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SECRETARY OF THE AIR FORCE**



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**AIR FORCE RESERVE COMMAND
Supplement**

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Special Management

**INSPECTOR GENERAL COMPLAINTS
RESOLUTION**

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This instruction implements Air Force Policy Directive (AFPD) 90-3, *Inspector General--The Complaints Resolution Program*; and is consistent with the President's Council on Integrity and Efficiency, *Quality Standards for Federal Offices of Inspector General*, August 2012.

This instruction applies to all Regular Air Force (RegAF) personnel, Department of the Air Force civilian employees, Air Force Reserve (AFR) personnel and Air National Guard (ANG) personnel.

Failure to observe the prohibition against reprisal in [paragraph 5.2](#) or the prohibitions against restriction in [paragraph 6.2](#) by Regular Air Force military members, Air Force Reserve military members on active duty or inactive duty for training, and Air National Guard military members in Title 10 status is a violation of Article 92 or Article 132, Uniform Code of Military Justice. Air Force civilian employees who violate these provisions are subject to administrative or disciplinary

action. Air National Guard personnel not in federal status are subject to their respective state military code or applicable administrative actions, as appropriate.

This instruction assigns responsibilities and prescribes procedures for reporting and processing all allegations or adverse information of any kind against Air Force Senior Officials and Air Force officers and complaints involving allegations of reprisal or restriction.

This instruction requires the collection and or maintenance of information protected by the Privacy Act of 1974 authorized by 5 United States Code Section 552a, 10 USC § 8013 and 10 USC § 8020. The applicable System of Records Notice (SORN) F090 AF IG B, Inspector General Records is available at: <http://dpcl.d.defense.gov/Privacy/SORNs/>. In implementing this instruction, Inspectors General (IGs) may collect and maintain this information. The reporting requirements in this instruction are exempt from licensing in accordance with Air Force Instruction (AFI) 33-324, *The Air Force Information Collections and Reports Management Program*.

Refer recommended changes and questions about this publication to the Office of Primary Responsibility (OPR) using the AF Form 847, Recommendation for Change of Publication; route AF Form 847 from the field through the appropriate MAJCOM IG. Ensure that all records created as a result of processes prescribed in this publication are maintained in accordance with Air Force Manual (AFMAN) 33-363, Management of Records, and disposed of in accordance with the Air Force Records Disposition Schedule (RDS) located in the Air Force Records Information Management System (AFRIMS).

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

The authorities to waive wing/unit level requirements in this publication are identified with a Tier (“T-0, T-1, T-2, T-3”) number following the compliance statement. See AFI 33-360, *Publications and Forms Management*, for a description of the authorities associated with the Tier numbers. Submit requests for waivers through the chain of command to the appropriate Tier waiver approval authority, or alternately, to the requestors commander for non-tiered compliance items.

For the purpose of this instruction, the term: “reprisal” refers to retaliatory actions against a military member prohibited by 10 USC § 1034, unless modified by the term “civilian” or referencing 5 USC § 2302(b); “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*.

(AFRC) This supplement extends guidance of AFI90-301, *Inspector General Complaints Resolution*. This supplement applies to all military and civilian Air Force Reserve Command (AFRC) personnel. This supplement does not apply to the Air National Guard. Refer recommended changes and questions about this publication to the Office of Primary Responsibility (OPR) using the AF Form 847, *Recommendation for Change of Publication*; route AF Form 847 from the field through functional chain of command to the publication OPR. Ensure that all records created as a result of processes prescribed in this publication are maintained IAW Air Force Manual (AFMAN) 33-363, *Management of Records*, and disposed of IAW Air Force Records Information

Management System (AFRIMS) Records Disposition Schedule (RDS). This publication may be supplemented at any level. Send all supplements to the AFRC/IG email box, afrc.igq@us.af.mil for approval. The authority to waive wing/unit level requirements in this publication is identified with a Tier (T-2) number following the compliance statement. Refer to AFI 33-360, *Publications and Forms Management*, for a description of the authorities associated with the Tier numbers. Submit requests for waivers through the chain of command to the appropriate Tier waiver approval authority. For non-Tier compliance items, submit waiver request through your chain of command to the Publication OPR.

SUMMARY OF CHANGES

This document is substantially revised and must be completely reviewed. Major changes include separating investigation procedures into a separate chapter; adding a new chapter on the collection of adverse information on all officers (or civil servant Grade 15 or equivalent) and combining that with the former chapter on senior officers; moving chapters on reprisal and restriction as well as the chapter on senior officials; deleting chapters on congressional inquiries, EO complaints, fraud, waste and abuse complaints, civil liberties, as well as the chapter on OSC investigations and merging elements of those deleted chapters with other chapters.

(AFRC) This supplements chapters, paragraphs and tables have been adjusted to match the latest AFI 90-301 revision, dated 28 Dec 2018. In addition, it is endorsed by Lt Gen Richard W. Scobee, the AFRC/CC versus previous supplement endorsed by AFRC/IG

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Chapter 1

THE INSPECTOR GENERAL COMPLAINTS RESOLUTION PROGRAM

Section 1A—The Air Force Inspector General Complaints Resolution Program

1.1. Overview. This chapter covers the background, authority, and purpose of the IG complaints resolution program. 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 complaints resolution program throughout the Air Force, Air Force Reserve, and Air National Guard.

1.2. The IG Complaints Resolution Program. The IG complaints resolution program used throughout the total force is based on the concept that IGs serve as an extension of their commanders by acting as the commanders' eyes and ears to be alert to issues affecting the organization. IGs 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 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 affecting 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 duty to serve as fair, impartial, and objective fact-finders and problem solvers. They must be sufficiently independent so those complainants requesting IG help will continue to do so, even when they feel 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. This facilitates the execution of the complaint resolution program for 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. While IGs work for their respective commanders, IGs may request and are expected to provide support to other IGs within the total force IG system. All IGs who work matters under the Complaint Resolution Program must adhere to IG policies. The Secretary of the Air Force, Inspector General (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. Delegated Statutory Authority. AFPD 90-3, *Inspector General--The Complaints Resolution Program* implements 10 USC § 8020.

1.4.1. Within the Air Force, authority to manage the Inspector General Complaints Resolution Program (CRP) is hereby delegated to IGs at all organizational levels. Subordinate inspectors

general at all organizational levels below SAF/IG derive their authority from AFI 90-301, *Inspector General Complaints Resolution*.

1.4.2. In accordance with 10 USC § 936(b)(6), 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 investigating officers (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.

1.5. Investigations not Covered by the Authority of the IG System. Personnel who direct or conduct administrative inquiries or investigations governed by other policy directives and instructions (e.g., Commander Directed Investigations) will not cite this instruction as the authority.

1.6. Authority to Direct Investigations. The Air Force IG CRP requires each investigation be initiated and closed in writing by a designated Appointing Authority. Only those individuals incumbent in the positions listed below are authorized to direct an IG investigation, and are therefore, appointing authorities. Appointing authorities have the singular authority to direct investigations, appoint investigating officers (IOs), and approve the reports of investigation. Commanders or IGs at any organizational level will not further delegate “appointing authority” except as stated below.

1.6.1. Secretary of the Air Force (SECAF).

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

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

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

1.6.5. The Adjutant General (TAG) of all states, Puerto Rico, the US Virgin Islands, Guam, and The Commanding General of the District of Columbia as well as The Assistant Adjutant General for Air of all states, Puerto Rico, the US Virgin Islands, Guam, and the District of Columbia.

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

1.6.7. MAJCOM, JFHQ, FOA, DRU, NAF, Center, NGB, and Wing Inspectors General, if designated in writing by their respective commander. At the MAJCOM and Center level, commanders can delegate Appointing Authority to their deputy Inspectors General or IGQ division chief.

1.6.8. In all cases, the Appointing Authority will be of equal or greater rank than the subjects or suspects being investigated.

1.6.9. Appointing authorities will not initiate investigations into allegations against themselves. Such allegations will be forwarded to the next higher-level IG for resolution.

1.6.10. Appointing authorities will not initiate investigations into allegations against their commander. Such allegations will be transferred to the next higher-level IG for resolution.

1.7. Authority to Conduct Investigations.

1.7. (AFRC) Authority to Conduct Investigations. All prima facie allegations of reprisal or restriction will be analyzed by action officers assigned to HQ AFRC/IGQ. If the analysis determines that the allegations require a formal IG investigation under the guidance of 10 USC 1034, then the IO will be appointed IAW with this instruction by HQ AFRC/IG or designee.

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

1.7.2. Under the authority of this instruction, properly appointed Inspectors General may conduct complaints analyses to determine resolution paths for complaints received by their IG office. If the recommended resolution path at the conclusion of the complaint analysis includes investigation, the IG may serve as the IO but must be appointed by his/her Appointing Authority to conduct the investigation.

1.8. Authorized IG Positions. The below are authorized to have IG positions:

1.8.1. The Secretary of the Air Force.

1.8.2. Chief of the National Guard Bureau (Chief, NGB).

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

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

1.8.5. Commanders must request SAF/IG, through the MAJCOM IG (if applicable), approval to establish IG positions not identified in this instruction. (T-1). Commanders requesting IG authorization must certify the individual assigned will function solely as a full-time IG. (T-1). SAF/IG must approve requests for such positions in writing prior to individuals functioning in this capacity. (T-1). ANG commanders must route such requests through NGB. (T-1).

1.8.5.1. **(Added-AFRC)** IG positions are authorized at AFRC Groups that function as Wing equivalent with the approval of the AFRC/IG and SAF/IG. Individuals assigned to the Group IG positions will function solely as a full-time IG.

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

1.9. Authority for IG Access to Records/Documents. To carry out their responsibilities, IGs, IG staff members, and IOs must have, to the extent consistent with law and relevant policy, 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 authorized by law and policy. To the extent allowed by law, it is Air Force policy that IGs are authorized access to all documents and all other evidentiary materials needed to discharge their duties to the extent allowed by law. For any record requiring special handling, coordinate with a legal advisor to ensure records are properly obtained. IGs must have the maximum access allowable under the law to all AF documents, regardless of medium.

1.9.1. 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 access to records, regardless of medium,

unless such release is prohibited or otherwise limited by law. (T-1). Consult JA to determine if IG access to a record is permitted.

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

1.9.3. See DoD 6025.18-R, *DoD Health Information Privacy Regulation*, for guidance on accessing records covered by the of the Health Insurance Portability and Accountability Act.

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

1.10. Program Benefits. The Air Force IG CRP is a leadership tool that:

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

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

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

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

1.11. Mission Focus.

1.11.1. The primary charge of the IG in this role is to sustain a credible Air Force IG system by ensuring a responsive CRP.

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

1.11.3. To create an atmosphere encouraging submission of credible complaints, IGs must:

1.11.3.1. Ensure their personal behavior is above reproach.

1.11.3.2. Adhere to and advocate Air Force core values.

1.11.3.3. Enhance openness and approachability by briefing the Air Force IG CRP at venues such as newcomers' sessions, commander's calls, staff meetings, First Term Airmen Center, and other base and unit gatherings.

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

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

1.11.3.6. 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.

1.11.3.7. Ensure compliance with 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

1.12. SAF/IG Responsibilities.

1.12.1. SAF/IG provides Air Force IG policy guidance, develops procedures, and establishes and evaluates the Air Force Complaints Resolution Program.

1.12.2. When necessary, SAF/IG may direct, as the Appointing Authority, investigations be conducted on any pertinent matter.

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

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

1.12.3.2. Director, Complaints Resolution Directorate (SAF/IGQ) for colonel (or civil servant Grade 15 or equivalent) cases with Air Force wide delegated Appointing Authority.

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

1.12.3.4. Director, Inspections Directorate (SAF/IGI) for complaints related to Special Access Programs.

1.12.3.5. Director, Special Investigations Directorate (SAF/IGX) for intelligence oversight complaints.

1.12.4. SAF/IG has oversight authority over all IG investigations to include commenting on and overturning any subordinate IG's findings.

1.12.5. SAF/IG must report all allegations of misconduct made against senior officials, including a summary of the allegation(s) and date received in accordance with [Table 8.2](#). (T-0).

1.12.6. SAF/IG will, within 10 duty days of receipt, report to the Inspector General of the Department of Defense (IG DoD) all allegations submitted to an Air Force IG that a service member was alleged to have been:

1.12.6.1. Reprised against for making a protected communication in violation of 10 USC § 1034 and DoDD 7050.06, *Military Whistleblower Protection*. Refer to [Chapter 5](#) for further guidance. (T-0).

1.12.6.2. Restricted from making lawful communications to a Member of Congress or an Inspector General in violation of 10 USC § 1034 and DoDD 7050.06. Refer to [Chapter 6](#) for further guidance. (T-0).

1.12.7. SAF/IG is responsible for reviewing all cases involving substantiated allegations or adverse information against all officers and for preparing draft Adverse Information Summaries to support the SECAF's Senior Officer Unfavorable Information File process. See [Chapters 7](#) and [8](#) for further reference.

1.12.8. Following completion of investigations into allegations involving senior officials, SAF/IG will forward a copy of the final report of investigation to IG DoD within 7 duty days. (T-0).

1.12.9. SAF/IG will comply with all reporting requirements to IG DoD upon completion of investigations into allegations involving violations of DoDD 7050.06. Refer to [Chapters 4, 5, 6, 7](#) and/or [8](#) for specific guidance and requirements.

1.12.10. 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 within 7 duty days of being notified of such action by the commander concerned. (T-0).

1.12.11. SAF/IG will provide CSAF adverse information on Command Screening Board candidates. SAF/IG is the decision authority regarding which summaries are provided to CSAF.

1.12.12. SAF/IG will forward to the Secretary of the Air Force, Manpower and Reserve Affairs, Force Management and Personnel an informational copy of all incoming and outgoing Air Force Academy related correspondence that suggests a systemic problem or involves a policy or procedural matter which could affect a significant number of people.

1.12.13. Through command channels, SAF/IG may pursue removal of any Airman or civilian from service as an IG for violations of law, directives, instructions or ethical conduct regulations, which represent a combination of the Air Force Core Values and, for IGs, the IG oath. Commanders may relieve military IGs for cause without SAF/IG approval when appropriate in accordance with AFI 90-301 but must notify SAF/IG immediately through SAF/IGQ. Civilian IGs may lose their IG status based on misconduct verified by an investigative action. SAF/IG will permanently suspend the individual's access to the Automated Case Tracking System (ACTS) when appropriate.

1.13. SAF/IGQ Responsibilities.

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

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

1.13.3. 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.

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

1.13.5. Serve as the Air Force DoD Hotline Coordinator.

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

1.13.5.2. Ensure such audits, inspections, and investigations are conducted IAW applicable laws, DoD regulations, and policies.

1.13.6. Upon organizational request or as needed, conduct staff assistance visits to answer any questions and review MAJCOM, Joint Force Headquarters (JFHQ), FOA, and DRU files and documentation to help standardize the way Air Force IG cases are handled.

1.13.7. Maintain adverse information concerning all officers (or civil servant Grade 15).

1.13.7.1. Maintain the Air Force central repository for reports and adverse information of any kind (other than AFOSI reports) concerning officers (or civil servant Grade 15).

1.13.7.2. Act as the Air Force office of primary responsibility for Senior Officer Unfavorable Information File preparation supporting the brigadier general selection process.

1.13.7.2.1. 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 Secretary of the Air Force General Counsel's (SAF/GC) decision to create a Senior Officer Unfavorable Information File. If provided, member comments become part of the Senior Officer Unfavorable Information File.

1.13.7.2.2. Conduct files checks requested by AF General Officer Management Office (AF/CVXG), AF Colonel Management Office (AF/CVXO), AF Senior Executive Management Office (AF/CVXS), or SAF/IG to identify adverse information, or allegations, which, if substantiated, may constitute potentially adverse information, about colonels 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/CVXG.

1.13.8. Examine Command Screening Board selection results for officers with adverse information. Prepare and submit Adverse Information Summaries to SAF/IG. SAF/IG will determine which summaries to provide to CSAF along with the Command Screening Board report.

1.13.9. Review all non-senior official investigations involving allegations of reprisal and/or restriction as identified in 10 USC § 1034 and DoDD 7050.06.

1.13.10. SAF/IGQ is the next higher-level IG for JFHQ-(State) IGs and the Air National Guard Readiness Center (ANGRC). If the SAF/IGQ complaint analysis determines an investigation is required, and the subject is a certified Army IG under the authority of Army Regulation 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.

1.13.11. Maintain an Air Force Complaint Hotline.

1.14. SAF/IGS Responsibilities.

1.14.1. Manage the Senior Official Complaints Program and process senior official cases IAW [Chapter 8](#).

1.14.2. Conduct complaint analyses and investigations on complaints involving Air Force senior officials, including allegations of military equal opportunity 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 8.2](#). (T-0).

1.14.5. Act as the Air Force repository for all 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 office (for general officers or general officer selects), and Senior Executive Management (for 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/IGX Responsibilities.

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

1.15.1.1. 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.

1.15.1.2. Notify SAF/IGQ when AFOSI receives allegations or adverse information of any officer or information that an officer was involved in an incident as a subject or suspect.

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

1.15.1.4. Provide periodic updates to SAF/IGQ on AFOSI investigations with any non-senior official as a subject or suspect.

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

1.15.1.6. Provide SAF/IGQ a copy of any AFOSI report involving any non-senior official.

1.15.2. Respond to inquiries involving officers. 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, post-board US Senate confirmation, command screening board, or other requests as appropriate.

1.15.3. Manage the IG responsibilities for reporting intelligence oversight complaints under the authority of DoDD 5240.01, *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*.

1.16. MAJCOM, NAF, JFHQ, FOA, and DRU IG Responsibilities.

1.16.1. Establish procedures to manage and execute the Air Force IG Complaints Resolution Program for non-senior official personnel at MAJCOM level and below. (T-1).

1.16.2. Answer all higher-headquarters IG taskings within applicable time constraints. (T-1).

1.16.3. Refer criminal allegations to AFOSI or Security Forces, IAW AFI 71-101V1, *Criminal Investigations Program*, 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.

- 1.16.4. Follow all procedures and requirements for resolving IG complaints as outlined in this instruction. (T-1).
- 1.16.5. Ensure required training for newly assigned IGs and IG staff members is accomplished, as required by [paragraph 1.46.1](#). (T-2).
- 1.16.6. Review, direct revisions, and approve or disapprove, via Air Force Complaints Resolution Program Supplemental Guide Attachment 18, SAF/IGQ Quality Review Checklist, all lower level IG complaints analyses and Reports of Investigations requiring SAF/IGQ review prior to forwarding. (T-1).
- 1.16.7. Manage, monitor, and report to SAF/IGQ the actions of audit, inspection, and investigative groups on DoD Hotline complaints which IG DoD referred to the Air Force for action. (T-0).
- 1.16.8. Upon request, conduct staff assistance visits to answer any questions and review lower-level IG files and documentation to help standardize the way IG cases are addressed. (T-3).
- 1.16.9. Notify SAF/IGQ within 7 duty days after receiving complaints containing allegations of reprisal or restriction. Follow the notification procedures in [paragraphs 4.5](#) or [6.4](#) of this instruction, as appropriate. (T-0).
- 1.16.10. Immediately notify SAF/IGS after receiving complaints containing allegations of wrongdoing by senior officials. Follow the procedures in [Chapter 8](#). (T-0).
- 1.16.11. Notify SAF/IGQ within 7 duty days after receiving notification of an open investigation against an officer. Follow notification procedures in [Chapter 7](#) of this instruction, as appropriate. (T-0).
- 1.16.12. May conduct the complaint analysis for reprisal and restriction complaints at the MAJCOM level when manning allows. For an analysis accomplished at the MAJCOM, JFHQ, FOA, or DRU level where investigation is required, the MAJCOM, JFHQ, FOA, or DRU IG may either retain the investigation at their level or transfer the complaint to the lower level IG for investigation.
- 1.16.13. May conduct investigations for reprisal or restriction at the MAJCOM, JFHQ, FOA, or DRU level using trained, experienced investigating officers when manning allows.
- 1.16.14. Maintain continuous and comprehensive oversight of analyses and investigations dealing with reprisal or restriction to include periodic interim quality reviews to minimize formal rework, improve quality, and ensure compliance with this instruction and other governing directives. (T-1). Early detection and correction of deficiencies will streamline the formal quality review of the final product and preclude protracted rework.
- 1.16.15. Report all substantiated findings of wrongdoing and/or adverse information against field grade officers to SAF/IGQ using the "Notify" function in ACTS. (T-1). Substantiated findings include:
- 1.16.15.1. Substantiated finding(s) from a Report of Investigation.
 - 1.16.15.2. Substantiated finding(s) from a Commander Directed Investigation/Inquiry.

1.16.15.3. Guilty finding(s) from a military court procedure (AF Form 1359, *Report of Result of Trial*).

1.16.15.4. Punitive letters of counseling (LOCs) (other than those for fitness assessment failures), letters of admonishment (LOAs), letters of reprimand (LORs), and/or Article 15s with or without an accompanying investigation.

1.16.16. Maintain a Complaint Hotline. (T-3).

1.16.17. Document changes to case files in ACTS made using non-validation edit (NVedit) with a case note. (T-1). The case note will describe every change made to the case file using NVedit. (T-1). Attach any other relevant documentation on the "Attachments" tab in ACTS.

1.16.18. Perform continual evaluation of subordinate Complaints Resolution Programs and augment Unit Effectiveness Inspection teams, as required, IAW AFI 90-201, *The Air Force Inspection System*. (T-1).

1.16.19. Respond to Freedom of Information Act/Privacy Act requests for IG records IAW [paragraph 10.18](#). (T-1).

1.17. Deployed Forces.

1.17.1. Component Numbered Air Force IG (C-NAF/IG):

1.17.1.1. C-NAF/IG is assigned to the rear headquarters element, works directly for the C-NAF commander (C-NAF/CC), and is responsible for crafting/coordinating strategic policy affecting the complaints resolution program.

1.17.1.2. Validates and executes IG manpower requirements as functional manager.

1.17.1.3. Collaborates with combatant command (COCOM) and their subordinate IGs.

1.17.1.4. Acts as a conduit with SAF/LLC and HAF functional managers to resolve high-level inquiries.

1.17.1.5. Conducts IG investigations in the Area of Responsibility (AOR) initiated by the C-NAF/CC.

1.17.2. Air Force Forces IG (AFFOR/IG) is assigned to the forward headquarters element, works directly for the C-NAF/CC, and is responsible for tactical operations affecting the complaints resolution program. The AFFOR/IG will:

1.17.2.1. Oversee the liaison IG program including training and accountability.

1.17.2.2. Ensure each wing commander (or group commander when the group commander is the highest ranking commander on the base) appoints a member to act as his/her liaison IG during their deployment IAW [paragraph 1.17.3](#)

1.17.2.3. Resolve complaints from IG liaisons, AFFOR staff and component IGs from Airmen.

1.17.2.4. Advise AFFOR staff and wing leadership.

1.17.2.5. Travel as directed by the C-NAF commander.

1.17.3. Deployed Liaison IGs:

1.17.3.1. Are authorized in the deployed environment only.

1.17.3.2. Will be a field grade officer who is not assigned to a commander/vice commander position or a SNCO.

1.17.3.3. Should not be a command chief, first sergeant, or director of staff.

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

1.17.3.5. Advise complainants on the Air Force IG CRP and forward their complaints to the IG responsible for their location.

1.17.3.6. Be appointed in writing by wing or group commander as appropriate who will forward the letter to the AFFOR/IG.

1.17.4. Deployed Wing IG Responsibilities: Deployed wings authorized a fully trained IG will operate as directed by **paragraph 1.18** of this instruction. (T-1). For functional purposes, the IG falls under the C-NAF/IG for ACTS management and consultation. The wing IG submits appropriate notifications and complaint analyses through the C-NAF/IG to the appropriate component command IGQ office for review/approval. (T-1).

1.18. Center/Host/Wing IG Responsibilities.

1.18.1. Manage and execute the Air Force IG Complaints Resolution Program for non-senior official personnel at the center/host/wing level. (T-1).

1.18.2. Answer all higher-headquarters IG taskings within applicable time constraints. (T-1).

1.18.3. Refer criminal allegations to AFOSI or Security Forces IAW AFI 71-101V1, Attachment 2. (T-1). 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. (T-1).

1.18.4. Provide interim responses and periodic updates as required by **Chapter 4** of this instruction. (T-3).

1.18.5. Follow all procedures and requirements for handling IG complaints as outlined in this instruction. (T-1).

1.18.6. Manage, monitor, and report to SAF/IGQ, through the appropriate MAJCOM, NAF, JFHQ, FOA, or DRU IG, the actions of audit, inspection, and investigative groups on DoD Hotline complaints which IG DoD referred to the Air Force for action. (T-0).

1.18.7. Notify SAF/IGQ, through the appropriate MAJCOM, NAF, JFHQ, FOA, or DRU IG, within 7 duty days after receiving complaints containing allegations of reprisal or restriction. (T-0). Follow the notification procedures in **Chapters 5** or **6** of this instruction, as appropriate.

1.18.8. Notify SAF/IGQ, through the appropriate MAJCOM, NAF, JFHQ, FOA, or DRU IG, within 7 days after receiving notification of an open investigation against an officer. (T-0). Follow the procedures in **Chapter 7**.

1.18.9. Notify SAF/IGS, through the appropriate MAJCOM, NAF, JFHQ, FOA, or DRU IG, after receiving complaints containing allegations of wrongdoing by senior officials. (T-0). Follow the procedures in **Chapter 8**.

1.18.10. Coordinate with EO, JA, and FOIA offices to ensure an understanding of each other's roles in the CRP. (T-3). MAJCOMs are responsible for processing FOIA requests, see [Chapter 10](#) for further guidance.

1.18.11. Participate as a member of the Community Action Integration Board and Integrated Delivery System (T-2). See AFI 36-2706, *Equal Opportunity Program, Military and Civilian*.

1.18.12. Meet with the senior intelligence officer assigned to the installation and discuss the handling of intelligence oversight complaints. (T-2).

1.18.13. Educate the base populace on their rights and responsibilities in regard to the Air Force IG system (commander's calls, newcomers briefings, etc). (T-2). See Air Force Complaints Resolution Program Supplemental Guide Attachment 22 for a template for documenting training in ACTS.

1.18.14. In those situations where there is a host wing IG and a tenant unit (with no assigned IGQ) residing on the installation, the host wing IG will:

1.18.14.1. Intake complaints from all sources. (T-2).

1.18.14.2. Coordinate with all tenant units and conduct training for all personnel. (T-2).

1.18.14.3. Coordinate with the appropriate MAJCOM, NAF, JFHQ, FOA, or DRU with responsibility for the tenant unit as to how to proceed. (T-2). Transfer complaints when initial complaint analysis indicates that the issues are best resolved by a different organization/owning MAJCOM with responsibility for the complainant and/or subject (refer to [Table 3.7](#) and [Table 3.8](#)) The owning MAJCOM, NAF, JFHQ, FOA, or DRU will have final determination concerning resolution by the host wing IG for the local unit.

1.18.14.4. For open investigations against officers assigned to the tenant unit, notify the owning MAJCOM of the investigation so the owning MAJCOM can accomplish adverse information reporting IAW [Chapter 7](#). (T-2).

1.18.14.5. Assist the Appointing Authority as requested. Appointing Authority will remain with commanders designated in [paragraph 1.6](#). A tenant unit commander (if authorized in [paragraph 1.6](#)) is authorized to delegate their Appointing Authority to the host wing IG. (T-2).

1.18.14.6. Work with tenant units to develop memorandums of agreement (support agreements) to define and delineate IG roles and responsibilities, as required. (T-2). See AFI 25-201, *Intra-Service, Intra-Agency, and Inter-Agency Support Agreements Procedures* for more information.

1.18.15. Maintain continuous and comprehensive oversight of investigations conducted at the center/host/wing level dealing with reprisal or restriction to include periodic interim quality reviews to minimize formal rework, improve quality, and ensure compliance with this instruction and other governing directives. (T-1). Early detection and correction of deficiencies will streamline the formal quality review of the final product and preclude protracted rework.

1.18.16. Report all substantiated findings of wrongdoing and/or adverse information against field grade officers through their MAJCOM, NAF, JFHQ, FOA, or DRU IG to SAF/IGQ using

the "Notify" function in ACTS. (T-1). Substantiated findings and adverse information include those listed in [paragraph 1.16.15](#).

1.18.17. Maintain a complaint hotline. (T-3).

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

1.19.1. Analyzing complaints to identify allegations of wrongdoing at the IG's request.

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

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

1.19.4. Providing legal reviews of IG Reports of Investigation.

1.19.4.1. The servicing Staff Judge Advocate or his/her designee will review the Report of Investigation for legal sufficiency (see definition in [Attachment 1](#)) and provide written legal reviews prior to Appointing Authority review. See [Chapter 4](#).

1.19.4.2. A different JA should perform the legal review other than the individual assigned to advise the IO as legal advisor.

1.19.5. Providing pertinent comments or recommendations regarding Reports of Investigation.

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

1.19.6.1. They receive allegations against senior officials and officers IAW [Chapter 7](#) and/or [8](#).

1.19.6.2. Article 15s are served on any officer. Copies of the final actions and any appeal documents must be provided upon completion of the action.

1.19.6.3. Court-martial charges are preferred against any officer. Follow-on notification must also be accomplished when a decision is made to refer the charges to trial and again at the conclusion of the trial.

1.19.6.4. There is a substantiated finding of wrongdoing and/or adverse information against field grade officers.

1.19.6.5. There is an open investigation against any officer.

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

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

1.20.1. Providing legal advice and support in administering the Air Force IG Complaints Resolution Program.

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

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

1.20.4. Acting for the SECAF in determining the content of a Senior Officer Unfavorable Information File and whether a Senior Officer Unfavorable Information File will be provided to a selection board.

1.20.5. Providing training and expertise to SAF/IGQ when SAF/IGQ conducts investigations into alleged acts of reprisal under 5 USC § 2302(b) against Air Force civilian employees at the direction the Secretary of the Air Force.

1.20.6. Acting on behalf of the SECAF by requesting investigation into allegations referred to the Air Force by the Office of Special Counsel (OSC) and routing results of OSC disclosure investigations by AF IGs through SAF/IGQ to SAF/GCA.

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

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

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

1.21.3. 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:

1.21.3.1. Notify SAF/IGS immediately through their MAJCOM, NAF, JFHQ, FOA, DRU, or wing IG when notified of allegations or adverse information of any kind against senior officials.

1.21.3.2. Notify SAF/IGQ within seven days through their MAJCOM, NAF, JFHQ, FOA, DRU, or wing IG when notified of an investigation against any officer below the grade of brigadier general.

1.21.4. 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 officer.

1.21.5. Reporting to SAF/IGQ all substantiated findings of wrongdoing and/or adverse information against field grade officers.

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

1.22.1. Maintaining close liaison with SAF/IG on policies governed by this instruction.

1.22.2. Ensuring IG access to personnel records and information.

1.22.3. Notifying SAF/IGQ when formal allegations of violations of EO policies are made against officers (or civil servant Grade 15) and providing SAF/IGQ status reports of all EO or other grievance cases involving allegations against officers (or civil servant Grade 15) as required by [paragraph 7.4](#) and [Table 7.1](#), as appropriate.

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

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

1.22.6. Providing SAF/IGS the same information provided to SAF/IGQ in [paragraph 1.23.3](#) when complaints of violations of EEO policies against senior officials are made.

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

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

1.23.2. Conducting a clarification on allegations of unlawful discrimination or sexual harassment that can be separated from other matters under IG investigation. EO professionals must contact potential complainants and advise them of their rights and options under the formal EO process and follow all procedures for addressing and resolving EO complaints as outlined in AFI 36-2706, *Equal Opportunity Program, Military and Civilian*.

1.23.3. Referring any military member who claims to have been subjected to reprisal or restriction to the wing IG.

1.23.4. Referring any MEO allegations against senior officials to SAF/IGS. Refer to [Chapter 8](#).

1.23.5. Reporting to SAF/IGQ all open investigations against any officer (or civil servant Grade 15 or equivalent). Refer to [Chapter 7](#).

1.23.6. Providing the results of EO investigations or complaint analyses conducted as a result of allegations against all officers (or civil servants Grade 15) to SAF/IGQ.

1.24. The Secretary of the Air Force, Legislative Liaison, Congressional Correspondence Division (SAF/LLC) assists SAF/IG by:

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

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

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

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

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

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

1.25. The Air Force Inspection Agency (AFIA) supports SAF/IG by: Reviewing FOA and DRU complaints resolution programs, detecting fraud, waste and abuse, and identifying indicators of possible fraud, waste and abuse during all inspection activities.

