewing witnesses, subjects or suspects represented by unions, consult with JA to determine what, if any, rights advisement is required IAW any applicable collective bargaining agreement.

2.44.1. The Civil Service Reform Act of 1978 created a right to union representation for federal civilian employees whose term of employment is governed by a union contract. This right arises during interviews with a federal employee in connection with investigations if: (a) the employee reasonably believes that disciplinary action may be taken against him or her as a result of the interview, and (b) the employee requests union representation--the union has no right to have a representative present in the absence of a request from the employee. This right does not apply to management personnel.

2.44.2. The Civil Service Reform Act does not require an IO to advise an employee of the right to union representation before an interview. The act merely requires management to inform its employees annually of this right. This is frequently done in an installation's daily bulletin. However, some local union contracts have been negotiated where the management of an installation has agreed to provide notice before each interview. Therefore, IOs must exercise caution when interviewing federal employees to ensure they are not violating the terms of a local contract. IOs should contact the local Civilian Personnel Flight Labor Relations Specialist and JA to clarify the specifications of the local bargaining agreement.

2.44.3. The exercise of the right to union representation may not interfere with the investigation. Determinations regarding union representation should be coordinated in advance with the local JA and the Civilian Personnel Office Labor Relations Specialist. The representative may advise the employee, ask questions to clarify issues, and suggest other employees who may have knowledge of the facts at issue. However, he or she may not do so in a manner that interferes with the interview and may not testify for the employee. The IO has authority to terminate the interview if he or she determines the union representative is impeding or attempting to impede the investigation. Consult with the JA on how to proceed after terminating the interview.

2.45. Policy Regarding Rights Advisements. If during the course of an investigation, the IO discovers information leading him or her to believe matters of a criminal nature have occurred and a witness or subject becomes a suspect, the IO must stop the interview, consult with the appointing authority and JA, and (if allowed to proceed) advise the suspects of their rights. **Attachment 10** provides a template format for a suspect interview and rights advisement and must be read to the suspect verbatim. If after rights advisement, the suspect refuses to testify or requests an attorney, then the interview must stop. Consult with JA before attempting to re-interview the suspect.

2.45.1. For active duty military suspects, (and retired or separated military members subject to recall) advise them of their rights as specified under Article 31, UCMJ.

2.45.2. In regards to Air Force Reserve and Air National Guard personnel, IOs need to verify the status of the suspect at the time of the occurrence and at the time of the scheduled interview. Consult with the JA to determine what, if any, rights advisement is required.

2.45.3. Civilian witnesses, even if suspected of a criminal offense, need not be advised of their Fifth Amendment rights when interviewed as part of an IG investigation. Under the law, such rights are only required in conjunction with custodial interrogations (i.e., interrogations in which the interviewee is not free to leave at will) by law enforcement personnel. Interviews by an IG IO under authority of this instruction do not meet that threshold requirement (i.e., IGs and IOs are not considered law enforcement personnel for Fifth Amendment purposes). The lack of a requirement to advise civilian witnesses of their Fifth Amendment rights does not preclude them from invoking such rights if circumstances warrant.

2.46. Policy Regarding Subject/Suspect/Witness Hand-offs. The following outlines Air Force policy regarding investigative interviews of active duty and Air Reserve Component members and Department of Air Force civilian employees.

2.46.1. Air Force experience has found that subjects/suspects of an investigation may be at a greater risk of committing suicide. A primary concern is that being a subject/suspect of an investigation may result in stress and turmoil within an individual's life. The hand-off policy is intended to act as a safety net to those individuals who might be so emotionally distraught as to pose a danger to themselves or others.

2.46.1.1. These hand-offs require person-to-person contact between the IO and the subject's/suspect's commander or designee, civilian leading an organization designated as a unit IAW AFI 38-101 or designee, first sergeant, or supervisor. Hand-offs will require pre-coordination and advanced planning.

2.46.1.2. Following initial interviews with Air Force personnel who are the subject/suspect of an investigation, IOs must refer such individuals to their commander or designee, civilian leading an organization designated as a unit IAW AFI 38-101 or designee, first sergeant, or supervisor. The command representative must be physically present immediately following the interview and receive the subject/suspect.

2.46.1.3. Before providing the hand-off, the IO should advise the commander or designee that the individual is the subject or suspect of an IG investigation. The IO should also explain the reason for any concern he or she has about the individual's personal safety (e.g., individual was emotionally distraught, shocked, etc.).

2.46.1.3.1. However, the IO may not disclose the identity of the complainant or the substance of testimony or other evidence obtained during the investigation.

2.46.1.3.2. If time permits, the IO should coordinate with the IG before handing-off an individual or notifying the commander. However, an IO should not delay obtaining appropriate assistance for an individual whose emotional state demands immediate attention simply to obtain IG coordination.

2.46.1.4. The hand-off must be documented at the end of the testimony. IOs may use the documentation at the end of the readout or include the following annotation: "At the conclusion of the interview(s), the subject(s)/suspect(s) was/were handed off by the IO to the commander (or commander's representative) IAW AFI 90-301, paragraph **2.46.1.4.**"

2.46.2. If any witness (or subject/suspect in subsequent interviews) appears to be emotional, distraught, or stunned during the process of any interview, they should not be allowed to depart alone, but should be released to their commander or designee, civilian leading an organization designated as a unit IAW AFI 38-101 or designee, first sergeant, or supervisor, who will help ensure the individual receives the necessary support to safely handle his or her personal crisis (referred to as handing-off).

2.46.2.1. In most instances, hand-offs will require pre-coordination and advanced planning.

2.46.2.2. A hand-off is only required for witnesses if the IO determines the witness has been sufficiently disturbed by the interview to warrant person-to-person contact.

2.46.2.3. The IO should also explain the reason for any concern he or she has about the individual's personal safety (e.g., individual was emotionally distraught, shocked, etc.).

2.46.2.3.1. However, the IO may not disclose the identity of the complainant or the substance of testimony or other evidence obtained during the investigation.

2.46.2.4. The hand-off must be documented at the end of the testimony. IOs may use the documentation at the end of the readout or include the following annotation: "At the conclusion of the interview(s), the witness/subject(s) was/were handed off by the IO to the commander (or commander's representative) IAW AFI 90-301, paragraph **2.46.2.4.**"

2.46.3. When subjects or witnesses invoke their Fifth Amendment or Article 31 rights during an interview, the commander or designee, civilian leading an organization designated as a unit IAW AFI 38-101 or designee, first sergeant, or supervisor will be informed of this fact and instructed to avoid any questioning, interrogation, or discussions in the subject's presence of a nature likely to elicit statements or admissions regarding the alleged offenses. Document this in the Report of Investigation.

2.46.4. If subjects is represented by an attorney for the matter under investigation, notify the attorney of the hand-off. Notify the servicing JA of any suspect, subject, or witness represented by an attorney.

2.46.5. When dealing with civilian witnesses, the IO must make a reasonable effort to hand-off the individual directly to their unit representative, commander or designee, civilian leading an organization designated as a unit IAW AFI 38-101 or designee, or supervisor.

Section 2G—Step 6: Writing the Report (≤ 25 Days)

2.47. Key Terms. This section uses the following key terms: *case file, completion, evidence, fact, hotline completion report, legal review, legal sufficiency, not substantiated, preponderance of the evidence, report of investigation (ROI), standards, substantiated, and technical review*. Refer to **Attachment 1** for the definition of these key terms.

2.48. Standard of Proof.

2.48.1. The standard of proof applicable to IG investigations is proof by a preponderance of the evidence. This means that it is more likely than not that the wrongdoing has occurred.

2.48.2. IOs must be careful not to apply this standard too mechanically. Quality counts as much as quantity and an IO may choose to believe one witness rather than five if the one is sufficiently credible and the five are not. In addition, there is no way to measure the weight of a document against the testimony of a witness other than by evaluating credibility as discussed in paragraph **2.49.2.**

2.49. Analyzing the Evidence. Keeping in mind the standard being sought (preponderance of the evidence), IOs will follow a four-step process when analyzing the evidence they collected.

2.49.1. What are the allegations? Review the allegations framed prior to starting the investigation. Do they still make sense? The report must include properly framed allegations.

2.49.2. What are the facts (what happened)? Facts are not conclusions, but rather information and data, from which the IO must draw logical conclusions. Facts are not always consistent and are often in dispute. The IO is responsible for determining what the facts were at a specific point in time. He or she evaluates the credibility of witness testimony considering factors such as demeanor, bias, motive to lie, knowledge, ability to observe, recency of observations, corroborating evidence, and prior inconsistent statements. The IO must analyze the available evidence and use the preponderance of the evidence standard to make the tough call and arrive at logical/concrete conclusions.

2.49.3. What standards apply? What laws, regulations, policies or other controlling standards were allegedly violated? Applicable standards should have been identified at the beginning when framing the allegations. The report should include a complete discussion of the standards in effect at the time of the alleged violation.

2.49.4. Were the standards violated (was a rule, regulation, policy, or law broken)? To reach a conclusion, the IO must consider and discuss the credible evidence that supports or does not support whether the subject violated a particular standard. Utilizing the preponderance of the evidence standard, the IO concludes the allegation is or is not substantiated. IOs should consult their legal advisor when in doubt about whether a particular action violated Air Force standards. However, the final decision rests with the appointing authority during the final approval process.

2.50. Category of Findings. There are only two possible findings for each allegation:

2.50.1. **Substantiated:** A substantiated finding results when a preponderance of the evidence supports the complainant's allegation of a wrong or violation of law, regulation, procedure, or Air Force policy or standard. The facts indicate that a violation of standards occurred.

2.50.2. **Not Substantiated:** A not substantiated finding results when a preponderance of the evidence supports the conclusion that the alleged wrongdoing did not occur. The facts indicate no violation of standards occurred.

2.51. Policy Regarding Report Writing.

2.51.1. All IG investigations (and their findings) must be documented with objectivity, thoroughness, and in a timely manner. The ROI must maintain an impartial and balanced tone and exclude any biases for or against the complainant, subject, or witnesses. An ROI must be a stand-alone document—all the essential facts, documents, portions of regulations, interviews, etc., must be included in the report so a reviewer can arrive at a determination without reference to information outside the report.

2.51.1.1. The IO must sign the report.

2.51.1.2. The appointing authority approves the report in writing.

2.51.1.3. Address each of the framed allegations in the report. If the appointing authority determines an allegation should not be examined in the investigation, the IO must document the appointing authority's decision.

2.51.2. Recommendations are optional at the discretion of the appointing authority. If an IO is tasked to make recommendations, the recommendations are not binding.

2.51.2.1. If requested, recommendations will be provided under separate cover and not as part of the ROI. File them at Section I, Tab D of the case file (refer to **Attachment 11**).

2.51.2.2. If the appointing authority requests recommendations, they should be tied to the findings and stated as succinctly and objectively as possible. IOs will not recommend specific command or administrative actions.

2.51.3. IGs will refer IOs to this instruction and the SAF/IGQ IO Guide (SAF/IGQ web site (**https://www.ig.hq.af.mil/igq**) for specific information and techniques on report writing.

2.51.4. All IG investigative case files must comply with the standardized IG case file format described in paragraphs **2.52.** and **2.53.**, and **Attachment 11**, **Attachment 12**, and **Attachment 13**, as applicable.

2.52. Case File Format. A case file is a standardized compilation of documents relevant to an IG complaint. The case file consists of three sections, Section I, the Administrative File is always used and contains documents such as the Complainant Notification Letter, Progress Reports, and recommendations if requested. The documents in Section I are solely used to supervise and manage the complaint resolution. Section II, Report of Investigation, is the formal investigative report prepared by the investigating officer. For example, this section contains the findings, analysis, and conclusion. Section II is only used when the complaint resolution strategy results in an investigation. Section II contains the bulk of the IOs work and is normally releasable under FOIA. Section III, Support Documents, contains all the supporting evidence associated with the Report of Investigation and additional Quality Control Checklists. The witness testimony, chronology of events, and the appointment letter are maintained in Section III. All case file documents will be attached to the applicable ACTS electronic case file.

2.52.1. **Attachment 11** shows the case file format which matches the ACTS "Attachments" tab.

2.52.2. If for some reason it is necessary to create a paper copy of the investigative case file, it must be organized according to **Attachment 11** using the tabs applicable in each situation. Prepare a Table of Contents showing the contents of the case file. Unused tabs should be documented in the table of contents with the statement "This tab not used." There is no need to include the unused tabs in the actual case file.

2.52.3. As a minimum, case files for cases resulting in investigation must contain the following documentation (indexed and inserted in Sections I, II, and III at the prescribed tab): the complaint; tasking memos (if any); ROI; legal review (if obtained); the testimony (transcribed or summarized, if taken); copy of response to complainant; copy of notification to the subject's commander; copy of commander's action (if applicable); and administrative documents including memos, progress reports, and complaint acknowledgment or interim memos to the complainant.

2.53. Report of Investigation (ROI) Format.

2.53.1. The completed Report of Investigation is Section II of the case file. Section III of the finalized IG case file contains the documents that support the results of the investigation in Section II. **Attachment 12** and **Attachment 13** show the proper ROI format.

2.53.2. For specific guidance on how to write an ROI, IOs must use this instruction and the *SAF/IGQ IO Guide* found on the SAF/IGQ web site (**https://www.ig.hq.af.mil/igq**).

2.54. Other Forms/Checklists.

2.54.1. Reprisal Investigation Evaluation Form. Reprisal cases may have a Reprisal Investigation Evaluation Form completed when the case is finalized. For specific guidance on how to complete this form, see **Attachment 23**.

2.54.2. Mental Health Referral Evaluation Form. For cases involving IMHE referrals, the IO may complete an MHE Referral Evaluation Form. For specific guidance on how to complete this form, see **Attachment 25**.

2.55. Requirement for Progress Reports (PR). PRs to the appointing authority and to higher-level IGs are required for all cases when they are not finalized by the suspense date. The first PR is due on or before the suspense date and on the first of every month thereafter until the investigation is completed, or final reports are forwarded to SAF/IGQ. Higher-level IGs may request additional PRs as necessary. Complete PRs by using the format in **Attachment 14**.

2.56. Requirement for Interim Responses (IR). IRs to complainants are required 60 days after receipt of the complaint, and every 60 days thereafter until the final response is provided. IGs should update the complainant on the status, not the substance, of the investigation.

Phase 3: Quality Review Phase

Section 2H—Step 7: IG Quality Review (≤ 7 Days)

2.57. Requirement for IG Quality Reviews. All investigations will receive a quality review (QR) by the IG staff to ensure completeness, compliance with this instruction and other appropriate directives, and objectivity.

2.57.1. If the IG QR detects deficiencies with the investigation or report, the IG should return the case to the IO to be reworked.

2.57.2. If a case needs to be returned to the IO to be reworked due to deficiencies, the IG must explain the specific problems and rationale to the IO.

2.57.3. If an IG disagrees with the IOs findings and conclusions, document the disagreement and proceed with the next step in the Complaint Resolution Process.

Section 2I—Step 8: Technical Review (≤ 7 Days)

2.58. When is a Technical Review Necessary?

2.58.1. Sometimes, an IO will be asked to evaluate information or interpret guidance in a technical field that is beyond his/her normal range of expertise. When this happens, the appointing authority should ask for a technical (expert) review of the applicable evidence, findings, and conclusions before the report is sent for a legal sufficiency review.

2.58.1.1. The key question will be how important the technical information is to the overall conclusions in the report.

2.58.1.2. A good faith effort will be made to retain complainant confidentiality. The Technical Advisor should only review the portion of the investigation required to provide the technical assistance and should be advised of the need to maintain confidentiality.

2.58.2. A technical review must explain, in detail, whether the report is technically sufficient. If the report is found to be technically inaccurate or deficient, it will be returned to the IO to be reworked. In this case, the technical review must explain, in detail, the reasons why the report was deficient and the minimum requirements for sufficiency.

Section 2J—Step 9: Legal Review (≤ 7 Days)

2.59. Requirement for Legal Reviews.

2.59.1. At a minimum, IGs will have all Reports of Investigations reviewed by a JA for legal sufficiency (see definition in **Attachment 1**) and provide written reviews before the appointing authority approves the report and its findings. IGs should ensure the local JA staff is familiar with the SAF/IGQ JAG Guide to IG Investigations found on the SAF/IGQ website (**https://www.ig.hq.af.mil/igq**).

2.59.2. Consider having a different JA perform the legal review than the individual assigned to advise the IO.

2.59.3. If the legal review states the case is not legally sufficient; it must include a detailed explanation of what the report is missing or lacking that makes it legally insufficient. The IG will return the case to the IO to be reworked IAW **Section 2K**.

2.59.4. In cases in which the JA review simply disagrees with the IO's ultimate findings and conclusions, the rationale for that disagreement will be provided to the IO for consideration. If the IO, after considering the review, disagrees with the JA opinion, the IO will not be directed to change the disputed findings or conclusions. Instead, the case (and the legal review) will be provided to the appointing authority for a final determination. In situations where the disputed findings pertain to an investigation of reprisal, restriction, or IMHE referral, the appointing authority will provide his determination but IG DoD will be the final determination authority.

2.59.5. If the legal review finds the report administratively insufficient, the JA must include a detailed explanation of what the report is missing or lacking that makes it legally insufficient.

2.59.6. If the appointing authority disagrees with the IO's findings and/or conclusions, the appointing authority must issue alternative findings and conclusions and document them in an addendum. In such case, the appointing authority's determination must include the rationale for his or her decision. Merely deferring to or referencing the legal review is insufficient. Rather, the appointing authority's determination must separately set out the basis for the determination through an analysis and issue new findings and/or conclusions.

2.59.7. If MAJCOMs, JFHQ, FOAs, and DRUs want to adopt a lower-level legal review, they may do so. **EXCEPTION**: Reprisal, restriction, and IMHE referral cases and IG investigations containing allegations against colonels (or civilian equivalent) require a MAJCOM, JFHQ, FOA, or DRU legal review in addition to the lower-level review.

Table 2.16. Actions to Take Based on Legal Sufficiency Review.

RULE	A	B
	If an investigation is found to be…	**Then…**
1	Legally sufficient	Appointing authority approves and sends final response to complainant, unless higher-level QR and approval is required. If the appointing authority disagrees with the IO, see paragraph **2.62.2.**
2	Not legally sufficient	Report is returned to the IO to be reworked
3	Administratively sufficient	Appointing authority approves and sends final response to complainant, unless higher-level QR and approval is required. If the appointing authority disagrees with the IO, see paragraph **2.62.2.**
4	Not administratively sufficient	Report is returned to the IO to be reworked if required

Section 2K—Step 10: Reworking the Report (≤ 7 Days)

2.60. When Are Reports Returned for Rework? If a report is found to be insufficient, then the report will be returned to the IO for rework.

2.60.1. The reason for the rework and the dates must be logged into ACTS.

2.60.2. IG quality reviews, technical reviews, and/or legal reviews must provide reasons why the report was not sufficient and detail the minimum requirements for sufficiency.

Section 2L—Step 11: Closing the Case (≤ 7 Days)

2.61. Key Terms. This section uses the following key terms: *appointing authority*, *case file, closure, colonel (or civilian equivalent), completion, follow-up, lieutenant colonel (or below), report of investigation, reprisal, restriction*, *senior official, third-party complainant,* and *third-party complaint*. Refer to **Attachment 1** for the definition of these key terms.

2.62. Appointing Authority Approval. Approval of an IG investigation rests with the appointing authority, except for investigations of reprisal, restriction, or IMHE referral.

2.62.1. The appointing authority will sign and approve the Report of Investigation (ROI) in writing, and the approval will be included in Section II, Tab D, of the IG case file.

2.62.2. In cases where the appointing authority disagrees with the IO's findings and conclusions, the appointing authority will non-concur with the ROI in writing in an addendum to the ROI. Merely deferring to or referencing the legal review (if applicable) or findings and conclusion is insufficient. The appointing authority must clearly explain the reasons for the disagreement and the supporting rationale in the addendum. The IO's findings, legal review, and the appointing authority's addendum will be retained as part of the investigation case file and forwarded to the next higher-level IG for review.

2.63. Closure Requirements. Upon the appointing authority's approval of an investigation, all notification procedures IAW the applicable notification matrix must be completed, unless otherwise directed by a higher-level IG. Use **Table 2.17.** for investigations on lieutenant colonels (or below), **Table 3.2.** for senior officials, and **Table 4.1.** for colonels (or civilian equivalent). Refer to specific chapters for additional closure requirements on: investigations against senior officials or colonels (or civilian equivalent); investigations regarding allegations of reprisal, restriction, or IMHE referral; congressional taskings; MEO complaints; and DoD Hotline complaints.

2.63.1. Mandatory actions required to close a case are:

2.63.1.1. ROI approved by appointing authority.

2.63.1.2. Subject's commander notified of results.

2.63.1.3. Complainant notified of results.

2.63.1.4. Command action if appropriate.

2.63.2. **EXCEPTIONS:**

2.63.2.1. For closure requirements on reprisal cases, refer to paragraph **5.10.**

2.63.2.2. For closure requirements on restriction investigations, refer to paragraph **6.10.**

2.63.2.3. For closure requirements on IMHE investigations, refer to paragraph **7.9.**

2.63.2.4. For additional closure requirements for investigations conducted as a result of a congressional complaint, refer to paragraph **8.6.**

2.63.2.5. For additional closure requirements for investigations conducted as a result of an MEO complaint, refer to paragraph **9.5.**

2.63.2.6. For additional closure requirements for investigations conducted as a result of a DoD Hotline complaint, refer to paragraph **11.6.**

2.63.3. IGs at every level are required to update all completed actions in ACTS (refer to the *ACTS User's Manual*) and are required to maintain an electronic case file until its final disposition date. Leave case in completed status in ACTS until all required quality, legal, and high-level reviews as well as required notifications and any command actions are complete, at which time the case will be closed in ACTS.

2.63.4. Cases pending command/corrective action will be completed in ACTS, and placed in follow-up (using the Follow Up Indicator function in ACTS) until a copy of the action taken is received.

2.63.5. Investigations involving allegations of reprisal, restriction, IMHE referral, or allegations against a colonel (or civilian equivalent), must be forwarded through the applicable MAJCOM, JFHQ, FOA, or DRU IG to SAF/IGQ for quality review.

2.64. Notification Requirements for Case Closures.

2.64.1. **Table 2.17.** describes the notification requirements upon completion of IG investigations when the subject is a lieutenant colonel (or below).

2.64.2. The appointing authority must notify the subject's commander of the results of the investigation in writing. The commander must, in turn, notify the subject of the results of the investigation in writing. The notification letters must include a description of the specific allegations and related find-

ings. The letters must not contain the names of the complainants, witnesses, or other subjects of the investigation. Refer to **Attachment 15** for a sample results-notification to the subject's commander with an indorsement for the commander's notification to the subject.

2.64.3. The appointing authority will provide the subject's commander a copy of the ROI (without attachments) when the allegations are substantiated, so that appropriate command corrective action can be taken (reference paragraphs **13.9.** and **13.11.**). Recipients must comply with paragraph **13.7.** of this instruction and all other applicable guidance in **Chapter 13**13.7.

2.65.7. Third-party complainants are only entitled to an acknowledgement that their complaint was received and no further information regarding the resolution unless the affected party authorizes the release of information to that third party via a Privacy Act release.

Table 2.17. Notification Matrix for Closure of Investigation on Lieutenant Colonels (or Below).

RULE	A	B
	If an investigation is conducted and the allegations are…	**Then…**
1	Substantiated	1. Appointing authority notifies subject's commander in writing (see paragraph **2.64.2.**) 2. Commander notifies subject, in writing (see paragraph **2.64.2.**), and takes disciplinary/corrective action 3. Commander notifies appointing authority of command or corrective action 4. Appointing authority provides final response to complainant (see paragraph **2.65.**)
2	Not Substantiated	1. Appointing authority notifies subject's commander in writing (see paragraph **2.64.2.**) 2. Commander notifies subject in writing (see paragraph **2.64.2.**) 3. Appointing authority provides final response to complainant (see paragraph **2.65.**)

Section 2M—Step 12: Command Action

2.66. Key Terms. This section uses these following key terms: *accountability, command action, and corrective action*. Refer to **Attachment 1** for the definition of these key terms.

2.67. Policy. Command action is the responsibility of the commander who is responsible for, and who maintains accountability of, the process, operation, organization, or individual.

2.68. Placing Cases in Completed Status. A case will be placed in completed status in ACTS when waiting for results of corrective action, a determination of command/corrective action, or response to recommendations. IGs will not delay forwarding a case to a higher-level IG for review because command/corrective action is pending. Forward the case for review and notify the next higher-level IG of command/corrective action as soon as it is finalized.

Section 2N—Step 13: Higher Headquarters (MAJCOM) Review (≤ 10 Days)

2.69. Requirement for Higher Headquarters Quality Review (QR).

2.69.1. The following cases will be sent to higher headquarters for QR

2.69.1.1. Allegations of reprisal, restriction, and IMHE referral

2.69.1.2. Cases involving subjects who are colonels (or civilian equivalents)

2.69.1.3. Cases where the appointing authority wrote an addendum (**2.62.2.**)

2.69.1.4. Congressional inquiries as specified in original tasking (see **Chapter 8**)

2.69.2. MAJCOMs, JFHQs, FOAs, and DRU IGs will conduct oversight and QRs for investigations closed at a lower-level before being forwarded to SAF/IGQ for QR, to ensure that:

2.69.2.1. All valid allegations were addressed.

2.69.2.2. The investigation was conducted with thoroughness, objectivity, and in a timely manner.

2.69.2.3. The findings and conclusions are supported by a preponderance of the evidence.

2.69.2.4. Legal reviews were conducted as required by this instruction.

2.69.2.5. Command action (when required) is/was taken and is documented.

2.69.3. When deficiencies are identified, reopen the case if necessary to correct any shortcomings. Whenever possible, have the original IO complete the additional work needed and revise the report. When circumstances warrant reopening the case, the MAJCOM or JFHQ will complete the additional work needed, conduct an additional legal review, and revise the report with an addendum.

2.69.4. MAJCOM, JFHQ, FOA, and DRU IGs will conduct a QR and request an additional legal review for all military reprisal, restriction, and IMHE referral investigations and all IG investigations containing allegations against a colonel (or civilian equivalent) conducted by a lower-level IG office before forwarding them to SAF/IGQ. For ANG: JFHQs will coordinate with SAF/IGQ regarding completion of one legal review within the State.

2.69.5. MAJCOM, JFHQ, FOA, and DRU IGs will conduct a QR for investigations conducted as a result of congressional complaints, unless otherwise directed by higher-level IG.

2.69.6. MAJCOM, JFHQ, FOA, and DRU IGs will provide feedback to lower-level IGs upon completion of the QR. Refer to paragraph **2.71.** if disagreeing with lower-level findings.

2.70. Disagreement with Findings. In cases where a higher headquarters QR presents disagreement with the findings, a legal review, or the appointing authority's determination, the higher-level IG will reach a determination. The higher-level IG will review the issues and initially consult a JA before closing the case or forwarding the report to SAF/IGQ, if required. Under no circumstances forward a disputed case to SAF/IGQ for resolution. The higher-level IG will:

2.70.1. Obtain an additional legal review before determining the final finding (substantiated or not substantiated) for each allegation contained in the complaint.

2.70.2. Document any discrepancies/new findings in writing with an addendum to the ROI, fully explaining the rationale for the new findings, and address any disagreements between IOs, legal officials, or reviewers.

2.70.3. Provide a new response to complainant when the findings differ from previous conclusions or responses.

2.70.4. Notify the subject's commander of the change in findings and provide a copy of the addendum if applicable.

2.70.5. Notify lower-level IG of the disagreement and change in findings and provide them a copy of the applicable addendum. Document this action in an ACTS case note.

2.70.6. When warranted, higher headquarters may reopen the case at their level to address the issues in dispute or unresolved issues.

Section 2O—Step 14: SAF/IGQ Review (≤ 10 Days)

2.71. Key Terms. This section uses the following key terms: *quality review* and *systemic*. Refer to **Attachment 1** for the definition of these key terms.

2.72. Requirement for SAF/IGQ Review. SAF/IGQ will:

2.72.1. Conduct a QR for all military reprisal, restriction, and IMHE referral cases before forwarding them to IG DoD.

2.72.2. Conduct a QR for all investigations against colonels (or civilian equivalent).

2.72.3. Conduct a QR on other cases when so specified in the SAF/IGQ tasking letter to MAJCOM, JFHQ, FOA, DRU, and state IGs.

2.72.4. Act as the MAJCOM for ANG cases investigated at state level.

2.72.5. Notify MAJCOM, JFHQ, FOA, DRU, or state IGs of discrepancies or deficiencies noted in reports.

2.72.6. Return (when required) all case documents and re-task cases for any supplemental information or additional investigation required to be incorporated into the original report.

2.72.7. Examine cases for systemic problems or trends and notify SAF/IG. Notify commanders, civilians leading an organization designated as a unit IAW AFI 38-101, or appropriate agencies as needed to ensure resolution or future preventive action.

2.72.8. In cases where SAF/IGQ is the reviewing authority on an IG report (but is not the appointing authority), and there is disagreement with the appointing authority's determination, IOs findings or conclusion, legal review, or lower-level IG review, SAF/IGQ will:

2.72.8.1. Obtain an additional legal review before determining the final finding (substantiated or not substantiated) for each allegation contained in the complaint.

2.72.8.2. Non-concur with the report or legal review determinations in writing in an Addendum to the ROI. Clearly adopt an official position on the disputed item(s) and explain the rationale for the new findings in the Addendum.

2.72.8.3. Notify the lower-level IG office or commander of the different findings and conclusions and provide them with a copy of the Addendum. The lower-level IG must again follow the proper Notification Matrix to inform recipients of the new findings. Document this action in an ACTS case note.

Chapter 3

SENIOR OFFICIAL COMPLAINTS

3.1. Key Terms. This section uses the following key terms: *adverse information, misconduct, senior officer unfavorable information file (SOUIF), and senior official*. Refer to **Attachment 1** for the definition of these key terms.

3.2. Requirements for Investigating Allegations Against Senior Officials.

3.2.1. SAF/IGS manages the Senior Official Complaints Program. Only SAF/IGS (unless otherwise specified by SAF/IG) will conduct IG investigations into non-criminal allegations against senior officials.

3.2.1.1. Complaints alleging violations of Military Equal Opportunity (MEO) policy by a senior official are handled by SAF/IGS.

3.2.1.2. SAF/IGS will generally comply with the policies and procedures outlined in this instruction consistent with SAF/IG guidance, current management, and personnel policies affecting senior officials.

3.2.2. Commanders, civilians leading an organization designated as a unit IAW AFI 38-101, and IG offices at all levels, including joint commands, will immediately notify SAF/IGS of any allegations or potentially adverse information involving senior officials, with an information copy to the servicing installation IG office who provides a copy to their MAJCOM IG. Use the notification letter format described in **Attachment 16**.

3.2.2.1. IGs who receive complaints against an Air Force senior official may inform their commanders only about the general nature of the issues and the identity of the subject.

3.2.2.2. To protect the complainant's confidentiality, do not reveal either the source or specific nature of the allegations.

3.2.3. SAF/IGS must promptly notify SAF/IG when it becomes aware of allegations of misconduct or potentially adverse information against senior officials.

3.2.4. SAF/IGS will conduct a complaint analysis on all complaints involving Air Force senior officials, to analyze the validity of the complaint and to recommend a course of action to SAF/IG.

3.2.5. SAF/IGS will conduct complaint analysis for complaints containing allegations with multiple subjects that includes a senior official.

3.2.6. SAF/IG will review and approve the complaint analysis.

3.2.7. Throughout the complaint process from the initial receipt of the complaint to the closing of the case, the appropriate notifications will be made as set forth in **Table 3.2.** The intent is to keep appropriate commanders, agencies, complainants, and subjects informed throughout the process.

3.3. Notification Requirements. Follow the Complaint Processing and Notification Matrix in **Table 3.1.** and **Table 3.2.** for cases involving senior officials.

Table 3.1. Senior Official Complaint Processing.

RULE	A	B
	If the complainant makes assertions…	**Then immediately…**
1	Against a senior official	Report and transfer the entire case through your MAJCOM, JFHQ, FOA, or DRU IG to SAF/IGS by using the notification letter format described in **Attachment 16**. The contact will be logged in ACTS and closed as a referral since case files can not be transferred to SAF/IGS in ACTS

Table 3.2. Senior Official Notification Matrix.

RULE	A	B	C
	If…	**And…**	**Then…**
1	**In Complaint Analysis Phase**	Complaint has arrived, but complaint analysis is not completed	1. SAF/IGS notifies SAF/IG of allegations immediately 2. SAF/IGS notifies IG DoD of allegations within 5 duty days 3. SAF/IGS notifies AF/DPG immediately
2		Complaint analysis has been completed; SAF/IG determines an investigation is not warranted	1. SAF/IGS notifies complainant and closes case 2. SAF/IGS notifies AF/DPG 3. SAF/IGS notifies IG DoD and provides copy of complaint analysis (Note: SAF/IGS notifies AF/A1Q on Equal Opportunity closure)
3		Complaint analysis has been completed; SAF/IG determines an investigation is warranted	1. SAF/IG notifies AF/DPG, AF/JA, CSAF, SAF/GC, SAF/OS, SAF/US, and IG DoD 2. SAF/IG notifies MAJCOM/CC (or equivalent, e.g., NGB/ZA) and The Adjutant General where applicable 3. SAF/IG notifies subject 4. SAF/IGS provides notification letters to the complainant and subject 5. SAF/IGS notifies AF/A1Q on EO matters
4	**In Investigation Phase**	Investigation is ongoing	SAF/IGS provides status report to complainant and subject throughout the course of the investigation

RULE	A If…	B And…	C Then…
5	**In Quality Review Phase**	Allegations were not substantiated	1. SAF/IG notifies AF/DPG, AF/JA, CSAF, SAF/GC, SAF/OS, SAF/US as applicable, and IG DoD (and provides a copy of the investigation to IG DoD) 2. SAF/IG notifies MAJCOM/CC (or civilian equivalent) where applicable 3. SAF/IG notifies subject 4. SAF/IGS notifies complainant 5. SAF/IGS notifies AF/A1Q on EO matters
6		Allegations were substantiated	1. SAF/IG notifies AF/DPG, AF/JA, CSAF, SAF/GC, SAF/OS, SAF/US, as applicable, and IG DoD (and provides a copy of the investigation and action taken to IG DoD) 2. SAF/IG (with coordination of AF/JA and/or SAF/GC) notifies AF/CV 3. AF/CV notifies MAJCOM/CC (or civilian equivalent) of results (for commander's action) 4. Commander notifies subject 5. Commander notifies SAF/IG of action taken (through MAJCOM/CC) 6. SAF/IGS notifies complainant of investigation results 5. SAF/IGS notifies AF/A1Q on EO matters

3.4. Investigating Allegations Against Senior Officials. If SAF/IG decides an investigation is warranted, SAF/IGS will:

3.4.1. Designate an IO to conduct the investigation.

3.4.2. Ensure all allegations are addressed and expeditiously investigated.

3.4.3. Ensure the findings and conclusions are supported by a preponderance of the evidence.

3.4.4. Ensure AF/JAA reviews the final report for legal sufficiency.

3.5. Closing a Senior Official Investigation.

3.5.1. Notifications will be made as set forth in **Table 3.2.**

3.5.2. AF/CV (through SAF/IG) will forward a copy of substantiated reports to the MAJCOM/CC or equivalent (e.g., FOA, DRU, and NGB Director) for review and consideration of possible command action.

3.5.3. MAJCOM/CC or equivalent will forward command action and any other actions taken related to the reports to SAF/IG to close the case files. SAF/IGS will ensure command action (if taken) has been documented in the case file.

