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SECRETARY OF THE AIR FORCE**

**DEPARTMENT OF THE AIR FORCE
MANUAL 1-101**



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Air Force Culture

**COMMANDER DIRECTED
INVESTIGATIONS**

COMPLIANCE WITH THIS PUBLICATION IS MANDATORY

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This publication implements Air Force Policy Directive (AFPD) 1, *Air Force Culture*. It provides guidance and procedures on Commander Directed Investigations (CDI). This publication applies to all civilian employees and uniformed members of Regular Air Force, the Air Force Reserve, the Air National Guard, the United States Space Force and those who are contractually obligated to comply with Department of the Air Force publications. This publication requires the collection and/or maintenance of information protected by the Privacy Act of 1974 authorized by Department of Defense Directive (DoDD) 5400.11, *DoD Privacy Program*. The applicable SORN(s) F051 AFJA K is available at: <https://dpcl.d.defense.gov/privacy/SORNS.aspx>. Ensure all records generated as a result of processes prescribed in this publication adhere to Air Force Instruction (AFI) 33-322, *Records Management and Information Governance Program*, and are disposed in accordance with the Air Force Records Disposition Schedule, which is located in the Air Force Records Information Management System. Refer recommended changes and questions about this publication to the Office of Primary Responsibility using the AF Form 847, *Recommendation for Change of Publication*; route AF Forms 847 from the field through the appropriate functional chain of command. This publication may be supplemented at any level. Any supplement must be submitted to and approved by the Inspector General Complaints Resolution Directorate (DAF/IGQ). The authorities to waive wing or 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 Department of the Air Force Instruction (DAFI) 33-360, *Publications and Forms Management*, Table 1.1 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 commander who directed the CDI for non-tiered compliance items. The

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Chapter 1

OVERVIEW

1.1. Overview . Commanders at all levels in the DAF may order investigations of individuals, programs, and processes under their authority. This directive publication provides guidance to all individuals involved in a CDI, to include the appointing authority, the appointed investigator, the servicing legal office, witnesses, Air Force record offices of primary responsibility and record professionals. Commanders have many avenues to resolve issues, complaints, or concerns at their disposal, an investigation being one of those tools. Prior to initiating an actual investigation, commanders should conduct some form of basic fact-finding to determine if an investigation is the appropriate avenue to resolve a matter. During the fact-finding phase, a commander may determine there is no basis to the complaint or concern, or determine an alternate means of resolution, obviating the need for a formal investigation.

1.2. Authority to Conduct CDIs. Commanders appointed to or who have assumed command in accordance with (IAW) AFI 51-509, *Appointment to and Assumption of Command*, and AFI 38-101, *Manpower and Organization*, (normally those on G-series orders) have an inherent authority to order a CDI to investigate matters under their command, unless preempted by higher authority. The Secretary of the Air Force exercises command and administrative authorities through the Secretariat, Chief of Staff of the Air Force, Chief of Space Operations, and Air Staff and Space Staff directorates. As leaders of military organizations, civilian directors perform all functions normally performed by unit commanders except as restricted by law or Department of Defense (DoD) or Air Force issuance. Therefore, this Department of the Air Force Manual (DAFMAN) applies equally to commanders on G-series orders, Air Staff and Space Staff directors, senior Air Force and Space Force officers assigned to non-units, and civilians leading an organization designated as a unit IAW AFI 38-101 as it relates to conducting investigations.

1.3. CDI Purpose . The CDI is a tool to gather, analyze and record relevant information about matters of primary interest to those in command. The CDI is an extension of the commander's authority to investigate and to correct problems within the command. As such, the CDI is internal to the command concerned. There are two reasons a commander may want to conduct a CDI: to investigate systemic (or procedural) problems or to look into matters regarding individual conduct or responsibility. CDIs are administrative investigations.

1.4. Standard of Proof. The standard of proof for a CDI is preponderance of the evidence. A preponderance of the evidence is defined as the greater weight of credible evidence. When the greater weight of credible evidence supports the alleged events, it means the events as alleged are more likely than not to have occurred and the investigating officer (IO) may consider the events proven. While the amount of evidence is something to consider, less credible evidence will not trump a smaller amount of more credible evidence. Some additional things to consider when weighing the evidence are witness demeanor, opportunity for knowledge, bias, motive, intent, and the ability to recall and relate events. At all times, IOs must use their own common sense, life experiences, and knowledge of the ways of the world to assess the credibility of witnesses they interview and the evidence gathered in the investigation. **(T-3).**

Chapter 2

ROLES AND RESPONSIBILITIES

2.1. Commander (Appointing Authority) . Squadron or detachment commanders or higher, appointed IAW AFI 51-509 and AFI 38-101 (normally those on G-series orders) have the authority to initiate a CDI, as do Air Staff and Space Staff directors, senior Air Force and Space Force officers assigned to non-units, and civilians leading an organization designated as a unit IAW AFI 38-101. **(T-1)**. The initiating commander is the appointing authority. **(T-1)**. The commander initiates a CDI by appointing a qualified IO (see [paragraph 2.2](#)) in writing (See [Attachment 5](#)). The commander should consult with his or her servicing legal office prior to initiating a CDI. Commanders will also notify the local inspector general (IG) IAW AFI 90-301, *Inspector General Complaints Resolution* to support promotion screening requirements. **(T-1)**. Commanders will ensure fingerprints, criminal history record data, and DNA are collected and submitted in accordance with AFMAN 71-102, *Air Force Criminal Indexing*. **(T-1)**.

2.1.1. The commander provides the IO:

2.1.1.1. An appointment letter (See [Attachment 5](#)). The letter does not contain personal information such as the name of the subject or complainant. In the letter the commander must appoint a legal advisor to assist the IO. **(T-1)**.

2.1.1.2. Framed allegations (in the case of complaints of wrong) or specific concerns or matters to be investigated, as an attachment to the IO appointment letter (See [Attachment 5](#)).

2.1.1.3. Copies of any materials related to the investigation that are in the commander's possession (See [Attachment 5](#)).

2.1.1.4. Suitable workspace, computers, administrative support, and technical assistance.

2.1.1.5. Access to witnesses and documents within the commander's authority.

2.1.1.6. Oversight, by keeping open lines of communication with the IO.

2.1.2. After consideration of the entire file, including the legal review, the initiating commander approves or disapproves the IO's findings, conclusions, and recommendations (if any), and takes appropriate corrective action. **(T-3)**.

2.2. The Investigating Officer (IO). If the investigation has named subjects, the IO must be equal or senior in grade and rank to the most senior subject and not in the subject's chain of command. **(T-3)**. In all cases, the IO should be mature and experienced with good writing and critical thinking skills. Generally, the IO should be a senior captain or civilian equivalent or higher, or a senior non-commissioned officer (NCO). In some cases, selecting an IO from outside the organization may increase the level of objectivity and transparency in an investigation. Appointing an IO from a unit not in the initiator's chain of the command requires the concurrence of the IO's commander. **(T-3)**. Inspectors General and their staff members are not eligible to be IOs for CDIs, as prescribed in AFI 90-301, *Inspector General Complaints Resolution*. **(T-1)**. The IO must be fully available to conduct the CDI unhampered by leave, temporary duty, separation, retirement or other commitments that would detract from the investigation. **(T-3)**. In some cases, at the commander's discretion, the commander may appoint an assistant IO. All IOs will take the Air Force Investigating Officer Course, available on the Air Force online learning system, regarding

how to conduct thorough, fair, and objective investigations. **(T-3)**. Subsequent training and guidance as to how the IO should execute the investigation will be provided by the appointed legal advisor (See [paragraph 2.3.1](#)). **(T-3)**.

2.2.1. Pre-Investigative Duties. Before beginning an investigation, the IO will:

2.2.1.1. Review this publication. **(T-3)**.

2.2.1.2. Review all materials provided by the appointing authority. **(T-3)**.

2.2.1.3. Review regulations, directives, instructions, manuals, guidance, and if applicable, contract documents relating to the allegations. **(T-3)**. The appointed legal advisor can help the IO determine which regulations or publications apply to the particular investigation.

2.2.1.4. Meet with the assigned legal advisor to formulate an investigation plan, witness list, proposed questions, and proof analysis matrix (See [Attachment 7](#) and [Attachment 8](#)). **(T-3)**.

2.2.1.5. Coordinate with the commanders of any necessary witnesses to arrange for witness availability. **(T-3)**.

2.2.1.6. Contact human resources to determine the status of civilian witnesses to ensure their rights to due process protection are respected. **(T-3)**.

2.2.1.7. If the investigation involves witnesses who are contractors or contractor personnel, or the subject matter of the investigation involves issues with acquisitions, contact unit contracting officer or appropriate acquisition official (Program Manager, Sustainment Product Manager, Program Executive Office, or Program Office contracting officer). **(T-3)**.

2.2.2. Investigative Duties. Throughout the course of the investigation, the IO will:

2.2.2.1. Thoroughly gather all necessary facts through witnesses, documents or other items of evidence, to reach findings, conclusions, and recommendations supported by objective rational analysis in order to help the commander make an informed decision and take appropriate corrective actions if necessary. **(T-1)**.

2.2.2.2. Investigate only the items outlined by the commander in the appointment letter. **(T-1)**. If new or different issues come to light during the investigation, the IO has a duty to address these issues with the commander. The commander will decide if and how the additional issues will be treated (See [paragraph 5.6](#)). **(T-3)**.

2.2.2.3. Consult with the assigned legal advisor when the following legal issues arise:

2.2.2.3.1. Whether the IO is required to advise military personnel of their rights under Article 31, Uniform Code of Military Justice (UCMJ), prior to or during questioning. **(T-1)**.

2.2.2.3.2. When and if a federal civilian employee or other civilian witness is required to be advised of their rights. **(T-1)**.

2.2.2.3.3. How to handle a witness who refuses to testify. **(T-1)**.

2.2.2.3.4. How to handle requests by a witness to bring a representative with them to the witness interview. **(T-1)**.

2.2.2.4. Remain engaged with the legal advisor throughout the process and, depending on the length or breadth of the investigation, provide status updates, especially if any extensions are required. **(T-3)**.

2.2.2.5. Exhibit professionalism at all times. **(T-1)**. This requires the IO be objective, neutral, and fair. IOs should adopt a friendly, but not familiar, attitude. IOs will not disclose witness identities or opinions except to the legal advisor and commander or as otherwise required by law or proper authority. **(T-1)**. IOs will not deceive, browbeat, threaten, coerce, or make promises; shout, argue, lose composure, or otherwise show emotion. **(T-1)**.

2.2.2.6. Treat all unclassified information gathered as part of the CDI process as Controlled Unclassified Information. **(T-0)**.

2.2.2.7. Protect all classified information related to the issue being investigated or gathered as part of the CDI process IAW Department of Defense Manual (DoDM) 5200.01 Vol. 1, *DoD Information Security Program: Overview, Classification, and Declassification*; DoDM 5200.01 Vol. 2, *DoD Information Security Program: Marking of Information*; and DoDM 5200.01 Vol. 3, *DoD Information Security Program: Protection of Classified Information*. **(T-0)**. Consult with your local Information Protection Office for assistance. If the issue involves a Special Access Program (SAP) or Sensitive Compartmented Information, consult with your local IG, local SAP Security Officer, Air Force Office of Special Investigations Office of Special Projects (AFOSI/PJ) or call the SAP Inspections Complaint Hotline.

2.2.3. **Post-Investigative Duties.** Once the IO has gathered the evidence, the IO will:

2.2.3.1. Write an unbiased report of investigation (ROI) that documents the evidence collected and analyzed by the IO and the IO's deliberative process in reaching his or her findings and conclusions. **(T-1)**. If requested by the initiating commander, the IO will make recommendations in the report. **(T-3)**.

2.2.3.2. Analyze the evidence, make findings and reach conclusions based on a preponderance of the evidence and the IO's analysis thereof. **(T-1)**.

2.2.3.3. Organize the ROI case file. **(T-3)**. See **Chapter 6** and **Attachment 17** to this DAFMAN for the recommended format.

2.2.3.4. Obtain a legal review of the ROI from the servicing legal office. **(T-1)**.

2.2.3.5. Forward the ROI case file to the commander who directed the investigation. **(T-1)**.

2.3. Staff Judge Advocate (SJA). The commander's servicing legal office will identify an attorney available to be appointed to serve as a legal advisor. **(T-1)**. The Staff Judge Advocate will also appoint a legal reviewer for the CDI (see **paragraph 2.3.2**). **(T-1)**.

2.3.1. **Legal Advisor.** Prior to the IO's appointment, the identified legal advisor assists the commander in framing the allegations or matters and issues to be investigated. **(T-1)**. After the IO is appointed, and before the investigation begins, the legal advisor meets with the IO. The legal advisor will provide any necessary training on CDIs, and assist in formulating an investigation plan, witness list, proposed questions, and proof analysis matrix. **(T-3)**. The legal advisor will advise the IO during the investigation, as issues may arise. **(T-3)**. Having the legal

advisor present at all witness interviews is recommended, and if the IO requests, the legal advisor may take part in the witness interviews.

2.3.2. Legal Reviewer. Provides a legal review of the ROI to the commander directing the CDI before the commander takes action on the CDI. The legal review is a complete and thorough document, addressing all applicable facts, rules, regulations, and laws. The attorney serving as legal advisor to the IO should not also serve as the legal reviewer unless the SJA determines it is necessary due to extenuating circumstances. The legal review will be included in the ROI at Tab I. **(T-1)**. For additional information on legal sufficiency reviews, see [paragraph 6.1.9](#) and [Attachment 9](#).

2.4. Technical Advisor. It may be necessary for the commander to appoint a technical advisor (subject-matter expert (SME)) to consult with, or provide subject matter expertise, to the IO. The commander provides contact information for technical advisors in the IO's appointment letter or, if a later need arises, in a separate technical advisor appointment letter (See [Attachment 10](#)) **(T-3)**. For example, if the allegation deals with improper official travel, experts in the servicing base finance office can identify and explain applicable provisions of the Joint Travel Regulations. The IO will contact the unit contracting officer or appropriate acquisition official (Program Manager, Sustainment Product Manager, Program Executive Office, or Program Office contracting officer) for contractor, contractor personnel, or acquisition issues that require contract or contractor responsibilities subject matter expertise. **(T-1)**. Because technical advisors are part of the investigative team, they must protect the privacy of all concerned parties (witnesses and subjects) **(T-0)**. Technical advisors provide testimony like any other witness or, upon the IO's request, provide a separate written technical review of the case file after the IO writes the ROI (See [Attachment 11](#), sample technical review). **(T-3)**.

2.5. Administrative Assistant. Depending upon case complexity, the commander may wish to assign the IO one or more administrative assistants. Administrative assistants can facilitate witness interviews, copy necessary documents, and act as witnesses to testimony. The commander should consider maturity and judgment before detailing prospective assistants to the IO. As part of the investigative team, administrative assistants also must protect the privacy of all concerned as required by the Privacy Act. **(T-0)**. Administrative assistants must also maintain witness confidentiality and must handle all information obtained during the course of the investigation as controlled unclassified information (CUI). **(T-0)**. The commander details assistants verbally, in the IO appointment letter, or in a separate letter (See [Attachment 12](#), sample Administrative Assistant Appointment Letter). **(T-3)**. During the investigation, administrative assistants report to the IO. **(T-3)**.

Chapter 3

GENERAL CONSIDERATIONS

3.1. Matters Appropriate for a CDI. A commander initiates an investigation into matters within his or her command when another investigative channel does not exist or is less suitable. For example, investigations into matters that will likely result in a court-martial or other judicial action would normally be referred to the Air Force Office of Special Investigations (AFOSI) or Security Forces (SF). The commander consults with the Staff Judge Advocate (SJA) regarding whether a CDI is the best means of investigating a matter. Command matters include all issues and circumstances involving people, processes, and materials under their command. If a policy directive or instruction provides a specific means of appeal or redress of a grievance, the complainant should exhaust those appeal procedures before the commander initiates a CDI. For a list of other agencies and grievance channels that may be more appropriate than conducting a CDI, see [Table A2.1](#).

3.1.1. Standards of Conduct. CDIs may be used to investigate whether an individual has violated a standard defined by law, regulation, or policy. For example, DoD employees must abide by the DoD 5500.07-R, *Joint Ethics Regulation*. **(T-0)**. Air Force Instructions govern use of government computers and professional (or unprofessional) relationships. A CDI could be the appropriate tool to investigate whether conduct violated the applicable standard. Alternatively, the law, regulation, or policy could provide the standard for an abuse of authority allegation.

3.1.2. Abuse of Authority. Anyone who holds authority over others has the potential to abuse that authority. For example, if a group commander directs (versus merely consults and/or provides a recommendation or mentorship to) one of his or her squadron commanders to deny an NCO's reenlistment, this would be an abuse of authority because it prevented the subordinate commander's free exercise of discretion. Another possible example of abuse of authority is an officer or senior NCO who practices favoritism. However, abuse of authority is not a "catch-all" standard for "unfair" actions. An "unfair" action may not rise to the level of abuse of authority. [Attachment 4](#) includes a method of analyzing actions for abuse of authority. A commander should work closely with his or her SJA and Inspector General (IG) when considering a CDI to investigate allegations of abuse of authority.

3.2. Matters Not Appropriate for a CDI. Not every issue lends itself to a CDI. Below is a non-exhaustive list of issues that are not appropriate for a CDI.

3.2.1. Issues Covered by Other Established Grievance or Appeal Channels. In some instances, Air Force directives delineate organizations responsible for resolving particular issues or to conduct certain types of investigations. Refer to [Attachment 2](#) and [Attachment 3](#) for assistance in determining if a complaint belongs in other channels. It is important to note that commanders are not permitted to take a complaint submitted to the IG and resolve it through a CDI. However, commanders may conduct CDIs on complaints made to an IG and referred to command for resolution.