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

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

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

1.26.2.1. Provide SAF/IGQ interim reports on investigations into allegations of fraud made through the DoD Hotline as prescribed in **Chapter 3**.

1.26.2.2. Report findings to SAF/IGQ by forwarding a copy of the findings, using Hotline Completion Report format, and corrective actions taken upon completion of the investigation.

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

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

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

1.26.6. Notifying SAF/IG (through SAF/IGX) when AFOSI receives allegations or adverse information of any kind against field grade officers, or information that an officer was involved in an incident as a subject or suspect.

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

1.26.8. Providing SAF/IGQ (through SAF/IGX) a copy of any AFOSI report involving an officer. Additionally, upon SAF/IGQ request, provide SAF/IGQ (through SAF/IGX) a copy of any completed AFOSI report that substantiates allegations against any officer.

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

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

1.27.1. Identifying policies and procedures discovered in the course of an audit, which may contribute to fraud, waste or abuse.

1.27.2. Performing audits when conditions or situations indicate fraud, waste or abuse, determining the effects on operations and programs, and recommending corrective action.

1.27.3. Reporting to leadership apparent fraud, waste or abuse 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, when publication could interfere with ongoing investigations.

1.27.4. Reporting any fraud, waste or abuse allegation or adverse information against senior officials to SAF/IGS or against any officer to SAF/IGQ. Additionally, report any substantiated findings against any officer to SAF/IGQ.

1.27.5. Providing audit assistance when asked by inspectors and investigators looking at allegations of fraud, waste or abuse and providing periodic updates to the tasking activity when audits involve IG tasking, to allow preparation of progress and completion reports.

1.28. The Secretary of the Air Force, Office of Public Affairs (SAF/PA). SAF/PA facilitates the appropriate release of information regarding IG cases to news media representatives. News media requests for IG records will be processed through the Freedom of Information Act. SAF/PA is responsible for informing media officials of the proper procedures for obtaining IG records through the Freedom of Information Act.

1.29. The Headquarters Air Force Directorate of Security Forces (AF/A4S) assists SAF/IG by:

1.29.1. Ensuring incidents of fraud, waste or abuse 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.

1.29.2. Ensuring resource protection technical consultants are trained to recognize fraud, waste and abuse when performing surveys.

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

1.29.4. Reporting to SAF/IGQ all open investigations against any officer.

1.29.5. Reporting to SAF/IGQ all substantiated findings of wrongdoing and/or adverse information against field grade officers.

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

1.30.1. Notifying SAF/IGS (for senior officials) or SAF/IGQ (for all officers or civil servants Grade 15 or 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. This process and subsequent documentation is protected pursuant to Title 10, USC Section 1102; further release of the documents is not authorized unless specifically provided for by the exemptions within the statute.

1.30.2. 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). Medical Incident Investigations or other quality of care reviews are protected pursuant to Title 10 USC § 1102. Release of these medical quality assurance documents to complainants is prohibited, and further release by the IG is prohibited unless specifically provided for by the exemptions within the statute.

1.31. 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 is accused of violating the Anti-Deficiency Act, Title 31 United States Code § 1341, by notifying SAF/IGS or SAF/IGQ, respectively, and by providing a copy of the completed ROIs to SAF/IG. Additionally, provide a copy of the completed ROI for substantiated findings of wrongdoing against any officer to SAF/IGQ.

1.32. The Secretary of the Air Force-Manpower and Reserve Affairs, Air Force Civilian Appellate Review Office (SAF/MRBA) (also referred to as AFCARO): assists SAF/IG by providing case information and status to SAF/IGQ or SAF/GC upon request.

1.33. The Vice Chief of Staff, Executive Talent Management (AF/CVX) assists SAF/IG by:

1.33.1. Ensuring the General Officer Management Office (AF/CVXG) provides SAF/IGS copies of any adverse information received on general officers or brigadier general selects.

1.33.2. Ensuring the Colonels Group (AF/CVXO) provides SAF/IGQ copies of any Unfavorable Information Files on colonels.

1.33.3. Ensuring the Senior Executive Management Office (CVXS) provides SAF/IGS copies of any adverse information on SESs; and, provides SAF/IGQ copies of any adverse information on GS-15s (or equivalent).

Section 1E—The Wing IG Program

1.34. Wing IG Program Background.

1.34.1. The concept of appointing a separate, full-time wing 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.

1.34.2. To sustain a trustworthy relationship with Air Force personnel, the wing IG must be independent (see [paragraphs 1.2.3](#) and [1.40.3](#)). Air Force personnel must be free from any form of retribution, retaliation, or reprisal for communicating with the host wing IG.

1.35. Establishment of the Wing IG Program.

1.35.1. Independent IGs will be established at all active component, Air Force Reserve, and Air National Guard wings. (T-1).

1.35.1.1. Wing IG (87GX). Will be a Lieutenant Colonel/GS-14 (or equivalent) or higher. (T-2). Appointing authorities are highly discouraged from selecting IGs lower than the rank of Lieutenant Colonel or civilian equivalent. Only in extreme circumstances should an Appointing Authority select a non-field grade officer to lead the IG section. IG sections led by non-field grade officers or enlisted IGs are not perceived by complainants or inspectees to have the same ability as field grade officers to: 1) address command issues such as command climates, abusive/hostile environments or other misconduct by leadership in the unit; or 2) inspect and report on the full spectrum of unit effectiveness.

1.35.1.2. Wing Director of Complaints Resolution (87QX) will be a Major/GS-13 (or civilian equivalent) or higher. (T-3).

1.35.1.3. Wing IG Superintendent (8IXXX). Will be a Senior Master Sergeant, Chief Master Sergeant or civilian equivalent. (T-3). If this requirement is waived, select personnel no lower than the grade of E-7. (T-3).

1.35.2. At bases where there is a host/tenant relationship, associate unit personnel and tenant wings may use the host wing IG for complaint analysis and assistance. Host wing IG support to associate and tenant units will be defined and documented in memorandums of agreement (support agreements). (T-2).

1.36. Wing IG Organization.

1.36.1. The wing IG is organized as a staff function and will report directly to the wing commander. (T-1).

1.36.2. 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). (T-1).

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

1.37.1. Each ANG wing is authorized an Inspector General on the military manpower document. The wing IG is a peacetime Unit Type Code. Air National Guard wing IGs are organized as a staff function and will report directly to the wing commander.

1.37.2. The authorized grade for individuals serving as the wing IG is lieutenant colonel.

1.37.2.1. Selection or assignment of a lower grade officer (e.g., a major for lieutenant colonel position) requires coordination with SAF/IGQ prior to nomination. (T-1).

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

1.37.3. To appoint an ANG wing IG, the ANG wing commander nominates a qualified candidate in writing. The written appointment is endorsed by the JFHQ IG (or TAG where no state IG is assigned) who forwards a copy to NGB-IG and SAF/IGQ for information.

1.37.4. 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.

1.37.5. The wing IG will be responsible for all complaint resolution matters occurring within the wing and within any Geographically Separated Units supported by the wing.

1.37.6. JFHQ 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.

1.37.6.1. ANG members assigned to the state IG office will complete Air Force Inspector General training (and Army Inspector General training as required by the state IG).

1.37.6.2. The Adjutant General will select and appoint ANG members to the state IG office. The written appointment will be sent to SAF/IGQ.

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

1.37.7. 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.

1.38. Assigning Additional Duties to IGs.

1.38.1. The focus of wing IGs must be the Air Force Complaints Resolution and Inspection Programs. (T-1). Any activities that may diminish the effectiveness of IGs in the performance of their complaints resolution responsibilities are not acceptable.

1.38.2. The IG position will not be combined with another position in the organization. (T-1). Operational duties required to maintain qualification/currency, as well as inspection related responsibilities and duties defined in AFI 90-201, are not considered additional duties for the IG and staff.

1.38.3. IGs must not be constrained by additional duties that detract from their primary responsibilities. (T-1). Therefore, IGs and IG staff members, to include IGI, must not be:

1.38.3.1. 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. (T-1). IGs will not serve as mediators in support of Equal Opportunity or Alternate Dispute Resolution actions. (T-1). These activities require the IG to make assessments and recommendations that could later be called into question should the interested parties decide to file an IG complaint regarding those proceedings.

1.38.3.2. Appointed as an IO to conduct a CDI. IGs can be appointed to do investigations by appropriate appointing authorities, however those investigations will be IG investigations conducted IAW **Chapter 4**. (**NOTE:** Air Force Reserve and Air National Guard IGs may be appointed to conduct CDIs at installations other than their own.) (T-1).

1.38.3.3. Given responsibility for the wing commander's "action line." (T-2).

1.38.3.4. Assigned duties as the congressional inquiry manager or point of contact for SAF/LLC. (T-2). This does not preclude the IG from answering IG related congressionals as directed by the wing commander.

Section 1F—Commanders and the Inspector General Program

1.39. How the IG System Helps the Commander.

1.39.1. 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.

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

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

1.40.1. The roles of the IG are to:

1.40.1.1. Be the "eyes and ears" of the commander; be alert for and inform the commander of matters indicative of systemic, morale, or other problems impeding efficiency and mission effectiveness. (T-1).

1.40.1.2. Keep the commander informed of potential areas of concern as reflected by trends based on analysis of complaint data. (T-1).

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

1.40.1.4. Educate and train commanders and members of the base populace on their rights and responsibilities in regard to the Air Force IG system. (T-1). See [paragraph 1.50.2.4](#) for more requirements for educating commanders.

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

1.40.2. To fulfill these roles, the IG must be an integral member of the commander's staff and have unimpeded access to the commander. (T-1). Commanders must ensure their IG's authority, duties, and responsibilities are clearly delineated. (T-1).

1.40.3. 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 proximity to the commander's office. (T-1). Active Duty JFHQ IGs will have unfettered access to the Director ANG, The Air Force Inspector General, SAF/IGS and SAF/IGQ when circumstances arise within a state involving non-frivolous complaints from Airmen against the command chain within the state.

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

1.41.1. Ensure the IG office is fully manned, equipped, and trained. (T-1).

1.41.2. Ensure the IG and subordinate commanders follow the requirements of this instruction. (T-1).

1.41.3. 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. (T-1).

1.41.4. Ensure other staff agencies provide support when required. (T-3).

1.41.5. Designate personnel to serve as IOs to conduct investigations when required. (T-3).

1.41.6. Ensure IG offices have adequate office space to conduct private interviews and provide workspace for temporarily assigned IOs.

1.42. Complaints of Primary Interest Under the Air Force CRP. IGs will always retain responsibility to resolve complaints of:

1.42.1. Reprisal (see [Chapter 5](#)). (T-0).

1.42.2. Restriction (see [Chapter 6](#)). (T-0).

1.42.3. IG wrongdoing regarding actions taken relating to the CRP or Air Force Inspection System (AFIS). The next higher-level IG will conduct the complaint analysis and investigate complaints if required.

1.43. Commander-Directed Investigations (CDIs).

1.43.1. 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.

1.43.2. Commanders should:

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

1.43.2.2. Refer to the CDI guide available on the SAF/IGQ portal website for guidance on conducting a CDI.

1.43.3. Commanders will not:

1.43.3.1. Cite this instruction as authority to conduct CDIs. (T-1).

1.43.3.2. Investigate allegations of reprisal or restriction. (T-0). Commanders will refer such allegations to the IG at the appropriate command level for investigation.

1.43.3.3. Appoint IGs or IG staff members as inquiry or investigation officers for CDIs. (T-1). (**NOTE:** Air Force Reserve and Air National Guard IGs may be appointed to conduct CDIs at installations other than their own.)

1.43.3.4. Conduct any investigations into allegations against senior officials (see [Chapter 8](#)). (T-1)

1.43.4. Commanders are the authority responsible for making release determinations for CDI reports. The commander must ensure all information subject to the Privacy Act and references to third-party information are protected. (T-1).

1.43.5. Commanders will report the opening and closings of all CDIs IAW [paragraph 7.4](#).

Section IG—Administering the IG Complaints Resolution Program

1.44. Administrative Procedure. IGs at every level are responsible for establishing and directing the Air Force IG Complaints Resolution Program IAW this instruction. (T-1). All IGs will:

1.44.1. Develop and implement procedures for administering the IG Complaints Resolution Program. (T-1).

1.44.2. Establish procedures for interaction with higher headquarters IGs, other military service IGs, other statutory IGs, and other agencies regarding IG matters. (T-1).

1.44.3. 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, with recommendations for corrective action (if requested). (T-3).

1.44.4. Conduct and analyze trend assessments and submit reports when required. (T-3).

1.44.5. Control access to information obtained under this instruction to protect against unauthorized disclosure. (T-1).

1.45. Data Management.

1.45.1. ACTS is the official AF system of record for the Inspector General Complaints Resolution Program. All IG contacts, actions (assists, dismissals, investigations, referrals, and

transfers), and IG DoD Hotline complaints must be recorded in ACTS. The ACTS User's Manual is available on the ACTS home page (<https://acts.hq.af.mil>).

1.45.1.1. ACTS is the Air Force IG tool used to capture all IG investigative and administrative activity Air Force-wide, except for SAF/IGS. ACTS is the repository for all non-IG actions tracked by the Air Force IG system, such as adverse information reporting for officers.

1.45.1.2. ACTS enables IGs at every level to accurately analyze complaint trends and findings in order to 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.

1.45.1.3. Use the ACTS "attachments" tab to attach all relevant case documents. (T-1). IGs at all levels will maintain electronic case files separate from ACTS at all times until a case is closed. (T-1). Once files are attached to ACTS, the hard copies should be destroyed.

1.45.1.4. In the event of a loss of access to the ACTS database, IGs at all levels will continue to intake and process complaints as outlined in AFI 90-301 with the exception of loading case file information into ACTS.

1.45.1.5. Access to ACTS will not be granted until IGs have attended ACTS training at the IG Training Course. MAJCOM/IGQ is the waiver authority for this requirement. If a unit requires a new account, they must make the request through their MAJCOM/NAF/JFHQ to SAF/IGQ.

1.45.1.6. When IGs are reassigned outside of the IG, the IG being reassigned will notify their MAJCOM to have their account deleted. (T-1).

1.45.1.7. IGs will document IG-conducted training in ACTS (see Air Force Complaints Resolution Program Supplemental Guide Attachment 22 for a template). (T-3).

1.45.2. ACTS administrators at all levels (MAJCOM/NAF/JFHQ) will review ACTS accounts at all levels within the organization once a month and delete any user accounts no longer authorized. (T-1).

1.45.3. Subjects will be added to the ACTS case file for all allegations of reprisal or restriction, and all allegations against an officer. (T-1)

Section 1H—Training Requirements

1.46. IG Training Requirements.

1.46.1. Newly assigned IGs and IGQ staff members should attend the IG Training Course-Complaints Resolution (IGTC-Q) prior to assignment, but must attend no later than 90 days after assignment. (T-2). Training will be coordinated through the MAJCOM or equivalent command IG.

1.46.1.1. Under no circumstances will an untrained IG or IG staff member conduct complaint analysis beyond assistance (i.e. no evidence or assertion of wrongdoing) and/or investigate allegations of wrongdoing brought forward by a complainant until completing IGTC-Q. (T-3).

1.46.1.2. 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 will attend the IGTC-Q as soon as practicable after assignment.

1.46.1.3. Air Force personnel assigned to JFHQs as the primary IG and other Air National Guard personnel assigned to JFHQ IG offices with assigned responsibilities for ANG complaints resolution matters will attend the IGTC-Q as soon as practical after assignment. (T-2).

1.46.1.4. Other DoD or US Government agencies who desire to send IG personnel to AF IG training will nominate their IG personnel directly to SAF/IGQ.

1.46.1.5. Course dates and locations may be found on the SAF/IGQ portal website.

1.46.2. All IG staff members designated to receive complaints or conduct investigations will be familiar with AFD 90-3 and this instruction. (T-1).

1.46.3. IGs and their IGQ staff will receive refresher training every three years or if returning to the office after being detailed, deployed, or incurring any other break in service, for at least 12 months. Refresher training includes attendance at IGTC-Q or any other SAF/IGQ approved refresher training (e.g. MAJCOM conference, IG DoD course, etc.). (T-1).

1.46.4. For IGs assigned to AF units which conduct intelligence, refer to AFI 14-104 for specific IG training requirements.

1.47. Investigating Officer (IO) Training Requirements.

1.47.1. IGs at all levels are required to provide investigative training and oversight to all individuals appointed as IOs for IG investigations. (T-1).

1.47.2. A computer-based IO overview course is available on the ADLS web site (<https://golearn.adls.af.mil/login.aspx>).

1.47.3. 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. (T-1).

Section II—Wear of the Inspector General Badge

1.48. Air Force Inspector General Duty Badge. The IG Duty Badge is required for wear by any military personnel performing official duties and assigned to an IG office or performing full-time duties with IGQ.

1.49. Wear Criteria. The IG Duty Badge is worn by assigned military IG personnel only under the following conditions:

1.49.1. Upon completion of formalized training. Personnel must complete the Inspector General Training Course-Q and be assigned to an authorized Inspector General office (or perform full-time duties with IGQ) at a Wing, MAJCOM, NAF, Center, JFHQ, NGB, or SAF/IG. (T-2).

1.49.2. The badge is not authorized for continued wear when no longer assigned to an authorized IG position or when withdrawn for cause by the Commander. (T-2).

*Section 1J—Education of Air Force Personnel***1.50. Educating Air Force Personnel on the IG System.**

1.50.1. 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 Program. (T-3). Document any training conducted in ACTS using Air Force Complaints Resolution Program Supplemental Guide Attachment 22 as a template.

1.50.2. IGs at every level will actively publicize the IG CRP and train Air Force members by taking the following actions. (T-3).

1.50.2.1. Publicize the IG Complaints Hotline through base websites/newspapers, bulletins, newcomers' orientations, staff meetings, commander's calls, and by visiting work areas. (T-3).

1.50.2.2. Distribute IG Complaints Resolution Program posters for unit high traffic areas (for maximum exposure), reflecting the IG's name, location, and contact information, and the DoD Hotline, AF Complaints Hotline, MAJCOM Hotline, and any base level hotline. (T-3). 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.

1.50.2.3. Educate personnel on how to use the IG system and the Air Force policy on reprisal and restriction. (T-3).

1.50.2.4. Educate commanders and civilian leaders (squadron and above) within 90 days of their assignment:

1.50.2.4.1. On reporting responsibilities regarding allegations against senior officials (see [Chapter 8](#)) and open investigations against officers (2d Lt through Col) (see [Chapter 7](#)). (T-3).

1.50.2.4.2. On reporting responsibilities regarding substantiated findings of wrongdoing and/or adverse information against field grade officers, including documentation requirements detailed in [Chapter 7](#). (T-3). Substantiated findings and adverse information include those listed in [paragraph 1.16.15](#).

1.50.2.4.3. On the rights of service members to make protected communications. (T-3).

1.50.2.4.4. On responsibilities regarding processing non-IG issues referred to them for appropriate action. (T-3).

1.50.2.5. Locally disseminate IG-related news, innovative ideas, and lessons learned. (T-3).

Chapter 2

FILING AN IG COMPLAINT

Section 2A—Filing a Complaint

2.1. Procedure for Filing an IG Complaint.

2.1.1. In accordance with AFI 1-1, *Air Force Standards* and AFI 36-703, *Civilian Conduct and Responsibility*, Air Force military and civilian employees (appropriated and non-appropriated fund), unless otherwise exempted by operation of law, regulation, or policy, have a duty to promptly report fraud, waste, abuse 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); or a deficiency or like condition, through appropriate supervisory channels, to an IG or other appropriate inspector, or through an established grievance channel. Fraud, waste and abuse complaints may also be reported to the AFAA, AFOSI, Security Forces, or other proper authority. All military and civilian employees, unless otherwise exempted by operation of law, regulation, or policy, must promptly advise the AFOSI of suspected criminal misconduct or fraud.

2.1.2. Complainants should, but are not required to, 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.

2.1.3. When complaints are addressed to a higher level (the President, Congress, IG DoD, CSAF, SAF/IG, etc.), the IG office 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 local IG for resolution.

2.1.4. 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 he/she will not receive separate replies from various levels of the government and inform the complainant which level will provide the response.

2.1.5. Complainants use AF Form 102, *Inspector General Complaint Form*, to file complaints with an IG. AF Form 102 collects name, grade/rank, military status, contact information and sufficient information regarding the complainant's issue to assist in resolution of the complaint. Use of the AF Form 102 is not required, but highly recommended.

2.2. Approval of Official Travel to Submit Complaints.

2.2.1. Complainants normally do not travel at government expense to present a complaint unless authorized. If authorized, funding will come from the complainant's unit or will be funded by complainant's personal funds and travel conducted in leave or permissive TDY status. Such travel may only be funded IAW the Joint Travel Regulations.

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

2.3. Complaints Not Appropriate for the IG System.

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

2.3.1.1. 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.

2.3.1.2. Complainants must provide relevant evidence that the process was mishandled or handled prejudicially before the IG 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.

2.3.2. **Table 3.7** 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 3.7** may generally be referred back to the chain of command.

Section 2B—Complainant’s Rights and Responsibilities

2.4. Complainant’s Rights.

2.4.1. In accordance with The Inspector General Act of 1978, as amended by The Inspector General Reform Act of 2008, Title 5, Appendix 3, Section 7; Complaints by Employees, Disclosure of Identity, Reprisals:

2.4.1.1. The Inspector General may receive and investigate complaints or information from an employee (employee in this context includes military, civilian and nonappropriated fund employees) of the establishment concerning the possible existence of an activity constituting a violation of law, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority or a substantial and specific danger to the public health and safety.

2.4.1.2. The Inspector General shall not, after receipt of a complaint or information from an employee, disclose the identity of the employee without the consent of the employee, unless the Inspector General determines such disclosure is unavoidable during the course of the investigation.

2.4.1.3. Any employee who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority, take or threaten to take any personnel action against any employee as a reprisal for making a complaint or disclosing information to an Inspector General, unless the complaint was made or the information disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

2.4.2. Complainants have the right to:

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

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

2.4.2.3. 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.

2.4.2.4. 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:

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

2.4.2.4.2. Provide additional new and compelling information to justify a higher-level review on previously considered issues.

2.4.2.4.3. Request review by the referral agency, or, if appropriate, the next higher organizational level within that agency, when a complaint is referred by the IG to an agency outside of the IG.

2.4.2.5. Submit complaints anonymously. Additionally, when the complainant's identity is known, the complainant may still elect to be treated as anonymous filer when submitting the complaint. This is not the same as a complainant electing to not release the complainant's identity outside of the IG system. Complainants who do elect to file anonymously will be treated as third party complainants. See [paragraph 2.4.2.6](#).

2.4.2.6. 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.

2.4.2.6.1. 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.

2.4.2.6.2. 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. (T-2). If the individual does not give his or her 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 10](#) for additional release information. Lawyers representing complainants are not considered third-party and may receive information regarding complaint on behalf of the complainant, if written proof of representation is provided.

2.4.2.7. Request whistleblower protection under 10 USC § 1034 if they believe they have been reprisal against for making or preparing a protected communication. Refer to [Chapter 5](#) for more specific information regarding reprisal complaints.

2.4.2.8. File complaints with allegations that have been previously investigated and then 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.

2.4.2.9. Address their complaints to the host wing IG if their unit does not have an appointed IG.

2.4.2.10. Contact an IG or Member of Congress regarding any issue.

2.4.3. Requests for reconsideration of IG resolution strategy must go to the higher level IG. For referrals, complainants may request reconsideration of the complaint resolution to the next level in the chain of command or appropriate agency.

2.5. Complainants' Responsibilities.

2.5.1. Normally, complainants will prepare, sign, and submit to an IG an AF Form 102 to ensure awareness of the Privacy Act and their responsibilities. Complainants making verbal or telephonic complaints should normally return a completed AF Form 102 to an IG within 5 calendar days. Complaints not submitted on an AF Form 102 should be drafted following the same format outlined in [Table 2.1](#), steps 3, 4 and 5.

2.5.2. Time limit: Complainants must submit IG complaints in a timely manner in order for the IG to resolve them effectively. Restriction complaints have no timeliness requirement, while reprisal complaints will be submitted within one year of learning about the reprisal and all other complaints will be submitted within 60 days of the perceived wrongdoing. IG complaints not reported within the appropriate time limit 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 insufficient information can be gathered to make a determination, and/or no special Air Force interests exist to justify investigating the matter. See [paragraph 3.24](#) and [Table 3.14](#). 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 circumstance, and such circumstance justifies the delay.

2.5.3. Cooperation. Complainants must cooperate with IGs and IOs by providing factual and relevant information regarding the issues and/or allegations (unless exercising Article 31, Uniform Code of Military Justice (UCMJ), or Fifth Amendment rights). If complainants do not cooperate, the IG may dismiss the complaint if the IG is unable to conduct a thorough complaint analysis due to lack of information. Complainants will be allowed at least 10 calendar 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 file reference number).

2.5.4. 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, unless otherwise protected by law, any information complainants provide to the IG is subject to release during or after the IG inquiry.

2.6. Removing Complaints from the IG System.

2.6.1. Complainants may elect to withdraw a complaint from IG channels in writing. Withdrawing the complaint does not prohibit the complainant from submitting the complaint to another grievance channel for resolution. However, IGs may elect to address the complaint if the allegations identify a wrong or a violation of law, policy, procedure, regulation or other recognized standard. **EXCEPTION:** Allegations of reprisal or restriction must be resolved within IG channels. (T-0).

2.6.2. Unless there is evidence of mishandling by the appropriate grievance agency/channel, IGs will refer complaints that belong in another Air Force investigative or grievance channel. See [paragraph 3.15](#) and [Table 3.7](#) for assistance in determining if a complaint belongs in other channels.

2.6.2.1. Inform the complainant of the alternatives and advise the complainant it would be appropriate to submit his/her complaint in that channel.

2.6.2.2. IGs may refer a complaint even if the complainant disagrees with the referral. Such referrals may include, but are not limited to: allegations of crimes, notice of danger to people and/or property, personnel matters, and problems with potential impact on national defense.

2.7. Requests to Delay Command or Personnel Actions.

2.7.1. IGs cannot delay command and personnel actions 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.

2.7.2. IGs do not have the authority to place individuals on administrative hold. 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 2C—How to File an IG Complaint

2.8. Procedures for Filing an IG Complaint.

2.8.1. Complainants may file complaints through an IG Complaints Hotline, the DoD Hotline, or directly with an IG. Complainants may file anonymously.

2.8.2. Complainants should follow the steps in [Table 2.1](#) and complete an AF Form 102, *Inspector General Complaint Form*, prior to filing a complaint with the IG office.

2.8.3. Complaints not submitted on an AF Form 102 should be drafted following the same format outlined in [Table 2.1](#), steps 3, 4 and 5. Complaints not submitted in the outlined format may cause a delay in the processing of the complaint and the determination of IG action.

Table 2.1. How to File a Complaint.

Step	Action
1	If unable to resolve the complaint in supervisory channels, review Table 3.6 to determine if the complaint should be filed with the IG. Complainants should file a complaint if they reasonably believe inappropriate conduct has occurred or a violation of law, policy, procedure, instruction, or regulation has been committed.
2	Complete the personal data information on an AF Form 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 Form 102 in chronological order. The complainant should include witnesses who can corroborate the allegations or provide additional evidence relevant to the issues. The complainant is responsible for describing what each recommended witness can provide regarding the issues and/or allegations.
4	List the issues and/or allegations of wrongdoing <u>BRIEFLY</u> , in general terms, and provide supporting narrative detail including chronology and documents. Allegations should be written as bullets and should answer: 1. When did the issue occur? 2. Where did the issue occur? 3. Who took the action in question 1. (e.g., Maj John A. Smith, XXSQ/CC)? 4. What did the person (or people) in question 3. do (e.g., gave a letter of reprimand, wasted resources)? 5. To whom did the action in question 4. happen (e.g., complainant, SSgt Smith, etc.)? 6. What law or regulation was violated (e.g., AFI 36-2803, <i>The Air Force Military Awards and Decorations Program</i> , 10 U.S.C, etc)? 7. What remedy is being sought?
5	If more than 60 days (one year for reprisal, no limit for restriction) have elapsed since learning of the alleged wrong, the complaint should also include: 1. The date the complainant first became aware of the conduct. 2. How the complainant became aware of the conduct. 3. Why the complainant delayed filing the complaint.
6	Submit the completed AF Form 102 to any Air Force IG and set up a follow-on meeting to discuss the complaint.
7	If an IG is named in the complaint, contact the next higher-level IG.

Chapter 3

MANAGING IG COMPLAINTS

Section 3A—Introduction to the Complaints Resolution Process

3.1. Overview. 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*.

3.2. Protection of Information. A key goal of the IG 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 communications made to an IG are privileged or confidential, it does mean 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 3.2.2](#). See [Chapter 10](#) 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. (T-1). 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:

3.2.1. IG personnel must protect the identity of all complainants as described in [paragraph 3.2](#). (T-0). At the time the IG receives a complaint, he or she will advise the complainant:

3.2.1.1. In accordance with The Inspector General Act of 1978, as amended by The Inspector General Reform Act of 2008, Title 5, Appendix 3, Section 7; Complaints by Employees, Disclosure of Identity, Reprisals.

3.2.1.1.1. The Inspector General may receive and investigate complaints or information from an employee (employee in this context includes military, civilian and nonappropriated fund employees) of the establishment concerning the possible existence of an activity constituting a violation of law, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority or a substantial and specific danger to the public health and safety.

3.2.1.1.2. The Inspector General shall not, after receipt of a complaint or information from an employee, disclose the identity of the employee without the consent of the employee, unless the Inspector General determines such disclosure is unavoidable during the course of the investigation and/or complaint analysis. (T-0).

3.2.1.1.3. Any employee who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority, take or

threaten to take any action against any employee as a reprisal for making a complaint or disclosing information to an Inspector General, unless the complaint was made or the information disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

3.2.1.2. If a complaint is more appropriate for other channels, the IG will refer the complaint. (T-1). Even if the complainant disagrees with referring the complaint, the complaint may still be referred for action. The referral may require release of the complainant's identity so the referral agency can effectively work to resolve the issue.

3.2.2. IGs/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 4.11.8](#)).

3.2.2.1. IOs will advise witnesses in an investigation of the general nature of the allegations under investigation. (T-1). To the maximum extent possible, the IO should protect the identifying information of complainants, subjects, and suspects.

3.2.2.2. IOs will advise subjects or suspects of the allegation(s) under investigation that pertain to them. (T-1). The IO will read the allegations verbatim to the subject/suspect. (T-1).

3.3. Procedures for Managing IG Complaints.

3.3.1. IG complaints will be managed in a manner that facilitates efficient and effective mission accomplishment. (T-1). IG complaints will be reported and resolved with due diligence and in a timely manner. (T-1). IGs at all organizational levels must document all complaints and adhere to the process timeline outlined in [Table 3.1](#). (T-1). Complaints 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). This ensures the higher-level IGs remain unbiased and are available to review any rebuttals or appeals of the lower-level investigations or actions.

3.3.2. 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.

3.3.3. Complaints against senior officials will be processed IAW [Chapter 8](#). (T-0).

3.3.4. Complaints against all officers (or civil servants Grade 15) will be processed IAW [Chapter 7](#). (T-0).

3.4. 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 15 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 3.1](#). For example, the goal for completing dismissal cases is 30 days (contact, 5 days; conduct complaint analysis, 20 days; finalize complaint analysis and determine resolution path, 5 days). (T-1). 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 no later than the end of the next unit training assembly (UTA) after receipt of the complaint.

Table 3.1. The Complaint Resolution Process (T-1).

COMPLAINT RESOLUTION PROCESS PHASES	STEPS		TIMELINE IN DAYS (LESS THAN OR EQUAL TO)
Receive the Complaint (AF Form 102, phone call, email, etc.)		Total Phase Timelines	
COMPLAINT ANALYSIS			
Contact/Transfer	1	30 Days	5
Conduct Preliminary Analysis (includes complaint clarification)	2		20
Finalize the complaint analysis and determine resolution path	3		5
30 DAY DECISION POINT* Investigate, Assist, Refer, Dismiss or Transfer**			
INVESTIGATION			
Pre-Fact Finding	4	62 Days	5
Fact Finding	5		21
Write Report	6		36
QUALITY REVIEW Report Ready for Quality Review - 92 days from Complaint Receipt			
IG Quality Review	7	58 Days	7
Technical Review	8		3
Legal Review	9		10
Rework	10		5
Case Completion	11		5
Higher Headquarters Review (as applicable)	12		14
SAF/IG Review (as applicable)	13		14
Compliance with above timeline will ensure cases receive appropriate level review within statutory and Air Force Instruction requirements			150 Days
IG DoD Approval (as applicable)	14		
Case Closure/Command Action	15		

Notes:

* Except in extraordinary circumstances, a resolution path for each issue in a complaint will be determined and tasked to appropriate agency no later than 30 days after receiving a complaint.

