



OFFICE OF THE NATIONAL COMMANDER
CIVIL AIR PATROL
UNITED STATES AIR FORCE AUXILIARY
MAXWELL AIR FORCE BASE, ALABAMA 36112-5967

ICL 20-01
2 March 2020

MEMORANDUM FOR ALL CAP UNIT COMMANDERS

FROM: CAP/CC

SUBJECT: Interim Change Letter – CAPR 20-2, *Complaint Resolution*

1. This interim change letter immediately changes CAPR 20-2 and will remain in effect until the regulation is revised. Compliance with this letter is mandatory.

2. The following paragraphs pertaining to Commander Directed Investigations (CDIs) are inserted after paragraph 15.1; remaining paragraphs are renumbered:

15.2. At the conclusion of CDIs that are open as of 1 March 2020, IOs shall submit the case file consisting of the appointment letter, investigation summary and closure letter to CAP/GC at gc@capnhq.gov. CAP/GC will ensure the files are uploaded into a System of Record. Templates for these documents are provided in the Command Directed Investigator's Guide (CDIG) and shall be followed for consistency in presentation. Original appointment letters do not need to follow the template.

15.3. Commanders initiating investigations on 2 March 2020 and later shall appoint an IO using the template in Attachment 1 to the CDIG. Investigating officers will use the remaining four templates provided as Attachments 2 through 5 of the CDIG to complete the investigation plan, investigation summary, evidence log and closure letter. These five documents make up the investigation case file. Upon conclusion of the investigation, IOs shall forward the entire case file to CAP/GC at gc@capnhq.gov to be uploaded into a System of Record.

3. This change brings CDIs into compliance with the Cooperative Agreement with the Air Force that mandates all investigation documents be stored in a system of record and reviewable by the CAP-USAF/IG. For comments or questions regarding this interim change letter, contact Col Cheryl Fielitz-Scarborough, CAP/IG, at cfielitzscarborough@cap.gov.

A handwritten signature in black ink that reads "Mark E. Smith".

MARK E. SMITH
Major General, CAP
Commander



This regulation implements policies, procedures, and directives established by CAP-USAF and Board of Governors (BoG), related to Civil Air Patrol (CAP) Complaint Resolution (CR). It includes Fraud, Waste, and Abuse (FWA), Whistleblower Protection, and procedures for submitting complaints against all CAP members acting in their volunteer capacity and against the corporate entity. This program is managed by the CAP Inspector General (CAP/IG) and does not apply to Commander Directed Investigations (CDIs).

SUMMARY OF CHANGES. This document replaces CAPR 20-2, *Complaint Resolution*. This regulation has been extensively revised and needs to be reviewed in its entirety.

CONTENTS

1. Overview.....	1
2. Roles and Responsibilities	2
3. Waivers.....	3
4. Operating Instructions (OIs) and Supplements to this Regulation.....	3
5. The Civil Air Patrol IG Complaint Investigating Officer's Guide.....	3
6. Protecting Privacy Interests.....	3
7. Whistleblower Protection	3
8. Sexual Abuse Complaints and Complaints Involving Criminal Conduct.....	4
9. Complaints Processed Under Other Regulations	4
10. Complaints and the Chain of Command	5
11. Complaint Submission.....	5
12. Complaint Processing.....	8
13. Protection of Inspector General Records.....	13
14. Disposition of Records	13
15. Commander Directed Investigations (CDIs).....	13
ATTACHMENT 1, COMPLIANCE ELEMENTS.....	15
ATTACHMENT 2, GLOSSARY	17

1. Overview. CAP IG CR is designed to prevent and identify any FWA, mismanagement or deficiency, acts of reprisal or restriction, or cadet protection issues. The purpose of the CAP IG CR is to establish an independent, impartial, and objective procedure to:

1.1. Effectively communicate to the commander suggestions regarding appropriate systematic, programmatic, or procedural weaknesses to ensure resources are used effectively and efficiently as well as the necessity for prompt and objective progress of corrective action.