3.2.2. Reprisal and Restriction Allegations. Congress has specifically designated the IG as the appropriate agency to investigate allegations involving reprisal and restriction in violation of 10 USC § 1034, *Military Whistleblower Protection Act*. Only IGs can investigate reprisal

and restriction allegations by military members. **(T-0)**. A CDI is never appropriate for these allegations. **(T-0)**. Commanders do have the authority to investigate violations of Article 132, UCMJ, which is very similar to reprisal. Commanders should consult their SJA and IG to determine the correct process to follow for a specific complaint.

3.2.3. Violation of Privacy Act Allegations. AFI 33-332, *Air Force Privacy and Civil Liberties Program*, provides that base-level Privacy Act Officers direct the investigation of Privacy Act violation allegations. **(T-1)**.

3.2.4. Senior Official Misconduct. Only the Department of the Air Force, Office of the Inspector General, Senior Officials Directorate (DAF/IGS) is authorized to investigate complaints against senior officials (O-7 select and above, any officer selected for promotion or federal recognition to the grade of O-7 whose name is on a O-7 promotion or federal recognition board report, or a Senior Executive Service civilian). If there is an allegation against a senior official, a commander will not conduct a CDI into the matter, but rather will immediately report that allegation to DAF/IGS in accordance with AFI 90-301. **(T-1)**.

3.2.5. Self-Investigation. A commander shall not investigate or direct a CDI into allegations pertaining to his or her own alleged misconduct. **(T-1)**. Self-investigation, or even the appearance of such, can create negative perceptions and adversely impact the effectiveness of command. Typically, the appropriate venue to address issues involving a commander will be the next higher echelon of command or an outside agency.

3.2.6. Uniform Code of Military Justice (UCMJ) Offenses (10 USC §§ 801-946). Commanders shall ensure that criminal allegations or suspected criminal allegations involving persons affiliated with the DoD or any property or programs under their control or authority are referred to SF, AFOSI, or local law enforcement, as soon as possible. **(T-0)**. See Department of Defense Instruction (DoDI) 5505.03, *Initiation of Investigations by Defense Criminal Investigative Organizations*. Note, however, that wrongdoing may rise to the level of a UCMJ violation which would otherwise not constitute a criminal offense investigated by law enforcement, as covered by the law enforcement investigative matrix. See AFI 71-101, Volume 1, *Criminal Investigations Program*. For example, an AFI violation could also be a violation of Article 92, UCMJ, *Failure to Obey Order or Regulation*. Before launching a CDI into potential UCMJ offenses, commanders should consult with the SJA or Chief, Military Justice, about whether the matter should be referred to SF or AFOSI.

3.2.6.1. Sexual Assault. Allegations of sexual assault (including rape, aggravated sexual contact, abusive sexual contact, forcible sodomy or attempts to commit these) trigger Air Force sexual assault response procedures IAW AFI 90-6001, *Sexual Assault Prevention and Response (SAPR) Program*. Upon receiving a report of sexual assault, commanders follow local procedures to include immediately contacting the Air Force Office of Special Investigation (AFOSI), the lead agency for investigating sexual assault allegations, the local Sexual Assault Prevention and Response (SAPR) office, and the SJA. Additionally, take steps to ensure an alleged victim is protected and receives proper medical care. **(T-1)**.

3.2.6.2. Domestic Abuse. The Air Force instituted response procedures for reports of adult domestic abuse or violence. Upon receiving a report of domestic abuse or violence, commanders immediately contact law enforcement in accordance with local procedures. **(T-1)**.

3.2.7. **Equal Opportunity (EO).** IAW AFI 36-2710, *Equal Opportunity Program*, commanders must comply with specific requirements regarding the conduct of a CDI into EO issues. **(T-1).** Commanders inform the installation Equal Opportunity (EO) office upon receipt of any allegations of discrimination based on race, sex (including pregnancy, gender identity, and sexual orientation), color, national origin, age (40 or older), religion, disability, genetic information or reprisal for previous EO activity. EO has primary responsibility for investigating allegations of discrimination. Before starting an investigation into any allegation of EO discrimination, commanders must consult with SJA legal advisor and EO. **(T-1).**

3.2.8. **Fraud, Waste, and Abuse (FWA).** FWA falls within the purview of all AF organizations, including command. Once aware of FWA allegations, commanders should first coordinate with the IG, who may further coordinate with AFOSI or the Air Force Audit Agency.

3.3. Completion Timelines. Commanders should establish clear expectations for what constitutes a timely, accurate, and thorough CDI. The commander establishes a specific suspense date to have the investigation completed and annotates the suspense in the IO appointment letter (See [Attachment 5](#)). While some CDIs are less complex and can be completed in as few as 10 days, some investigations into multiple issues with multiple subjects could take as long as 90 days. Because lengthy investigations impact unit morale, clear expectations should be outlined. IOs must keep the initiating commander informed of progress, and when needed request and justify their extension requests. **(T-3).** The initiating commander has the sole authority to grant or deny extensions, and should also do so in writing as part of the formal investigative file.

3.4. Notice to Department of the Air Force, Office of the Inspector General, Complaints Resolution Directorate (DAF/IGQ) of Open Investigations. In accordance with AFI 90-301, the commander must inform Secretary of the Air Force, Office of the Inspector General, Complaints Resolution Directorate (DAF/IGQ), through their IG or servicing IG office, at the initiation of any investigation concerning an officer. **(T-1).** Likewise, commanders must inform DAF/IGQ, through their IG or servicing IG office, when any investigation against an officer is complete, and if any command action was taken against a company grade or field grade officer. **(T-1).** At the end of an investigation, commanders must provide the IG a copy of the ROI, legal review, command action, and any rebuttal to command action. **(T-1).** Regardless of the subject's rank or grade, the commander must report all allegations of reprisal or restriction to DAF/IGQ through the local IG immediately. **(T-1).**

3.5. Criminal Indexing Requirements. Commanders must coordinate with the servicing legal office and SF/OSI to collect and submit criminal history record information and fingerprints for any individual investigated in a CDI for a qualifying offense, provided charges are preferred as a result of that CDI and a probable cause determination is made by the servicing SJA or legal advisor. **(T-0).** See AFMAN 71-102, *Air Force Criminal Indexing*, DoDI 5505.11, *Fingerprint Reporting Requirements*. Commanders must further coordinate with the servicing legal office and SF/OSI to collect and submit DNA for any individual investigated in a CDI who is convicted at a GCM or SPCM of charges resulting from that CDI. **(T-0).** See AFMAN 71-102, DoDI 5505.14, *Deoxyribonucleic Acid (DNA) Collection Requirements for Criminal Investigations, Law Enforcement, Corrections, and Commanders*. In addition, commanders will notify members of National Instant Criminal Background Check System (NICS) prohibition qualifications via AF Form 177, *Notice of Qualification for Prohibitions of Firearms, Ammunition, and Explosives*, and

will provide a completed copy of the AF Form 177 to the Department of the Air Force Criminal Justice Information Cell (DAF-CJIC) in accordance with AFMAN 71-102. **(T-1)**.

3.6. Requirements to Report Adverse Information to Central Adjudication Facility. IAW DoDMAN 5200.02_AFMAN 16-1405, *Air Force Personnel Security Program*, personnel security officers must report derogatory information to DoD CAF without using mitigating factors. **(T-0)**. This includes any substantiated finding from a CDI.

Chapter 4

INITIATING THE CDI (COMMANDER)

4.1. Frame the Allegations. Before appointing an IO, the commander will frame the allegations, or matters and concerns to be investigated, with assistance from the legal advisor. **(T-1)**. The allegations will be identified in an attachment to the IO appointment letter (see **Attachment 5**). **(T-1)**. Framing allegations is the single most important factor in the pre-investigative stage. A commander and his or her legal advisor should carefully, clearly, and concisely identify the specific processes to be reviewed and/or any laws, rules, or policies that an individual may have violated. The most common weakness in CDIs are allegations that are vague, poorly worded, or allege conduct that does not amount to wrongdoing in violation of a law, regulation, or policy. CDI allegations should precisely identify when, who, how (if known), and in violation of what. Avoid including multiple subjects, standards, events or violations in a single allegation. Separate events or violations should be listed separately in a stand-alone allegation. If a UCMJ offense is alleged, the allegation should follow the sample specification in the Manual for Courts-Martial. The following are allegation requirements:

4.1.1. **When.** The allegation, to the extent practicable, should precisely indicate the applicable dates of the alleged violation. If the commander and legal advisor are unsure of the exact date of the incident, the date is written as “on or about.” If the actions occurred during or between certain dates, use “between on or about XX May 20XX and on or about XX Jul 20XX.”

4.1.2. **Who.** When the CDI focuses on a person, indicate the subject’s full name and rank or grade (for example, Master Sergeant Jack Deeohee). Include the subject’s duty position if it is relevant to the alleged violation. When multiple subjects are alleged to have committed the same or similar misconduct, use a separate allegation for each subject – do not name multiple subjects in a single allegation. The allegation will not identify an individual as the complainant (for example, do NOT say “SMSgt X did whatever to SrA Y, the complainant.”). **(T-1)**.

4.1.3. **How.** The allegation must provide sufficient notice of how a law, rule or policy was allegedly violated. **(T-1)**.

4.1.4. **In Violation of What.** Allegations should identify a violation of law, policy or regulation (for example, Article 93, UCMJ) or a broken process (for example, tool accountability). If alleging a violation of law, regulation or policy, each allegation should address a violation of only one law, regulation or policy (for example, not Article 93, UCMJ and abuse of authority). In other words, do not combine allegations. Implementing instructions or regulations may be referenced or included. The law, regulation or policy cited in the allegation should be the correct citation (for example, not “fraud, waste, and abuse” but DoD 5500.07-R, *Joint Ethics Regulation, paragraph X*).

4.1.5. **Allegation Example:** “On or about XX Nov 20XX, (WHEN), Master Sergeant Jack Deeohee, Superintendent, 1st Contracting Squadron, (WHO), did maltreat Senior Airman Joe Bagodonuts, a person subject to his orders, by repeatedly using profanity towards him (HOW), in violation of UCMJ, Article 93 (WHAT).”

4.2. Appoint the IO. Once the commander decides an investigation is needed, he or she appoints an IO in writing. **(T-1)**. The commander will provide the IO a letter of appointment (See [Attachment 5](#)). **(T-1)**. The appointment letter outlines the general scope of the investigation, provides the name and contact information of the IO's legal advisor and technical advisor (if any), authorizes the IO to collect evidence, requests recommendations if desired, establishes the CDI completion suspense date, and states that the CDI is the IO's primary duty until completion. The appointment letter is the IO's authority to conduct an investigation; swear in witnesses; and examine and copy documents, files, and other data relevant to the investigation. For purposes of the CDI, the IO is an extension of the appointing commander. Because the IO may need to show the appointment letter to other agencies to obtain their information, as necessary, the command includes the allegations to be investigated as an attachment to the appointment letter, thereby protecting the privacy of other parties.

4.3. Arrange the Logistics. A commander initiating a CDI is responsible for providing the necessary manpower, supplies, and funding support. To protect and secure investigative details, the commander will provide the IO a private office or work area from which to conduct the investigation as well as a dedicated computer (preferably a laptop), printer, phone, fax, and scanner. **(T-3)**.

4.4. Notifications. The commander initiating a CDI must notify subjects at the start of the investigation that they are under investigation and that they are required to participate. **(T-1)**. In the initial notification, commanders will provide subjects with a verbatim copy of the framed allegation(s) (see [Attachment 20](#) for sample subject notification letter). **(T-1)**. Commanders should also facilitate the notification of witnesses and should inform military and DoD civilian witnesses that they are required to fully cooperate with the investigation, subject to any rights advisement. Civilian (non-DoD) witnesses are not required to participate, however they can be invited to testify (see [Attachment 13](#)).

4.5. Uniformed Airman Under Investigation Checklist. Airmen and Guardians under investigation may be at high risk for suicide. Commanders and First Sergeants will activate the Uniformed Airmen Under Investigation checklist, in accordance with AFI 90-5001, *Integrated Resilience*, for uniformed Airmen and Guardians who are notified of an investigation or who may benefit due to current, recent, or anticipated investigations or any legal issues. **(T-1)**. IOs should consider using the checklist for civilians under investigation as well. Contact your local Violence Prevention Integrator for access to the checklist.

Chapter 5

CONDUCTING THE CDI (IO)

5.1. Preparation Tips. The end result of a CDI reflects the amount of preparation and effort put into the investigation. The IO will meet with his or her legal advisor for any training and for assistance in forming an investigation plan. **(T-3)**. The assistance may include the development of a proof analysis and interview questions before initiating the investigation.

5.1.1. Proof Analysis Matrix. IOs will consult with the legal advisor to determine the need for a proof analysis. **(T-3)**. The proof analysis matrix is a tool for identifying the evidence needed to prove or disprove each allegation (See **Attachment 8**). Building a thorough proof analysis will greatly assist an IO in analyzing the allegations for the final report. IOs should do a proof analysis prior to conducting interviews and collecting evidence, as it will help in determining what evidence should be sought. It affords a reference outline for the analysis section of the ROI. The proof analysis matrix should be thoroughly developed and revised continuously throughout the investigation. As such, it will serve as a solid template for the ROI. **(T-3)**. The preferred practice is to build the proof analysis around the “elements” of the law, rule or policy violated, including its definitions. Definitions are a critical starting point to determining whether a law, rule or policy was violated. The IO consults the legal advisor when building the proof analysis matrix.

5.1.2. Question Formulation. The IO must work closely with his or her legal advisor when preparing interview questions for relevance, organization, thoroughness and form. **(T-1)**.

5.1.2.1. Relevance. The key to relevance is whether the information sought might have an effect on the outcome of the investigation. The interview questions focus on the facts and circumstances surrounding each allegation.

5.1.2.2. Organization. The best interviews start with background and build up to the pivotal question or issue. The IO asks pertinent background questions first, working the witness toward the more difficult topics. While there is no cookie-cutter method to ensure effective interviews, the recommended approach is to review events chronologically rather than by allegation (for example, Thursday, then Friday, rather than Allegation 1, then Allegation 2). Jumping from allegation to allegation often results in skipping around in time and can be confusing. Using a chronology is helpful in keeping questions in a logical sequence.

5.1.2.3. Thoroughness. Thoroughness is required in all CDIs. The IO should look beyond who, what, where, when, and how. The IO must also address “why,” whether or not motive has been specifically outlined as an element in a proof analysis. **(T-1)**. The IO must:

5.1.2.3.1. Pursue an issue when there is an indication the witness has additional information. **(T-3)**.

5.1.2.3.2. Find the source of second-hand information so that first-hand information may be obtained. **(T-3)**.

5.1.2.3.3. Determine the basis for witness opinions (that is, A: “In my opinion, he’s not a truthful person.” Q: “What leads you to believe that?” A: “He lied to me three times.” Q: “Explain.”). **(T-3)**.

5.1.2.3.4. Ask for clarification when answers contain technical jargon, acronyms, slang or colloquial expressions. **(T-3)**.

5.1.2.3.5. Seek facts, not conclusions (that is, A: “He was drunk”; Q: “What gave you that impression?” A: “He smelled like beer, his eyes were bloodshot, he was slurring his speech and couldn't stand up without swaying.”). **(T-3)**.

5.1.2.4. **Form.** Let the witness tell what happened and refrain from asking questions that suggest answers. Questions that either assume the answer or leave the witness no choice but to state a particular response (yes or no) are leading questions. Leading questions are generally less useful in getting at the truth, but can be an effective way to test an opinion, clarify testimony, or confront a witness regarding previous statements. While the IO may want to ask leading questions, the witness must provide the testimony (not the IO). **(T-1)**. Also avoid compound questions. A compound question is one that contains several questions in one. Compound questions can confuse the witness and often result in one answer, making it impossible later to determine which question the witness answered (for example, Q: “Did you take Amn X to the store with you, or did you go alone?” A: “Yeah.”).

5.2. Evidence Collection. The IO should seek evidence that is accurate and, where possible, from individuals with direct knowledge. Evidence can be testimonial, physical, or electronic. It may be direct or circumstantial. IOs should assess and evaluate evidence while collecting it. The most effective IO updates his or her proof analysis matrix continually throughout the investigation. Evidence collection often has a ripple effect -- the disclosure of one piece of evidence often drives the need to confirm it, or refute it, through other evidence.

5.2.1. **Testimony.** In CDIs, the majority of evidence is witness testimony. For the purposes of a CDI, testimony generally includes written statements and IO summaries of witness interviews. Testimony can be powerful, as in the case of a hand-written confession. On the other hand, testimony is based on a person’s memory, so it may be incorrect or incomplete. Before testifying, all witnesses must take an oath and sign a Privacy Act statement (see [Attachment 6](#)). **(T-1)**. Prior to interviewing the witness, IOs must verify the witness identity (for example, Common Access Card, driver’s license). **(T-1)**. For further guidance regarding swearing an oath before providing testimony see [paragraph 5.2.5.1](#); for recording of interviews see [paragraph 5.2.5.4](#); and for rights advisement see [paragraph 5.2.6.1](#) An interview script is located at [Attachment 14](#).

5.2.2. **Witness Availability.** For military members or DoD civilian employees, IOs work directly with the witness or through the witness’s commander or supervisor to make the witness available for interviews. Most witnesses are willing to cooperate with an IO. In the case of the unwilling witness, the means and ability to require his or her cooperation will vary depending on the witness’s status.