** Transfers requiring higher headquarters review.

Complaint Analysis

Section 3B—Step 1: Contact (& 5 Days)

3.5. Procedure for 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. IGs will enter all contact/complaint data into ACTS within 5 calendar days of initial contact (or by the conclusion of the UTA for the Air Reserve Component (ARC)). (T-1).

3.6. Higher Headquarters Taskings.

3.6.1. 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:

- 3.6.1.1. The complaint was previously addressed and merits a higher-level IG review.
- 3.6.1.2. There is a need to avoid the appearance of self-investigation at a lower level.
- 3.6.1.3. There is evidence the lower-level IG or command may be biased.

3.6.2. Absent any of the circumstances described in [paragraph 3.6.1](#), 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.

3.7. Complaint Intake Procedures. Thoroughly understanding a complaint is the foundation for conducting a complete and accurate complaint analysis. The IG will conduct a complaint intake using the procedures in [Table 3.2](#). (T-1). Fully document the contact in ACTS.

Table 3.2. How to Conduct a Complaint Intake.

Step	Action
1	Find a private location if the complaint is made in person.
2	If the complainant has not yet done so, ask him/her to complete an AF Form 102 or some other record that documents their complaint.
3	Find out if the complaint was previously filed with another agency or individual.
4	If the complainant has not talked to his/her supervisory channel, find out why. Unless circumstances warrant otherwise, encourage the complainant to utilize the chain of command first. Explain why this is the preferred approach (faster resolution, commanders have the authority to remedy the situation, etc.). Explain if the matter is clearly a command issue and not an IG issue, the complaint should be addressed by supervisory or command channels regardless of the desires of the complainant (refer to paragraph 3.2.1.2).
5	Determine if the individual has sought assistance from an appropriate support agency (for example military personnel section, finance, or equal opportunity office). Advise them to go to that agency if they have not. Refer to Table 3.7 .

6	If it has been more than 60 days since the complainant learned of the alleged wrong, one year for reprisal cases (no time limit for restriction cases), 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 that justified the delay.
7	Ask the complainant to clarify his/her issues 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 issue); the date; and the act or condition that occurred or existed at that date. Obtain answers to the questions identified in section 6a-f on the AF Form 102. The onus is on the complainant to identify the standard that was violated. If the complainant alleges reprisal or restriction, or words to that effect, explain the whistleblower protection afforded by 10 USC § 1034. Explain to all military complainants that their communication with the IG is protected under 10 USC § 1034.
8	Advise the complainant any records or documents he/she provides to the IG become part of an IG record and are not returnable unless they complete a FOIA request. See Chapter 10 and AFI 33-332, <i>The Air Force Privacy and Civil Liberties Program</i> . At the time of intake, ask complainant if he or she has copies of his or her complaint.
9	Ask the complainant what remedy is being sought. Advise complainant the IG does not have the authority to direct actions to initiate remedy sought by complainant. Additionally, explain that IGs cannot delay or prevent command and personnel actions nor do IGs have the authority to place individuals on administrative hold.
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.

3.8. Complaint Clarification Procedures. All IGs receiving complaints that allege wrongdoing or misconduct to be addressed in IG channels will complete a complaint clarification interview after the initial complaint intake. (T-1). This interview must be documented in the case file before the Inspector General of the Department of Defense, Whistleblower Reprisal Investigations (IG DoD/WRI) will approve the case recommendation. (T-0). Complainant clarification interviews may be necessary, but are not required for allegations being referred outside of IG channels, transferred to another Air Force IG, or those addressed through assistance. Follow the steps in **Table 3.3** when conducting a complaint clarification. (T-1).

3.8.1. It is highly recommended that this interview be recorded so that it is available for verbatim transcription if needed for analysis and report documentation later during the inquiry process. In the absence of the ability to transcribe the complaint clarification interview, the IG may summarize the testimony using the recorded interview and request the complainant certify the IG's summarized complainant's testimony as accurate. If unable to record the complaint clarification interview, document the discussion with a memo for record (MFR) stating when the interview occurred, the medium by which it was conducted, and a general synopsis of the contents of the discussion. (T-1).

3.8.2. If the IG is unable to complete a complaint clarification interview with the complainant, the complainant will be asked to complete a signed memorandum detailing his or her testimony.

Table 3.3. How to Conduct a Complaint Clarification.

Step	Action
For cases that do not involve 10 USC § 1034 issues	
1	Review AF Form 102 and any other documentation provided by the complainant.
2	Update/create chronology based on review of information received during Intake and complaint analysis conducted by the IG. Starting with a solid chronology based on information learned at intake is critical and will allow the IG to better validate the dates and key details with the complainant.
3	Acquire relevant documents, as necessary, so evidence is available to ensure an accurate complaint clarification can be performed.
4	Contact the complainant to schedule the clarification interview (can be accomplished in-person, via telephone, or with an interrogatory).
5	Ask questions to clarify the issues to determine the best resolution strategy. Recording the complaint clarification is encouraged; however, recorded or not, the interview will be summarized and attached as part of the ACTS case file. (Note: If the interview is recorded, complainant must acknowledge awareness of the recording.)
For cases that involve 10 USC § 1034 issues	
6	The IG should focus the complaint clarification interview on the protected communications, personnel actions and information that suggests the possibility of a causal connection between the protected communications and the personnel actions. Include questions that identify potential responsible management officials, their knowledge of protected communications, and what motive they would have to reprise against the complainant. Have complainant explain why he/she believes the personnel actions were taken in reprisal.
7	Obtain as much detail as possible. Dates are particularly important regarding the protected communications and personnel actions and whether an inference of reprisal is evident.
8	As necessary, ask complainant to provide what information each witness identified in the complaint can provide regarding the issues being addressed. Failure to identify primary witnesses early can lead to insufficient fact-gathering and analysis.
9	When evaluating restriction issues, clarification interview questions should focus on what was done or said to restrict the member. Keep in mind that allegations of restriction are not subject to the 1 year filing deadline.
10	If complaint clarification interview is completed prior to submitting 10-Day Reprisal and Restriction Notification, annotate with entry in “Comments” section. If the interview is conducted after the 10-Day Notification was made, record in “Date Complainant Interviewed” block on the 30-Day Decision Document.

3.9. Administrative Procedures for Processing Complaints. IGs will log all contacts in ACTS and follow the administrative procedures in [Table 3.4](#) to process complaints made to their office. (T-1).

Table 3.4. 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/type/insert text, “FOUO” and “COMPLAINANT PROVIDED” on each page of documents provided by the complainant. Load as a portable document file (PDF) attachment to the ACTS case file and put a check mark in the “complainant provided” box.
3	Contact complainant in writing, by telephone, or in person within 5 duty days to acknowledge receipt (unless received directly from complainant). Provide a periodic update 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. Log the periodic update in ACTS on the Suspenses/Dates Tab and add a case note.

Section 3C—Step 2: Analysis (≤ 20 Days) Conducting a Complaint Analysis

3.10. Procedure for Complaint Analysis. In each case, IGs at every organizational level will conduct a thorough complaint analysis to determine the appropriate complaint resolution strategy. (T-1). 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, e.g., referral, dismissal and/or investigation. For every contact, document the rationale for the selected resolution strategy in ACTS in accordance with [paragraph 3.13.2](#).

3.10.1. When complaints have different resolution strategies (e.g. assist, referral, and dismissal), it may be appropriate to create an additional ACTS case for each resolution strategy.

3.10.2. When transferring portions of contacts/complainants to different MAJCOMs, create an additional ACTS case for the transfer.

3.10.3. All IGs, during the complaint analysis process, will analyze the personnel actions and protected communications presented by the complainant in the complaint regardless of whether reprisal or restriction is raised. (T-1). If complainant does not think they received an adverse action in reprisal, analyze the complaint as a non-reprisal complaint.

3.11. 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.

3.11.1. During complaint analysis, complaints of wrongdoing will be treated as issues until it is determined through the analysis that further investigation is warranted. (T-1). If a complaint

analysis recommends further investigation, the IG will conclude the analysis of each issue in the complaint analysis by framing proper allegation(s) for investigation. (T-1). If the complaint analysis recommends dismissal, in that an investigation is not warranted, then the IG will conclude the analysis of those issues as issues rather than allegations. (T-1). The basis of this is two-fold. First, an allegation is not an allegation until a standard is identified. Secondly, once a standard is identified then an allegation can only be Substantiated or Not Substantiated. Since prima facie evidence should exist before framing an allegation against a subject or suspect, a properly framed allegation cannot be dismissed.

3.11.2. A 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: (T-1).

3.11.2.1. When did the alleged violation occur?

3.11.2.2. Who committed the alleged violation?

3.11.2.3. What violation was committed?

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

3.11.2.5. A properly framed allegation is constructed as follows:

When (on or about 10 January 2004), **Who** (Major John A. Smith, XX Sq/CC) **did what** (gave a referral EPR to SrA William Tell), **in violation of what standard** (in reprisal for a protected communication in violation of 10 USC § 1034).

3.11.3. 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.

3.11.4. Refer to [paragraph 5.5](#) when conducting a complaint analysis into allegations of reprisal or [paragraph 6.5](#) for allegations of restriction.

3.12. Complaint Analysis Procedures. Use the complaint analysis procedures in [Table 3.5](#) to determine the appropriate complaint resolution strategy.

Table 3.5. How to Conduct a Complaint Analysis.

Step	Action
1	If issues are appropriate for IG action but should be addressed by another IG, see paragraph 3.17 and Table 3.8 . If appropriate for transfer to another IG, follow the guidance in paragraph 3.18 and Table 3.9 .
2	Determine if the complaint is appropriate for IG channels, typically complaints of reprisal, of restriction, or against IG personnel in the performance of their IG duties. See Table 3.6 .
3	Determine if the issues fall under the category of Special Interest Complaints in Table 3.6 . If issue meets the criteria for a Special Interest Complaint, follow the directions in Table 3.6 . If the allegation does not meet the criteria, return to this table.

4	If the complainant, based on information provided by the IG, voluntarily elects to address his personal concerns or alleged wrongdoing in an alternate grievance channel or outside agency, follow the guidance in paragraph 3.21 and Table 3.10 and resolve the complaint as an assist. If the complainant elects instead to address the issue using the IG CRP, continue with this table as necessary.
5	If Table 3.6 indicates the issues are more suitable for resolution outside the IG CRP, follow the guidance in paragraph 3.23 and Tables 3.7 and 3.11 .
6	Determine whether the issues are appropriate for dismissal. See Table 3.13 . If appropriate for dismissal, follow the guidance in Table 3.14 .
7	Determine whether the issues asserted are appropriate for investigation. See paragraph 4.2 .
8	Document the rationale for the selected complaint resolution strategy. The complaint analysis documentation in Air Force Complaints Resolution Program Supplemental Guide Attachment 1 provides a template for documenting complaint analysis. See paragraph 3.13 .
9	Document appropriate complaint information in ACTS, either by case note or as an attachment. See paragraph 3.13 .

3.13. 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. (T-1).

3.13.1. If, during the initial complaint analysis, the IG deems the complaint should be handled by another IG office, contact that IG office and discuss rationale of potential transfer. If transferred, the gaining IG office will accomplish a detailed complaint analysis and required documentation. (T-1).

3.13.2. Document the complaint analysis (see Air Force Complaints Resolution Program Supplemental Guide Attachment 1, for example) and attach the document to the ACTS case file. (T-1). For complaints that are resolved through an assist, dismiss, transfer or referral, the IG can document the complaint analysis in an ACTS case note in place of the complaint analysis documentation letter. The case note must include the background, issues, analysis, and resolution path as separate paragraphs.

3.13.3. If the complaint analysis recommends an IG investigation, the complaint analysis document must contain properly framed allegations. (T-1).

3.13.4. A complaint analysis recommending an IG investigation will be reviewed by the Appointing Authority. (T-1).

3.14. Processing Allegations/Issues of a Special Nature. [Table 3.6](#) explains special processing instructions when a complainant makes assertions against senior officials, officers, IGs, or allegations of a special nature.

Table 3.6. Processing Special Interest Complaints. (T-1).

R	A	B
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U L	If the complainant makes assertions...	Then...
1	Against a senior official	Report the allegations IAW paragraph 8.1.2 and transfer the entire case through the appropriate MAJCOM, NAF, JFHQ, FOA, or DRU IG to SAF/IGS via SAF/IGQ by using Air Force Complaints Resolution Program Supplemental Guide Attachment 13 and reference Chapter 8 . “When transferring a case, always transfer to agency (NAF, MAJCOM or SAF) Group Box. When transferring a case to SAF, always transfer to the SAF Group Box in ACTS.
2	Against an IG	After consultation and coordination with the next higher-level IG, transfer the complaint to the next higher-level IG for action and document as a transfer in ACTS. When transferring a case to SAF, always transfer to the SAF Group Box in ACTS.
3	That a military member was reprimed against for making a protected communication	Advise complainants of whistleblower protection under 10 USC § 1034. Follow the procedures in Chapter 5 .
4	That a military member was restricted	Advise complainants of whistleblower protection under 10 USC § 1034. Follow the procedures in Chapter 6 .
5	Of violations of Equal Opportunity policy	Assist the complainant by directing them to the Equal Opportunity office for a complaint clarification following the procedures in Table 3.7, Rule 11 .
6	Of fraud, espionage, sabotage, treason, subversion, disloyal statements, disaffection, or other criminal offenses (i.e., to include but not limited to homicide, use/possession/sale of drugs, theft, etc.)	Consult with the JA and local AFOSI office or AFOSI/IG to determine whether the allegations should be handled through command or law enforcement channels.
7	Of sexual assault	Determine if complainant has made a restricted or unrestricted report of sexual assault. If no report has been made, advise the complainant of his or her options (restricted or unrestricted) IAW AFI 90-6001, <i>Sexual Assault Prevention and Response (SAPR) Program</i> . If referred to command, no response from command is necessary.
8	Of reprisal, ostracism, or maltreatment related to a sexual assault.	Determine if complainant has made a restricted or unrestricted report of sexual assault. If no report has been made, advise the complainant of his or her options (restricted or unrestricted) IAW AFI 90-6001. If complainant has made a restricted report of sexual

		assault, advise the complainant of the consequences of going forward with a complaint (e.g. it will be difficult to maintain the complainant's anonymity). Ostracism and maltreatment are referred to command. Ensure notifications of reprisal clearly emphasize the sexual assault nature of the complaint for coordination with IG DoD.
9	Of retaliation (ostracism or maltreatment) not related to sexual assault	Refer to command IAW AFI 36-2909, <i>Professional and Unprofessional Relationships</i> .
10	Of reprisal affecting eligibility for access to classified information (Presidential Policy Directive – 19, <i>Protecting Whistleblowers with Access to Classified Information</i> , Part B)	Ensure notifications of reprisal clearly emphasize the effect on access to classified information for coordination with IG DoD.
11	Intelligence Oversight violations	Refer complaints to the senior intelligence officer of the organization where the alleged violation occurred and provide a copy of the complaint to the servicing SJA office. (T-1). Refer to AFI 14-104. When creating the ACTS case, do not attach classified documents.
12	Civil Liberties	Determine if complaint meets the guidelines of AFI 33-332, <i>Air Force Privacy and Civil Liberties Program</i> and annotate the ACTS special interest category as appropriate. For a list of civil liberties that must be monitored, see Attachment 1.
13	Congressional Inquiries	For IG issues contained in congressional inquiries (i.e., reprisal, restriction, and allegations against an IG), see rules 2-4 above as appropriate. For non-IG issues, see AFI 90-401, <i>Air Force Relations With Congress</i> . Ensure the appropriate box in ACTS is checked.
14	Complaint to OSC referred to SECAF and SAF/IG for investigation pursuant to AFI 51-1102, <i>Cooperation with the Office of Special Counsel</i>	Follow procedures in AFI 51-1102.

3.15. Other Agencies and Grievance Channels. DoD and Air Force policy mandate the use of specialized investigative agencies or procedures for certain types of complaints made against non-senior officials. In these cases, complainants should be advised of the appropriate agency which can address their complaint. [Table 3.7](#) assists IGs in determining if a complaint belongs in other

channels. Also see Air Force Complaints Resolution Program Supplemental Guide Attachment 27, Common Personnel Actions and Applicable Standards as a reference for many personnel issues.

3.16. 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. (T-1). Refer to **Table 3.7** for procedures for handling civilian complaints.

Table 3.7. Other Agencies and Grievance Channels

R U L E	A	B
	Type of Issue	Appropriate Agency to Resolve the Issue
1	<p>Appropriated Fund employees</p> <p>Conditions of employment (personnel policies, prohibited personnel practices, and matters affecting working conditions)</p> <p>Equal Employment Opportunity (EEO) issues (discrimination based on age, race, color, sex, religion, disability, national origin, genetic information; sexual harassment; retaliated against for opposing discrimination; or for participating in a protected activity)</p> <p>For allegations of civilian reprisal under 5 USC § 2302(b) against a civil service employee or applicant.</p>	<p>The servicing Civilian Personnel section for action IAW civilian grievance system (either Administrative IAW AFI 36-706, <i>Administrative Grievance System</i> or negotiated IAW locally negotiated agreements)</p> <p>EEO Complaints should be referred to the local EO Director for processing IAW AFI 36-2706, <i>Equal Opportunity Program, Military and Civilian</i>.</p> <p>For allegations of civilian reprisal, direct the complainant to DoD Hotline (www.dodig.mil/hotline)</p>

2	<p>Nonappropriated Fund employees</p> <p>Conditions of employment (personnel policies, practices, and matters affecting working conditions)</p> <p>Equal Employment Opportunity (EEO) issues (discrimination based on age, race, color, sex, religion, disability, national origin, genetic information; sexual harassment; retaliated against for opposing discrimination; or for participating in a protected activity)</p> <p>For allegations of civilian reprisal under 10 USC § 1587 against a nonappropriated fund employee or applicant</p>	<p>Servicing Nonappropriated AF Employment Office for conditions of employment. For discrimination, complaints should be referred to the local EO Director for processing IAW AFI 36-2706, <i>Equal Opportunity Program, Military and Civilian</i>. For reprisal allegations, advise the complainant he or she can file their complaint directly with IG DoD (IAW DoDD 1401.03, <i>DoD Non-appropriated Fund Instrumentality (NAFI) Employees Whistleblower Protection</i>).</p>
3	ANG Statutory tour program issues	See ANGI 36-6, <i>The Air National Guard Statutory Tour Program Policies and Procedures</i>
4	ANG Active Guard/Reserve (AGR) issues	See ANGI 36-101, <i>The Active Guard/Reserve(AGR) Program</i>
5	ANG incapacitation benefit program	Command -- AFI 36-2910, <i>Line of Duty Determination (LOD), Medical Continuation (MEDCON) and Incapacitation (INCAP) Pay</i>
6	ANG Administrative demotions	Command -- AFI 36-2502, <i>Enlisted Airmen Promotion/Demotion Programs</i>
7	ANG enlistment/reenlistment issues	Command -- AFI 36-2002, <i>Enlisted Accessions</i>
8	ANG retention matters	Command -- ANGI 36-2651, <i>Air National Guard Selective Retention Review Boards</i> ; ANGI 36-2602, <i>Air National Guard Recruiting and Retention Programs</i>
9	National Guard Military Technicians (Excepted Civil Service under 32 USC § 709)	State Human Resources Office (HRO)
10	Air Force Reserve assignment matters	HQ AFRC/A1 -- AFI 36-2115, <i>Assignments Within the Reserve Components</i>

11	Equal Opportunity Issues	Local EO Director -- AFI 36-2706, <i>Equal Opportunity Program, Military and Civilian</i> . For ANG refer to ANGI 36-3, <i>National Guard Military Discrimination Complaint System</i> and ANGI 36-7, <i>Air National Guard Military Equal Opportunity Program</i>
12	Administrative Separations	Local Military Personnel Section (MPS) -- AFI 36-3208, <i>Administrative Separation of Airmen</i> ; AFI 36-3207, <i>Separating Commissioned Officers</i> ; AFI 36-3209, <i>Separation and Retirement Procedures for Air National Guard and Air Force Reserve Members</i>
13	Equal Opportunity in off-base housing	The Housing Referral Office -- AFD 32-60, <i>Housing</i>
14	Landlord or tenant disputes	Command -- AFI 32-6001, <i>Family Housing Management</i>
15	Claims against the Government	SJA -- AFI 51-502, <i>Personnel and Carrier Recovery Claims</i>
16	Correction of military records	AFPC and Virtual Military Personnel Flight (vMPF) web sites for appropriate processing via Air Force Board for the Correction of Military Records -- per AFI 36-2603, <i>Air Force Board for Correction of Military Records (AFBCMR)</i>
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 Evaluation Reports Appeal Board (ERAB) -- per AFI 36-2406, <i>Officer and Enlisted Evaluation Systems</i>
18	Support of Dependents and Private Indebtedness	Subject's commander or DFAS -- AFI 36-2906, <i>Personal Financial Responsibility</i>
19	Airmen Powered by Innovation (Formerly "The Air Force Innovative Development through Employee Awareness (IDEA) Program)	Local API POC -- AFI 38-402, <i>Airmen Powered by Innovation</i> . For ANG, refer to State POC per ANGI 38-401, <i>Suggestion Program</i>
20	Change to an Instruction/Regulation or current policy guidance	Appropriate AF OPR -- AFI 33-360, <i>Publications and Forms Management</i>
21	LOC, LOA, or LOR (other than discrimination/reprisal)	Command (military or civilian) or Area Defense Counsel (ADC) (military)
22	Punishment under UCMJ (courts-martial, Article 15 non-judicial punishment)	Command or ADC; For ANG refer to NGB-JA -- AFI 51-201, <i>Administration of Military Justice</i> , AFI 51-202, <i>Non-Judicial Punishment</i>

23	ANG: Punishment under the State Code of Military Justice	State Staff Judge Advocate (SJA)
24	Article 138, UCMJ (Complaint of Wrongs)	ADC -- AFI 51-904, <i>Complaints of Wrongs Under Article 138, Uniform Code of Military Justice</i>
25	Hazardous Working Conditions (unsafe or unhealthy)	Command – AFI 91-203, <i>Air Force Consolidated Occupational Safety Instruction</i> and local Ground Safety Manager
26	Elimination from AETC Training	If elimination authority is Group CC or lower, next higher CC. If elimination authority is the Wing CC, transfer to AETC/IG
27	Elimination from other MAJCOM training courses	Appropriate MAJCOM
28	Medical Treatment	MTF CC/director and/or DHA. Elevate to MAJCOM/SG & AFMOA/CC for HHQ review & Medical Incident Investigation IAW AFI 44-119 as applicable
29	TRICARE Complaints	MTF CC/director and/or DHA
30	Issues involving sexual orientation	EO
31	Misuse or abuse of government vehicles	Base Transportation -- AFI 24-302, <i>Vehicle Management</i>
32	Unprofessional Relationships/Adultery	Command -- AFI 36-2909, <i>Professional and Unprofessional Relationships</i>
33	Sexual Harassment/Discrimination	EO -- ANGI 36-3, <i>National Guard Military Discrimination Complaint System</i> , local EO Director, AFI 36-2706, <i>Equal Opportunity Program, Military and Civilian</i>
34	Allegations regarding non-AF organizations or agencies	Specific agency or Service IG or to DoD Hotline
35	Allegations of reprisal where DoD contractors are the victims	IG DoD (Reference paragraph 5.3.3)
36	Allegations against Military Attorney	AF/JAX
37	Anti-Deficiency Act violations	Local CPTS or FM -- AFI 65-608, <i>Anti-Deficiency Act Violations</i>
38	Commander-Directed Investigation (CDI)	Command for CDI process issues. Command or ADC for CDI corrective action
39	Acquisition Issues	Issuing contract unit, SAF/AQC, or Program Executive Office (PEO)
40	Intelligence Oversight	AFI 90-301, Table 3.6, Rule 11 , AFI 14-104, <i>Oversight of Intelligence Activities</i>
41	Health Insurance Portability and Accountability Act (HIPAA) Issues	MTF HIPAA Privacy Office or DHA Privacy and Civil Liberties Office

42	Privacy Act complaints	Base Privacy Act Officer -- AFI 33-332, <i>Air Force Privacy and Civil Liberties Program</i>
43	Civil Air Patrol (CAP)	Transfer to CAP-USAF/IG via ACC
44	Security Violations	Base Information Protection Office, Unit Security Manager
45	Contract Issues	Servicing Contracting Office
46	Improper Mental Health Evaluation (Unless alleged in reprisal)	Command
47	Presidential Policy Directive 19 <i>Protecting Whistleblowers with Access to Classified Information</i>	IG DoD Hotline
48	Law of War (LOW)	JA
49	Trafficking in Persons	Local AFOSI or AFOSI/IG
50	Hazing and Bullying (See DoDI 1020.03 <i>Harassment and Prevention Response in the Armed Services</i>)	EO
51	Indebtedness to the AF	AF Remissions Board -- Applies to all current and former members of the Regular Air Force, Air Force Reserve, and Air National Guard whose debts were incurred while on active duty. AFI 36-3034, <i>Remission of Indebtedness</i> . Members apply through servicing Financial Services Offices
52	Deny or revoke security clearance	Personnel Security Appeal Board (PSAB) -- Adjudicates appeals of security eligibility/clearance withdrawals by the AFCAF (Air Force Central Adjudication Facility). The PSAB determines if the appellant should have their eligibility reinstated or if their appeal should be denied. Individuals appeal IAW DoDM 5200.02_AFMAN 16-1405, <i>Air Force Personnel Security Program Management</i>
53	Fitness Assessment records errors	Fitness Assessment Appeals Board--Individuals notify Unit Fitness Program Manager IAW AFI 36-2905, <i>Fitness Program</i> , Fig. 10.1

Note 1. [Table 3.7](#) is not all-inclusive.

Note 2. If a complainant has an issue identified in column A, the IG will assist the complainant by putting him or her in contact with the agency most appropriate to help them solve his or her issue.

Note 3. When the subject is a senior official, process the complaint IAW [paragraph 3.17](#) and [Table 3.8](#)

Note 4. If the complaint does not concern reprisal or restriction and is not in [Table 3.7](#), the complainant or complaint should normally be directed to command channels.

Section 3D—Step 3: Tasking: Transfer, Assist, Refer, Dismiss, or Investigate (≤ 5 Days)

3.17. 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 [Chapter 8](#) and [paragraph 3.18](#) concerning the transfer of complaints to other IGs. (T-1).

Table 3.8. When to Transfer A Complaint to Another Air Force IG (T-1).

R U L E	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 via MAJCOM, NAF, JFHQ, FOA, or DRU. When transferring a case, always transfer to agency (NAF, MAJCOM or SAF) group box.
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. When transferring a case, always transfer to agency (NAF, MAJCOM or SAF) group box.
4	The subject is the IG's commander or vice wing commander		Transfer the complaint to the next higher-level IG. When transferring a case, always transfer to agency (NAF, MAJCOM or SAF) group box.
5	The subject is an IG or an IG staff member		Transfer the complaint to the next higher-level IG. When transferring a case, always transfer to agency (NAF,

			MAJCOM or SAF) group box.
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 alleged wrong happened in a unit under the other MAJCOM or higher IG's jurisdiction	Transfer the complaint IAW Table 3.9 to the IG at the same level and command as the subject or where the alleged wrong happened.
8	The complainant is assigned to the host wing, a tenant unit, or is anonymous/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, a tenant unit, or is anonymous/third-party	The subject (person, process or agency) is assigned to a tenant unit	Follow the guidance in paragraph 1.18.14 .

3.18. Procedures for Transferring a Complaint. Use the procedures in **Table 3.9** to transfer a complaint. (T-1).

Table 3.9. How to Transfer a Complaint (T-1).

Step	Action
1	Conduct a complaint analysis to determine if the complaint should be transferred to another IG. Do not make any notifications regarding reprisal or restriction or officer adverse information reporting. These notifications will be done by the receiving IG.
2	Coordinate a complaint transfer with the appropriate IG explaining the 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 in ACTS for ANG cases.
3	Notify the complainant of the transfer in writing and attach the response in ACTS.
4	Transfer case file to receiving IG office through the applicable MAJCOM, JFHQ, NAF, or DRU IG. Transfers must be accomplished in ACTS.
5	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.
6	Document the case IAW paragraph 3.13.2 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.

3.19. Procedures When Another Appeal or Grievance Channel Exists. 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 will advise the complainant of those other redress or appeal channels as provided for by the specific law or regulation. (T-3). Dissatisfaction with the outcome of an appeal is not sufficient basis for an IG inquiry. For complaints that are not appropriate for the IG CRP see [Tables 3.10, 3.11, 3.12, 3.13](#) or [3.14](#)

3.19.1. IGs will assist or 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 IAW [paragraphs 3.21](#) and [3.23](#). (T-3).

3.19.2. 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.

3.19.3. If the complainant makes an allegation that could be considered a criminal offense, the IG will consult with JA and law enforcement to determine whether the complaint should be referred or remain in IG channels. (T-1).

3.20. Assisting a Complainant. The purpose of assistance is to quickly resolve complainant's issues and allow him or her to refocus on the assigned mission. Assistance involves providing information to complainants that allows them to address their concerns quickly with an appropriate outside agency or grievance channel. IGs may facilitate the process by making phone calls, asking questions of functional experts, soliciting helpful information from an appropriate organization or agency, or putting the complainant in contact with the person, organization, or agency that can appropriately address the problem IAW [Table 3.7, Note 2](#). [Table 3.10](#) explains when and how to assist a complainant.

3.21. Procedures for Assisting a Complainant. Use the procedures in [Table 3.10](#) to assist a complainant. (T-3).

Table 3.10. How to Assist a Complainant (T-3).

Step	Action
1	Discuss concerns/issues with the complainant.
2	Conduct a complaint analysis to determine if the complaint can be appropriately handled through assistance. When complaints are more appropriately handled by another service IG (e.g. Army, Navy, Marine), handle those complaints as assists except when the complaint asserts wrongdoing by an Air Force member. In cases where subjects of complaints are Air Force members, transfer those complaints to appropriate AF IG office for resolution.
3	Document the complaint analysis using the complaint analysis documentation letter (Air Force Complaints Resolution Program Supplemental Guide Attachment 1) 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 Air Force Complaints Resolution Program Supplemental Guide Attachment 1).
4	Advise the complainant the complaint is not an IG matter but the IG can assist the complainant in resolving their concerns.
5	Make phone calls or other contacts to provide the complainant with assistance needed.

6	Document the case IAW paragraph 3.13.2 in ACTS as an “Assist,” inform complainant, record appropriate information, and close the case.
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3.22. Referring a Complaint. When the complaint analysis discloses an organization or agency outside the Air Force IG Complaints Resolution Program can more appropriately handle a complaint alleging a violation of instruction, policy, or procedure, IGs will refer the complaint to the appropriate organization or agency following the procedures described in **Table 3.12** and **paragraph 3.23**. When referring complaints, IGs will include the Referral Completion Report template (see Air Force Complaints Resolution Program Supplemental Guide Attachment 21) with the complaint. (T-1). The organization receiving the referral will respond to the complainant, complete the Referral Completion Report, and return it to the IG within 30 days of receipt along with a courtesy copy of any written response to the complainant. The Referral Completion Report is an IG record, regardless of which office writes the report.

3.22.1. Ensure Referral Completion Reports include: (T-1).

3.22.1.1. Scope of the inquiry.

3.22.1.2. Findings of the inquiry.

3.22.1.3. Conclusions, recommendations and corrective actions.

3.22.2. Attach completed Referral Completion Reports in ACTS under “Disposition/Resolution Documents.”

Table 3.11. When to Refer A Complaint.

R U L E	A If...	B Then...
1	The complaint is a matter not appropriate for the IG complaints resolution program	Refer the complaint and the Referral Completion Report template to the office having functional responsibility.
2	The complaint is a command issue (i.e., financial irresponsibility, adultery, etc.)	Refer the complaint and the Referral Completion Report template to the appropriate commander.

3.23. Procedures for Referring a Complaint. Use the procedures in **Table 3.12** to refer a complaint, and Air Force Complaints Resolution Program Supplemental Guide Attachment 4 for a sample referral letter, but do not attach the IG’s complaint analysis. (T-1).

Table 3.12. How to Refer a Complaint (T-1).

Step	Action
1	Conduct a complaint analysis to determine if the complaint should be handled in other channels.