1.2. Assist commanders through CR to discover and correct problems affecting the productivity and morale of assigned personnel. Resolving the underlying cause of a complaint may prevent more severe symptoms or costly consequences, such as reduced performance, accidents, poor quality work, poor morale, loss of resources or costly litigation. Even though allegations may not be substantiated, the evidence or investigation findings may reveal systemic, morale, or other problems impeding efficiency and mission effectiveness.

1.3. CAP IG CR is designed to provide procedures that prevent and identify fraud, waste, abuse, mismanagement and deficiency, cadet protection issues, abuse of authority, reprisal against a member for making a protected communication (PC), and restriction of a member from making a PC.

2. Roles and Responsibilities

2.1. The CAP/IG, [Inspectors General \(IG\)](#) and appointed [Investigating Officers \(IO\)](#).

2.1.1. The CAP/IG will:

2.1.1.1. Develop, publish and oversee the training of the IG Corps,

2.1.1.2. Develop, publish and oversee Whistleblower Protection,

2.1.1.3. Determine frivolous complaints and/or allegations, and

2.1.1.4. Investigate Whistleblower complaints against members of the national staff, national commander, region commanders and members of region staff.

2.1.2. IGs and IOs at all levels must complete the required training to be qualified to process complaints.

2.1.2.1. Trained and qualified IGs and IOs will examine all allegations affecting integrity, efficiency, discipline, and readiness.

2.1.2.2. Examinations, inquiries, and investigations shall be conducted in an independent and professional manner, without command influence, pressure, or fear of reprisal from any level. The IG functions as a factfinder in the resolution of complaints.

2.2. Commanders in the IG CR will:

2.2.1. Be involved at the appropriate stage of the process and work with both the IG and Legal Officer (LO).

2.2.2. Not bring undue command influence into the IG CR process,

2.2.3. Will ensure sufficient funding and support is available if the complaint goes to investigation.

2.3. Members. CAP members have a responsibility to report FWA, violations of directives; abuse (to include abuse of authority), cadet protection issues, or misconduct to an appropriate commander or IG. In addition, CAP members should report any known violations of law relating to these issues.

3. Waivers. Waivers to this regulation require the approval of the CAP/IG. Waiver requests shall be sent through the CAP member's commander and appropriate level IG.

4. Operating Instructions (OIs) and Supplements to this Regulation. Supplements and OIs pertaining to this regulation are not authorized.

5. The Civil Air Patrol IG Complaint Investigating Officer's Guide. The CAP IG Complaint Investigating Officer's Guide (IO Guide) shall be the principal document for guidance in CR. The templates contained in the IO Guide are the only ones authorized and will be used in the processing of a complaint. The region and wing IGs will use the Complaint Resolution Quality Control Checklist (CRQCC) to ensure all necessary documents have been uploaded into the System of Record (SoR). All references to procedures mentioned in this regulation are found in the IO Guide and will be followed. The IO Guide is a living document as it will periodically undergo updates and revisions. The IO Guide is an IG-specific document and may not be used for any other investigations or inquiries including, but not limited to Commander Directed Investigations, Reports of Survey, Safety Mishap Investigations, Equal Opportunity Complaint Investigations and Stan/Eval Investigations.

6. Protecting Privacy Interests.

6.1. Other than as permitted in [paragraph 14](#) of this regulation, no IG, IO, or any other official having knowledge or involvement in CR will provide copies of complaints, investigative reports, or related documents to witnesses, subjects or other third parties or allow those parties to read any complaint filed through IG channels without prior written approval of the CAP/IG and the CAP National Commander (CAP/CC) after consultation with the CAP/General Counsel (GC).

6.2. Other than as permitted in this regulation, no IG, IO, or any other official having knowledge or involvement in CR will release the complaint, materials or information provided by the complainant, or the response to the complainant, or to a third-party requester, without the complainant's written consent or a valid subpoena or notice to produce documents issued by a court of law.

6.3. No IG complaint correspondence, or related documents, including reports of investigation (ROI), will be filed in an individual's unit file, personnel record, or any other repository other than the system established by this regulation, and/or the CAP/IG.

7. Whistleblower Protection.

7.1. This regulatory guidance is applicable to all CAP members and serves to protect against reprisal or abuse of authority toward members who submit an IG complaint. (e.g. expose fraud, waste, mismanagement, deficiency, cadet protection issues, abuse of authority, or

discrimination).