3.5.4. SAF/IGS will provide IG DoD a copy of final reports including testimony and attachments along with a statement of any command action taken against a senior official. SAF/IGS will provide the complete report within 7 duty days after its approval by SAF/IG.

3.6. SOUIFs on Senior Officials.

3.6.1. The Air Force General Counsel (SAF/GC) determines whether a SOUIF is created. A SOUIF is a written summary of substantiated adverse information, approved by SAF/GC, about a senior official plus any comments from the subject officer regarding the written summary.

3.6.1.1. SAF/IG prepares the draft written summary from investigative and other files, or from disciplinary or administrative command actions.

3.6.1.2. SOUIFs on senior officials are based on adverse information dating back to the officer's last confirmation by the Senate.

3.6.1.3. SOUIFs are created for use during the general officer promotion process and exist solely for that purpose.

3.6.2. SAF/IGS acts as a central repository for all adverse information on senior officials and prepares the draft adverse information summaries for review by the SOUIF decision authority (SAF/GC).

3.6.3. SAF/GC, acting for the SECAF, determines whether the SOUIF will be provided to a selection board.

3.6.3.1. Officers will be given a copy of the draft adverse information summary prepared for the promotion board and will be afforded an opportunity to submit written comments on that information to SAF/GC IAW 10 USC 615 (a)(6)(A)(i) and (ii), and before SAF/GC makes a final determination.

3.6.3.2. If SAF/GC determines the summary will be provided to the board, the individual's comments will accompany the summary to the board.

3.6.3.3. A copy of the approved SOUIF will be provided to the subject's senior rater on, or before, the Promotion Recommendation Form (PRF) accountability date.

3.6.3.4. Information provided to a selection board may not be provided to subsequent boards unless SAF/GC has made a new determination that the information will be forwarded to the board, and the individual has again been afforded an opportunity to comment. Further, a decision not to provide a SOUIF to a promotion board does not preclude a decision to provide it to a subsequent board.

3.6.3.5. The officer will be notified of SAF/GC's final decision to establish a SOUIF or not. If the SOUIF is established, the officer will be given a copy of the SOUIF provided to the promotion board.

3.6.4. A commander's decision to place or not place adverse information in an Unfavorable Information File (UIF) or Officer's Selection Record (OSR) maintained by the Air Force personnel system is unrelated to SAF/GC's decision to place this information in a SOUIF.

Chapter 4

COLONEL AND CIVILIAN EQUIVALENT COMPLAINTS

4.1. Governing Directives. CJCSI 5901.01A, *Conduct of Inspections, Investigations, and Intelligence Oversight*; DoDI 5106.05, *Combatant Command Inspectors General-Implementing Procedures*; AFI 38-101, *Air Force Organization*; CDI Guide, *Commander-Directed Investigations Guide*; and 10 USC 615, *Information Furnished to Promotion Boards*, provide guidance on colonel and civilian equivalent complaints.

4.2. Key Terms. This section uses the following key terms: *administrative actions, adverse information, appointing authority, closure, colonel (or civilian equivalent), complaint analysis, frivolous allegation, immediate staff, improper conduct, inappropriate conduct, intelligence oversight*, *misconduct* and *self-investigation, SOUIF*. Refer to **Attachment 1** for the definition of these key terms.

4.3. Reporting Allegations Against Colonels (or civilian equivalent).

4.3.1. Commanders and civilians leading an organization designated as a unit IAW AFI 38-101:

4.3.1.1. Must immediately report all allegations of wrongdoing (which are not obviously frivolous) and any adverse information against colonels (or civilian equivalent). Report allegations to SAF/IGQ using the format in **Attachment 17**.

4.3.1.2. Following the investigation, provide final resolution of the allegations against the colonel (or civilian equivalent) to SAF/IGQ. Refer to **Table 4.3.** for a list of required documents for non-IG investigations. Provide an informational copy to the IG at the level of notification (for forwarding up to their MAJCOM, JFHQ, FOA, or DRU IG).

4.3.2. Equal Opportunity (EO)/Civilian Personnel offices:

4.3.2.1. EO offices must report all formal EEO allegations of wrongdoing (which are not obviously frivolous) and any adverse information against colonels (or civilian equivalent) to SAF/MRBA and AF/A1Q. SAF/MRBA will then report the allegations to SAF/IGQ. EO offices should provide an informational copy of the formal allegation (s), using the format in **Attachment 17**, to the IG at the level of notification.

4.3.2.2. EO offices (reporting MEO allegations) and Civilian Personnel offices will provide an informational copy of the formal allegation, using the format in **Attachment 17**, to the IG at the level of notification.

4.3.2.3. Following the investigation, provide final resolution of the allegations against the colonel (or civilian equivalent) to SAF/IGQ. Refer to **Table 4.3.** for a list of required documents.

4.3.2.4. Additional information on processing EEO and MEO allegations is found in **Chapter 9**.

4.3.3. IGs must:

4.3.3.1. Immediately notify SAF/IGQ (through their MAJCOM, JFHQ, FOA, or DRU IG) upon receiving or becoming aware of any adverse information or allegation of wrongdoing against colonels (or civilian equivalent) which are not obviously frivolous and which, if true, would constitute misconduct, or improper, or inappropriate conduct as defined in this instruction. Use the

notification letter format described in **Attachment 17**, and also document the data collected for the notification letter in the corresponding ACTS data fields.

4.3.3.2. Forward complaint analysis documents, progress reports (PR), final resolution, and disposition for the allegations (including allegations deemed as obviously frivolous) against the colonel (or civilian equivalent) to higher-level IGs. Refer to **Table 4.2.** for documents required for IG investigations.

4.3.3.2.1. PRs are due to SAF/IGQ 90 days after the initial notification or higher-level tasking (unless otherwise instructed). Follow-up PRs are due on the first of every month thereafter until investigation is completed. SAF/IGQ may request additional PRs as necessary. Refer to paragraph **2.55.** For PR format, refer to **Attachment 14**.

4.4. Requirements for Investigating Allegations Against Colonels (or civilian equivalent).

4.4.1. IGs at all levels must promptly conduct a complaint analysis when complaints are received against a colonel (or civilian equivalent).

4.4.1.1. If the complaint analysis determines that allegations against a colonel (or civilian equivalent) are obviously frivolous, the IG will promptly forward the final complaint analysis document to the next higher-level IG for approval. For guidance on documenting the complaint analysis, reference paragraphs **2.11.** and **2.14.**, and **Attachment 2**. In addition to **Attachment 2**, you may use ACTS case notes to document your resolution strategy. The next higher-level IG will promptly review the complaint analysis document. Upon higher-level IG approval the IG will close the complaint in ACTS, dismissing it as frivolous.

4.4.1.2. If the complaint analysis determines that allegations against a colonel (or civilian equivalent) are not obviously frivolous but an IG investigation is not warranted, the IG will promptly forward the final complaint analysis document to SAF/IGQ through their MAJCOM, JFHQ, FOA, or DRU IG.

4.4.1.3. To avoid the appearance of self-investigation, complaints containing allegations against the appointing authority, installation commander, their immediate staff or subordinate commanders, an IG, or IG staff member must be transferred to the next higher-level IG following a thorough complaint analysis. See paragraphs **1.8.1.** and **2.34.5.** for additional information on impartiality.

4.4.1.4. If the complainant's allegations against a colonel (or civilian equivalent) do not involve IG issues, but are appropriate for command channels (e.g., unprofessional relationships), refer the allegations to the appropriate commander. The IG referral memo should contain the notification requirements and other actions outlined in paragraphs **4.3.** through **4.3.1.2.** and **4.8.**

4.5. Colonels (or civilian equivalent) Assigned to Joint Activities.

4.5.1. Air Force colonels (or civilian equivalent) assigned to joint commands/activities are not exempt from the reporting requirements specified in paragraph **4.3.** of this instruction.

4.5.2. IAW DoDI 5106.05, Enclosure 3, paragraph E3.3.4, combatant command IGs will notify SAF/IGQ of initiation and completion of investigative actions in accordance with Air Force requirements. This notification will follow the format in **Attachment 17**. Provide SAF/IGQ with a copy of final report and/or actions taken to resolve the allegations. Follow **Table 1.1.** and **Table 4.1.**, if applicable.

4.6. Notification Requirements. The Notification Matrix in **Table 4.1.** applies to all IG cases against a colonel (or civilian equivalent).

Table 4.1. Colonels (or civilian equivalent) Notification Matrix.

RULE	A If…	B And…	C Then…
1	**In Complaint Analysis Phase**	Complaint is not obviously frivolous **(Note 1)**	1. IG notifies SAF/IGQ (through their MAJCOM, JFHQ, FOA, or DRU IG)
2		Complaint is obviously frivolous	1. Do NOT make notification to SAF/IGQ through MAJCOM, JFHQ, FOA or DRU IG. 2. IG forwards the complaint analysis document to the next higher-level IG for approval. Reference paragraph **4.4.1.1.** 3. Document the case in ACTS as a "Dismiss" 4. Notify the complainant in writing of the dismissal 5. Close the complaint in ACTS
3		Complaint analysis identified the need for an IG investigation	1. Appointing authority directs an investigation by appointing an IO in writing 2. Appointing authority notifies the subject's commander in writing, of scope of investigation (in general terms), see **Attachment 5** 3. Commander notifies subject in writing 4. Commander notifies witnesses 5. IG notifies complainant 6. IG documents the case in ACTS as an "Investigate," and continues to record appropriate information in ACTS until the case closes
4		Complaint analysis did not identify allegations as obviously frivolous, yet identified an investigation is not warranted	1. IG notifies SAF/IGQ (through their MAJCOM, JFHQ, FOA, or DRU IG) of case dismissal. Reference paragraph **4.4.1.2.** 2. Notify the complainant in writing of the dismissal 3. Document the case in ACTS as a "Dismiss" and close the case

RULE	A	B	C
	If…	**And…**	**Then…**
5	**In Investigation Phase**	Investigation is ongoing	1. IO provides progress reports to higher-level IG (if required) at suspense date and on the 1st of each month thereafter until investigation is completed. Reference paragraphs **2.55.** and **4.3.3.2.1.** 2. IG provides interim response to complainant 60 days after receipt of complaint and every 60 days thereafter until final response is provided per paragraph **2.56.**
6		Investigation is finished	1. IO provides appointing authority with ROI and supporting documentation for review and approval
7	**In Quality Review Phase**	Allegations were substantiated	1. Appointing authority notifies subject's commander, in writing, see paragraph **2.64.** and **Attachment 15** 2. Commander notifies subject (in writing) and takes disciplinary/corrective action, see paragraph **2.64.2.** and **Attachment 15** 3. Commander notifies appointing authority of action taken and provides copies of all actions and any subject rebuttal comments 4. If no action was taken, commander must forward a letter with his/her decision and rationale 5. Appointing authority or IG provides final response to complainant (Note 2) 6. Appointing authority notifies SAF/IGQ, via MAJCOM/FOA/DRU IG of findings and any command action taken, by forwarding required documents (see **Table 4.2.**) 7. Close the complaint in ACTS

RULE	A	B	C
	If…	**And…**	**Then…**
8		Allegations were not substantiated	1. Appointing authority notifies subject's commander, in writing, see paragraph **2.64.** and **Attachment 15** 2. Commander notifies subject, in writing, see paragraph **2.64.2.** and **Attachment 15** 3. Appointing authority or IG provides final response to complainant (Note 2) 4. Appointing authority notifies SAF/IGQ, via MAJCOM/FOA/DRU IG of findings and any command action taken, by forwarding required documents (see **Table 4.2.**) 5. Close the complaint in ACTS

NOTES:

1. See definition of "Frivolous Allegation" in **Attachment 1**.
2. Refer to paragraph **4.7.2.** for exceptions and see paragraph **2.64.**

4.7. Closing a Colonel (or civilian equivalent) IG Investigation.

4.7.1. IGs at all levels (including JFHQ/State IGs) may close an investigation in which the subject is a colonel (or civilian equivalent), unless otherwise tasked by a higher-level IG office. **Table 4.2.** lists mandatory documents required for case closure.

4.7.2. **EXCEPTIONS:**

4.7.2.1. Military reprisal, restriction, and IMHE cases must be reviewed and approved by IG DoD. SAF/IGQ will provide a copy of IG DoD's final approval of the investigation to the applicable MAJCOM, JFHQ, FOA, or DRU. It is the responsibility of the MAJCOM, FOA, or DRU IG to provide the final response to the complainant. The MAJCOM IGQ provides the NAF or installation IG a copy of the final response to the complainant when the IG investigation was conducted at the installation level.

4.7.2.2. MAJCOM, FOA, and DRU IGs will provide final response to complainants for investigations conducted as a result of congressional complaints regardless of the level at which they were received. MAJCOM IGs will provide the IG that conducted the investigation a copy of the final response to the complainant.

4.7.2.3. For additional closure requirements for investigations involving allegations of reprisal refer to paragraph **5.10.**

4.7.2.4. For additional closure requirements for investigations involving allegations of restriction refer to paragraph **6.10.**

4.7.2.5. For additional closure requirements for investigations involving allegations of IMHE refer to paragraphs **7.8.**

4.7.2.6. For additional closure requirements for investigations conducted as a result of a military EOT complaint see paragraph **9.6.**

4.7.2.7. For additional closure requirements for investigations conducted as a result of a Defense Hotline complaint refer to paragraph **11.6.**

4.7.3. All colonel (or civilian equivalent) cases must be forwarded to SAF/IGQ upon completion, regardless of the findings or resolution. Refer to **Table 4.2.** for a list of required documents.

4.7.3.1. MAJCOM, JFHQ, FOA, and DRU IGs will conduct a quality review on colonel (or civilian equivalent) investigations conducted by a lower-level IG office, and request an additional legal review before forwarding them to SAF/IGQ.

4.7.3.2. Do not delay forwarding a case to SAF/IGQ pending command/corrective action. Forward the case first and follow-up with the command/corrective action when completed.

4.7.4. **Table 4.2.** lists the documents required by SAF/IGQ upon IG case closure.

Table 4.2. Documents required by SAF/IGQ on Colonel (or civilian equivalent) IG Cases.

RULE	A	B
	If the allegations were…	**Then provide SAF/IGQ with …**
1	**Substantiated**	1. Copy of entire case file (ROI and attachments) 2. Copy of notification to subject's commander 3. Copy of final response to complainant 4. Copy of legal review 5. Copy of complete command/corrective action and any subject rebuttal comments 6. If no action was taken, commander must include a statement or letter explaining his/her decision and rationale
2	**Not substantiated**	1. Copy of entire case file (ROI and attachments) 2. Copy of notification to subject's commander 3. Copy of final response to complainant 4. Copy of legal review 5. Copy of complete command/corrective action (if any taken) and any subject rebuttal comments (if applicable)

4.8. Documents Required by SAF/IGQ on Non-IG Cases or Investigations Against Colonels (or civilian equivalent). **Table 4.3.** outlines the documents required by SAF/IGQ to complete closure actions on cases opened as a result of allegations made against colonels (or civilian equivalent).

Table 4.3. Documents Required by SAF/IGQ for Non-IG Cases on Colonels (or civilian equivalent).

RULE	A	B
1	If the allegations are resolved by:	Then SAF/IGQ requires the following documents to close the case:

RULE	A If the allegations are resolved by:	B Then SAF/IGQ requires the following documents to close the case:
7	Clinical Privileges Peer Review	1. Copy of investigative report 2. Copy of legal review (if available) 3. Copy of command actions taken upon completion of investigation 4. Any rebuttal or statement provided by the subject
8	Anti-Deficiency Act Investigation	1. Copy of investigative report 2. Copy of legal review (if available) 3. Copy of command actions taken upon completion of investigation 4. Copy of any rebuttal or statement provided by the subject
9	Article 138	1. Copy of complaint and response from subject's commander 2. Copy of legal review (if available) 3. Copy of command actions taken upon completion of appropriate review (if applicable) 4. Copy of any rebuttal or statement provided by the subject
10	Accident Investigation Board (AIB)	1. Copy of Summary of Facts, Statement of Opinion, and any other portions of AIB report containing derogatory information, unless the entire report is required by SAF/IGQ 2. Copy of any documents containing derogatory information which were created/obtained by any post-AIB investigation/inquiry 3. Copy of legal review of derogatory information (if available)

NOTE: SAF/IGX will provide copies of closure documents directly to SAF/IGQ.

4.9. Commander-Directed Investigations (CDI) on Colonels (or civilian equivalent).

4.9.1. Commanders will immediately notify SAF/IGQ through their MAJCOM, JFHQ, FOA, or DRU IG when beginning a CDI into complaints against a colonel (or civilian equivalent), and/or preferring charges against a colonel (or civilian equivalent), when such charges are referred to a court-martial, and when the individual is the subject of an Article 32, UCMJ, investigation.

4.9.1.1. Commanders should use the notification letter described in **Attachment 17** and forward the notification through their local IG office.

4.9.1.2. Commanders will, upon completion of CDI, provide SAF/IGQ (through their local IG) with a copy of the required documents as listed in **Table 4.3.** rules 1 or 2 (as applicable).

4.9.2. The commander, not the IG, is the authority responsible for making release determinations for CDI reports. IG offices will not be the repository for CDI reports. Commanders or their designated representatives (normally the local JA) maintain CDI reports/records.

4.10. SOUIFs on Colonels.

4.10.1. The Air Force General Counsel (SAF/GC) determines if a SOUIF is created.

4.10.1.1. SAF/IGQ prepares Adverse Information Summaries (AIS) from investigative and other files, or from disciplinary or administrative command actions.

4.10.1.2. SOUIFs on colonels are based on adverse information of a credible nature, which includes any substantiated adverse finding or conclusion from an officially documented investigation or inquiry, or other official record or report, arising generally within the ten-year period preceding the convening date of the selection board that will consider the officer for promotion to general officer grade.

4.10.1.3. SOUIFs are created for use during the general officer promotion process and exist solely for that purpose.

4.10.2. The Air Force General Counsel (SAF/GC), acting for the SECAF, determines whether the SOUIF will be provided to a selection board.

4.10.2.1. Officers will be provided a copy of the draft AIS being considered for submission to the promotion board and will be afforded an opportunity to submit written comments on that information to SAF/GC IAW 10 USC 615 (a)(6)(A)(i) and (ii), and before SAF/GC makes a final determination.

4.10.2.2. Draft AIS and the officer's comments (if any) will be reviewed by AF/JAA and SAF/GCM before being forwarded to SAF/GC for final decision.

4.10.2.3. If SAF/GC approves the SOUIF (AIS and officer's comments), the SOUIF is then provided to AF/DPO.

4.10.2.4. AF/DPO provides a copy of the SAF/GC approved SOUIF to the subject's senior rater and management level on, or before, the Promotion Recommendation Form (PRF) accountability date. NOTE: If an eligible officer is selected for promotion, the information contained in the SOUIF may also be considered during the nomination and confirmation process.

4.10.2.5. Information provided to a selection board may not be provided to subsequent boards unless SAF/GC has made a new determination that the information will be forwarded to the board, and the individual has again been afforded an opportunity to comment. Further, a decision not to provide a SOUIF to a promotion board does not preclude a decision to provide it to a subsequent board.

4.10.2.6. The officer will be notified of SAF/GC's final decision to establish a SOUIF or not. If the SOUIF is established, the officer will be given a copy of the SOUIF provided to the promotion board.

4.10.3. A commander's decision to place or not place adverse information in an Unfavorable Information File (UIF) or Officer's Selection Record (OSR) maintained by the Air Force Personnel System is unrelated to SAF/GC's decision to place this information in a SOUIF.

4.10.3.1. SAF/GC will not usually create a SOUIF if an official record of NJP or other adverse information is maintained in an officer's selection record (OSR) as required by AFI 36-2608.

4.10.4. Adverse information not substantiated in time for review by a general officer selection or federal recognition board will be presented to a promotion review board before SECAF decides whether to support the officer for appointment to the next higher grade.

Chapter 5

REPRISAL COMPLAINTS

5.1. Governing Directives. 10 USC 1034, *Protected communications; prohibition of retaliatory personnel actions* and DoDD 7050.06, *Military Whistleblower Protection*, provide guidance on whistleblower rights and responsibilities.

5.2. Key Terms. This section uses the following key terms: *abuse of authority, acid test, case file, chain of command, gross mismanagement, gross waste of funds, Headquarters US Air Force, lawful communication, nonappropriated fund employee, nonappropriated fund instrumentality, personnel action, protected communication, report of investigation, reprisal, responsible management official, restriction,* and *unlawful communication*. Refer to **Attachment 1** for the definition of these key terms.

5.3. Whistleblower Protection Against Reprisal Under Title 10, United States Code, Section 1034 (10 USC 1034).

5.3.1. Members of the armed forces shall be free from reprisal for making or preparing to make a protected communication

5.3.1.1. No person may take (or threaten to take) an unfavorable personnel action; or withhold (or threaten to withhold) a favorable personnel action as reprisal against a member of the armed forces for making or preparing to make a protected communication.

5.3.1.2. Military members who violate this prohibition are subject to prosecution and/or disciplinary and administrative action under Article 92 of the UCMJ.

5.3.1.3. Civilian employees who violate this prohibition are subject to administrative or disciplinary action under applicable directives or implementing instructions governing civilian disciplinary or administrative action.

5.3.2. The following may receive protected communications:

5.3.2.1. Member of Congress or a member of their staff.

5.3.2.2. An inspector general or a member of the inspector general's investigative staff.

5.3.2.3. Personnel assigned to DoD audit, inspection, investigation, or law enforcement organizations; equal opportunity; and family advocacy.

5.3.2.4. Any person in the member's chain of command.

5.3.2.5. The Chief Master Sergeant of the Air Force, Command Chiefs, and First Sergeants.

5.3.3. Nothing in this instruction will dissuade commanders from taking timely and appropriate corrective actions for legitimate reasons, including violations of the UCMJ, violations of other criminal statutes, or other misconduct, whether or not information regarding the misconduct came through a protected communication. Commanders should understand the prohibitions on reprisal and restriction and should coordinate with the servicing JA for effective legal guidance on these issues.

5.3.4. Air Force members may file complaints of reprisal with IGs at any level and receive the protections of 10 USC 1034.

5.3.5. To gain statutory protection of the law, the Air Force member must file the complaint with any IG within 60 days of becoming aware of the personnel action that is the subject of the allegation. Any IG may waive this time requirement if they determine that there are extenuating circumstances justifying the delay in filing the complaint or there is special Air Force interest in the matter. Refer to **Table 2.9.**, rule 3 for additional information.

5.4. Policy for Receipt of Reprisal Complaints. The following outlines Air Force policy for receiving reprisal complaints. A complaint is not considered an allegation of reprisal unless the answers to the first two questions of the acid test (**Attachment 21**) are "Yes."

5.4.1. **Military Members.** Air Force IGs must immediately advise military members alleging reprisal of the provisions of 10 USC 1034 and DoDD 7050.06, and of the rights afforded to complainants under the Whistleblower Protection Statute. IGs should use the Whistleblower Rights under 10 USC 1034 in **Attachment 18** to assist them.

5.4.1.1. The IG must comply with the notification requirements described in paragraph **5.5.**, and depending on the subject's grade, paragraph **2.32.**, **3.3.**, or **4.6.** as appropriate.

5.4.1.2. IGs should ask complainants whether they have also filed their complaint with IG DoD. If the complainant has, then IGs should include this in the notification letter to IG DoD (refer to paragraph **5.5.**). No complaint analysis at their level is required unless otherwise directed by a higher-level IG (refer to paragraph **5.6.3.**).

5.4.1.3. IGs must ask the complainant whether the allegations that constituted the member's protected communication were previously addressed. For additional information, refer to paragraph **5.6.2.**

5.4.2. If an IG receives a complaint from a civilian employee in which they allege reprisal, follow the guidance in **Table 5.1.**

Table 5.1. Reprisal Referral for Civilian Employees.

RULE	A **If the aggrieved party is a…**	B **Then…**
1	Department of the Air Force civil service employee	Direct the complainant to the Office of Special Counsel (**www.osc.gov**), IG DoD Hotline (**www.dodig.osd.mil/hotline/fwacompl.htm**), or local EO office for reprisal allegations relating to an EEO complaint
2	Department of the Air Force nonappropriated fund employee	1. Advise the complainant they can file complaint directly with IG DoD (IAW DoDD 1401.3), or 2. Receive the complainant's information and forward to IG DoD (IAW DoDD 1401.3), or 3. Refer to local EO office for reprisal allegations relating to an EEO complaint
3	Defense contractors	Direct the complainant to IG DoD

5.4.3. IGs will not conduct investigations into complaints of reprisal actions alleging Air Force civil service employees, nonappropriated fund employees, or defense contractor employees are the victims of reprisal. These employees receive protection from statutes other than 10 USC 1034.

5.4.3.1. Civil service employee reprisal complaints (when the civil servant is the aggrieved party) must be referred to the Office of Special Counsel, DoD Hotline, Civilian Personnel Flight, or the EO office (for reprisal in connection with an EEO complaint).

5.4.3.2. Nonappropriated fund employees whistleblower receipt policy.

5.4.3.2.1. DoDD 1401.3 allows nonappropriated fund employees to file allegations of whistleblower reprisal with an Air Force IG. However, nonappropriated fund employees have the right and are encouraged to submit complaints of fraud, waste, mismanagement, and reprisal directly to the DoD Hotline.

5.4.3.2.2. Air Force IGs will not investigate allegations of reprisal filed by nonappropriated fund employees. IG DoD is responsible for resolution of reprisal allegations by nonappropriated fund employees. Air Force Inspectors General will:

5.4.3.2.2.1. Inform the employee of their right to file directly with IG DoD at **www.dodig.osd.mil/hotline/fwacompl.htm**.

5.4.3.2.2.2. Receive the information presented by the employee and forward to SAF/IGQ through their appropriate MAJCOM, JFHQ, FOA, or DRU IG within 7 duty days. SAF/IGQ will transfer the complaint to IG DoD.

5.4.3.3. 29 Code of Federal Regulations Part 1614 requires reprisal allegations in connection with an EEO complaint to be processed through the EEO procedures.

5.4.3.4. Defense contractor employees alleging reprisal (when the contractor employee is the aggrieved party) must be directed to DoD Hotline for counseling and processing of their complaint.

5.5. Notification Requirements for Reprisal Complaints. IAW DoDD 7050.06, IG DoD must be notified (through SAF/IGQ) within 10 duty days from the date an IG receives a complaint containing allegations of reprisal. To meet IG DoD's 10 day notification requirement, IGs at all levels will notify SAF/IGQ through their MAJCOM, JFHQ, FOA, or DRU IG within 7 duty days using the letter format in **Attachment 19**.

5.5.1. Before sending the notification, the IG will answer to the first two questions of the acid test found in **Attachment 21**. If the answer to questions one and two are both "Yes," a reprisal allegation notification is required. If the answer to either question is "No," there is no requirement for a reprisal notification.

5.5.1.1. Prior to sending the notification, if the IG determines that while the answers to questions one and two are "Yes," the reason for the personnel action is not reprisal (i.e., the action was taken for a valid reason)," the required notification can include a recommendation to dismiss the allegation.

5.5.1.2. A recommendation to dismiss the allegation must include the rationale for the selected resolution strategy and supporting documentation.

5.5.2. Forward a copy of the written complaint, or a detailed narrative of the allegations, with the notification letter.

5.5.3. IGs receiving allegations that are not within the purview of the Air Force will transfer the complaint to SAF/IGQ through their MAJCOM, JFHQ, FOA, or DRU IG. SAF/IGQ will transfer the complaint to IG DoD.

5.6. Conducting a Reprisal Complaint Analysis (RCA). The IG receiving the complaint must expeditiously conduct a thorough reprisal complaint analysis to determine whether an investigation is warranted. Within 34 days after receipt of the complaint, the IG must notify SAF/IGQ (through their MAJCOM, JFHQ, FOA, or DRU IG) of the results of the complaint analysis. Follow the format shown in **Attachment 20** when completing a complaint analysis into allegations of reprisal.

5.6.1. Before conducting an RCA, the IG must find out if the issues that constituted the protected communication were previously addressed.

5.6.1.1. If the issues were previously addressed, IGs should obtain a copy of the applicable documents from the appropriate agency.

5.6.1.2. If the issues were not previously addressed, the IG will conduct a complaint analysis on them to determine the appropriate avenue for resolution.

5.6.2. A reprisal complaint analysis will be conducted following the procedures in **Section 2C** and this paragraph. Document the reprisal complaint analysis following the format in **Attachment 20**. Consult the JA prior to formalizing the complaint analysis.

5.6.2.1. IGs should refer to IGDG 7050.6, *Guide to Investigating Reprisal and Improper Referrals for Mental Health Evaluations* and to the Acid Test for Reprisal (**Attachment 21**) as a guide to address the reprisal allegations. If the answers to the first three acid test questions are "Yes" and the answer to the fourth question results in sufficient evidence to warrant an investigation, the IG should complete/conclude the reprisal complaint analysis with a recommendation to investigate. If the answer to any of the first three questions is a "No" the complaint analysis should result in a decision or recommendation to dismiss the complaint (see paragraph **5.5.** for more information). Consult the appropriate MAJCOM, JFHQ, or NAF IGQ and/or the JA prior to formalizing the complaint analysis.

5.6.2.2. IGs must notify SAF/IGQ (through their MAJCOM, JFHQ, FOA, or DRU IG) within 34 days after receipt of the complaint of their intent to investigate. No further notification to SAF/IGQ or IG DoD is required prior to forwarding the finalized investigation or required progress reports.

5.6.2.3. If a reprisal complaint analysis determines that a reprisal investigation is not warranted, the IG conducting the complaint analysis must forward the results of the analysis; include a copy of all supporting documents, to SAF/IGQ through their MAJCOM, JFHQ, FOA, or DRU IG office. IGs may provide an interim response to complainants informing them that the complaint analysis was forwarded to IG DoD for final determination. IGs will not advise the complainant of the recommendation that was sent to IG DoD.

5.6.2.3.1. SAF/IGQ will forward the complaint analysis to IG DoD for approval.

5.6.2.3.2. If IG DoD agrees with the Air Force's determination, they will notify SAF/IGQ who will in turn notify the MAJCOM, JFHQ, FOA, or DRU IG. It is the responsibility of the MAJ-

COM, JFHQ, FOA, or DRU IG to notify the complainant that there is insufficient evidence to conduct a reprisal investigation under 10 USC 1034. MAJCOM IGQs will provide the IG that conducted the complaint analysis a copy of the final response to the complainant with a copy of the IG DoD memorandum.

5.6.2.3.3. If IG DoD disagrees with the Air Force's determination, they may retain the complaint for investigation or request SAF/IGQ conduct an investigation. SAF/IGQ will normally delegate the investigation down to the lowest-level IG office through the MAJCOM, JFHQ, FOA, or DRU IG.

5.6.2.4. If the complaint analysis determines the allegation is not a case of reprisal; it does not meet the definition of reprisal under 10 USC 1034, process the allegation as potential abuse of authority. See **Attachment 22** for the acid test for abuse of authority.

5.6.3. If the complainant files concurrent complaints with an Air Force IG and IG DoD, the IG DoD will conduct the complaint clarification. IG DoD may request that the Air Force conduct an investigation.

5.6.4. IGs or IG staff should not normally conduct formal or sworn interviews with responsible management officials (RMO) during the reprisal complaint analysis, but they may conduct informal interviews with them. To the maximum extent possible, base the analysis on documentary evidence and information gathered from the complainant and from witnesses who are not potential subjects.

5.7. Investigating Reprisal Complaints. Reprisal investigations will be conducted IAW DoDD 7050.06 and this instruction.

5.7.1. If IG DoD receives a reprisal complaint directly from a complainant, IG DoD will conduct the reprisal complaint analysis. If IG DoD elects to have the Air Force conduct the investigation, they will forward the analysis and a tasking letter to SAF/IGQ. SAF/IGQ will forward the package to the MAJCOM, JFHQ, FOA, or DRU IG for proper handling of the complaint.

5.7.2. IAW DoDD 7050.06, MAJCOM, JFHQ, FOA, and DRU IGs must provide a progress report (PR) to IG DoD (through SAF/IGQ) and an interim response (IR) to the complainant if the investigation is not completed within 180 days after receipt of the allegations. The letters must include the reasons for the delay and an estimated time of completion for the investigation. IGs must also comply with Air Force requirements for PRs and IRs as specified in paragraphs **2.55.** and **2.56.** of this instruction. If the investigation is not completed within 180 days, the IG conducting the investigation will prepare the PR and IR to the complainant, e.g., the installation IG forwards the PR to the MAJCOM for forwarding to SAF/IGQ. Use the sample format in **Attachment 14** for PRs.

5.7.3. The final Report of Investigation (ROI) must identify all protected communications, all personnel actions alleged to be acts of reprisal taken after the protected communication was made, and all RMOs. If an RMO identified in the complaint analysis is not a subject of the investigation, fully explain the rationale in the ROI.

5.7.4. The final ROI must contain a thorough Acid Test for Reprisal with all four questions answered for each allegation of reprisal. Refer to **Attachment 21** for the format to conduct an acid test.

5.7.5. The final case file must contain a chronology of events beginning at least with the complainant's initial protected communication and including any adverse personnel actions taken against the

military member prior to the protected communication. The case file format is found at **Attachment 11**.

5.7.6. When a complainant alleges a combination of reprisal, and/or restriction, and/or IMHE referral within the same complaint, IGs must ensure all applicable reporting requirements for reprisal, restriction, or IMHE referral are completed IAW **Chapter 5**, **Chapter 6**, and **Chapter 7**.

5.7.6.1. If, upon clarification, it is clear that the MHE referral was done properly, this finding must be included in the ROI and the allegation(s) of reprisal must still be investigated.

5.7.7. All reprisal investigations containing allegations against colonels and below must have at least two legal reviews and one must be accomplished at MAJCOM, JFHQ, FOA, or DRU level. **EXCEPTION:** For ANG cases, one legal review will be done at the JFHQ/state level and the other legal review will be done at SAF/IGQ.

5.8. Reprisal Evaluation Form. To ensure a thorough investigation has been completed, it is recommended that a Reprisal Evaluation Form (**Attachment 23**) be completed for reprisal investigations. Additionally, IGDG 7050.6 contains an investigative worksheet (figure 2-1) that may be helpful.

5.9. Reviewing and Approving Reprisal Investigations. IG DoD must approve all military reprisal investigations regardless of the level where the investigation was conducted. IGs must forward the entire case file (see **Attachment 11**) to SAF/IGQ through their MAJCOM, JFHQ, FOA, or DRU IG.

5.9.1. Appointing authorities may notify the subject's commander of the investigation findings when they approve the case, but must inform the commander that the final findings could change because final approval and review rests with IG DoD (DoDD 7050.06, paragraph 5.1.5). Commanders should normally wait until after IG DoD has approved the Report of Investigation to take command action.

5.9.1.1. IAW DoDD 7050.06, paragraph 5.3.8, a copy of command/corrective action must be provided to IG DoD. When command/corrective action is finalized, IGs will obtain a copy to include any rebuttal statements; if action is verbal or no action is taken, IGs will obtain a written description of the action from the commander. IGs will forward these documents to SAF/IGQ through their MAJCOM, JFHQ, FOA, or DRU IG, within 7 duty days of becoming aware of such action being completed. SAF/IGQ will forward the information to IG DoD.

5.9.2. IGs should provide an IR to complainants informing them that the investigation has been completed and forwarded to IG DoD for final approval. Do not inform the complainant of the unapproved investigation findings (i.e., substantiated or not substantiated).