5.2.2.1. **Active Duty Military.** The witness’s commander can order the witness to testify. A military witness has a duty to testify and can only refuse to answer questions that would incriminate him or her. **(T-0)**. If the witness rightfully invokes a right against self-incrimination, the witness can only be ordered to testify if given immunity from prosecution. **(T-0)**. An IO does not have the authority to grant immunity; therefore, an IO shall never state or imply a witness will not be prosecuted for his or her testimony (See

paragraph 5.2.9. Immunity). (T-0). If a witness refuses to testify, the IO stops the interview and consults with the SJA or legal advisor. (T-1).

5.2.2.2. **DoD Civilian Employees.** A DoD civilian employee's commander or supervisor can direct the witness to testify during duty hours. Like a military witness, a DoD civilian has a duty to testify and can only refuse to answer questions that may incriminate him or her. (T-0). If a civilian employee invokes a right against self-incrimination, the witness can only be ordered to testify if given immunity from prosecution. (T-0). As with a military witness, an IO does not have the authority to grant immunity; therefore, the IO shall never imply or infer the witness will not be prosecuted (See **paragraph 5.2.9 Immunity**). (T-0). If a DoD civilian witness refuses to testify, the IO stops the interview and consults with the SJA or legal advisor. (T-1). DoD civilian employees may be entitled to additional warnings (Kalkines/Garrity/Weingarten) prior to interviews (See **paragraph 5.2.6.2**).

5.2.2.3. **Civilians.** A civilian witness (non-employee) cannot be ordered or directed to testify. (T-0). This includes contractor employees, dependents of active duty military, and non-DoD affiliated civilians. The IO can always invite a civilian to testify, but if the person refuses, the IO has no power to make them testify. If an IO believes a contractor employee has information essential to the CDI, the IO should consult with the legal advisor and unit contracting officer or appropriate acquisition official (Program Manager, Sustainment Product Manager, Program Executive Office, or Program Office contracting officer) to determine whether the contract obligates the contractor and its employees to assist with the investigation. Refer to **Attachment 13** for a sample witness invitation letter.

5.2.2.4. **Retirees.** Retirees, unless they are recalled to active duty, cannot be compelled to testify. (T-0). As in the case of civilian witnesses who are not DoD civilian employees, the IO can invite a retiree to testify, but if the person refuses, the IO can't force them. (T-0). Refer to **Attachment 13** for a sample witness invitation letter.

5.2.2.5. **Minors.** Minors, or persons under the age of full legal responsibility, fall into the category of "civilians," and the same rules apply. (T-0). Additionally, even if a minor agrees to testify, the IO must almost always obtain the consent of a parent or legal guardian. (T-1). IOs consult with the legal advisor or SJA before interviewing a minor. (T-1). If consent is required, a parent or legal guardian must be present for all interviews of minors. (T-1). [Suggestion: the IO should have the parent or legal guardian co-sign any statement of a minor.]

5.2.2.6. **Air National Guard; Reserve Personnel.** Air National Guard or Reserve component members, not in a duty status or employed as technicians, cannot be required to participate in a CDI interview. (T-0). If a reserve component witness will not agree to participate while in a non-duty or technician status, the IO can request the witness's commander place the witness in a duty status by placing the witness on orders and ordering the witness to testify. The IO should consult with the legal advisor before interviewing a reserve component member who is also a technician to determine whether any rules concerning DoD civilian employees apply.

5.2.3. **Order of Witnesses.** Witnesses will be interviewed individually. (T-3). The sequence should be: (1) the complainant(s); (2) subject matter experts; (3) regular witnesses; (4) subjects or suspects. See **Attachment 1** for definition of subject and suspect. IOs should coordinate deviations with the appointing authority and legal advisor. Interviewing the subject or suspect

last ensures the IO has learned the necessary information to ask the right questions. At a minimum, the IO will interview the complainant and subject. **(T-1)**. This process can also enhance truth telling, as people are more likely to be truthful if they know the IO has information from others. When the subject or suspect interview is last, the IO can also challenge any statements that are inconsistent with other evidence. Finally, interviewing the subject or suspect last allows the IO to advise the subject of all adverse information against them such that the subject or suspect may rebut the evidence, as well as decreases the need to re-interview.

5.2.4. Interview Locations. Choosing the correct interview location in advance can prevent a myriad of problems. The IO should choose a place that is private and secure. Some options are listed below.

5.2.4.1. Local Witness Options. The IO has several options when interviewing a local witness, including the witness's duty location or a neutral location. Neutral locations may include the IO's workspace, the legal office, or the local IG office. The positive aspects of interviewing a witness on his or her "turf" is that they may be more at ease and willing to share information and have ready access to information, records, or documents. The downside of interviewing people in their own areas includes a lack of privacy (unwanted interruptions) and the possibility of generating rumors.

5.2.4.2. Remote Witness Options. If the witness is located at another installation or location, the IO has several options: (1) personally interview the witness at his or her location to observe demeanor and non-verbals, which can be important indicators of truthfulness; (2) delay the interview until the witness returns, if his or her absence is temporary and time permits; (3) conduct a telephonic or video teleconference interview; (4) mail, e-mail or fax the witness written questions and have him or her provide a sworn, written response; or (5) ask the witness to provide a sworn statement.

5.2.5. Testimony Format. The IO can obtain testimony in a variety of formats, but all testimony will be taken under oath. **(T-1)**. Testimony can be in a number of formats, at the discretion of the IO. The most common form is summarized testimony. Because this is prepared by the IO, it ensures that the information from the witness interview that is most relevant to the investigation is captured and recorded. Alternatively, testimony can be done via written statement, electronic recording, or transcript. Regardless of form, testimony includes the full name, office designation, and unit for military member and DoD civilian employee witness. For non-DoD civilian witnesses, include full name, address, and phone number. **(T-1)**. Refer to [Attachment 14](#) for a suggested interview script.

5.2.5.1. Under Oath. All testimony, including telephonic, is taken under oath. **(T-1)**. It puts the witness on notice that the CDI is a serious matter and lets him or her know he or she could be criminally liable if he or she fails to tell the truth. A witness must take an oath by either swearing or affirming as noted in [Attachment 14](#). **(T-1)**. An IO is authorized to administer oaths in the performance of such duties under the UCMJ, Article 136 for active duty members and Air Reserve Component members on Title 10 or performing inactive duty training; 5 USC § 303 (for civilian IO); and as authorized by a state Code of Military Justice, a state statute, or a state regulation (IO in Air National Guard in Active Guard Reserve (AGR) status performing AGR duty under Title 32). If a witness, previously sworn, must be re-interviewed, the IO does not need to re-administer the oath, but must

remind the witness that he or she is still under oath and obtain the witness's acknowledgement that he or she understands. **(T-1)**.

5.2.5.2. **Summarized.** The IO interviews witnesses and prepares summaries of testimony. Interviews allow the IO to explore issues raised during the interview and evaluate witness credibility. Summarize the testimony immediately following the interview and have the witness review and sign the summary, generally that same day. The witness and the IO sign the summarized statement, under oath, to certify its accuracy. (See **Attachment 16**, Summarized Testimony Format).

5.2.5.3. **Written Statements.** A witness's sworn statement is to be written or typed. Written statements by witnesses should be documented on an AF Form 1168, *Statement of Suspect/Witness/Complainant*. All witnesses sign their statements under oath. The AF Form 1168 contains the oath. The AF Form 1168 also includes a rights advisement, which is critical to a military suspect interview. If the AF Form 1168 is not used, then the IO may use the template located at **Attachment 15** to this DAFMAN. Regardless of the format used, if a witness makes any pen-and-ink changes to his or her written statement, the IO has the witness initial the changes.

5.2.5.4. **Electronic Recording** . Unlike an IG investigation, there is no requirement that the IO record witness testimony. Considering the limited scope and purpose of most CDIs, recorded testimony is the exception, not the rule. The IO requests, in writing, permission from the commander or appointing authority prior to recording any witness interviews. **(T-3)**. There are pros and cons to recording witness testimony (to include a subject interview). Recorders, in good working order, accurately capture interview contents. On the other hand, being recorded makes most witnesses nervous, and the recorded files must be safely stored and transcribed. **(T-1)**. Never allow a witness to record an interview. If a witness records an interview, the IO requests the individual voluntarily delete the recording or relinquish the recording for inclusion in the official record. If the individual declines to provide the recording or erase the file voluntarily, the IO will immediately notify the appointing authority to resolve the matter. **(T-3)**. The IO should consult with the legal advisor as needed.

5.2.5.5. **Verbatim.** Verbatim testimony is testimony that has been transcribed word for word. Transcription adds significant time and expense to the investigation. If the witness's testimony is key to the investigation, it follows that his or her testimony is important enough to be transcribed. When the IO seeks permission from the commander to record witness interviews, a recommendation is to also seek funding authorization for transcription services if necessary.

5.2.5.6. **Telephonic.** If the witness is unavailable for a face-to-face interview but is critical to the CDI, the IO arranges a telephonic interview through the witness's legal office. This allows a local judge advocate to administer the oath to and verify the identity of the witness. Any prepared statements, whether by the individual or the IO, are transmitted via means appropriate for CUI materials for signature.

5.2.6. Rights Advisements. The IO works closely with the legal advisor whenever there is a question about whether and when an individual should be read his or her rights.

5.2.6.1. Military Member. The mere fact that someone is the subject of a CDI does not automatically trigger the need for a rights advisement. The test is whether the IO, at the time the RegAF or Space Force military subject is interviewed, either believes or reasonably should believe the individual has committed an offense under the UCMJ or other criminal code. If so, then the subject or witness is considered a suspect. The IO advises suspects of their Article 31(b), UCMJ rights. Cases involving Guard and Reserve personnel are further complicated by their status at the time of the alleged conduct and the time of interview. The IO consults with the legal advisor in these cases prior to interviewing a subject or suspect.

5.2.6.2. Civilian. Even if suspected of an offense, a civilian witness or subject (including a civilian employee) need not be advised of his or her Fifth Amendment (“*Miranda*”) rights when interviewed as part of a CDI. Such rights are only required in conjunction with custodial interrogations (that is, interrogations in which the interviewee is not free to leave at will). CDI interviews do not meet the threshold requirement for a custodial interrogation. The lack of a requirement to advise a civilian witness of his or her Fifth Amendment rights does not preclude him or her from invoking such rights and choosing to remain silent if circumstances warrant. (See [paragraph 5.2.2.2](#) for DoD Civilians and [paragraph 5.2.9](#) regarding immunity). The IO consults with the legal advisor or SJA and civilian personnel representative before interviewing a civilian employee suspected of misconduct, as other warnings (*Kalkines/Garrity/Weingarten* rights), may be required under civilian personnel law or regulation or local bargaining agreements. The IO should also consult the legal advisor when a civilian employee does not wish to give a statement, in addition to being suspected of misconduct, because certain warnings may apply in that case as well.

5.2.7. Third-Party Presence during Interviews. An interview will normally only involve the IO and the witness. Sometimes a technical advisor or administrative assistant appointed to assist the IO will accompany the IO during interviews. While interviewing witnesses of the opposite sex, and if the witness requests, the IO may have an assistant present to avoid any appearance of impropriety. Additionally, if the testimony of a particular witness is especially important to the investigation, the IO may want a third party present to take notes and act as a witness to what is said. The legal advisor is an option in this situation. Although the IO can have investigative team members present during witness interviews, generally speaking, a witness cannot have a third party present. This section discusses how to proceed when a witness requests that a third party be present during his or her CDI interview.

5.2.7.1. Labor Union Representatives. If a DoD civilian employee is a member of a bargaining unit, the labor organization (union) may have a right to be present during the interview. The Civilian Personnel Office and legal advisor can help the IO navigate the unique labor and employment law issues present at each base.

5.2.7.1.1. An IO must extend to a labor organization the opportunity to attend the interview of a collective bargaining unit employee, if the investigation concerns a grievance (complaint by an employee about any term or condition of employment) and the interview amounts to a formal discussion (employee attendance required, structured agenda, etc.). **(T-0)**. Presence by a union representative is an institutional right for

protecting the bargaining agreement. The role of the labor organization is that of an interested observer. The union representative cannot answer questions for the bargaining unit member. **(T-0)**.

5.2.7.1.2. Before interviewing a DoD civilian, the IO must determine the employee's bargaining status and the details of their bargaining agreement. **(T-1)**. A DoD civilian employee may request the presence of a bargaining unit representative during an Air Force investigatory interview when the employee reasonably believes discipline may occur as a result. This is commonly called "*Weingarten*" rights. To exercise this right, the employee must request representation. **(T-0)**. Generally, there is no duty for the IO to advise the employee of this right. The one exception is if it is provided for in the collective bargaining agreement. If the employee invokes *Weingarten* rights, the IO must consult with the legal advisor or SJA and civilian personnel before proceeding with the interview. **(T-1)**. Under these circumstances, the labor representative is a personal representative of the employee and may provide advice, consult with the witness, and suggest areas of inquiry. The labor representative must not answer questions for the witness, obstruct the interview or instruct the witness not to answer legitimate questions. **(T-0)**.

5.2.7.2. **Attorneys.** Only a suspect has the right to have an attorney present during an interview. The attorney must not answer questions for the suspect or otherwise be an active participant during the interview. **(T-1)**. A witness or subject may consult with his or her attorney, but are not normally permitted to have an attorney present during the interview.

5.2.7.3. **Other Personal Representatives.** As a general rule, third-party representatives for witnesses and subjects are not permitted to be present during CDI interviews. The IO must consult with the legal advisor when special circumstances arise, such as a request for a crime victim to have a Victim Witness Assistance Program or Special Victims' Counsel representative present, or the witness is a minor. **(T-1)**.

5.2.8. **Confidentiality.** Communications made to the IO during a CDI are protected from reprisal, but not considered privileged or confidential, that is, do not have the same legal privilege as someone would have for communications made in a safety investigation, communications with legal representation, or communication with a member of the clergy. Every effort will be made to maintain witness confidentiality. **(T-1)**. The IO's disclosure of these communications (and the identity of the person who provided the information) will be limited to an official need-to-know basis. **(T-1)**. The CDI ROI will be marked "Controlled Unclassified Information" (CUI) – or other appropriate unclassified designation - and will be released only in accordance with existing laws (See [paragraph 7.5](#) on CDI release). **(T-0)**.

5.2.9. **Immunity.** The IO will consult AFI 51-201, *Administration of Military Justice*, for questions regarding grants of immunity for military and DoD civilian employee witnesses. **(T-0)**. The IO does not make promises to any witness – military or civilian – that could be interpreted as de facto immunity (for example, "Don't worry, you won't get in trouble."). **(T-0)**. An implied immunity can cause significant problems for military and civilian prosecutors. If a military or civilian employee witness requests immunity or some other protection as a condition to providing a statement, the IO will consult with the commander and legal advisor before proceeding. **(T-1)**.

5.2.10. **Air Force Hand-Off Policy.** Uniformed Airmen and Guardians facing criminal or administrative action, in combination with other factors, may be at risk for suicide. The Air Force policy regarding subject/suspect/witness hand-offs applies to CDIs. This policy requires a person-to-person hand-off of all subjects and suspects following an investigative interview. The hand-off must take place between the IO and the individual's commander or the commander's designated representative. **(T-1)**. See AFI 90-5001, *Integrated Resilience*. The policy applies to everyone, regardless of rank, grade or position. **(T-1)**. The IO needs to document the hand-off in the ROI, normally somewhere in the witness' testimony. **(T-1)**. The IO should conduct a hand-off for civilian subjects as well.

5.3. Physical Evidence. Physical evidence consists of documents, computer records, photographs, and objects (for example, tools), to name a few. IOs must ensure evidence is properly collected, handled, and secured. **(T-1)**. For more information, IOs should contact their legal advisor.

5.3.1. **Objects.** Occasionally, an IO will have to collect tangible items of evidence as part of a CDI. The IO must work with the legal advisor and AFOSI or SF to determine how to secure and store the evidence before attempting to collect it. **(T-1)**. Whenever possible, the IO obtains photographs of any physical evidence to include in the ROI.

5.3.2. **Documents.** Documentary evidence may be in the form of handwritten notes, correspondence, reports, newspapers, inventories, and computer records such as e-mails. Written documentation, if authentic, gives the IO a snapshot in time. Any time a witness discusses a particular document during testimony, the IO ensures the testimony identifies the document (for example, "my letter, dated X, subject line "quote"). If the IO obtains or requests demonstrative evidence such as diagrams, organizational wiring diagrams, chronologies, and maps, such demonstrative evidence is labeled thoroughly and accurately.

5.3.3. **Digital Evidence.** The IO may find it necessary to access digital files, such as records, emails, text messages, or app data. Prior to requesting to review or attempting to collect digital evidence or any electronic devices, the IO must consult with the legal advisor and SF/OSI as necessary to assist with any such seizure or analysis. **(T-1)**.

5.4. Direct Evidence. Direct evidence supports the truth of an assertion (in criminal law, an assertion of guilt or of innocence) directly, that is, without an intervening inference. For example, a witness who testifies that he saw the subject disrespect a superior officer gives direct evidence.

5.5. Circumstantial Evidence. Circumstantial evidence is evidence that tends to prove a fact by proving other events or circumstances which afford a basis for a reasonable inference of the occurrence of the fact at issue. For example, a person may go to bed one night and see that the street outside was dry. When they wake up in the morning, they can see the street was wet and there are dark clouds in the sky. From that example, even though the person did not see it rain, they have circumstantial evidence to infer that it must have rained outside while they were sleeping. Circumstantial evidence can be as compelling as direct evidence.

5.6. Adding New Allegations. Sometimes a CDI may raise additional allegations. This typically occurs during the investigation when a witness's testimony reveals additional misconduct, or when a later reviewer raises issues that were not addressed in the investigation.