2	Document the complaint analysis IAW paragraph 3.13.2 (see Air Force Complaints Resolution Program Supplemental Guide Attachment 1 for example) and attach the document to the ACTS case file. The analysis may also be documented in an ACTS case note (include all appropriate information as referenced in Air Force Complaints Resolution Program Supplemental Guide Attachment 1). The complaint analysis documentation letter (Air Force Complaints Resolution Program Supplemental Guide Attachment 1) provides the format.
3	Notify the complainant of the intent to refer the complaint and request permission from the complainant to pass his or her name and contact information to the referral agency. If the complainant refuses permission, inform the complainant that in certain cases, release of his or her personal information is integral to resolution of the complaint and communications between the complainant and the referral agency may be necessary to arrive at a desired outcome. Do not mark the ACTS case complainant tab as anonymous just because the complainant has not consented to release of his or her personal information. At no time should a complainant's identity be released to a referral agency without the complainant's permission, unless the Inspector General determines such disclosure is unavoidable during the course of the investigation and/or complaint analysis. It is highly encouraged that this permission is received in writing (i.e. a letter or email or check box on AF Form 102).
4	For all complaints, refer the complaint, in writing, to the appropriate agency, grievance channel or commander (Note 1) at least one level above the highest ranking responsible management official (RMO), to ensure an independent review. Use the Sample Referral Memorandum, Air Force Complaints Resolution Program Supplemental Guide Attachment 4. DO NOT attach the Complaint Analysis, but share enough IG analysis to the referred agency to ensure an accurate assessment and review of the referred situation will be addressed by the referral agency. Redact portions of the complaint that do not directly apply to the referral action. Redact the complainant's identity if the complainant has not given permission for the release (see Step 3 of this table). Include a copy of the Referral Completion Report template, Air Force Complaints Resolution Program Supplemental Guide Attachment 21. Referral Completion Reports are not included when referring complaints to EO or OSI. See Chapter 10 when referring DoD Hotlines to EO or OSI. Notify the complainant, in writing, of the referral.
5	Direct the referral agency to provide you a copy of the finished Referral Completion Report, and a courtesy copy of any written closure response to the complainant for your case file (Note 2). 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," and record appropriate information. If there is an officer subject, ensure SAF/IGQ is notified IAW paragraph 7.5 . Additionally, if there is an officer subject, monitor/track the case until completion and provide required closure documents IAW Table 7.1 . When a copy of the Referral Completion Report and other documents as required by Table 7.1 are provided to the IG, close the case in ACTS (Note 3). For referrals to EO or OSI, after confirming EO or OSI has accepted the case, make a case note and close the case.

Note 1. Referrals should not normally be made below squadron/detachment commander or agency head levels.

Note 2. SAF/IGS will not normally send a closure response to the complainant on referred matters.

Note 3. 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. Responses will not be sent to anonymous or third party complainants. For complainants who do not consent to release of their identity, the IG will obtain the referral agency response and forward to the complainant.

3.24. 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 rules in [Table 3.13](#). [Tables 3.13](#) and [3.14](#) help IGs determine when and how to dismiss a complaint.

Table 3.13. When to Dismiss a Complaint (T-1).

R U L E	A If...	B And...	C 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 complainant did not contact the IG within 60 days (one year for reprisal, no limit for restriction) of learning of the alleged wrongdoing (see paragraphs 2.5.1 and 2.5.2)	The IG determines: (a) there are no extraordinary circumstances justifying the delay; and/or (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 or fails to respond to requests for additional information within 10 days after three attempts at contact		Dismiss the complaint.
5	The complainant files a complaint under Article 138, UCMJ (Note 2)	The Article 138 complaint addresses the same non-10 USC § 1034 matters addressed in the IG complaint (NOTE-10 USC § 1034 issues cannot be addressed using Art 138 and must be addressed in the IG CRP)	Dismiss the IG complaint.
6	After completing a thorough complaint analysis, the IG determines the complaint cannot be referred and is: without merit; frivolous; or that an IG investigation would not appreciably affect the outcome or remedy sought (Note 3)		Dismiss the complaint.
7	The allegations have already been investigated and then reviewed by higher-level IG office	The complainant provides no new evidence or information that justifies further investigation	Dismiss the complaint.
8	The complainant requests to withdraw the complaint	There is no overriding Air Force interest in the complaint	Dismiss the complaint.

Note 1. The most important consideration before dismissing a complaint based on the time requirement established in [paragraph 2.5.2](#) 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 the 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 insufficient information can be gathered to make a determination. However, if it is possible to gather sufficient information, a further analysis may be warranted.

Note 2. Do NOT dismiss the complaint when there is an allegation of reprisal or restriction and conduct the appropriate CRP actions without delay.

Note 3. See definition of *frivolous complaint* in [Attachment 1](#).

3.25. How to Dismiss a Complaint. Follow the procedures in [Table 3.14](#) to dismiss a complaint. (T-1).

Table 3.14. How to Dismiss a Complaint (T-1).

Step	Action
1	Conduct a complaint analysis to determine if the complaint should be dismissed.
2	Prepare a complaint analysis letter and supporting decision documents IAW paragraph 3.13.2 , then attach the documents to the ACTS case file. Use the complaint analysis documentation (Air Force Complaints Resolution Program Supplemental Guide Attachment 1) For cases involving reprisal or restriction; follow the guidance in Chapter 5 or 6 as appropriate. For cases not involving reprisal or restriction, the analysis may also be documented in an ACTS case note (include all appropriate information as referenced in Air Force Complaints Resolution Program Supplemental Guide Attachment 1).
3	For issues of reprisal or restriction, refer to Chapters 5 or 6 , respectively.
4	Notify the complainant in writing of the dismissal ensuring the rationale for the dismissal is clearly communicated. For issues of reprisal or restriction wait until IG DoD has approved the AF recommendation to dismiss prior to notifying the complainant.
5	Advise the complainant of his/her right to appeal to the next higher-level IG and Air Force Board for the Correction of Military Records (or other appeal channels), if applicable.
6	Document the case in ACTS as a “Dismiss,” record appropriate information, and close the case.

Chapter 4

INVESTIGATING IG COMPLAINTS

Section 4A—Procedures for Initiating an Investigation

4.1. Overview. This chapter instructs IGs at every organizational level how to manage and conduct IG investigations and discusses the investigation lifecycle from complaint analysis through resolution. The Air Force endorses a proactive oversight and follow-up system that achieves the high program standards described in the Council of the Inspectors General on Integrity and Efficiency (CIGIE) *Quality Standards for Investigations* (QSI).

4.2. 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 there is sufficient evidence collected during complaint analysis which indicates that an investigation is warranted. Though allegations may be successfully framed, not all matters are appropriate for the IG, nor are all matters relevant to the Air Force. Normally, the IG only investigates allegations of reprisal or restriction. Appointing authorities can direct an IG investigation into other allegations, with the understanding that the investigation will follow the procedures outlined in this instruction and the investigation will be an IG record. Most Air Force processes have embedded appeal procedures that provide complainants with due process. **Table 3.7** 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 4.1** when initiating an IG investigation.

4.3. Procedures for Conducting Investigations. The decision to conduct an IG investigation will only be made after completing a thorough complaint analysis of all issues presented. (T-1). IG investigations are performed to address complaints by checking records, 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 4.6**, Procedures for Appointing an Investigating Officer, all investigations require an appointment letter from the Appointing Authority.

4.4. Procedures for Tasking an Investigation. Use the procedures in **Table 4.1** to task an investigation.

Table 4.1. How to Task an Investigation (T-1).

Step	Action
1	Using a complaint analysis, determine if the issues raised by the complainant warrant an IG investigation. When an investigation is warranted the complaint analysis will determine which issues are to be investigated and properly frame allegations for each. The appointed IO will use the framed allegations verbatim when conducting the investigation.
2	Prepare and forward a complaint analysis document and supporting decision documents to the Appointing Authority.
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 4.7).
5	Follow appropriate notification procedures per paragraphs 4.5 and/or 8.2 .
6	The IG places the case in "Under Investigation" status using the "Investigate" action in ACTS and continues to record appropriate information (e.g. tasking date, etc.) in ACTS until the case is closed.

4.5. Notification Requirements for Investigations. [Table 4.2](#) describes the notification requirements when an IG investigation is started. (T-1).

Table 4.2. Notification Matrix for Investigations. (Complaint Analysis and Investigation Phases) (T-1).

R	A	B	C
U	If in the...	And the...	Then the...
L			
E			
1	Complaint Analysis Phase	Complaint analysis identified the need for an IG investigation	<ol style="list-style-type: none"> 1. Appointing Authority directs an investigation by appointing an IO in writing (see Air Force Complaints Resolution Program Supplemental Guide Attachment 6). 2. Appointing Authority notifies subject's commander in writing of the scope of the investigation in general terms. (See Air Force Complaints Resolution Program Supplemental Guide Attachment 5). 3. Commander notifies subject in writing. 4. IG or IO notifies witnesses. 5. IG notifies complainant. 6. The IG places the case in "Under Investigation" status using the "Investigate" action in ACTS and continues to record appropriate information in ACTS until the case is closed. 7. For cases involving an officer as the subject, notify SAF/IGQ via MAJCOM, JFHQ, NAF, or DRU IG IAW Chapter 7.
2	Investigation phase	Investigation is ongoing	IG provides periodic updates and interim response to complainant per paragraph 4.24 . Document in ACTS under Suspense Tab.

Section 4B—Step 4: Pre-fact Finding (≤ 5 Days, see Table 3.1)

4.6. Procedures for Appointing an Investigating Officer (IO).

4.6.1. 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.

4.6.2. An appointment letter is necessary for all investigations, including those conducted by an IG or IG staff member. (T-1). (NOTE: Air Force Reserve and Air National Guard IGs may be appointed to conduct CDIs at installations other than their own.)

4.6.3. 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.

4.6.4. 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. (T-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, Deputy IG, or MAJCOM IGQ. (T-1). 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. Refer to Air Force Complaints Resolution Program Supplemental Guide Attachment 8 to determine where to place the document in the case file.

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

4.6.5.1. 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). (T-0).

4.6.5.2. 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). (T-0).

4.6.6. If necessary, an IO may be verbally appointed; however, a written directive must follow within three working days. (T-1).

4.6.7. The investigation will be the IO's primary duty until the report is completed and approved by the Appointing Authority. (T-1).

4.6.8. Appointing authorities should not appoint an IO who is retiring, separating, expects reassignment, or expects deployment within 180 days.

4.7. How to Appoint an Investigating Officer. Air Force Complaints Resolution Program Supplemental Guide 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 must receive an appointment letter from the Appointing Authority. (T-1). IGs who have been designated as the Appointing Authority cannot appoint themselves as an IO. IGs must draft an investigative plan (see Air Force Complaints Resolution Program Supplemental Guide Attachment 7 and paragraph 4.10.8) as the "Directive to the IO" shown as Attachment 1 in the IO appointment letter (see Air Force Complaints Resolution Program Supplemental Guide Attachment 6). 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, whichever is later (see Air Force Complaints Resolution Program Supplemental Guide Attachment 6). (T-1).

4.8. Requirements for Investigation Preparation.

4.8.1. 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.adls.af.mil/login.aspx> and the SAF/IGQ *Guide for Investigating Officers (IO Guide)*. (T-1). In addition, the IG will discuss the investigative requirements and answer questions.

4.8.2. IOs must confer with their legal advisor, preferably by meeting in person, before initiating the investigation. (T-1). The legal advisor will assist the IG in training the IO.

4.8.3. IOs must review the allegations and supporting documentation as part of their investigative preparation. (T-1). All appropriate regulations/directives should be identified and reviewed.

4.8.4. Based on the review of the allegations, supporting documentation, and applicable directives, the IO will complete an investigation plan, which will be approved by the IG. (T-1). See Air Force Complaints Resolution Program Supplemental Guide Attachment 7 for a sample investigation plan. This plan will assist the IO in completing periodic updates and in keeping track of the dates he/she completes the planned actions.

Section 4C—Step 5: Fact Finding (≤ 21 Days)

4.9. Procedures on Investigating Complaints.

4.9.1. All IG investigations are conducted IAW **Chapter 4**, or **Chapter 5** in the case of reprisal, or **Chapter 6** in the case of restriction, as well as other applicable laws and regulations concerning the specific allegations.

4.9.2. IG investigations are administrative in nature--they are fact finding rather than judicial proceedings. Preponderance of the evidence is the standard of proof.

4.10. 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. (T-1). It is the IG's responsibility to ensure the report of investigation is completed on time and meets qualitative standards. (T-1). Specifically, the IG:

4.10.1. Must provide the IO an appointment letter from the Appointing Authority describing the scope of investigation, authorizing the collection of evidence, and setting the suspense date for completion. (T-1).

4.10.2. Must provide the IO the complaint analysis, all complainant-provided materials, and the framed allegations. (T-1). Additionally, the IG must enter all allegations addressed in the ROI in the subject tab of the ACTS case file. (T-1).

4.10.3. Must verify the IO has completed the Investigating Officer Overview Course (see **paragraph 4.11.1**) and train the IO using the SAF/IGQ *IO Guide*, and AFI 90-301. (T-1).

4.10.4. Must brief the IO on the Hand-Off Procedures. (T-1).

- 4.10.5. Must schedule appointments with key support staff including legal and technical advisors as necessary. (T-1).
- 4.10.6. Should provide the IO suitable workspace, computers, administrative support, and technical assistance.
- 4.10.7. Should review the proposed witness questions and associated rights advisement, if any.
- 4.10.8. Must assist IO in preparation of a draft investigative plan (Air Force Complaints Resolution Program Supplemental Guide Attachment 7) identifying key milestones, standards, witnesses, evidence, and administrative requirements. (T-1).
- 4.10.9. May prepare a preliminary proof analysis matrix facilitating evidence collection IAW the SAF/IGQ *IO Guide*.
- 4.10.10. Has no authority to grant express promises of confidentiality to subjects, suspects, complainants, or witnesses.

4.11. Responsibilities of IOs. The IO:

- 4.11.1. Must complete the Air Force Inspector General - Investigating Officer Overview Course, available at <https://golearn.adls.af.mil/login.aspx> and provide the local IG a copy of the automated Certificate of Training prior to beginning investigative duties. (T-1).
- 4.11.2. Must advise the Appointing Authority immediately of any personal relationships or other factors that may affect his/her impartiality. (T-1).
- 4.11.3. Must advise the Appointing Authority if he/she is retiring, separating, expects reassignment, or expects deployment within 180 days. (T-1).
- 4.11.4. For ANG: Recommend IO be put on continuous orders for 30 days initially to conduct the investigation. Should continue on orders if the investigation is not complete within 30 days. (T-3).
- 4.11.5. Must begin the investigation without any preconceived notions. Never take sides with any party--be impartial, unbiased, and objective. (T-1).
- 4.11.6. Must investigate the complaint, not the complainant. (T-1). Keep the investigation focused on the allegations in the complaint and not the person making them. (T-1).
- 4.11.7. Must interview the complainant first in order to re-clarify the allegations and obtain specific details to help with the investigation. (T-1).
- 4.11.8. Must protect information IAW **paragraph 3.2** and by: (T-1).
 - 4.11.8.1. Reporting the results of the case only to the Appointing Authority, IG, and legal advisor.
 - 4.11.8.2. Not commenting to any complainant, subject, or other witnesses regarding his or her opinions, findings, conclusions, or recommendations during or after completion of the investigation.
 - 4.11.8.3. Not providing copies of testimony to complainants, subjects, or witnesses. If a subject/witness requests case file information, refer them to the appropriate FOIA office.
- 4.11.9. Shall not grant express promises of confidentiality to subjects, suspects, complainants, or witnesses. (T-1).

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

4.11.11. Must consult with the Appointing Authority and/or supporting IG, legal advisor, and read all applicable instructions and directives before beginning an investigation. (T-1). Must consult in advance with legal advisor about the need for rights advisement when applicable. (T-1).

4.11.12. Should use the SAF/IGQ *IO Guide* for proper guidance on how to conduct an investigation. For reprisal or restriction investigations, IO's will reference the IG DoD *Guide to Investigating Military Whistleblower Reprisal and Restriction Complaints*. (T-1).

4.11.13. Must complete an investigative plan identifying key milestones, standards, witnesses, evidence, and administrative requirements and obtain IG approval. (T-1).

4.11.14. Must verify the duty 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. (T-1). Consult with legal advisor if questions arise as to the duty status of the individual.

4.12. 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.

4.12.1. 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. One way to 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 process is known as authentication and must be referenced in the final report if the document has been so verified. (T-1).

4.12.2. 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 should be coordinated through the servicing SJA office.

4.12.3. Testimony. The other major form of evidence is presented by a 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.

4.12.4. Hearsay. A statement or testimony given by a witness who relates not what he/she knows personally, but what others have said and is therefore dependent on the credibility of someone other than the witness. 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.

4.12.5. Privileged Communication. Judge Advocates, to include ANG Judge Advocates, and Air Force civilian attorneys represent the Department of the Air Force as it acts through its authorized representatives. Per AFI 51-110, *Professional Responsibility Program*, Rule 1.13, when an Air Force official, member, or employee acting within the scope of his or her official duties communicates with an Air Force lawyer, the communication is generally protected (but

see 5 USC § 1212(b)(5)(c)) from disclosure to anyone outside the Air Force. Such disclosure requirements do not apply to attorneys acting in their capacity as defense counsels.

4.13. 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. IOs should consult with their legal advisor when formulating interview questions and should determine whether the legal advisor's presence during interviews would be beneficial.

4.13.1. A witness' status will determine how they will be interviewed.

4.13.1.1. The complainant is a key witness who must be interviewed first to clarify allegations and focus the investigation. (T-1).

4.13.1.2. The subject is equally important since he or she is the one against whom the allegations have been made. The subject(s) must be interviewed. (T-1). This person should be interviewed last and given an opportunity to respond to the specific allegations against him/her. Additionally, he or she should be given a reasonable opportunity to respond to significant adverse information that may come about subsequent to the subject's initial interview. If the subject is no longer associated with the Air Force, every attempt must be made to contact him or her to give him or her an opportunity to give his or her side of the story. This process is also important to the complainant as a substantiated allegation may enable the complainant to correct his or her AF record and become whole again.

4.13.1.3. Expert witnesses have 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.

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

4.13.1.3.2. IOs should not allow the testimony of an expert witness to control their final findings and recommendations. IOs should base their final findings and recommendations on all the testimony and facts gathered.

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

4.13.2. Regardless of their status, all witnesses in investigations must be sworn. (T-1). This puts witnesses on notice that the investigation is a serious matter and they are expected to testify truthfully. The IO must:

4.13.2.1. For each witness who is neither a suspect nor a subject, tailor the witness interview format outlined in [Attachment 2](#) as appropriate. Use the individually-tailored witness interview format for each witness interview. (T-1). For each subject, tailor the subject interview format outlined in [Attachment 3](#) as appropriate and use it for that subject's interview. For suspect interviews, use the suspect interview format in [Attachment 4](#) and guidance in [paragraph 4.16](#). Provide each witness with a Privacy Act Statement found in [Attachment 5](#). (T-1).

4.13.2.2. Advise subjects/suspects they may submit additional relevant information for the IO's consideration within a reasonable time following their interview. (T-1)

4.13.2.3. Electronically record (audio only) all witness testimony to accurately capture what was said during the interview. (T-1). Advise all witnesses they are not authorized to record the interview in any manner. Witnesses can take notes, but the notes become an IG record and cannot be retained by the witness. All electronic recordings must be given to the IG together with the completed ROI.

4.13.2.4. Transcribe verbatim (word-by-word) the testimony of complainants, subjects, and key witnesses for 10 USC § 1034 cases. (T-1). At the discretion of the Appointing Authority, summarized testimony may be acceptable in all other cases.

4.13.2.5. Sign all testimony to certify its validity. Add the following statement to the end of the testimony: "I certify the above to be a true sworn (or affirmed) testimony given to me on (date) at (place)." (T-1). Witnesses should also sign summarized testimony whenever the witness is reasonably available to do so.

4.13.3. 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 should make arrangements to verify the witness' identity. The appointed IO will (when possible) interview all subjects or suspects in person.

4.13.4. 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 3](#) or [Attachment 4](#), as applicable) and given an opportunity to respond to the suspected misconduct or allegations in light of his or her new status. (T-1).

4.13.4.1. 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. (T-1). The IO will take no further action on any additional issue until consulting with the Appointing Authority and the legal advisor. (T-1).

4.13.4.2. Conduct the proper read-in/rights advisement for a subject/suspect prior to the interview/re-interview. (T-1). Refer to [paragraph 4.16](#) for further rules regarding rights advisement. The read-in/rights advisement is mandatory. Consult with the legal advisor prior to rights advisement.

4.13.5. Witnesses who are military members or federal civilian employees may refuse to testify only if they believe they might incriminate themselves (refer to [paragraph 4.17.3](#)). 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.

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

4.14.1. 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. (T-1).

4.14.2. When witnesses are considered subjects, they may consult with an attorney, but may not have an attorney present during the interview. (T-1).

4.14.3. Union officials may have the right to be present during interviews per the provisions in **paragraph 4.15** of this instruction. (T-1).

4.14.4. Special Victim's Counsel may be present during interviews of victims.

4.15. 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 definition for inclusion in the collective bargaining unit. The employee's status as a dues paying or non-dues paying union member has no bearing on his or her right to representation. Additionally, the union has an independent right to be present during formal discussions (sworn/recorded IG interviews are considered formal discussions) involving bargaining unit members and if the discussion concerns a grievance (complaint by a bargaining unit employee about any term or condition of employment) or personnel policy or practice or general condition of employment. The union must be notified and given an opportunity to attend whenever such formal interviews will take place. (T-1). Presence by a union representative is a statutory right meant to protect the interests of the bargaining unit as a whole, regardless of the employee's wishes. The union determines who will represent the union during the interview, not the employee and not the agency. Before interviewing witnesses, subjects, or suspects represented by unions, consult with the legal advisor to determine what, if any, rights advisement is required IAW any applicable collective bargaining agreement.

4.15.1. Weingarten Rights, per the Federal Service Labor-Management Relations Statute ("FSLMRS" or "Statute"), are the rights to union representation for federal civilian employees who belong to an appropriate bargaining unit. This right arises during interviews with a federal employee in connection with investigations if: (a) the employee reasonably believes disciplinary action may be taken against him or her as a result of the interview, and (b) the employee requests union representation. This right does not apply to management personnel.

4.15.2. FSLMRS does not require an IO to advise an employee of the right to union representation before an interview. The Statute merely requires management to inform its employees annually of this right unless the collective bargaining agreement provides that the IO will advise the employee of this right. If the employee invokes Weingarten rights, the IO should consult with the legal advisor and civilian personnel office before proceeding with the interview.

4.15.3. The exercise of the right to union representation shall not interfere with the investigation. Determinations regarding union representation should be coordinated in advance with the legal advisor and the Civilian Personnel Office Labor Relations Specialist. The union representative is a personal representative of the employee and 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 legal advisor on how to proceed after terminating the interview.

4.16. Procedures Regarding Rights Advisements. The following guidance should be used on a case-by-case basis to determine when a witness or subject should be considered a suspect and, if so, when a suspect must be advised of his or her rights and which rights are applicable to the

suspect. As a general rule, a subject should be considered a suspect and read the appropriate rights advisement as discussed below if, prior to the subject interview, the IO has a reasonable belief, based on the evidence discovered during the investigation, that the allegation(s) against the subject will be substantiated by a preponderance of the evidence.

4.16.1. For active duty military suspects (and retired or separated military members subject to recall, and Reserve or National Guard members in Title 10 status at the time of the interview), advise them of their rights as specified under Article 31, UCMJ. (T-0).

4.16.2. In regard 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. (T-1). If the IO reasonably believes the member is a suspect, consider requesting the member be in Title 10 status for the interview, which would then require advising the member of his or her rights under Article 31, UCMJ.

4.16.2.1. There is no constitutional or statutory requirement to read any version of rights to an Air National Guard suspect. As a matter of policy, advise such personnel of his or her rights under the state code equivalent of Article 31, UCMJ.

4.16.2.2. If a member is a dual-status technician and is in technician (civilian) status during the interview, the member need not be advised of his or her Fifth Amendment rights.

4.16.3. Civilian witnesses, to include state employees, Senior Executive Service employees, and Air Force civil service employees, 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 advisements 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.

4.16.4. Aside from those civilian witnesses discussed in [para 4.16.3.](#), if, during the course of an interview, the IO discovers information leading him or her to believe the witness or subject is a suspect, the IO must stop the interview, consult with the Appointing Authority and legal advisor, and (if allowed to proceed) advise the suspect of his or her rights. (T-1). [Attachment 4](#) 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. (T-1). Consult with the legal advisor before attempting to re-interview the suspect.

4.16.5. “Kalkines/Garrity” warnings are required to be given to civilian *subjects* being interviewed in an IG investigation. Consult your legal advisor with questions concerning rights advisement. The following warning would be appropriate:

“You are being asked to provide information as part of an administrative investigation. This is a voluntary interview, and you will not be kept here involuntarily. You have the right to be fully informed of any allegations against you. You have the right not to answer a question if the answer would be self-incriminating. No disciplinary action will be taken against you solely for

refusing to answer questions. However, the evidentiary value of your silence may be considered in administrative proceedings as part of the facts surrounding your case.”

4.17. Procedures Regarding Subject/Suspect/Witness Hand-offs. Air Force procedures regarding investigative interviews of Regular Air Force personnel, AFR personnel, ANG personnel, and Department of Air Force civilian employees requires special handling of certain interviewees.

4.17.1. 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 procedure 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.

4.17.1.1. 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. As a general rule, the command representative designated to receive the hand-off should be of equal or greater rank than the subject/suspect.

4.17.1.2. Following 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. (T-1). The command representative must be physically present immediately following the interview and receive the subject/suspect. (T-1).

4.17.1.3. 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.).

4.17.1.3.1. However, the IO will not disclose the identity of the complainant or the substance of testimony or other evidence obtained during the investigation. (T-1).

4.17.1.3.2. 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.

4.17.1.4. The hand-off must be documented at the end of the testimony. (T-1). IOs may use the documentation at the end of the readout or include the following annotation: “At the conclusion of the interview, the witness/subject/suspect was handed off by the IO to the commander (or commander's representative) IAW AFI 90-301, [paragraph 4.17.](#)”

4.17.2. If any witness appears to be emotional, distraught, or stunned during the process of any interview, he or she should not be allowed to depart alone, but should be released to his or her 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).

4.17.2.1. In most instances, hand-offs will require pre-coordination so consider the possible impacts of the interview on the witness during advanced planning.

4.17.2.2. 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.

4.17.2.3. 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.). However, the IO will not disclose the identity of the complainant or the substance of testimony or other evidence obtained during the investigation. (T-1).

4.17.2.4. The hand-off must be documented at the end of the testimony. (T-1). 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(es)/subject(s)/suspect(s) was/were handed off by the IO to the commander (or commander's representative) IAW AFI 90-301, [paragraph 4.17.](#)"

4.17.3. When suspects, subjects or witnesses invoke their Fifth Amendment or Article 31, UCMJ 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/suspect's presence of a nature likely to elicit statements or admissions regarding the alleged offenses. (T-0). Document this in the Report of Investigation. (T-0).

4.17.4. If subjects are represented by an attorney for the matter under investigation, notify the attorney of the hand-off. (T-1). Notify the legal advisor of any suspect, subject, or witness represented by an attorney. (T-1).

4.17.5. When dealing with civilian employee subjects or distraught witnesses, the IO must make a reasonable effort to hand-off the individual directly to his or her unit representative, commander or designee, civilian leading an organization designated as a unit IAW AFI 38-101 or designee, or supervisor. (T-1).

Section 4D—Step 6: Writing the Report (≤ 36 Days Days)

4.18. Standard of Proof.

4.18.1. 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 the wrongdoing has occurred.

4.18.2. 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 others 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 4.19.2.](#)

4.19. 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. (T-1).

4.19.1. 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.

Consult with the legal advisor and Appointing Authority if allegations need to be revised after the investigation has begun. The revision may require notification to the subject/suspect, depending on the change and the stage of the investigation.

4.19.2. What are the facts (what happened)? Facts are not conclusions, but rather information and data, from which the IO must draw logical conclusions. Each fact contained in the report of investigation must be supported by evidence contained in an exhibit attached to the report. 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.

4.19.3. 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.

4.19.4. 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.

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

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

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

4.21. Procedures Regarding Report Writing.

4.21.1. All IG investigations (and their findings) must be documented with objectivity, thoroughness, and in a timely manner. (T-1). The ROI must maintain an impartial and balanced tone and exclude any biases for or against the complainant, subject, or witnesses. (T-1). 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. (T-1).

4.21.1.1. The IO must sign the report. (T-1).

4.21.1.2. The Appointing Authority approves the report in writing. (T-1).

4.21.1.3. The IO must address each of the framed allegations in the report. (T-1). If the Appointing Authority determines an allegation should not be examined in the investigation, the IO must document the Appointing Authority's decision. (T-1).

4.21.2. Recommendations are required.

4.21.2.1. In not substantiated cases, at the end of Section II, Tab C, state: “We make no recommendations in this matter.”

4.21.2.2. In substantiated cases, state at the end of Section II, Tab C: “We recommend that the commander take appropriate corrective action regarding the substantiated finding;” and “We recommend that the complainant petition the Air Force Board for Correction of Military Records to reconsider [appropriate action based upon the case] based upon the substantiated finding(s).”

4.21.3. IGs will refer IOs to this instruction and the *SAF/IGQ IO Guide* for specific information and techniques on report writing. (T-1).

4.21.4. All IG investigative case files must comply with the standardized IG case file format described in [paragraph 4.22](#) and [4.23](#), see Air Force Complaints Resolution Program Supplemental Guide Attachment 8 for a template. (T-1).

4.22. 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, 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 chronology, background and allegations, as well as the findings of fact, analysis, and conclusion. Section II contains the bulk of the IO’s 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, documentary evidence, and the appointment letter are maintained in Section III. All case file documents will be attached to the applicable ACTS electronic case file. (T-1).

4.22.1. Air Force Complaints Resolution Program Supplemental Guide Attachment 8 shows the case file format which matches the ACTS Attachments tab.

4.22.2. The investigative case file should be organized according to Air Force Complaints Resolution Program Supplemental Guide Attachment 8 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.” (T-3). Do not include the unused tabs in the actual case file. (T-3).

4.22.3. 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; 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, and complaint acknowledgment or interim memos to the complainant. (T-1).

4.22.4. ACTS is the System of Record for storing IG records; IG offices should not maintain paper copies of records.

4.23. Report of Investigation (ROI) Format. The completed Report of Investigation is Section II of the case file. Section III of the finalized IG case file contains the documents supporting the results of the investigation in Section II. See Air Force Complaints Resolution Program Supplemental Guide Attachments 9 and 10 for examples of ROI format.

4.24. Reporting Requirements There are two required reports: Periodic Updates and Interim Responses.

4.24.1. Periodic Updates (PU). Provide a PU to the complainant 60 days after receipt of the complaint and every 60 days thereafter. (T-1). PUs will be done by whoever is currently working the case. For ANG and Air Force Reserve IGs, provide PUs every other UTA. Provide PUs to the subject as well. (T-1).

4.24.2. Interim Response (IR). Provide an IR to the complainant and subject whenever a case transfers between agencies or levels of command. (T-1). An IR does not take the place of the 180 Day Notification Letter referred to in [paragraph 5.6.3](#)

Section 4E—Step 7: IG Quality Review (≤ 7 Days)

4.25. 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. Use Air Force Complaints Resolution Program Supplemental Guide SAF/IGQ Quality Review Checklist (Attachment 18) to assist in the review. (T-1).

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

4.25.2. 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. (T-1).

4.25.3. If an IG disagrees with the IOs findings and conclusions, document the disagreement and proceed with the next step in the Complaint Resolution Process. (T-1).

Section 4F—Step 8: Technical Review (≤ 3 Days)

4.26. When is a Technical Review Necessary?

4.26.1. Sometimes an IO will be asked to evaluate information or interpret guidance in a technical field 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.

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

4.26.1.2. A good faith effort will be made to retain complainant confidentiality. (T-1). 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.

4.26.2. A technical review must explain, in detail, whether the report is technically sufficient. (T-1). If the report is found to be technically inaccurate or deficient, it will be returned to the

IO to be reworked. (T-1). In this case, the technical review must explain, in detail, the reasons why the report was deficient and the minimum requirements for sufficiency. (T-1).