5.9.3. MAJCOM, JFHQ, FOA, and DRU IGs will conduct a quality review and obtain a legal review from their servicing JA before forwarding the case file to SAF/IGQ. NOTE: SAF/IGQ acts as MAJCOM for ANG reprisal investigations conducted at JFHQ/state level and will obtain the required legal review.

5.9.4. SAF/IGQ will conduct a quality review, IAW paragraph 2.73, prior to forwarding the case to IG DoD.

5.9.5. Follow the procedures specified in **Section 2N** and/or **Section 2O** of this instruction if, during higher-level quality review, deficiencies are identified or the reviewing official disagrees with the findings.

5.10. Final Approval and Notification Requirements. IG DoD will notify SAF/IGQ upon approval of the investigation's findings.

5.10.1. SAF/IGQ will provide a copy of IG DoD's final approval to the applicable MAJCOM, JFHQ, FOA, or DRU IG.

5.10.2. The MAJCOM, FOA, or DRU IG will provide the final response to the complainant within 30 days after IG DoD's approval of the findings as mandated by 10 USC 1034. The MAJCOM IG will provide the installation IG a copy of the final response memo to the complainant, when applicable.

5.10.2.1. Final responses to complainants must advise them of their right to petition the AFBCMR for correction of adverse personnel actions (regardless of the findings in the case), and their right to later appeal the AFBCMR findings to the Secretary of Defense. Complainants should be referred to the virtual Military Personnel Flight (vMPF) (**http://ask.afpc.randolph.af.mil/**) for assistance.

5.10.2.1.1. Complainants who petition the AFBCMR should inform the AFBCMR if IG records exist pertaining to the pending request.

5.10.2.1.2. SAF/IGQ will provide supporting documentation directly to the AFBCMR (or applicable SAF/MRB agency) upon receipt of an Official Use Request from the board for IG records.

5.10.2.2. If applicable, complainants should also be advised of proper procedures for OPR/EPR appeal, the Evaluation Report Appeal Board (ERAB). Complainants should be referred to the vMPF for assistance.

5.10.2.3. MAJCOM, FOA, or DRU IGs will provide a redacted copy of the ROI (and addendum if any) with the final response to the complainant. The ROI should be redacted using exceptions allowed by the FOIA however, no coordination with the FOIA office is required. Additionally, IGs have the authority (under 10 USC 1034) to act on complainant requests for additional documentation from reprisal investigations without going through the FOIA office.

5.10.2.4. MAJCOM, FOA, or DRU IGs will provide SAF/IGQ with a copy of the final response to the complainant. SAF/IGQ will forward a copy of the response to the Deputy Under Secretary of Defense, Program Integration, DUSD (PI), and IG DoD.

5.10.2.5. SAF/IGQ will provide the final response to complainants for ANG reprisal investigations conducted at JFHQ/state level. SAF/IGQ is responsible for redacting the ROI and providing a copy to the complainant.

5.10.3. MAJCOM, FOA, or DRU IGs will forward a copy of IG DoD's final approval of the investigation to the applicable appointing authority. The appointing authority must notify the subject's commander of the final investigation findings but will not provide a copy of IG DoD's letter to the commander. The commander will notify the subject.

5.10.4. IGs will close reprisal complaints IAW established procedures as described in **Chapter 2** of this instruction.

Chapter 6

RESTRICTION COMPLAINTS

6.1. Governing Directives. 10 USC 1034, *Protected communications; prohibition of retaliatory personnel actions* and DoDD 7050.06, *Military Whistleblower Protection*, provide guidance on whistleblower rights and responsibilities.

6.2. Key Terms. This chapter uses the following key terms: *access, chain of command, lawful communication, prohibit, protected communication, responsible management official, and restriction*. Refer to **Attachment 1** for the definition of these key terms.

6.3. Right of Access Protection Under Title 10, United States Code, Section 1034 (10 USC 1034).

6.3.1. Pursuant to 10 USC 1034, DoDD 7050.06, and as further defined in this instruction, no person may restrict a member of the armed forces from:

6.3.1.1. Making or preparing to make a lawful communication to any of the following:

6.3.1.1.1. A Member of Congress or a member of their staff.

6.3.1.1.2. An Inspector General or a member of an Inspector General's staff.

6.3.1.2. Military members who violate this prohibition are subject to prosecution and/or disciplinary and administrative action under Article 92 of the UCMJ.

6.3.1.3. Air Force civilian (appropriated and nonappropriated fund) employees who violate this prohibition are subject to administrative or disciplinary action as described in chapters 75 and 99 of 5 USC and DoD 1401.1-M, *Personnel Policy Manual for Nonappropriated Fund Instrumentalities*.

6.3.2. Air Force members may file complaints of restriction with IGs at any level.

6.3.3. Air Force members must file a complaint with any IG within 60 days of becoming aware of restriction. Any IG may waive this time requirement if they determine that there are extenuating circumstances justifying the delay in filing the complaint or there is special Air Force interest in the matter.

6.4. Policy for Receipt of Restriction Complaints. The following outlines Air Force policy for receiving restriction complaints.

6.4.1. **Military Members.** Air Force IGs must immediately advise military members alleging restriction of the provisions of 10 USC 1034 and DoDD 7050.06, and of the rights afforded to complainants under the Whistleblower Protection Statute. IGs should use the Whistleblower Rights under 10 USC 1034 in **Attachment 18** to assist them.

6.4.1.1. The IG must comply with the notification requirements described in paragraph **6.5.**, and depending upon the subject's grade, follow the procedures in paragraph **2.32.**, **3.3.**, or **4.6.** as appropriate.

6.4.1.2. IGs should ask complainants whether they have also filed their complaint with IG DoD. If the complainant has, then IGs should include this in the notification letter to IG DoD (refer to

paragraph 6.8.). No complaint analysis at their level is required unless otherwise directed by a higher-level IG.

6.4.2. If an IG receives a complaint from a civilian employee in which they allege restriction, follow the guidance in Table 6.1.

Table 6.1. Restriction Referral for Civilian Employees.

RULE	A	B
	If the aggrieved party is a…	**Then…**
1	Department of the Air Force civil service employee	DoD Hotline (www.dodig.osd.mil/hotline/fwacompl.htm), or Civilian Personnel Flight
2	Department of the Air Force nonappropriated fund employee	1. Advise the complainant they can file complaint directly with IG DoD (IAW DoDD 1401.3) or 2. Receive the complainant's information and forward to IG DoD (IAW DoDD 1401.3)
3	Defense contractors	Direct the complainant to IG DoD

6.4.3. IGs will not conduct investigations into complaints of restriction alleging Air Force civil service employees, nonappropriated fund employees, or defense contractor employees are the victims of restriction. These employees receive protection from statutes other than 10 USC 1034.

6.5. Notification Requirements for Restriction Complaints. IAW DoDD 7050.06, IG DoD must be notified (through SAF/IGQ) within 10 duty days from the date an IG receives a complaint containing allegations of restriction. To meet IG DoD's 10 day notification requirement, IGs at all levels will notify SAF/IGQ through their MAJCOM, JFHQ, FOA, or DRU IG within 7 duty days using the letter format in Attachment 24.

6.5.1. Forward a copy of the written complaint, or a detailed narrative of the allegations, with the notification letter.

6.5.2. IGs receiving allegations that are not within the purview of the Air Force will transfer the complaint to SAF/IGQ through their MAJCOM, JFHQ, FOA, or DRU IG. SAF/IGQ will transfer the complaint to IG DoD.

6.6. Conducting a Restriction Complaint Analysis. The IG receiving the complaint must expeditiously conduct a thorough complaint analysis to determine whether an investigation is warranted. Within 34 days after receipt of the complaint, the IG must notify SAF/IGQ (through their MAJCOM, JFHQ, FOA, or DRU IG) of the results of the complaint analysis.

6.6.1. If the complaint analysis determines that an investigation is not warranted, the IG conducting the complaint analysis must forward the results of the analysis; include a copy of all supporting documents, to SAF/IGQ through their MAJCOM, JFHQ, FOA, or DRU IG office. IGs may provide an interim response to complainants informing them that the complaint analysis was forwarded to IG

DoD for final determination. IGs will not advise the complainant of the recommendation that was sent to IG DoD.

6.6.1.1. SAF/IGQ will forward the complaint analysis to IG DoD for approval.

6.6.1.2. If IG DoD agrees with the Air Force's determination, they will notify SAF/IGQ who will in turn notify the MAJCOM, JFHQ, FOA, or DRU IG. It is the responsibility of the MAJCOM, JFHQ, FOA, or DRU IG to notify the complainant that there is insufficient evidence to conduct a restriction investigation under 10 USC 1034. MAJCOM IGQs will provide the IG that conducted the complaint analysis a copy of the final response to the complainant with a copy of the IG DoD memorandum.

6.6.1.3. If IG DoD disagrees with the Air Force's determination, they may retain the complaint for investigation or request SAF/IGQ conduct an investigation. SAF/IGQ will normally delegate the investigation down to the lowest-level IG office through the MAJCOM, JFHQ, FOA, or DRU IG.

6.6.2. If the complaint analysis determines the allegation is not a case of restriction, process the allegation as potential abuse of authority.

6.6.3. IGs or IG staff should not normally conduct formal or sworn interviews with responsible management officials (RMO) during complaint analysis, but they may conduct informal interviews with them.

6.7. Evaluating Allegations of Restriction. The IG or IO must follow the questions in **Table 6.2.** in determining if the elements of restriction are present.

Table 6.2. Questions for use in Evaluating Restriction.

1	How did the RMO limit or attempt to limit the member's access to an IG or a Member of Congress?
2	What was the intent of the RMO? (goes to what the message was)
	(1) ***Reasons*** *stated by the responsible official for restricting or taking actions that created barriers to making protected communications;*
	(2) ***Reasonableness*** *of the RMO's actions;*
	(3) ***4***

NOTE: Restriction may be communicated by a variety of means (e.g., verbal, oral, or written policy, regulation, order, procedure, counseling, or public statement)

6.8. Investigating Restriction Complaints. Restriction investigations will be conducted IAW **Chapter 2** of this instruction.

6.8.1. If IG DoD receives a complaint directly from a complainant, then IG DoD will conduct the complaint analysis and forward the analysis with the request letter to SAF/IGQ for investigation. SAF/IGQ will forward the package to the MAJCOM, JFHQ, FOA, or DRU IG for proper handling of the complaint.

6.8.2. IAW 10 USC 1034, MAJCOM, JFHQ, FOA, and DRU IGs must provide a progress report (PR) to IG DoD (through SAF/IGQ), and an interim response (IR) to the complainant if the investigation is not completed within 180 days after receipt of the allegations. The IG conducting the investigation will prepare the 180-day PR and IR when the investigation has not been completed within 180 days. The letters must include the reasons for the delay and an estimated time of completion for the investigation. IGs must also comply with Air Force requirements for PRs and IRs as specified in paragraphs **2.55.** and **2.56.** Use the sample format in **Attachment 14** for PRs

6.8.3. When a complainant alleges a combination of reprisal, and/or restriction, and/or IMHE referral within the same complaint, IGs must ensure all applicable reporting requirements for reprisal, restriction, or IMHE referral are completed IAW **Chapter 5**, **Chapter 6**, and **Chapter 7**.

6.8.3.1. Ensure the IO investigates all the issues associated with the reprisal allegation(s), restriction, or IMHE referral.

6.8.4. All restriction investigations containing allegations against colonels and below must have at least two legal reviews and one must be done at MAJCOM, JFHQ, FOA, or DRU level. **EXCEPTION:** For ANG cases: one legal review will be done at the JFHQ/state level and the other legal review will be done at SAF/IGQ.

6.9. Reviewing and Approving Restriction Investigations. IG DoD must review and approve all restriction investigations, regardless of the level where the investigation was conducted. IGs must forward the entire case file (see **Attachment 11**) to SAF/IGQ through their MAJCOM, JFHQ, FOA, or DRU IG.

6.9.1. Appointing authorities may notify the subject's commander of the investigation findings when they approve the case, but must inform them that final findings could change because final approval and review rests with IG DoD. Commanders should normally wait until after IG DoD has approved the case to take command action.

6.9.1.1. IAW DoDD 7050.06, paragraph 5.3.8, a copy of command/corrective action must be provided to IG DoD. When command/corrective action is finalized, IGs will obtain a copy to include any rebuttal statements; if action is verbal or no action is taken, IGs will obtain a written description of the action from the commander. IGs will forward these documents to SAF/IGQ through their MAJCOM, JFHQ, FOA, or DRU IG, within 7 duty days of becoming aware of such action being completed. SAF/IGQ will forward the information to IG DoD.

6.9.2. IGs should provide an IR to complainants informing them that the investigation has been completed and forwarded to IG DoD for final approval. Do not inform the complainant of the unapproved investigation findings (i.e., substantiated or not substantiated).

6.9.3. MAJCOM, JFHQ, FOA, and DRU IGs will conduct a quality review and obtain a legal review from their servicing JA before forwarding the case file to SAF/IGQ. NOTE: SAF/IGQ acts as MAJCOM for ANG restriction investigations conducted at JFHQ/state level and will obtain the required legal review.

6.9.4. SAF/IGQ will conduct a quality review, IAW paragraph 2.73, prior to forwarding the case to IG DoD.

6.9.5. Follow the procedures specified in **Section 2N** and/or **Section 2O** of this instruction if, during higher-level quality review, deficiencies are identified or the reviewing official disagrees with the findings.

6.10. Final Approval and Notification Requirements. IG DoD will notify SAF/IGQ upon final approval of the investigation's findings.

6.10.1. SAF/IGQ will provide a copy of IG DoD's final approval to the applicable MAJCOM, JFHQ, FOA, or DRU IG.

6.10.2. The MAJCOM, FOA, or DRU IG will provide the final response to the complainant within 30 days after IG DoD's approval of the findings as mandated by 10 USC 1034. The MAJCOM IG will provide the installation IG a copy of the final response memo to the complainant, when applicable.

6.10.2.1. MAJCOM, FOA, and DRU IGs will provide a redacted copy of the ROI (and addendum if any) with the final response to the complainant. The ROI should be redacted using exceptions allowed by the FOIA however, no coordination with the FOIA office is required. Additionally, IGs have the authority (under 10 USC 1034) to act on complainant requests for additional documentation from restriction investigations without going through the FOIA office.

6.10.2.2. MAJCOM, FOA, and DRU IGs will provide SAF/IGQ with a copy of the final response to the complainant. SAF/IGQ will forward a copy of the response to the Deputy Under Secretary of Defense, Program Integration, DUSD (PI), and IG DoD.

6.10.2.3. SAF/IGQ will provide final response to complainants for ANG restriction cases at JFHQ/state level. SAF/IGQ is responsible for redacting the ROI and providing a copy to the complainant.

6.10.3. MAJCOM, FOA, and DRU IGs will forward a copy of IG DoD final approval of the investigation to the applicable appointing authority. The appointing authority must notify the subject's commander of the final investigation findings but will not provide a copy of IG DoD's letter to the commander. The commander will notify the subject.

6.10.4. IGs will close restriction complaints IAW established procedures as described in **Chapter 2** of this instruction.

Chapter 7

IMPROPER MENTAL HEALTH EVALUATION (IMHE) REFERRAL COMPLAINTS

7.1. Governing Directives. DoDD 6490.1, *Mental Health Evaluations of Members of the Armed Forces*; DoDI 6490.4, *Requirements for Mental Health Evaluations of Members of the Armed Forces*; and AFI 44-109, *Mental Health, Confidentiality*, *and Military Law*, provide guidance on military member rights regarding mental health evaluations.

7.2. Key Terms. This chapter uses the following key terms: *involuntary admission* and *mental health evaluation (MHE)*. Refer to **Attachment 1** for the definition of these key terms.

7.3. Air Force Member Protections and Rights Regarding Involuntary MHE.

7.3.1. IAW DoDD 6490.1, paragraph 4.3.2; No person may refer a military member for an MHE as reprisal for making or preparing a lawful communication to a Member of Congress, an appropriate authority in the chain of command, an IG or a member of a DoD audit, inspection, investigation or law enforcement organization.

7.3.2. IAW DoDD 6490.1, paragraph 4.3.3; No person may restrict a military member from lawfully communicating with an IG, attorney, Member of Congress, or other person about the military member's referral for an MHE.

7.3.3. Air Force military members (including Guard and Reserve) will not be referred for an MHE or committed for treatment or hospitalization without being afforded their rights as outlined in DoDD 6490.1, DoDI 6490.4, and AFI 44-109.

7.3.4. When a complainant alleges reprisal, and/or restriction, and/or IMHE referral within the same complaint, IGs must ensure that all applicable reporting requirements for reprisal, restriction, and/or improper MHE are completed IAW **Chapter 5**, **Chapter 6**, and **Chapter 7** of this instruction.

7.3.4.1. Ensure the IO investigates the reprisal and restriction allegations and whether the complainant was properly referred for an MHE.

7.3.4.2. If, upon clarification, it is clear that the MHE referral was done properly, this finding must be included in the final ROI and the allegation(s) of reprisal or restriction must still be investigated following the procedures described in **Chapter 5** and/or **Chapter 6**.

7.4. Policy for Receipt of IMHE Referral Complaints. The following outlines Air Force policy for receiving IMHE referral complaints.

7.4.1. When receiving complaints regarding an IMHE referral, the IG will conduct an immediate complaint analysis as described in **Section 2C** of this instruction.

7.4.1.1. If the complaint analysis shows the possibility of an improper referral, the IG will notify SAF/IGQ through their MAJCOM, JFHQ, FOA, or DRU IG within 7 duty days from receipt of allegations (refer to paragraph **7.7.**), and conduct an investigation IAW **Chapter 2**.

7.4.1.2. SAF/IGQ will notify IG DoD of the allegations within 10 duty days.

7.5. Conducting an IMHE Referral Complaint Analysis. The IG receiving the complaint must expeditiously conduct a thorough complaint analysis to determine whether an investigation is warranted. Within 34 days after receipt of the complaint, the IG must notify SAF/IGQ (through their MAJCOM, JFHQ, FOA, or DRU IG) of the results of the complaint analysis.

7.5.1. The IG should review the Mental Health Referral Evaluation Form (**Attachment 25**) prior to completing the complaint analysis.

7.5.2. If a complaint analysis determines that an investigation is not warranted, the IG conducting the complaint analysis must forward the results of the analysis; include a copy of all supporting documents, to SAF/IGQ through their MAJCOM, JFHQ, FOA, or DRU IG office. IGs may provide an interim response to complainants informing them that the complaint analysis was forwarded to IG DoD for final determination. IGs will not advise the complainant of the recommendation that was sent to IG DoD.

7.5.2.1. SAF/IGQ will forward the complaint analysis to IG DoD for approval.

7.5.2.2. If IG DoD agrees with the Air Force's determination, they will notify SAF/IGQ who will in turn notify the MAJCOM, JFHQ, FOA, or DRU IG. It is the responsibility of the MAJCOM, JFHQ, FOA, or DRU IG to notify the complainant that there is insufficient evidence to conduct an investigation. MAJCOM IGQs will provide the IG that conducted the complaint analysis a copy of the final response to the complainant with a copy of the IG DoD memorandum.

7.5.2.3. If IG DoD disagrees with the Air Force's determination, they may retain the complaint for investigation or request SAF/IGQ conduct an investigation. SAF/IGQ will normally delegate the investigation down to the lowest-level IG office through the MAJCOM, JFHQ, FOA, or DRU IG.

7.5.3. IGs or IG staff should not normally conduct formal or sworn interviews with responsible management officials during complaint analysis, but they may conduct informal interviews with them.

7.6. Notification Requirements for IMHE Referral Complaints. DoDI 6490.4, paragraph 6.1.4.1, requires that IG DoD be notified within 10 duty days from receipt of allegations of an IMHE referral. IGs at all levels will notify SAF/IGQ through their MAJCOM, JFHQ, FOA, or DRU IG within 7 duty days from receipt of allegations. Use the format in **Attachment 26** or send a notification that includes all required information through ACTS.

7.7. Conducting IMHE Referral Complaint Investigations.

7.7.1. IMHE referral investigations will be conducted IAW IGDG 7050.6, DoDD 6940.1, DoDI 6490.4, AFI 44-109, and **Chapter 2** of this instruction.

7.7.1.1. All IGs will comply with the requirements for progress reports (PR) and interim responses (IR) to complainants as specified in paragraphs **2.55.** and **2.56.**

7.7.1.2. DoDI 6490.4 requires that IG DoD be provided a PR 90 calendar days after receiving an allegation of violations of DoDD 6490.1 (if the investigation has not been finalized) and every 60 days thereafter until the final report is submitted. Provide PRs to SAF/IGQ through their MAJCOM, JFHQ, FOA, or DRU IG 90 days after receipt of complaint and on the first of every month thereafter until the investigation is complete, following the procedures in paragraph **2.55.** Refer to **Attachment 14** for proper PR format.

7.8. Reviewing and Approving IMHE Referral Investigations. IG DoD must review and approve all IMHE referral investigations, regardless of the level where the investigation was conducted. IGs must forward the entire case file (see **Attachment 11**) to SAF/IGQ through their MAJCOM, JFHQ, FOA, or DRU IG.

7.8.1. Appointing authorities may notify the subject's commander of the investigation findings when they approve the case, but must inform them that final findings could change because final approval and review rests with IG DoD. Commanders should normally wait until after IG DoD has approved the case to take command action.

7.8.1.1. IAW DoDI 6490.4, paragraph 6.1.4.5, a copy of command/corrective action must be provided to IG DoD. When command/corrective action is finalized, IGs will obtain a copy to include any rebuttal statements; if action is verbal or no action is taken, IGs will obtain a written description of the action from the commander. IGs will forward these documents to SAF/IGQ through their MAJCOM, JFHQ, FOA, or DRU IG, within 7 duty days of becoming aware of such action being completed. SAF/IGQ will forward the information to IG DoD.

7.8.2. IGs should provide an IR to complainants informing them that the investigation has been completed and forwarded to IG DoD for final approval. Do not inform the complainant of the unapproved investigation findings (i.e., substantiated or not substantiated).

7.8.3. MAJCOM, JFHQ, FOA, and DRU IGs will conduct a quality review and obtain a legal review from their servicing JA before forwarding the case file to SAF/IGQ. NOTE: SAF/IGQ acts as MAJCOM for ANG IMHE referral investigations conducted at JFHQ/state level and will obtain the required legal review.

7.8.4. SAF/IGQ will conduct a quality review, IAW paragraph 2.73, prior to forwarding the case to IG DoD.

7.8.5. Follow the procedures specified in **Section 2N** and/or **Section 2O** of this instruction if, during higher-level quality review, deficiencies are identified or the reviewing official disagrees with the findings.

7.9. Final Approval and Notification Requirements. IG DoD will notify SAF/IGQ upon final approval of the investigation's findings.

7.9.1. SAF/IGQ will provide a copy of IG DoD's final approval to the applicable MAJCOM, JFHQ, FOA, or DRU IG.

7.9.2. The MAJCOM, FOA, or DRU IG will provide the final response to the complainant within 30 days after IG DoD's approval of the findings. The MAJCOM IG will provide the installation IG a copy of the final response memo to the complainant, when applicable.

7.9.2.1. MAJCOM, FOA, and DRU IGs will provide the final response to the complainant.

7.9.2.2. MAJCOM, FOA, and DRU IGs will provide SAF/IGQ with a copy of the final response to the complainant. SAF/IGQ will forward a copy of the response to the Deputy Under Secretary of Defense, Program Integration, DUSD (PI), and IG DoD.

7.9.2.3. SAF/IGQ will provide final response to complainants for ANG IMHE investigations conducted at JFHQ/state level. SAF/IGQ is responsible for redacting the ROI and providing a copy to the complainant.

7.9.3. MAJCOM, FOA, and DRU IGs will forward a copy of IG DoD final approval of the investigation to the applicable appointing authority. The appointing authority must notify the subject's commander of the final investigation findings but will not provide a copy of IG DoD's letter to the commander. The commander will notify the subject.

7.9.4. IGs will close IMHE referral complaints IAW established procedures as described in **Chapter 2** of this instruction.

Chapter 8

CONGRESSIONAL INQUIRIES

8.1. Governing Directive. AFI 90-401, *Air Force Relations with Congress*, provides guidance and procedures for Air Force personnel who respond to inquiries from and interact with Congress.

8.2. Sources for Congressional Inquiries.

8.2.1. Congressional Inquiries from LLI through Functional Channels. The Congressional Inquiry Division (SAF/LLI) is the Air Force focal point for constituent-related congressional inquiries. As such, SAF/LLI processes, tasks, coordinates, and distributes final replies to inquiries forwarded to the Air Force by members of Congress or their staff on behalf of their constituents.

8.2.2. Other Congressional Inquiries. Often times the local congressional staff will communicate directly with the commander or IG with constituent issues.

8.3. Responses to Congressional Inquiries.

8.3.1. For IG issues contained in congressional inquiries, the IG will notify SAF/IGQ through their MAJCOM, JFHQ, FOA, and DRU IG within 24 hours of receipt of the inquiry. A follow-up notification of their intended action (e.g., investigate, dismiss, refer, etc.) must follow within 10 duty days. SAF/IGQ will notify SAF/LLI.

8.3.2. For non-IG issues follow the procedures in AFI 90-401.

8.4. Congressional Inquiry Complaint Resolution Strategies. SAF/LLI will task SAF/IGQ to review and analyze issues in congressional inquiries that are appropriate for IG channels. The complaint analysis will determine which resolution strategy is most appropriate: assistance, dismissal, referral, transfer, or investigation IAW **Chapter 2**.

8.5. Notification Requirements. All notifications will be in compliance with AFI 90-401 and applicable chapters of this instruction.

8.5.1. Upon receipt of a congressional inquiry that includes an allegation of reprisal, restriction or IMHE, the IG will immediately notify SAF/IGQ through their MAJCOM, JFHQ, FOA, or DRU IG who will, in turn, notify SAF/LLI, within 24 hours of receipt of a congressional inquiry.

8.5.2. A follow-up notification of the IG's intended action (e.g., investigate, dismiss, refer, etc.) must follow within 10 duty days after the complaint analysis is completed. SAF/IGQ will update SAF/LLI as appropriate.

8.6. Closing a Congressional Inquiry.

8.6.1. For IG issues, MAJCOM, JFHQ, FOA, and DRU IGs will provide the final response directly to complainants, unless otherwise directed by SAF/IGQ, regardless of the level in which the complaint was received or the organizational level conducting the review, analysis, or investigation.

8.6.1.1. The written response letter will address all relevant allegations, provide a finding for each allegation and provide the supporting rationale for each finding.

8.6.1.2. MAJCOM, JFHQ, FOA, and DRU IGs will provide SAF/IGQ with a copy of the response to the complainant.

8.6.2. For Non-IG issues log in ACTS as an assist and follow procedures in AFI 90-401.

Chapter 9

EQUAL OPPORTUNITY (EO) COMPLAINTS

Section 9A—Military Equal Opportunity (MEO) Complaints

9.1. Governing Directives. AFI 36-2706, *Military Equal Opportunity Program* and AFI 36-1201, *Equal Employment Opportunity Complaints,* provide guidance on the MEO and EEO programs.

9.2. Key Terms. This chapter uses the following key terms: *senior official, sexual harassment,* and *unlawful discrimination*. Refer to **Attachment 1** for the definition of these key terms.

9.3. MEO Program Policy.

9.3.1. IAW AFI 36-2706, it is Air Force policy not to condone or tolerate unlawful discrimination or sexual harassment within the Armed Forces or in the civilian workforce.

9.4. Processing MEO Complaints.

9.4.1. IGs at every level must immediately refer all allegations of violations of unlawful discrimination or sexual harassment to their respective Equal Opportunity office. **EXCEPTION:** Allegations against senior officials must be referred to SAF/IGS IAW **Chapter 3**.

9.4.2. If a complaint contains both MEO and non-MEO allegations, separate the MEO allegations and refer them to the EO office for resolution.

9.4.2.1. IAW AFI 36-2706, the installation commander may direct the IG to investigate any unresolved formal complaints of sexual harassment filed by active duty military personnel. If the appointing authority determines IG action is required after reviewing the MEO allegation, conduct the investigation IAW procedures in **Chapter 2**.

9.4.2.2. When necessary, the EO office will provide a technical expert to assist the IO throughout the IG investigation.

9.4.2.3. Once the IG investigation is complete, the IG will notify the EO office of the results of the investigation and prepare the final report to the General Court-Martial Convening Authority. The report will include the following:

9.4.2.3.1. Findings, showing whether allegations were substantiated or not substantiated. If substantiated, describe corrective action and/or disciplinary actions taken.

9.4.2.3.2. The identities of the complainant(s) and offender(s) in substantiated cases.

9.5. Notification Requirements for MEO Allegations against Senior Officials and Colonels (or civilian equivalent). EO personnel will:

9.5.1. Immediately refer complaints against senior officials directly to SAF/IGS.

9.5.2. Notify the local IG, using the format in **Attachment 17**, when there is an MEO complaint against a colonel (or civilian equivalent). If there is no local IG, forward notifications to: SAF/IGQ, 1140 Air Force Pentagon, Washington DC, 20330-1140.

9.5.3. Provide status reports to the local IG, or SAF/IGQ if there is no local IG, 90 days after receipt of the allegation and on the first of every month thereafter until the case is closed.

9.6. Closure Documents Required by the IG for MEO Complaints. Table 9.1. outlines the documents required by the IG to complete closure actions on cases opened as a result of allegations against colonels (or equivalents).

Table 9.1. Closure Documents Required by the IG on Colonel (or civilian equivalent) Cases.

An MEO investigation	1. Copy of MEO investigation report 2. Copy of legal review (if available) 3. Copy of any command actions including Article 15s, LORs, LOCs, LOAs, memorandums counseling the subject, memorandums documenting verbal counseling of the subject, or a memorandum documenting that no action was taken against the subject 4. Any rebuttal or statement provided by the subject

Section 9B—Equal Employment Opportunity (EEO) Complaints

9.7. EEO Program Policy.

9.7.1. IAW AFI 36-1201, it is Air Force policy to provide equal opportunity in employment for all persons and maintain a work environment free from unlawful discrimination.

9.8. Processing EEO Complaints.

9.8.1. IGs at every level must immediately refer all allegations of violations of EEO policy to their respective EO office.

9.8.2. The installation EO Program Director notifies the local IG and Air Force Civilian Appellate Review Office (SAF/MRBA), and AF/A1Q of any non-frivolous allegations of wrongdoing against any colonel (or equivalent) or senior official.

9.8.3. AFCARO is responsible for notifying SAF/IGS when a senior official is named as an RMO.

9.8.4. AFCARO notifies SAF/IGQ when a colonel (or civilian equivalent) is named as an RMO.

9.8.5. AFCARO will provide updates to SAF/IGS and SAF/IGQ as the complaint status changes.

9.9. Closure Documents Required by the IG for EEO Complaints. Table 9.2. outlines the documents required by the IG to complete closure actions on cases opened as a result of allegations against colonels (or equivalents).

Table 9.2. Closure Documents Required by the IG on Colonel (or civilian equivalent) Cases.

An EEO investigation	1. Copy of EEO investigation report including final agency decision or final order, and decision of EEOC/OFO or EEOC (where applicable) 2. Copy of legal review (if available) 3. Copy of any command actions LOCs, LOAs, memorandums counseling the subject, memorandums documenting verbal counseling of the subject, or a memorandum documenting that no action was taken against the subject 4. Any rebuttal or statement provided by the subject

Chapter 10

FRAUD, WASTE, AND ABUSE (FWA) AND GROSS MISMANAGEMENT COMPLAINTS

10.1. Governing Directives. AFPD 90-3, *Inspector General--The Complaints Program*, establishes policies related to the Air Force FWA Program. DoDI 7050.1, *Defense Hotline Program*, establishes guidelines and procedures for Hotline Quality Assurance Reviews (QAR).

10.2. Key Terms. This chapter uses the following key terms: *abuse, fraud, gross mismanagement, gross waste of funds,* and *waste*. Refer to **Attachment 1** for the definition of these key terms.

10.3. Background. Preventing FWA is the primary focus of the Air Force FWA Program. DoDI 7050.01, *Defense Hotline Program* replaced the term "abuse" with "mismanagement."

10.4. FWA Policy. The Air Force policy on FWA is to use all available means to prevent, detect, and correct instances of FWA; to appropriately discipline perpetrators involved in FWA activities; and to recoup, if possible, losses of cash property, and services resulting from FWA. The primary elements of a FWA prevention and detection program exist within the Air Force in the audit, inspection, investigation, legal and security areas.

10.4.1. The success of the FWA program lies with each individual within the Air Force. Support by both military and civilian members is crucial in preventing and eliminating FWA. Any individual aware of FWA or lack of controls that could permit resources to be wasted or diverted must report the situation through appropriate channels.

10.5. IG Responsibilities (MAJCOM, JFHQ, FOA, DRU, and below). IGs at every level must comply with AFPD 90-3, and will:

10.5.1. Provide copies of Air Force FWA Hotline case files from the previous 18-24 months pursuant to IG DoD's notification of a Quality Assurance Review (QAR). Files may originate from Air Force, MAJCOM, JFHQ, FOA, DRU, or lower-level IGs.

10.5.2. Assist Defense Hotline Program investigators to assess compliance with policy and procedures; analyze systemic strengths or weaknesses of hotline investigations; and evaluate the timeliness, independence, objectivity, and overall adequacy of Air Force investigations.

10.5.3. Implement an active Air Force FWA Program to detect FWA and identify potential FWA during all inspection activities.

10.5.4. Ensure the proper receipt and evaluation of allegations of FWA and determine the appropriate level of investigation.

10.5.5. Advise the next higher-level IG of serious allegations and significant trends disclosed in the FWA Program review.

10.5.6. Advise the next higher-level IG of innovative management procedures and techniques for preventing FWA that could be useful for Air Force or DoD-wide application.

10.5.7. Certify that all allegations resulting in IG investigation are fully addressed and the requirements of this instruction are followed.

10.5.8. Review reports of investigations (ROIs) and Hotline Completion Reports (HCRs) for accuracy and administrative and investigative sufficiency.

10.5.9. Ensure that corrective actions are taken as a result of substantiated findings.

10.5.10. Encourage the use of local FWA hotlines for reporting suspected fraud, waste and mismanagement in DoD operations without fear of reprisal.

10.5.11. Publicize DoD and local FWA hotlines using:

10.5.11.1. Air Force Link and MAJCOM, JFHQ, and installation websites.

10.5.11.2. Official notices.

10.5.11.3. Posters.

10.5.11.4. Telephone directories.

10.5.11.5. Other media.

10.5.12. Ensure that each command headquarters and installation operates at least one FWA hotline. Ensure the line is either actively monitored or on an answering machine 24 hours per day.

10.5.13. Establish controls to protect the identity of individuals who request anonymity or confidentiality.

10.5.14. Ensure FWA information is cross-fed within the command to subordinate units.

10.5.15. Refer FWA allegations that involve suspected criminal acts to AFOSI or Security Forces, IAW AFI 71-101, volume 1, attachment 2. If they decide not to investigate, obtain a documented transfer back to the IG, consult with the Staff judge Advocate, and complete the complaint analysis to determine appropriate resolution path.

10.6. Commander FWA Program Responsibilities:

10.6.1. Establish an active FWA program.

10.6.2. Appoint, in writing, FWA focal points across the spectrum of base functions. Encourage the team to develop an active program.

10.6.3. Educate all installation personnel on the elements of FWA so that everyone understands what is considered FWA.

10.6.4. Ensure that no form of reprisal is taken against any individual making a FWA disclosure.

10.6.5. Ensure that no one prevents or hinders any person from making a FWA disclosure.

Chapter 11

DEFENSE HOTLINE COMPLAINTS

11.1. Governing Directive. DoDI 7050.01, *Defense Hotline Program*, establishes policies and procedures used in processing allegations referred to the Air Force Inspector General by the DoD Hotline.