5.6.1. **During the Investigation.** If a witness's testimony, or other evidence, raises the possibility of additional misconduct of the subject or another person, the IO must coordinate

with the commander to determine whether the additional issues will be investigated separately, or as part of the on-going investigation, or will be referred to law enforcement. **(T-1)**. If after consultation with the legal advisor, the commander expands the scope of the CDI, the attachment to the appointment letter detailing the allegations to be investigated is amended. A subject must be advised of his or her alleged wrongdoing when he or she is interviewed. **(T-1)**. If a subject has already been interviewed, but has not been given adequate opportunity to respond to the substance of all alleged misconduct under investigation, the subject is informed of the new allegations and re-interviewed or given the opportunity to submit written matters. **(T-1)**. If the testimony or evidence indicates that the individual committed a criminal offense, the IO must immediately consult the legal advisor and commander to determine if referral of the allegation (which may include matters related to the pending CDI) to OSI/SF/civilian law enforcement is warranted. **(T-1)**. See DoDI 5505.03, *Initiation of Investigations by Defense Criminal Investigative Organizations*.

5.6.2. Post-Investigation. The more challenging scenario occurs when a later reviewer, such as the attorney conducting the legal review, discovers possible misconduct that was not addressed in the CDI. When this occurs, the reviewer discusses with the IO whether the alleged misconduct was investigated, but just not documented in the case file. If so, the IO consults with the commander to determine a course of action. The commander will decide whether to allow the IO to attach a memorandum of record addressing the additional allegation; to reopen the CDI if additional investigation is warranted; or consider the issue in a separate CDI. **(T-3)**. The CDI case file will include documentation as to the final disposition of the issue, typically in its "Background" section. **(T-3)**. Depending on the nature of the allegation which has arisen post-CDI investigation, the commander may refer the new allegations to law enforcement.

5.7. How Much Investigation is Enough. An investigation into whether someone was absent from work may not require as much evidence as an investigation into the improper use of government funds to purchase high definition televisions. However, an IO needs enough evidence to feel confident of the conclusion, by a preponderance of the evidence, regardless of the seriousness of the allegation. At a minimum, IOs interview the complainant, the subject, and all witnesses named by a complainant or subject, or document why they were not interviewed. **(T-1)**. The IO consults with the legal advisor on whether there is a need to interview additional witnesses or gather additional documentary evidence to satisfy the burden of proof. **(T-1)**.

Chapter 6

CDI REPORT WRITING

6.1. CDI Investigative File Format. The CDI ROI must be a stand-alone document. **(T-1)**. All 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. **(T-1)**. The IO writes his or her report as if the reader had no prior knowledge of the case. The following is the suggested format and order to ensure the CDI contains everything the commander will need to make an informed decision in the case. **Attachment 17** to this DAFMAN provides an outline of the ROI sections described in detail below, and can be included as a Table of Contents, immediately after the title page. Refer to **Attachment 18** to view a sample ROI.

6.1.1. Appointment and Tasking Letters. Tab A. This tab immediately follows the Table of Contents. Under this tab, the IO includes the original letter of appointment with attachments, amendments, and any tasking letters received from higher authorities referring to the case.

6.1.2. Authority and Scope. Tab B. In this tab, the IO documents his or her source of authority to conduct the CDI and states the purpose of the CDI. In this section, the IO also lists the allegations investigated.

6.1.3. Background. Tab C. The IO provides the factual background leading up to the alleged events. The most difficult part of report writing is to sort through all the information gathered, determine which facts are important and document them in a logical manner. In so doing, the IO must be careful to present both sides of the case, not merely those facts that support his or her ultimate conclusion. **(T-1)**. The IO should tie every statement in this section to at least one piece of evidence in the file, referencing its location (for example, MSgt Deeohgee called Amn Bagodonuts a ‘pig’ and a ‘loser.’ (Tabs F-1, p.3; F-5, p. 6, and G-6)) The most helpful way to present facts is in chronological order. Those who read the CDI ROI will generally be limited to the facts within, so the IO must be thorough. **(T-3)**. The facts are the heart of any case. In this section, the IO also discusses any other issues that arose during the investigation (for example, documenting why a requested witness was not interviewed).

6.1.4. Findings, Analysis, and Conclusion. Tab D. The IO invests significant time and effort gathering facts. Much of this effort can go unnoticed if the facts are hidden somewhere in a poorly organized ROI. One helpful method for analyzing each allegation is to use the IFRAC (Issues; Facts; Rules; Analysis; Conclusion) method. This method of analytical writing simplifies the organization of the Findings, Analysis, and Conclusion section of the ROI. Refer to **Attachment 18**, the Findings, Analysis, and Conclusion section for an example of IFRAC in action.

6.1.4.1. Issue. The allegations, as framed by the commander, are the issues that the IO must address. **(T-1)**. The IO must address each of the commander’s concerns separately. **(T-1)**. The IO should start analysis of each allegation by first typing out, word for word, the original allegation. The wording of the allegation drives the analysis. Do not combine allegations in an attempt to simplify the process. For example, a CDI involving maltreatment would begin as follows:

Allegation. On or about XX Nov 20XX, Master Sergeant Jack Deeohgee, Superintendent, 1st Contracting Squadron, did maltreat Senior Airman Joe Bagodonuts, a person subject

to his orders, by using profanity towards him and calling him derogatory names, in violation of Article 93, UCMJ.

6.1.4.2. **Facts.** After identifying the issue, the IO discusses the key facts, relevant to the particular allegation at hand, from the more comprehensive Background section. In most cases, there will be evidence to support two entirely different conclusions--substantiated and not substantiated. The IO should make every effort to present the full story. As noted above, the IO links every statement of fact to at least one piece of evidence cited in the case file. (for example, MSgt Deeohee called Ann Bagodonuts a “pig” and a “loser.” (Tabs F-1, p.3; F-5, p. 6; and G-6)).

6.1.4.3. **Rules (Standards).** Once the issue and facts have been identified, the IO next focuses on the applicable rules or “law” for guidance in resolving the issue. These rules come from sources such as regulations (AFIs, DoDDs, etc.), laws (statutes, UCMJ, etc.), and policies (administrative decisions, local policy letters, etc.). The IO documents the relevant portions of the rules. For example, if the allegation or issue involved an AFI violation, the IO should annotate the AFI number, name, and effective date. Generally, IOs should quote the applicable portions of the instruction, including any definitions, verbatim from the source. Summarizing rules can be dangerous, as many of them were carefully crafted so they would have the desired impact. In cases involving UCMJ offenses, the IO documents the elements of the offense, as found in the Manual for Courts-Martial.

6.1.4.4. **Analysis.** In the analysis section of the ROI, the IO assesses the evidence using a preponderance of the evidence standard, then after determining what evidence is credible and supported by the preponderance of evidence, applies the facts established through the evidence to the allegations to make findings for each allegation. The IO’s thought process must be documented in the ROI in order to allow the commander to understand the basis for the IO’s findings and conclusions. **(T-1).** To ensure the ROI is thorough, fair, and balanced, the IO should keep in mind the “Three C’s” of analytical thinking and writing: credibility, corroboration, and clarity. The analysis section of the ROI must include more than a listing of facts and a stated conclusion. **(T-1).** The IO must document his or her thought process from including how and why the IO assessed evidence to be credible and sufficient to meet the preponderance of the evidence standard, how the evidence established facts, and how those facts were used to resolve the issues presented in the allegations. **(T-1).**

6.1.4.4.1. **Credibility.** Documenting credibility determinations cannot be overemphasized. Without further explanation, the reader only has testimony and exhibits to review. Only the IO has the opportunity to assess the witness’s appearance and behavior during the investigation. Refer to [Attachment 18](#) for an example of an IO’s credibility assessment. When there are opposing sides of a story, in assessing the preponderance of the evidence, the IO must document a credibility determination. **(T-1).** The IO will assess, and comment upon, as necessary:

6.1.4.4.1.1. Witness demeanor (hostile, at ease?) **(T-3).**

6.1.4.4.1.2. Nonverbals (fidgety, arms crossed?) **(T-3).**

6.1.4.4.1.3. Bias (best friends with the subject or mortal enemies?) **(T-3).**

6.1.4.4.1.4. Motive to lie (personal interest in the matter or disinterested?) **(T-3).**

6.1.4.4.1.5. Knowledge (personal knowledge or second hand?) (T-3).

6.1.4.4.1.6. Perception (located next to the person or vision partially blocked?) (T-3).

6.1.4.4.1.7. Veracity (character for truthfulness or a reputed liar?) (T-3).

6.1.4.4.1.8. Any other information that may affect credibility (corroboration is discussed below.) (T-3).

6.1.4.4.2. **Corroboration.** When testimony is corroborated by other credible evidence or testimony, witness credibility is greatly enhanced. The IO discusses evidence in the ROI that supports or does not support witness testimony. With substantial agreement of the evidence, the IO's conclusions have a sound basis.

6.1.4.4.3. **Clarity.** Clarify contradictions before finalizing the investigation, for example "while witness x said this, and witness y contradicted this, witness y's version of events seems to be more credible because..." Whenever abbreviations or terms are used for the first time, spell them out or explain them. Avoid the use of slang, unfamiliar jargon, or obscene, and profane language unless it is part of the alleged misconduct.

6.1.4.5. **Conclusion.** Each allegation is answered in a separate finding that states whether it was substantiated or not substantiated, not "unsubstantiated." If the evidence is in conflict and cannot be reconciled, it means the facts did not satisfy the proof by a preponderance of the evidence standard, and therefore, the allegations could not be substantiated. The IO should wrap up by briefly stating the reasons for the conclusion. For example, the conclusion can state, "The preponderance of the credible evidence supports that MSgt Deehgee called Amn Bagodonuts a "(bleep)ing pig" and a "dog" and hit him on the head five times during a staff meeting. I find Allegation 1 to be SUBSTANTIATED." The IO should also identify any mitigating or extenuating circumstances in this section of the report, especially if someone committed wrongdoing, but did so unintentionally. It would also be important to know if the individual already rectified the situation.

6.1.5. **Recommendations.** Tab E. The initiating commander may include in the appointment letter direction to the IO to provide recommendations for corrective action. The IO does not make recommendations unless specifically directed to do so by the commander. If the IO was not tasked in the appointment letter with making recommendations for corrective action, but based on what the IO learns during the CDI has recommendations for the commander, the IO should request permission from the commander to include recommendations in the ROI. If the commander agrees and directs the IO to provide recommendations, the commander's direction to the IO will be documented in an addendum to the appointment letter. (T-3). Recommendations should address the IO's findings and/or conclusions and should be stated succinctly and objectively. IOs should not make recommendations for specific punishments or adverse administrative actions. Recommendations made by the IO are not binding on the commander.

6.1.6. **Testimony.** Tab F. The IO should first include an index of witnesses and tab each witness's sworn testimony in the order as in [Attachment 17](#).

6.1.7. **Evidence.** Tab G. The IO should first include an index of evidence and tab each evidentiary item in the order listed in [Attachment 17](#).

6.1.8. **Technical Reviews.** Tab H. If no technical review was conducted, place a paper in this tab that says, “None.” Otherwise, tab all technical reviews in the same order in which they are referenced in the CDI ROI. Refer to **Attachment 11** for a sample technical review.

6.1.9. **Legal Review.** Tab I. Prior to providing the final CDI case file to the commander for action, the IO must obtain a comprehensive written “legal sufficiency” review. **(T-1)**. Refer to **Attachment 9** for a sample legal review. The commander's servicing legal office will appoint an attorney to review the CDI ROI. **(T-1)**. A legal review is an independent objective review of the procedures utilized during the CDI, the evidence, the IOs findings, and conclusions. If the reviewing attorney determines the ROI is not legally sufficient, the reviewing attorney should discuss the basis of that determination with the IO in an effort to clear up any matters of concern. The reviewing attorney may also discuss the matter with the commander if the reviewer believes additional investigation or clarity is necessary and the commander will need to take action to extend the timeframe for the investigation. **(T-3)**. At a minimum, a legal review will include a discussion and assessment of whether:

6.1.9.1. Each allegation has been addressed. **(T-3)**.

6.1.9.2. IO applied preponderance of the evidence standard. **(T-3)**.

6.1.9.3. Findings of fact are supported by the evidence included in the report of investigation. **(T-3)**.

6.1.9.4. Conclusions are consistent with the findings of fact and supported by the preponderance of the evidence. **(T-3)**.

6.1.9.5. Errors or irregularities (if any) render the investigation legally insufficient. **(T-3)**.

6.1.10. **Commander (Appointing Authority) Approval and Actions.** Tab J. Upon receipt, the commander reviews the entire CDI case file, including the legal review.

6.1.10.1. Prior to final approval and signature of an ROI containing substantiated findings, the appointing authority will provide the subject or suspect a tentative conclusion letter (TCL). **(T-3)**. The TCL will briefly outline the allegations substantiated against the subject, the primary reasons that support the substantiated conclusion, and will include a redacted copy of the relevant portions of the preliminary ROI as well as a transcript of the subject's testimony as attachments. **(T-3)**. Refer to **Attachment 21** for a sample TCL.

6.1.10.1.1. Prior to transmitting the TCL, the appointing authority will coordinate the draft TCL with his or her legal advisor and the investigating officer. **(T-3)**.

6.1.10.1.2. The subject or suspect will be allowed no more than two calendar weeks to provide a response to the appointing authority with any relevant documentation or evidence not previously considered. **(T-3)**.

6.1.10.1.3. Upon receipt of the response from the subject, the appointing authority will consider any modifications of the analysis or findings of any of the substantiated allegations. **(T-3)**. If the appointing authority determines no change to the findings is necessary, he or she notes the completion of the TCL process in their approval of the ROI, and proceeds with **paragraph 6.1.10.2**. **(T-3)**.

6.1.10.1.4. If the response from the subject indicates modification of the analysis or findings is appropriate, the appointing authority will:

6.1.10.1.4.1. Direct the IO to consider the relevant documentation and evidence submitted by the subject or suspect, to include modifying the conclusions. **(T-3)**.

6.1.10.1.4.2. Request a second legal review if significant modifications were made. **(T-3)**.

6.1.10.1.4.3. Proceed to **paragraph 6.1.10.2** once the ROI is approved.

6.1.10.2. If there are no substantiated findings, or the steps of **paragraph 6.1.10.1** result in no change to the findings, the initiating commander either “approves” or “disapproves” the CDI in writing. **(T-3)**. If the commander disagrees with one or more of the IO’s findings and conclusions, the commander will:

6.1.10.2.1. Document the rationale for the disagreement and final determination on the matter in writing in an “addendum” to the ROI. **(T-3)**.

6.1.10.2.2. Follow the steps in **paragraph 6.1.10.1** if the commander changes a not substantiated finding to substantiated, to include providing a redacted copy of the commander’s addendum to the subject as the basis of the substantiation. **(T-3)**.

6.1.11. **Administrative Documents.** Tab K. Include any documents that do not otherwise fall into one of the other tabs, such as witness invitation letters, delay requests, and extensions, etc. **(T-3)**.

6.2. Report Markings. Mark “Controlled Unclassified Information” (CUI) CONTROLLED UNCLASSIFIED INFORMATION - or as appropriate based on current unclassified sensitive document markings - at the top and bottom of each page. **(T-1)**. Mark all documents provided by the complainant during the course of the investigation as “COMPLAINANT PROVIDED” in the lower right-hand corner of each page. **(T-1)**. Classify reports according to the policies and procedures contained in security regulations. Control the number and distribution of copies. **(T-3)**. The IO will not provide draft or final copies of the CDI ROI, or disclose the IO’s opinion, to complainants, subjects, suspects, or witnesses for any purpose. **(T-1)**. The IO may direct any requestor to make a formal request pursuant to the Freedom of Information Act (FOIA), 5 USC § 552 (see **paragraph 7.5**).

Chapter 7

POST REPORT ACTIONS

7.1. Closure with Subjects, Suspects, and Complainants. The commander makes final notification of the CDI results to the complainant (if any) and subject or suspect, in writing. Remember, the Privacy Act applies. A sample written case closure letter to the complainant is included at [Attachment 19](#).

7.2. Use of CDI Results. The information obtained in a CDI, including an IO's findings and recommendations, may be used in any administrative action against an individual, regardless of whether that individual was designated as a subject or suspect (subject to any grants of immunity). Commanders should consult their legal advisor prior to notifying any employee, whether civilian or military, of contemplated adverse action. There is no limitation on the ability of a commander to initiate court-martial charges based on information obtained via a CDI. There is also no limitation on an investigative agency, such as OSI or SF, from using information contained in a CDI to form the basis of subsequent investigations.

7.3. Completed Investigation Reporting Requirements. Commanders must report the completion of an investigation of any officer to DAF/IGQ through the local IG. **(T-1)**. Additionally, commanders must report all substantiated findings of wrongdoing and/or adverse information against all officers (or civil servant Grade 15 or equivalent) to DAF/IGQ through the local IG, which may or may not be the result of a CDI. **(T-1)**. Finally, commanders must provide all completed CDI ROIs to the local IG for retention, regardless of rank or finding. **(T-1)**. For detailed procedures, see AFI 90-301, or contact the servicing IG office.

7.4. CDI Reconsideration. CDIs are a function of command, and requests for reconsideration are likewise the responsibility of the chain of command. 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. It is the requestor's responsibility to provide new and compelling information, including specific reasons why they believe the original complaint resolution was not valid or adequate, that justifies a higher-level review on previously considered issues. Requests for reconsideration should be addressed to the initiating commander and thereafter the next echelon of command. Military members may apply to the Air Force Board for Correction of Military Records pursuant to AFI 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)* for relief. Military members may also be able to use Article 138, UCMJ, to request redress from the commander and General Court-Martial Convening Authority (see AFI 51-505, *Complaints of Wrongs Under Article 138, Uniform Code of Military Justice*). Civilians' response to disciplinary or adverse action as result of a CDI is governed by AFI 36-704, *Discipline and Adverse Actions of Civilian Employees*.