Section 4G—Step 9: Legal Review (≤ 10 Days)

4.27. Requirement for Legal Reviews.

4.27.1. IGs will have all Reports of Investigation reviewed by a JA for legal sufficiency. (T-1). The JA will provide written reviews before the Appointing Authority approves the report and its findings. (T-1). IGs should ensure the local servicing SJA is familiar with the SAF/IGQ *JAG Guide to IG Investigations*.

4.27.2. A different JA should perform the legal review other than the individual assigned to advise the IO.

4.27.3. A thorough legal review is critical to the IG investigative process and IG-JA-CC relationships. The written review must reflect a thorough review of the case, to include an independent review of all testimony and evidence. When conducting a legal review of any IG investigation, the attorney performing the legal review must complete the Inspector General Investigations Legal Review Checklist, which is available on the Air Force Administrative Law Directorate (AF/JAA) website under the Inspector General IGS/IGQ tab. (T-1).

4.27.4. Each legal review must examine 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. (T-1). Along with documenting conclusions concerning each of these matters, the legal review must contain as an attachment a completed Inspector General Investigations Legal Review Checklist. (T-1).

4.27.4.1. 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. (T-1). The IG will return the case to the IO to be reworked IAW [Section 4H](#). (T-1). The IO must make the report legally sufficient. (T-1).

4.27.4.2. In cases in which the legal review simply disagrees with the IO's ultimate findings and conclusions, the rationale for that disagreement will be provided to the IO for consideration. (T-1). If the IO, after considering the review, disagrees with the legal review, the IO will not be directed to change the disputed findings or conclusions. (T-1). Instead, the ROI and legal review will be provided to the Appointing Authority for a final determination. (T-1). In situations where the disputed findings pertain to an investigation of reprisal or restriction, the Appointing Authority will provide his determination but, IG DoD will be the final determination authority. (T-1).

4.27.5. After the legal review and when the ROI is presented for review and approval of the Appointing Authority, 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. (T-1). In such case, the Appointing Authority's determination must include the rationale for his or her decision. (T-1). 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. (T-1).

4.27.6. For ROIs requiring a higher headquarters review, MAJCOMs, FOAs, DRUs, and SAF/IGQ may adopt a lower-level legal review. All investigations require a minimum of one legal review. (T-1). Additional reviews are optional; however, additional reviews are required if higher level quality review indicates the need for an additional legal review or if an addendum is accomplished that alters the findings or significantly changes the analysis in the ROI. (T-1). HHQ IGs may consult with HHQ JA on sufficiency of lower level legal review as part of their QR.

Table 4.3. Actions to Take Based on Legal Sufficiency Review.

R	A	B
U	If an investigation is found to	Then...
L	be...	
E		
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 4.29.2 or paragraph 4.27.5
2	Not legally sufficient	Report is returned to the IO to be reworked. The IO must make the report legally sufficient.
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 4.29.2 or paragraph 4.27.5
4	Not administratively sufficient	Report is returned to the IO to be reworked if required.

Section 4H—Step 10: Reworking the Report (≤ 5 Days)

4.28. When Reports are Returned for Rework. If a report is found to be insufficient, then the report will be returned to the IO for rework. (T-1).

4.28.1. The reason for the rework and the dates must be logged into ACTS. (T-1).

4.28.2. 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. (T-1).

Section 4I—Step 11: Closing the Case (≤ 5 Days)

4.29. Appointing Authority Approval. Final approval of an IG investigation rests with the Appointing Authority, except for investigations of reprisal or restriction.

4.29.1. The Appointing Authority will sign and approve the Report of Investigation (ROI) in writing. (T-1).

4.29.2. 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. (T-1). 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. (T-1). The IO's findings, legal review, and the Appointing Authority's addendum will be retained as part of the investigation case file. (T-1).

4.29.3. Upon Appointing Authority approval of the ROI, the IG will place the case in completed status in ACTS. (T-1).

4.30. 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 4.4](#) for investigations, [Table 7.1](#) for officers, and [Table 8.2](#) for senior officials.

4.30.1. Mandatory actions required to close a case are:

4.30.1.1. ROI approved by Appointing Authority. (T-1).

4.30.1.2. Subject's commander notified of results. (T-1).

4.30.1.3. Complainant notified of results. (T-1).

4.30.1.4. Command action if appropriate. (T-1).

4.30.1.5. For closure requirements on reprisal cases, refer to [paragraph 5.8](#).

4.30.1.6. For closure requirements on restriction investigations, refer to [paragraph 6.9](#).

4.30.1.7. For additional closure requirements for investigations conducted as a result of a DoD Hotline complaint, refer to [paragraph 9.5](#).

4.30.1.8. For all other cases, nothing further is needed to close the case.

4.30.2. 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 in ACTS until its final disposition date. (T-1). Leave case in completed status in ACTS until all required quality, legal, and higher-level reviews as well as required notifications and any command actions are complete, at which time the case will be closed in ACTS. (T-1).

4.30.3. Cases pending command/corrective action will be assigned a follow-up suspense on the suspense tab in ACTS until a copy of the action taken is received. (T-1).

4.30.4. Investigations involving allegations of reprisal or restriction, or allegations against any officer, must be forwarded through the applicable MAJCOM, JFHQ, FOA, or DRU IG to SAF/IGQ for quality review. (T-1). Transfer the case in ACTS to the next appropriate level for review. (T-1).

4.31. Notification Requirements for Case Closures.

4.31.1. [Table 4.4](#) describes the notification requirements upon completion of IG investigations.

4.31.2. The Appointing Authority must notify the subject's commander of the results of the investigation in writing. (T-1). The commander must, in turn, notify the subject of the results

of the investigation in writing. (T-1). The notification letters must include a description of the specific allegations and related findings. (T-1). The letters must not contain the names of the complainants, witnesses, or other subjects of the investigation. (T-1). Refer to Air Force Complaints Resolution Program Supplemental Guide Attachment 12 for a sample results notification to the subject's commander with an endorsement for the commander's notification to the subject.

4.31.3. The Appointing 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. (T-1). Recipients must comply with all applicable guidance in [Chapter 10](#). For Senior Official cases, see [paragraph 8.4.2](#). In the case where there is an addendum that becomes part of the ROI, the originating Appointing Authority of the addendum is the authority responsible for making release determinations.

4.32. Responding to Complainants after Closing an Investigation. Providing a final response to the complainant is generally the final step before case closure.

4.32.1. Responses to complainants must be timely, and supported by the evidence. (T-1).

4.32.2. Responses to complainants should address all allegations as framed for the investigation. The response does not necessarily have to address each individual question or allegation originally made by the complainant.

4.32.3. Complainants will receive a response from the level that conducted the investigation, unless otherwise directed by higher-level IG. (T-1).

4.32.4. Complainants will receive a final response, in a publicly-releasable format, in writing, with the findings of the investigation. (T-0). When responding to third-party complainants, refer to [paragraph 4.32.7](#).

4.32.5. Final responses to complainants must inform them of their right to petition the Air Force Board for Correction of Military Records regardless of the findings in the case. (T-1). Final responses to complainants must also inform them of their rights to request review by the next level IG above that which conducted the investigation, unless all allegations were substantiated. (T-1).

4.32.5.1. Simply disagreeing with the findings or with the command action taken in response to the findings is not sufficient reason to justify a higher-level review or additional investigation. (T-1).

4.32.5.2. It is the complainant's responsibility to provide new and compelling information that justifies a higher-level review on previously considered issues. (T-1).

4.32.5.3. It is the complainant's responsibility to request this review in writing to the next level IG within 90 days of receiving the response and to provide specific reasons why they believe the original complaint resolution was not valid or adequate. (T-1).

4.32.6. Ensure responses to complainants are consistent with FOIA and PA release guidelines in [Chapter 10](#). (T-1).

4.32.7. Third party complainants are only entitled to an acknowledgement that their complaint was received, which should be done immediately after receipt. (T-3). They will not receive

information regarding the resolution unless the affected party authorizes the release of information to that third-party via a Privacy Act release.

Table 4.4. Notification Matrix for Closure of IG Investigations.

R	A	B
U L E	If an investigation is conducted and the allegations are...	Then...
1	Substantiated	<ol style="list-style-type: none"> 1. Appointing Authority notifies subject's commander in writing (see paragraph 4.31.2). 2. Commander notifies subject, in writing (see paragraph 4.31.2), and takes disciplinary/corrective action. 3. For 10 USC § 1034 cases, MAJCOM/IG provides final response to complainant. For other investigations, the IG at the level where the investigation was conducted provides the final response (see paragraph 4.32). 4. Commander notifies Appointing Authority of command or corrective action. 5. Provide SAF/IGQ with final command action.
2	Not Substantiated	<ol style="list-style-type: none"> 1. Appointing Authority notifies subject's commander in writing (see paragraph 4.31.2). 2. Commander notifies subject in writing (see paragraph 4.31.2). 3. For 10 USC § 1034 cases, MAJCOM/IG provides final response to complainant. For other investigations, the IG at the level where the investigation was conducted provides the final response (see paragraph 4.32). 4. Provide SAF/IGQ with notification of findings and case closure.

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

Section 4J—Step 12: Higher Headquarters Review (≤ 14 Days, see Table 3.1)

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

4.34.1. The following cases will be sent to higher headquarters for QR: (T-1).

4.34.1.1. Allegations of reprisal or restriction. (T-1).

4.34.1.2. Cases involving subjects who are colonels (or civilian equivalents). (T-1).

4.34.1.3. Cases where the Appointing Authority wrote an addendum (see [paragraph 4.29.2](#)). (T-1).

4.34.1.4. ANG cases will be routed from the unit through the JFHQ to SAF/IGQ for higher headquarters QR.

4.34.2. MAJCOMs, JFHQs, FOAs, and DRU IGs will conduct oversight and QRs for investigations; complete the checklist in Air Force Complaints Resolution Program Supplemental Guide Attachment 18, before forwarding the case file to SAF/IGQ for QR, (T-1) to ensure that:

4.34.2.1. All valid allegations were addressed. (T-1).

4.34.2.2. The investigation was conducted with thoroughness, objectivity, and in a timely manner. (T-1).

4.34.2.3. The findings and conclusions are supported by a preponderance of the evidence. (T-1).

4.34.2.4. Legal reviews were conducted as required by this instruction. (see [paragraph 4.27](#)). (T-1).

4.34.2.5. Command action (when required) is/was taken and is documented. (T-1).

4.34.3. When deficiencies are identified, reopen the investigation if necessary to correct any shortcomings. Whenever possible, have the original IO complete the additional work needed and revise the report. When circumstances warrant, SAF/IGQ, the MAJCOM or JFHQ may complete the additional work needed, conduct an additional legal review, and revise the report with an addendum. When an addendum is accomplished, IGs must check the "Addendum Accomplished" checkbox in the ACTS case file main tab.

4.34.4. MAJCOM, JFHQ, FOA, and DRU IGs will provide feedback to lower-level IGs upon completion of the QR. Refer to [paragraph 4.35](#) if disagreeing with lower-level findings.

4.35. Disagreement with Findings. In cases where a higher headquarters QR disagrees with the findings, conclusions, or determinations made at the level immediately below, the higher-level IG will reach a determination and document the findings in an addendum. The higher-level IG will review the issues and consult a JA before forwarding the report to SAF/IGQ, if required. Under no circumstances will a MAJCOM IG forward a disputed case to SAF/IGQ for resolution. The higher-level IG will:

4.35.1. Obtain an additional legal review for legal sufficiency before determining the final finding (substantiated or not substantiated) for each disputed allegation contained in the ROI.

4.35.2. 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 reviewers or other reviewers.

4.35.3. 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.

4.35.4. Reopen the case at their level to address the issues in dispute or unresolved issues, when warranted.

4.35.5. Notify the subject of any new allegations and give him or her an opportunity via a formal, recorded interview to address the new allegation(s).

Section 4K—Step 14: SAF/IGQ Review (≤ 14 Days)

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

- 4.36.1. Conduct a QR for all military reprisal or restriction cases before forwarding them to IG DoD.
- 4.36.2. Conduct a QR on other cases when so specified in the SAF/IGQ tasking letter to MAJCOM, JFHQ, FOA, and DRU IGs.
- 4.36.3. Notify MAJCOM, JFHQ, FOA, or DRU IGs of discrepancies or deficiencies noted in reports.
- 4.36.4. 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.
- 4.36.5. 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.
- 4.36.6. In cases where SAF/IGQ is the reviewing authority on an IG report (but is not the Appointing Authority) and the SAF/IGQ QR disagrees with the findings, conclusions, or determinations made at the level immediately below or significantly changes the analysis in the ROI, SAF/IGQ will:
 - 4.36.6.1. Obtain an additional legal review for legal sufficiency before determining the final finding (substantiated or not substantiated).
 - 4.36.6.2. 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. When an addendum is accomplished, IGQ must check the "Addendum Accomplished" checkbox in the ACTS case file main tab.
 - 4.36.6.3. Notify the lower-level IG office or commander of the different findings and provide them with a copy of the addendum. The lower-level IG must follow [Table 4.4](#) to inform recipients of the findings. Document this action in an ACTS case note.

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. Whistleblower Protection Against Reprisal Under Title 10, United States Code, Section 1034 (10 USC § 1034).

5.2.1. Members of the armed forces shall be free from reprisal for making or preparing to make a protected communication (PC). **Failure by Regular Air Force members, Air Force Reserve members on active duty or inactive duty for training, and Air National Guard members in Title 10 status to obey the prohibitions of this paragraph is a violation of Article 92 or Article 132, UCMJ.**

5.2.1.1. 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, or being perceived as making or preparing to make, a protected communication.

5.2.1.2. 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.

5.2.1.3. No commander or supervisor may refer a military member for an mental health evaluation (MHE) as a reprisal for making or preparing to make a protected communication.

5.2.2. The following may receive protected communications (**NOTE:** see the definition of protected communication in [Attachment 1](#) for more guidance on when a communication made to any of the following is a protected communication):

5.2.2.1. Member of Congress or a member of their congressional staff.

5.2.2.2. An Inspector General or a member of the Inspector General's investigative staff.

5.2.2.3. Personnel assigned to DoD audit, inspection, investigation, or law enforcement organizations, equal opportunity, safety, and family advocacy.

5.2.2.4. Any person in the member's chain of command.

5.2.2.5. The Chief Master Sergeant of the Air Force, Command Chiefs, Group/Squadron Superintendents, and First Sergeants.

5.2.2.6. A court-martial proceeding.

5.2.2.7. Any other person or organization designated pursuant to regulations or other established administrative procedures for such communications.

5.2.2.8. Testimony, or otherwise participating in or assisting in an investigation or proceeding related to a communication under [paragraphs 5.2.2.1](#) through [5.2.2.7](#), or filing, causing to be filed, participating in, or otherwise assisting in an action brought under this section.

5.2.3. 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 SJA office for effective legal guidance on these issues.

5.2.4. Air Force members may file complaints of reprisal with IGs at any level and receive the protections of 10 USC § 1034.

5.2.5. To gain statutory protection of the law, the Air Force member must file the complaint with any IG within one year of becoming aware of the personnel action that is the subject of the allegation. The IG may waive this time requirement if they determine there are extenuating circumstances justifying the delay in filing the complaint or there is special Air Force interest in the matter. See **Table 3.13, Rule 3**.

5.3. Procedures for Receipt of Reprisal Complaints. The following outlines Air Force procedures for receiving reprisal complaints. All IGs during the complaint analysis process will consider the personnel actions and protected communications (PCs) presented by the complainant in the complaint regardless of whether reprisal is raised.

5.3.1. **Military Members.** Air Force IGs must advise military members alleging reprisal of the provisions of 10 USC § 1034 (the Military Whistleblower Protection Act) and DoDD 7050.06, and of the rights afforded to complainants the statute. (T-0). IGs should use Air Force Complaints Resolution Program Supplemental Guide Attachment 14, Whistleblower Rights under 10 USC § 1034, to assist them.

5.3.1.1. The IG must comply with the notification requirements described in **paragraph 5.4**, and depending on the subject's grade, **paragraph 4.5**, **7.3**, or **8.2** as appropriate. (T-0).

5.3.1.2. 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 5.4**). No complaint analysis by the IG receiving the complaint is required unless otherwise directed by a higher-level IG (refer to **paragraph 5.5.3**).

5.3.1.3. IGs must ask the complainant whether the allegations that constituted the member's protected communication were previously addressed. (T-1). For additional information, refer to **paragraph 5.5.1**.

5.3.2. **Civilian/Nonappropriated Fund Employees and Defense Contractors.** If an IG receives a complaint from a civilian/nonappropriated fund employee or a defense contractor in which they allege reprisal, follow the guidance in **Table 5.1**. (T-1).

Table 5.1. Reprisal Referral for Civilian Employees.

R	A	B
U	If the aggrieved party is	Then...
L	a...	
E		

1	Department of the Air Force civil service employee	Direct the complainant to IG DoD Hotline (http://www.dodig.mil/hotline/) or local EO office for reprisal allegations relating to an EEO complaint
2	Department of the Air Force nonappropriated fund employee	Direct the complainant to IG DoD Hotline (http://www.dodig.mil/hotline/) or local EO office for reprisal allegations relating to an EEO complaint
3	Defense contractors	Direct the complainant to IG DoD Hotline (http://www.dodig.mil/hotline/)

5.3.3. Air Force 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. (T-0). These employees receive protection from statutes other than 10 USC § 1034.

5.3.4. 29 Code of Federal Regulations Part 1614 requires civilian reprisal allegations in connection with an EEO complaint be processed through the EEO procedures. (T-0).

5.4. 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 sufficient documentation (e.g. written complaint, AF Form 102, etc) from the complainant to determine if prima facie reprisal elements have been met. To meet IG DoD's 10-day notification requirement, IGs at all levels will notify SAF/IGQ through the MAJCOM, NAF, JFHQ, FOA, or DRU IG within 7 duty days using the template format in Air Force Complaints Resolution Program Supplemental Guide Attachment 16. (T-0). Attach the completed template in ACTS and send the notification in ACTS to the next higher-level IG.

5.4.1. Before sending the notification, the IG will determine if the complaint needs to be transferred to another IG. (T-1). If so, notification requirements belong to the receiving IG. Reference [Tables 3.8](#) and [3.9](#).

5.4.2. Prior to sending the notification, if the IG determines that answers to questions one and two of the Elements of Reprisal (Air Force Complaints Resolution Program Supplemental Guide Attachment 16) are not both "yes," or, 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 issue. (T-1). A recommendation to dismiss the allegation must include the rationale, based on the Elements of Reprisal, for the selected resolution strategy and supporting documentation. (T-1).

5.4.3. Upload a copy of the written complaint, or a detailed narrative of the allegations, with the notification template (Air Force Complaints Resolution Program Supplemental Guide Attachment 15) in ACTS and notify SAF/IGQ through the appropriate MAJCOM, NAF, JFHQ, FOA, or DRU IG. (T-1).

5.4.4. IGs receiving allegations not within the purview of the Air Force will transfer the complaint to SAF/IGQ through their MAJCOM, NAF, JFHQ, FOA, or DRU IG. SAF/IGQ will transfer the complaint to the appropriate agency. (T-1).

5.4.5. Dismissals for untimeliness of complaint. If it becomes apparent during the intake process that the complaint was not filed within one year of the complainant becoming aware

of the most recent alleged personnel action, IGs will consider whether the untimely complaint filing should be dismissed based on compelling reasons or circumstances. (T-1).

5.4.5.1. These circumstances may include situations in which the service member:

5.4.5.1.1. Was actively misled regarding his or her rights;

5.4.5.1.2. Was prevented in some extraordinary way from exercising his or her rights;
or

5.4.5.1.3. Filed the same allegation within the one year period with the wrong office or agency.

5.4.5.2. After consideration of the above factors, if no such circumstances exist, the IG may exercise their discretion to dismiss the case as untimely.

5.4.5.3. Document the untimeliness on the DOD approved decision document (Air Force Complaints Resolution Program Supplemental Guide Attachment 2) and transfer the case to SAF/IGQ through the MAJCOM, NAF, JFHQ, FOA, or DRU IG for higher-level review.

5.4.6. Unresponsive complainant. In general, complainants understand that investigations require their timely cooperation. In the infrequent case in which, during the intake or investigation process, the complainant becomes unresponsive, IGs will make at least three attempts to reach the complainant using appropriate methods of contact. (T-1). If the complainant remains unresponsive, the IG will advise the complainant in writing that it will not be possible to investigate the alleged reprisal without the complainant's cooperation and that the case will be dismissed unless a response is received within 10 days. If no response is received after allowing a minimum of 10 days for the complainant to respond, the IG may exercise its discretion to dismiss the case for lack of cooperation. Documentation of the dates and methods used in attempts to contact the complainant will be included in the decision document. Transfer the complaint to SAF/IGQ through the MAJCOM, NAF, JFHQ, FOA, or DRU IG.

5.4.7. Withdrawals. When a complainant communicates the intent to withdraw a complaint, IGs must evaluate whether the withdrawal was voluntary. (T-1). IGs are not obligated to approve withdrawals, particularly if investigative efforts to date indicate wrongdoing may be substantiated. If the IG is satisfied that the request was not coerced, he or she may approve the withdrawal, then transfer the complaint to SAF/IGQ through the MAJCOM, NAF, JFHQ, FOA, or DRU IG for higher-level review.

5.4.7.1. If the request for withdrawal occurs before initial complaint notification to IG DoD is made, the notification and the withdrawal may be sent simultaneously, accompanied by a copy of the complaint to SAF/IGQ through the MAJCOM, NAF, JFHQ, FOA, or DRU IG.

5.4.7.2. If the request for withdrawal occurs after the initial complaint notification to IG DoD was made, the copy of the withdrawal letter will suffice to close the case. Transfer the complaint to SAF/IGQ through the MAJCOM, NAF, JFHQ, FOA, or DRU IG.

5.5. Conducting Complaint Analysis for Allegations of Reprisal. The IG receiving the complaint must expeditiously conduct a reprisal complaint analysis to determine whether an investigation is warranted. (T-1). Within 30 days after receipt of the complaint, the IG must notify

SAF/IGQ (through the MAJCOM, NAF, JFHQ, FOA, or DRU IG) of the results of the complaint analysis. (T-0). Reserve and Guard IGs must complete the complaint analysis within three UTAs after receiving the complaint. Follow the format shown in Air Force Complaints Resolution Program Supplemental Guide Attachment 2 when completing a complaint analysis into allegations of reprisal.

5.5.1. Before conducting the complaint analysis, the IG must find out if the issues that constituted the protected communication were previously addressed. (T-1).

5.5.1.1. If the issues were previously addressed, IGs should obtain a copy of the applicable documents from the appropriate agency.

5.5.1.1. (AFRC) All prima facie allegations of reprisal within AFRC will be analyzed by action officers assigned to HQ AFRC/IGQ. AFRC IGs must transfer all prima facie allegations of reprisal to HQ AFRC/IGQ without an analysis or recommendations. The transfer actions of reprisal allegations will be completed NLT the end of the UTA in which the complaint was received.

Table 5.2. (Added-AFRC) How to Transfer a Reprisal Allegation (T-2).

Step	Action
1	Obtain AF Form 102 with support documents and chronology
2	Transfer case in ACTS
2a	Select Receiving Office Type: COMMANDUNIT
2b	Receiving Action Office: AFRC
2c	Receiving Action Officer: GROUP BOX, AFRC

5.5.1.2. If the issues were not previously addressed, the IG will conduct a complaint analysis on them to determine the appropriate avenue for resolution. (T-1).

5.5.2. A complaint analysis will be conducted following the procedures in [Section 3C](#) and this paragraph. (T-1). Document the complaint analysis following the format in Air Force Complaints Resolution Program Supplemental Guide Attachment 2. The IG may consult with the servicing SJA office prior to formalizing the complaint analysis.

5.5.2.1. IGs should refer to the Elements of Reprisal (Air Force Complaints Resolution Program Supplemental Guide Attachment 16) as a guide to address the reprisal allegations. The complaint analysis reporting template will be completed within 30 days of receipt by the office conducting the complaint analysis. (T-0). When documenting the complaint analysis, the IG will answer the first three Elements of the reporting template (Air Force Complaints Resolution Program Supplemental Guide Attachment 16). (T-1). If the answers to the first three Element questions are "Yes," the IG will complete/conclude the complaint analysis with a recommendation to the Appointing Authority to investigate unless a decision to dismiss can be logically derived primarily from documentary evidence and minimal clarification interviews. If insufficient documentary evidence exists to recommend dismissal, investigation is required. (T-1). During the complaint analysis, answering Element 4 is not required, unless the answer to the first three Elements is "yes" and the IG is recommending dismissal.

5.5.2.2. If the answer to any of the first three Element questions is “No,” the IG will complete/conclude the complaint analysis with a recommendation to dismiss (allegations of reprisal). (T-1). The IG should then analyze the complaint for abuse of authority using Air Force Complaints Resolution Program Supplemental Guide Attachment 17.

5.5.2.3. If an investigation is warranted, notify SAF/IGQ through the appropriate MAJCOM, NAF, JFHQ, FOA, or DRU via ACTS. (T-1).

5.5.2.4. If a complaint analysis determines a reprisal investigation is not warranted, IGs will select “Dismiss” in ACTS and transfer the case to SAF/IGQ through their NAF, MAJCOM, JFHQ, FOA, or DRU IG office. (T-1). Do not close the case, unless directed. (T-1).

5.5.2.4.1. SAF/IGQ will provide an interim response to complainants informing them the complaint analysis was forwarded to IG DoD for final determination. (T-1). IGs will not advise the complainant of the recommendation that was sent to IG DoD. (T-1).

5.5.2.4.2. SAF/IGQ will forward the complaint analysis to IG DoD for approval.

5.5.2.4.3. 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, FOA, or DRU IG to notify the complainant there is insufficient evidence to conduct a reprisal investigation under 10 USC § 1034. Upon case closure, the MAJCOM IGs will notify (via ACTS) the IG that conducted the complaint analysis.

5.5.2.4.4. If IG DoD disagrees with the Air Force’s determination, they may retain the complaint for investigation or direct the Air Force to 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.

5.5.2.5. If the complaint analysis determines the allegation does not meet the definition of reprisal under 10 USC § 1034, analyze the allegation as potential abuse of authority and document the abuse of authority analysis in a separate document. (T-1). Use Air Force Complaints Resolution Program Supplemental Guide Attachment 17 for the acid test for abuse of authority in your analysis. If the abuse of authority allegation is not dismissed, refer the allegation to command and create a separate ACTS case.

5.5.3. If the complainant files concurrent complaints with an Air Force IG and IG DoD, IG DoD will determine which office will conduct further analysis.

5.5.4. To the maximum extent possible the complaint analysis should focus on the "Who, What, When, Where and How" facts of possible violations of standards to include reprisal and restriction. If after collecting these facts, the IG is unable to make a determination as to whether prima facie evidence exists of possible wrong doing without interviewing the subject(s), then the IG will recommend to the Appointing Authority that an investigation be conducted. (T-1). IGs will not interview RMOs during complaint analysis without written approval from the MAJCOM/IG. (T-2). IGs serving as IOs under blanket appointment letters are still required to complete a documented complaint analysis recommending investigation

and receive Appointing Authority approval before conducting RMO interviews unless given specific written authorization to do so in a particular case. (T-1).

5.6. Investigating Reprisal Complaints. Conduct reprisal investigations IAW DoDD 7050.06 and **Chapter 4** of this instruction.

5.6.1. The IO conducting the reprisal investigations will be either:

5.6.1.1. Outside the immediate chain of command of both the member submitting the allegation and the individual or individuals alleged to have reprisal, or: (T-0).

5.6.1.2. At least one organization higher in the chain of command than the organization of the member submitting the allegation and the individual or individuals alleged to have reprisal. (T-0).

5.6.2. If IG DoD receives a reprisal complaint directly from a complainant, IG DoD will conduct the intake. 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.

5.6.3. IAW DoDD 7050.06, the owning IG must provide a 180 Day Notification Letter to IG DoD (through SAF/IGQ) and to the complainant if the investigation is not completed within 180 days after the initiation of the investigation (tasking date in ACTS) and every 180 days thereafter. (T-0). 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 periodic updates and interim responses as specified in **paragraphs 4.24** of this instruction. (T-1).

5.6.4. If the investigation determines the allegation does not meet the definition of reprisal under 10 USC § 1034, analyze the allegation as potential abuse of authority and document the analysis in the ROI in Tab F. (T-1). Use Air Force Complaints Resolution Program Supplemental Guide Attachment 17 for the acid test for abuse of authority in your analysis. If the abuse of authority allegation is not dismissed, refer the allegation to command and create a separate ACTS case.

5.6.5. The final Report of Investigation (ROI) must identify all protected communications, all personnel actions alleged to be reprisal taken after the protected communication was made, and all RMOs. (T-1). If an RMO identified in the complaint analysis is not a subject of the investigation, fully explain the rationale in the ROI. (T-1).

5.6.6. The final ROI must contain a thorough analysis of the Elements of Reprisal with all four questions answered for each allegation of reprisal. (T-1). However, if the investigation reveals that the answer to any of the first three elements is “no,” then it is not necessary to proceed to Element 4. Refer to Air Force Complaints Resolution Program Supplemental Guide Attachment 16 for the format to analyze the Elements of Reprisal.

5.6.7. The final case file must contain a chronology of events beginning with the complainant’s initial protected communication plus any subsequent PCs and list all unfavorable personnel actions taken against the military member after the initial protected communication. (T-1).

5.6.8. In a case with substantiated findings of reprisal, the ROI must contain recommendations for an appropriate remedy for the whistleblower, see **paragraph 4.21.2**. (T-1). The IO will

recommend specific remedial actions to return the whistleblower, as nearly as practicable and reasonable, to the position the whistleblower would have held had the reprisal not occurred. Also, the IO should include general recommendations that appropriate command/corrective action be taken against the RMO. (T-1).

5.6.9. When a complainant alleges a combination of reprisal, and restriction within the same complaint, IGs must ensure all applicable reporting requirements for reprisal or restriction, are completed IAW **Chapters 5** or **6**. (T-1).

5.6.10. All reprisal investigations require a minimum of one legal review. (T-1). Additional legal reviews are optional but required if higher level quality review indicates the need for an additional legal review or if an addendum is accomplished that alters the findings or significantly changes the analysis in the ROI.

5.7. Reviewing and Approving Reprisal Investigations. IG DoD must approve all military reprisal investigations regardless of the level where the investigation was conducted. IGs must transfer the case in ACTS to SAF/IGQ through their MAJCOM, JFHQ, FOA, or DRU IG. (T-1).

5.7.1. SAF/IGQ will provide an IR to complainants and subjects informing them the investigation has been completed and forwarded to IG DoD for final approval. Do not inform complainants or subjects of the unapproved investigation findings (i.e., substantiated or not substantiated). (T-1).

5.7.2. Before forwarding the case file to SAF/IGQ, MAJCOM, NAF, JFHQ, FOA and DRU IGs will conduct a quality review (QR). (T-1).

5.7.3. SAF/IGQ will conduct a QR, IAW **paragraph 4.36**, prior to forwarding the case to IG DoD.

5.7.4. Follow the procedures specified in **Section 4K** and/or **4L** of this instruction if, during higher-level QR, deficiencies are identified or the reviewing official disagrees with the findings.

5.8. Final Approval and Notification Requirements. IG DoD will notify SAF/IGQ upon approval of the investigation's findings.

5.8.1. SAF/IGQ will provide a copy of IG DoD's final approval to the applicable MAJCOM, JFHQ, FOA, or DRU IG. (T-1).

5.8.2. 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. (T-0). Upon case closure, the MAJCOM IGQs will notify the wing IG via ACTS, when applicable.

5.8.2.1. Final responses to complainants must advise them of their right to petition the Air Force Board for the Correction of Military Records for correction of adverse personnel actions (regardless of the findings in the case), and their right to later appeal the Air Force Board for the Correction of Military Records findings to the Secretary of Defense. (T-0). Complainants should be referred to the virtual Military Personnel Flight (vMPF) (<http://ask.afpc.randolph.af.mil/>) for assistance.