11.2. Key Terms. This chapter uses the following key terms: *referral for action* and *referral for information*. Refer to **Attachment 1** for the definition of these key terms.

11.3. SAF/IGQ Responsibilities. SAF/IGQ will:

11.3.1. Designate a Defense Hotline Component Coordinator to report the results of inquiries conducted in response to Defense Hotline referrals.

11.3.2. Receive and evaluate referral for action taskings and forward them as appropriate to MAJCOM, JFHQ, FOA, or DRU IGs for resolution when IG action is deemed appropriate.

11.3.3. For complaints or allegations that can be resolved by the Air Force, provide a referral for action tasking to the appropriate agency for resolution.

11.3.4. Receive and evaluate referral for information taskings and forward them as appropriate to MAJCOM, JFHQ, FOA, or DRU IGs as a matter of possible interest to the MAJCOM/JFHQ or subordinate installation. **NOTE**: Action is not required, but if taken, the IG must provide SAF/IGQ a copy of the Hotline Completion Report (HCR).

11.3.5. For complaints that do not require intervention by the Air Force because the complaint lacks sufficient detail or subject matter, provide an information referral to the appropriate agency for informational purposes.

11.3.6. Track the status and final disposition of all investigations resulting from Defense Hotline taskings.

11.3.7. Ensure HCRs include:

11.3.7.1. Description of the actions taken by the IO or IG to determine the findings.

11.3.7.2. Identity of all witnesses.

11.3.7.3. Date of and information relayed during interviews.

11.3.7.4. Specific details and locations of all documents reviewed during the examination.

11.3.7.5. Description of any other actions taken as a result of the inquiry.

11.3.8. Comply with Defense Hotline Quality Assurance Review (QAR) Program requirements and procedures.

11.4. MAJCOM, JFHQ, FOA, DRU, and lower-level IG Responsibilities. MAJCOM, JFHQ, FOA, DRU, and lower-level IG will:

11.4.1. Designate a Defense Hotline Coordinator to report the results of inquiries conducted in response to referrals for action.

11.4.2. Receive and evaluate referral for action taskings and forward them to the appropriate IG or agency for resolution. Tasked IG or agency must provide SAF/IGQ (through their MAJCOM, JFHQ, FOA, DRU, or Lower-Level IG) with a copy of the HCR.

11.4.3. Receive and evaluate referral for information taskings and forward them to the appropriate IG or agency as a matter of possible interest. **NOTE**: Action is not required, but if taken, the IG or agency must provide SAF/IGQ (through their MAJCOM, JFHQ, FOA, DRU, or lower- level IG) with a copy of the HCR.

11.4.4. Track the status and final disposition of all investigations resulting from Defense Hotline taskings.

11.4.5. Ensure HCRs include:

11.4.5.1. Description of the actions taken by the IO or IG to determine the findings.

11.4.5.2. Identity of all witnesses.

11.4.5.3. Date of and information relayed during interviews.

11.4.5.4. Specific details and locations of all documents reviewed during the examination.

11.4.5.5. Description of any other actions taken as a result of the inquiry.

11.4.6. Conduct follow-up as required to validate the adequacy of actions taken by subordinate units in regards to FWA cases.

11.4.7. For referral for action taskings, submit an HCR by the suspense date or a progress report (PR) every 30 days thereafter on the first of every month until complete. When a report cannot be completed within 90 days, (180 days for criminal and audit referrals), an extension must be requested in writing to SAF/IGQ stating the reason for delay and the anticipated completion date. The IG office processing the complaint is responsible for initiating PRs and requests for extension IAW this paragraph. Send PRs and requests for extension to SAF/IGQ through the appropriate MAJCOM/JFHQ IG.

11.4.8. Comply with Defense Hotline QAR Program requirements and procedures IAW DoDI 7050.01.

11.5. Investigating a Defense Hotline Complaint. Complaints filed with IG DoD through the Defense Hotline and deemed appropriate for IG action will be investigated IAW governing DoDI 7050.01 and **Chapter 2** of this instruction.

11.6. Closing a Defense Hotline Complaint.

11.6.1. Proper closure and notification requirements, IAW **Chapter 2**, must be complied with when an IG investigation was conducted as a result of a Defense Hotline complaint.

11.6.2. Complaints filed with IG DoD through the Defense Hotline are answered by completing an HCR. The HCR should be a stand-alone document and provide all necessary background information. In some cases IG DoD will accept an AFOSI Report of Investigation (for criminal fraud cases).

11.6.3. Follow the format in **Attachment 27** for completing a HCR.

11.7. Referring Defense Hotline Complaints to Other Investigative Agencies.

11.7.1. If during a MAJCOM, JFHQ, FOA, DRU, or lower-level IG office conducted Defense Hotline inquiry, the allegation/s subsequently require/s referral to AFOSI or the Air Force Audit Agency (AFAA) for action, the IG conducting the inquiry will transfer the complaint/s to SAF/IGQ through appropriate channels. SAF/IGQ will refer the complaint to AFOSI or AFAA.

11.7.2. MAJCOM, JFHQ, FOA, DRU, and lower-level IG offices will provide SAF/IGQ a copy of the letter requesting AFAA support or AFOSI investigation.

Chapter 12

INTELLIGENCE OVERSIGHT COMPLAINTS

12.1. Governing Directive. AFI 14-104, *Oversight of Intelligence Activities*, establishes guidance related to the conduct of intelligence oversight activities.

12.2. Key Terms. This chapter uses the following key terms: *intelligence activity* and *United States Person*. Refer to **Attachment 1** for the definition of these key terms.

12.3. Background. An intelligence oversight complaint, often referred to as a questionable activity, is an allegation of conduct that constitutes, or is related to, an intelligence activity that may violate the law, any Executive Order or Presidential Directive, or DoD policy regarding intelligence activities. This includes activities of any Air Force organization, even if not specifically identified as an intelligence activity, that is being used for counterintelligence or foreign intelligence purposes regarding improper activities by an intelligence or counterintelligence unit or staff or personnel assigned to the organization. A complainant alleging an intelligence oversight violation might assert something like, "Some US intelligence organization is collecting information on me for no reason." Intelligence oversight was designed to ensure US intelligence organizations do not infringe upon or violate the constitutionally protected rights of United States persons. AFI 14-104, paragraph 7.1.1 directs that, "reports (regarding potential intelligence oversight violations) will be expeditiously provided to the inspector general at the first level at which an inspector general is assigned and not associated with the questionable activity, with copies to the servicing JA and, unless the inspector general determines such reporting would not be appropriate, to senior intelligence officers at the same level." Therefore, IGs at all organizational levels must be prepared to receive and then forward copies of intelligence oversight complaints.

12.4. SAF/IGQ Responsibilities. SAF/IGQ will:

12.4.1. Immediately report to SAF/IG reports of activities that may indicate an intelligence activity violated law or regulation. Per AFI 14-104, paragraph 7.1.3, SAF/IG will immediately forward such reports to DoD General Counsel and the Assistant to the Secretary of Defense for Intelligence Oversight.

12.4.2. Immediately forward a copy of the complaint to SAF/GC, AF/A2, and SAF/IGI.

12.5. MAJCOM, JFHQ, FOA, and DRU IG Responsibilities. MAJCOM, JFHQ, FOA, and DRU IGs will:

12.5.1. Receive and immediately forward a copy of the complaint to SAF/IGQ. The IG receiving the complaint will neither analyze the complaint nor conduct an investigation. JFHQ IGs will forward a copy of the complaint to both SAF/IGQ and to the National Guard Bureau, Intelligence Oversight Division.

12.5.2. Provide a copy of the complaint to the servicing JA.

12.6. Installation IG Responsibilities. Installation IGs will:

12.6.1. Receive and refer complaints to the senior intelligence officer (at the appropriate level) of the organization where the alleged violations occurred by providing a copy of the complaint to the responsible unit, agency, or organization (except where the IG determines this is not appropriate).

12.6.2. Provide a copy of the complaint to the servicing JA.

12.6.3. Immediately forward a copy of the complaint to their MAJCOM, JFHQ, FOA, or DRU IG. The IG receiving the complaint will neither analyze the complaint nor conduct an investigation.

Chapter 13

IG RECORDS

Section 13A—Maintenance of IG Records

13.1. Governing Directives. DoD 5200.1-R, *Information Security Program*; DoD 5400.7-R/AFSUP, *DoD Freedom of Information Act Program*; DoD 6025.18R, *DoD Health Information Privacy Regulation*; AFPD 31-4, *Information Security*; AFPD 90-4, *Relations with Congress*; AFI 31-401, *Information Security Program Management*; AFI 33-332, *Privacy Act Program*; AFI 36-704, *Discipline and Adverse Actions*; AFI 51-202, *Nonjudicial Punishment*; and AFI 90-401, *Air Force Relations with Congress*, provide guidance on records management and release.

13.2. Overview. This chapter covers the Air Force IG Records Release Program. The Air Force Inspector General grants access to IG records under the following two separate records release programs and subject to the provisions stipulated in this chapter.

13.2.1. Official use requests (OUR)- **Section 13C**.

13.2.2. Freedom of Information Act (FOIA) and Privacy Act (PA) requests - **Section 13D**.

13.3. Key Terms. This Chapter uses the following key terms: *discovery requests, Freedom of Information Act, in-camera review, official use request, Privacy Act, Privacy Act request, redact, initial denial authority (IDA),* and *responsive record*. Refer to **Attachment 1** for the definition of these key terms.

13.4. Marking IG Records.

13.4.1. Classify reports according to the policies and procedures contained in security regulations (DoD 5200.1-R, AFPD 31-4, and AFI 31-401).

13.4.2. IG reports and case related records will be marked "For Official Use Only" (FOUO) unless they are classified as outlined in DoD 5400.7-R/AF Supplement, chapter 4.

13.4.2.1. Mark or stamp reports on the outside of the front cover (if any), at the bottom of the first page, and each succeeding page above the "FOUO" marking with the following disclaimer: "*This is a protected document. It will not be released (in whole or in part), reproduced, or given additional dissemination (in whole or in part) outside of inspector general channels without prior approval of The Inspector General (SAF/IG) or designee*."

13.4.2.2. Mark all documents provided by the complainant as "COMPLAINANT PROVIDED."

13.4.3. E-mails that contain/and/or transmit IG reports, complaints analyses, notification memos, records, or information must call attention to the FOUO information and/or attachments. Include FOUO in the e-mail subject line. All e-mails will be encrypted IAW applicable directives. Add the following e-mail header at the beginning of message text: *"This e-mail contains FOR OFFICIAL USE ONLY (FOUO) information which must be protected under the Privacy Act and AFI 33-332."*

13.5. Protection of IG Records.

13.5.1. IG reports are protected documents. Only SAF/IG, or designated representatives, can approve release of IG documents outside of IG channels. Refer to **Section 13C** and/or **Section 13D** for further guidance.

13.5.2. IG reports should not normally be disclosed to individuals outside of DoD. Normally, they should only be disclosed inside of DoD and the Air Force to those requiring access to the records in the performance of their official duties.

13.5.3. Letters that transmit IG reports and records (FOUO material) must call attention to the FOUO attachments. In these cases, use the following statement as a separate paragraph: "*This letter does not contain "FOR OFFICIAL USE ONLY" information; however, the attached documents are marked "FOR OFFICIAL USE ONLY" and contain protected information.*"

13.5.4. Refer to paragraph **13.4.3.** for proper marking of e-mail.

13.6. Protecting Privacy Interests.

13.6.1. IOs conducting IG investigations will not provide witnesses, subjects, or other third parties with copies of complaints or investigative reports or documents or allow those parties to read any complaint filed through IG channels.

13.6.1.1. A complaint to an IG, or a complaint worked in IG channels, is protected information.

13.6.1.2. Prior to being interviewed, subjects and suspects must be advised of the specific nature of the allegations against them to permit them to properly respond to or defend against such allegations.

13.6.1.3. Witnesses need only be sufficiently advised of the matters under investigation to permit them to respond to the questions asked and to provide other relevant information.

13.6.2. When necessary and appropriate, the complainant should be told that the IO (or) commanders (or) civilians leading an organization designated as a unit IAW AFI 38-101 must be able to discuss the case with appropriate officials and witnesses to resolve the complaint.

13.6.3. Generally, do not release the complaint, materials or information provided by the complainant, or the response to the complainant to a third-party requester or the subject, without the complainant's written consent or in accordance with the FOIA/PA.

13.6.4. Do not release medical information protected by Health Insurance Portability and Accountability Act (HIPAA) without a signed HIPAA release, DD Form 2870, Authorization for Disclosure of Medical or Dental Information.

13.6.5. Protect the privacy interests of others involved by complying with the established guidelines in the PA.

13.6.6. When an IG investigation is halted because it is determined another type of investigation is warranted, guard the protected nature of the IG records involved.

13.6.6.1. Originals and copies of IG records such as the complaint, report, witness testimony, etc., may not be used as the basis of a subsequent investigative effort outside IG channels.

13.6.6.1.1. Prepare a summary of the case, which may include a list of witnesses and documents from other systems of records, or other relevant information. This is to guard IG records from inadvertent disclosure and waiver of their protected nature.

13.7. Maintenance and Disposition of IG Records.

13.7.1. CDI records (other than those forwarded to SAF/IGQ as required by this instruction) will not be maintained by IG personnel or within an IG system of records.

13.7.2. Records must be maintained for the Complaints Resolution and FWA programs; however, each program has unique requirements. Maintain and dispose of records for both programs according to the *Air Force Records Disposition Schedule*, Tables 90-01, 90-03, and 90-04. The schedule is available on the internet at **https://afrims.amc.af.mil/**. According to those *Air Force Records Disposition Schedule* tables, the disposition of some IG documents is based on the date the case "closed." IG offices will use the definition of "closure" as listed in **Attachment 1** of this instruction to determine that case "closed" date.

13.7.3. In order to maintain a record of each complaint and its disposition, all IG contacts (including referrals, transfers, assistance, investigations, and dismissals) must be logged in ACTS.

13.7.3.1. Each case/complaint is its own record and if paper records are retained, the case file should normally be filed numerically by ACTS number in its own individual file folder.

13.7.4. Case records should not include AFOSI reports (unless they are investigations against senior officials or colonels (or civilian equivalent)), classified materials, reports of special security investigations, or other similar sensitive documents. If a case must contain sensitive documents (other than AFOSI reports as specified above), IGs must cross-reference their identifying number or subject and indicate their primary storage location. Do not retain them in the local IG office file.

13.7.5. Do not file any IG complaint correspondence or related documents in an individual's unit Personal Information File, field personnel records, or a system of records other than the system established for IG records.

13.7.6. Upon case closure, remove and destroy documents such as draft reports, unnecessary working papers, handwritten notes, Post-it notes, duplicates, etc.

13.7.7. Recorded testimony must be destroyed or deleted after the highest level of quality review has been completed or after the command action has been completed, whichever is later.

13.7.7.1. If command action was taken, coordinate with the JA before erasing, demagnetizing, or destroying audio tapes or computer storage media to determine if they must be retained for a longer period.

13.7.7.2. If tapes are erased and degaussed, use a professional demagnetizing/erasing machine. All identifiable markings must be removed after erasing. Never tape over previous recordings or reuse an audiotape unless previous data has been properly erased.

13.7.7.3. If testimony has been recorded on computer media, appropriate technical procedures will be utilized to ensure the testimony is unrecoverable.

13.7.8. Digital records (e.g., DVDs and CDs)

13.7.8.1. Destroy according to your Information Security Program guidelines.

13.7.9. AF Electronic Records Management. Records attached to ACTS case files will follow guidelines pertaining to paper records.

Section 13B—Restriction for Use of IG Records

13.8. Restrictions for Use of IG Records. Recipients of IG records must comply with the following restrictions. **Exception:** Documents released pursuant to a FOIA request are then public documents and may be further disclosed at the recipient's discretion.

13.8.1. Do not use IG records as attachments or exhibits to other official records without the written approval of the authority responsible for making release determinations, as delegated in this instruction.

13.8.2. IG records must be returned to the authority responsible for making release determinations or properly destroyed upon completion of stated need.

13.8.3. Do not further release (in whole or in part) IG documents without proper authorization from the authority responsible for making release determinations.

13.8.4. Do not act on FOIA or PA requests for IG records. If, while possessing an IG document, an office receives a FOIA or PA request, and if the document is a responsive record, then accomplish a referral of the request to the appropriate authority responsible for making release determinations (referral procedures are found at DoD 5400.7-R/AF Supplement, paragraph C1.5.9). Include a copy of any responsive documents in the referral package. The authority responsible for making release determinations acts on the request.

13.8.5. Comply with the provisions of the PA Program in the management of IG records.

13.8.6. Comply with the provisions and restrictions of 10 USC 1102 and AFI 44-109 in using any records obtained from a Surgeon General quality assurance review. These are records generated by federal hospital committees in reviewing the quality and standards of care provided to patients treated by the medical facility. Ordinarily, these records should be reviewed and returned to the originator without being attached to the IG record. Consult your servicing JA before attaching any quality assurance documents to an IG report. If a quality assurance record (or any portion of a record) is included in an IG record, ensure it is prominently marked as protected by 10 USC 1102 as a quality assurance document.

13.8.7. See DoD 6025.18R, paragraph C.2.3., for applicability of the Health Insurance Portability and Accountability Act (HIPAA) to IG operations.

Section 13C—Official Use Requests (OUR)

13.9. Types of OURs. This section covers the following types of OURs:

13.9.1. For Command action.

13.9.1.1. By commander.

13.9.1.2. By legal counsel.

13.9.2. For other than command action.

13.9.2.1. Requests from other DoD agencies.

13.9.2.2. Requests from government agencies outside the DoD, except Congress.

13.9.2.3. Requests from Congress.

13.9.2.4. Non-government agencies.

13.10. Release Determination for OURs. SAF/IG is the authority responsible for making release determinations for all IG records requested under OUR. SAF/IG makes the following delegations:

13.10.1. Senior official investigation records: The Director, Senior Officials Inquiries Directorate (SAF/IGS) is the authority responsible for making release determinations for senior official investigation records.

13.10.2. Colonel (or civilian equivalent) and below: The Director, Complaints Resolution Directorate (SAF/IGQ) is the authority responsible for making release determinations for colonel (or civilian equivalent) and below IG investigative records.

13.10.3. Command action: Appointing authorities are the authority responsible for making release determinations for requests regarding command action resulting from IG investigations. **NOTE:** This only applies to requests for command action and not other types of requests.

13.11. Policy and Procedure for all OURs. OURs must be submitted through MAJCOM, JFHQ, FOA, or DRU IG offices to the appropriate authority responsible for making release determinations. In every case, the following guidance applies:

13.11.1. Release of IG records pursuant to OURs will ordinarily be made after case closure (see paragraph **2.64.** for closure requirements).

13.11.2. To make an OUR for IG records, requestors must:

13.11.2.1. Submit requests in writing.

13.11.2.2. Identify the records requested as specifically as possible (e.g., date of investigation, name of IO, subject, and/or complainant).

13.11.2.3. Explain in detail why the records are needed.

13.11.2.4. Specify when the records are needed.

13.11.3. The authority responsible for making release determinations will evaluate OURs based on the criteria in **Section 13D** and must notify the requestor of any applicable restrictions on the information provided in the release. Make entries in ACTS to show processing of OURs for IG records.

13.11.4. Maintenance of OUR Records. Records will be retained IAW AFRIMS.

13.12. OURs for Command Action. The authority responsible for making release determinations will automatically provide the subject's commander with a copy of the relevant portions of an approved and substantiated report of investigation (without attachments) for determining appropriate command action. JAs may act on behalf of the commander regarding the procedures of **Section 13B**. Commanders submit an OUR to the authority responsible for making release determinations to: a) seek approval to release relevant portions of the ROI or case file to the subject, and/or; b) obtain additional portions of the case file beyond the information initially provided by the authority responsible for making release determinations. When possible, the authority responsible for making release determinations should provide the information to the commander, and specify what is releasable to the subject simultaneously.

13.12.1. Release to Subject.

13.12.1.1. Refer to AFI 51-202, when providing evidence in an Article 15 action against an active duty person. Refer to AFI 36-704, when providing evidence relied on to support command action against DoD civilians.

13.12.1.2. Commanders will provide the subject with evidence (if any) supporting the command action in conjunction with the notice of the action. **NOTE:** Evidence to support the command action includes information favorable to the defense and may range from no evidence to all the evidence collected.

13.12.1.3. Defense Counsel Requests. When defense counsel requests IG records to represent military members in courts-martial or other disciplinary actions, the servicing JA will decide what records are relevant for the defense counsel to obtain. IGs should cooperate with any request by the servicing JA to provide IG records.

13.12.2. Obtaining additional portions of the case file. If a commander determines that it is necessary to review additional portions of the case file (e.g., witness testimony and/or exhibits) to determine appropriate command action, the commander must submit an OUR to the authority responsible for making release determinations (sample at **Attachment 28**). The authority responsible for making release determinations will approve or disapprove the request with a memorandum like the one at **Attachment 29** and must use the wording in paragraphs two, three, and four verbatim.

13.13. Requests from Other DoD Agencies.

13.13.1. All record requests from within DoD, such as: the Office of the Secretary of Defense, the Inspector General of the Department of Defense (IG DoD), the Joint Staff, unified commands, defense agencies and field activities, and the other Service components (including the Reserve Components) must be forwarded to SAF/IGQ or IGS as appropriate.

13.13.2. IG DoD must have expeditious and unrestricted access to and, when required, must be able to obtain copies of all records, reports, investigations, audits, reviews, documents, papers, recommendations, or other material available to or within any DoD component.

13.13.3. AFBCMR Cases. Complainants who petition the AFBCMR should advise the AFBCMR if relevant IG records exist. The AFBCMR may submit an OUR to SAF/IGQ for those records as it deems appropriate.

13.14. Requests from Government Agencies Outside the DoD, Except Congress. Official use requests for IG records received from non-DoD government agencies must be forwarded to the appropriate authority responsible for making release determinations. This paragraph does not apply to congressional requests, which are addressed in paragraph **13.15.**

13.15. Requests From Congress.

13.15.1. There are three types of requests from Congress: committee requests, constituent requests, and other requests. Consult AFPD 90-4 and AFI 90-401 for all congressional requests. Process all congressional requests through SAF/LLI. If members of Congress or committee staff members request a copy of the report itself or information on any opinion, conclusion, recommendation, or confidential source in the report, advise the congressional member their request will be sent to SAF/LL.

13.15.2. To the greatest extent possible, ask the congressional requestor to accept a factual summary in lieu of the IG record.

13.15.3. Committee Requests. The Air Force must disclose IG records when properly requested by a Congressional committee. **Exception:** These procedures do not apply to classified information (see AFI 90-401 for procedures involving classified information). The requirements for a proper congressional committee request are:

13.15.3.1. The request is from either house of Congress, a committee, a subcommittee, a joint committee, or a subcommittee of a joint committee (5 USC 552a(b)(9));

13.15.3.2. For a matter within their jurisdiction (5 USC 552a(b)(9));

13.15.3.3. From the chairman of the committee or the ranking minority member (AFI 90-401). There is no requirement the chairman sign the request, a letter from a staff member requesting records on behalf of the committee chairperson (or ranking minority member) for the committee is sufficient. Assuming these requirements are met, SAF/IGQ or IGS must turn over all portions of the file that were requested (unredacted) and include a transmittal letter specifying: the portion of the information that is protected by the Privacy Act, the need to safeguard the information, and that the information should not be further released (5 USC 552a(b); 32 CFR § 310.40(c); AFI 33-332; and DoDD 5400.11).

13.15.4. Constituent Requests. Frequently, members of Congress ask for information regarding a constituent based on the constituent's request for assistance. There are two types of constituent requests: those for general information and those for sensitive information. Responses to both types of requests are authorized by the blanket routine use for *Congressional Inquiries* in the AF Privacy Act System notices.

13.15.4.1. General Information. Requests from a congressional member on behalf of a constituent for general information may be answered without permission from the subject of the record that will be disclosed (5 USC 552a(b)(3); see also AFI 33-332, paragraph 12.2, for examples of general information). IG records typically contain sensitive, not general information.

13.15.4.2. Sensitive Information. If the information requested by a congressional representative is sensitive, a release from the subject of the information involved is required (AFI 33-332). Some congressional representatives will provide the release with the request. The more sensitive the records, the more carefully you should verify the subject's consent to the release (AFI 33-332). If the request is for sensitive information, and no release is provided, you may only provide whatever information is releasable under the FOIA (which could be all, some, or none of the requested record). In those cases, see **Section 13D** to determine what information may be released.

13.15.5. Other Requests. All other requests from members of Congress are analyzed under exception 2 of the Privacy Act, which permits disclosure of Privacy Act records only when required by the FOIA (See 5 USC 552b(6); also see AFI 33-332, chapter 12, which sets out a test for disclosure to third parties). In other words, all other congressional requests are analyzed under the FOIA. The authority responsible for making release determinations must consult their JA before responding to these requests. Prior to release of these requests, you must ensure the accuracy of the information in the record.

13.16. Requests from Non-Government Agencies. Any office that receives a request for records from a non-government agency should forward the request to the authority responsible for making release determinations for that record, along with a copy of the responsive records.

Section 13D—Freedom of Information Act (FOIA) and Privacy Act (PA) Requests

13.17. Authority Responsible for Making Release Determinations for FOIA and PA Requests.

13.17.1. SAF/IG is the initial denial authority (IDA) for all IG records requested under DoD 5400.7-R/AF Supplement, *The DoD Freedom of Information Act* and the denial authority for IG records requested under AFI 33-332. SAF/IG makes the following delegations:

13.17.1.1. SAF/IGS is the IDA for senior official cases.

13.17.1.2. SAF/IGQ is the IDA for all IG cases closed at SAF/IGQ level and for all substantiated colonel (or civilian equivalent) IG investigations regardless of the level at which they were initiated or closed.

13.17.2. MAJCOM, JFHQ, FOA, or DRU IGs are the authority responsible for making release determinations for IG records when AFPD 90-3 and this instruction govern those records, and pertain to IG actions finalized (closed) at their level and below. **EXCEPTIONS:**

13.17.2.1. Colonel (or civilian equivalent) cases as specified in paragraph 13.16.1.2 above.

13.17.2.2. SAF/IGQ will act as MAJCOM for all ANG IG records.

13.17.2.3. Reports involving Reserve personnel. Reports involving members of the Reserve Component in Title 10 status (e.g., on active duty) should be maintained in federal records. Reports involving members of the Reserve Component in Title 32 status (e.g., in state status), even if the report is done by inspecting officers in Title 10 status, should be forwarded to the state unit involved, and ordinarily, the federal government should not retain a copy of these records. State records are not subject to the FOIA or PA, rather they are subject to state law. This can be a complicated situation--consult the servicing JA.

13.17.3. MAJCOM, JFHQ, FOA, or DRU IGs must coordinate all proposed FOIA and PA responses with their FOIA and JA offices.

13.18. Procedures Regarding FOIA and PA Requests.

13.18.1. IGs will coordinate FOIA requests with the FOIA office and the JA. See DoD 5400.7-R/AF Supplement for FOIA responsibilities. Make entries in ACTS to show processing of FOIA requests.

13.18.2. Third-Party requests. Obtain a PA release statement from the subject when a third-party requests records on the subject's behalf. For subjects represented by counsel, a letter of representation will suffice. For requests from Congress, refer to paragraph **13.15.**

13.18.3. When a FOIA request is received from a complainant and "complainant provided" materials are responsive records to the request, if possible, contact the complainant to clarify if he or she is requesting "complainant provided" materials. After clarification, annotate the complainant/requestor's wishes in the FOIA file. If contact does not occur, process the "complainant provided" materials and include releasable portions with response to requestor.

13.18.4. Requests from individuals will be processed under both the FOIA and PA. In the response to the requestor, specify which act afforded them access to the maximum amount of information (FOIA or PA), and explain any exemptions or exceptions.

13.19. Maintenance of FOIA Records. Maintain IG FOIA files in accordance with the Air Force Records Disposition Schedule, and DoD 5400.7-R/AF Supplement.

13.19.1. At SAF level, the authority responsible for making release determinations is responsible for documentation, maintenance, and disposition of IG records processed under FOIA.

13.19.1.1. IG FOIA case files, including the initial response package and subsequent appeal package, if any, should be maintained within the IG file system under the ACTS file reference number.

13.19.2. At MAJCOM, JFHQ, FOA, and DRU level, the IG is responsible for documentation, maintenance, and disposition of IG records processed under FOIA.

13.19.3. When processing a FOIA request, use a duplicate copy of the IG records to preserve the condition of the original copy.

13.19.4. If any material is denied to a FOIA or PA requestor, then a written record must be maintained for six years. **NOTE:** The FOIA/PA file is an independent file from the investigatory file. The record must contain: the release and its justification, coordination, and any analysis or legal reviews, a highlighted redacted copy of released materials showing information withheld from release, and a full and unredacted copy of responsive documents (IAW DoD 5400.7-R/AF Supplement). **NOTE:** It is recommended to use a light-colored (water base) highlighter so you can easily read through the redactions and have a clean copy when reproduced. If the FOIA or PA request is granted in full, the information must be maintained for two years.

13.19.5. The original investigative file will be destroyed on its scheduled disposition date.

Section 13E—Making Release Determinations

13.20. General Guidance.

13.20.1. All FOIA or PA requests must be coordinated with the servicing JA. Denials require a written legal review.

13.20.2. Requests by an individual (complainant or subject) for their own records must be considered under both the FOIA and the PA, even if the requestor does not cite either act (See DoD 5400.7-R/AF Supplement and AFI 33-332). This does not mean the person receives a copy, it only means both acts must be considered.

13.20.3. Generally, release of IG records under FOIA or PA will be made only after the case has been closed. Respond to requests for open cases citing the appropriate FOIA or PA exemptions and exceptions after consulting with your JA. When a case is still open, it is generally protected from disclosure under the FOIA under exemption b(5) because it is a draft, and it is protected from disclosure under the Privacy Act because it is not yet a record.

13.20.4. The authority responsible for making release determinations will always comply with valid court orders for an in-camera review.

13.21. Release Analysis.

13.21.1. For guidance on analysis of FOIA or PA requests, refer to:

http://www.foia.af.mil/, **http://www.usdoj.gov/oip/foia_guide07.htm**, **http://www.defenselink.mil/privacy/notices/usaf/F051AFJAI.html**, **https://afrims.amc.af.mil**

13.21.2. Official Use Requests.

13.21.2.1. Requests from within DoD. May be granted if the requestor has a need for the information to accomplish their official duties (5 USC 552a(b)(1)).

13.21.2.2. Requests from government agencies outside of DoD, except Congress. Release may be authorized by the routine use of the applicable Privacy Act systems notice (See 5 USC 552a(3); see also F090 AF IG B *Inspector General Records* (March 27, 2003, 68 FR 14953)). If no routine use applies, check the remainder of the Privacy Act exceptions for release authorization (see AFI 33-332).

Section 13F—Prescribed Forms

13.22. Prescribed Forms.

AF IMT 102, *Inspector General Personal and Fraud, Waste & Abuse Complaint Registration*

RONALD F. SAMS, Lt Gen, USAF
The Inspector General

Attachment 1

GLOSSARY OF REFERENCES AND SUPPORTING INFORMATION

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Title 5, United States Code, Section 552

Title 10, United States Code, Section 1034

Title 10, United States Code, Section 1561

Title 32, United States Code, Section 315

Abbreviations and Acronyms

ACTS—Automated Case Tracking System

ADC—Area Defense Counsel

AF/A1—Deputy Chief of Staff, Manpower, Personnel and Services

AF/A1Q—AF Directorate of Equal Opportunity

AF/JA—Office of The Judge Advocate General

AF/JAA—Office of The Judge Advocate General, Administrative Law Division

AF/SG—The Surgeon General

AF/A7S—Deputy Chief of Staff, Directorate of Security Forces

AFAA—Air Force Audit Agency

AFBCMR—Air Force Board for Correction of Military Records

AFI—Air Force Instruction

AFIA—Air Force Inspection Agency

AFMWRAB—Air Force Morale Welfare and Recreation Advisory Board

AFOSI—Air Force Office of Special Investigations

ANG—Air National Guard

CDI—Commander-Directed Investigation

CJCSI—Chairman, Joint Chiefs of Staff Instruction

CRP—Complaints Resolution Program

CSAF—Chief of Staff, Air Force

CSB—Command Screening Board

DoD—Department of Defense

DoDD—Department of Defense Directive

DoDI—Department of Defense Instruction

DRU—Direct Reporting Unit

EO—Equal Opportunity

EPR—Enlisted Performance Report

ERAB—Evaluation Report Appeal Board

FOA—Field Operating Agency

FOIA—Freedom of Information Act

FOUO—For Official Use Only

FWA—Fraud, waste, and abuse

GS—General Schedule

HCR—Hotline Completion Report

IAW—In accordance with

IDA—Initial Denial Authority

IGDG—Inspector General Department of Defense Guide

IG DoD—Inspector General of the Department of Defense

IMHE—Improper Mental Health Evaluation

IO—Investigating Officer

IR—Interim Response

JA—Judge Advocate

JFHQ-(State)—Joint Forces Headquarters-State

MAJCOM—Major Command

MEO—Military Equal Opportunity

MHE—Mental Health Evaluation

MPF—Military Personnel Flight

NAF—Numbered Air Force

NAF—Non-appropriated Fund

NGB—National Guard Bureau

NSPS—National Security Personnel System

OIG—Office of Inspector General

OPR—Office of Primary Responsibility or Officer Performance Report

OUR—Official Use Request

PA—Privacy Act or Public Affairs

PCIE—President's Council on Integrity and Efficiency

PIF—Personal Information File

POC—Point of Contact

PR—Progress Report

PRF—Promotion Recommendation Form

QAR—Quality Assurance Review

QR—Quality Review

RCA—Reprisal Complaint Analysis

ROI—Report of Investigation

SAF/AQC—Secretary of the Air Force, Deputy Assistant Secretary (DAS) (Contracting)

SAF/FM—Secretary of the Air Force, Office of the Assistant Secretary (Financial Management & Comptroller)

SAF/GC—Secretary of the Air Force, Office of the General Counsel

SAF/GCM—Secretary of the Air Force, Office of the Deputy General Counsel, Military Affairs

SAF/IG—Secretary of the Air Force, Office of The Inspector General

SAF/IGQ—Secretary of the Air Force, Office of The Inspector General, Complaints Resolution Directorate

SAF/IGS—Secretary of the Air Force, Office of The Inspector General, Senior Officials Directorate

SAF/IGX—Secretary of the Air Force, Office of The Inspector General, Special Investigations Directorate

SAF/LL—Secretary of the Air Force, Legislative Liaison

SAF/LLI—Secretary of the Air Force, Legislative Liaison, Congressional Inquiry Division

SAF/MRBA—Secretary of the Air Force-Manpower and Reserve Affairs, Air Force Civilian Appellate Review Office

SAF/OS—Office of the Secretary of the Air Force

SAF/PA—Secretary of the Air Force, Office of Public Affairs

SECAF—Secretary of the Air Force

SES—Senior Executive Service

SOUIF—Senior Officer Unfavorable Information File

TAG—The Adjutant General

TIG—The Inspector General

UCMJ—Uniform Code of Military Justice

USC—United States Code

vMPF—Virtual Military Personnel Flight

Terms

Abuse—Intentional wrongful or improper use of Air Force resources. Examples include misuse of rank, position, or authority that causes the loss or misuse of resources such as tools, vehicles, computers, or copy machines.