7.5. CDI Records Release. The initiating commander is the release authority for CDIs.

There are two type of releases: Freedom of Information Act (FOIA) and an official use request (OUR). Release of the CDI to the public falls under the FOIA. The commander should follow the guidance in DoDM 5400.07 AFMAN 33-302, *Freedom of Information Act* (5 USC § 552). All information that is denied release requires a legal review. An OUR falls under the Privacy Act (5 USC § 552a (b)(1)). Information protected by the Privacy Act may be released to DoD employees who have a need to know in order to perform their duties. DoD personnel may not

release the information outside of this parameter unless it falls under another statutory condition of disclosure or one of the routine uses in the System of Records Notice. See OpJAGAF 2019-35 for further guidance.

7.6. Subject, Suspect or Defense Counsel Requests. UCMJ actions have specific requirements for providing the subject, suspect or defense counsel access to evidence. For CDIs that result in court-martial charges, the commander should provide defense counsel access to a CDI through trial counsel. Defense counsel (or the member) may request a copy of a CDI to respond to an administrative action. Depending on the type of action, the subject (or his counsel) may have the right to access the CDI or portions thereof. With regard to civilian employee disciplinary actions, the commander should discuss what may be releasable with the legal advisor and civilian personnel office. Usually, civilian employees are entitled to all relevant evidence considered by their supervisor or commander for the disciplinary action, which may include witness names. Other requests for access may be more appropriately treated as Freedom of Information Act (FOIA) requests. The commander works with his or her legal advisor to determine what, if any, portions of the CDI may be releasable to the public under DoDM 5400.07_AFMAN 33-302, for internal official use purposes (see OpJAGAF 2019-35, 5 December 2019); or as otherwise requested by an entity outside of the DoD.

SAMI D. SAID, Lt Gen, USAF
Inspector General

Attachment 1**GLOSSARY OF REFERENCES AND SUPPORTING INFORMATION*****References***

AFI 14-404, *Intelligence Oversight*, 03 September 2019

AFI 24-302, *Vehicle Management*, 21 February 2020

AFI 31-115, *Law and Order Operations*, 18 August 2020

AFI 31-117, *Arming and Use of Force by Air Force Personnel*, 06 August 2020

AFI 32-6000, *Housing Management*, 18 March 2020

AFI 33-332, *Air Force Privacy and Civil Liberties Program*, 10 March 2020

AFI 33-322, *Records Management and Information Governance Program*, 23 March 2020

AFI 36-704, *Discipline and Adverse Actions of Civilian Employees*, 3 July 2018

AFI 36-2110, *Total Force Assignments*, 5 October 2018

AFI 36-2406, *Officer and Enlisted Evaluation Systems*, 14 November 2019

AFI 36-2502, *Enlisted Airman Promotion/Demotion Programs*, 12 December 2014

AFI 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*, 18 September 2017

AFI 36-2710, *Equal Opportunity Program*, 18 June 2020

AFMAN 36-2905, *Air Force Fitness Program*, 11 December 2020

AFI 36-2906, *Personal Financial Responsibility*, 30 July 2018

AFI 36-2909, *Air Force Professional Relationships and Conduct*, 14 November 2019

AFI 36-2910, *Line of Duty (Misconduct) Determination*, 08 October 2015

AFI 36-3034, *Remission of Indebtedness*, 05 July 2018

AFI 36-3207, *Separating Commissioned Officers*, 09 July 2004

AFI 36-3208, *Administrative Separation of Airmen*, 09 July 2004

AFI 36-3209, *Separation and Retirement Procedures for Air National Guard and Air Force Reserve Members*, 14 April 2005

AFI 38-101, *Manpower and Organization*, 29 August 2019

AFI 38-402, *Airmen Powered by Innovation and Suggestion Program*, 09 February 2018

AFI 44-119, *Medical Quality Operations*, 16 August 2011

AFI 51-201, *Administration of Military Justice*, 18 January 2019

AFI 51-202, *Nonjudicial Punishment*, 06 March 2019

AFI 51-306, *Administrative Claims for and Against the Air Force*, 14 January 2019

AFI 51-307, *Aerospace and Ground Accident Investigations*, 18 March 2019

AFI 51-505, *Complaints of Wrongs Under Article 138, Uniform Code of Military Justice*, 4 April 2019

AFI 51-509, *Appointment to and Assumption of Command*, 14 January 2019

AFI 71-101V1, *Criminal Investigations Program*, 01 July 2019

AFI 90-301, *Inspector General Complaints Resolution*, 28 December 2018

AFI 90-5001, *Integrated Resilience*, 25 January 2019

AFI 90-6001, *Sexual Assault Prevention and Response (SAPR) Program*, 15 July 2020

AFI 91-204, *Safety Investigations and Reports*, 10 March 2021

AFMAN 11-402, *Aviation and Parachutist Service*, 24 January 2019

AFMAN 36-2032, *Military Recruiting and Accessions*, 27 September 2019

AFMAN 65-605V1, *Budget Guidance and Technical Procedures*, 16 August 2012

AFMAN 71-102, *Air Force Criminal Indexing*, 21 July 2020

AFMAN 91-203, *Air Force Occupational Safety, Fire and Health Standards*, 11 December 2018

AFPD 1, *Air Force Culture*, 16 October 2019

AFPD 32-60, *Housing*, 25 January 2021

ANGI 36-6, *The Air National Guard Statutory Tour Program Policies and Procedures*, 9 November 2010

ANGI 36-101, *The Active Guard/Reserve (AGR) Program*, 3 June 2010

ANGI 36-2602, *Air National Guard Retention Programs*, 14 June 2019

ANGI 36-2651, *Air National Guard Selective Retention Review Boards*, 22 September 2014

DAFI 33-360, *Publications and Forms Management*, 1 December 2015

DoD 5500.07-R, *Joint Ethics Regulation*, 30 August 1993

DoDD 1401.03, *DoD Nonappropriated Fund Instrumentality (NAFI) Employee Whistleblower Protection* 13 June 2014

DoDI 1020.03, *Harassment Prevention and Response in the Armed Forces*, 8 February 2018

DoDI 1400.25-V771_AFI36-706, *Administrative Grievance System*, 14 November 2018

DoDI 5505.03, *Initiation of Investigations by Defense Criminal Investigative Organizations*, 24 March 2011

DoDI 5505.11, *Fingerprint Reporting Requirements*, 31 October 2019

DoDI 5505.14, *Deoxyribonucleic Acid (DNA) Collection Requirements for Criminal Investigations, Law Enforcement, Corrections, and Commanders*, 22 December 2015

DoDI 6055.07, *Mishap Notification, Investigation, Reporting, and Record Keeping*, 6 June 2011

DoDM 5200.01 Vol. 1, *DoD Information Security Program: Overview, Classification, and Declassification*, 24 February 2012

DoDM 5200.01 Vol. 2, *DoD Information Security Program: Marking of Information*, 24 February 2012

DoDM 5200.01 Vol. 3, *DoD Information Security Program: Protection of Classified Information*, 24 February 2012

DoDM 5200.02_AFMAN 16-1405, *Air Force Personnel Security Program*, 1 August 2018

DoDM 5400.07_AFMAN 33-302, *Freedom of Information Act Program*, 27 April 2018

5 USC § 303, *Oaths to Witnesses*

5 USC § 552, *Public information; agency rules, opinions, orders, records, and proceedings*

5 USC § 552a, *Records maintained on individuals*

5 USC § 2302(b), *Prohibited Personnel Practices*

10 USC § 164, *Commanders of combatant commands assignment; powers and duties*

10 USC §§ 801-946, *Uniform Code of Military Justice*

10 USC § 1034, *Protected communications; prohibition of retaliatory personnel actions*

10 USC § 1587, *Employees of Nonappropriated Fund Instrumentalities: Reprisals*

10 USC § 9013, *Secretary of the Air Force*

10 USC § 9037, *Judge Advocate General, Deputy Judge Advocate General: appointment; duties*

18 USC § 1001, *Statements or Entries Generally*

18 USC § 1621, *Perjury Generally*

32 USC § 709, *Technicians: Employment, Use, Status*

United States Constitution, Amendment V

Executive Order 9397, *Numbering System for Federal Accounts Relating to Individual Persons*

Manual for Courts-Martial United States, 2019 Edition

OpJAGAF 2019-35, 5 December 2019, *FOIA-Official Use of Air Force Records within the Department of Defense*

Presidential Policy Directive 19, *Protecting Whistleblowers with Access to Classified Information*, 10 October 2012

<http://open.defense.gov/Transparency/FOIA.aspx>

SAF/IGQ Investigating Officer's Guide (see Downloads page on the DAF/IGQ portal page)

Air Force Compliance Division (FOIA) Website: <https://www.compliance.af.mil/>

Prescribed Forms

None

Adopted Forms

AF Form 177, *Notice of Qualification for Prohibition of Firearms, Ammunition, and Explosives*

AF Form 847, *Recommendation for Change of Publication*

AF Form 1168, *Statement of Suspect/Witness/Complainant*

AF Form 1271, *Military Equal Opportunity Record of Assistance*

Abbreviations and Acronyms

AFI—Air Force Instruction

AFMAN—Air Force Manual

AFOSI—Air Force Office of Special Investigations

AFPD—Air Force Policy Directive

AFR—Air Force Reserve

AGR—Active Guard Reserve

ANG—Air National Guard

CDI—Commander Directed Investigation

CUI—Controlled Unclassified Information

DAF—Department of the Air Force

DAF/IGQ—Secretary of the Air Force, Office of the Inspector General, Complaints Resolution Directorate

DAFI—Department of the Air Force Instruction

DAFMAN—Department of the Air Force Manual

DoD—Department of Defense

DoDD—Department of Defense Directive

DoDI—Department of Defense Instruction

DoDM—Department of Defense Manual

EO—Equal Opportunity

FOIA—Freedom of Information Act

FWA—Fraud, Waste, and Abuse

IFRAC—Issues; Facts; Rules; Analysis; Conclusion

IAW—In Accordance With

IG—Inspector General

IO—Investigating Officer

JA—Judge Advocate

MAJCOM—Major Command

NCO—Non-Commissioned Officer

RegAF—Regular Air Force

ROI—Report of Investigation

RMO—Responsible Management Official

SAP—Special Access Program

SAPR—Sexual Assault Prevention and Response ()

SF—Security Forces

SJA—Staff Judge Advocate

SME—Subject Matter Expert

TCL—Tentative Conclusion Letter

UCMJ—Uniform Code of Military Justice

USAF—United States Air Force

USC—United States Code

USSF—United States Space Force

Terms

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.

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.

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 a timeline. The plan will include administrative matters such as itinerary and potential personnel actions. **(T-3)**. The plan will also include a list of issues to be resolved and some preliminary questions that the IO intends to ask the key witnesses in the case. **(T-3)**.

Preponderance of the Evidence—The standard of proof for Commander Directed and IG investigations. A preponderance of the evidence is defined as the greater weight of credible evidence. 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.

Proof Analysis Matrix—A framework that helps the IO organize the case. Specifically, it provides a construct for identifying the evidence needed to prove or disprove an allegation. Additionally, the proof analysis matrix provides a reference outline for the analysis section of the Report of Investigation.

Responsible Management Official(s)—Responsible management officials are:

1. Official(s) who influenced or recommended to the deciding official that he or she take, withhold, or threaten to take or withhold a management or personnel action.
2. Official(s) who decided to take, withhold, or threaten the management or personnel action.
3. Any other official(s) who approved, reviewed, or indorsed the management or personnel action.

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 (for example, Defense Intelligence Senior Executive Service, Senior Level employee, and non-appropriated fund senior executive). Any current or former Presidential appointee.

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.

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. **(T-0)**. 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.

Attachment 2

REFERENCES, REFERRAL AGENCIES, AND APPROPRIATE GRIEVANCE CHANNELS

Commanders initiating investigations should be aware of the various issues and complaints addressed by AFIs. The following matrix provides for appropriate referral to agencies with programs for the redress of these complaints. This matrix is not all inclusive of complaints that can be handled by other appeal channels. If a policy directive or instruction provides a specific means of appeal or redress of a grievance, the complainant should exhaust those appeal procedures before the commander initiates a CDI.

Table A2.1. Other Agencies and Grievance Channels.

R U L E	A Type of Issue	B 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 DoDI 1400.25-V771_AFI36-706, <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 36-2710, <i>Equal Opportunity Program</i>.</p> <p>For allegations of civilian reprisal, direct the complainant to DoD Hotline (https://www.dodig.mil/components/administrative-investigations/DoD-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 36-2710, <i>Equal Opportunity Program</i>. For reprisal allegations, advise the complainant he or she can file their complaint directly with IG DoD (IAW DoDD 1401.03, <i>DoD Nonappropriated 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 (Misconduct) Determination</i>
6	ANG Administrative demotions	Command -- AFI 36-2502, <i>Enlisted Airman Promotion/Demotion Programs</i>
7	ANG enlistment/reenlistment issues	Command -- AFMAN 36-2032, <i>Military Recruiting and 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 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 -- 36-2110, <i>Total Force Assignments</i>

11	Equal Opportunity Issues	Local EO Director -- AFI 36-2710, <i>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 32-6000, <i>Housing Management</i>
15	Claims against the Government	SJA -- AFI 51-306, <i>Administrative Claims for and Against the Air Force</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	DFAS -- AFI 36-2906, <i>Personal Financial Responsibility</i>
19	Airmen Powered by Innovation and Suggestion Program (Formerly "The Air Force Innovative Development through Employee Awareness (IDEA) Program)	Local API POC -- AFI 38-402, <i>Airmen Powered by Innovation and Suggestion Program</i> .
20	Change to an Instruction/Regulation or current policy guidance	Appropriate AF OPR -- DAFI 33-360, <i>Publications and Forms Management</i>
21	LOC, LOA, or LOR (other than discrimination/reprisal)	Area Defense Counsel (ADC) (military)
22	Punishment under UCMJ (courts-martial, Article 15 non-judicial punishment)	ADC; For ANG refer to NGB-JA -- AFI 51-201, <i>Administration of Military Justice</i> , AFI 51-202, <i>Nonjudicial 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 51-505, <i>Complaints of Wrongs Under Article 138, Uniform Code of Military Justice</i>
25	Hazardous Working Conditions (unsafe or unhealthy)	Command—AFMAN 91-203, <i>Air Force Occupational Safety, Fire and Health Standards</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/Field Command, training	Appropriate MAJCOM/Field Command,
28	Medical Treatment	MTF CC/director and/or DHA. Elevate to MAJCOM or Field Commands/SG & AFMOA/CC for HHQ review & Medical Incident Investigation IAW AFI 44-119, <i>Medical Quality Operations</i> , 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>Air Force Professional Relationships and Conduct</i>
33	Sexual Harassment/Discrimination/Hostile Work Environment	EO -- local EO Director, AFI 36-2710, <i>Equal Opportunity Program</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
36	Allegations against Military Attorney	AF/JAX
37	Anti-Deficiency Act violations	Local CPTS or FM -- AFMAN 65-605V1, <i>Budget Guidance and Technical Procedures</i>
38	Acquisition Issues	Issuing contract unit, SAF/AQC, or Program Executive Office (PEO)
39	Intelligence Oversight	AFI 14-404, <i>Intelligence Oversight</i>
40	Health Insurance Portability and Accountability Act (HIPAA) Issues	MTF HIPAA Privacy Office or DHA Privacy and Civil Liberties Office
41	Privacy Act complaints	Base Privacy Act Officer -- AFI 33-332, <i>Air Force Privacy and Civil Liberties Program</i>
42	Civil Air Patrol (CAP)	Transfer to CAP-USAF/IG via ACC

43	Security Violations	Base Information Protection Office, Unit Security Manager
44	Contract Issues	Servicing Contracting Office
45	Improper Mental Health Evaluation alleged in reprisal	IG
46	Presidential Policy Directive 19 <i>Protecting Whistleblowers with Access to Classified Information</i>	IG DoD Hotline
47	Law of War (LOW)	JA
48	Trafficking in Persons	Local AFOSI or AFOSI/IG
49	Hazing and Bullying (See DoDI 1020.03 <i>Harassment and Prevention Response in the Armed Services</i>)	EO
50	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
51	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</i>
52	Reprisal / Restriction / Senior Official	IG -- IAW AFI 90-301
53	Fitness Assessment records errors	Fitness Assessment Appeals Board--Individuals notify Unit Fitness Program Manager IAW AFMAN 36-2905, <i>Air Force Fitness Program</i>
54	Security Forces Use of Force Incidents	Use of Force Review Board--The MAJCOM/Field Command affected by the Use of Force incident will coordinate convening of board IAW AFI 31-117, <i>Arming and Use of Force by Air Force Personnel</i> , Chapter 2

Attachment 3**ADMINISTRATIVE OR CRIMINAL INVESTIGATIONS SUMMARY**

In some instances, Air Force directives delineate responsible organizations to conduct certain types of investigations. Below is a list of the most common of these investigations.