- 5.8.2.1.1. Complainants who petition the Air Force Board for the Correction of Military Records should inform the Air Force Board for the Correction of Military Records if IG records exist pertaining to the pending request.
- 5.8.2.1.2. SAF/IGQ will provide supporting documentation directly to the Air Force Board for the Correction of Military Records (or applicable SAF/MRB agency) upon receipt of an Official Use Request from the board for IG records.
- 5.8.2.2. If applicable, complainants shall also be advised of proper procedures for OPR/EPR/PRF appeal to the Evaluation Reports Appeal Board (ERAB). (T-0). Complainants should be referred to the vMPF for assistance.
- 5.8.2.3. MAJCOM, FOA, or DRU IGs will provide a redacted copy of the ROI (and addendum if any) with the final response to the complainant. (T-0). The ROI should be redacted using exceptions allowed by the FOIA; however, no coordination with the FOIA office is required. JA legal reviews are required of 10 USC § 1034 releases to ensure consistency with FOIA. (T-0). 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.
- 5.8.2.4. MAJCOM, FOA, or DRU IGs will attach a copy of the final response to the complainant in ACTS. (T-1).
- 5.8.2.5. SAF/IGQ will provide the final response to complainants for ANG reprisal investigations. SAF/IGQ is responsible for redacting the ROI and providing a copy to the complainant.
- 5.8.3. MAJCOM, FOA, or DRU IGs will forward a copy of IG DoD's final approval of the investigation to the applicable Appointing Authority. (T-1). 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. (T-1). The commander will notify the subject. (T-1).
- 5.8.4. A copy of command action, to include any rebuttal, must be provided to IG DoD within 30 days. (T-1). However, if action is verbal or no action is taken, IGs will obtain a written description of the action from the commander. (T-1). IGs will forward these documents to SAF/IGQ through their MAJCOM, NAF, JFHQ, FOA, or DRU IG, within 7 duty days of becoming aware of such action being completed. (T-1). SAF/IGQ will forward the information to IG DoD.
- 5.8.5. IGs will close reprisal complaints IAW established procedures as described in **Chapter 3** and **Chapter 4** of this instruction.
- 5.8.6. In cases in which an applicant alleges an erroneous finding of reprisal in violation of 10 USC §1034, to the Air Force Board for the Correction of Military Records, the Air Force Board for the Correction of Military Records will refer the complaint to SAF/IG for consideration, in coordination with IG DoD. The Air Force Board for the Correction of Military Records will inform the applicant the Air Force Board for the Correction of Military Records cannot consider the application or portion of the application regarding the allegation of an erroneous finding of reprisal, and that the Board has referred the complaint to SAF/IG for review. SAF/IG must review the complaint in light of the evidence previously considered in its investigation into the allegation of reprisal and shall determine whether the complaint includes

new, relevant and material evidence. If SAF/IG determines the complaint includes new, relevant and material evidence, SAF/IG will review its original findings and conclusion regarding the allegation of reprisal. If SAF/IG determines its original findings and conclusion are modified by the evidence, SAF/IG will coordinate the modification with IG DoD. After IG DoD approves or denies the modification, SAF/IG will notify the Air Force Board for the Correction of Military Records of the results. Only then may the Air Force Board for the Correction of Military Records consider, without altering, the original DoD approved finding, or if modified by IG DoD, the IG DoD modified finding in its resolution of any additional portion of the complaint.

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. Right of Access Protection Under Title 10, United States Code, Section 1034 (10 USC § 1034). Failure by Regular Air Force members, Air Force Reserve members on active duty or inactive duty for training, and Air National Guard members in Title 10 status to obey the prohibitions of this paragraph is a violation of Article 92, UCMJ.

6.2.1. 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 making or preparing to make a lawful communication to any of the following:

6.2.1.1. A Member of Congress or a member of his or her staff.

6.2.1.2. An Inspector General or a member of an Inspector General's staff.

6.2.2. Civilian employees who violate this prohibition are subject to administrative or disciplinary action.

6.2.3. Air Force members may file complaints of restriction with IGs at any level.

6.2.4. Air Force members may file a complaint with any IG once aware of restriction. There is no time limit for filing a restriction complaint.

6.3. Procedures for Receipt of Restriction Complaints. The following outlines Air Force procedures for receiving restriction complaints.

6.3.1. **Military Members.** Air Force IGs must advise military members alleging restriction of the provisions of 10 USC § 1034 (the Military Whistleblower Protection Act) and DoDD 7050.06, and of the rights afforded to complainants under the statute. (T-0). IGs should use Air Force Complaints Resolution Program Supplemental Guide Attachment 14, Whistleblower Rights Under 10 USC § 1034 to assist them.

6.3.1.1. The IG must comply with the notification requirements described in [paragraph 6.4](#), and depending upon the subject's grade, follow the procedures in [paragraph 4.5](#), [7.3](#), or [8.2](#) as appropriate. (T-0).

6.3.1.2. 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 6.4](#)). Close the case with no further action unless otherwise directed by a higher-level IG.

6.3.2. If an IG receives a complaint from a civilian employee, Department of the Air Force civil service employee, nonappropriated fund employee, or a defense contractor, 10 USC § 1034 does not apply, and the complaint will be addressed as an abuse of authority.

6.3.3. IGs will not conduct investigations into complaints of restriction when the complainant is an Air Force civil service employee, nonappropriated fund employee, or defense contractor employee. (T-1). See [paragraph 3.16](#) and [Table 3.7](#) for handling these types of complaints.

6.4. 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 sufficient documentation (e.g. written complaint, AF Form 102, etc) from the complainant. (T-0). To meet IG DoD's 10-day notification requirement, IGs at all levels will notify SAF/IGQ through their MAJCOM, NAF, JFHQ, FOA, or DRU IG within 7 duty days using the notification template in Air Force Complaints Resolution Program Supplemental Guide Attachment 15. (T-0). Once notification has been accomplished, attach the notification template in ACTS and send the notification in ACTS to the next higher-level IG. (T-1).

6.4.1. Before sending the notification, the IG will determine if the complaint needs to be transferred to another IG. (T-1). If so, notification requirements belong to the receiving IG. Reference [Table 3.8](#) and [3.9](#).

6.4.2. Upload a copy of the written complaint, or a detailed narrative of the allegations, with the notification letter in ACTS and notify SAF/IGQ. (T-1).

6.4.3. IGs receiving allegations not within the purview of the Air Force will transfer the complaint to SAF/IGQ through their MAJCOM, NAF, JFHQ, FOA, or DRU IG. SAF/IGQ will transfer the complaint to IG DoD. (T-1).

6.5. Conducting Complaint Analysis into Allegations of Restriction. The IG receiving the complaint must expeditiously conduct a complaint analysis to determine whether an investigation is warranted. (T-0). Within 30 days after receipt of the complaint, the IG must notify SAF/IGQ (through their MAJCOM, NAF, JFHQ, FOA, or DRU IG) of the results of the complaint analysis. (T-0). Reserve and Guard IGs must complete the complaint analysis within three UTAs after receiving the complaint. (T-1).

6.5. (AFRC) Conducting a Restriction Complaint Analysis. All prima facie allegations of restriction within AFRC will be analyzed by action officers assigned to HQ AFRC/IGQ. AFRC IGs must transfer all prima facie allegations of restriction to HQ AFRC/IGQ without an analysis or recommendations. The transfer actions of restriction allegations will be completed NLT the end of the UTA in which the complaint was received.

6.5.1. A complaint analysis will be conducted following the procedures in [Section 3C](#) and this paragraph. (T-1). Document the complaint analysis following the format in Air Force Complaints Resolution Program Supplemental Guide Attachment 3. (T-1). The IG may consult with the servicing SJA office prior to formalizing the complaint analysis.

6.5.2. If the complaint analysis determines an investigation is not warranted, the IG conducting the complaint analysis must forward the results of the analysis, including a copy of all supporting documents, to SAF/IGQ through their MAJCOM, NAF, JFHQ, FOA, or DRU IG office. (T-1).

6.5.2.1. SAF/IGQ will provide an interim response to complainants informing them 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.

6.5.2.2. SAF/IGQ will forward the complaint analysis to IG DoD for approval.

6.5.2.3. 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, FOA, or DRU IG to notify the complainant there is insufficient evidence

to conduct a restriction investigation under 10 USC § 1034. (T-0). Upon case closure, the MAJCOM IGQs will notify (via ACTS) the IG that conducted the complaint analysis.

6.5.2.4. If IG DoD disagrees with the Air Force's determination, they may retain the complaint for investigation or direct the Air Force to 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.

6.5.3. If the complaint analysis determines the allegation is not a case of restriction, analyze the allegation as potential abuse of authority and document the analysis in a separate document from the complaint analysis. (T-1). Use Air Force Complaints Resolution Program Supplemental Guide Attachment 17 for the acid test for abuse of authority in the analysis. If the abuse of authority allegation is not dismissed, refer the allegation to command and create a separate ACTS case.

6.5.4. To the maximum extent possible the complaint analysis should focus on the "Who, What, When, Where and How" facts of possible violations of the standards of restriction. If after collecting these facts, the IG is unable to make a determination as to whether prima facie evidence exists of possible wrong doing without interviewing the subject(s), then the IG will recommend to the Appointing Authority that an investigation be conducted. (T-1). IGs will not interview RMOs during complaint analysis without written approval from the MAJCOM/IG. (T-2). IGs serving as IOs under blanket appointment letters are still required to complete a documented complaint analysis recommending investigation for Appointing Authority approval before conducting subject interviews unless given specific written authorization to do so in a particular case.

6.6. Evaluating Allegations of Restriction. The IG or IO must follow the questions in [Table 6.1](#) in determining if the elements of restriction are present. (T-1).

Table 6.1. Elements 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	Would a reasonable person, under similar circumstances, believe he or she was actually restricted from making a lawful communication with the IG or a Member of Congress based on the RMO's actions?

NOTE: Restriction may be communicated by a variety of means (e.g., verbal, written policy, regulation, order, procedure, counseling, or public statement) and may create a chilling effect.

Table 6.2. (Added-AFRC) How to Transfer a Restriction Allegation (T-2).

Step	Action
1	Obtain AF Form 102 with support documents and chronology
2	Transfer case in ACTS
2a	Select Receiving Office Type: COMMANDUNIT
2b	Receiving Action Office: AFRC
2c	Receiving Action Officer: GROUP BOX, AFRC

6.7. Investigating Restriction Complaints. Restriction investigations will be conducted IAW DoDD 7050.06 and **Chapters 4** and **6** of this instruction.

6.7.1. The IO conducting the restriction investigations will be either:

6.7.1.1. Outside the immediate chain of command of both the member submitting the allegation and the individual or individuals alleged to have restricted, or: (T-0).

6.7.1.2. At least one organization higher in the chain of command than the organization of the member submitting the allegation and the individual or individuals alleged to have restricted. (T-0).

6.7.2. If IG DoD receives a complaint directly from a complainant, then IG DoD will conduct the complaint analysis. If IG DoD tasks the Air Force to 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.

6.7.3. IAW DoDD 7050.06, the owning IG must provide a 180 Day Notification Letter to IG DoD (through SAF/IGQ) and to the complainant if the investigation is not completed within 180 days after the initiation of the investigation (tasking date in ACTS) and every 180 days thereafter. (T-0). The letters must include the reasons for the delay and an estimated time of completion for the investigation. See IG DoD Guide to Investigating Military Whistleblower Reprisal and Restriction Complaints. IGs must also comply with Air Force requirements for PUs and IRs as specified in **paragraphs 4.24** of this instruction. (T-1). Use the sample format in Air Force Complaints Resolution Program Supplemental Guide Attachment 11 for PUs and Attachment 28 For IRs.

6.7.4. When a complainant alleges a combination of reprisal and restriction within the same complaint, IGs must ensure all applicable reporting requirements for reprisal or restriction are completed IAW **Chapters 5** or **6**. (T-0). Ensure the IO investigates all the issues associated with the reprisal or restriction allegation(s). (T-0).

6.7.5. All restriction investigations require a minimum of one legal review. (T-1). Additional reviews are optional but required if higher level quality review indicates the need for an additional legal review or if an addendum is accomplished that alters the findings or significantly changes the analysis in the ROI.

6.7.6. If the investigation determines the allegation does not meet the definition of restriction under 10 USC § 1034, analyze the allegation as potential abuse of authority and document the analysis in the ROI Tab F. (T-1). See Air Force Complaints Resolution Program Supplemental Guide Attachment 17 for the acid test for abuse of authority in the analysis. If the abuse of authority allegation is not dismissed, refer the allegation to command and create a separate ACTS case.

6.8. 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 transfer the case in ACTS to SAF/IGQ through their MAJCOM, NAF, JFHQ, FOA, or DRU IG. (T-1).

6.8.1. SAF/IGQ will provide an IR to complainants and subjects informing them the investigation has been completed and forwarded to IG DoD for final approval. (T-1). Do not inform complainants and subjects of the unapproved investigation findings (i.e., substantiated or not substantiated). (T-1).

6.8.2. Before forwarding the case file to SAF/IGQ, MAJCOM, NAF, JFHQ, FOA and DRU IGs will conduct a QR. (T-1).

6.8.3. SAF/IGQ will conduct a QR, IAW [paragraph 4.36](#), prior to forwarding the case to IG DoD.

6.8.4. Follow the procedures specified in section(s) 4K and/or 4L of this instruction if, during higher-level quality review, deficiencies are identified or the reviewing official disagrees with the findings.

6.9. Final Approval and Notification Requirements. IG DoD will notify SAF/IGQ upon final approval of the investigation's findings.

6.9.1. SAF/IGQ will provide a copy of IG DoD's final approval to the applicable MAJCOM, JFHQ, FOA, or DRU IG. (T-1).

6.9.2. 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 as mandated by 10 USC § 1034. (T-0).

6.9.2.1. MAJCOM, FOA, and DRU IGs will provide a redacted copy of the ROI (and addendum, if any) with the final response to the complainant. (T-0). The ROI should be redacted using exceptions allowed by the FOIA; however, no coordination with the FOIA office is required. JA legal reviews are required of 10 USC § 1034 releases to ensure consistency with FOIA. (T-0). 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.

6.9.2.2. MAJCOM, FOA, and DRU IGs will provide SAF/IGQ with a copy of the final response to the complainant. (T-1).

6.9.2.3. SAF/IGQ will provide the final response to complainants for ANG restriction investigations. SAF/IGQ is responsible for redacting the ROI and providing a copy to the complainant.

6.9.3. MAJCOM, FOA, and DRU IGs will forward a copy of IG DoD final approval of the investigation to the applicable Appointing Authority. (T-1). 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. (T-1). The commander will notify the subject. (T-1).

6.9.4. A copy of command action, to include any rebuttal, must be provided to IG DoD. (T-1). If action is verbal or no action is taken, IGs will obtain a written description of the action from the commander. (T-1). IGs will forward these documents to SAF/IGQ through their MAJCOM, NAF, JFHQ, FOA, or DRU IG, within 7 duty days of becoming aware of such action being completed. (T-1). SAF/IGQ will forward the information to IG DoD.

6.9.5. IGs will close restriction complaints IAW established procedures as described in [Chapter 3](#) or [Chapter 4](#) of this instruction.

Chapter 7

COLLECTION, DOCUMENTATION AND NOTIFICATION REQUIREMENTS IN SUPPORT OF USAF OFFICER PROMOTION SCREENING

7.1. Overview. One of the key tenets of the officer appointment policy is that all officers recommended for Secretary of Defense appointment or Presidential appointment following Senate confirmation are mentally, physically, morally, and professionally qualified for appointment and meet the exemplary conduct provisions of Title 10. As such, officers requiring Senate confirmation (majors and above) will be centrally screened by SAF/IG to check for potential adverse/derogatory information as part of the promotion process. In general, adverse information is defined as (1) a substantiated adverse finding or conclusion from an officially documented investigation or inquiry; or (2) any credible information that reflects unacceptable conduct, or a lack of integrity or judgment on the part of an individual. A detailed definition can be found in Attachment 1. This section will explain the collection, documentation and notification requirements to SAF/IG and, in general, how and when officer screening will be accomplished.

7.2. Governing Directives. 10 USC § 615, *Information Furnished to Selection Boards*, 10 USC § 8583, *Requirement of Exemplary Conduct*, DoDI 1320.04, *Military Officer Actions Requiring Presidential, Secretary of Defense, or Under Secretary of Defense for Personnel and Readiness Approval or Senate Confirmation*, AFI 38-101, *Air Force Organization*; AFI 36-2501, *Officer Promotions and Selective Continuation*, AFI 36-2907, *Unfavorable Information File (UIF) Program*.

7.3. Collecting, Documentation and Notification requirements for Investigations and adverse information involving officers. In order for SAF/IG centralized screening to be effective, it requires that IGs not only accomplish reprisal and restriction investigations, but IGs at all levels must also collect, document, and notify SAF/IG of investigations opened by commanders (CDIs) on any officer (2d Lt through Col) and the issuance of stand-alone adverse action, such as LOCs, LOAs, LORs or Article 15s, to field grade officers. (Installation IGs collect CDIs at the base level, MAJCOM IGs collect CDIs at the MAJCOM level etc.). In addition to IG and commander investigations, there are numerous other types of investigations. Although not all inclusive, [Table 7.1](#) highlights some of these types of investigations. Even though these organizations have their own data bases where potential adverse information is cataloged, IGs should notify SAF/IGQ and collect adverse information documentation required by [Table 7.1](#) when made aware of the investigation.

7.4. Commanders, directors and civilians leaders will:

7.4.1. Notify the local IG at the start of any investigation when an officer (or civil servant Grade 15 or equivalent) is named as a subject. (T-0).

7.4.2. Notify the local IG at the conclusion of any investigation when an officer (or civil servant Grade 15 or equivalent) was named as a subject whether substantiated or not. Refer to [Table 7.1](#) for a list of required documents. (T-0).

7.4.3. Notify the local IG when a field grade officer (or civil servant Grade 15 or equivalent) is administered adverse command action such as LOCs, LOAs, LORs, or Article 15s for any reason, with or without an investigation. (T-0).

7.5. IGs will:

7.5.1. Notify SAF/IGQ through ACTS within 7 days (through the MAJCOM, NAF, JFHQ, FOA, or DRU IG) at the start of any investigation when an officer (or civil servant Grade 15 or equivalent) is named as a subject (T-1). Ensure the subject tab in ACTS is fully completed, including Social Security Number. (T-1).

7.5.2. Create a case in ACTS when a notification is made to SAF/IGQ under the provisions of [paragraph 7.4](#) or this paragraph. (T-1). Once the investigation or inquiry is complete, attach all closure documents required by [Table 7.1](#) in ACTS. Once all required documents are uploaded, the case may be closed.

7.5.3. Notify SAF/IGQ through ACTS within 7 days (through the MAJCOM, NAF, JFHQ, FOA, or DRU IG) at the conclusion of any investigation when an officer (or civil servant Grade 15 or equivalent) was named as a subject, whether substantiated or not (T-1).

7.5.4. Notify SAF/IGQ through ACTS within 7 days (through the MAJCOM, NAF, JFHQ, FOA, or DRU IG) when a field grade officer (or civil servant Grade 15 or equivalent) is administered adverse action such as a LOCs, LOAs, LORs or Article 15s for any reason, with or without an investigation. (T-1).

Table 7.1. Documents Required by SAF/IGQ before an adverse information ACTS case can be closed (T-1).

R U L E	A If the adverse information is a result of:	B Then SAF/IGQ requires the following documents to close the case:
1	An IG conducted Report of Investigation (ROI)	<ol style="list-style-type: none"> 1. Copy of entire case file (ROI and attachments) 2. Copy of legal review 3. Copy of command/corrective action 4. Copy of command action rebuttal by subject
2	A commander-directed investigation or inquiry (CDI)	<ol style="list-style-type: none"> 1. Copy of CDI report (case file and all attachments) 2. Copy of legal review (if accomplished) 3. Copy of the final command actions (including non-judicial punishment, an LOR, an LOA, an LOC, a Record of Individual Counseling, or a memorandum documenting verbal counseling of the subject) 4. Copy of any rebuttal or statement provided by the subject
3	Commander's inquiry with no documentation or report	<ol style="list-style-type: none"> 1. A memorandum, signed by the commander, outlining how the allegations were addressed 2. Copy of legal review (if accomplished) 3. Copy of the final command actions (including non-judicial punishment, an LOR, an LOA, an LOC, a Record of Individual Counseling, or a memorandum documenting verbal counseling of the subject) 4. Copy of any rebuttal or statement provided by the subject
4	Court-martial	<ol style="list-style-type: none"> 1. Copy of the charge sheet 2. Notification of charges referred and estimated date of trial 3. Upon completion, copy of the results of trial

5	Adverse Clinical Privileging Action	<ol style="list-style-type: none"> 1. Copy of investigative report 2. Copy of legal review (if accomplished) 3. Copy of command actions taken upon completion of investigation 4. Any rebuttal or statements provided by the subject
6	Anti-Deficiency Act Investigation	<ol style="list-style-type: none"> 1. Copy of investigative report 2. Copy of legal review (if accomplished) 3. Copy of DoD's Report of Violation 4. Copy of command actions taken upon completion of investigation 5. Copy of any rebuttal or statements provided by the subject
7	Article 138	<ol style="list-style-type: none"> 1. Copy of complaint and response from subject's commander 2. Copy of legal review (if accomplished) 3. Copy of command actions taken upon completion of appropriate review (if applicable) 4. Copy of any rebuttal or statements provided by the subject
8	Accident Investigation Board (AIB)	<ol style="list-style-type: none"> 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 accomplished)
9	Independent Command Action	<ol style="list-style-type: none"> 1. Copy of the command action (e.g. LOC, LOA, LOR, etc.) 2. Copy of any rebuttal or statements provided by the subject
10	Other types of investigations/inquiries (e.g. EO, SF, OSI, FM, etc)	<ol style="list-style-type: none"> 1. Copy of investigative documents 2. Copy of legal review (if accomplished) 3. Copy of command/corrective action 4. Copy of command action rebuttal by subject (if applicable)

7.6. USAF Screening

7.6.1. Officers being considered for promotion to Brigadier General or Major General.

7.6.1.1. This screening will be accomplished pre-board. Pursuant to 10 USC § 615, commanders and civilians leading an organization designated as a unit IAW AFI 38-101, at all levels, including joint commands, shall provide to:

7.6.1.1.1. SAF/IGS all adverse information against brigadier generals. (T-0).

7.6.1.1.2. SAF/IGQ all adverse information against colonels. (T-0).

7.6.1.2. Officers with adverse information that is not documented in their OPR or their Officer Selection Record (OSR) will have a Senior Officer Unfavorable Information File created for consideration by the promotion board. Senior Officer Unfavorable Information Files on brigadier generals are based on adverse information not previously considered by the Senate pursuant to the officer's appointment to that grade. Senior Officer Unfavorable

Information Files on colonels are based on adverse information in the ten year time period prior to the brigadier general board.

7.6.1.2.1. SAF/IGS is responsible for the screening of all brigadier generals.

7.6.1.2.2. SAF/IGQ is responsible for the screening of all colonels.

7.6.1.3. Adverse information includes any substantiated adverse findings or conclusions from an officially documented investigation or inquiry, or other adverse actions, including, but not limited to LOCs, LOAs, LORs, nonjudicial punishment, pursuant to Article 15, UCMJ, and other adverse information. SAF/IGS acts as a central repository for all adverse information on senior officials and prepares the draft adverse information summaries and documentation of command action for review by the Senior Officer Unfavorable Information File decision authority (SAF/GC). SAF/IGQ acts as a central repository for all adverse information on colonels and prepares the draft adverse information summaries and documentation of command action for review by the Senior Officer Unfavorable Information File decision authority (SAF/GC).

7.6.1.4. SAF/GC, acting for the SECAF, determines the content of the Senior Officer Unfavorable Information File and whether the Senior Officer Unfavorable Information File will be provided to a selection board.

7.6.1.5. The subject officer will be given a copy of the draft Adverse Information Summary and documentation of the command action prepared for the selection board and will be afforded an opportunity to submit written comments to the selection board IAW 10 USC § 615(a)(7)(A).

7.6.1.6. Attachments to officer's comments are discouraged. If provided, they must be limited to matters directly raised in the Adverse Information Summary and/or command action and not otherwise included in the OSR.

7.6.1.7. The draft Adverse Information Summary, documentation and the officer's comments (if any) will be reviewed by SAF/GCI before being forwarded to SAF/GC for final decision. (The officer will be advised if a substantial change to the Adverse Information Summary is necessitated by the comments.)

7.6.1.8. If SAF/GC determines the Adverse Information Summary and documentation will be provided to the board, the subject officer's comments will accompany the Adverse Information Summary and documentation to form the approved Senior Officer Unfavorable Information File.

7.6.1.9. If the officer is a brigadier general, AF/CVXG provides a copy of the approved Senior Officer Unfavorable Information File to the subject's senior rater on or before the Promotion Recommendation Form (PRF) accounting date if possible. If the officer is a colonel, AF/CVXO provides a copy of the approved Senior Officer Unfavorable Information File to the subject's senior rater on or before the Promotion Recommendation Form (PRF) accounting date if possible.

7.6.1.10. If an eligible officer is selected for promotion/federal recognition, the information contained in the Senior Officer Unfavorable Information File may also be considered during the nomination and confirmation process.

7.6.1.11. 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 is afforded another opportunity to comment. A decision not to provide a Senior Officer Unfavorable Information File to a selection board does not preclude a decision to provide it to a subsequent board.

7.6.1.12. Adverse information documented in the OSR (e.g., UCMJ action, administrative reprimand, etc.) will not be included in a Senior Officer Unfavorable Information File.

7.6.1.13. Adverse information not considered by a selection board will be presented to a Promotion Review Board (PRB) before SECAF decides whether to support the officer for appointment to the next higher grade. (All Senior Officer Unfavorable Information File guidance noted above apply to PRB Senior Officer Unfavorable Information Files.) A PRB Senior Officer Unfavorable Information File may also include a copy of the report of investigation.

7.6.2. All other officers being considered for promotions (1st Lt through Col). If the post-board check finds that an officer is named in an open investigation, the individual's name, with a general synopsis of the allegation, will be reported to AF/A1P using an MFR format. These individuals will be withheld from the selection list (scroll) pending completion of the investigative process.

7.6.2.1. If the open allegation is eventually substantiated, the officer's commander will review the finding of the investigation and make a recommendation back to HAF/A1 on whether or not the promotion should still be supported. If the commander no longer wishes to support the promotion, the commander will comply with AFI 36-2501, *Officer Promotions and Selective Continuation*, Chapter 5, Promotion Propriety Actions.

7.6.2.2. If the open allegation is eventually not substantiated, the officer's record will be placed back into the promotion process.

7.7. Roles in the Screening Process (1st Lt - Colonel Promotions).

7.7.1. The role of the commander is to report all investigations/inquiries to the local IG.

7.7.2. The role of the installation and MAJCOM/IG is to document in ACTS, and notify SAF/IGQ, of all open investigations/inquired on officers.

7.7.3. The role of SAF/IGQ is to screen all officer promotion lists and report open investigations/inquires to AF/A1.

7.7.4. The role of AF/A1 is to determine whether or not to support a promotion, whether or not to start Promotion Propriety Actions (removal from promotion list) or whether or not to accomplish a Promotion Review Board (PRB). If a PRB is necessary, it will be completed by AF/A1 under the direction of SAF/GC.

7.8. Screening Outside the Promotion Process

7.8.1. Centralized screening for purposes outside of the promotion process can also be accomplished at the direction of the CSAF but these processes are not statutory (required by law) in nature but rather are by USAF policy. Other types of centralized screening may include: Command Screening Board (CSB), Selective Early Retirement Board (SERB),

Squadron Commander Boards, Command Chief Master Sergeant Board, ROTC PAS Board, and USAFA Dean of Faculty.

Chapter 8

COMPLAINTS AGAINST SENIOR OFFICIALS

8.1. Requirements for Investigating Allegations Against Senior Officials.

8.1.1. SAF/IGS manages the Senior Official Complaints Program. Only SAF/IGS (unless otherwise specified by SAF/IG or as indicated in the sub-paragraphs below) will conduct investigations into non-criminal allegations against senior officials.

8.1.1.1. Complaints alleging violations of Military Equal Opportunity (MEO) policy by a senior official are handled by SAF/IGS. IAW AFI 36-2706, SAF/IGS does not investigate civilian EO/Sexual Harassment allegations against senior officials. Those matters will be worked within the appropriate EO channels.

8.1.1.2. If a complaint is received on an O-6 subject and the matter has not been resolved when that subject is selected for promotion to brigadier general (or is selected for a Certificate of Eligibility to O-7 in the case of ANG officers), SAF/IGS may, at its discretion, either assume responsibility for the complaint or allow it to continue to resolution at the lower level. Complaints resolved and/or investigations completed below the SAF/IGS level must be approved by SAF/IG, and the final review rests with IG DoD. SAF/IGS will provide an oversight review of these matters. SAF/IGS must be notified of all complaints involving ANG O-6s selected for a Certificate of Eligibility for O-7. SAF/IGS may, at its discretion, either assume responsibility for the complaint or allow it to continue to resolution at the lower level. Cases involving ANG O-6s selected for a Certificate of Eligibility for O-7 completed below the SAF/IGS level must be staffed through that lower level's supporting SJA and must include a thorough legal review indicating the investigation is legally sufficient. Complaints resolved and/or investigations completed below the SAF/IGS level must be approved by SAF/IG, and the final review rests with IG DoD. SAF/IGS will provide an oversight review of these matters.

8.1.1.3. SAF/IGS' procedures may vary from those otherwise outlined in other chapters of this instruction, consistent with IG DoD and SAF/IG guidance, current management and personnel policies affecting senior officials, or other factors pertinent to preserving the integrity of the investigation to ensure the accuracy of fact-finding, recommendations, and the resulting ROI.

8.1.2. Commanders and civilians leading an organization designated as a unit IAW AFI 38-101, at all levels, including joint commands, will immediately notify SAF/IGS of any allegations (criminal, administrative, or otherwise), any adverse information, or any potentially adverse information involving senior officials and provide an information copy to the servicing wing IG office, which provides a copy to its MAJCOM IG. (T-0). IGs will notify SAF/IGS of any allegations or potentially adverse information using the procedures in [Table 8.1](#). (T-1). Use the notification letter format described in Air Force Complaints Resolution Program Supplemental Guide Attachment 13.

8.1.2.1. IGs who receive complaints against an Air Force senior official may only inform their commanders about the general nature of the issues and the identity of the subject. (T-1).

8.1.2.2. To protect the complainant’s confidentiality, do not reveal either the source or specific nature of the allegations. (T-1).

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

8.1.4. SAF/IGS will conduct a complaint analysis on all complaints involving Air Force senior officials. The complaint analysis will be used to analyze the validity of the complaint and to recommend a course of action to SAF/IG. Due to the limited number of investigating officers, the unconstrained nature of complaints, and the complexities involved with conducting sensitive investigations across the entire Air Force, the CRP timelines in [Table 3.1](#) may be extended.

8.1.5. SAF/IGS will conduct a complaint analysis for complaints containing allegations with multiple subjects that include a senior official. SAF/IGS will notify SAF/IGQ of any allegations involving non-senior officials.

8.1.6. SAF/IG (or as delegated) will review and approve the complaint analysis.

8.1.7. 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 8.2](#). The intent is to keep appropriate commanders, agencies, complainants, and subjects informed throughout the process.

8.2. Notification Requirements. Follow the Complaint Processing and Notification Matrix in [Tables 8.1](#) and [8.2](#) for cases involving senior officials. (T-0).

Table 8.1. Senior Official Complaint Processing.

R U L E	A	B
	If the complainant makes assertions...	Then...
1	Against a senior official	Report the complaint through the MAJCOM, NAF, JFHQ, FOA, or DRU IG to SAF/IGS by using the notification letter format described in Air Force Complaints Resolution Program Supplemental Guide Attachment 13. The contact will be logged in ACTS and SAF/IGS will determine the case’s further disposition. SAF/IGS does not investigate civilian EO/Sexual Harassment allegations against senior officials; those matters will be worked within the appropriate EO channels.

2	Against a senior official and lower ranking members	Coordinate with SAF/IGS (and SAF/IGQ as appropriate) through the MAJCOM, NAF, JFHQ, FOA, or DRU IG to determine case management requirements. SAF/IGS will determine if all RMOs will be addressed in one case file (managed by SAF/IGS) or they will direct the use of multiple case files to address all RMOs. Notification using Air Force Complaints Resolution Program Supplemental Guide Attachment 13 is still required.
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Table 8.2. Senior Official Notification Matrix.