Abuse of Authority—An arbitrary or capricious exercise of power by a military member or a federal official or employee. To qualify as arbitrary or capricious, the following must be met:

1) the action either adversely affected the rights of any person or resulted in personal gain or advantage to the responsible management official (RMO);

And

2) the RMO did not act within the authority granted under applicable regulations, law or policy; the RMO's action was not based on relevant data and factors; or the RMO's action was not rationally related to the relevant data and factors.

Access—Ability to enter, approach, or communicate with individuals or offices designated to receive protected communications. The freedom or ability to make protected communications.

Accountability—Accountability means you are responsible for all your actions and the actions of the people you supervise which you could have reasonably influenced. It is the duty of every leader to hold themselves and their subordinates answerable for their actions and to correct systemic faults. Appropriate remedial measures shall be taken against individuals who have acted unlawfully, improperly or inappropriately. Remedial or corrective measures may be educational, administrative, or punitive and must be appropriate and proportional to the act.

Acid Test—A test that an IO uses to determine if reprisal or abuse of authority has occurred. Refer to **Attachment 21** and **Attachment 22** of this instruction for descriptions of the Acid Test for Reprisal and the Acid Test for Abuse of Authority.

Administrative Actions—Non-criminal proceedings; includes, but is not limited to letters of admonishment, letters of reprimand, letters of counseling, control roster actions, unfavorable information

files, reenlistment denials, promotion propriety actions, and involuntary separation actions. These actions need not be the result of an IG investigation.

The Adjutant General (TAG)—The senior military officer (either Army or Air) of the National Guard of each state, Puerto Rico, the US Virgin Islands, and Guam. TAG is responsible for performing the duties prescribed by the laws of that state and the day-to-day peacetime management and training of the state National Guard (Army and Air).

Adverse Information—Information that constitutes:

1. A violation of criminal law; the UCMJ; DoD 5500.7-R, *Joint Ethics Regulation (JER)*; the Anti-Deficiency Act; DoD Directives and Instructions; Air Force Instructions; or military or civilian personnel policies.

2. An abuse of authority, especially when an element of personal benefit accrues to the official, a family member, or an associate.

3. Fraud, waste, and abuse or mismanagement, governed by this instruction or involving non-appropriated funds or morale, welfare, and recreation assets, including personnel and facilities, as governed by AFI 34-124, *Air Force Morale Welfare and Recreation Advisory Board (AFMWRAB),* and AFI 34-202, *Protecting Non-appropriated Funds Assets*.

4. Misconduct by a medical provider requiring actions to suspend, limit, or revoke clinical privileges, as governed by AFI 44-119, *Medical Service Clinical Quality Management.*

5. Prohibited discrimination or sexual harassment as described by AFI 36-2706, *Military Equal Opportunity and Treatment Program*, and AFI 36-1201, *Discrimination Complaints*.

6. A matter not included above which may reflect adversely on the individual's judgment or exercise of authority.

Allegation—A postulated assertion (assumed without proof) formed by the IG concerning an individual or a detrimental condition. An allegation is a hypothetical statement containing four elements, all of which must be proved by a preponderance of evidence to be true for the allegation to be substantiated. A properly framed allegation will contain the following elements:

1. When, (in what time frame did the improper conduct or behavior occur),

2. Who, (a person, identified by as much information necessary to uniquely identify),

3. Improperly did what, (the specific behavior or conduct that was improper and represents the adverse information),

4. In violation of what standard, (law, policy, regulation, instruction, or procedure).

A properly framed allegation is constructed as follows:

When (on or about 10 January 2004), **Who,** (Major John A. Smith) **did what,** (gave a letter of reprimand), **to whom** (SrA William Tell), **in violation of what standard,** (in reprisal for a protected communication in violation of 10 USC 1034).

Appointing Authority—Individuals holding the positions listed in paragraph **1.7.** are appointing authorities. Appointing authorities have the singular authority to direct IG investigations, appoint investigating officers (IOs), and approve reports of investigations directed under their authority.

Arbitrary—Based on or subject to individual discretion or preference or sometimes impulse or caprice.

Assertion—A declaration that is made emphatically (as if no supporting evidence were necessary).

Assist—IG assistance is the simple process of making phone calls, asking questions, or soliciting helpful information from appropriate offices or agencies or putting complainants in touch with people, offices, or agencies who can address their concerns. Assistance is used when there is no evidence or assertion of personal wrongdoing by a management official. Assistance is the IG giving aid or support to quickly remedy a personal problem.

Authentication—The process of having a document (correspondence, personal notes, computer records, etc.) verified as genuine.

Automated Case Tracking System (ACTS)—An Air Force Inspector General tool to capture all IG investigative and administrative activity Air Force-wide. ACTS is the primary data collection tool for inspectors general at all levels. Inspectors general create an entry in ACTS for any action defined as an investigation, referral, assist, records release, review, dismissal, rebuttal, or transfer. The *ACTS User's Manual* provides specific instructions for the use of ACTS.

Capricious—Determined by chance or impulse or whim rather than by necessity or reason.

Case File—A compilation of documents relevant to an IG complaint that are gathered/prepared during the Complaint Resolution Process, such as the complaint and complainant provided documents. **Attachment 11** shows the standard case file format.

Chain of Command—For the purpose of this instruction, chain of command includes not only the succession of commanding officers from a superior to a subordinate through which command is exercised, but also the succession of officers, enlisted or civilian personnel through which administrative control is exercised including supervision and rating performance.

Closure—A case that results in an IG investigation will be considered closed after all required reviews and approvals (appointing authority, DoD, etc.) are completed, the subject's commander or subject, as appropriate, is notified of the results, and the complainant receives a final response.

Colonel (or civilian equivalent)—Any Regular Air Force active duty, Air Force Reserve, or Air National Guard officer in the grade of O-6; or an officer who has been selected for promotion to the grade of O-6, but has not yet assumed that grade; or an Air Force civil service employee in the grade of GS-15 or NSPS Pay Band 3. For purposes of this instruction, these individuals will be referred to as *colonels (or civilian equivalent).*

Command Action—Action taken by the commander, who is responsible for the process, operation, organization, or individual.

Commander—Only officers may command. An officer succeeds to command in one of two ways; by appointment to command or by assuming command. Generally, an officer assigned to an organization, present for duty, eligible to command the organization, and senior or equal in grade to all other officers in the organization, may be appointed to command the organization by an authorized official. When not otherwise prohibited by superior competent authority, an officer's authority to assume command of an organization passes by operation of law to the senior military officer (by grade and, within the same grade, by rank within that grade) assigned to an organization who is present for duty and eligible to command that organization. For specific rules on appointment to, and assumption of command in the Regular Air Force, Air Force Reserve, and Air National Guard when in federal service, refer to AFI 51-604, *Appointment to and Assumption of Command*.

Commander-Directed Investigation (CDI)—All commanders possess inherent authority to investigate matters or incidents under their jurisdiction unless preempted by a higher authority. The conduct of CDIs does not fall under the authority of The Inspector General.

The Commanding General-The senior military officer of the National Guard of The District of Columbia. The Commanding General is responsible for performing the duties prescribed by the laws of The District of Columbia and the day-to-day peacetime management and training of The District of Columbia National Guard (Army and Air).

Complainant—Any individual making a complaint concerning an Air Force member, program, organization, process or operation. A complainant may be any individual including military members, civilian employees, retirees, family members, or other third-parties that request to use the IG complaint system.

Complaint—A formal assertion concerning a wrong; or violation of law, regulation, instruction, policy, procedures or rules; or report of conditions detrimental to the operation, mission, or reputation of the Air Force.

Complaint Analysis—A complaint analysis is the process for determining the most effective resolution strategy to resolve the issues raised by the complainant's assertion. It is a preliminary review of assertions and evidence to determine the potential validity and relevance of the assertion to the Air Force and to determine what action, if any, in IG, supervisory, or other channels is necessary. A complaint analysis results in a formal decision document which is reviewed by the appointing authority. The complaint analysis decision document is used to record the rationale for the selected complaint resolution strategy.

Complaint Clarification—The process of interviewing the complainant to ensure the intent of the complaint is verified.

Complaint Resolution Process—The Complaint Resolution Process describes actions required to resolve a complaint from receipt through closure. The process, which involves 14 steps representing the lifecycle of a complaint, is divided into three phases, Complaint Analysis, Investigation, and Quality Review. See **Table 2.1.**

Completion—An IG investigation is completed when the appointing authority approves the report of investigation. With reference to ACTS, when the IG is complete with all required actions the case file will be placed in completed status.

Confidentiality—The protection of individual privacy. The IG has a responsibility to safeguard the personal identity of individuals seeking assistance or participating in an IG process such as an investigation and to honor the legal agreements between parties concerning confidentiality provisions in settlement agreements.

Contact—The act of receiving a complaint/disclosure (written or oral).

Corrective Action—A determination derived from command action.

Criminal Offense—A violation of the Uniform Code of Military Justice or any applicable federal, state or local criminal law. This includes, but is not limited to, homicide, sexual assault, use/possession/sale of drugs, theft, travel fraud, etc. The JA should be consulted to determine whether an offense is categorized as criminal or not.

Discovery Requests—A request for information to be used by either counsel in preparation for a court-martial.

Dismiss—A complaint is dismissed if a thorough complaint analysis determines it is not appropriate for IG investigation because:

1. It discloses no recognizable wrong or violation of law, policy, procedures, or regulation.

2. It is a matter not appropriate for the IG and the complainant has exhausted procedural appeals with the administrative process.

3. It is not timely--the IG determines:

(a) The complaint was not filed within sixty (60) days of the complainant learning of the alleged wrong; and

(b) There are no extraordinary circumstances justifying the delay; and

(c) There is no special Air Force interest in the matters alleged; and

(d) The nature of the alleged wrong and the passage of time, there is reasonable probability that insufficient information can be gathered to make a determination.

4. The complainant refuses to provide sufficient evidence to properly conduct the complaint analysis.

5. The complainant files a complaint under Article 138, UCMJ and the Article 138 complaint addresses the same matters addressed in the IG complaint.

6. It cannot be referred and is: without merit; or frivolous; or that an IG investigation would not appreciably affect the outcome or remedy sought.

7. The complaint analysis discloses a matter within the IG's purview, but the allegations have already been investigated and reviewed by higher level IG office and the complainant provides no new evidence or information that justifies further investigation.

Evidence—Information or data upon which a conclusion or judgment may be based. Evidence is simply information that tends to prove the existence of a fact.

Fact—Facts are not conclusions, but rather information or data that have actual existence or occurrence.

File Check—A file check is a search for adverse information on senior officials and colonels (or civilian equivalent) in SAF/IG, DCII, IG-DoD, and other government investigative files.

Follow-up—A case will be placed in follow-up status when awaiting results of corrective action, a determination of command/corrective action, or response to recommendations.

Fraud—Any intentional deception designed to unlawfully deprive the Air Force of something of value or to secure from the Air Force for an individual a benefit, privilege, allowance, or consideration to which he or she is not entitled. Such practices include, but are not limited to:

1. The offer, payment, acceptance of bribes or gratuities, or evading or corrupting inspectors or other officials.

2. Making false statements, submitting false claims or using false weights or measures.

3. Deceit, either by suppressing the truth or misrepresenting material facts, or to deprive the Air Force of something of value.

4. Adulterating or substituting materials, falsifying records and books of accounts.

5. Conspiring to carry out any of the above actions.

6. The term also includes conflict of interest cases, criminal irregularities, and the unauthorized disclosure of official information relating to procurement and disposal matters. For purposes of this instruction, the definition can include any theft or diversion of resources for personal or commercial gain.

Freedom of Information Act (FOIA)—5 USC 552.

Freedom of Information Act Request—A written request for DoD records from the public that cites or implies the FOIA.

Frivolous Allegation—As used in this instruction, a frivolous or "obviously frivolous" allegation is one that fails to allege facts that, if true, would constitute a violation of an articulable standard, whether defined by statute, regulation, or custom of service. At a minimum, an IG must conduct a complaint clarification before making such a determination.

Gross Mismanagement—A management action or inaction that creates a substantial risk of significant adverse impact on the agency's ability to accomplish its mission. It is more than mere, trivial wrongdoing or negligence. It does not include management decisions that are merely debatable, nor does it mean action or inaction that constitutes simple negligence or wrongdoing. There must be an element of blatancy.

Gross Waste of Funds—An expenditure that is significantly out of proportion to the benefit expected to accrue to the government. It is more than a debatable expenditure.

Hand-off—The physical person-to-person referral of an interviewee to their commander or designee, civilian leading an organization designated as a unit IAW AFI 38-101 or designee, first sergeant, or supervisor immediately following the interview.

Headquarters US Air Force—The senior headquarters of the Air Force, consisting of two major entities: the Secretariat (including the Secretary of the Air Force and the Secretary's principal staff), and the Air Staff, headed by the Chief of Staff.

Hotline Completion Report (HCR)—Prescribed format for reporting investigative actions and findings for Fraud, Waste, and Abuse (FWA) complaints filed with IG DoD through the Defense Hotline. An HCR is designed to be a stand-alone document and provide all necessary background information.

Impartiality—A principle holding that decisions should be based on objective criteria, rather than on the basis of bias, prejudice, or preferring the benefit to one person over another for improper reasons.

Improper Conduct—Conduct (acts or omissions) found to violate an identifiable directive, instruction, policy, regulation, rule, statute, or other standard applicable to the Air Force, without regard to knowledge, motive, or intent.

Inappropriate Conduct—Action a reasonable person would consider likely to erode confidence in the integrity of the Air Force, but which does not violate an identifiable directive, instruction, policy, regulation, rule, statute, or other standard applicable to the Air Force.

In-Camera Review—A private review by a judge to evaluate information that may be relevant to a court proceeding.

Independence—In all matters relating to Inspector General operations, inspectors general must be free, in fact and appearance, from all impairments to independence. The responsibility for maintaining

independence rests with the commander so that judgments used in conducting inspections, evaluations, investigations, and recommendations concerning corrective action will in fact be impartial, as well as viewed as impartial by knowledgeable third parties.

Initial Denial Authority (IDA)—The official with the delegated authority to deny the release of a document or a portion of a document.

Inspector General (IG)—An individual assigned to an authorized IG position by a MAJCOM, JFHQ, FOA, DRU, NAF, Center, National Guard State, Wing, or host Installation commander, or other IG positions as approved by SAF/IG. Implements the IG Program for the commander within the parameter established by TIG.

The Inspector General (TIG)—The individual appointed to oversee and who is responsible for the Air Force Inspector General (SAF/IG) program.

Intelligence Activity—Refers to all activities that DoD intelligence components are authorized to undertake pursuant to Executive Order 12333 and DoD 5240.1-R. Note that EO 12333 assigns the Services' intelligence components responsibility for: 1. "Collection, production, dissemination of military and military related foreign intelligence and counterintelligence, and information on the foreign aspects of narcotics production and trafficking." 2. "Monitoring of the development, procurement and management of tactical intelligence systems and equipment and conducting related research, development, and test and evaluation activities."

Intelligence Oversight—An intelligence oversight complaint is an allegation of conduct that constitutes, or is related to, an intelligence activity that may violate the law, any Executive Order or Presidential Directive, or DoD policy, regarding intelligence activities. This includes activities of any Air Force organization, even if not specifically identified as an intelligence activity that is being used for counterintelligence or foreign intelligence purposes regarding improper activities by an intelligence or counterintelligence unit or staff or personnel assigned thereto.

Interrogatories—A formal list of written questions prepared by the IO or IG for a witness to answer. The questions are revised and updated as facts are developed.

Investigation—A duly authorized, systematic, detailed examination to uncover the facts and determine the truth of a matter. IG investigations are administrative in nature--they are fact finding rather than judicial proceedings. They are not criminal proceedings in which proof beyond a reasonable doubt is required. Rather, the standard of proof that applies is proof by a preponderance of the evidence. Investigations require formal collection of evidence, taking sworn testimony from complainants, witnesses and subjects, and documentation of the findings in a Report of Investigation (ROI). An investigation is an evidence-gathering exercise to substantiate or not substantiate an allegation.

Investigation Plan—A statement of intent, which sets forth the IOs proposed course of action. Included in such a plan are the allegations to be investigated, a list of witnesses to be interviewed, a list of evidence to be collected, and an itinerary. The plan will include administrative matters such as itinerary and personnel actions. The plan will also include a list of issues to be resolved and some preliminary questions which the IO intends to ask the key witnesses in the case.

Investigating Officer (IO)—A field grade officer, senior NCO, or Air Force civilian appointed by a competent appointing authority to conduct an IG investigation.

1. An IO is the personal representative of the appointing authority.

2. The appointing authority conveys authority for the investigation to the IO in writing.

3. An IO's authority extends to all subordinate echelons of the command and requires the compliance and cooperation of subordinate supervisory channels.

4. An IO must have a substantial breadth of experience, exceptional maturity, and demonstrated sound judgment.

Involuntary Admission—An involuntary, inpatient admission for a mental health evaluation when an individual is found, by a privileged mental health provider, to be suffering from a mental disorder that makes the individual a danger to self, others, or government property.

Lawful Communication—Any communication, whether verbal or written or otherwise transmitted, including complaints, witness statements, and testimony, which is not otherwise unlawful (see definition of unlawful communication below).

Legal Review—A review of an IG case by a JA to ensure legal sufficiency before the appointing authority approves the report and its findings.

Legal Sufficiency—A review of the ROI to determine whether:

1. Each allegation has been addressed.
2. Allegations allege a violation of law, regulation, procedure, or policy.
3. The IO reasonably applied the preponderance of the evidence standard in arriving at findings.
4. Conclusions are supported by, and consistent with, the findings.
5. The investigation complies with all applicable legal and administrative requirements.
6. Any errors or irregularities exist, and if so, their legal effects, if any.

Lieutenant Colonel (or below)—Any Regular Air Force active duty, Air Force Reserve, or Air National Guard officer in the grade of O-5 and below and who has not been selected for promotion to colonel; or an Air Force civil service employee in the grade of GS-14, NSPS Pay Band 2, and below. For purposes of this instruction, these individuals will be referred to as lieutenant colonels (or below).

Mental Health Evaluation (MHE)—A clinical assessment of a service member for a mental, physical, or personality disorder to determine the member's mental health status and fitness for duty. It does not include interviews under Family Advocacy programs or Air Force Drug and Alcohol Abuse Rehabilitation programs.

Misconduct—Improper conduct undertaken with:

1. The knowledge the conduct violates a standard or willful disregard for that possibility, or
2. The intention to harm another or willful disregard for that possibility, or
3. The purpose of personal profit, advantage, or gain

Non-Appropriated Fund Employee—Persons who are employed in, and receive compensation from a non-appropriated fund instrumentality.

Non-Appropriated Fund Instrumentality—Is a DoD fiscal and organizational entity primarily performing Services programs to military members, family members, and authorized civilians.

Not Substantiated Finding—A "not substantiated" finding results when a preponderance of the evidence supports the conclusion that the alleged wrongdoing did not occur. The facts indicate no violation of standards occurred.

Obviously Frivolous Allegation—See definition of "Frivolous Allegation," above.

Official Use Request (OUR)—A request to use a report for official purposes.

Ombudsman—A government official appointed to receive and investigate complaints made by individuals against other government officials regarding abuses or capricious acts, investigates reported complaints, reports findings, and helps to achieve equitable resolution of complaints.

Personnel Action—Any action taken on a member of the armed forces that affects or has the potential to affect (for example a threat) that military member's current position or career. Such actions include (but are not limited to):

1. A promotion
2. A demotion
3. A disciplinary or other corrective action (i.e., LOA, LOR, LOC, etc.) (LOCs are not normally considered a personnel action)
4. A transfer or reassignment
5. A performance evaluation
6. A decision on pay, benefits, awards, or training
7. Referral for mental health evaluation under DoDD 6490.1, *Mental Health Evaluations of Members of the Armed Forces*
8. And/or any other significant change in duties or responsibilities inconsistent with the military member's rank.

Preponderance of the Evidence—The standard of proof for IG investigations. The preponderance standard means: When it is more likely than not that events have occurred as alleged, there is a preponderance of the evidence, and the IO may consider the events proven. After weighing all the evidence, the IO may substantiate a finding when the greater weight or quality of the evidence points to a particular conclusion as more credible and probable than the reverse. Certainly, the amount of evidence is something to consider, but lots of bad evidence will not trump a smaller amount of good evidence. Some additional things to consider when weighing the evidence are witness demeanor, opportunity for knowledge, bias, motive, intent, and the ability to recall and relate events. At all times, IOs may use their own common sense, life experiences and knowledge of the ways of the world to assess the credibility of witnesses they interview.

Privacy Act—The Privacy Act of 1974, 5 USC 552a.

Privacy Act Request—An oral or written request by an individual about his or her records in a system of records.

Prohibit—To prevent from doing something, to forbid or restrain by force of authority.

Proof Analysis Matrix—A framework that helps the IO organize the case. Specifically, it provides a construct for identifying the evidence needed to prove or disprove an allegation. Additionally, the proof analysis matrix provides a reference outline for the analysis section of the IOs ROI.

Protected Communication—

1. Any lawful communication to a Member of Congress or an IG.

2. A communication in which a member of the Armed Forces communicates information that the member reasonably believes evidences a violation of law or regulation, including a law or regulation prohibiting sexual harassment or unlawful discrimination, gross mismanagement, a gross waste of funds or other resources, an abuse of authority, or a substantial and specific danger to public health or safety, when such communication is made to any of the following:

a. Member of Congress or a member of their staff.

b. An inspector general or a member of the inspector general's investigative staff.

c. Personnel assigned to DoD audit, inspection, investigation, law enforcement, equal opportunity, and family advocacy organizations.

d. Any person in the member's chain of command.

e. The Chief Master Sergeant of the Air Force, Command Chiefs, and First Sergeants.

Quality Review—A review of investigative documents that ensures completeness, and compliance with this instruction and other directives, objectivity, and legal sufficiency.

Redact—To remove non-releasable material (such as by blacking out with a marker).

Referral—A referral is a complaint that is determined to be more appropriately handled by an organization or agency outside the Air Force IG system.

Referral for Action—Defense Hotline allegations referred for action are allegations that can be resolved by the Air Force and which may be an indication of a systemic problem within the service, or have been determined through the Defense Hotline review process as requiring attention.

Referral for Information—Defense Hotline complaints that do not require intervention by the Air Force – the tasking may lack sufficient detail or significant subject matter to warrant a formal investigation.

Report of Investigation (ROI)—The ROI must be a stand-alone document--all the essential facts, documents, portions of regulations, interviews, etc., must be included in the report so that a reviewer can arrive at a determination without reference to information outside the report. The report of investigation is a subset of the case file.

Reprisal—Reprisal is taking or threatening to take an unfavorable personnel action or withholding or threatening to withhold a favorable personnel action on a military member for making or preparing to make a protected communication.

Responsible Management Official(s)—Responsible management officials are:

1. Official(s) who influenced or recommended to the deciding official that he/she take, withhold, or threaten a management action.

2. Official(s) who decided to take, withhold, or threaten the management/personnel action.

3. Any other official(s) who approved, reviewed, or indorsed the management/personnel action.

Responsive Record—A record that fits the description provided by the requestor.

Restriction—Preventing or attempting to prevent members of the Armed Forces from making or preparing lawful communications to Members of Congress and/or an IG.

Self-Investigation—Investigating or directing an investigation into allegations pertaining to the appointing authority, individuals who report directly to the appointing authority, or members of the IG staff. It is critical to the integrity of the IG system to refrain from self-investigation or the appearance of such. If needed, the complaint should be elevated to the next higher level IG, to avoid the appearance of self-investigation.

Senior Officer Unfavorable Information File (SOUIF)—A SOUIF is a written summary of adverse information pertaining to a colonel or a general officer, plus any comments from the subject officer regarding the written summary. SOUIFs are created for use during the general officer promotion process and exist solely for that purpose. The Secretary of the Air Force or designee (SAF/GC) determines if a SOUIF is provided to a promotion board.

Senior Official—A Senior Official is defined as any active or retired Regular Air Force, Air Force Reserve, or Air National Guard military officer in grades O-7 (brigadier general) select and above; Air National Guard Colonels with a Certificate of Eligibility (COE) as senior officials. Current or former members of the Senior Executive Service (SES) or equivalent; and current and former Air Force civilian Presidential appointees.

Sexual Harassment—A form of sex discrimination that involves unwelcome sexual advances, requests for sexual favors, and other oral or physical conduct of a sexual nature. For more detailed definitions, see AFI 36-1201, *Discrimination Complaints*, or AFI 36-2706, *Military Equal Opportunity and Treatment Program*.

Standards—A law, regulation, policy, procedure, operating instruction, or custom of service that establishes a criterion for measuring acceptability.

Statement—A written or oral declaration of events made to an IO or IG by a witness, subject or suspect. For all reports, type any written statements. The witness should sign the typed statement to certify the validity. Statements are used on a limited basis when IOs or IGs are unable to obtain sworn oral testimony during an interview.

Statutory Authority—Authority derived from statute. For example, The Inspector General derives his authority from The Inspector General Act of 1978, 5 USC Appendix 3.

Subject—A military member or civil service employee against whom allegations of non-criminal wrongdoing have been made and whose conduct is the focus of an investigation.

Substantiated—A substantiated finding results when a preponderance of the evidence supports the complainant's allegation of a wrong or violation of law, regulation, procedure, or Air Force policy or standards. The facts (from documentation and testimony) indicate the complainant was wronged or a violation of standards occurred.

Summarized Testimony—A written summary of witness testimony prepared and certified by the IO. It normally includes only those items directly related to the matters under examination. The IO/IG must sign all summaries. It is encouraged (not mandatory) that witnesses also sign summarized testimony, whenever the witness is reasonably available to do so.

Suspect—An individual suspected of a criminal offense. Identify a person as a suspect when the facts and circumstances known at the time of the interview are sufficient to support a reasonable belief that the

person to be interviewed may have committed a crime. Military suspects must be advised of their Article 31 rights before the interview begins. Consultation with JA is required before reading rights to a suspect.

Systemic—A trend or pattern that relates to, or is common to, an organization.

Technical Review—A technical (expert) review of applicable evidence, findings, and conclusions.

Testimony—A solemn declaration, usually made orally by a witness, in response to a formal questioning. It may be recorded and summarized or transcribed verbatim (word-by-word). w,66s2(ew(gcrimon Obtain)Tjfrom-0.0

operations when explaining possible waste. For example, legitimate stockpiles and reserves for wartime needs, that may appear redundant and costly, are not considered waste.

Witness—Any individual, civilian or military, who is interviewed, or testifies, during the course of an IG investigation.

Attachment 2

COMPLAINT ANALYSIS DOCUMENTATION LETTER TEMPLATE

Date

MEMORANDUM FOR APPOINTING AUTHORITY

ATTENTION: (Rank, Name)

FROM: Superintendent, 99 WG/IG

SUBJECT: Inspector General Complaint Analysis of--Amn Complainant (ACTS# YYYY-XXXXX)

We have completed an analysis of the attached complaint and recommend/do not recommend that an IG investigation be conducted. (There are other resolution avenues available besides just investigation. This paragraph should identify the recommended resolution strategy.)

COMPLAINANT GRADE/NAME: Amn Joe M. Complainant

DATE COMPLAINT WAS FILED: 1 APR 04

SUBJECTS:

Col Alan B. First

Commander, 99th Support Group

Alpha AFB, AN

TSgt Carol D. Second

Superintendent, 23rd Aircraft Maintenance Squadron

Alpha AFB, AN

Maj Earl F. Third

Commander, 99th Personnel Flight

Alpha AFB, AN

TSgt Gary H. Instructor

Chief Instructor

Primary AFB, BN

BACKGROUND:

Provide sufficient background information to describe the complainant (grade, organization and assignment, etc.), the subject(s) (if any) and the events that led the complainant to contact the IG office.

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ISSUES/ANALYSES/RESOLUTION PATHS:

*[**ISSUE 1**: example for issues requiring **INVESTIGATION**]*

Issue 1. That Col First abused his authority by requiring a new subordinate to report for duty earlier than the Report No Later Than Date (RNLTD).

Issue 1 Analysis.

a. Review what the complainant believes the subject did.

b. Explain what the Air Force instruction says or what the standard is.

c. Explain when this alleged violation occurred.

d. Allegation 1 (Frame the allegation as follows):

On (state the date), Col Alan B. First (describe the improper behavior or conduct) abused his authority by requiring SSgt Iris J. Newcomer to report for duty earlier than her RNLTD in violation of (state the standard) AFI 90-301.

e. (Compare the alleged actions to the standard and draw a conclusion whether an IG investigation is warranted. Use the words: "This allegation warrants an IG investigation because....")

Issue 1 Resolution Path.

a. Recommend 99 WG/IG conduct an IG investigation into issue 1.

b. Recommend 99 WG/IG sign memo to complainant at **Attachment 2**.

c. Recommend 99 WG/IG sign memo to subject's commander at **Attachment 4**.

d. Recommend 99 WG/IG sign notification memo to MAJCOM/IGQ of allegations against a colonel at **Attachment 5**.

*[**ISSUE 2**: example for issues that are **DISMISSED**]*

Issue 2. That TSgt Second improperly provided performance feedback to Amn Complainant.

Issue 2 Analysis.

a. Review what the complainant believes the subject did.

b. Explain what the Air Force instruction says or what the standard is.

c. Explain when this alleged violation occurred.

d. (If an allegation cannot be framed, explain why. Specifically discuss the elements that are missing and the resulting impact on the complaint resolution strategy.) An allegation cannot be framed for this issue because no standard has been violated. TSgt Second provided Amn Complainant with three performance feedback sessions (one every 60 days) within a 180-day period. The sessions occurred on (date 1), (date 2), and (date 3). AFPAM 36-2627, Airman and NCO Performance Feedback System (EES), paragraph **1.6.** states "[Performance feedback] Sessions are also held if the rater determines there is a need for one, or within 30 days of a request from a ratee, provided at least 60 days have passed since the last feedback session."

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e. (Compare the alleged actions to the standard and draw a conclusion whether an investigation is warranted. Use the words: "This issue does not warrant investigation because...") After discussing this issue with Amn Complainant and reviewing the performance feedback forms, it is clearly apparent that TSgt Second properly provided constructive feedback, which was intended to improve Amn Complainant's performance. This issue does not warrant investigation because a proper allegation cannot be framed.

Issue 2 Resolution Path.

a. Dismissed issue 2 and provided attachment 2 to the complainant as the formal response.

*[**ISSUE 3**: example for issues that are **REFERRED**]*

Issue 3. That Maj Third engaged in an unprofessional relationship with a subordinate.

Issue 3 Analysis.

a. Review what the complainant believes the subject did.

b. Explain what the Air Force instruction says or what the standard is.

c. Explain when this alleged violation occurred.

d. Allegation 2: On (state the date), Maj Earl F. Third engaged in an unprofessional relationship with a subordinate in violation of AFI 36-2909.

e. This allegation is not appropriate for the IG system and should be addressed by the commander.

Issue 3 Resolution Path.

a. Recommend issue 3 be referred to the commander for resolution.

b. Recommend notifying the complainant via attachment 2 that issue 3 was referred.

c. Recommend 99 WG/IG sign memo to complainant at attachment 2.

d. Recommend 99 WG/IG sign referral memo to Maj Third's commander (attach 3).

*[**ISSUE 4**: example for issues that are **TRANSFERRED**]*

Issue 4. That TSgt Instructor abused his authority while Amn Complainant was his student seven weeks ago.

Issue 4 Analysis.

a. Review what the complainant believes the subject did.

b. Explain what the Air Force instruction says or what the standard is.

c. Explain when this alleged violation occurred.

d. Allegation 3: TSgt Gary H. Instructor abused his authority by requiring Amn Joe M. Complainant to (do something) in violation of (state the standard) on (state the date).

e. This allegation may be appropriate for an IG investigation but should be transferred to the (appropriate IG) office for resolution because (include rationale).

Issue 4 Resolution Path.

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a. Discussed issue 4 with the (appropriate IG) and we agreed it should be addressed by their office.

b. Provided attachment 2 to the complainant as formal notification that issue 4 was referred.

c. Separated and recorded issue 4 into a new ACTS record (ACTS # YYYY-ZZZZZ) and transferred that ACTS record to the (appropriate IG).

d. Sent the transfer memo at attachment 6 to (appropriate IG) and included the relevant case file material.

[ISSUE 5**: example for issues that result in an **ASSIST]

Issue 5. Amn Complainant requested directions to the auditorium because he is scheduled for a safety briefing on (date).

Issue 5 Resolution Path.

a. I gave Amn Complainant directions to the auditorium.

b. Closed issue 5 as an assist. No further action is required.

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JOHN M. DOE, MSgt, USAF
Superintendent, 99 WG/IG

Attachments:
1. Complaint
2. 99 WG/IG memo to complainant
3. 99 WG/IG referral memo of issue 3 to appropriate agency
4. 99 WG/IG initial notification memo to subject's commander
5. 99 WG/IG notification memo to MAJCOM/IGQ of allegations against a colonel
6. 99 WG/IG transfer memo of issue 4 to receiving IG

Date

1st Ind, Appointing Authority, Office Symbol
MEMORANDUM FOR RECORD
I have reviewed this Complaint Analysis.

APPOINTING AUTHORITY, Colonel, USAF
Duty Title

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Attachment 3

SAMPLE REFERRAL LETTER

Date

MEMORANDUM FOR (Unit/Staff)
ATTENTION: (Rank, Name)

FROM: (99 WG/IG)

SUBJECT: IG Complaint - Referral of (Complainants Name) (ACTS #)

1. We have reviewed the attached complaint and conducted an IG Complaint Analysis. It is our independent determination that your office is most appropriate for resolving this complaint. (Add reference to commander's concurrence if applicable.) As appropriate, please notify us when you have concluded your assistance and provide us a copy of the outcome.

2. This letter and the attached documents are marked "FOR OFFICIAL USE ONLY" and contain protected information and must be protected under the Privacy Act.

3. If you need anything further contact me by phone at (telephone #) or by e-mail at (e-mail address)

SIGNATURE BLOCK
99 WG/IG

Attachment:
Complaint

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Attachment 4

SAMPLE TRANSFER LETTER

Date

MEMORANDUM FOR (XX WG/IG)
ATTENTION: (Rank, Name)

FROM: (99 WG/IG)

SUBJECT: IG Complaint - Transfer of (Complainants Name) (ACTS #)

1. We have reviewed the attached complaint and conducted an IG Complaint Analysis. It is our independent determination that we are not the appropriate IG office to resolve this complaint. (Add reference to commander's concurrence if applicable) The commander concurs with our determination. The attached Complaint Analysis revealed that (subject, process) is not under the control of my Appointing Authority. Our research indicates that your Appointing Authority has management responsibility for (subject, process) and should determine the complaint resolution process.

2. This letter and the attached documents are marked "FOR OFFICIAL USE ONLY" and contain protected information and must be protected under the Privacy Act.

3. If you need anything further contact me by phone at (telephone #) or by e-mail at (e-mail address)

SIGNATURE BLOCK
99 WG/IG

Attachments:
1. Complaint
2. Complaint Analysis

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Attachment 5

SAMPLE INITIAL NOTIFICATION MEMORANDUM TO SUBJECT'S COMMANDER

Date

MEMORANDUM FOR 99 MSG/CC

FROM: (Appointing Authority)

SUBJECT: IG investigation - Notification to Subject's Commander

1. We will be conducting an Inspector General investigation concerning Lt Col First M. Last. I am not allowed to discuss the specifics at this time, but, in general, the allegation is that Lt Col Last abused his authority. You will be apprised of the findings upon completion of the investigation.