SAFETY INVESTIGATION BOARD (SIB). AFI 91-204, *Safety Investigations and Reports*

ACCIDENT INVESTIGATION BOARD (AIB). AFI 51-307, *Aerospace and Ground Accident Investigations*

FRIENDLY FIRE INVESTIGATIONS (FFI). DoDI 6055.07, *Mishap Notification, Investigation, Reporting, and Record Keeping*

FLYING EVALUATION BOARD (FEB). AFMAN 11-402, *Aviation and Parachutist Service*

LINE OF DUTY (LOD). AFI 36-2910, *Line of Duty (Misconduct) Determination*

INSPECTOR GENERAL (IG) INVESTIGATIONS. AFI 90-301, *Inspector General Complaints Resolution*

SECURITY FORCES INVESTIGATIONS. AFI 31-115, *Law and Order Operations*

AIR FORCE OFFICE OF SPECIAL INVESTIGATIONS (AFOSI). AFI 71-101V1, *Criminal Investigations Program*

USE OF FORCE REVIEW BOARD (UFRB). Authority: AFI 31-117, *Arming and Use of Force by Air Force Personnel*, Chapter 2

Attachment 4**ABUSE OF AUTHORITY ANALYSIS**

Definition: Abuse of authority is an arbitrary and capricious exercise of power that adversely affects, or has the potential to adversely affect, any person or results in personal gain or advantage to the abuser.

Answer the following questions to determine if abuse of authority has occurred: **(T-1)**.

1. Did the responsible management official's (RMO's) actions:

- a. Adversely affect, or have potential to adversely affect, any person; or
- b. Result in personal gain or advantage to the responsible management official (RMO), or other preferred persons (for example, demotion, referral OPR, extra duty)?

And

2. Did the RMO:

- a. act within the authority granted under applicable regulations, law or policy; or
- b. act based on relevant data and factors; or
- c. act in a manner rationally related to the relevant data and factors?

If questions 1.a and 1.b are both answered "no," then it is not necessary to consider question two. If either part of question 1 (a or b) is answered "yes," the IO must answer question two. **(T-1)**.

The IO must use the following factors in your analysis: **(T-1)**.

- (1) What were the reasons the RMO took, withheld, or threatened the action? (Were the RMO's actions based on relevant data and factors?)
- (2) What was the reasonableness of the action taken, withheld, or threatened considering the complainant's performance and conduct? (Were the RMO's actions rationally related to the relevant data and factors?)
- (3) Were the actions taken by the RMO consistent with actions of the RMO(s) in past practice?

If a. or b. or c. of question 2. is answered "No," abuse of authority is substantiated.

Attachment 5

IO APPOINTMENT LETTER

CONTROLLED UNCLASSIFIED INFORMATION

On Commander's Letterhead

Date

(simulated 4 lines between date and header)

MEMORANDUM FOR MAJOR _____

FROM: ___/CC

SUBJECT: Commander Directed Investigation (CDI) of the Accountability and Control of Maintenance Equipment, Squadron (Do not include the Complainant or Subject's names)

1. You are appointed to conduct a CDI into all aspects of the facts and circumstances concerning (give a brief listing of what is to be examined, *but do not include the complainant's or subject's names*, for example, the control of maintenance equipment belonging to the ___ squadron). This is your primary duty (no leave, temporary duty, or other duties) unless expressly discussed and permitted by me, until completion of this duty and submission of a legally sufficient report.
2. You are authorized to interview personnel, take sworn statements or testimony and examine and copy any and all relevant Air Force records, files, and correspondence germane to this investigation.
3. In conducting interviews with all subjects, suspects, and any distraught witnesses following an investigative interview, IAW DAFMAN 1-101, dated X XXX XX, **paragraph 5.2.10.**, you must perform a person-to-person handoff to the individual's commander or the commander's designated representative. This requirement applies to everyone, regardless of rank, grade, and position. You are required to document this handoff in your report of investigation.
4. In conducting the CDI, follow the guidance in the DAFMAN 1-101. Prepare and submit to me a report of investigation in the format it describes. Submit the report to me by _____, unless I grant a written extension. (Optional: Include recommendations you deem appropriate, in your report).
5. You will meet with _____ (attorney name and contact information), your designated legal advisor for purposes of this CDI, prior to beginning your investigation. (If applicable—You must also meet with _____ (Technical Advisor name and contact information), a person appointed by me to provide you technical advice on _____ (subject matter expertise))(If applicable—I have appointed (Administrative Assistant name and contact information) to provide you administrative assistance throughout your investigation.)

6. You may not release any information related to this investigation without my prior approval. This letter and the attached documents are marked CONTROLLED UNCLASSIFIED INFORMATION and contain information that must be protected under the Privacy Act.

PYLE O. LEAVES, Colonel, USAF
Commander

Attachments:

1. Framed Allegations
2. Any evidence commander has for IO to review cc:
(attorney name) ___ XX/JA
(Technical Advisor, if applicable)
(Assistant IO, if applicable)
(Administrative Assistant, if applicable)

CONTROLLED UNCLASSIFIED INFORMATION

Attachment 6

PRIVACY ACT STATEMENT

Policy: The Privacy Act statement is required to be read and acknowledged by each witness at the beginning of the interview process. **(T-1)**.

The IO is required to have each witness read this statement and document it in their Report of Investigation. **(T-1)**.

Authority:

Title 10, United States Code, Sections 9013 and Executive Order 9397.

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.

Privacy Act exemptions

Exemptions include:

- Forwarded to federal, state, or military, and local law enforcement agencies for law enforcement purposes.
- Used as a basis for summaries, briefings, or responses to members of Congress or other agencies in the Executive Branch of the Federal Government.
- Provided to Congress or other federal and state agencies when determined to be necessary.

Disclosure or non-disclosure

FOR MILITARY PERSONNEL: Disclosing your Social Security number or DoD ID 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 is voluntary. No adverse action can be taken against you for refusing to provide information about yourself.

I acknowledge that I have received a copy of this statement and understand it.

_____ NAME (Printed or typed)

SIGNATURE DATE

Attachment 7**SAMPLE INVESTIGATION PLAN**

Date

MEMORANDUM FOR XX/CC

FROM: Mopp N. Bucket, Major, USAF

SUBJECT: INVESTIGATION PLAN: Capt DOIT

1. Mission: Investigate allegations of command accountability in the Systems Program Office at Other AFB, USA.

2. Facts Bearing on Investigation:

a. Background:

Ms. Cuppa Tea is the former spouse of Air Force SrA Ben T. Wrench, currently assigned to the Systems Program Office at Other AFB USA. Ms. Tea alleged on 28 Sep 08 SrA Wrench attempted to kill her when he struck her with a hammer in her apartment in Any Town. SrA Wrench was subsequently acquitted by a general court-martial of UCMJ Article 80 (Attempted Murder) and UCMJ Article 86 (Failure to Go).

Ms. Tea later wrote the Chief of Staff of the Air Force, General Theodore Behr, complaining that SrA Wrench's Flight Commander, Capt Doit could have prevented the events of 28 Sep 08 from occurring. Specifically, Ms. Tea related that Capt Doit was aware of a pattern of alcohol abuse and unusual behavior by SrA Wrench as early as November 2007 but elected not to intervene in what he perceived was a domestic dispute. Ms. Tea stated she requested assistance from Capt Doit on at least three occasions between Nov 06 and Sep 08. Further, Mrs. Tea said the Other AFB Flight Surgeon, Lt Col Carey Hands, also advised Capt Doit on three or four occasions of SrA Wrench's behavior. Despite this information, she alleges Capt Doit refused to act, believing it would unnecessarily damage SrA Wrench's career. This included Capt Doit's refusal to send SrA Wrench for any medical or resiliency interventions (for example, mental health referral, ADAPT referral) or provide Mrs. Tea with a Military Protective Order.

On 5 Apr 09, Colonel Heeza Goodguy, XX/CC, appointed Major Mopp N. Bucket as the Investigation Officer for the apparent lack of action by Capt Doit in these matters.

b. Chronology

Nov/Dec 07 Ms. Tea approaches Capt Doit for the first time about her husband's alleged heavy drinking.

Dec 07 SrA Wrench allegedly admits to Capt Doit he has a serious drinking problem. Capt Doit allegedly enlists the assistance of the Flight Surgeon, Lt Col Carey Hands.

Dec 07 SrA Wrench allegedly admitted to Wright-Patterson Medical Center (WPMC) for emergency treatment.

Jan 08 SrA Wrench allegedly admitted to Alcohol Rehab Program at WPMC.

Feb 08 SrA Wrench allegedly released from Rehab Program at WPMC and placed in Other AFB Alcohol Rehab Program.

Apr 08 Ms. Tea requests Capt Doit do something about SrA Wrench, her former husband.
Reveals:

- Behavior is getting stranger.
- Driving drunk.
- Attempted to break-in to her apartment.
- Involved in a near fatal accident with his son in the car.
- Allegedly filed an anonymous OSI complaint to ruin her reputation at work.
- Capt Doit orders SrA Wrench to stay out of her work area.

Apr-Sep 08 Ms. Tea alleges on two occasions she spoke with Capt Doit directly about her husband and his behavior, and on at least three or four other occasions Dr. Hands spoke with Capt Doit as well. Capt Doit allegedly responded by stating he did not want to get involved in “a domestic dispute.”

c. Applicable Regulations and Reference Publications:

1. UCMJ

d. Commands Involved:

1. Systems Center, Other AFB USA
2. Systems Program Office

e. Staff Agencies Having Knowledge of Complaint:

1. XX/CC - 10 Apr 09 Tasking Letter
2. XX/JAA - SSS dated 12 Apr 09
3. XX/SG - Technical Advisor meeting with IO - 12 Apr 09

3. Evidence and Data Required:

Allegation: Captain Kant Doit, Flight Commander, 123rd MXS Squadron, who knew or should have known of his duties, between November 2007 to September 2008, was derelict in the performance of those duties in that he negligently failed to take corrective action when he had reason to suspect Senior Airman Ben Wrench was using alcohol while he was participating in the Other AFB Alcohol Substance Abuse Program, in violation of Article 92, UCMJ.

This allegation follows the sample specification for Article 92, UCMJ, in the Manual for Courts-Martial (2019).

a. Witnesses:

1. Ms. Tea (complainant)
2. Complainant provided witnesses
3. Lt Col Carey Hands (Flight Surgeon)
4. Capt Charge (Sq Section Commander, XXXX)
5. SrA Wrench
6. Capt Doit (subject)
7. Subject provided witnesses

b. Documents: (**Note:** coordinate with legal advisor on HIPAA requests)

1. SrA Wrench's EPRs for period Nov 07 thru Sep 08
 2. Records of Treatment Committee Meetings for SrA Wrench
 3. Mental Health Records for SrA Wrench
 4. Outpatient Records for SrA Wrench
 5. WPMC Inpatient Records for SrA Wrench
 6. PRP documentation if applicable
 7. Security Clearance Related Documents
 8. OSI Report
- c. Interview Sequence:

d. Preliminary Questions to Ask:

4. Administrative Matters:

a. Itinerary:

1. Complainant interview - 17 Apr 09, Somewhere, USA
2. Witness interviews - 18 Apr 09, Other AFB, USA
3. Subject/Suspect interview - 19 Apr 09, Other AFB, USA

b. Notifications:

1. XX/CC - 12 Apr 09
2. Subject - 12 Apr 09

c. Personnel Actions:

1. TDY orders complete 15 Apr 09
2. Airline/Rental Car reservations complete 15 Apr 09
3. Lodging Reservations complete 15 Apr 09

MOPP N. BUCKET, Major, USAF
Investigating Officer

1st Ind, XX/CC Date

This investigation plan is approved/disapproved.

HEEZA GOODGUY, Colonel, USAF
XX/CC

Attachment 8

PROOF ANALYSIS MATRIX

Allegation: DERELICTION IN THE PERFORMANCE OF DUTY (ARTICLE 92)

Between November 2007 to September 2008, Captain Kant Doit, Flight Commander, 123rd MXS Squadron, who knew or should have known of his duties, was derelict in the performance of those duties in that he negligently failed to take corrective action when he had reason to suspect Senior Airman Ben Wrench was using alcohol while he was participating in the Other AFB Alcohol Substance Abuse Program, in violation of Article 92, UCMJ.

ELEMENTS	DEFINITIONS	EVIDENCE & LOCATION
<p>(1) That Capt Doit had a certain prescribed duty, that is: to take corrective action when he had reason to suspect SSgt Wrench was using alcohol while he was participating in the Other AFB Alcohol Substance Abuse Program</p>	<p>A duty may be imposed by regulation, lawful order or custom of the service. A person is “derelict” in the performance of duty when he negligently fails to perform them or when he performs them in a culpably inefficient manner.</p>	<p>Ms. Tea (complainant) F-1 SSgt Wrench F-3 Lt Col Hands (Flight Surgeon), F-4 Capt Doit (subject), F-7 SrA Wrench’s EPRs, G-1 Mental health or social actions clinic records for SrA Wrench, G-2 Outpatient records for SrA Wrench, G-3 OMC inpatient records for SrA Wrench, G-4 ADAPT Program regulations and guidance, G-5 Records of treatment committee meetings for SrA Wrench, G-11</p>
<p>That Capt Doit knew or reasonably should have known of the assigned duty; and</p>	<p>That an individual reasonably should have known of the duties may be demonstrated by regulations, manuals, customs, academic literature or testimony of persons who have held similar or related position or similar evidence.</p>	<p>Maj Doright (Section CC) F-6 Capt Doit (subject), F-7</p>
<p>That between November 2007 to September 2008 Capt Doit was derelict in the performance of that duty, by failing (negligently) to take corrective action (including a protective order for Mrs. Tea) when he had reason to suspect SrA Wrench was using alcohol while he was participating in the Other AFB Alcohol Substance Abuse Program</p>	<p>“Dereliction” is defined as a failure in duty, a shortcoming, or delinquency. “Negligently” means an act or failure to act by a person under a duty to use due care which demonstrates a lack of care for the safety of others which a reasonably prudent person would have used under the same or similar circumstances. “Culpably inefficient ” means inefficiency for which there is no reasonable or just excuse. It means a reckless, gross, or deliberate disregard for the foreseeable results of a particular act or failure to act.</p>	<p>Ms. Tea (complainant) F-1 SrA Wrench , F-3 PRP documentation, G-8 Security clearance related documents, G-9 Court-martial documents, G-10 Lt Col Hands (Flight Surgeon), F-4 Capt Doit (subject), F-7 OSI report, G-6</p>

Attachment 9**LEGAL REVIEW OF CDI CASE FILE**

(provided for Judge Advocate (JA) use only)

XX Month 20XX

MEMORANDUM FOR APPOINTING AUTHORITY

FROM: (Unit)/JA

SUBJECT: Legal Review of CDI Concerning Allegations of (Maltreatment, Dereliction of Duty, etc. -- choose a term that summarize(s) the allegation(s))

1. We have reviewed the above referenced commander directed investigation (CDI) report of investigation (ROI) and case file and find it to be legally sufficient. (If not legally sufficient, briefly state why.)

2. BACKGROUND: Explain here the parties, allegations and IO's conclusions as well as all the relevant facts of the case.

a. Complainant, (Rank/Name), was a (duty position) assigned to (unit and base of assignment). There were (#) subjects. The first subject, (explain the rank/name(s) of subject(s), their unit(s), and base(s) of assignment, and relationship to the complainant). Subject number two.... The complaint alleged (summarize the allegations).

b. The investigating officer (IO) determined the allegations were as follows: (summarize findings—either substantiated or not substantiated--may have to list these out in bullet format if several).

c. This series of paragraphs should provide whatever background information a reader will need to understand the findings, analyses, and conclusions of the IO. Look to the applicable law to determine what facts are relevant. IMPORTANT!!! Cite Section, Tab and page number in the ROI to support each fact. (Section III, Tab D-2, p. 2)

3. STANDARDS: Briefly summarize the applicable legal standards here. (**Note:** As a style point, some legal advisors prefer to include the legal standards in their Analysis or Discussion section, just prior to applying the relevant facts to that standard.)

4. ANALYSIS: This is an allegation-by-allegation review of whether the IO properly applied preponderance of the evidence standard to the facts to support IO's conclusions. The analysis should have subsections for each allegation in the ROI.

a. Allegation 1: (Type the allegation verbatim from the case file. This assists in finding discrepancies. Do this for each allegation.)

b. The degree of detail and analysis necessary will be driven by case complexity and thoroughness of the case file. If the JA simply disagrees with the IO's findings (and conclusions), then document the rationale in the legal review. A disagreement is not necessarily the same as "legal insufficiency." While conducting the legal review, the attorney must not substitute their judgment for that of the IO. Reasonable minds may differ in these cases. If the facts and circumstances reasonably support the IO's conclusion, even if the attorney disagrees, then the ROI is still legally sufficient.

c. Always include a conclusion for each allegation, such as: For all of these reasons, we concur with the IO's assessment that Allegation 4 should be SUBSTANTIATED. **(T-1)**.

5. **ERRORS AND ANOMALIES:** The legal review must ensure the investigative process was properly followed, the analysis of the facts and circumstances is reasonable, and the appropriate legal standards were applied to the facts. **(T-1).** If the ROI is legally sufficient, but could have been more thorough in some respect, the reviewing attorney provides this feedback to the IO in this section. Always include a statement about the effect of these errors on the overall legal sufficiency. **(T-1).**

6. **CONCLUSION:** The ROI is legally sufficient. The IO has complied with all applicable legal and administrative requirements in conducting this investigation. The report addresses all of the matters under investigation, and the findings are supported by a preponderance of the evidence. Conclusions reached are consistent with those findings. (If the ROI is not legally sufficient, discuss what specific steps are needed for legal sufficiency. The IO should be able to take your legal review as a road map to correct his or her report.)

7. **RECOMMENDATIONS:** As appointing authority, you can either approve or disapprove the CDI. If you choose to disapprove the CDI, you should document your rationale and ultimate findings (substantiated or not substantiated) in an Addendum. Recommend you approve the CDI findings and conclusions, as written.

NAME, Rank, USAF
Duty Title

1st Ind, (Unit)/JA
MEMORANDUM FOR APPOINTING AUTHORITY
I concur / nonconcur.