R U L E	A If...	B And...	C Then...
1	In Complaint Analysis Phase	Complaint has arrived, but complaint analysis is not completed	1. SAF/IGS conducts complaint analysis 2. SAF/IGS notifies SAF/IG, AF/CVXG, AF/CVXS as necessary
2		Complaint analysis has been completed and SAF/IG determines an investigation is not warranted	1. SAF/IGS notifies SAF/IG of allegations 2. SAF/IGS notifies complainant and closes case
3		Complaint analysis has been completed and SAF/IG determines an investigation is warranted	1. SAF/IG notifies SAF/OS, AF/CC, SAF/US, AF/CV, AF/CVXG or AF/CVXS (as applicable), AF/JA, and SAF/GC; SAF/AA and SAF/GCA are included for SES or equivalent subjects only; SAF/MR is notified when cases involve the US Air Force Academy (USAFA) 2. SAF/IG notifies MAJCOM/CC (or equivalent) or the Director of the Air National Guard and the state Adjutant General where applicable 3. SAF/IG notifies subject 4. SAF/IGS provides notification letters to the complainant and subject 5. SAF/IGS notifies IG DoD of credible allegations within five duty days
4	In Investigation Phase	Investigation is ongoing	SAF/IGS provides status reports to complainant and subject throughout the course of the investigation
5	In Quality Review Phase	Allegations were not substantiated	1. SAF/IG notifies SAF/OS, AF/CC, SAF/US, AF/CV, AF/CVXG or AF/CVXS (as

			<p>applicable), AF/JA, SAF/GC, and IG DoD; SAF/AA and SAF/GCA are included for SES or equivalent subjects only; SAF/MR is notified when cases involve USAFA</p> <ol style="list-style-type: none"> 2. SAF/IG notifies MAJCOM/CC (or equivalent) or the Director of the Air National Guard and the state Adjutant General where applicable 3. SAF/IG notifies subject 4. SAF/IGS provides notification letter to the complainant 5. SAF/IGS provides a copy of the investigation to IG DoD
6		<p>Allegations were substantiated</p>	<ol style="list-style-type: none"> 1. SAF/IG notifies SAF/OS, AF/CC, SAF/US, AF/CV, AF/CVXG or AF/CVXS (as applicable), AF/JA, SAF/GC, and IG DoD; SAF/AA and SAF/GCA are included for SES or equivalent subjects only; SAF/MR is notified when cases involve USAFA 2. SAF/IG notifies MAJCOM/CC (or equivalent) of results for the purpose of taking command action; AF/CV takes command action for ANG subjects (SAF/IG notifies the Director of the Air National Guard and the state Adjutant General for information purposes); SAF/IG refers substantiated civilian senior official cases SAF/AA for appropriate action IAW AFI 36-901, <i>Civilian Senior Executive Management</i> 3. SAF/IG notifies subject of investigation results 4. SAF/IGS notifies complainant of investigation results 5. Office responsible for taking command action notifies SAF/IG of action taken 6. SAF/IGS provides a copy of the investigation and the command action taken to IG DoD

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

8.3.1. Designate an IO to conduct the investigation.

8.3.2. Ensure all allegations are addressed and expeditiously investigated. Due to the limited number of investigating officers, the unconstrained nature of complaints, and the complexities involved with conducting sensitive investigations across the entire Air Force, the CRP processing timelines in **Table 3.1** may be extended.

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

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

8.4. Closing a Senior Official Investigation.

8.4.1. Notifications will be made as set forth in **Table 8.2**.

8.4.2. SAF/IG will forward substantiated cases to the AF/CV, MAJCOM/CC (or equivalent), or SAF/AA (as applicable) for consideration of possible command action, to include action deemed appropriate to correct the negative effect of substantiated wrongdoing on individuals and/or the unit. Substantiated cases involving Air Force civilian senior officials, are referred to SAF/AA for action IAW AFI 36-901, *Civilian Senior Executive Management*. AF/CV takes command action for ANG subjects. SAF/IG will send AF/CV, MAJCOM/CC (or equivalent), or SAF/AA (as applicable), an unredacted copy of the substantiated ROI and a copy of all exhibits for their use in determining the appropriate command action. Additionally, SAF/IG will send AF/CV, MAJCOM/CC or SAF/AA a redacted copy of the ROI for possible use by the subject in responding to potential command action as deemed appropriate by AF/CV, MAJCOM/CC or SAF/AA.

8.4.3. AF/CV, MAJCOM/CC (or equivalent), or SAF/AA (as applicable) will forward command action, and any other actions taken related to the reports, to SAF/IGS for closure. SAF/IGS will ensure command action (if taken) has been documented in the case file.

8.4.4. SAF/IGS will provide IG DoD a copy of the final report, including testimony and attachments, along with a statement of any command action taken against the senior official. SAF/IGS will provide the complete report within five duty days after the final report is approved by SAF/IG.

8.4.5. SAF/IGS notifies AF/CVXS and SAF/GCA on all matters substantiated against AF civilian senior leaders and officials. These offices are tasked with taking the matters to the SAF/AA for action IAW AFI 36-901. SAF/IGS will provide a copy of the final ROI to SAF/GCA and the exhibits thereto when requested.

Chapter 9

DOD HOTLINE COMPLAINTS

9.1. Governing Directive. DoDI 7050.01, *DoD Hotline Program*, establishes policies and procedures used in processing allegations referred to the Air Force Inspector General by the DoD Hotline.

9.2. Referral for Action/Referral for Information. A referral for action has 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 DoD Hotline review process as requiring attention. A referral for information is a complaint that does not require a DoD inquiry, but does contain an allegation that should be brought to the Air Force's attention.

9.3. SAF/IGQ Responsibilities. SAF/IGQ will:

9.3.1. Designate a DoD Hotline Component Coordinator by position to report the results of inquiries conducted in response to DoD Hotline referrals.

9.3.2. Receive and evaluate referral-for-action or referral-for-information taskings and forward them as appropriate to MAJCOM, JFHQ, FOA, or DRU IGs for resolution.

9.3.3. Track the status and final disposition of all investigations resulting from DoD Hotline taskings.

9.3.4. Ensure hotline completion reports (HCRs) are completed IAW DoDI 7050.01, Section 6. Answer complaints filed with DoD through the DoD Hotline by completing an HCR. The HCR should be a stand-alone document and provide all necessary background information.

9.4. MAJCOM, NAF, JFHQ, FOA, DRU, and lower-level IG Responsibilities. IGs will:

9.4.1. Receive and evaluate referral-for-action tasking and forward them to the appropriate IG or agency for resolution. (T-1). Tasked IG or agency must provide SAF/IGQ a copy of the HCR through their MAJCOM, NAF, JFHQ, FOA, DRU, or lower-level IG. (T-1).

9.4.2. Receive and evaluate referral-for-information tasking and forward them to the appropriate IG or agency using [Table 3.12](#). (T-1). Referrals for information do not require a DoD Hotline completion report unless the referral agency decides to conduct an inquiry and that inquiry results in substantiated allegations. If so, the IG must provide SAF/IGQ a copy of the HCR and document corrective action taken through the MAJCOM, NAF, JFHQ, FOA, DRU, or lower-level IG. (T-1). Referrals for information that do not result in substantiated allegations still require a referral completion report IAW [Table 3.12](#).

9.4.3. Ensure HCRs are completed IAW Section 6 of DoDI 7050.01. (T-0). If an HCR is completed, obtain and attach field working papers in ACTS to facilitate DoD Hotline review of the HCR. (T-1).

9.4.4. Conduct follow-up as required to validate the adequacy of actions taken by subordinate units in regards to fraud, waste, and abuse (FWA) cases. (T-1).

9.4.5. For referral-for-action tasking, submit an HCR by the suspense date. (T-0) (180 days from tasking by DoD). When a report cannot be completed by the suspense, request an extension from SAF/IGQ stating the reason for delay and the anticipated completion date. (T-

1). The IG office processing the complaint is responsible for initiating requests for extension IAW this paragraph. Send requests for extension to SAF/IGQ through the appropriate MAJCOM, NAF, JFHQ IG, FOA or DRU. (T-1).

9.4.6. DoD will normally send Hotline taskings requiring an AFOSI investigation directly to AFOSI/IGQ (AFOSI Hotline Coordinator). If a MAJCOM/IG or local IG should receive a Hotline tasking that requires an AFOSI investigation, transfer the Hotline tasking through the MAJCOM to AFOSI/IGQ. AFOSI/IGQ tracks all DoD Hotline taskings requiring an AFOSI investigation.

9.5. Closing a DoD Hotline Complaint.

9.5.1. When the appropriate organization completes the HCR, transfer the case (in completed status) to the SAF/IGQ Group Box. (T-1).

9.5.2. DoD Hotline will review the case and notify SAF/IGQ the case is closed. SAF/IGQ will close the case in ACTS and notify the MAJCOM or JFHQ.

Chapter 10

IG RECORDS MAINTENANCE AND RELEASE

Section 10A—Directive, Terms and Overview

10.1. Governing Directives. DODM 5200.01 V1-4, *DoD Information Security Program*; DoDM 5400.07_AFMAN 33-302, *Freedom of Information Act Program*, DoD 6025.18R, *DoD Health Information Privacy Regulation*; AFD 90-4, *Relations with Congress*; AFI 33-332, *The Air Force Privacy and Civil Liberties Program*; AFI 36-704, *Discipline and Adverse Actions of Civilian Employees*; AFI 51-202, *Nonjudicial Punishment*; and AFI 90-401, *Air Force Relations with Congress*, provide guidance on records management and release.

10.2. Overview. This chapter covers the Air Force IG Records Maintenance and Release Program. The Air Force Inspector General grants access to IG records under the following two separate records release programs, subject to the provisions stipulated in this chapter.

10.2.1. Official Use Requests (OUR) - [Section 10D](#).

10.2.2. Freedom of Information Act (FOIA) and Privacy Act (PA) requests - [Section 10E](#).

Section 10B—Maintenance of IG Records

10.3. Marking IG Records.

10.3.1. Classify reports according to the policies and procedures contained in security regulations (DODM 5200.01 V1-4, *DoD Information Security Program*, AFI 16-1404, *Air Force Information Security Program*, and the AFIS Security Classification Guide). (T-0).

10.3.2. IG reports and case related records will be marked “For Official Use Only” (FOUO) unless they are classified as outlined in DoDM 5200.01-V2. (T-1).

10.3.2.1. Mark or stamp all IG documents 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.”* (T-1).

10.3.2.2. Mark all documents provided by the complainant as “COMPLAINANT PROVIDED.” (T-1). In ACTS, when uploading documents provided by the complainant, check the “Complainant Provided” box.

10.3.3. E-mails that contain and/or transmit IG reports, complaint analyses, notification memos, records, or information must call attention to the FOUO information and/or attachments. Include FOUO in the e-mail subject line. (T-1). 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.” (T-0).

10.4. Protection of IG Records.

10.4.1. IG reports are protected documents. Only SAF/IG, or designated representatives, can approve release of IG documents outside of IG channels. Refer to [Sections 10D](#) and/or 10E for further guidance.

10.4.2. 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." (T-1).

10.4.3. Refer to [paragraph 10.3.3](#) for proper marking of e-mail. (T-1).

10.5. Protecting Privacy Interests.

10.5.1. 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. (T-1).

10.5.1.1. A complaint to an IG, or a complaint worked in IG channels, is protected information.

10.5.1.2. During interviews, 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. (T-1).

10.5.1.3. Witnesses need only be generally advised of the matters under investigation to permit them to respond to the questions asked and to provide other relevant information. (T-1).

10.5.2. When necessary and appropriate, the complainant should be told the IO or commander (or civilians leading an organization designated as a unit IAW AFI 38-101) may discuss the case with appropriate officials and witnesses to resolve the complaint.

10.5.3. 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 IAW the FOIA/PA.

10.5.4. Do not release medical information protected by Health Insurance Portability and Accountability Act (HIPAA). (T-0). Transfer the FOIA request and medical records to the office where they originated for response directly to the FOIA requester. See DoDM 5400.7_AFMAN 33-302.

10.5.5. Protect the privacy interests of others involved by complying with the established guidelines in the PA. (T-0).

10.5.6. 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. (T-1).

10.6. Maintenance and Disposition of IG Records.

10.6.1. CDI records will not be maintained by IG personnel or within an IG system of records with the following exceptions: (T-1).

10.6.1.1. All CDIs with an officer as the subject.

10.6.1.2. Any CDI used as evidence in an IG case.

10.6.2. Records must be maintained for the Complaints Resolution program. Maintain and dispose of records according to the *Air Force Records Disposition Schedule*, Tables 90-01, 90-03, and 90-04, available at <https://www.my.af.mil/afrims/afrims/afrims/rims.cfm>. (T-1). 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 the case “closed” date.

10.6.3. 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. (T-1). Each case/complaint is its own record. Electronic records kept outside of ACTS should normally be indexed by ACTS File Reference Number (FRNO) in its own individual file folder until the case is closed in ACTS. Do not keep paper records.

10.6.4. Case records should not include classified materials, reports of special security investigations, or other similarly sensitive documents. If a case must contain sensitive documents, IGs must cross-reference its identifying number or subject and indicate its primary storage location. (T-1). Do not retain it in the local IG office file. (T-1).

10.6.5. 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. (T-1).

10.6.6. Upon case closure, remove and destroy documents such as draft reports, unnecessary working papers, handwritten notes, Post-it notes, duplicates, etc. (T-3).

10.6.7. 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. (T-3).

10.6.7.1. If command action was taken, coordinate with the servicing SJA office before erasing, demagnetizing, or destroying audio tapes or computer storage media to determine if they must be retained for a longer period. (T-3).

10.6.7.2. If testimony has been recorded on computer media, appropriate technical procedures will be utilized to ensure the testimony is unrecoverable. (T-3).

10.6.8. For digital records (e.g., DVDs and CDs), destroy according to local Information Security Program guidelines. (T-3).

10.6.9. AF Electronic Records Management. Records attached to ACTS case files will follow guidelines IAW AFI 33-322, *Records Management Program*. (T-1).

10.6.10. Referral Completion Reports are IG records. The templates should be properly marked as IG records when referred to the agency for action. However, the inquiry documentation and evidence collected by the referral agency to support the inquiry are not IG records unless placed into the IG system of records by the IG.

Section 10C—Restrictions for Use of IG Records

10.7. Restrictions for Use of IG Records. IG records are subject to the following restrictions.

10.7.1. 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. (T-1).

10.7.2. IG records must be returned to the authority responsible for making release determinations or properly destroyed upon completion of stated need. (T-3).

10.7.3. Do not further release (in whole or in part) IG documents without proper authorization from the authority responsible for making release determinations. (T-3).

10.7.4. Do not act on FOIA or PA requests for IG records. (T-2). 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 DoDM 5400.7_AFMAN 33-302, paragraph C1.5.9). Include a copy of any responsive documents in the referral package. (T-3). The authority responsible for making release determinations acts on the request.

10.7.5. Comply with the provisions of the PA Program in the management of IG records. (T-0).

10.7.6. Comply with the provisions and restrictions of 10 USC § 1102 and AFI 44-119 in using any records obtained from a Surgeon General quality assurance review. (T-0). These are records generated by federal medical treatment facility 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 SJA office 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. (T-0).

10.7.7. See DoD 6025.18R, especially paragraph C.2.3., for guidance on the protection and use of records protected by the Health Insurance Portability and Accountability Act (HIPAA) to IG operations.

Section 10D—Official Use Requests (OUR)

10.8. Types of OURs. This section covers the following types of OURs:

10.8.1. For Command action.

10.8.1.1. By commander.

10.8.1.2. By legal counsel.

10.8.2. For other than command action.

10.8.2.1. Requests from AF/A1.

10.8.2.2. Requests from other DoD agencies.

10.8.2.3. Requests from government agencies outside the DoD, except Congress.

10.8.2.4. Requests from Congress.

10.8.2.5. Non-governmental agencies.

10.9. 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:

10.9.1. Senior official investigation records: The Director, SAF/IGS, or designee, is the authority responsible for making release determinations for senior official investigation records.

10.9.2. Colonel (or civil servant Grade 15 or equivalent) and below: The Director, SAF/IGQ, or designee, is the authority responsible for making release determinations for colonel (or civil servant Grade 15 or equivalent) and below IG investigative records.

10.9.3. Command action: Appointing authorities are responsible for making release determinations for requests regarding command action resulting from IG investigations. (T-2). **NOTE:** This only applies to requests for command action and not for other types of requests.

10.9.4. The commander, not the IG, is the authority responsible for making release determinations for CDI reports. (T-3). IG offices will not be the repository for CDI reports, except as directed in [paragraph 10.6.1](#) Commanders or their designated representatives maintain CDI reports/records.

10.10. Procedures for all OURs. OURs must be submitted through MAJCOM, NAF, JFHQ, FOA, or DRU IG offices to the appropriate authority responsible for making release determinations. (T-2). In every case, the following guidance applies:

10.10.1. Release of IG records pursuant to OURs will ordinarily be made after case closure (see [paragraph 4.30](#) for closure requirements).

10.10.2. To make an OUR for IG records, requestors must:

10.10.2.1. Submit requests in writing. (T-1).

10.10.2.2. Identify the records requested as specifically as possible (e.g., date of investigation, name of IO, subject, and/or complainant). (T-1).

10.10.2.3. Explain in detail why the records are needed. (T-1).

10.10.2.4. Specify when the records are needed. (T-1).

10.10.3. The authority responsible for making release determinations will evaluate OURs based on the criteria in [Section 10E](#) and must notify the requestor of any applicable restrictions on the information provided in the release. (T-1). Make entries in ACTS to show processing of OURs for IG records. (T-1).

10.10.4. Maintenance of OUR Records. Records will be retained IAW the AF Records Disposition Schedule in AFRIMS.

10.11. 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. (T-1). JAs may act on behalf of the commander regarding the procedures of [Section 10C](#). 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. For Senior Official cases, see [Chapter 8, paragraph 8.4.2](#).

10.11.1. Release to Subject.

10.11.1.1. Commanders will provide the subject with evidence (if any) supporting the command action in conjunction with the notice of the action, appropriately redacted IAW the Privacy Act. (T-1). **NOTE:** Evidence to support the command action includes information favorable to the defense and may range from no evidence to all the evidence collected.

10.11.1.2. 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.

10.11.1.3. Defense Counsel Requests. When defense counsel requests IG records to represent military members in courts-martial or other disciplinary actions, defense counsel must request the records from the servicing SJA office who will decide what records are relevant for the defense counsel to obtain. (T-2). IGs should cooperate with any request by the servicing SJA office to provide IG records.

10.11.2. Obtaining additional portions of the case file. If a commander determines 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 Air Force Complaints Resolution Program Supplemental Guide Attachment 19). (T-1). The authority responsible for making release determinations will approve or disapprove the request with a memorandum like the one at Air Force Complaints Resolution Program Supplemental Guide Attachment 20 and must use the wording in paragraphs two, three, and four verbatim. (T-1).

10.12. Requests from AF/A1. AF/ A1 is charged with the responsibility to advise the Secretary whether officers being recommended for promotion, who have adverse information, meet the exemplary conduct standards prescribed in 10 USC § 8583. In order to do so, they must have access to relevant IG records. Process requests under this provision as expeditiously as possible.

10.13. Requests from within DoD.

10.13.1. 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/IG. (T-1).

10.13.2. 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.

10.13.3. Air Force Board for the Correction of Military Records Cases. Complainants who petition the Air Force Board for the Correction of Military Records should advise the Air Force Board for the Correction of Military Records if relevant IG records exist. The Air Force Board

for the Correction of Military Records may submit an OUR to SAF/IG for those records as it deems appropriate.

10.14. Requests from Government Agencies Outside the DoD, Except Congress. Official use requests received from non-DoD governmental agencies for IG records must be forwarded to the appropriate authority responsible for making release determinations. (T-2). This paragraph does not apply to congressional requests, which are addressed in [paragraph 10.15](#).

10.15. Requests From Congress.

10.15.1. 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 "constituent" requests through SAF/LLC. 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 his or her request will be sent to SAF/LL.

10.15.2. To the greatest extent possible, ask the congressional requestor to accept a factual summary in lieu of the IG record.

10.15.3. 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:

10.15.3.1. 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));

10.15.3.2. For a matter within their jurisdiction (5 USC § 552a(b)(9));

10.15.3.3. 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 SAF/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-R, *Department of Defense Privacy Program*).

10.15.4. 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 SORN.

10.15.4.1. 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, for examples of general information). IG records typically contain sensitive, not general information.

10.15.4.2. 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). (T-1). 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 10E](#) to determine what information may be released.

10.15.5. Other Requests. All other requests from Members of Congress are analyzed under the Privacy Act, which permits disclosure of Privacy Act records only when required by the FOIA (See 5 USC § 552; also see AFI 33-332, which sets out a test for disclosure to third parties). All other congressional requests are analyzed under the FOIA. (This does not mean the request must be submitted under FOIA, just that FOIA analysis will be used.) The authority responsible for making release determinations must consult his or her servicing SJA office before responding to these requests. Prior to release of these requests, ensure the accuracy of the information in the record.

10.16. Requests from Non-Governmental Agencies. Any office that receives a request for records from a non-governmental 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 10E—Freedom of Information Act (FOIA) and Privacy Act (PA) Requests

10.17. Authority Responsible for Making Release Determinations for FOIA and PA Requests.

10.17.1. SAF/IG is the initial denial authority for all IG records requested IAW DoDM 5400.07_AFMAN 33-302, Freedom of Information Act and the denial authority for IG records requested under AFI 33-332. SAF/IG makes the following delegations:

10.17.1.1. SAF/IGS is the initial denial authority for senior official cases.

10.17.1.2. SAF/IGQ is the initial denial authority for all IG cases closed at SAF/IGQ level and for all colonel (or civil servant Grade 15 or equivalent) IG investigations regardless of the level at which they were initiated or closed.

10.17.2. MAJCOM, FOA, or DRU IGs are the authority responsible for making release determinations for IG records when this instruction governs those records, and pertains to IG actions closed at their level and below. (T-1). **EXCEPTIONS:**

10.17.2.1. Colonel (or civil servant Grade 15 or equivalent) cases as specified in [paragraph 10.17.1.2](#) above.

10.17.2.2. SAF/IGQ will act as the MAJCOM for ANG IG records maintenance.

10.17.2.3. Reports involving Air Reserve Component 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 investigating officers in Title 10 status should be forwarded to the state unit involved. The federal government should retain a copy of these records when there is a federal interest. 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 SJA office.

10.17.2.4. SAF/IGQ will maintain reports involving members of the Civil Air Patrol (CAP) while performing Air Force-assigned missions. Otherwise, Inspector General investigations and reports involving CAP members while serving or performing missions in its federal chartered non-profit corporate status are subject to the direction and control of its governing instructions.

10.17.3. MAJCOM, JFHQ, FOA, or DRU IGs must coordinate all proposed FOIA and PA responses with their FOIA and servicing SJA offices. (T-1).

10.18. Procedures Regarding FOIA and PA Requests.

10.18.1. The MAJCOM FOIA Manager tasks the IG to locate records responsive to FOIA Requests. The IG will review the FOIA request, search and retrieve the responsive records from ACTS. Add case note in ACTS to annotate records were retrieved in response to FOIA request. Add FOIA number as a Source Reference in ACTS and attach FOIA request.

10.18.2. The IG will redact the records in accordance with the current FOIA guidelines. (T-0). The recommended release (i.e. redactions) must be coordinated with the servicing JA office. (T-1).

10.18.3. The IG will draft an initial denial authority letter and provide the FOIA office with a copy of the initial denial authority letter, unredacted/redacted copy of records and legal review to upload in Electronic FOIA. (T-1).

10.18.4. If a FOIA request comes directly from the requester (i.e. complainant, subject) IGs will forward to the request to their FOIA office. (T-1).

10.18.5. 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 wishes in the FOIA file. If clarification does not occur, process the “complainant provided” materials and include releasable portions with response to complainant.

NOTE: Documents released pursuant to a FOIA request are then public documents and may be further disclosed at the recipient’s discretion.

10.19. Maintenance of FOIA Records. Maintain IG FOIA files IAW the Air Force Records Disposition Schedule, and DoDM 5400.07_AFMAN 33-302.

10.19.1. The authority responsible for making release determinations is responsible for documentation, maintenance, and disposition of IG records processed under FOIA. (T-2).

10.19.2. 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 FRNO.

10.19.3. If any material is denied to a FOIA or PA requestor, then a record must be maintained for six years. (T-2).

10.19.4. 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 DoDM 5400.07_AFMAN 33-302). (T-1). If the FOIA or PA request is granted in full, the information must be maintained for the time specified in the Air Force Records Disposition Schedule. (T-1).

10.19.5. The original investigative file will be destroyed on its scheduled disposition date. (T-1).

Section 10F—Making Release Determinations

10.20. General Guidance.

10.20.1. All FOIA or PA responses must be coordinated with the servicing SJA office. Denials require a written legal review. (T-1).

10.20.2. 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 DoDM 5400.07_AFMAN 33-302 and AFI 33-332). (T-0). This does not mean the person receives a copy; it only means both acts must be considered.

10.20.3. 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 servicing SJA office. (T-0). Although a search and the production of all responsive documents must be accomplished pursuant to a FOIA request, the release of documents associated with an open/ongoing investigation to a FOIA requester will usually be denied under FOIA Exemptions (7)(a) and (7)(c) because release of investigative documents prior to a final decision by the decision authority may compromise the integrity of the investigation and investigative process.

10.20.4. The authority responsible for making release determinations will always comply with valid court orders for an in-camera review. (T-0).

10.20.5. In cases of reprisal and restriction, DoDD 7050.06 requires the IG to provide the complainant with a redacted copy of the Report of Investigation with the closure letter. (T-0). The ROI must be considered under both the FOIA and the PA but notification to the FOIA office is not required. (T-0).

10.21. Release Analysis. For guidance on analysis of FOIA or PA requests, refer to: <http://www.foia.af.mil/>, <https://www.justice.gov/oip/doj-guide-freedom-information-act-0>, <https://dpcl.d.defense.gov/Privacy/SORNsIndex/DOD-wide-SORN-Article-View/Article/569924/f090-af-ig-b/>, <https://www.my.af.mil/afrims/afrims/afrims/rimc.cfm>.

STAYCE D. HARRIS
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The Inspector General

(AFRC)

RICHARD W. SCOBEE, Lt Gen, USAF
Commander

Attachment 1**GLOSSARY OF REFERENCES AND SUPPORTING INFORMATION*****References***

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Prescribed Forms

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Adopted Forms

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AF Form 1359, *Report of Result of Trial*

Abbreviations and Acronyms

ACTS—Automated Case Tracking System

ADC—Area Defense Counsel

AETC—Air Education and Training Command

AF/A1—Deputy Chief of Staff, Manpower, Personnel and Services

AF/CVXG—General Officer Management Office

AF/CVXO—Colonels Management Office

AF/CVXS—AF Senior Executive Management
AF/JA—Office of The Judge Advocate General
AF/JAA—Office of The Judge Advocate General, Administrative Law Directorate
AF/SG—The Surgeon General
AF/A4S—Directorate of Security Forces
AFAA—Air Force Audit Agency
AFCAF—Air Force Central Adjudication Facility
AFCARO—Air Force Civilian Appellate Review Office
AFFOR—Air Force Forces
AFI—Air Force Instruction
AFIA—Air Force Inspection Agency
AFIS—Air Force Inspection System
AFMAN—Air Force Manual
AFOSI—Air Force Office of Special Investigations
AFPC—Air Force Personnel Center
AFR—Air Force Reserve
AFRIMS—Air Force Records Information Management System
ANG—Air National Guard
API—Airman Powered by Innovation Program
ARC—Air Reserve Component
CAP—Civil Air Patrol
CDI—Commander-Directed Investigation
CIGIE—Council of the Inspectors General on Integrity and Efficiency
CJCSI—Chairman, Joint Chiefs of Staff Instruction
COCOM—Combatant Command
CPTS—Comptroller Squadron
CRP—Complaints Resolution Program
C-NAF—Component Numbered Air Force
CSAF—Chief of Staff, Air Force
CSB—Command Screening Board
DFAS—Defense Finance and Accounting Service
DHA—Defense Health Agency

DoD—Department of Defense
DoDD—Department of Defense Directive
DoDI—Department of Defense Instruction
DRU—Direct Reporting Unit
EEO—Equal Employment Opportunity
EO—Equal Opportunity
EPR—Enlisted Performance Report
ERAB—Evaluation Reports Appeal Board
FM—Financial Management
FOA—Field Operating Agency
FOIA—Freedom of Information Act
FOUO—For Official Use Only
FRNO—File Reference Number
FSLMRS—Federal Service Labor-Management Relations Statute
FWA—Fraud, waste, and abuse
GS—General Schedule
HAF—Headquarters Air Force
HCR—Hotline Completion Report
HIPAA—Health Insurance Portability and Accountability Acts
IAW—In accordance with
IDA—Initial Denial Authority
IG DoD—Inspector General of the Department of Defense
IGTC-Q—Inspector General Training Course-Complaints Resolution
INCAP—Incapacitation
IO—Investigating Officer
IR—Interim Response
JA—Judge Advocate
JFHQ (State)—Joint Force Headquarters-State
LOA—Letter of Admonishment
LOC—Letter of Counseling
LOD—Line of Duty
LOR—Letter of Reprimand

MAJCOM—Major Command
MEDCON—Medical Condition
MEO—Military Equal Opportunity
MFR—Memorandum for Record
MHE—Mental Health Evaluation
MPF—Military Personnel Flight
MTF—Military Treatment Facility
NAF—Numbered Air Force
NAF—Non-appropriated Fund
NGB—National Guard Bureau
NVedit—Non-validation edit
OPR—Office of Primary Responsibility or Officer Performance Report
OSC—Office of Special Counsel
OSR—Officer Selection Record
OUR—Official Use Request
PA—Privacy Act or Public Affairs
PC—Protected Communication
PDF—Portable Document Format
POC—Point of Contact
PRB—Promotion Review Board
PRF—Promotion Recommendation Form
PSAB—Personnel Security Appeal Board
PU—Periodic Update
QR—Quality Review
QSI—Quality Standards for Investigations
RDS—Records Disposition Schedule
RMO—Responsible Management Official
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/GCA—Secretary of the Air Force, Office of the General Counsel, Office of the Deputy General Counsel for Fiscal, Ethics and Administrative Law

SAF/GCI—Secretary of the Air Force, Office of the Deputy General Counsel for Intelligence, International, and 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 Inquiries 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/LLC—Secretary of the Air Force, Legislative Liaison, Congressional Correspondence 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

SAF/US—Under Secretary of the Air Force

SECAF—Secretary of the Air Force

SERB—Selective Early Retirement Board

SES—Senior Executive Service

SJA—Staff Judge Advocate

TAG—The Adjutant General

TIG—The Inspector General

UCMJ—Uniform Code of Military Justice

USC—United States Code

UTA—Unit Training Assembly

vMPF—Virtual Military Personnel Flight

WRI—Whistleblower Reprisal Investigations

Terms

Abuse—Intentional wrongful or improper use of government resources. Examples include misuse of grade, position, or authority that causes the loss or misuse of resources such as tools, vehicles, computers, or copy machines.

Abuse of Authority—An arbitrary and capricious exercise of power by a military member or a federal official or employee. To qualify as arbitrary and capricious, the following must be met:

1) the action either adversely affected, or has potential to adversely affect, any person or resulted in personal gain or advantage to the responsible management official (RMO), or other preferred persons;

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—In reference to restriction, the 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—In reference to abuse of authority, a conclusive test of whether abuse of authority occurred.

Administrative Actions—Non-criminal proceedings; includes, but is not limited to letters of counseling, letters of admonishment, letters of reprimand, control roster actions, unfavorable information files, non-judicial punishment reenlistment denials, promotion actions, suspensions (for civilians) and involuntary separation actions, called "removals" for civilians.

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—DOD policy defines adverse information:

1. A substantiated adverse finding or conclusion from an officially documented investigation or inquiry;

or

2. Any credible information of an adverse nature. To be credible, the information must be resolved and supported by a preponderance of the evidence. To be adverse, the information must be derogatory, unfavorable, or of a nature that reflects unacceptable conduct, or a lack of integrity or judgment on the part of the individual.

For the purposes of this definition, the following types of information, even though credible, are not considered adverse:

a. Motor vehicle violations that did not require a court appearance.

b. Minor infractions without negative effect on an individual or the good order and discipline of the organization that:

(1) Was not identified as a result of substantiated findings or conclusion from an officially documented investigation, and

(2) Did not result in more than a non-punitive rehabilitative counseling administered by a superior to a subordinate.

3. Adverse information does not include:

a. Information previously considered by the Senate pursuant to the officer's appointment;

or

b. Information attributed to an individual 10 or more years before the date of the personnel action under consideration, except for incidents, which if tried by court-martial, could have resulted in the imposition of a punitive discharge and confinement for more than one year from the date of the substantiated adverse finding or conclusion from an officially documented investigation or inquiry is used to establish the time period, not the date of the incident.

Air Reserve Component—Air Force component comprised of the Air Force Reserve and Air National Guard

Allegation—A postulated assertion (assumed without proof) formed by the IG concerning an individual or a detrimental condition to be resolved during an investigation. 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 as necessary to uniquely identify),

3. 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, XX Sq/CC) **did what**, (gave a referral EPR to SrA William Tell in reprisal for a protected communication), **in violation of what standard**, (in violation of 10 USC 1034).