2. The fact that allegations have been made is not to be construed as proof of wrongdoing. An independent investigating officer has been appointed to determine the facts and circumstances surrounding the allegations and report their findings to me.

3. IAW AFI 90-301, **Table 2.15.** [or **Table 4.1.** for colonel (or civilian equivalent) subjects], please inform Lt Col Last (he/she) is a subject in this investigation and that the investigating officer will soon contact (him/her) to make the necessary arrangements and collect (his/her) sworn testimony. Also ensure that (he/she) understands the following points:

a. (He/She) must not attempt to identify the names of the complainant or witnesses. The IG system is designed to be confidential and to protect the identify and privacy of all individuals involved in the investigation. In fact, almost any action on (his/her) part to talk to witnesses or the complainant may give the appearance of improperly influencing the witnesses or reprising against the complainant. (He/She) must maintain confidentiality and permit the IG investigators to do their job.

b. Any attempt to interfere with the investigation, testimony, or evidence could have more serious consequences than the alleged wrongdoings.

c. To preclude compromise of the initial fact finding, subjects, complainants, and witnesses will not discuss the circumstances of the allegations or their testimony with anyone except the IG complaints staff, the appointed investigating officer, or their legal counsel--if they elect to seek legal advice.

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SAMPLE INITIAL NOTIFICATION MEMORANDUM TO SUBJECT'S COMMANDER, Continued

d. Here is what Lt Col Last can expect: (1) the investigating officer will gather facts and interview witnesses; (2) (he/she) will be interviewed last; (3) (he/she) will be notified whether the allegations against (him/her) were "substantiated" or "not substantiated" by (his/her) commander. Please advise Lt Col Last to trust the process.

4. This memorandum contains protected information and must be protected under the Privacy Act. If you have specific questions concerning the IG investigative process, you may contact me at DSN XXX-XXXX.

SIGNATURE BLOCK
(Appointing Authority)

Date

1st Ind, 99 MSG/CC

MEMORANDUM FOR LT COL FIRST M. LAST

1. IAW AFI 90-301, I am notifying you that the IG will conduct an investigation in which you are a subject. Please refer to the above for more detailed information.

SIGNATURE BLOCK
Commander

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Attachment 6

SAMPLE INVESTIGATING OFFICER (IO) APPOINTMENT LETTER

Date

MEMORANDUM FOR (Unit/Office Symbol)

ATTENTION: (Rank, Name)

FROM: (Appointing Authority)

SUBJECT: Inspector General Investigation -- [as appropriate]

1. In accordance with AFI 90-301, Inspector General Complaints Resolution, paragraph **2.34.** you are appointed to conduct an Inspector General investigation into all aspects of the facts and circumstances concerning [give a brief listing of what is to be examined, ensuring you do not mention the names of the complainant or subject(s)]. This is your primary duty (no leave, TDY, or other duties), unless expressly discussed and permitted by me, until completion of this duty and submission of an acceptable report. Your appointment will remain in effect should rework be required and directed by higher level review.

2. You are authorized to interview personnel, take sworn statements or testimony, and examine and copy all relevant Air Force records. All records, files, and correspondence relative to the matter under investigation, controlled by the Air Force, will be made available to you.

3. Follow the provisions of AFI 90-301, the SAF/IGQ *Investigation Officer Guide* [for reprisal and improper mental health evaluation cases add: IGDG 7050.6, *Guide to Investigating Reprisal and Improper Referrals for Mental Health Evaluations*].

4. Prepare and submit to me a Report of Investigation and other reports required by AFI 90-301 (e.g., Hotline Completion Report, if applicable). You are also required to complete Progress Reports, and all applicable attachments required by AFI 90-301 for the type of investigation you are conducting. You must meet with _____(IG Rep) and _____(JA Rep) [include the Technical Advisor, if appropriate] who will provide additional information about investigative techniques and procedures and serve as points of contact on these matters during your investigation. Include under separate cover, any recommendations you deem appropriate. (Optional Statement)

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5. You have _____days [normally 45] to complete your investigation and prepare your report for submission to the supporting IG office. For tracking purposes, submit a Progress Report on the ___th day [normally 45th] from the date of this letter and on the first of every month thereafter until your final report is completed.

6. You may not at any time release any information included in this case without Secretary of the Air Force, Office of the Inspector General (SAF/IG) approval.

7. This letter and the attached documents are marked "FOR OFFICIAL USE ONLY" and contain protected information and must be protected under the Privacy Act.

SIGNATURE BLOCK

(Appointing Authority)

Attachments:

1. Directive to IO (specifically stating and framing the allegations): the scope of the matter to be investigated and the allegations that are relevant to the case.

2. Complaint

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Attachment 7

SAMPLE INVESTIGATION PLAN

Date

MEMORANDUM FOR HQ AFMC/IG

FROM: Donald L. Smith, Colonel, USAF

SUBJECT: INVESTIGATION PLAN: COL TURNER DEFEAR

1. Mission: Investigate allegations of command accountability in the Systems Program Office at Other AFB, USA.

2. Facts Bearing on Investigation:

a. Background:

Ms Hedda Fright is the former spouse of Air Force Lt Colonel I. Ben Wrong, currently assigned to the Systems Program Office at Other AFB USA. Ms Fright alleged on 28 Sep 02 Lt Col Wrong attempted to kill her when he struck her with a hammer in her apartment in Any Town. Col Wrong was subsequently acquitted of attempted murder and failure to go charges by a general court-martial.

Ms Fright later wrote the CSAF, General Tedrey Smith, complaining that Col Wrong's supervisor, Col Turner Defear could have prevented the events of 28 Sep 02 from occurring. Ms Fright related that Col Defear was aware of a pattern of alcohol abuse and unusual behavior by Lt Col Wrong as early as November 2001 but elected not to intervene in what he perceived was a domestic dispute. Ms Fright stated she requested assistance from Col Defear on at least three occasions between Nov 00 and Sep 02. She says the Other AFB Flight Surgeon, Lt Col Carey Hands, also went to Col Defear on three or four occasions to inform him of Col Wrong's behavior, but Col Defear refused to act, believing it would unnecessarily damage Col Wrong's career.

On 5 Apr 01 Gen Smith requested the Inspector General investigate the apparent lack of action by Col Defear in these matters. On 12 Apr 01, Col Kevin J. Sullivan, HQ AFMC/IG appointed Col Donald L. Smith as the Investigation Officer for these matters.

b. Chronology

Nov/Dec 99	Ms Fright approaches Col Defear for the first time about her husband's alleged heavy drinking.
Dec 99	Lt Col Wrong allegedly admits to Col Defear he has a serious drinking problem. Col Defear allegedly enlists the assistance of the Flight Surgeon, Lt Col Carey Hands.

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Dec 99	Lt Col Wrong allegedly admitted to Wright-Patterson Medical Center (WPMC) for emergency treatment.
Jan 00	Lt Col Wrong allegedly admitted to Alcohol Rehab Program at WPMC.
Feb 00	Lt Col Wrong allegedly released from Rehab Program at WPMC and placed in Other AFB Alcohol Rehab Program.
Apr 00	Ms Fright requests Col Defear do something about Lt Col Wrong, her former husband. Reveals: - Behavior is getting more strange. - Driving drunk. - Attempted to break-in to her apartment. - Involved in a near fatal accident with his son in the car. - Allegedly filed an anonymous OSI complaint to ruin her reputation at work. - Col Defear orders Lt Col Wrong to stay out of her section of the building.
Apr-Sep 00	Ms Fright alleges on two occasions she spoke with Col Defear directly about her husband and his behavior, and on at least 3 or 4 other occasions Dr Hands spoke with Col Defear as well. Col Defear allegedly responded by stating he did not want to get involved in "a domestic dispute."

c. Applicable Regulations and Reference Publications:
   1. AFI 90-301, Inspector General Complaints
   2. UCMJ

d. Commands Involved:
   1. Systems Center, Other AFB USA
   2. Systems Program Office

e. Staff Agencies Having Knowledge of Complaint:
   1. SAF/IGQ - 10 Apr 01 Tasking Letter
   2. AF/JAA - SSS dated 12 Apr 01
   3. AFMC/SG - Technical Advisor meeting with IO - 12 Apr 01
   4. XXXX/IG - Phone Call for Field Support for IO - 12 Apr 01
   5. XXXX/JA - Phone Call for Records Collection - 15 Apr 01
   6. WPMC/IG - Phone Call for Records Collection

3. Evidence and Data Required:

   a. Witnesses:

   Allegation #1: Col Turner Defear, Director, Systems Program Office, acted improperly with respect to allegations made by Hedda Fright about the conduct and behavior of her former husband, Lt Col I. Ben Wrong, during the period of approximately November 1999 to September 2002 in violation of AFI 90-301.

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1. Ms Fright (complainant)
2. Complainant provided witnesses
3. Lt Col Carey Hands (Flight Surgeon)
4. Capt Charge (Sq Section Commander, XXXX)
5. Lt Col Wrong
6. Col Defear (subject)
7. Subject provided witnesses

Allegation #2: Col Turner Defear, Director, Systems Program Office, was derelict in the performance of his duties by failing to take appropriate action when he had reason to suspect Lt Col I. Ben Wrong was using alcohol while he was participating in the Other AFB Alcohol Substance Abuse Program during the period of approximately November 1999 to September 2002 in violation of Article 92, UCMJ.

1. Ms Fright (complainant)
2. Complainant provided witnesses
3. Lt Col Carey Hands (Flight Surgeon)
4. Capt Charge (Sq Section Commander, XXXX)
5. Lt Col Wrong
6. Col Defear (suspect)
7. Suspect provided witnesses

b. Documents:

1. Lt Col Wrong's OPRs for period Nov 98 thru Sep 01
2. Records of Treatment Committee Meetings for Lt Col Wrong
3. Mental Health/Social Actions Clinic Records for Lt Col Wrong
4. Outpatient Records for Lt Col Wrong
5. WPMC Inpatient Records for Lt Col Wrong
6. PRP documentation if applicable
7. Security Clearance Related Documents
8. OSI Report

c. Interview Sequence:

d. Preliminary Questions to Ask:

4. Administrative Matters:

a. Itinerary:

1. Complainant interview - 17 Apr 01, Somewhere, USA
2. Witness interviews - 18 Apr 01, Other AFB, USA
3. Subject/Suspect interview - 19 Apr 01, Other AFB, USA

b. Notifications:

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1. AFMC/CC - 12 Apr 01
2. XXXX/CC - 12 Apr 01
3. Subject - 12 Apr 01

c. Personnel Actions:

1. TDY orders complete 15 Apr 01
2. Airline/Rental Car reservations complete 15 Apr 01
3. Lodging Reservations complete 15 Apr 01

DONALD L. SMITH, Colonel, USAF
Investigating Officer

1st Ind, HQ AFMC/IG Date

This investigation plan is approved/disapproved.

KEVIN J. SULLIVAN, Colonel, USAF
Inspector General, HQ AFMC

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Attachment 8

WITNESS INTERVIEW FORMAT

This interview format is for use with witnesses who are NOT subjects and who are NOT suspects

Prior to Witness Arriving

Arrive early to work with your IG POC to ensure that the interview room is ready. Here are some recommended items to go over:

a. A good practice is to add your questions to this template and use it as your note taker.

b. Discuss with your legal advisor the potential for rights advisement as well as bargaining unit representation as applicable.

c. Ensure that you have readily available a copy of the Privacy Act for the witness to review and other documents that you may want to refer to or have the witness review. Check that they are in order you will use them.

d. Have tissues on hand in the event the witness becomes emotional and water for yourself and the witness, if desired.

e. Ops check the tape recorder(s) one more time.

f. Ensure that the phones are turned off or being answered by someone in the IG office.

g. Place a "Do Not Disturb - Interview in Progress" sign on the door.

h. Have pens, pencils, note paper available and handy.

i. The CSAF Hand-Off Policy does not require a hand-off for witnesses in an investigation. However, if you encounter a witness that is distraught or visibly upset, ensure that you have a plan to hand them off to a responsible individual.

The interview is conducted in four parts: Pre-Interview, Read-In, Questioning, and Read-out. The following are suggested topics to cover for each part of the interview during the Pre-Interview discussion.

Part 1 - Pre-Interview (Tape Recorder is OFF)

The Pre-Interview is an opportunity for the investigating officer to relay to the witness what they can expect during the interview. It relaxes the witness and eases some of the apprehension that they feel. It also starts the bonding process between you as the investigating officer and them as the witness.

A. The first step is to use small talk to relax the witness. Remember that the witness may not be sure why they are in the IG office so it's a good time to assure them that they are a witness and not the subject of the investigation.

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B. More often than not, the witness' attention will be immediately drawn to the tape recorder. This is a good time to acknowledge that the interview will be recorded to ensure that an accurate record of the interview is captured. The recording will be transcribed or summarized and included in the report of investigation that you will prepare. If the individual does not focus on the recorder at first, be sure to address its use later in the Pre-Interview portion.

C. Ask for some identification to verify the witness is who you are expecting. At the same time, show the witness your ID card and appointment letter (but not the attached page with the allegations. Explain that you will be going into more detail as you start the interview.

D. Explain your role as the investigating officer. Below are some suggested areas to cover:

a. Impartial representative of the commander and IG

b. Unbiased and impartial fact finder

c. Gather documents and interview witnesses; analyze the relevant facts; and determine whether the allegation(s) are substantiated or not based on a preponderance of the evidence.

d. Your conclusion will be documented in a report of investigation for the appointing authority to approve after it receives an IG and legal review.

E. Explain the role they play in the investigation:

a. Their statements are valuable as a first person account of the circumstances surrounding the allegations and are invaluable to you to ensure that all the facts are uncovered.

b. Their testimony, or any witness testimony, will be used within the Department of Defense for official purposes.

c. It is Department of the Air Force policy to keep such information and reports closely held. Nonetheless, in some instances, there may be public disclosure of IG materials, as required by the Freedom of Information Act, Privacy Act, or as otherwise provided for by law and regulations. In most cases, their identity will be redacted but there is a chance it could be released. Any release outside the Department of the Air Force requires the approval of SAF/IG, and in such cases, release (when unavoidable) is kept to the minimum necessary to satisfy legal or Department of the Air Force requirements.

F. If there are any other individuals in the interview, explain their role and ensure the witness knows that you are the investigating officer and responsible for the interview.

Read-In:

A. The read-in as well as the read-out are required to be verbatim. This may be uncomfortable as you will be referring to your script and not maintaining constant eye contact. Assure them that the questioning will flow more naturally.

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B. Explain that during the Read-In, you will be asking them to provide personal information about themselves--name, address, Social Security Number, etc. The Privacy Act of 1974 requires that the investigating officer inform the witness of the requirement to gather this information and how it will be used. Let them read the Privacy Act statement during the Pre-Interview and explain that you will confirm that they have read the statement and have no questions. They do not need to sign the Privacy Act.

C. They will be answering questions under oath. Ask if they prefer to use swear or affirm. This is a good time to mark through the other option on the read-in and remember that if they elect to affirm, also strike the words, "so help me God."

D. Inform them that you will be telling them that as a witness, they are not authorized to have legal counsel with them.

Questioning:

E. Briefly tell them your note taking technique and remind them that the interview is being recorded so you'll use that as the primary source of information. Too much note taking detracts from maintaining eye contact and being part of the interview while taking no notes can be perceived as not thinking what the witness says is important. Discussing this before will help to alleviate these perceptions.

F. The questions should be non-adversarial and designed to elicit information, not to get a confession.

G. Inform the witness that this is an administrative investigation and both hearsay and opinion may be used in your evaluation of the facts but you will be validating the information through additional interviews and documentation.

H. If you use interim summaries, explain that to the witness before starting the interview. Be sure that they know you are not attempting to put words in their mouth but rephrasing to ensure you understand what they are communicating. This technique also allows you to listen to your summary and may point out an inconsistency or gap in their answers.

I. Assure them that often in an interview, a person may draw a blank or not recall certain facts. You'll note this and come back to it later in the interview. Also, they will have an opportunity to provide additional information if they recall it later but you will have to have that information soon in order to incorporate it in your report.

Read-Out:

A. During the read-out, explain that you will order (or direct) that they not discuss the interview with anyone except a chaplain or their counsel (if they have one). Reiterate that they are not the subject of the investigation and are not authorized to have counsel but if they decide to talk to a lawyer, they may discuss the interview.

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B. Explain that you will be asking them at the end of the Read-Out if they are stressed. The CSAF Hand-Off Policy requires that any witness appearing to be emotional, distraught, or stunned during the process of any interview must be released to the commander or designee, civilian leading an organization designated as a unit IAW AFI 38-101 or designee, first sergeant, or supervisor.

Part 2 - Witness Read-In (Tape Recorder is ON)

My name is _____. I have been appointed by _____ to investigate allegations that _____ to which you may have been a witness.

During the course of this interview, I will ask you to furnish information about yourself. The Privacy Act of 1974 requires that I inform you of the authority for this requirement. The statement, which I am now handing you, serves this purpose (hand statement to witness). Please read the statement at this time.

Your testimony will be recorded and transcribed so that a written report can be made available to the Appointing Authority, _____ (name of Appointing Authority).

Please answer each question verbally, since the tape recorder cannot pick up any nods or gestures. Additionally, all of your statements will be on-the-record, whether the tape recorder is turned on or not.

Because this is simply a witness interview, you are not authorized to have legal counsel present, and AFI 90-301 mandates that you answer all questions except those that may incriminate you.

OATH

Before we continue, I want to remind you how important it is to give truthful testimony. It is a violation of federal law to knowingly make a false statement under oath. Now, as part of our interview process, I will administer the oath.

Please raise your right hand so that I can swear you in.

Do you solemnly swear (or affirm) that the testimony you are about to give shall be the truth, the whole truth, and nothing but the truth (so help you God)? (Note: if the interviewee prefers to affirm, the verbiage "so help you God" is not used)

Part 3 - Questioning the Witness (Tape Recorder is ON)

The time is now _____ on _____ (day, month, year). Persons present are the witness _____, the investigating officer(s) _____ [recorder(s) (if present)] _____ [And (others) (if present) _____

We are located at _____.

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Please state for the record your:

Full name: (spell it out) *Social security number: (voluntary)*

Rank: (Active, Reserve, Retired) *Position:*

Organization:

Address: (home or office)

The following are some items for consideration as you prepare for the questioning part of the interview:

Advise the witness of the nature of the complaint but not the specifics (i.e., subject, complainant etc.).

Proceed with questions necessary to obtain all direct knowledge of the matters under investigation. If a witness refuses to answer questions based on self-incrimination or any other reason, stop the interview and consult with the IG and SJA on how to proceed.

Be prepared for the witness to diverge from the question. You can allow some divergence but remember that you are the interviewer and control the session. Be sure that you get an answer to your question and not let the witness escape answering. If necessary, repeat the question.

Take notes of items that you need, or want, to re-address later in the interview as well as documentation that the witness does not have with them.

Be sensitive to the need for a break during an extended interview. The length between breaks is dependent on the flow of the interview but normally an hour is a good target. Ensure that you capture the time of the break before turning off the recorder then don't forget to restart the recorder when the interview continues.

Do you have any further information, statements, or evidence, which you wish to present concerning the matters we have discussed?

Do you know of anyone else who can provide further information concerning these issues?

Part 4 - Witness Read-Out (Tape Recorder is ON)

This is an official investigation. It is protected in the sense that my report will be made to the Appointing Authority or higher authority for such use as deemed appropriate.

You are ordered (or "directed" for USAFR/ANG persons and civilian employees not subject to the UCMJ) not to divulge the nature of this investigation or the questions, answers, or discussions included in this interview with anyone except a chaplain, (for civilian employees only, add: "a union representative"), or your counsel (if you have one) unless authorized to do so by the Appointing Authority, higher authority, or me.

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If anyone should approach you regarding your testimony or the matters discussed here, you are required to report it immediately to me or (state the name of the IG and the Appointing Authority).

Per AFI 90-301, I, as the investigating officer, am prohibited from providing a copy of your testimony to you. However, you may submit a request in writing for the report or any part thereof to the IG office or the appropriate FOIA office. The release authority will evaluate your request under both the Freedom of Information Act and the Privacy Act, and provide the releasable information to you.

You may submit additional relevant information for my consideration, but if you wish me to consider the additional information before my investigation closes, I must receive that information on or before _____ (insert date).

If you are under stress related to this interview, you may seek assistance from your supervisory channel, the mental health community, or you may contact either the IG or myself and arrangements will be made for you to receive assistance.

Do you have any questions?

The time is _____. This interview is concluded. Thank you.

The witness may recall additional information or want to discuss the circumstances further after the recorder is off. Remind them that anything they say is on the record, even if the recorder is off. If you believe the information is essential to your investigation, inform the witness that you want will be re-starting the tape recorder. It is OK to use an abbreviated read-in but ensure that they understand they are still under oath and explain the circumstances under which the interview was re-initiated.

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Attachment 9

SUBJECT INTERVIEW FORMAT

This interview format is for use with witnesses who are subjects and NOT suspects.

Prior to Subject Arriving

Arrive early to work with your IG POC to ensure that the interview room is ready. Here are some recommended items to go over:

A. A good practice is to add your questions to this template and use it as your note taker.

B. Discuss with your legal advisor the potential for rights advisement as well as bargaining unit representation as applicable. Ensure you understand what may trigger the change from a subject to a suspect and know what to do at that point.

C. Ensure that you have readily available a copy of the Privacy Act for the subject to review and other documents that you may want to refer to or have the subject review.

D. Have tissues on hand in the event the subject becomes emotional and water for yourself and the subject, if desired.

E. Ops check the tape recorder(s)on more time.

F. Ensure that the phones are turned off or being answered by someone in the IG office.

G. Place a "Do Not Disturb - Interview in Progress" sign on the door.

H. Have pens, pencils, note paper available and handy.

I. Ensure that you have coordinated the CSAF Hand-Off with the commander or designee for all initial interviews of the subject.

a. These referrals require a person-to-person contact between the IO and the subject's commander or designee, civilian leading an organization designated as a unit IAW AFI 38-101 or designee, first sergeant, or supervisor.

b. The person designated to receive the subject after the interview should be directed not to discuss the interview or other aspects of the investigation with the subject. They should also be informed if the subject invoked his/her right to remain silent and that further discussion would violate the subject's Article 31 rights.

c. The IO must document the hand-off within the report of investigation.

The interview is conducted in four parts: Pre-Interview, Read-In, Questioning, and Read-out. These are expanded below.

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Part 1 - Pre-Interview (Tape Recorder is OFF)

The Pre-Interview is an opportunity for the investigating officer to relay to the subject what they can expect during the interview. It relaxes the subject and eases some of the apprehension that they feel. It also starts the bonding process between you as the investigating officer and them as the subject.

A. The first step is to use small talk to relax the subject. Remember that the subject has been previously notified by the commander that they are the subject of an investigation but several days or weeks may have elapsed since that notification. They will most likely be nervous about the exact allegations and anxious at the same time to tell their side of the story.

B. More often than not, the subject's attention will be drawn to the tape recorder. This is a good time to acknowledge that the interview will be recorded to ensure that an accurate record of the interview is captured. The recording will be transcribed or summarized and included in the report of investigation that you will prepare. If the individual does not focus on the recorder at first, be sure to address its use later in the Pre-Interview portion.

C. Ask for some identification to verify the subject is who you are expecting. At the same time, show the subject your ID card and appointment letter (but not the attached page with the allegations. Explain that you will be going into more detail as you start the interview.

D. Explain your role as the investigating officer. Below are some suggested areas to cover:

a. Impartial representative of the commander and IG.

b. Unbiased and impartial fact finder.

c. Gather documents and interviewing several witnesses; analyze all the relevant facts; and determine whether the allegation(s) are substantiated or not based on a preponderance of the evidence.

d. Your conclusion will be documented in a report of investigation for the appointing authority to approve after it receives an IG and legal review.

E. Explain the role they play in the investigation:

a. This is their opportunity to provide their side of the situation and reasons for their actions.

b. Their testimony, or any subject testimony, will be used within the Department of Defense for official purposes.

c. It is Department of the Air Force policy to keep such information and reports closely held. Nonetheless, in some instances, there may be public disclosure of IG materials, as required by the Freedom of Information Act, Privacy Act, or as otherwise provided for by law and regulations. In most cases, their identity will be redacted but there is a chance it could be released. Any release outside the Department of the Air Force requires the approval of SAF/IG, and in such cases, release (when unavoidable) is kept to the minimum necessary to satisfy legal or Department of the Air Force requirements.

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F. If there are any other individuals in the interview, explain their role and ensure the subject knows that you are the investigating officer and responsible for the interview.

Read-In

A. The read-in as well as the read-out are required to be verbatim. This may be uncomfortable as you will be referring to your script and not maintaining constant eye contact. Assure them that the questioning will be freer flowing.

B. Explain that during the Read-In, you will be asking them to provide personal information about themselves--name, address, Social Security Number, etc. The Privacy Act of 1974 requires that the investigating officer inform the subject of the requirement to gather this information and how it will be used. Let them read the Privacy Act statement during the Pre-Interview and explain that you will confirm that they have read the statement and have no questions. They do not need to sign the Privacy Act.

C. They will be answering questions under oath. Ask if they prefer to use swear or affirm. This is a good time to mark through the other option on the read-in and remember that if they elect to affirm, also strike the words, "so help me God."

D. Inform them that you will be telling them that as a subject, they are not authorized to have legal counsel with them. The subject may ask you if they should confer with an attorney before the interview but it is not your place to advise them.

Questioning

A. Briefly tell them your note taking technique and remind them that the interview is being recorded so you'll use that as the primary source of information. Too much note taking detracts from maintaining eye contact and being part of the interview while taking no notes can be perceived as not thinking what the subject says is important. Discussing this before will help to alleviate these perceptions.

B. The questions should be non-adversarial and designed to elicit information, not to get a confession.

C. Inform the subject that this is an administrative investigation and both hearsay and opinion may be used in your evaluation of the facts but you will be validating the information through additional interviews and documentation.

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D. If you use interim summaries, explain that to the subject before starting the interview. Be sure that they know you are not attempting to put words in their mouth but rephrasing to ensure you understand what they are communicating. This technique also allows you to listen to your summary and may point out an inconsistency or gap in their answers.

E. Assure them that often in an interview, a person may draw a blank or not recall certain facts. You'll note this and come back to it later in the interview. Also, they will have an opportunity to provide additional information if they recall it later but you will have to have that information soon in order to incorporate it in your report.

F. At the end of the questioning, they will be afforded an opportunity to make further comments.

Read-Out:

A. During the read-out, explain that you will order (or direct) that they not discuss the interview with anyone except a chaplain or their counsel (if they have one).

B. Explain that the CSAF Hand-Off Policy requires that all subjects must be released to the commander or designee, civilian leading an organization designated as a unit IAW AFI 38-101 or designee, first sergeant, or supervisor. Inform the subject that this has been coordinated and give them the name of the person to whom they will be released.

Part 2 – Subject Read-In (Tape Recorder is ON)

My name is _____. I have been appointed by _____ to investigate allegations that you may have _____ (read all allegations but do not disclose the complainant).

If you desire, during this interview, you may comment on this information to give your side of the story. You may also show me evidence to contradict or explain the allegations.

During the course of this interview, I will ask you to furnish information about yourself. The Privacy Act of 1974 requires that I inform you of the authority for this requirement. The statement, which I am now handing you, serves this purpose (hand statement to witness). Please read the statement at this time.

Your testimony will be recorded and transcribed so that a written report can be made available to the Appointing Authority, _____ (name of Appointing Authority).

Please answer each question verbally, since the tape recorder cannot pick up any nods or gestures. Additionally, all of your statements will be on-the-record, whether the tape recorder is turned on or not.

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RIGHTS ADVISEMENT

(1) For active duty personnel and USAFR/ANG personnel subject to the UCMJ:

*At this time, you are **NOT** suspected of any offense under the Uniform Code of Military Justice (UCMJ), federal, or local law. Therefore, you are not authorized to have legal counsel present, and I am not advising you of your Article 31 rights. In addition, AFI 90-301 mandates that you answer all questions except those that may incriminate you.*

(2) For subjects NOT subject to the UCMJ at the time of the interview (i.e., civilians and USAFR/ANG personnel not on Title 10 orders):

This is a non-custodial interview. You are NOT suspected of any criminal act at this time. While you have a duty to assist in this investigation and AFI 90-301 mandates that you answer all questions except those that may incriminate you, you will not be kept here involuntarily.

OATH

Before we continue, I want to remind you how important it is to give truthful testimony. It is a violation of federal law to knowingly make a false statement under oath. Now, as part of our interview process, I will administer the oath.

Please raise your right hand so that I can swear you in.

Do you solemnly swear (or affirm) that the testimony you are about to give shall be the truth, the whole truth, and nothing but the truth (so help you God)? (Note: if the interviewee prefers to affirm, the verbiage "so help you God" is not used)

Part 3 – Questioning the Subject (Tape Recorder is ON)

The time is now _____ on _____ (day, month, year). Persons present are the subject _____, the investigating officer(s) _____ [recorder(s) (if present)] _____ [And (others) (if present)] _____

We are located at _____.

Please state for the record your:

Full name: (spell it out)

Rank: (Active, Reserve, Retired)

Position:

Organization:

Social security number: (voluntary)

Address: (home or office)

Advise the subject of the nature of the complaint against them.

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Proceed with questions necessary to obtain all direct knowledge of the matters under investigation. If a subject refuses to answer questions based on self-incrimination or any other reason, stop the interview and consult with the IG and SJA on how to proceed.

Be prepared for the subject to diverge from the question. You can allow some divergence but remember that you are the interviewer and control the session. Be sure that you get an answer to your question and not let the subject escape answering. If necessary, repeat the question.

Take notes of items that you need, or want, to re-address later in the interview as well as documentation that the subject does not have with them.

Be sensitive to the need for a break during an extended interview. The length between breaks is dependent on the flow of the interview but normally an hour is a good target. Ensure that you capture the time of the break before turning off the recorder then don't forget to restart the recorder when the interview continues.

At the conclusion of the interrogatories, ask:

Do you have any further information, statements, or evidence, which you wish to present concerning the matters we have discussed?

Do you know of anyone else who can provide further information concerning these issues?

Part 4 – Subject Read-Out (Tape Recorder is ON)

This is an official investigation. It is protected in the sense that my report will be made to the Appointing Authority or higher authority for such use as deemed appropriate.

You are ordered (or "directed" for USAFR/ANG persons and civilian employees not subject to the UCMJ) not to divulge the nature of this investigation or the questions, answers, or discussions included in this interview with anyone except a chaplain, (for civilian employees only, add: "a union representative"), or your counsel (if you have one) unless authorized to do so by the Appointing Authority, higher authority, or me.

If anyone should approach you regarding your testimony or the matters discussed here, you are required to report it immediately to me or (state the name of the IG and the Appointing Authority).

Per AFI 90-301, I, as the investigating officer, am prohibited from providing a copy of your testimony to you. However, you may submit a request in writing for the report or any part thereof to the IG office or the appropriate FOIA office. The release authority will evaluate your request under both the Freedom of Information Act and the Privacy Act, and provide the releasable information to you. If this report becomes the basis of an adverse action against you, you will automatically be provided the portion(s) you are entitled to IAW AFI 90-301.

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You may submit additional relevant information for my consideration, but if you wish me to consider the additional information before my investigation closes, I must receive that information on or before _____ (insert date).

In accordance with the CSAF "Hand-off" policy, I must personally refer you to your commander or designee, civilian leading an organization designated as a unit IAW AFI 38-101 or designee, first sergeant, or supervisor at the conclusion of this interview. I have coordinated this requirement with your commander and _____(state the name of the individual who will accomplish the person-to-person hand-off) will meet you here as we conclude the interview.

Do you have any questions?

The time is _____. This interview is concluded. Thank you.

The subject may recall additional information or want to discuss the circumstances further after the recorder is off. Remind them that anything they say is on the record, even if the recorder is off. If you believe the information is essential to your investigation, inform the subject that you want will be re-starting the tape recorder. It is OK to use an abbreviated read-in but ensure that they understand they are still under oath and explain the circumstances under which the interview was re-initiated.

Document the hand-off at the end of the interview. Include your perception of their emotional state, who was designated to meet them, their position, and the time of the hand-off.

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Attachment 10

SUSPECT INTERVIEW FORMAT

This interview format is for use with witnesses who are suspects and NOT subjects.

Prior to Suspect Arriving

Arrive early to work with your IG POC to ensure that the interview room is ready. Here are some recommended items to go over:

A. A good practice is to add your questions to this template and use it as your note taker.

B. Ensure that you have readily available a copy of the Privacy Act for the suspect to review and other documents that you may want to refer to or have the suspect review.

C. Have an Article 31 Rights Advisement card or statement with the proper allegations filled in. Consult with the legal representative to ensure you do this right. Also discuss with your legal representative the procedures if the suspect initially elects to confer with a lawyer then returns to continue the interview.

D. Have tissues on hand in the event the suspect becomes emotional and water for yourself and the suspect, if desired.

E. Ops check the tape recorder(s) one more time.

F. Ensure that the phones are turned off or being answered by someone in the IG office.

G. Place a "Do Not Disturb - Interview in Progress" sign on the door.

H. Have pens, pencils, note paper available and handy.

I. Ensure that you have coordinated the CSAF Hand-Off with the commander or designee for all initial interviews of the suspect.

a. These referrals require a person-to-person contact between the IO and the suspect's commander or designee, civilian leading an organization designated as a unit IAW AFI 38-101 or designee, first sergeant, or supervisor.

b. The person designated to receive the suspect after the interview should be directed not to discuss the interview or other aspects of the investigation with the suspect. They should also be informed if the suspect invoked his/her right to remain silent and that further discussion would violate the suspect's Article 31 rights. The IO must document the hand-off within the report of investigation.

The interview is conducted in four parts: Pre-Interview, Read-In, Questioning, and Read-out. These are expanded below.

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Part 1 - Pre-Interview (Tape Recorder is OFF)

The Pre-Interview is an opportunity for the investigating officer to relay to the suspect what they can expect during the interview. It relaxes the suspect and eases some of the apprehension that they feel. It also starts the bonding process between you as the investigating officer and them as the suspect.

A. The first step is to use small talk to relax the suspect. Remember that the suspect has been previously notified by the commander that they are the suspect of an investigation but several days or weeks may have elapsed since that notification. They will most likely be nervous about the exact allegations and anxious at the same time to tell their side of the story.

B. More often than not, the suspect's attention will be drawn to the tape recorder. This is a good time to acknowledge that the interview will be recorded to ensure that an accurate record of the interview is captured. The recording will be transcribed or summarized and included in the report of investigation that you will prepare. If the individual does not focus on the recorder at first, be sure to address its use later in the Pre-Interview portion.

C. Ask for some identification to verify the suspect is who you are expecting. At the same time, show the suspect your ID card and appointment letter (but not the attached page with the allegations. Explain that you will be going into more detail as you start the interview.

D. Explain your role as the investigating officer. Below are some suggested areas to cover:

a. Impartial representative of the commander and IG.

b. Unbiased and impartial fact finder.

c. Gather documents and interviewing several witnesses; analyze all the relevant facts; and determine whether the allegation(s) are substantiated or not based on a preponderance of the evidence.

d. Your conclusion will be documented in a report of investigation for the appointing authority to approve after it receives an IG and legal review.

E. Explain the role they play in the investigation:

a. This is their opportunity to provide their side of the situation and reasons for their actions.

b. Their testimony, or any suspect testimony, will be used within the Department of Defense for official purposes.

c. It is Department of the Air Force policy to keep such information and reports closely held. Nonetheless, in some instances, there may be public disclosure of IG materials, as required by the Freedom of Information Act, Privacy Act, or as otherwise provided for by law and regulations. In most cases, their identity will be redacted but there is a chance it could be released. Any release outside the Department of the Air Force requires the approval of SAF/IG, and in such cases, release (when unavoidable) is kept to the minimum necessary to satisfy legal or Department of the Air Force requirements.