NAME, Rank, USAF
Staff Judge Advocate

Attachment 10

TECHNICAL ADVISOR APPOINTMENT LETTER

(Note: Use AF Form 1271, *Military Equal Opportunity Record of Assistance* for EO SME)

(Appointing Authority's Letterhead)

CONTROLLED UNCLASSIFIED INFORMATION

Date

MEMORANDUM FOR LT COL _____

FROM: ___/CC

SUBJECT: Commander Directed Investigation (CDI) of the Accountability and Control of Maintenance Equipment, _____ Squadron (Do not include the Complainant or Subject's names)

1. You are appointed as a technical advisor, in the area of _____ (subject matter expertise: for example, inventory control) to assist Major _____ (IO rank name), the appointed Investigating Officer (IO), in conducting a CDI into all aspects of the facts and circumstances concerning (give a brief listing of what is to be examined, but do not include the complainant or subject's names, for example, the control of maintenance equipment belonging to the _____ squadron). Your assistance includes, but is not limited to, consultation, expert witness testimony, and/or technical review of the final report of investigation, as directed by the IO.
2. The IO will obtain and provide you any materials necessary to assist him, such as sworn statements or testimony and relevant Air Force records, files, and correspondence germane to this investigation.
3. To perform your duties, you should become familiar with the guidance contained in DAFMAN 1-101, *Commander Directed Investigations*. Technical reviews should be written in the format contained therein.
4. Because you are part of the investigative team, you will be privy to sensitive information. You may not release any information related to this investigation without my prior approval. This letter and the attached documents are marked CONTROLLED UNCLASSIFIED INFORMATION and contain information that must be protected under the Privacy Act.

PHILIP SANDWICH, Colonel, USAF
Commander

cc:
(IO)

CONTROLLED UNCLASSIFIED INFORMATION

Attachment 11**TECHNICAL REVIEW**

(Note: Use AF Form 1271, *Military Equal Opportunity Record of Assistance* for EO SME)

CONTROLLED UNCLASSIFIED INFORMATION

Date

MEMORANDUM FOR IO

FROM: (OFFICE SYMBOL)

SUBJECT: Request for Technical Review, Commander Directed Investigation (CDI) of the Abuse of Authority, Indefinite Grounding of Lt Col X, C-130 Pilot, _____ Squadron (Do not identify individuals as complainants or subjects)

1. I have reviewed the above-referenced CDI report of investigation (ROI) and supporting case file. I concur with the findings and conclusions of the IO.
2. I believe the reasonableness of the actions initially taken against Lt Col X were correct in that sufficient managerial concerns over flight safety were justified. Additionally, the necessary management consultation and coordination were conducted to support the actions. That said, I also concur with the IO that proper procedures were not followed in removing the individual from the flying schedule for a protracted period of time. Had the original intent of not flying the individual for a few weeks been followed, I could have supported management in their position that this was a "reasonable" period of time. However, after several weeks had elapsed, the individual should have been formally grounded and appropriate administrative actions taken, to include a possible flying evaluation board.
3. In short, my technical review of the ROI and case file supports the IO. Should you have any additional questions, please contact me at DSN _____.

NAME, Rank, USAF
Regular Duty Title (for example, Director of
Operations)
CDI Technical Advisor

CONTROLLED UNCLASSIFIED INFORMATION

Attachment 12**ADMINISTRATIVE ASSISTANT APPOINTMENT LETTER**

(Appointing Authority's Letterhead)

CONTROLLED UNCLASSIFIED INFORMATION

Date

MEMORANDUM FOR SSGT _____

FROM: ___/CC

SUBJECT: Commander Directed Investigation (CDI) of the Accountability and Control of Maintenance Equipment, _____ Squadron (Do not include the Complainant or Subject's names)

1. You are appointed as an administrative assistant to Major _____ (IO rank name), the appointed Investigating Officer (IO), with respect to the above-referenced CDI. As such, throughout the duration of the CDI, you will report directly to, and provide requested support, to the IO. This is your primary duty (no leave, temporary duty, or other duties), unless expressly discussed and permitted by the IO or me, until completion of this duty.
2. Because you are part of the investigative team, you will be privy to sensitive information. You may not release any information related to this investigation without my prior approval. This letter and the attached documents are marked CONTROLLED UNCLASSIFIED INFORMATION and contain information that must be protected under the Privacy Act.

PHILIP SANDWICH, Colonel, USAF
Commandercc:
(IO)**CONTROLLED UNCLASSIFIED INFORMATION**

Attachment 13

WITNESS INVITATION LETTER

IOs can invite civilian (non-DoD employee) witnesses, but they need not appear. The best practice is for the IO to personally telephone the witness and invite them to testify, using the language in this letter as a “script.” Otherwise, the IO can provide the witness an invitation letter, recommended sample below.

_____/CC (Commander’s Office Symbol)

Address

City/State/ZIP

Mr./Ms. _____

Address

City/State/ZIP

Dear Mr./Ms.

I have been appointed by _____ (same CC organization block as above) to conduct a Commander Directed Investigation involving allegations of _____ (insert general information such as “maltreatment of subordinates.” Do NOT use identifying names or positions, for example, maltreatment of subordinates by 34 ABW/CCF). You are invited to appear as a witness as your participation will significantly contribute to the investigation. You are requested to appear at the Office of the Staff Judge Advocate (or other interview location) _____, Other AFB, at _____ a.m. on _____. Please contact me by _____ to let me know whether you can appear on this date, or need to arrange another mutually convenient time for your interview. My phone number is _____. Thank you for your assistance. I look forward to our meeting.

Sincerely,
NAME, Rank, USAF
Investigating Officer

Attachment 14**INTERVIEW SCRIPT**

Read only applicable italicized portions. **(T-3)**. Investigating Officers (IO) should fill out this script prior to each interview.

INTRODUCTION

My name is _____ (your name). I have been appointed by _____ (appointing authority name) to investigate allegations:

a. For Subject or Suspect Interview:

Action: Read all applicable allegations word-for-word. **(T-3)**.

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 allegations.

b. For Witness Interview:

Action: Summarize allegations

ADMINISTRATIVE MATTERS

a. Privacy Act Statement

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.

Action: Hand statement, **Attachment 6**, to witness. **(T-3)**.

Please read and sign the statement.

Action: IO takes signed statement from witness. **(T-3)**.

Thank you. This statement will become part of the official case file.

b. Statement Format

(1) If the Witness statement will be summarized:

I will take notes of your interview and summarize your statement. After I prepare a summary of your testimony, I will ask you to read it carefully to be sure it is accurate. You may make any changes you think are necessary to accurately reflect your testimony. You will then sign the summary under oath. I expect to have the summary completed by (date or time). Will you be available then to return and sign the summary? Do you have any extended TDY or leave scheduled in the next 30 days? Your summarized statement will be included in my written report to _____ (name of appointing authority.)

(2) If the Witness is providing a written sworn statement:

I will take notes of your testimony, but at the conclusion of our interview, I would like you to provide a written, sworn statement. Your statement will be included in my written report to _____ (name of appointing authority.)

(3) If the Witness' testimony will be recorded and transcribed verbatim:

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, as the tape recorder cannot pick up any nods or gestures. Additionally, all of your statements will be on-the-record, whether the tape recorder is turned on or not.

OATH

Before we continue, I want to remind you how important it is to give truthful testimony. It is a violation of federal law to knowingly make a false statement under oath. I will now administer the oath.

Action: The IO may wish to ascertain whether the witness would prefer to affirm; use one or the other

Please raise your right hand.

(1) Swear. Do you solemnly swear that the testimony you are about to give shall be the truth, the whole truth, and nothing but the truth, so help you God?

OR

(2) Affirm. Do you solemnly affirm that the testimony you are about to give shall be the truth, the whole truth, and nothing but the truth?

REQUIRED BACKGROUND INFORMATION

a. If Not Recorded.

I am documenting for my notes, the time, which is _____ on _____ (day, month, year).

[We are the only persons present for this interview] or [Also present for the interview are:

_____] (name, duties in reference to CDI, for example, the technical advisor)].

Could you please tell me your

Full Name: (spell it out if unsure) _____

Rank: (Active, Reserve, Retired) _____

Position: _____

Organization: _____

Address: (home or office) _____

Current Status: (if Guard or Reserve) _____

b. If Recorded

If the Witness' testimony will be recorded and transcribed verbatim:

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, as the tape recorder cannot pick up any nods or gestures. Additionally, all of your statements will be on-the-record, whether the tape recorder is turned on or not.

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 _____.

Please state your:

Full Name: (spell it out)

Rank: (Active, Reserve, Retired)

Position:

Organization:

Address: (home or office)

Current Status: (If Guard or Reserve)

RIGHTS ADVISEMENT

a. Witnesses/Subjects: For individuals to whom the IO does not intend to read rights.

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 any rights under the Constitution or Article 31, UCMJ.

b. Suspects.

Before we begin our discussion, I want to make it clear that you have the following rights:

(1) For RegAF/Space Force personnel and AFR/ANG personnel subject to the UCMJ:

Under Article 31 of the UCMJ: You may 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 no, the IO proceeds to the next question; If yes, the IO concludes the interview: Because you have invoked your rights, this interview is concluded. You are free to leave the interview, but I must hand you off to your commander, first sergeant or a person designated by them. Please do not provide any further information while we wait for the person to arrive.)

Are you willing to answer questions? (If yes, the IO proceeds to the Oath, above; If no, the IO concludes the interview: Because you have invoked your rights, this interview is concluded. You are free to leave the interview, but I must hand you off to your commander, first sergeant or a person designated by them. Please do not provide any further information while we wait for the person to arrive.)

(2) If the interviewee is NOT subject to the UCMJ at the time of the interview (for example, DoD Civilian employees, civilians, and AFR/ANG personnel (depending on status)):

(For civilian employees and AFR/ANG personnel depending on status. See paragraphs 5.2.2.2 and 5.2.2.6. above.)

For situations in which the IO, after consultation with the legal advisor and Civilian Personnel Officer, determines it is necessary to require civilian employees to answer questions, see paragraphs 5.2.2.2 and 5.2.2.6. above. Regardless of whether a collective bargaining agreement applies, ALL civilians, Reserve, and Air National Guard personnel should be advised of the following:

This interview is being conducted as part of an administrative investigation. The purpose of the interview is to gather facts. All employees are required to cooperate in administrative investigations. This is a non-custodial interview. While you have a duty to assist in this investigation, you will not be kept here involuntarily. You also have the right to be informed of any allegations that have been made against you. You have the right not to answer a question if the answer would be self-incriminating. However, the evidentiary value of your silence may be considered in administrative proceedings as part of the facts surrounding your case. Any statement you choose to provide may be used as evidence in criminal or administrative proceedings. Statements made in this investigation will not be used against you in a criminal prosecution.

Refusal to participate in an investigation may be the basis for disciplinary action. Failure to provide answers, lying or otherwise affirmatively misleading an investigation may result in disciplinary action, up to and including removal.

Do you understand your rights?

Are you willing to answer questions at this time?

(If yes, the IO proceeds to the Oath, above; If no, the IO concludes the interview: *This interview is concluded. You are free to leave.*)

If the employee invokes Weingarten rights, the IO should consult with the legal advisor or SJA and civilian personnel before proceeding with the interview. There is no duty for the IO to advise the employee of this right unless specifically provided for in the collective bargaining agreement. If a labor representative is present in the interview, and is a personal representative of the employee, he or she may provide advice, consult with the witness, and suggest areas of inquiry, but may not obstruct the interview or instruct the witness not to answer legitimate questions.

INTERVIEW

a. Interview Proper- Proceed with questions necessary to obtain all direct knowledge of matters under investigation. **(T-1)**.

b. Special Case - Suspected Crimes.

If during an interview the IO suspects a witness of having committed criminal offense(s): (a) Stop the interview but inform the witness he or she may be recalled **(T-1)**; (b) Consult with the

legal advisor regarding whether the witness should be read rights based on gathered information and what offenses to cite during the rights advisement **(T-1)**; (c) Recall the individual. **(T-1)**.

c. Special Case - Recalling Witnesses

(1) Whose Status Has Not Changed (for example, need for clarification interview). If it becomes necessary to recall an individual whose status as a witness remains unchanged, simply advise the individual that he or she was placed under oath previously and is still under oath. **(T-1)**.

(2) Whose Status Changed (for example, need for rights advisement). If it becomes necessary to recall an individual whose status has changed from subject or witness to suspect, advise the individual that he or she was placed under oath previously and is still under oath and then restart the script from the rights advisement portion. **(T-1)**.

d. Special Case - Suspected False Statements or Representations.

If during the course of the interview the IO has reason to believe that the witness is providing false testimony, take a break and consult with the legal advisor. **(T-3)**. If applicable, the IO will read the appropriate statement to the witness as listed below. **(T-1)**.

(1) For RegAF/Space Force personnel or USAF/ANG personnel subject to the UCMJ:

It is my duty to advise you that any person subject to the UCMJ who, with intent to deceive, signs any false record, return, regulation, order, or other official document, knowing the same to be false, or makes any other false official statement, knowing the same to be false, may be subject to action under the provisions of Article 107, UCMJ. Additionally, under the provisions of Article 107, UCMJ, any person subject to the UCMJ who makes a false statement, oral or written, under oath, not believing that statement to be true, may be punished as a court-martial may direct. Do you understand?

(2) For AFR/ANG personnel not subject to the UCMJ, civilian employees, and civilians:

It is my duty to advise you that under the provisions of Title 18, US Code, § 1001 whoever in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device, a material fact, or makes any false, fictitious, or fraudulent statements or representations, shall be fined or imprisoned for not more than 5 years, or both. Additionally, any person who willfully and contrary to his or her oath testifies falsely while under oath may be punished for perjury under 18 USC § 1621.

Do you understand?

e. Fact-Finding Wrap-Up

End every interview with the following: **(T-3)**.

Do you have any further information, statements, or evidence, which you wish to present concerning the matters we have discussed?

Do you know of anyone else who can provide further information concerning these issues?

CONCLUDING REMARKS**a. Information Protection**

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.

b. Non-Disclosure

(1) For RegAF/Space Force personnel and AFR/ANG personnel subject to the UCMJ:

You are ordered not to divulge the nature of this investigation or the questions, answers, or discussions included in this interview with anyone except a chaplain, psychotherapist, or your counsel if you have one until case closure or unless approved by me, the appointing authority, or higher authority.

(2) Civilian employees and AFR/ANG personnel (depending on status), etc.):

You are “directed” (for non-employees, “requested”) not to divulge the nature of this investigation or the questions, answers, or discussions included in this interview with anyone except a chaplain, (for civilian employees represented by a union only, add: “a union representative”), psychotherapist, or your counsel (if you have one) until case closure or unless approved by me, the appointing authority or higher authority.

(3) All witnesses, regardless of status:

If anyone should approach you regarding your testimony or the matters discussed here, you are required (for non-employees, “requested”) to report it immediately to me or _____ (state the name of the appointing authority.)

c. Information Release:

I, as the investigating officer, am prohibited from providing a final copy of your testimony to you. However, you may submit a request in writing for the report or any part thereof to the appointing authority or the Freedom of Information Act 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.

For military members and DoD Civilian employees add: *If this report becomes the basis of an adverse action against you, you (or your counsel) may be entitled to access to the report. You may submit any such request for access to your commander.*

d. Post-Interview Evidence:

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.)

e. Air Force Hand-Off Policy:

For subjects or suspects only. **(T-1).**

In accordance with the Air Force Hand-off policy, I must personally refer you to your commander or designee, civilian leading an organization designated as a unit IAW AFI 38-101

or designee, first sergeant, or supervisor at the conclusion of this interview. I have coordinated this requirement with your commander. _____ (state the name of the individual who will accomplish the person-to-person hand-off) will meet you here as we conclude the interview.

Notes: (a) If a military interviewee invokes his or her right to remain silent, the IO must inform the person receiving the hand-off **not** to violate this right by discussing any aspect of the investigation with the interviewee. **(T-1)**. (b) The IO must document the hand-off within the ROI. **(T-1)**.

f. Final Remarks:

Do you have any questions?

The time is _____ (time). This interview is concluded. Thank you.

Attachment 15**WITNESS STATEMENT FORMAT**

You may use the AF Form 1168, *Statement of Suspect/Witness/Complainant*, for suspect, subject, and witness statements. This form is particularly effective for documenting rights advisement under Article 31(b) UCMJ rights advisement during suspect interviews. Alternatively, the IO may use the following format for an Affidavit. Consult with your legal advisor during your investigation plan to determine the best means of recording a statement. If a suspect, subject or witness makes any corrections to their statement, the IO should have them initial the change on the AF Form 1168 or Affidavit.

AFFIDAVIT

I am SSgt Beth Jones, 123rd MXS Squadron, Other AFB, USA. I have been SrA Ben Wrench's co-worker for three years. We work together every day. We occasionally socialize off-duty, maybe twice a month. Capt Kant Doit is our Flight Commander. SrA Wrench told me that Capt Doit gave him a stay-away order in April 2008. Capt Doit supposedly told SrA Wrench not to visit Ms. Tea at the Family Support Center anymore. I, personally, was confused by the need for such an order. I worked with SrA Wrench every day and did not see any evidence of alcohol abuse and unusual behavior. I know Ms. Tea and have known her for the entire time I knew SrA Wrench. Ms. Tea, in my opinion, is not a very truthful person. I believe she was upset with SrA Wrench because, in their divorce, he got the house and the dog. Ms. Tea ginned up some charges against SrA Wrench, said he hit her with a hammer on the head. It was bogus. SrA Wrench was court-martialed and acquitted. The doctor in the court-martial said the hammer wounds were self-inflicted. That's just sick. I think Capt Doit is the best commander on the planet.

I hereby voluntarily and of my own free will make this statement without having been subjected to any coercion, unlawful influence, or unlawful inducement. I swear (or affirm) I have read this statement and it is true and correct to the best of my knowledge.