Appointing Authority—Individuals holding the positions listed in paragraph 1.6 are appointing authorities. Appointing authorities have the singular authority to direct IG investigations, appoint IOs, and approve reports of investigations directed under their authority.

Arbitrary and capricious—The absence of a rational connection between the facts found and the choice made, constituting a clear error of judgment. The action does not appear to be supported by fair, solid, and reasonable cause, or based upon relevant factors.

Assertion—A declaration made by a complainant without regard to any supporting evidence provided.

Assist—IG assistance is the process of providing the complainant with information that allows him or her to engage with an outside agency or alternate grievance channel to address their concerns. The IG may facilitate assistance by making phone calls, asking questions, or soliciting

helpful information from appropriate offices or agencies and providing that information to the complainant.

Authentication—The process of having a document (correspondence, personal notes, computer records, etc.) verified as genuine.

Automated Case Tracking System (ACTS)—An AF IG tool to capture all IG investigative and administrative activity AF-wide. ACTS is the primary data collection tool for IGs at all levels. IGs 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.

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. Air Force Complaints Resolution Program Supplemental Guide Attachment 8 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.

Chilling Effect—Those actions, through words or behavior, that would tend to prevent an individual(s) from taking a proposed course of action.

Civil Liberties—Civil liberties are the rights of individuals to exercise the freedoms and rights guaranteed to them under the United States Constitution without the government's improper interference. The civil liberties are considered to be:

1. First Amendment Rights: freedom of religion; freedom of speech or of the press; right to peaceably assemble and to petition the government for a redress of grievances.
2. Second Amendment Rights: right to keep and bear arms.
3. Fourth Amendment Rights: right against unreasonable searches and seizures.
4. Fifth Amendment Rights: prohibition against deprivation of life, liberties, or property, without due process of law.
5. 15th, 19th, and 26th Amendments Right: right to vote.

Civilian Employee—A person employed by the Air Force and paid from appropriated or nonappropriated funds who is a US citizen or an alien admitted for permanent residence.

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 civil servant Grade 15)—A Regular Air Force, 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 Grade 15 (GS/GM/GG/etc).

Command Action—Action taken by the commander, who is responsible for the process, operation, organization, or individual. A commander's decision to elect to take no action is deemed to be command action and must be documented.

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 AF member, program, organization, process or operation. A complainant may be any individual including military members, civilian employees, retirees, family members, or other parties that request to use the IG complaint system.

Complaint—A formal assertion concerning a wrong; or violation of law, regulation, instruction, policy, procedure or rule; or report of conditions detrimental to the operation, mission, or reputation of the AF.

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 AF and to determine what action, if any, in IG, supervisory, or other channels is necessary. 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 Intake—The process of receiving a complaint to begin the complaint resolution process.

Complaint Resolution Process—The Complaint Resolution Process describes actions required to resolve a complaint from receipt through closure. The process, which involves 15 steps representing the lifecycle of a complaint, is divided into three phases, Complaint Analysis, Investigation, and Quality Review. See Table 3.1.

Complaints Resolution Program—A program designed to ensure the discipline, efficiency, and economy of the Air Force by resolving complaints of fraud, waste, abuse or gross mismanagement; violations of law, policy, procedures, instructions, or regulations; an injustice; abuse of authority,

inappropriate conduct, or misconduct (as defined by this instruction); or a deficiency or like condition.

Completed Status—The status in ACTS when awaiting results of higher level review/approval, a determination of command/corrective action, or response to recommendation.

Completion—An IG investigation is completed when the Appointing Authority approves the report of investigation.

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. While this does not mean communications made to an IG are privileged or confidential, it does mean disclosure of those communications (and the identity of the communicant) is strictly limited to an official, need-to-know basis. This information is not 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 approval of the Appointing Authority.

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 legal advisor or servicing SJA office 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 courts-martial or trial proceedings.

Dismiss—A complaint is dismissed if a thorough complaint analysis determines it cannot be referred, transferred or addressed through assistance and is not appropriate for IG investigation (see **Table 3.13**).

DoD Intelligence Components—All DoD organizations that perform national intelligence, defense intelligence, and intelligence-related functions, including: the Defense Intelligence Agency; the National Geospatial- Intelligence Agency, the National Reconnaissance Office, the National Security Agency/Central Security Service, and the intelligence elements of the Active and Reserve components of the Military Departments, including the United States Coast Guard when operating as a service in the Navy.

Evidence—Information or data upon which a conclusion or judgment may be based. Evidence is simply information that tends to prove or disprove the existence of an alleged fact.

Fact—Information or data that has actual existence or occurrence.

Files Check—A search for adverse information on senior officials and colonels (or civil servant Grade 15) 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 government of something of value or to secure from the government 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 government 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 Complaint—As used in this instruction, a frivolous complaint is one that fails to allege facts that, if true, would constitute a violation of a standard, whether defined by statute, regulation, or custom of service. For assertions against non-senior officials, 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 AF, 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 DoD 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 AF, without regard to knowledge, motive, or intent.

Inappropriate Conduct—Action a reasonable person would consider likely to erode confidence in the integrity of the AF, but which does not violate an identifiable directive, instruction, policy, regulation, rule, statute, or other standard applicable to the AF.

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.

Inquiry—An examination into facts or principles.

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 parameters established by The Inspector General.

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 Complaint—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 AF organization, even if not specifically identified as an intelligence activity that is being used for counterintelligence or foreign intelligence purposes. It applies to 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 may be 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 IO's 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 potential 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 AF 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.

Issue—A complaint, request for information, or request for assistance to the IG that does not list an individual as the violator of a standard or policy. Issues will be analyzed during the complaint analysis phase.

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 the servicing SJA or designee 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.

Mental Health Evaluation (MHE)—A psychiatric examination or evaluation, a psychological examination or evaluation, an examination for psychiatric or psychological fitness for duty, or any

other means of assessing the mental health of a Service member. 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—A DoD fiscal and organizational entity primarily performing programs to support military members, family members, and authorized civilians.

Non-Validation Edit—A mode of data entry in ACTS in which the system does not validate a user's entry upon submission of the complaint.

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.

Officer Performance Report—AF Form 707. Used to document potential and performance as well as provide information for making a promotion recommendation, selection, or propriety action; selective continuation; involuntary separation; selective early retirement; assignment; school nomination and selection; and other management decisions.

Officer Selection Record—The officer selection record is identified as the Officer, HQ USAF Selection Record Group (AFI 36-2608). It consists of the documents provided to selection boards.

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 that military member's current position or career, to include making or threatening to make a significant change in the duties or responsibilities of a member of the armed forces not commensurate with the member's grade, the failure of a superior to respond to any retaliatory action or harassment (of which the superior had actual knowledge) taken by one or more subordinates against a member, or the conducting of a retaliatory investigation of a member. See DoDD 7050.06 for additional examples.

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.

Privacy Act (5 USC § 552a)—Federal law establishing a Code of Fair Information Practice that governs the collection, maintenance, use, and dissemination of personally identifiable information about individuals that is maintained in systems of records by federal agencies.

Privacy Act Request—An oral or written request by an individual about his or her records in a system of records.

Prima Facie—Evidence that is sufficient to raise a presumption of fact or to establish the fact in question unless rebutted.

Prohibit—To prevent from doing something, to forbid or restrain by force of authority.

Prohibited Personnel Practices—Fourteen prohibited personnel practices defined in 5 U.S.C § 2302 (b) and by the Office of Personnel Management that a federal employee who has authority over civilian personnel decisions may not take.

Proof Analysis Matrix—A technique that lists elements of reprisal, definitions, testimony and documents in a matrix. It provides a record of the analysis used to examine the facts to ensure the validity and repeatability of tracking all the facts through analysis and on to conclusions.

Promotion Review Board—A board convened under regulations prescribed by the Secretary of the Air Force to review adverse information prior to the submission of a recommendation for nomination to the Secretary of Defense when the adverse information has not been reviewed by the promotion selection board, special selection board, or federal recognition board.

Promotion Propriety Actions—The actions necessary to initiate action to delay an officer's promotion, to find an officer not qualified for promotion, or to remove an officer's name from a promotion list. It is applicable to officers selected for promotion to major through colonel.

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 rape, sexual assault, or other sexual misconduct in violation of Articles 120 through 120c of the Uniform Code of Military Justice, 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, or a threat by another member of the armed forces or employee of the federal government that indicates a determination or intent to kill or cause serious bodily injury to members of the armed forces or civilians or damage to military, federal, or civilian property, 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 staff.
 - c. Personnel assigned to DoD audit, inspection, investigation, law enforcement, equal opportunity, safety, sexual assault prevention and response designees, and EO personnel, or family advocacy organizations.
 - d. Any person in the member's chain of command.
 - e. The Chief Master Sergeant of the Air Force, Command Chiefs, Group/Squadron Superintendents, and First Sergeants.
 - f. A courts-martial proceeding.

g. Any other person or organization designated pursuant to regulations or other established administrative procedures for such communications.

3. Testimony, or otherwise participating in or assisting in an investigation or proceeding related to a communication under part 1 or 2 above, or filing, causing to be filed, participating in, or otherwise assisting in an inquiry/investigation of a reprisal and/or restriction complaint.

4. A communication described in part 2 above shall not be excluded from the protections provided in this definition because—

a. The communication was made to a person who participated in an activity that the member reasonably believed to be covered by part 2 above;

b. The communication revealed information that had been previously disclosed;

c. Of the member's motive for making the communication;

d. The communication was not made in writing;

e. The communication was made while the member was off duty; and

f. The communication was made during the normal course of duties of the member.

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.

Referral—A referral is a complaint that is determined to be more appropriately handled by an organization or agency outside the AF IG system.

Referral Completion Report—Prescribed format for reporting resolution actions and findings for complaints referred to other agencies. An Referral Completion Report is designed to be a stand-alone document and provide all necessary background information and case resolution actions.

Referral for Action—DoD Hotline allegations referred for action are allegations that can be resolved by the AF and which may be an indication of a systemic problem within the service, or have been determined through the DoD Hotline review process as requiring attention.

Referral for Information—DoD 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—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 or being perceived as 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 to take/withhold a management/personnel 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 to make lawful communications to Members of Congress and/or an IG.

Self-Investigation—Investigating or directing an investigation into allegations pertaining 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—A Senior Officer Unfavorable Information File 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. Senior Officer Unfavorable Information Files 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 Senior Officer Unfavorable Information File is provided to a promotion board.

Senior Official—Any active duty, retired, Reserve, or National Guard military officer in grades O-7 and above, and any officer selected for promotion to O-7 whose name is on the O-7 promotion board report forwarded to the Military Department Secretary (including Air National Guard Colonels selected by a General Officer Federal Recognition Board for a Certificate of Eligibility (COE)). Any current or former member of the Senior Executive Service. Any current or former DoD civilian employee whose position is deemed equivalent to that of a member of the Senior Executive Service (e.g., Defense Intelligence Senior Executive Service, Senior Level employee, and non-appropriated fund senior executive). Any current or former Presidential appointee.

Sexual Harassment—A form of unlawful sex discrimination. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. For more detailed definitions, see AFI 36-2706, *Equal Opportunity Program, Military and Civilian*.

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 complainant, witness, subject or suspect. For all reports, type any written statements. The witness or IO should sign the typed statement to certify the validity.

Statutory Authority—Authority derived from statute. For example, The DoD 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 wrongdoing have been made and/or whose conduct is the focus of an investigation.

Substantial and Specific Danger to Public Health or Safety—Two of the factors that determine when a disclosed danger is sufficiently substantial and specific are (1) the likelihood of harm resulting from the danger and (2) when the alleged harm may occur. If the disclosed danger could only result in harm under speculative or improbable conditions, it is less likely to be found specific. If the harm is likely to occur in the immediate or near future as opposed to manifesting only in the distant future it is more likely qualify as a specific danger. Both of these factors affect the specificity of the alleged danger, while the nature of the harm—the potential consequences—affects the substantiality of the danger.

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 AF 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 witness or IO 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 who, based upon the facts and circumstances known at the time of the interview, is reasonably suspected of committing a violation of the UCMJ. Active duty military suspects must be advised of their Article 31, UCMJ, rights before the interview begins. Members of the Reserve Component (Reservists and National Guardsmen) suspects may also be entitled to applicable rights advisements. Consultation with the legal advisor or servicing SJA office 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).

1. Sworn. Obtained from a witness who has taken an oath or affirmation to tell the truth.
2. Unsworn. Obtained from a witness who has not taken an oath or affirmation to tell the truth.

Third-Party Complainant—An individual who makes a complaint on behalf of another individual against an AF military member, civil service employee, program, or organization.

Third-Party Complaint—A complaint made on behalf of another individual against an Air Force military member, civil service employee, program, or organization.

Thoroughness—All Inspector General operations must be conducted in a diligent and thorough manner, addressing relevant aspects of the readiness, economy, efficiency, and state of discipline of the institution. IG operations must clearly and concisely reflect all elements of the issues under examination. Reasonable steps should be taken to ensure pertinent issues are sufficiently resolved and that all appropriate root causes and remedies are considered. The results of Inspector General

operations must not raise unanswered questions, nor leave matters open to question or misinterpretation.

Timeliness—Inspector General operations must be conducted and reported with due diligence in a timely manner. The objective is to be responsive to all parties thereby enhancing AF credibility. IG operations are to be conducted and completed within a timeframe that facilitates efficient and effective mission accomplishment while protecting the public's safety and security. IGs are responsible to ensure that the investigation, inspection or evaluation is completed at the appropriate time.

Transfer—A complaint is transferred when a complaint analysis determines an AF IG other than the one receiving the complaint should resolve it.

Unlawful Communication—Any communication by a military member, whether verbal or written or otherwise transmitted, that constitutes misconduct, a violation of the UCMJ, or a violation of other applicable criminal statutes. Some examples of unlawful communications include, but are not limited to, knowingly providing false statements; unauthorized disclosures of classified, privileged, or private information; obscene statements; threatening statements; and statements made under circumstances disrespectful to higher authorities.

Unlawful Discrimination (Civilian EEO)—An unlawful employment practice that occurs when an employer fails or refuses to hire or promote, discharges, or otherwise discriminates against any individual with respect to compensation, terms, conditions, or privileges of employment because of race, color, religion, sex, national origin, age, reprisal, physical or mental disability, or genetic information; limits, segregates or classifies employees or applicants for employment in any way that deprives or tends to deprive any individual of employment opportunities or otherwise adversely affects his/her status as an employee because of race, color, religion, sex, national origin, age, reprisal, physical or mental disability, or genetic information.

Unlawful Discrimination (MEO)—Any unlawful action that denies equal opportunity to a military member or members based on their race, color, sex, national origin, or religion.

Waste—The extravagant, careless, or needless expenditure of government funds or the consumption of government property that results from deficient practices, systems controls, or decisions. The term also includes improper practices not involving prosecutable fraud. **NOTE:** Consider wartime and emergency operations when explaining possible waste. For example, legitimate stockpiles and reserves for wartime needs, which may appear redundant and costly, are not considered waste.

Whistleblowing—A protected communication disclosing information by an employee or applicant that he or she reasonably believes evidences a violation of a law, rule, or regulation; gross mismanagement; gross waste of funds; an abuse of authority; or a substantial and specific danger to public health or safety.

Witness—Any individual, civilian or military, who is interviewed, or testifies, during the course of an IG investigation.

Attachment 2

WITNESS INTERVIEW FORMAT

Note: This interview format is for use with witnesses who are NOT subjects and who are NOT suspects

A2.1. 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:

A2.1.1. A good practice is to add your questions to this template and use it as your note taker.

A2.1.2. Discuss with your legal advisor the potential for rights advisement as well as bargaining unit representation, (as applicable).

A2.1.3. Ensure that you have a copy of the Privacy Act Statement readily available 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.

A2.1.4. Have tissues on hand in the event the witness becomes emotional and water for yourself and the witness, if desired.

A2.1.5. Ops check the recorder(s) one more time.

A2.1.6. Ensure that the phones are turned off or being answered by someone in the IG office.

A2.1.7. Place a “Do Not Disturb - Interview in Progress” sign on the door.

A2.1.8. Have pens, pencils, and note paper available and handy.

A2.1.9. The Air Force hand-off procedure 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.

A2.2. Interview Structure. 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.

A2.3. Pre-Interview (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.

A2.3.1. The first step is to use small talk to relax the witness and build rapport. 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.

A2.3.2. More often than not, the witness’s attention will be immediately drawn to the 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.

A2.3.3. 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.

A2.3.4. Explain your role as the investigating officer. Below are some suggested areas to cover:

A2.3.4.1. Impartial representative of the commander and IG.

A2.3.4.2. Unbiased and impartial fact finder.

A2.3.4.3. 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.

A2.3.4.4. Your conclusion will be documented in a report of investigation for the appointing authority to approve after it receives an IG and legal review.

A2.3.5. Explain the role they play in the investigation:

A2.3.5.1. 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.

A2.3.5.2. Their testimony, or any witness testimony, will be used within the Department of Defense for official purposes.

A2.3.5.3. 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.

A2.3.5.4. Advise the witness of the general nature of the allegations under investigation. To the maximum extent possible, you should protect the identifying information of complainants, subjects, and suspects.

A2.3.6. 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.

A2.4. Read-In. 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.

A2.4.1. Explain that during the Read-In, you will be asking them to provide personal information about themselves--name, address, 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.

A2.4.2. 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.”

A2.4.3. Inform them that you will be telling them that as a witness, they are not authorized to have legal counsel with them. Inform reprisal and restriction case complainants and witnesses who are victims of sexual assault of their right to have a Special Victims’ Counsel (SVC) present prior to conducting an interview. The SVC may advise and provide counsel to the complainant or witness, but may not answer questions on behalf of the complainant or witness. The complainant or witness may request a pause in the recorded interview in order to discuss matters with the SVC.

A2.4.4. Advise all witnesses they are not authorized to record the interview in any manner.

A2.5. Questioning. 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.

A2.5.1. The questions should be non-adversarial and designed to elicit information, not to get a confession. Do not ask leading questions; let them talk; don’t fill in answers or lead them to answers you want to hear.

A2.5.2. 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.

A2.5.3. 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.

A2.5.4. 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.

A2.6. Read-Out. During the read-out, explain that you will order (or direct for USAFR/ANG personnel and civilian employees not subject to the UCMJ) that they not discuss the interview with anyone except a chaplain, member of congress, an IG, 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. Explain that you will be asking them at the end of the Read-Out if they are stressed. The Air Force hand-off 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.

A2.7. Witness Read-In (Recorder is ON): Use the template below:

"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*

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 recorder cannot pick up any nods or gestures. Additionally, all of your statements will be on-the-record, whether the 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. However, if you are the victim of a sexual assault, you may have a Special Victims' Counsel present to provide counsel during this interview. Do you wish to have a Special Victims' Counsel present?"

Note: Be sure the complainant's response is captured on tape. If a SVC is requested and is present for the interview, have the SVC state his/her rank, name and organization on tape. If a SVC is requested and not present, reschedule the interview.

A2.8. Oath. Have the witness swear or affirm using the oath below:

"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)

Please state for the record your:

Full name: (spell it out)

Grade: (Active, Reserve, Retired)

Organization:

Position:

Address: (home or office)

A2.9. Questioning the Witness (Recorder is ON).

A2.9.1. The following are some items for consideration as you prepare for the questioning part of the interview:

A2.9.2. Describe the general nature of the relevant allegations. Do not read the allegations verbatim. Only refer to the allegation(s) relevant to the particular witness. Never identify the complainant.

A2.9.3. 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 legal advisor on how to proceed.

A2.9.4. 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.

A2.9.5. 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.

A2.9.6. 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 and remind the witness that he/she is still under oath.

A2.9.7. Ask these follow-up questions: "Do you have any further information, statements, or evidence, which you wish to present concerning the matters we have discussed?" and "Do you know of anyone else who can provide further information concerning these issues?"

A2.10. Witness Read-Out (Recorder is ON). Read the following verbatim:

"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 or "requested" for contractor employees or civilians not employed by the federal government) not to divulge the nature of this investigation or the questions, answers, or discussions included in this interview with anyone except a chaplain, member of Congress, IG, union representative (for civilian employees only), 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.

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 me and arrangements will be made for you to receive assistance.

Do you have any questions?

The time is This interview is concluded. Thank you."

Note: 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 will be re-starting the 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.

Attachment 3

SUBJECT INTERVIEW FORMAT

Note: This interview format is for use with witnesses who are subjects and NOT suspects.

A3.1. 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:

A3.1.1. A good practice is to add your questions to this template and use it as your note taker.

A3.1.2. 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.

A3.1.3. Ensure that you have readily available a copy of the Privacy Act Statement for the subject to review and other documents that you may want to refer to or have the subject review.

A3.1.4. Have tissues on hand in the event the subject becomes emotional and water for yourself and the subject, if desired.

A3.1.5. Ops check the recorder(s) one more time.

A3.1.6. Ensure that the phones are turned off or being answered by someone in the IG office.

A3.1.7. Place a “Do Not Disturb - Interview in Progress” sign on the door.

A3.1.8. Have pens, pencils, note paper available and handy.

A3.1.9. Ensure that you have coordinated the hand-off with the commander or designee for all initial interviews of the subject.

A3.1.9.1. 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.

A3.1.9.2. 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 could violate the subject’s Article 31 rights.

A3.1.9.3. The IO must document the hand-off within the report of investigation.

A3.2. Interview Structure. The interview is conducted in four parts: Pre-Interview, Read-In, Questioning, and Read-out. These are expanded below.

A3.3. Pre-Interview (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.

A3.3.1. 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.

A3.3.2. More often than not, the subject's attention will be drawn to the 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.

A3.3.3. 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.

A3.3.4. Explain your role as the investigating officer. Below are some suggested areas to cover:

A3.3.4.1. Impartial representative of the commander and IG.

A3.3.4.2. Unbiased and impartial fact finder.

A3.3.4.3. 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.

A3.3.4.4. Your conclusion will be documented in a report of investigation for the appointing authority to approve after it receives an IG and legal review.

A3.3.5. Explain the role they play in the investigation:

A3.3.5.1. This is their opportunity to provide their side of the situation and reasons for their actions.

A3.3.5.2. Their testimony, or any subject testimony, will be used within the Department of Defense for official purposes.

A3.3.5.3. 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.

A3.3.6. 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.

A3.4. Read-In. 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.

A3.4.1. 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 statement.

A3.4.2. 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.”

A3.4.3. 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.

A3.4.4. IOs will advise subjects of the allegation(s) under investigation. The IO will read the allegations verbatim to the subject.

A3.4.5. Advise the subject they are not authorized to record the interview in any manner.

A3.5. Questioning. 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 in advance will help to alleviate these perceptions.

A3.5.1. The questions should be non-adversarial and designed to elicit information, not to get a confession.

A3.5.2. 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.

A3.5.3. 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.

A3.5.4. 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.

A3.5.5. At the end of the questioning, they will be afforded an opportunity to make further comments.

A3.6. Read-Out. During the read-out, explain that you will order (or direct for USAFR/ANG persons and civilian employees not subject to the UCMJ) that they not discuss the interview with anyone except a chaplain, member of Congress, IG, union representative (civilian personnel only), or their counsel (if they have one). Explain that Air Force 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.

A3.7. Subject Read-In (Recorder is ON). Use the template below:

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 _____.

My name is _____. I have been appointed by _____ to investigate allegations that you may have _____ (read all allegations verbatim 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 recorder cannot pick up any nods or gestures. Additionally, all of your statements will be on-the-record, whether the recorder is turned on or not.

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.

A3.8. Oath. Have the witness swear or affirm using the oath below:

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)

Please state for the record your:

Full name: (spell it out)

Grade: (Active, Reserve, Retired) Position:

Organization:

Social security number: (voluntary)

Address: (home or office)

A3.9. Questioning the Subject (Recorder is ON). Advise the subject of the nature of the allegations against him/her, reading the framed allegations verbatim.

A3.9.1. 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 legal advisor on how to proceed.

A3.9.2. 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.

A3.9.3. 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.

A3.9.4. 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 and remind the subject that he/she is still under oath..

A3.9.5. 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?” and “Do you know of anyone else who can provide further information concerning these issues?”

A3.10. Subject Read-Out (Recorder is ON). Read the following verbatim:

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, member of Congress, IG, union representative (for civilian employees only), 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 LAW 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 Air Force hand-off procedure, I must personally refer you to your commander or designee, civilian leading an organization designated as a unit LAW 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.

Note: 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 will be re-starting the 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.

A3.11. Hand-off. 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.

Attachment 4

SUSPECT INTERVIEW FORMAT

Note: This interview format is for use with witnesses who are suspects and NOT subjects.

A4.1. 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:

A4.1.1. A good practice is to add your questions to this template and use it as your note taker.

A4.1.2. Ensure that you have readily available a copy of the Privacy Act Statement for the suspect to review and other documents that you may want to refer to or have the suspect review.

A4.1.3. Have an Article 31 Rights Advisement card or statement with the proper allegations filled in. Consult with the legal advisor to ensure you do this right. Also discuss with your legal advisor the procedures if the suspect initially elects to confer with a lawyer and then returns to continue the interview or the suspect's lawyer is present during the interview.

A4.1.4. Have tissues on hand in the event the suspect becomes emotional and water for yourself and the suspect, if desired.

A4.1.5. Ops check the recorder(s) one more time.

A4.1.6. 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.

A4.1.7. Have pens, pencils, note paper available and handy.

A4.1.8. Ensure that you have coordinated the hand-off with the commander or designee for all initial interviews of the suspect.

A4.1.8.1. 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.

A4.1.8.2. 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 could violate the suspect's Article 31 rights.

A4.1.8.3. The IO must document the hand-off within the report of investigation.

A4.2. Interview Structure. The interview is conducted in four parts: Pre-Interview, Read-In, Questioning, and Read-out. These are expanded below.

A4.3. Pre-Interview (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.

A4.3.1. 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.

A4.3.2. More often than not, the suspect's attention will be drawn to the 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.

A4.3.3. 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.

A4.3.4. Explain your role as the investigating officer. Below are some suggested areas to cover:

A4.3.4.1. Impartial representative of the commander and IG.

A4.3.4.2. Unbiased and impartial fact finder.

A4.3.4.3. 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.

A4.3.4.4. Your conclusion will be documented in a report of investigation for the appointing authority to approve after it receives an IG and legal review.

A4.3.5. Explain the role they play in the investigation:

A4.3.5.1. This is their opportunity to provide their side of the situation and reasons for their actions.

A4.3.5.2. Their testimony, or any suspect testimony, will be used within the Department of Defense for official purposes.

A4.3.5.3. 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.

A4.3.6. 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.

A4.4. Read-In. 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.

A4.4.1. 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.

A4.4.2. 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.

A4.4.3. 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."

A4.4.4. IOs will advise suspects of the allegation(s) under investigation. The IO will read the allegations verbatim to the suspect.

A4.4.5. Advise the suspect they are not authorized to record the interview in any manner.

A4.5. Questioning. 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

A4.5.1. The questions should be non-adversarial and designed to elicit information, not to get a confession.

A4.5.2. 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.

A4.5.3. 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

A4.5.4. 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.

A4.5.5. At the end of the questioning, they will be afforded an opportunity to make further comments.

A4.6. Read-Out. 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). Explain that the Air Force hand-off procedure 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.

A4.7. Suspect Read-In (Recorder is ON). Use the template below:

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:

My name is _____. I have been appointed by _____ to investigate allegations that you may have _____ (read all allegations verbatim).

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 recorder cannot pick up any nods or gestures. Additionally, all of your statements will be on-the-record, whether the recorder is turned on or not.

A4.8. Rights Advisement. 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 civilians and USAFR/ANG personnel not subject to the UCMJ.

A4.8.1. For active duty personnel and USAFR/ANG personnel subject to the UCMJ:

Before we begin our discussion, I want to make it clear that you have the following rights:

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)

Advise the subject of the nature of the allegations against him/her, reading the framed allegations verbatim

Are you willing to answer questions?

(Proceed to the oath)

A4.8.2. 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?

Are you willing to answer questions?

(Proceed to the oath)

A4.9. OATH. Have the witness swear or affirm using the oath below:

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)

Please state for the record your:

Full name: (spell it out)

Grade: (Active, Reserve, Retired)

Position:

Organization:

Social security number: (voluntary)

Address: (home or office)

A4.10. Questioning the Suspect (Recorder is ON). Proceed with questions necessary to obtain all direct knowledge of the matters under investigation.

A4.10.1. 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.

A4.10.2. Be sure that you get an answer to your question and not let the suspect escape answering. If necessary, repeat the question.

A4.10.3. 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.

A4.10.4. 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 and remind the suspect that he/she is still under oath..

A4.10.5. 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?” and “Do you know of anyone else who can provide further information concerning these issues?”

A4.11. Suspect Read-Out (Recorder is ON). Read the following verbatim:

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, member of Congress, IG, union representative (for civilian employees only), 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 LAW 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 Air Force hand-off procedure, I must personally refer you to your commander or designee, civilian leading an organization designated as a unit LAW 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.

Note. 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 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.

A4.12. Hand-off. 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.

Attachment 5

PRIVACY ACT STATEMENT

The Privacy Act statement is required to be read and acknowledged by each witness at the beginning of the interview process.

Authority: DoD Instructions 7050.06 Military Whistleblower Protection; DoD Instruction 7050.01; Defense Hotline Program; AFI 90-301, Inspector General Complaints Resolution; 10 United States Code (USC) 8013, Secretary of the Air Force: powers and duties; delegation by 10 U.S.C. 8020, Inspector General, and E.O. 9397 (SSN).

Principal Purpose: Information is collected during an inquiry or investigation to aid in determining facts and circumstances surrounding the allegations. The information is assembled in report format and presented to the Appointing Authority as a basis for DoD or Air Force decision-making.

The information may be used as evidence in judicial or administrative proceedings or for other official purposes within the DoD, Disclosure of Social Security number, if requested, is used to further identify the individual providing the testimony.

Routine Uses:

In addition to those disclosures generally permitted under 5 U.S.C. 552a (b) of the Privacy Act, as amended, these records contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a (b) (1) as follows:

- a. AFBCMR Cases/Litigation: Complainants who petition the AFBCMR should advise them if relevant IG records exists. AFBCMR releases IG records to AFLOA/JACL. This routine use complies with 5 U.S.C. 552a (b) (1), when AFBCMR determines that such disclosure is necessary for litigation purposes.
- b. To appropriate Federal, State, local, territorial, tribal, foreign, or international agencies for the purpose of counterintelligence activities. This routine use complies with U.S. law or Executive Order, or for the purpose of executing or enforcing laws designed to protect the national security or homeland security of the United States, including those relating to the sharing of records or information concerning terrorism, homeland security, or law enforcement.
- c. To the appropriate Federal, State, local, territorial, tribal, foreign, or international law enforcement authority or other appropriate entity where a record, either alone or in conjunction with other information, indicates a violation or potential violation of law, whether criminal, civil, or regulatory in nature.
- d. To any component of the Department of Justice for the purpose of representing the DoD, or its components, officers, employees, or members in pending or potential litigation to which the record is pertinent.
- e. In an appropriate proceeding before a court, grand jury, or administrative or adjudicative body or official, when the DoD or other Agency representing the DoD determines that the records are relevant and necessary to the proceeding; or in an appropriate proceeding before an

administrative or adjudicative body when the adjudicator determines the records to be relevant to the proceeding.

f. To the National Archives and Records Administration for the purpose of records management inspections conducted. This routine use complies with 44 U.S.C. §§ 2904 and 2906.

g. To a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of, and at the request of, the individual who is the subject of the record.

h. To appropriate agencies, entities, and persons when (1) The Department of Defense (DoD) suspects or has confirmed that the security or confidentiality of the information in the system of records; (2) the DoD has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, the DoD (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the DoD's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

i. To another Federal agency or Federal entity, when the Department of Defense (DoD) determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

Mandatory or Voluntary Disclosure:

FOR MILITARY PERSONNEL: Disclosing your Social Security number is voluntary. Disclosing other personal information relating to your position responsibilities is mandatory and failure to do so may subject you to disciplinary action.

FOR DEPARTMENT OF THE AIR FORCE CIVILIANS: Disclosing your Social Security number is voluntary. However, failure to disclose other personal information in relation to your position responsibilities may subject you to adverse personnel action.

FOR ALL OTHER PERSONNEL: Disclosing your Social Security number and other personal information are voluntary. No adverse action can be taken against you for refusing to provide information about you.

I acknowledge that I have received a copy of this statement and understand it.

Signature Date