F. If there are any other individuals in the interview, explain their role and ensure the suspect knows that you are the investigating officer and responsible for the interview.

Read-In

A. The read-in as well as the read-out are required to be verbatim. This may be uncomfortable as you will be referring to your script and not maintaining constant eye contact. Assure them that the questioning will be freer flowing.

B. Explain that during the Read-In, you will be asking them to provide personal information about themselves--name, address, Social Security Number, etc. The Privacy Act of 1974 requires that the investigating officer inform the suspect of the requirement to gather this information and how it will be used. Let them read the Privacy Act statement during the Pre-Interview and explain that you will confirm that they have read the statement and have no questions. They do not need to sign the Privacy Act.

C. Inform them that you will be telling them that as a suspect, they are authorized to have legal counsel with them. The suspect may ask you if they should confer with an attorney before the interview but it is not your place to advise them.

D. They will be answering questions under oath. Ask if they prefer to use swear or affirm. This is a good time to mark through the other option on the read-in and remember that if they elect to affirm, also strike the words, "so help me God."

Questioning

A. Briefly tell them your note taking technique and remind them that the interview is being recorded so you'll use that as the primary source of information. Too much note taking detracts from maintaining eye contact and being part of the interview while taking no notes can be perceived as not thinking what the suspect says is important. Discussing this before will help to alleviate these perceptions

B. The questions should be non-adversarial and designed to elicit information, not to get a confession.

C. Inform the suspect that this is an administrative investigation and both hearsay and opinion may be used in your evaluation of the facts but you will be validating the information through additional interviews and documentation.

D. If you use interim summaries, explain that to the suspect before starting the interview. Be sure that they know you are not attempting to put words in their mouth but rephrasing to ensure you understand what they are communicating. This technique also allows you to listen to your summary and may point out an inconsistency or gap in their answers

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E. Assure them that often in an interview, a person may draw a blank or not recall certain facts. You'll note this and come back to it later in the interview. Also, they will have an opportunity to provide additional information if they recall it later but you will have to have that information soon in order to incorporate it in your report.

F. At the end of the questioning, they will be afforded an opportunity to make further comments.

Read-Out:

A. During the read-out, explain that you will order (or direct) that they not discuss the interview with anyone except a chaplain or their counsel (if they have one).

B. Explain that the CSAF Hand-Off Policy requires that all suspects must be released to the commander or designee, civilian leading an organization designated as a unit IAW AFI 38-101 or designee, first sergeant, or supervisor. Inform the suspect that this has been coordinated and give them the name of the person to whom they will be released.

Part 2 – Suspect Read-In (Tape Recorder is ON)

My name is _____. I have been appointed by _____ to investigate allegations that you may have _____ (read all allegations).

If you desire, during this interview, you may comment on this information to give your side of the story. You may also show me evidence to contradict or explain the allegations.

During the course of this interview, I will ask you to furnish information about yourself. The Privacy Act of 1974 requires that I inform you of the authority for this requirement. The statement, which I am now handing you, serves this purpose (hand statement to witness). Please read the statement at this time.

Your testimony will be recorded and transcribed so that a written report can be made available to the Appointing Authority, _____ (name of Appointing Authority).

Please answer each question verbally, since the tape recorder cannot pick up any nods or gestures. Additionally, all of your statements will be on-the-record, whether the tape recorder is turned on or not.

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RIGHTS ADVISEMENT

Note: Two categories of rights advisement are included below for suspect interviews. The first is for active duty personnel and USAFR/ANG subject to the UCMJ. The second category is for individuals not subject to the UCMJ (civilians and USAFR/ANG personnel).

Before we begin our discussion, I want to make it clear that you have the following rights:

(1) For active duty personnel and USAFR/ANG personnel subject to the UCMJ:

Under Article 31 of the UCMJ: I am investigating the alleged offense(s) of _____ of which you are suspected. I advise you that under the provisions of Article 31, UCMJ, you have the right to remain silent, that is say nothing at all. Any statement you make, oral or written, may be used as evidence against you in a trial by court-martial or in other judicial or administrative proceedings. You have the right to consult a lawyer and to have a lawyer present during this interview. You have the right to military legal counsel free of charge. In addition to military counsel, you are entitled to civilian counsel of your own choosing, at your own expense. You may request a lawyer at any time during this interview. If you decide to answer questions without a lawyer present, you may stop the questioning at any time.

Do you understand your rights?

Do you want a lawyer? (If yes, stop the interview at this time and allow the suspect to contact his/her lawyer)

Are you willing to answer questions?

Proceed to the oath

(2) For suspects NOT subject to the UCMJ at the time of the interview (i.e., Civilians, and USAFR/ANG personnel (depending on status), etc.):

Regardless of whether a collective bargaining agreement applies, civilians, Reserve, and Air National Guard personnel should be advised of the following:

This is a non-custodial interview. While you have a duty to assist in this investigation and may face adverse administrative action for failing to cooperate, you will not be kept here involuntarily. You also have a right not to answer questions that are self-incriminating. You have a right to be fully informed of any allegations that have been made against you.

Do you understand your rights?

Do you want a lawyer?

Are you willing to answer questions?

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OATH

Before we continue, I want to remind you how important it is to give truthful testimony. It is a violation of federal law to knowingly make a false statement under oath. Now, as part of our interview process, I will administer the oath.

Please raise your right hand so that I can swear you in.

Do you solemnly swear (or affirm) that the testimony you are about to give shall be the truth, the whole truth, and nothing but the truth (so help you God)? (Note: if the interviewee prefers to affirm, the verbiage "so help you God" is not used)

Part 3 – Questioning the Suspect (Tape Recorder is ON)

The time is now _____ on _____ (day, month, year). Persons present are the suspect _____, the investigating officer(s) _____ [recorder(s) (if present)] _____ [And (others) (if present) _____

We are located at _____.

Please state for the record your:

Full name: (spell it out)

Rank: (Active, Reserve, Retired)

Position:

Organization:

Social security number: (voluntary)

Address: (home or office)

Proceed with questions necessary to obtain all direct knowledge of the matters under investigation.

Be prepared for the suspect to diverge from the question. You can allow some divergence but remember that you are the interviewer and control the session. Be sure that you get an answer to your question and not let the suspect escape answering. If necessary, repeat the question.

Take notes of items that you need, or want, to re-address later in the interview as well as documentation that the suspect does not have with them.

Be sensitive to the need for a break during an extended interview. The length between breaks is dependent on the flow of the interview but normally an hour is a good target. Ensure that you capture the time of the break before turning off the recorder then don't forget to restart the recorder when the interview continues.

At the conclusion of the interrogatories, ask:

Do you have any further information, statements, or evidence, which you wish to present concerning the matters we have discussed?

Do you know of anyone else who can provide further information concerning these issues?

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Part 4 – Suspect Read-Out (Tape Recorder is ON)

This is an official investigation. It is protected in the sense that my report will be made to the Appointing Authority or higher authority for such use as deemed appropriate.

You are ordered (or "directed" for USAFR/ANG persons and civilian employees not suspect to the UCMJ) not to divulge the nature of this investigation or the questions, answers, or discussions included in this interview with anyone except a chaplain, (for civilian employees only, add: "a union representative"), or your counsel (if you have one) unless authorized to do so by the Appointing Authority, higher authority, or me.

If anyone should approach you regarding your testimony or the matters discussed here, you are required to report it immediately to me or (state the name of the IG and the Appointing Authority).

Per AFI 90-301, I, as the investigating officer, am prohibited from providing a copy of your testimony to you. However, you may submit a request in writing for the report or any part thereof to the IG office or the appropriate FOIA office. The release authority will evaluate your request under both the Freedom of Information Act and the Privacy Act, and provide the releasable information to you. If this report becomes the basis of an adverse action against you, you will automatically be provided the portion(s) you are entitled to IAW AFI 90-301

You may submit additional relevant information for my consideration, but if you wish me to consider the additional information before my investigation closes, I must receive that information on or before _____ (insert date).

In accordance with the CSAF "Hand-off" policy, I must personally refer you to your commander or designee, civilian leading an organization designated as a unit IAW AFI 38-101 or designee, first sergeant, or supervisor at the conclusion of this interview. I have coordinated this requirement with your commander and _____(state the name of the individual who will accomplish the person-to-person hand-off) will meet you here as we conclude the interview.

Do you have any questions?

The time is _____. This interview is concluded. Thank you.

The suspect may recall additional information or want to discuss the circumstances further after the recorder is off. Remind them that anything they say is on the record, even if the recorder is off. If you believe the information is essential to your investigation, inform the suspect that you want will be re-starting the tape recorder. It is OK to use an abbreviated read-in but ensure that they understand they are still under oath and explain the circumstances under which the interview was re-initiated.

Document the hand-off at the end of the interview. Include your perception of their emotional state, who was designated to meet them, their position, and the time of the hand-off.

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Attachment 11

CASE FILE FORMAT FOR NON-SENIOR OFFICIAL INVESTIGATIONS

Section I.

Tab A - HCR

Tab B - Legal Reviews

Tab C - Technical Reviews (if applicable)

Tab D - Recommendations (if requested by Appointing Authority) **(**Refer to paragraph **2.51.2.**)

Tab E - Command Actions (if applicable)

Tab F - Letter of Notification to Subject's Commander (Final and Initial)

Tab G - Complainant Notification Letters (Final, Interim, and Acknowledgement)

Tab H - Privacy Act Release (if applicable; required for 3rd party complaints)

Tab I - Reprisal Rights Advisement Form (if applicable)

Tab J - Redacted ROI for 10 USC 1034 Cases

Tab K - Administrative Documents: Notification Letters, Memos, Progress Reports, Acknowledgment and Interim Letters (not forwarded to higher headquarters for review), and Complaint Analysis Documentation Letter

Section II. Report of Investigation (ROI)

Tab A - Authority and Scope

Tab B - Introduction: Background and Allegations

Tab C - Findings, Analysis, and Conclusions

Tab D - Appointing Authority Approval

Tab E - ROI Addendum (*when accomplished)*

Section III. Support Documentation

Tab A - Appointment and Tasking Letters **(Note 1)**

Tab B - Complaint with Attachments (May be an AF Form 102) **(Note 2)**

Tab C - Chronology of Events

Tab D - Index of Witnesses **(Note 3)**

D(1) - Complainant's Testimony

D(2) - Subject's Testimony

D(3) - D(#) - Other Subject(s) Testimony

D(#) - D(#) - All Other Witness Testimony

Tab E - Index of Exhibits **(Note 3)**

E(1) - E(#) - All Exhibits

Tab F - Index of Forms and Checklists **(Note 4)**

Notes

1. Include all tasking letters--from the level initiated to the IO's appointment letter.

2. Attach the complaint and any documentation provided by the complainant. Stamp or mark "Complainant Provided" in the lower right-hand corner of each page.

3. Type an index of all the witness statements (complainant, subject(s), and witness(es)) and an index of all exhibits.

4. For investigations into violations of DoDD 7050.06 and/or violations of DoDD 6490.1 include the appropriate checklist/form (reprisal or MHE) (if used) shown in **Attachment 23** or **Attachment 25** of this instruction.

Attachment 13

ROI FORMAT FOR NON-SENIOR OFFICIAL INVESTIGATIONS

Section II, Tab A - Authority and Scope. Include the below statement verbatim under this heading:

"The Secretary of the Air Force has sole responsibility for the function of The Inspector General of the Air Force (Title 10, United States Code, Section 8014). When directed by the Secretary of the Air Force or the Chief of Staff, The Inspector General of the Air Force (SAF/IG) has the authority to inquire into and report upon the discipline, efficiency, and economy of the Air Force and performs any other duties prescribed by the Secretary or the Chief of Staff. (Title 10, United States Code, Section 8020.) Pursuant to AFI 90-301, *Inspector General Complaints Resolution*, authority to investigate IG complaints within the Air Force flows from SAF/IG to IG offices at all organizational levels."

In a second, consecutive paragraph include the following information:

"(*Appointing authority's rank, name, and duty title*) appointed (*Investigating Officer's rank and name*) on (*date of the appointment letter*) to conduct an investigation into (*complainant's rank and name*)'s allegations. (*Complainant's rank and name*) filed (*his or her*) complaint with (*name of IG or representative*) on (*date*). The investigation was conducted from *(date)* to *(date)* at *(location)*."

Section II, Tab B - Introduction: Background and Allegations. Include a brief background leading to the alleged violations. The IO must list and number all allegations examined during the course of the case. If the investigation is a continuation of a former case, include a short summary of the former effort including the results.

Section II, Tab C- Findings, Analysis, and Conclusions. List each allegation, the findings, their analysis, and conclusions in the same order as the allegations in "Section II, Tab B."

The findings and conclusion for each allegation should build on the factual summary and discussion in this section. Findings must be supported by the facts addressed in the analysis (testimony and documentation). Findings must address all allegations. Each allegation should be addressed separately. If the facts do not demonstrate it is more likely than not that the alleged wrong occurred, the allegations should be found not substantiated. The IO must sign the report at the end of Tab C.

Note: Recommendations are optional at the discretion of the appointing authority. If an IO is tasked to make recommendations, the recommendations are not binding. If requested, recommendations will be provided under separate cover and will be filed at Section I, Tab D (not as part of the ROI). In all cases, an IO will not recommend specific punishments or administrative actions.

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Section II, Tab D - Appointing Authority Approval. The appointing authority has the final say concerning the findings of an investigation. Appointing authorities must sign Tab D and state if they approve/accept the findings or not. For specific guidance see **Section 2L** (step 11 of the 14-step process).

Section II, Tab E - ROI Addendum (when accomplished). An addendum must be prepared when (a) the IO and IG or the IO/IG and JA arrive at different findings and the appointing authority must make the final decision, (b) the appointing authority disagrees with the findings, or (c) a higher level IG review disagrees with the ROI findings.

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Attachment 14

SAMPLE PROGRESS REPORT

Date

MEMORANDUM FOR [applicable appointing authority or higher level IG office]

FROM: [applicable office]

SUBJECT: Progress Report - [Type of Case (*Defense Hotline FWA, Air Force FWA, Personal Complaint - IG/Congressional/White House/High Level, 10 USC 1034 Reprisal, Violation of DoD Directive 6490.1 and so forth*]

1. Complainant's or Subject's name and ACTS Case File Number:
2. Grade/rank and full name of official conducting the investigation:
3. Organization, duty position and contact telephone number *(provide commercial and DSN numbers*):
4. Date complaint initially received by IG:
5. Date IO appointed:
6. Status of investigation:

   a. Summary of investigation to date: (*brief summary of interviews, document reviews, and any pertinent information obtained by the examination*):

   b. Status of case: (i.e., under investigation, in legal review, etc.)

   Reason for delay in completing case: *(Be specific)*

   Final action(s) to be completed:

   Expected completion date (ECD) of case to higher level IG: *(ECD is date the case will arrive at next level)*
7. Grade/rank, name and duty telephone number *(commercial and DSN)* of IG point of contact (POC):

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Attachment 15

SAMPLE RESULTS NOTIFICATION MEMORANDUM TO SUBJECT'S COMMANDER

Date

MEMORANDUM FOR 99 MSG/CC

FROM: (Appointing Authority)

SUBJECT: Results of IG Investigation

1. We have recently completed an Inspector General investigation into an allegation that Lt Col Jane Boss, Commander, 9777th Security Force Squadron, Kirtley AFB, FL, abused her authority when selecting a military member for TDY to Southwest Asia. An impartial officer investigated the allegation and found it to be not substantiated.

2. The investigation found that Lt Col Boss established and followed a fair and equitable procedure for selecting squadron personnel for TDY. The complainant possessed the rank, AFSC, and SEI required for the TDY; had the fewest number of days TDY of anyone eligible for the tasking; possessed a worldwide qualified physical profile report; and did not present a hardship or humanitarian reason justifying exemption or deferment from TDY.

3. IAW AFI 90-301, *Inspector General Complaints Resolution*, paragraph **2.64.2.**, you must inform Lt Col Boss, in writing, of the finding of the investigation. The Report of Investigation has been reviewed and approved, and we consider the matter closed. **[For reprisal cases, replace the last sentence with:** The Report of Investigation has been reviewed and approved locally; however, final approval authority rests with the Department of Defense Inspector General because the complainant alleged military whistleblower reprisal.**]**

4. **[For cases containing substantiated allegations, include this paragraph]** A copy of the Report of Investigation (without attachments) is provided for your review to determine appropriate command action. IAW AFI 90-301 **[include only applicable references:** paragraphs **2.64.**, **2.65.**, **2.67.**, **4.6.**, **4.7.**, **Table 2.17.** rule 1, **Table 4.1.** rule 7, and **Table 4.2.** rule 1**]**, please advise the **[use applicable title(s):** Appointing Authority, IG**]** of what command action is taken and provide the required documents. IG records are protected documents. IAW AFI 90-301 paragraph **13.12.**, you must submit an Official Use Request to the authority responsible for making release determinations to: a) seek approval to release relevant portions of the ROI or case file to the subject of any proposed command action, and/or b) obtain additional portions of the case file beyond the information initially provided by the authority responsible for making release determinations.

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This transfer of IG records is permitted as an intra-agency disclosure to officers of the agency having a need for the record in the performance of their official duties. You are advised of the protected nature of the report and instructed to comply with the provisions of the Privacy Act in using the report. We require that you use all reasonable means at your disposal to prevent further release of the information other than official discussions with personnel and legal officials on disciplinary proceedings against the subject. IG records are not to be used as attachments or exhibits to other official records without the written approval of the authority responsible for making release determinations. The IG records must be returned to the authority responsible for making release determinations upon completion of the stated need.

SIGNATURE BLOCK
Appointing Authority

Attachment:
ROI (without attachments) for cases containing substantiated allegations, if applicable

Date

1st Ind, 99 MSG/CC

MEMORANDUM FOR LT COL JANE BOSS

IAW AFI 90-301, I am informing you of the findings of an Inspector General investigation in which you were the subject. The allegations were not substantiated. Please refer to the above for more detailed information.

SIGNATURE BLOCK
Commander

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Attachment 16

NOTIFICATION MEMORANDUM FOR REPORTING ALLEGATIONS AGAINST A SENIOR OFFICIAL

Date

MEMORANDUM FOR SAF/IGS

FROM: (Full Official Address)

SUBJECT: Notification of Allegations Against a Senior Official

According to AFI 90-301, *Inspector General Complaints Resolution*, the following information is provided: *(Separate list for all subjects*)

a. ACTS File Reference No (FRNO) *(provided by local or MAJCOM/IG):*

b. Subject's Name (Last, First, MI) and Rank:

c. Subject's SSN:
Subject's Duty Title:
Organization:
Base of Assignment:

d. Location (Base) Where Allegation(s) Occurred:

e. Complainant's Name (Last, First, MI) and Rank:

f. Complainant's Duty Title:
Organization:
Base of Assignment:
Duty Phone:
Home Phone:

g. Brief synopsis of allegation(s):

h. Date the allegation(s) were made:

i. Official to whom allegations were made.

j. Grade, rank, name and duty phone number *(commercial and DSN)* of POC:

This letter and the attached documents are marked "FOR OFFICIAL USE ONLY" and contain protected information and must be protected under the Privacy Act.

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Attachment:
Complaint

[Note: Include the following "protected document" caveat only if prepared in IG channels.]

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Attachment 17

NOTIFICATION MEMORANDUM FOR REPORTING ALLEGATIONS AGAINST A COLONEL (OR CIVILIAN EQUIVALENT)

Date

MEMORANDUM FOR MAJCOM/IG
SAF/IGQ

IN TURN

FROM: (Full Official Address)

SUBJECT: Notification of Allegations Against a Colonel, (or civilian equivalent)

According to AFI 90-301, *Inspector General Complaints Resolution,* the following information is provided: *(Separate list for all subjects*)

a. ACTS File Reference No (FRNO) *(provided by local or MAJCOM/IG):*

b. Subject's Name (Last, First, MI) and Rank:

c. Subject's SSN:
Subject's Duty Title:
Organization:
Base of Assignment:

d. Location (Base) Where Allegation(s) Occurred:

e. Complainant's Name (Last, First, MI) and Rank:

f. Complainant's Duty Title:
Organization:
Base of Assignment:

g. Brief synopsis of allegations:

h. Date the allegations were made:

i. Official to whom allegations were made:

j. Grade rank name and duty phone number (*commercial and DSN*) of POC:

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SIGNATURE BLOCK

Attachment:
Complaint

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Attachment 18

WHISTLEBLOWER PROTECTIONS UNDER 10 USC 1034

1. Any Air Force military member who reasonably believes a personnel action (including the withholding of an action) was taken or threatened in reprisal for making or preparing to make a protected communication (as defined in 10 USC 1034, DoDD 7050.06 and AFI 90-301) may file a complaint with the Air Force Inspector General (or lower level IG). To qualify as a protected communication, it must be made to: an IG; a member of an IG office investigative staff; Member of Congress or their staff; a member of a DoD audit, inspection, investigation, or law enforcement organization; any person in the member's chain of command; Chief Master Sergeant of the Air Force; Command Chief Master Sergeant; or First Sergeant.

2. It is of utmost importance for all military members to understand that they receive whistleblower protection under 10 USC 1034 when submitting a complaint with any IG. This office will promptly notify IG DoD of your complaint. Upon receipt of the notification, IG DoD may decide to retain your allegations for complaint analysis at their level. If IG DoD decides to retain your allegations, this office will discontinue its efforts to resolve your complaint in order to allow IG DoD to proceed unimpeded.

3. This office will expeditiously conduct a complaint analysis to determine if a reprisal investigation is warranted. If the complaint analysis determines that a reprisal investigation is not warranted, IG DoD will be notified accordingly. However, IG DoD reserves the right to investigate the complaint.

4. If a reprisal investigation is warranted, this office will conduct the investigation, unless otherwise directed by a higher level IG office.

5. IG DoD will maintain oversight throughout the conduct of any investigation into allegations of reprisal.

6. You must understand that the IG may dismiss your allegations if you did not file this complaint within 60 days of becoming aware of the personnel action that is the basis for your allegations.

7. Be advised that acceptance of your complaint under 10 USC 1034 entitles you to the following statutory provisions: review and approval of the finalized investigation by IG DoD; right to receive a redacted copy of the final Report of Investigation in accordance with the Freedom of Information Act; right to petition the Air Force Board for Correction of Military Records (AFBCMR) for correction of adverse personnel actions; and right to appeal AFBCMR findings to the Secretary of Defense.

Acknowledgment

I have read and understand the above explanation of my rights under 10 USC 1034 and proper reprisal complaint procedures.

_____

(Signature and date)

Print: (Grade, Name)_____

(Full Organization Address)_____

(DSN)_____ (Home Number with Area Code)_____

Attachment 19

NOTIFICATION OF ALLEGATIONS OF REPRISAL PROHIBITED UNDER 10 USC 1034

Date

MEMORANDUM FOR MAJCOM/IG
SAF/IGQ
IN TURN

FROM: (Full Official Address)

SUBJECT: Report of Allegations of Reprisal Under 10 USC 1034 (ACTS Case File Number)

According to AFI 90-301, *Inspector General Complaints Resolution,* the following information is provided: *(Separate list for all subjects*)

a. Subject's Name (Last, First, MI), Rank, and SSN (*if colonel or (equivalent))*:
   Subject's Duty Title:
   Organization:
   Base of Assignment:

b. Location (Base) Where Allegation(s) Occurred:

c. Complainant's Name (Last, First, MI) and Rank:
   Complainant's Organization:
   Base of Assignment:

d. Brief synopsis of allegation(s):

e. Date the IG received the complaint:

f. Rank, name, and duty location of the Investigating Officer (*if applicable*):

g. Grade/rank, name and phone number: (*commercial and DSN*) of IG POC:

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SIGNATURE BLOCK

Attachment:
Copy of Reprisal Complaint

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Attachment 20

SAMPLE COMPLAINT ANALYSIS FOR ALLEGATIONS OF REPRISAL

COMPLAINT ANALYSIS

FOR

ALLEGATIONS OF REPRISAL UNDER 10 USC 1034

1. COMPLAINANT: SrA Joe M. Complainant, Somewhere AFB USA

2. ACTS CASE FILE NUMBER: 2007-XXX3 (attachment 1)

a. Related ACTS Case Files: (current or previous cases on these matters or complainant. Anything that could be interpreted to be a protected communication)

2007-XXX1 (attachment 4) (previous IG contact on 7 Feb 2007)

2007-XXX2 (attachment 6) (previous IG contact on 6, 9, and 18 Jun 2007)

3. DATE COMPLAINANT FILED REPRISAL ALLEGATION(S) WITH AN IG: 9 Jun 07

4. IG OFFICE WHERE THE COMPLAINT WAS FILED: [*Name of individual/office receiving the complaint*] 199th Wing, Somewhere AFB, MSgt Very P. Helpful (attachment 3)

5. BACKGROUND:

Provide sufficient background information to describe the complainant (grade, organization and assignment, etc.), the subject(s) (if any) and the events that led the complainant to contact the IG office.

a. CHRONOLOGY:

Date	Content
24 Jan 07	SrA Complainant refuses to complete course objectives due to seeing one of his classmates fall during one of the class objectives. During a meeting with the Electrical System Apprentice Course Instructor Supervisors, SrA Complainant stated that he was threatened with discharge from the Air Force, threatened with court-martial and called a coward.
7 Feb 07	**2007-XXX1**--SrA Complainant came to the 199th Wing Inspector General's Office to discuss the treatment that he received from the instructors in the Electrical System Apprentice Course. The Electrical System Flight Commander was contacted and SrA Complainant was referred back to his commander. (attachments 4 and 5)

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13 Feb 07	SrA Complainant made an appointment at the Mental Health Clinic with Captain Hospital, Clinical Social Worker at the hospital at Somewhere AFB, USA. Her assessment of SrA Complainant is that he be reclassified. (attachment 9)
14 Feb 07	SrA Complainant phoned the 199th Wing Inspector General's Office and stated he was yelled at for not getting an appointment slip for an appointment. This issue was turned over to the Electrical System Flight Commander. SrA Complainant also contacts Wing Safety Office regarding safety concerns in the Electrical Systems Apprentice Course.
5 Mar 07	Lt Col Boss signs SrA Complainant's MAJCOM Form 125 *Record of Administrative Training Action* recommending removal from the Electrical Systems Training course and retrained into another field. The 199th Training Group Commander, Colonel Second-Chance concurred with Lt Col Boss' recommendation. (attachment 12)
20 Mar 07	SrA Complainant removed from Electrical Systems Training course.
5 Jun 07	Lt Col Boss directs SrA Complainant for a Mental Health Evaluation (MHE).
6 Jun 07	**2007-XXX2--**SrA Complainant contacted the 199th Wing Inspector General's Office to address his concerns regarding a commander-directed MHE. SrA Complainant believes this is reprisal and that the squadron is on a fishing expedition based on his allegations of unsafe conditions in the Electrical System Apprentice Course.
9 Jun 07	**2007-XXX2--**The 199th Wing Inspector General, Col Cheerful, interviewed SrA Complainant (Attachment 8) and conducted a complaint clarification. During the complaint clarification interview with SrA Complainant, the IG conducted a complaint analysis to determine if the commander-directed MHE was conducted appropriately. The IG found no wrong-doing or procedural incorrectness with the MHE. SrA Complainant was also called in to discuss what constitutes reprisal. SrA Complainant was briefed that the 199th Training Wing Inspector General's Office would be conducting a reprisal complaint analysis and was extended his whistleblower protection rights.
17 Jun 07	Col Second-Chance decides to have SrA Complainant retrained into another career field. Col Second-Chance contacts AF/ILE (CE Functional) to discuss the situation. SrA Complainant will be reclassified into the Readiness career field.
18 Jun 07	**2007-XXX2**--SrA Complainant requested that his complaint be dropped. (Note: the complaint was not dropped and the reprisal complaint analysis was completed).

6. ISSUE(S)/ALLEGATION(S):

a. SrA Complainant alleged he was eliminated from the Electrical Systems Training course in Mar 07 in reprisal for his Jan-Feb 07 protected communication to the IG regarding safety issues in the Electrical Systems Training course.

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7. ACID TEST:

(1) Did the military member make or prepare a disclosure protected by statute or DoD Directive? Yes.

a. Date: 8 Feb 07

To Whom:

Name: MSgt Very P. Helpful

Position/Title: Deputy Inspector General, 199th Wing, Somewhere AFB, USA

Brief summary of communication: SrA Complainant came to the 199th Wing Inspector General's Office to ask for assistance with school related issues. He had concerns about the way the instructors from the 199th Training Squadron, Electrical System Apprentice Course, treated him when he refused to complete the pole climbing portion of the course without a safety line. SrA Complainant stated that he has a fear of falling and felt that climbing without a safety harness was unsafe.

b. Date: 15 Feb 07

To Whom:

Name: MSgt Very P. Helpful

Position/Title: Deputy Inspector General, 199th Wing, Somewhere AFB, USA

Brief summary of communication: SrA Complainant came by the 199th Wing Inspector General's Office to discuss the treatment he received from MSgt Striped. SrA Complainant alleged that he was taken out of class and yelled at for not getting an appointment slip and for failing to inform his supervisory channel of an appointment that he had.

c. Date: 21 Feb 07

To Whom:

Name: MSgt Very P. Helpful

Position/Title: Deputy Inspector General, 199th Wing, Somewhere AFB, USA

Brief summary of communication: MSgt Helpful interviewed SrA Complainant for background information on the Electrical System Apprentice Course because he was looking into a similar issue. SrA Complainant re-addressed his major concern about climbing the poles without a safety harness. The IG reminded SrA Complainant that Wing Safety was conducting an assessment. The safety report was provided to SrA Complainant on 4 Mar 07. (attachment 4)

Note: The following protected communication occurred <u>after</u> the alleged adverse actions.

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d. Date: 6 Jun 07
To Whom:
Name: Colonel Very C. Cheerful
Position/Title: Inspector General, 199th Wing, Somewhere AFB, USA
Brief summary of communication: SrA Complainant came to the 199th Wing Inspector General's Office and stated he had been directed to get an MHE (attachment 7) on 5 Jun 07. SrA Complainant stated he believed this was in reprisal and a fishing expedition.

(2) Was an unfavorable personnel action taken or threatened; or was a favorable action withheld, or threatened to be withheld, following the protected disclosure? Yes.

(a) On 5 Mar 07, Lt Col Boss, Commander of the 199th Training Squadron recommended that SrA Complainant be eliminated from the Electrical Systems Apprentice Course. (Attachment 12)

(b) On 5 Jun 07, Lt Col Boss, Commander of the 199th Training Squadron directed SrA Complainant for an MHE. (Attachment 7)

(c) On 5 Jun 07, Lt Goldbar, 199th Training Squadron Section Commander, recommended that SrA Complainant get an MHE. (Attachment 14)

(3) Did the official(s) responsible for taking, withholding, or threatening the personnel action know about the protected communication?

(a) **Lt Col Boss**: Yes. Lt Col Boss stated that he heard rumors in Feb/Mar 07 but did not follow-up on them to see if they were true. He could not recall who or when he heard rumors about SrA Complainant's visits to the IG. Due to the fact that Lt Col Boss stated that he had heard rumors, this might constitute knowledge. (Attachment 13)

(b) **Lt Goldbar**: Yes. Lt Goldbar stated that he had heard rumors in Apr 07 that SrA Complainant was going to contact the media and the Inspector General's Office but he did not know for sure whom he heard the rumors from. (Attachment 15). Due to the fact that Lt Goldbar stated that he had heard rumors, this might constitute knowledge.

(4) Does the preponderance of the evidence establish that the personnel action would have been taken, withheld, or threatened if the protected disclosure had not been made? Yes.

(a) Reasons: (stated by the responsible management officials taking, withholding, or threatening the action)

1. Recommendation for elimination from training. Lt Col Boss determined SrA Complainant should be eliminated from training based on his fear of falling. AFI 36-2102, *Classifying Military Personnel (Officer and Enlisted),* 7 Mar 2006, states members who hold the Electrical Systems Apprentice Specialty Code must have "freedom from the fear of heights" (Attachment 16). Additionally, SrA Complainant was not administered the fear of heights test prior to course entry, when he enlisted in the Air Force. Further, Captain Hospital, Clinical Social Worker for the 199th MDG, recommended SrA Complainant for elimination and retraining into another career field on 13 Feb 07 (Attachment 9).

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2. Recommendation for MHE.

(a) Lt Col Boss. The facts showed Lt Col Boss directed an MHE to get a medical determination as justification for elimination and reclassification into another career field, not due to the protected communications SrA Complainant made to the IG. Additionally, the commander discovered SrA Complainant was not administered a fear of heights test prior to entering training. Finally, he consulted legal/medical experts, his section commander, and the instructors to determine whether or not to reclassify, eliminate, or continue the student in training.

(b) Lt Goldbar. Lt Goldbar recommended SrA Complainant for a commander-directed Mental Health Evaluation based on the fact that he identified a fear of falling, not because SrA Complainant made protected communications to the IG. Lt Goldbar determined a commander-directed MHE would provide a medical determination and impetus for retraining and reclassifying SrA Complainant into another career field.

(b) Reasonableness: (of the action taken, withheld, or threatened considering the complainant's performance and conduct)

1. Recommendation for elimination from training. The facts showed Lt Col Boss' recommendation for elimination from training was reasonable under the circumstances and was not based on the protected communications SrA Complainant made to the IG. Although SrA Complainant was proficient at pole-climbing with a safety harness, he refused to pole-climb without the harness, a requirement for completion of training. Additionally, SrA Complainant identified himself as having a fear of heights. As such, the commander determined it was reasonable to recommend elimination from training.

2. Recommendation for MHE.

(a) Lt Col Boss. His decision to direct an MHE was reasonable based on the circumstances and was not based on SrA Complainant's protected communication to the IG. During the Electrical Systems Apprentice Course, SrA Complainant identified a fear of falling. Additionally, the facts showed he was not administered the fear of heights test, as required for the course. Although it is not necessary to have an MHE done for retraining purposes, the commander's determination was reasonable in order to provide strong justification for retention and retraining.

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(b) Lt Goldbar. Lt Goldbar's recommendation to the commander for an MHE was reasonable under the circumstances and was not based on SrA Complainant's protected communications to the IG. The commander needed strong justification to retain and retrain SrA Complainant. As such, Lt Goldbar determined a commander-directed MHE would provide the appropriate impetus to retain and retrain SrA Complainant.

(c) Consistency: (of the actions of responsible management officials with past practice)

1. Recommendation for elimination from training. Lt Col Boss' decision to eliminate SrA Complainant from training was consistent with past practice and was not based on his protected communications to the IG. SrA Complainant identified a fear of falling and would not pole-climb without a safety harness. Without the requisite climbing ability and confidence to pole climb without a safety harness, SrA Complainant would not pass the course.

2. Recommendation for MHE.

(a) Lt Col Boss. Lt Col Boss' decision to direct an MHE was consistent with past practice and based on AFM 36-2108, *Enlisted Classification*, 31 Oct 00, item 3.5.3 where it states members entering the electrical career field must have "freedom from fear of heights". His decision was not based on SrA Complainant's protected communications to the IG. He consulted with legal/medical authorities and his section commander before he determined an MHE was the best course of action to justify retaining and retraining SrA Complainant.

(b) Lt Goldbar. Lt Goldbar's recommendation for a commander-directed MHE was consistent with past practice and the instructions in DoDD 6490.1 and AFI 44-109, Mental Health, Confidentiality, and Military Law, dated 1 Mar 00, and was not based on SrA Complainant's protected communications to the IG. He consulted with legal and medical authorities and determined a commander-directed MHE was most appropriate in this case.