/s/ Beth Jones
BETH JONES, SSgt, USAF

Subscribed and sworn to before me, a person authorized to administer oaths, this ___ day of ___,
20__.

(signature)
Investigating Officer

Attachment 16**SUMMARIZED TESTIMONY FORMAT****SUMMARIZED TESTIMONY OF SSGT BETH JONES**

SSgt Beth Jones appeared at the investigation, was sworn, and testified substantially as follows: I am SrA Wrench's co-worker in the 123rd MXS Squadron. I have known SrA Wrench for three years. We work together every day. We occasionally socialize, off-duty, maybe twice a month. Capt Kant Doit is our Flight Commander. SrA Wrench told me that Capt Doit gave him a stay-away order in April 2008. Capt Doit supposedly told SrA Wrench not to visit Ms. Tea at the Family Support Center anymore. I, personally, was confused by the need for such an order. I worked with SrA Wrench every day and did not see any evidence of alcohol abuse and unusual behavior. I know Ms. Tea and have known her for the entire time I knew SrA Wrench. Ms. Tea, in my opinion, is not a very truthful person. I believe she was upset with SrA Wrench because, in their divorce, he got the house and the dog. Ms. Tea ginned up some charges against SrA Wrench, said he hit her with a hammer on the head. It was bogus. SrA Wrench was court-martialed and acquitted. The doctor in the court-martial said the hammer wounds were self-inflicted. That's just sick. I think Capt Doit is the best commander on the planet. I declare under penalty of perjury that the foregoing is true and correct. Executed at _____ Air Force Base, _____, on _____ 20__.

/s/ Beth Jones
BETH JONES, SSgt, USAF

I declare under penalty that the foregoing is a true and correct summary of the testimony given by the witness. Executed at _____ Air Force Base, _____, on _____ 20__.

(signature)
Investigating Officer

Mark "CONTROLLED UNCLASSIFIED INFORMATION" (CUI) at the top and bottom of each page when filled out.

Attachment 17**REPORT OF INVESTIGATION (ROI) SAMPLE FORMAT**

A CDI case file is a compilation of documents relevant to an investigation. CDI case files should be standardized. The figure below shows a table of contents similar to other administrative investigation reports. This format ensures the IO's report includes all necessary documentation.

Figure A17.1. Sample Table of Contents.

Tab A: Appointment and Tasking Letters

Tab B: Authority and Scope

Tab C: Background

Tab D: Findings of Fact, Analysis, and Conclusion

Tab E: Recommendations (if applicable)

Tab F: Testimony

Index of Witnesses

F(1) Complainant's Testimony

F(2) Subject's Testimony (list other subjects F(3), F(4) etc.)

F(#) Witness Testimony

Tab G: Evidence

Index of Exhibits

G(1) – G(#) – All exhibits

Tab H: Technical Reviews (if applicable)

Tab I: Legal Review

Tab J: Appointing Authority Approval and Actions

Tab K: Administrative Documents: Witness Invitation Letters, Memos, Progress Reports, or any other documents that do not fall neatly into Tabs A-J above.

Attachment 18**REPORT OF INVESTIGATION**

CONTROLLED UNCLASSIFIED INFORMATION

COMMANDER DIRECTED
 REPORT OF INVESTIGATION
 PREPARED BY
 MAJOR JAMES M. SPARKY
 INVESTIGATING OFFICER
 CONCERNING
 ABUSE OF AUTHORITY & OTHER MISCONDUCT
 XX JULY 20XX

TABLE OF CONTENTS

Tab A: Appointment and Tasking Letters
 Tab B: Authority and Scope
 Tab C: Background
 Tab D: Findings, Analysis, and Conclusion
 Tab E: Recommendations (if applicable)
 Tab F: Testimony
 Index of Witnesses
 F(1) Staff Sergeant Roger Rabbit
 F(2) Technical Sergeant Luke Skywalker
 F(3) Chief Indiana Jones
 F(4) Would continue listing all other witnesses
 Tab G: Evidence
 Index of Exhibits
 G(1) MAJCOM UCI Report, dated X
 G(2) Would continue listing all exhibits
 Tab H: Technical Reviews (Not applicable)
 Tab I: Legal Review
 Tab J: Appointing Authority Approval and Actions
 Tab K: Administrative Documents (None)

Authority and Scope (Authority and Scope will be included, immediately following the placement of any Appointment and Tasking letters, in Tab B) Commanders have the inherent authority to conduct a CDI to investigate matters under their command, unless preempted by higher authority. Pursuant to this authority, (Commander's rank, name, and duty title) appointed (Investigating Officer's rank and name) on (date of the appointment letter) to conduct the Investigation into (type verbatim from the synopsis in the IO appointment letter, **paragraph 1**).

The CDI was conducted from (date) to (date) at (location).

The IO investigated the following allegations: (Type allegations verbatim from Attachment to IO appointment letter)

Allegation. Between 1 March 2006 and 30 March 2006, CMSgt Indiana Jones, 123rd MSS Superintendent, improperly used federal government personnel for unofficial purposes, in violation of DoD 5500.07-R, paragraph 2-301 and 3-305.b., by using members of the Mission Support Flight to help him plant shrubbery at his personal residence, during duty hours. (Simulated Page Break)

Background (This is a sample Background, which would be included under Tab C) This case involved two complainants, Staff Sergeant Roger Rabbit and Technical Sergeant Luke Skywalker. (Tabs F-1 and F-2) During the relevant timeframe, both were assigned to the Mission Support Flight, 123rd Mission Support Squadron (123 MSS), Any Air Force Base, Pickastate. (Tabs F-1, p. 2; F-2, p. 2)

The allegations involved one subject -- Chief Master Sergeant Indiana Jones, the newly assigned Superintendent. (Tab F-3, pp. 2-3) CMSgt Jones arrived at Any AFB in late July 2005. (Tab F-3, p. 2)

In March 2006, Chief Jones asked two subordinates, SrA Ima Witness and A1C Will Testify, to help him with a home-improvement project at his on-base residence. Specifically, Chief Jones asked these Airmen to help him plant new shrubbery around the perimeter of his home. The Airmen agreed. (Tabs F-26, p. 14; F-28, p. 18) As will be discussed more fully below, the testimony conflicted on whether the project occurred on a Friday morning or over a weekend.

(Tab D)

Findings, Analysis, and Conclusions. (The below is a sample Findings, Analysis, and Conclusions Section, which would be included under Tab D)

Allegation. Between 1 March 2006 and 30 March 2006, CMSgt Jones, 123rd MSS Superintendent, improperly used federal government personnel for unofficial purposes, in violation of DoD 5500.07-R, paragraph 2-301 and 3-305.b., by using members of the Mission Support Flight to help him plant shrubbery at his personal residence, during duty hours. SUBSTANTIATED

Facts. (Can cut and paste applicable facts out of Background section here).

Sometime in March 2006, Chief Jones asked two subordinates, SrA Ima Witness and A1C Will Testify, to help him with a home-improvement project at his on-base residence. Specifically, Chief Jones asked these Airmen to help him plant new shrubbery around the perimeter of his home. The Airmen agreed. (Tabs F-26, p. 14; F-28, p. 18)

The witness testimony conflicted on whether the project occurred on a Friday morning or over a weekend. Chief Jones and the two involved subordinates, SrA Witness and A1C Testify testified that all involved in the project did so voluntarily and that the shrubbery planting occurred on a Saturday. (Tabs F-3, p. 14; F-26, p. 14; F-28, p. 18) Two other witnesses, TSgt Contradicts and SSgt Disputes, indicated that the activity occurred at 1030 on a Friday. (Tabs F-10, pp. 16-17; F-13, pp. 24-25) TSgt Contradicts, in particular, remembered it was a Friday, because he had asked the Chief to attend his wife's prenatal appointment, the Chief said no, and then left the building

with SrA Witness and A1C Testify in his truck, loaded with shrubs. (Tab F-10, p. 16) TSgt Contradicts felt this was a huge “foul” and wrote a memo for record (MFR) for his own personal file, which he provided to the IO. (Tab G-7)

I found the testimony of TSgt Contradicts and SSgt Disputes more believable than that of the subject and his two Airman cohorts, for several reasons. TSgt Contradicts’ MFR was very convincing in that it documented the activity immediately when it occurred. Additionally, I found the testimony of Chief Jones to be questionable. When I interviewed Chief Jones, he answered most questions in a clear voice, leaning slightly forward in his seat. When presented with direct questions regarding the shrubbery incident, I observed Chief Jones’ face flushed, he paused and appeared to gather himself prior to answering the question, like he was deciding what to say. He also avoided answering several questions by redirecting the question back to me or answering with unrelated material. (Tab F-3, pp. 13-16) When he did answer questions about the shrubbery, he leaned back, lowered his voice and looked down at the floor. SrA Hoskins and A1C Fallon had similar demeanors during their interviews. On the other hand, TSgt Contradicts and SSgt Disputes appeared forthright and had no apparent bias or motive to provide untruthful testimony about the Chief. In fact, the Chief submitted TSgt Contradicts as a UCI top performer and the TSgt was so recognized. For all of these reasons, I find that the shrubbery planting occurred on a Friday, a duty day, and not on the weekend.

Applicable Rules.

DoD 5500.07-R, *Joint Ethics Regulation*, paragraph 2-301, Use of Federal Government Resources, paragraph b. states, in part:

b. Other Federal Government Resources. Other than the use of Federal Government communications systems authorized in accordance with subsection 2-301.a. of this Regulation, above; the use of Federal Government resources as logistical support to non-Federal entity events in accordance with subsection 3-211 of this Regulation, below; and the use of Federal Government time authorized in accordance with subsection 3-300 of this Regulation, below; Federal Government resources, including personnel, equipment, and property, shall be used by DoD employees for official purposes only, except as follows...

(2) The use of personnel for non-Federal purposes is regulated by subsections 3-211 and 3-305 of this Regulation, below.

Paragraph **3-305**.b. states:

c. Prohibited Uses. Because of the potential for significant cost to the Federal Government, and the potential for abuse, DoD employees, such as secretaries, clerks, and military aides, may not be used to support the unofficial activity of another DoD employee in support of non-Federal entities, nor for any other non-Federal purposes, except as provided in subsections 3-211 and 3-300.b. of this Regulation, above.

Analysis. SrA Hoskins and A1C Fallon, as USAF members, are considered federal government personnel, and therefore, their official time is a government resource. Regardless of whether or not the Airmen “volunteered” for this “duty,” Chief Jones used these Airmen for unofficial

purposes by having them plant shrubbery at his on-base residence. As mentioned above, although the testimony conflicted on whether or not the shrubbery project occurred on a duty day, I found that it did. Specifically, the shrubbery planting occurred on Friday, 13 March 2009, at 1030 in the morning. (Tabs F-10, pp. 16-17; F-13, pp. 24-25 and G-7) The shrubby project was not an official project. It was not approved by command or otherwise mission-related. (Tab F-5, p. 7) Because the Chief engaged in non-Federal activities during the duty day, and employed government personnel to assist him, he violated the JER.

Conclusion. The preponderance of the evidence shows that between 1 March 2009 and 30 March 2009, CMSgt Jones, 123rd MSS Superintendent, improperly used federal government personnel for unofficial purposes, in violation of DoD 5500.07-R, paragraph 2-301 and 3-305.b., by using members of the Mission Support Flight to help him plant shrubbery at his personal residence, during duty hours. I conclude this allegation is SUBSTANTIATED.

Recommendations. (The below is a sample Recommendations Section, which would be included under Tab E—ONLY if the commander requested recommendations in the IO appointment letter)

Recommend:

- Appropriate disciplinary action for Chief Jones
- Unit training on the JER.
- Close monitoring of any unfavorable personnel actions generated by the Chief against complainants or witnesses as possible reprisal.

(IO Signature Block)

Not included in this sample ROI—Testimony (Tab F), Evidence (Tab G), Technical Review (Tab H), Legal Review (Tab I).

(Simulated Page Break)

(This is a sample Appointing Authority Approval and Action, which would be included under Tab J)

Date

MEMORANDUM FOR RECORD

FROM: ___/CC

SUBJECT: Appointing Authority Approval

I have reviewed the commander directed investigation completed by investigating officer Major James Sparky, and the subsequent legal review regarding allegations that (summarize allegations here, for example, Chief Jones violated the Joint Ethics regulation by using federal personnel for unofficial purposes). I concur with the findings and conclusions of the investigating officer.

(Commander's Signature Block)

Note: Also include in this tab any final command action, such as Letter of Reprimand, Charge Sheet, memo of counseling etc.)

Attachment 19
CASE CLOSURE LETTER

DATE

Rank and Name
Commander
Organization
Street Address
City, ST 12345-1234

Staff Sergeant Getty A. Letter, USAF
Duty Title
Organization
Street Address
City, ST 12345-1234

Dear Sergeant Letter,

This is to notify you of the disposition of your allegations concerning use of federal government personnel for unofficial purposes by the 123rd MSS Superintendent (never use names or ranks, just the duty title), Any AFB, Pickastate. To fully address your concerns, I ordered a commander directed investigation (CDI) into the following allegation:

Allegation. Between 1 March 2009 and 30 March 2009, the 123rd MSS Superintendent (never use names or ranks, just the duty title), improperly used federal government personnel for unofficial purposes, by using members of the Mission Support Flight to help him plant shrubbery at his personal residence, during duty hours, in violation of DoD 5500.07-R, paragraph 2-301 and 3-305.b. **SUBSTANTIATED.**

The finding was found to be legally sufficient before I personally reviewed and approved it as the appointing authority. Appropriate action has been taken against the individual who displayed the inappropriate behavior. I consider this matter closed.

If you are not satisfied with the final determination concerning your allegations, you may request further review by me, in writing, by no later than _____ (insert reasonable date, 90 days is sufficient). Your request must provide additional or new information that was not otherwise available during the CDI; simply disagreeing with this determination will not be sufficient for further review.

You also have the right to petition the Air Force Board for Correction of Military Records (AFBCMR) for correction of any adverse personnel actions associated with this case (regardless of the findings of this case). Refer to AFI 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)* for assistance in petitioning AFBCMR. If you petition the AFBCMR, you would inform them that records exist pertaining to your request.

Sincerely,
(Commander Signature Block)

Attachment 20**SAMPLE INITIAL NOTIFICATION MEMORANDUM TO SUBJECT**

Date

MEMORANDUM FOR MSgt Jack Deeohgee

FROM: 99 MSG/CC

SUBJECT: Commander Directed Investigation

1. I am directing an investigation into allegations contained in a complaint against you. In consultation with my legal advisor, I have approved the following allegation:

On or about XX Nov 20XX, Master Sergeant Jack Deeohgee, Superintendent, 1st Contracting Squadron, did maltreat Senior Airman Joe Bagodonuts, a person subject to his orders, by repeatedly using profanity towards him, in violation of UCMJ, Article 93.

2. The fact that allegations have been made is not to be construed as proof of wrongdoing. An independent investigating officer has been appointed to determine the facts and circumstances surrounding the allegations and report their findings to me.

3. The investigating officer will soon contact you to make the necessary arrangements and collect your sworn testimony. Please adhere to the following points:

a. You must not attempt to identify the names of the complainant or witnesses. In fact, almost any action on your part to talk to witnesses or the complainant may give the appearance of improperly influencing the witnesses or reprising against the complainant. You must maintain confidentiality and permit the investigating officer to do their job.

b. Any attempt to interfere with the investigation, testimony, or evidence could have more serious consequences than the alleged wrongdoings.

c. To preclude compromise of the initial fact finding, subjects, complainants, and witnesses will not discuss the circumstances of the allegations or their testimony with anyone except the appointed investigating officer, chaplain, member of congress, union rep (if civilian), and or their legal counsel--if they elect to seek legal advice.

d. Here is what you can expect: (1) the investigating officer will gather facts and interview witnesses; (2) you will be interviewed last; (3) I will notify you whether the allegations against you were "substantiated" or "not substantiated."

4. This memorandum contains protected information and must be protected under the Privacy Act. If you have specific questions concerning the investigative process, you may contact me at DSN XXX-XXXX.

SIGNATURE BLOCK
(Commander)

Attachment 21

SAMPLE TENTATIVE CONCLUSION LETTER

Date

SC/CC
123 1st Ave
Other AFB, USA

Capt Kant Doit
kant.doit@us.af.mil
Via email

Dear Capt Doit,

We recently completed our investigation to address allegations that you, while serving as the Flight Commander, 123rd MXS Squadron, Other Air Force Base, between November 2007 to September 2008, were derelict in the performance of your duties in that you negligently failed to take corrective action when you had reason to suspect Senior Airman Ben Wrench was using alcohol while he was participating in the Other AFB Alcohol Substance Abuse Program, in violation of Article 92, UCMJ.

Thank you for your cooperation during our investigation. The attached preliminary report of investigation sets forth our conclusions and provides a summary of the evidence on which I based my conclusion. Also attached is the transcript of your interview.

This letter, preliminary report, and transcript are provided to you as the subject of a Systems Center commander directed investigation, and are for your exclusive use, in responding to our conclusions. Because information in this letter and enclosures are exempt from public release under the Freedom of Information Act, they are designated "Controlled Unclassified Information" and may not be copied or further released.

This is your opportunity to provide comments and additional information. Should you choose to respond to this letter, I will consider your response and may revise my conclusions, if warranted.

Please provide any response to me no later than two weeks from the date of this letter.

It is important that we are able to contact you concerning your case. If the contact information you have provided should change, please notify me immediately. You can contact me at 555-555-5555 or via email at heeza.goodguy@us.af.mil.

HEEZA GOODGUY, Colonel, USAF
Commander

2 Attachments:

1. Preliminary Report of Investigation
2. Transcript: Capt Kant Doit, Date