(d) Motive: (of the responsible management official for deciding, taking, or withholding the personnel action)

1. Recommendation for elimination from training. Lt Col Boss' decision to eliminate SrA Complainant from training was based on the facts of the case and was not motivated by SrA Complainant's protected communications to the IG. SrA Complainant identified a fear of falling and would not pole-climb without a safety harness. Without the requisite climbing ability and confidence to pole climb without a safety harness, SrA Complainant would not pass the course.

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2. Recommendation for MHE.

(a) Lt Col Boss. The MHE was administered to get a medical determination as to whether SrA Complainant had a fear of heights or falling in order to get him reclassified into another career field. The facts showed there was no motive to reprise against SrA Complainant for his protected communications.

(b) Lt Goldbar. Lt Goldbar recommended a commander-directed MHE as justification to retain and retrain SrA Complainant and was not motivated by SrA Complainant's protected communications to the IG.

(e) Procedural correctness:

1. Recommendation for elimination from training. Lt Col Boss decision to eliminate SrA Complainant from training was based on the facts of the case and was conducted in accordance with regulation and procedure. Lt Col Boss consulted with his section commander and the instructors to determine if SrA Complainant was capable of passing the course. They all concurred he could not pass the course unless he could complete the pole-climbing phase without a safety harness.

2. Recommendation for MHE.

(a) Lt Col Boss. Lt Col Boss accomplished the commander-directed MHE in accordance with AFM 36-2108, *Enlisted Classification* and DoD Directive 6490.1, *Mental Health Evaluations of Members of the Armed Forces*, 1 Oct 97. His actions were in accordance with regulation and procedure and were not based on the protected communications SrA Complainant made to the IG.

(b) Lt Goldbar. Lt Goldbar recommended the commander-directed MHE in accordance with the guidance in AFM 36-2108, *Enlisted Classification* and also the guidance in DoD Directive 6490.1, *Mental Health Evaluation of Members of the Armed Forces*, 1 Oct 97. His recommendation was in accordance with regulation and procedure and was not based on the protected communications SrA Complainant made to the IG.

8. ANALYSIS OF COMPLAINT:

a. SrA Complainant alleged he was eliminated from the Electrical Systems Training course in Mar 07 in reprisal for his Jan-Feb 07 protected communication to the IG regarding safety issues in the Electrical Systems Training course. The facts showed SrA Complainant was reclassified into the Electrical Systems Apprentice Course after removal from the Survival, Evasion, Resistance, and Escape Training Course, his initial training after re-entry into the AF. Subsequently, during the Electrical Systems Apprentice Course, SrA Complainant refused to complete the pole-climbing course objective based on a fear of falling. In accordance with the Enlisted Classification Directory, members entering the electrical career field must have "freedom from fear of heights."

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b. The facts showed SrA Complainant was not administered the fear of heights test IAW AFI 48-123, *Medical Examination and Standards*, prior to entering the Electrical Systems Apprentice Course. The squadron did not identify this discrepancy until the pole-climbing portion of the Electrical System Apprentice Course when SrA Complainant indicated he had a fear of falling. Subsequently, on 13 Feb 07, SrA Complainant, on his own accord, made an appointment with Captain Hospital, Clinical Social worker at the 199th MDG, for personal counseling. Additionally, on 14 Feb 07, SrA Complainant contacted the IG about being yelled at and the wing safety office regarding safety concerns in the Electrical Systems Apprentice Course.

c. On 5 Mar 07, the squadron commander recommended SrA Complainant be eliminated from the Electrical Systems Apprentice Course and retrained based on his fear of falling and the failure of the AF to administer the fear of heights test before he entered the career field. The group commander agreed with the squadron commander's recommendation. SrA Complainant was removed from training on 20 Mar 07.

d. The squadron believed SrA Complainant could be an asset to the Air Force and worked to retain him. On 5 Jun 07, the commander directed a mental health evaluation in accordance with AF guidance to use as supporting documentation to retain SrA Complainant. Subsequently, on 6 Jun 07, SrA Complainant went to the IG and alleged he was directed to get a mental health evaluation on 5 Jun 07 in reprisal for his protected communications to the IG between Jan and Feb 07 regarding unsafe conditions in the Electrical Systems Apprentice Course.

9. DETERMINATION:

Based on a review of the documentation and interview, an investigation into the allegations of reprisal under 10 USC 1034 for being eliminated from training and for receiving a commander directed MHE is not warranted and that the allegations of reprisal for both issues should be dismissed. Further there is no evidence of abuse of authority.

[*Must provide detailed rationale if recommending NOT to conduct an investigation -- Analysis and any attachments/testimony must be forwarded to IG DoD (through MAJCOM/FOA/DRU and SAF/IGQ) for final determination*]

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10. IG COMPLETING ANALYSIS:

a. Full Name, Rank, and Organization: Very P. Helpful, MSgt, 199th Wing Inspector General's Office

b. Date Completed Analysis: 3 Jul 07

c. DSN and Commercial Phone Numbers: DSN 999-9999, Comm: 999-999-9999

d. Signature: ***Very P. Helpful***

11. ATTACHMENTS:

1. Copy of ACTS Case File Worksheet, 2007-XXX3
2. Notification of Allegations of Reprisal Protected Under 10 USC 1034
3. Whistleblower Rights Acknowledgement form
4. Copy of ACTS Case File Worksheet, 2007-XXX1
5. Safety Assessment of Electrical System Apprentice Course, 4 Mar 07
6. Copy of ACTS Case File Worksheet, 2007-XXX2
7. MFR, Commander-directed MHE Notification, dated 5 Jun 07
8. MFR, Complaint Clarification Interview with SrA Complainant, dated 9 Jun 07
9. MFR, Captain Hospital (Assessment recommendation), dated 13 Feb 07
10. Excerpt from DoDD 6490.1, *Mental Health Evaluations of Members of the Armed Forces,* 1 Oct 97
11. Excerpt from AFI 44-109, *Mental Health, Confidentiality, and Military Law,* 1 Mar 00
12. MAJCOM Form 125 (Record of Administrative Training Action)
13. Summary of Inquiry with RMO, Lt Col Boss, 23 Jun 07
14. MFR, Lt Goldbar (SrA Complainant's MHE)
15. Summary of Inquiry with RMO, Lt Goldbar, 23 Jun 07
16. Excerpt, AFMAN 36-2108, Enlisted Classification, 31 Oct 00

[Copies of all adverse personnel actions

Written statements or testimony from responsible management officials

Other referenced documentation]

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Attachment 21

FORMAT FOR ACID TEST FOR REPRISAL

1q. Did the military member make or prepare a communication protected by statute, DoD Directive, or AFI 90-301 (to an IG; a member of an IG office investigative staff; Member of Congress or their staff; a member of a DoD audit, inspection, investigation, or law enforcement organization; any person in their chain of command; Chief Master Sergeant of the Air Force; Command Chief Master Sergeant; or First Sergeant)?

1a. Answer Yes or No. *[Providing details including the dates of protected communication; who the member made the protected communication to; and what the protected communication concerned.]* **See Note 1.**

2q. Was an unfavorable personnel action taken or threatened; or was a favorable action withheld or threatened to be withheld following the protected communication?

2a. Answer Yes or No. *[Provide an explanation of what was the unfavorable or withheld favorable personnel action, or threat thereof, taken or withheld. Also detail which officials were responsible for which particular action.]*

3q. Did the official(s) responsible for taking, withholding, or threatening the personnel action know about the protected communication?

3a. Answer Yes or No. *[Briefly state supporting facts, evidence, and testimony. It is important to state when each official responsible for the adverse action became knowledgeable. Give specific dates whenever possible. If an exact date is unknown, state "on or about" what date or time frame. Do not make general statements such as "Everyone knew that the complainant talked with the IG."]* **See Note 2.**

4q. Does the preponderance of the evidence establish that the personnel action would have been taken, withheld, or threatened if the protected communication had not been made?

4a. Answer Yes or No. *[Be specific and explain logic and rationale. Establish whether there is a genuine connection between the adverse personnel action and the protected communication.]*

**** When answering the fourth question, the following five (5) related questions regarding the personnel action must be addressed in the analysis as separate subheadings:*

(1) ***Reasons*** *stated by the responsible official for taking, withholding, or threatening the action;*

(2) ***Reasonableness*** *of the action taken, withheld, or threatened considering the complainant's performance and conduct;*

(3) ***Consistency*** *of the actions of responsible management officials with past practice;*

(4) ***Motive*** *of the responsible management official for deciding, taking, or withholding the personnel action;*

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(5) ***Procedural correctness*** *of the action. This will allow the IO to determine explicitly whether or not the adverse action was: (a) reprisal (in the case where answers to the first three questions are "yes");* ***or*** *(b) an "abuse of authority" (in the case where the answer to either the first or third question is "no")* **See Note 3.**

Note 1: If the complainant did not make or prepare to make a protected communication, then it must be determined if the responsible management official (s) suspected, believed, or heard rumors that there was a protected communication before the allegation can be dismissed as a reprisal. If there is a question about whether or not a confirmed communication is a "protected" communication, the IO should enter a "Finding"; even if the IO finds the communication wasn't "protected," he or she should nonetheless proceed with the Acid Test as if it were. In those cases where complainants allege an action was taken in "reprisal" for a communication not protected by statute, DoD or Air Force Directive, the investigation is not over. The IO should determine whether or not the adverse action was otherwise an "abuse of authority."

Note 2: If the official responsible for taking, withholding, or threatening the personnel action did not know about the protected communication, then reprisal cannot be substantiated. However, the IO should nonetheless proceed with the Acid Test to determine whether or not the adverse personnel action was otherwise an "abuse of authority."

Note 3: If the answer to the first three questions is "yes" and the answer to the fourth question is "no," then reprisal generally has occurred. As with any investigation, especially those alleging reprisal, consult your JA.

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Attachment 22

FORMAT FOR ACID TEST FOR ABUSE OF AUTHORITY

If an allegation of reprisal does not meet the definition of reprisal under 10 USC §1034, IGs will still address the allegation as an abuse of authority.

Definition: Abuse of authority is an arbitrary and capricious exercise of power that adversely affects any person or results in personal gain or advantage to the abuser.

Answer the following questions to determine if abuse of authority has occurred:

1. Did the responsible management official's (RMO's) actions either:

a. Adversely affect any person? (e.g., demotion, referral OPR, extra duty, etc.)

or

b. Result in personal gain or advantage to the RMO? (e.g., promotion, award, etc.)

If questions 1(a) and 1(b) are both answered "no," then it is not necessary to consider question two.

If either part of question 1(a) or 1(b) is answered "yes," the IO must answer questions two and three.

2. Did the RMO act within the authority granted under applicable regulations, law or policy?

3. Was the action arbitrary and capricious: (you must use the following factors in your decision)

a. What were the **Reasons** stated by the responsible official for taking, withholding, or threatening the action?

b. What was the **Reasonableness** of the action taken, withheld, or threatened considering the complainant's performance and conduct?

c. Were the actions taken by the RMO **Consistent** with past practice?

d. What was the **Motive** of the RMO for deciding, taking, or withholding the personnel action?

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Attachment 23

FORMAT FOR REPRISAL INVESTIGATION EVALUATION FORM

SECTION A. COMPLETED BY THE INVESTIGATING OFFICER.

1. Information on Complainant:

a. Full Rank and Name:

b. Duty Station *(State full address)*:

c. Status (*State whether Active Duty, Reserve, Guard, and so on*):

d. Initial Protected Communication was made to (*Member of Congress, an AF IG, IG DoD, and so on):*

e. Date of the Initial Protected Communication *(State day/month/ year):*

f. Initial Protected Communication Alleged what Wrongdoing *(Be specific):*

g. Date the Reprisal Complaint was filed *(State day/ month/ year):*

2. Investigation Information: State the subjects (responsible management officials) responsible for the personnel action(s), the date subject first learned about the complainant's protected communication or believed/suspected the complainant had made a communication and all adverse personnel actions the subject took against the complainant; the date of each personnel action and whether or not the personnel action(s) was reprisal. (**Note**: If more than four subjects, add rows with additional names when format is computerized; if format is printed, use an additional form.)

Subject (s) *(Rank, Full Name, Duty Title, Organization)*	Date Subject Learned of Complainant's Protected Communication *(Day/Month/Year)*	Personnel Action(s) Taken, Threatened, or Withheld *(Be Specific. List each action associated with the subject.)*	Date of Each Personnel Action *(Day/Month/Year)*	Reprisal *(State "Yes" or "No" for each personnel action)*
1.	1.	1a. 1b. 1c. 1d.	1a. 1b. 1c. 1d.	1a. 1b. 1c. 1d.
2.	2.	2a. 2b. 2c. 2d.	2a. 2b. 2c. 2d.	2a. 2b. 2c. 2d.

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3. IO's Information:

a. Full Rank and Name:

b. Unit and Base Assigned:

c. DSN and Commercial Numbers:

d. Signature and Date Completed Section A:

SECTION B. COMPLETED BY APPOINTING AUTHORITY OR SERVICING IG.

4. Appointing Authority or Servicing IG Worksheet.

Did the IO:	**Respond "Yes" or "No"**
a. Work for any of the subjects (responsible management officials) in the case? *(The IO should be free from command influence)*	
b. Apply the acid test for each personnel action taken, threatened, or withheld?	
c. Accurately identify all protected communications?	
d. Investigate all personnel actions alleged to be reprisal?	
e. Identify all subjects (responsible management officials)?	
f. Were all personnel actions alleged to be reprisal looked into or otherwise addressed?	
g. Determine whether the personnel actions by each subject would have been taken, withheld, or threatened if the protected communication had not been made?	
h. Interview the complainant first?	
i. Ask the complainant why they believe the personnel action to be reprisal?	
j. Interview key witnesses? List any key witnesses or witnesses given by the complainant who were not interviewed and fully explain why each witness was not interviewed?	
k. Interview all subjects (responsible management officials)?	
l. Ask each responsible management official why *(what was their rationale)* they took, withheld, or threatened the personnel action?	
m. Objectively present the facts of the case and report the events clearly?	
n. Address all relevant information?	
o. Accurately summarize witness testimony in sufficient detail to support the findings?	
p. Obtain copies of all pertinent supporting documentation?	
q. Remain impartial and unbiased?	
r. Present both sides of the issues? *(Is the report balanced?)*	
s. Base his/her conclusions on the facts?	
t. Address all the complainant's allegations? (All reprisal allegations plus any other allegations the complainant alleged)	

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5. Review of ROI. Was the Report of Investigation (ROI) reviewed by a JA, found legally sufficient and part of the case file? (*Yes or No*. *If no, explain what action was taken to correct the problem areas and attach a second legal review showing case was again reviewed by legal officials and found legally sufficient.*)

6. Deficiencies. Were there deficiencies, discrepancies, incongruities (contradictions or inconsistencies) in the IOs findings, conclusions?

7. Comments. Provide comments if there were problems, which did not affect the outcome and any additional explanation as desired.

8. Complete this question when an allegation(s) is/are substantiated. *(Recommend commanders wait to take corrective action until higher headquarters notifies you that the case has been approved by DoD.)*

a. List corrective action or remedy for the complainant: (*State briefly what actions the commander took or initiated to correct the error or injustice.*)

b. List the corrective or disciplinary action taken or initiated against subject(s) (responsible management officials).

9. IG or Appointing Authority completing review: I certify that the attached ROI meets all the requirements outlined in AFI 90-301; supports the IOs findings and conclusions; and was found legally sufficient by the JA.

a. Full Rank, Name, and Organization.

b. Date Completed Review.

c. DSN and Commercial Numbers.

d. Signature of Reviewing Official.

SECTION C. COMPLETED BY NUMBERED AIR FORCE/IG, if applicable.

10. IG official completing review: I certify that the attached ROI meets all the requirements outlined in AFI 90-301; supports the IOs findings and conclusions; and was found legally sufficient by the JA.

a. Full Rank, Name, and Organization.

b. Date Completed Review.

c. DSN and Commercial Numbers.

d. Signature of Reviewing Official.

SECTION D. COMPLETED BY MAJCOM, JFHQ, FOA, OR DRU IG.

11. IG official completing review: I certify that the attached ROI meets all the requirements outlined in AFI 90-301; supports the IOs findings and conclusions; and was found legally sufficient by the JA.

a. Full Rank, Name, and Organization.

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b. Date Completed Review.

c. DSN and Commercial Numbers.

d. Signature of Reviewing Official.

<u>SECTION E.</u> Final Quality Review by SAF/IGS or SAF/IGQ.

12. IG official completing review: I certify that the attached ROI meets all the requirements outlined in AFI 90-301; supports the IOs findings and conclusions; and was found legally sufficient by the JA.

a. Full Rank, Name, and Organization.

b. Date Completed Review.

c. Signature of Reviewing Official.

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Attachment 24

NOTIFICATION OF ALLEGATIONS OF RESTRICTION PROHIBITED UNDER 10 USC 1034

Date

MEMORANDUM FOR MAJCOM/IG
SAF/IGQ
IN TURN

FROM: (Full Official Address)

SUBJECT: Report of Allegations of **Restriction** under 10 USC 1034 **(ACTS Case File Number)**

According to AFI 90-301, the following information is provided:

a. Subject's Name (Last, First, MI), Rank, and SSN:

Subject's Duty Title:

Organization:

Base of Assignment:

b. Location (base) where allegation(s) occurred:

c. Complainant's name (last, first, MI) and rank:

Complainant's organization:

Base of assignment:

d. Brief synopsis of allegation(s):

e. Date the IG received the complaint:

f. Rank, name, and duty location of the Investigating Officer (*if applicable*):

g. Grade/rank, name and phone number: (*commercial and DSN*) of IG POC:

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Attachment:

Copy of Restriction Complaint

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Attachment 25

FORMAT FOR MENTAL HEALTH REFERRAL EVALUATION FORM CHECKLIST FOR ASSESSING ALLEGATIONS OF VIOLATIONS OF DODD 6490.1, DODI 6490.4, AND AFI 44-109

SECTION A. COMPLETED BY THE IO.

1. Information on Complainant:

a. Full Name and Rank.

b. Duty Station: *(State full address)*.

c. Status: (*State whether Active Duty, Reserve, Guard, and so on*).

d. Date Involuntarily Referred for a Mental Health Evaluation: *(State day/month/year)*.

e. Date member notified Inspector General: *(State day/month/year)*.

2. Information on Subject:

a. Full Name and Rank.

b. Duty Station: *(State full address)*.

c. Status: (*State whether Active Duty, Reserve, Guard, and so on*).

d. Reason(s) why subject referred complainant to Mental Health.

NOTE: The requirements of DoDD 6490.1 do not apply in the following situations:

a. When a member is referred to Mental Health related to mental responsibility and capacity to stand trial according to Rule for Courts-Martial 706, *Manual for Courts-Martial (MCM)*, United States, 1984.

b. Interviews conducted under the Substance Abuse Control Program or interviews conducted under the Family Advocacy Program.

c. If either of the above situations exist, then skip to paragraph 4 and complete information regarding the Investigating Officer. If member alleges reprisal, IO must follow the procedures outlined in AFI 90-301 and complete a *Reprisal Investigation Evaluation Form*.

3. Referral Conditions: (*Fill out the section that applies to the complainant's referral to mental health)*.

Part A	**GENERAL GUIDELINES:** *(State Yes or No unless otherwise indicated in the area next to the question under "Response". Some questions require additional information. State all dates in "day/month/year" format. Any question where the response is "No" provide a detailed explanation; attach additional pages if necessary)*	**Response:** *(If yes, complete information requested, if any)*

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1	Did the commander first consult with a Mental Healthcare Provider (MHP) prior to making the referral to discuss the member's actions and behavior that the commander believes warrant the evaluation? (DoDI 6490.4, 6.1.1.2) (a) Date commander consulted with MHP: _____ (b) Rank/Name of MHP contacted: _____	
2	Did the commander make the referral? (DoDI 6490.4, 6.1.1.1)	
3	Was the member evaluated by a **MHP**, as defined by (DoDI 6490.4, Enclosure 2, E2.1.7) (a) Date evaluation was conducted: _____	
4	Did the MHP forward a memorandum to the commander to inform the commander of the results of the MHE and provide recommendations? (DoDI 6490.4, paragraph 6.1.3.5 and Enclosure 5)	
5	Upon request by the member, was a DoD-provided legal counsel appointed to assist the member at no cost to the member? (DoDI 6490.4, 6.1.2)	
Part B	**ROUTINE (NON-EMERGENCY REFERRAL)** *(Complete if applicable)*	
1	Did the commander forward a written request for Mental Health Evaluation (MHE) to the Medical Treatment Facility (MTF) or clinic? (DoDI 6490.4, 6.1.1.2 and Enclosure 3)	
2	Did the commander provide the member with a written notification of MHE at least two duty days before the appointment? (DoDI 6490.4, 6.1.1.4 and Enclosure 4) (a) Date member received the notification letter:_____	
3	Did the written notification include: (DoDI 6490.4, 6.1.1.4.1.1 and Enclosure 4) (a) A brief factual description of the behavior and/or verbal communications that led to the referral decision.	
	(b) Name(s) of MHP(s) with whom the commander consulted before making the referral. (DoDI 6490.4, 6.1.1.4.1.2) ***If a consultation with a MHP was not possible, the memorandum shall state the reason(s) why.***	
	(c) Notification of the member's Statement of Rights under Public Law No. 102-484. (DoDI 6490.4, 6.1.1.4.1.3)	
	(d) The date, time, and place the MHE is scheduled and the name and rank of the MHP who will conduct the evaluation. (DoDI 6490.4, 6.1.1.4.1.4)	

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	(e) Titles and telephone numbers of other authorities, including JAs, IG, and chaplains, who can assist the member who wishes to question the necessity of the referral. (DoDI 6490.4, 6.1.1.4.1.5)	
	(f) Name and signature of the commander. (DoDI 6490.4, 6.1.1.4.1.6)	
4	Did the MHP advise the member of the purpose, nature, and likely consequences of the evaluation before the evaluation began, and advised the member that the evaluation was **not confidential**? (DoDI 6490.4, 6.1.3.3)	
Part C	**EMERGENCY REFERRAL** *(Complete if applicable)*	
1	Did the Emergency MHE meet the definition of "Emergency" in DoDD 6490.1, 4.2.3.1 and DoDI 6490.4, Enclosure 2, E2.1.1?	
2	Did the commander consult with a mental healthcare provider, or other healthcare provider at the medical treatment facility where the member is transported and forward a memorandum documenting the information discussed? (DoDD 6490.1, 4.2.3.2)	
3	Did the commander take action to safely convey the member to the nearest MHP or MTF? (DoDI 6490.4, 6.1.1.5.3)	
4	Did the commander provide the member with a memorandum and statement of rights, as soon as practicable? (DoDI 6490.4, 6.1.1.5.4 and Enclosure 4)	
Part D	**INVOLUNTARY HOSPITALIZATION FOR PSYCHIATRIC EVALUATION AND/ OR TREATMENT** *(Complete if applicable)*	
1	Was the member admitted by a psychiatrist (or if psychiatrist not available, by another provider privileged to admit psychiatric patients)? (DoDD 6490.1, paragraph 4.5.2) (a) Rank/Name of admitting provider (professional): _____ (b) Date member was admitted: _____	
2	Did the commander coordinate with the MHP and inform the member of the reasons for admission (evaluation and/or treatment), the likely consequences of the evaluation and any treatment, and the member's rights as listed in Enclosure 4, DoDI 6490.4, as soon as the member's condition permitted? (DoDI 6490.4, 6.2.2.1) (a) Rank/Name of official who informed member: _____ (b) Date this occurred: _____	

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3	Did the commander or MHP inform the member of his/her right to contact a relative, friend, chaplain, JA, and/or an IG as soon after admission as the member's condition permitted? (DoDI 6490.4, 6.2.2.2) (a) Rank/Name of official who informed member: _____ (b) Date this occurred: _____	
4	Was member allowed to contact a relative, friend, chaplain, JA, and/or an IG? If member was not allowed, explain why.	
5	Was the member evaluated by the attending privileged psychiatrist, or another privileged physician if a psychiatrist is not available, within 24 hours after admission to determine if continued hospitalization and/or treatment were warranted or if the member should have been discharged from the hospital? (DoDI 6490.4, 6.2.2.3) (a) Rank/Name of MHP who made the decision: _____ (b) Date decision was made: _____ (c) Date member was released from the hospital: _____	
6	If the attending psychiatrist recommended continued hospitalization, was the member notified orally and in writing of the reasons for continued hospitalization? (DoDI 6490.4, 6.2.2.4) (a) Rank/Name of MHP who made the decision: _____ (b) Date member was informed: _____	
Part E	**INDEPENDENT REVIEW PROCEDURES FOR CONTINUED INVOLUNTARY PSYCHIATRIC HOSPITALIZATION** (Complete if applicable)	
1	IAW DoDI 6490.4, did the MTF commander appoint an independent privileged psychiatrist, or another medical officer, if a psychiatrist is not available, to review the factors that led to the involuntary admission and assess the clinical appropriateness of continued involuntary hospitalization, and complete the review within 72 hours of member's admission? (DoDI 6490.4, 6.2.3.1) (a) Rank/Name of Reviewing Officer: _____ (b) Date Appointed: _____	
2	Did the Reviewing Officer review the member's medical record, rights advisement memorandum, and examine the service member? (DoDI 6490.4, 6.2.3.2)	

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3	Did the Reviewing Officer notify the member of the right to have legal representation during the review, by a DoD JA (at no expense to the member), or by an JA of the member's choosing, at the member's own expense, if reasonably available? (DoDI 6490.4, 6.2.3.3)	
4	Did the Reviewing Officer introduce himself/herself to the member and indicate the reasons for the interview and that he/she would conduct an independent/impartial review of the reasons for involuntary psychiatric hospitalization? (DoDI 6490.4, 6.2.3.4)	
5	Did the Reviewing Officer notify the member of the reviewer's recommendations for continued involuntary hospitalization and the date of the next independent review (not to exceed 5 work days)? (DoDI 6490.4, 6.2.3.5)	
6	Did the Reviewing Officer first confer with the referring commander and the admitting MHP to clarify issues when there is evidence that indicates that the MHE may have been requested or conducted improperly? (DoDI 6490.4, 6.2.3.6)	
7	Did the Reviewing Officer report the finding of improper referral/ admission to the MTF commander for possible referral to the IG within 72 hours of member's admission? (DoDI 6490.4, 6.2.3.6) (a) Date Reviewing officer reported determination to MTF commander: _____	
Part F	**IMMINENTLY DANGEROUS SERVICE MEMBERS** (Complete if applicable)	
1	Did the commander refer the member for an emergency MHE as soon as practicable, whenever the member, by actions or words, such as actual, attempted or threatened violence, intends or is likely to cause serious injury to himself, herself or others and when the facts and circumstances indicate that the member's intent to cause such injury is likely and when the commander believes that the member may be suffering from a severe mental disorder? (DoDI 6490.4, 6.3.2.1) (a) Date of member's referral: _____ (b) Date unusual behaviors/actions were noted: _____	

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2	Did the commander first consult with a MHP prior to making the referral? (DoDI 6490.4, 6.3.2.1) (a) Rank/Name of MHP: _____ (b) Date MHP was consulted: _____	
3	Did the MTF conduct the MHE as soon as possible, but within 24 hours of the initial request? (DoDI 6490.4, 6.3.4.1) (a) Date of MHE: _____	
4	Did the commander take action to protect the member's safety and the safety of potential victims, if any? (DoDI 6490.4, 6.3.4.1)	
5	Did the MHP take precautionary measures when the member communicated (during the evaluation) an explicit threat to kill or seriously injure a clearly identified or reasonably identifiable person, or to destroy property under circumstances likely to lead to serious bodily injury or death? (See DoDI 6490.4, 6.6.1, for precautionary measures to take)	

4. Information Concerning the Investigating Officer (IO):

a. Rank/Name.

b. Base of Assignment.

c. Date Appointed IO.

d. DSN and Commercial Number (CONUS only).

e. Date this Form Completed.

f. IOs Signature:_____

SECTION B. COMPLETED BY APPOINTING AUTHORITY OR IG.

5. Reporting: Did the IG report to SAF/IGQ within 7 duty days of receipt of the allegations of improper MHE referral using AFI 90-301, paragraph **7.6.**? *(YES/NO)*

6. Certification: I certify that the attached ROI meets all the requirements outlined in AFI 90-301; supports the IOs findings and conclusions; and was found legally sufficient by the JA.

a. Full Name, Rank, and Duty Title:

b. Date Completed Review:

c. DSN and Commercial Numbers:

d. Signature of IG/Appointing Authority: _____

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SECTION C. COMPLETED BY NAF/IG, if applicable.

7. IG official completing review: I certify that the attached ROI meets all the requirements outlined in AFI 90-301; supports the IOs findings and conclusions; and was found legally sufficient by the JA.

a. Full Name, Rank, and Duty Title:

b. Date Completed Review:

c. DSN and Commercial Numbers:

d. Signature of Reviewing Official: _____

SECTION D. COMPLETED BY MAJCOM, JFHQ, FOA, OR DRU IG.

8. IG official completing review: I certify that the attached ROI meets all the requirements outlined in AFI 90-301; supports the IOs findings and conclusions; and was found legally sufficient by the JA.

a. Full Name, Rank, and Duty Title:

b. Date Completed Review:

c. DSN and Commercial Numbers:

d. Signature of Reviewing Official: _____

SECTION E. COMPLETED BY SAF/IGS OR SAF/IGQ.

9. Notification: Did SAF/IGS or SAF/IGQ notify IG DoD within 10 duty days from receipt of allegations of improper MHE? *(YES/NO)*

10. IG official completing review: I certify that the attached ROI meets all the requirements outlined in AFI 90-301, supports the IOs findings and conclusions, and found legally sufficient by the JA.

a. Full Name, Rank, and Duty Title:

b. Date Completed Review:

c. Signature of Reviewing Official: _____

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Attachment 26

NOTIFICATION OF ALLEGATIONS OF IMPROPER MHE REFERRAL

Date

MEMORANDUM FOR MAJCOM/IG
SAF/IGQ
IN TURN

FROM: (Full Official Address)

SUBJECT: Report of Alleged Violations of DoD Directive 6490.1, *Mental Health Evaluations of Members of the Armed Forces,* **(ACTS Case File Number)**

According to AFI 90-301, *Inspector General Complaints Resolution,* the following information is provided: *(Separate list for all subjects*)

a. Subject's Name (Last, First, MI) and rank:

b. Subject's duty title:
Organization:
Base of assignment:

c. Location (base) where alleged violations occurred:

d. Complainant's Name (Last, First, MI) and rank:

e. Complainant's duty title:
Organization:
Base of assignment:

f. Brief synopsis of allegation(s):

g. Date the IG received the complaint:

h. Grade/rank, name and duty location of the IG POC:

i. IG POC and phone number: (*commercial and DSN*)

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Attachment 27

HOTLINE COMPLETION REPORT FORMAT
HOTLINE COMPLETION REPORT

(DATE)

1. Name of Official (IO or IG) Conducting the Investigation:

2. Rank or Grade of Official (IO or IG):

3. Duty Position and Contact Telephone Number of Official (IO or IG):

4. Organization of Official (IO or IG): Fully identify the title of the organization and location without abbreviations. (You may include authorized abbreviations or symbols in parentheses.)

5. Defense Hotline Control Number and ACTS Case File Number:

6. Scope of Investigation, Conclusions, and Recommendations: Identify the title of the applicable organization or person against whom the allegation is made, without abbreviations. (Authorized abbreviations or symbols may be included in parentheses.)

a. Scope of Investigation. Identify the allegations; the applicable organization and location; the person(s) or organization(s) against whom the allegation was made; the scope, nature and manner of the investigation conducted; documents reviewed, witnesses interviewed and whether interviews were conducted by telephone or in person (the identity of the interviewees need not be reflected in the report, but should be documented in the official file of the agency conducting the investigation).

b. Findings. Report the findings as they relate to each allegation. Provide a list of documents and/or evidence collected to support the findings and their location.

c. Conclusions and Recommendations. For each allegation, state the analysis of the findings and the conclusions made by the IO. This section also should include comments as to the adequacy of existing policy or regulations, noted weaknesses in systems of internal controls, and any recommended corrective actions.

7. Cite Any Criminal or Regulatory Violation(s) Substantiated:

8. Disposition: For investigations involving economies and efficiencies, include any management actions taken as part of the final report. For examinations involving criminal or other unlawful acts, include the results of criminal prosecutions, providing details of all charges and sentences imposed. Include the results of administrative sanctions, reprimands, value of property or money recovered, or other such actions taken to preclude recurrence.

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9. Specify Security Classification of Information: Determine and state, when applicable, any security classification of information included in the report that might jeopardize national defense or otherwise compromise security if the contents were disclosed to unauthorized sources.

10. Location of Field Working Papers and Files:

IO or IG Signature Block

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Attachment 28

SAMPLE OFFICIAL USE REQUEST (OUR) FROM A COMMANDER

Date

MEMORANDUM FOR [*Appointing Authority*]

FROM: 23 MSS/CC

SUBJECT: Official Use Request for IG Records -- [*ACTS Case File Number*]

1. On 1 Mar 04, I was provided with the Report of Investigation (without attachments) for determination of appropriate command action.

2. In accordance with AFI 90-301, *Inspector General Complaints Resolution,* I request release of the verbatim testimony of [*TSgt Joe Smith*] (Tab D-3) and a copy of the travel voucher in question (Tab E-1). Review of these documents is critical in determining appropriate command action.

3. Please provide me with the requested records NLT 15 Mar 04. If you have any questions, you can reach me at DSN XXX-XXXX.

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Commander

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Attachment 29

OFFICIAL USE REQUEST (OUR) RELEASE MEMORANDUM

Date

MEMORANDUM FOR 23 MSS/CC

FROM: [*Appointing Authority*]

SUBJECT: Official Use Request of IG Records -- [*ACTS Case File Number*]

1. In accordance with AFI 90-301, *Inspector General Complaints Resolution*, your 2 Mar 04 request for release of subject IG record is approved. Our approval covers the release of the verbatim testimony of TSgt Joe Smith and a copy of the travel voucher in question. We understand that the purpose behind the request is to review the records to determine appropriate command action.

2. IG records are protected documents. They may not be used as advisories or released, or disseminated in whole or in part, or incorporated into another system of records without the express permission of the Inspector General, Secretary of the Air Force.

3. We conclude that this transfer of IG records is permitted as an intra-agency disclosure to officers of the agency having a need for the record in the performance of their official duties (5 USC 552a(b)(1)). You are advised of the protected nature of the report and instructed to comply with the provisions of the Privacy Act in using the record. Improper release of such information may constitute a violation of the Privacy Act subjecting the individual making willful, improper disclosure to civil and criminal penalties. We require that you use all reasonable means at your disposal to prevent further release of the information other than official discussions with personnel and legal officials or disciplinary procedures against the subject.

4. Should it be necessary to provide extracts of these records to the subject in the proposed disciplinary action, we further authorize release of these extracts to the subject. However, we ask that you limit those extracts to those absolutely necessary to support the action or those relevant to the subject's defense. If you have questions or concerns about what extracts are appropriate for release, consult with me or the JA office. Please return these records upon completion of your proceedings, or properly destroy the records. If you have any questions, please contact [IG] at XXX-XXXX.

5. This letter and the attached documents are marked "FOR OFFICIAL USE ONLY" and contain protected information and must be protected under the Privacy Act.

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Appointing Authority

Attachments:

1. Verbatim Testimony of TSgt Smith, Tab D-3
2. Travel Voucher, Tab E-1

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