7.1.1. Restriction. No person shall restrict a member of CAP from making a PC. A PC is defined in [Attachment 2, para 47](#).

7.1.2. Reprisal. No person shall reprise against a member for making or preparing to make a PC. [Attachment 2, para 51](#).

7.1.3. Restriction and/or Reprisal are in violation of CAP Whistleblower Protection and may result in administrative and/or disciplinary action. The IO will conduct an [acid test](#) to determine reprisal.

7.1.4. A Whistleblower complaint is considered an administrative action. Adverse Member Action appeals, related to the Whistleblower Complaint, cannot be made to the Membership Action Review Panel (MARF) until the IG has resolved the complaint. Whistleblower Complaint is defined in [Attachment 2, para 58](#).

8. Abuse Complaints and Complaints Involving Criminal Conduct.

8.1. The commander or IG receiving a complaint of alleged abuse against a cadet, as described in the [CAPR 60-2, Cadet Protection Program](#), will report the allegation per para 4.2. of that regulation.

8.2. The commander or IG receiving complaints of alleged abuse or involving criminal conduct shall give immediate notification to CAP/GC and CAP/CC. Any further action or investigation into these complaints by CAP must be specifically authorized by CAP/GC and CAP/CC.

9. Complaints Processed Under Other Regulations.

9.1. CAP CR may not be used for matters addressed through other established grievance or appeal channels. If a directive provides a specific means of redress or appeal of a grievance, complainants must exhaust those procedures before filing an IG complaint. However, complaints of a potential directive violation as to how one of the previous programs are managed or handled may be an IG issue. These complaints include but are not limited to:

9.1.1. Complaints involving allegations of discrimination or violations of the Civil Air Patrol Nondiscrimination Policy. [CAPR 36-2, Complaints Under the Civil Air Patrol Nondiscrimination Policy](#), governs such investigations.

9.1.2. Reports of Survey conducted under [CAPR 174-1, Property Management and Accountability](#).

9.1.3. Suspensions of CAP flying privileges, appeals, reinstatement, and damages under [CAPR 70-1, Flight Management](#).

9.1.4. Complaints against CAP employees who have specific appeal rights under law or other CAP policies.

10. Complaints and the Chain of Command.

10.1. To provide an opportunity for the internal resolution of disputes, unit commanders are encouraged to be available and approachable for the members of their respective units.

10.2. Members should follow the chain of command, except for situations where the subject of the complaint is in the chain of command. In this situation see para 11.4 below. Commanders and members should make every attempt to resolve problems, conflicts, and disputes within CAP at the lowest unit level possible.

10.3. Prior to presenting a complaint, complainants shall first consider whether their complaint may be resolved more quickly and simply by contacting the unit commander, legal officer, or chaplain.

10.4. A member's use of the procedures set forth in this regulation will be free from reprisal by any other member. However, CAP members must understand that when submitting complaints, they are making official statements within CAP channels. Therefore, CAP members may receive administrative or disciplinary action under appropriate CAP regulations for knowingly making false statements or filing a "frivolous complaint/allegation, (see [Attachment 2, para 32](#))."

10.5. Members are advised of their duty to use appropriate channels and grievance systems to resolve complaints at the lowest possible level and will not send copies of complaints or correspondence relating to complaints, or otherwise communicate complaint information to other CAP members, including CAP staff or members of the CAP BoG. This should not be interpreted as restricting a member's right to communicate with any CAP commander, elected or regulatory federal, state, and local governmental officials or legal counsel.

11. Complaint Submission.

11.1. The IG receives and process complaints from CAP members, USAF members, and parents or legal guardians on behalf of their cadet members (including anonymous complaints), via any medium; however, members are encouraged to utilize the Online Electronic Complaint Submission System (see para 11.1.5). IGs will maintain a record of all contacts and the rationale for selecting the resolution strategy from among: [referral](#), [transfer](#), [dismissal](#), [assistance](#), or [investigation](#).

11.1.1. Members on suspended status issued as an adverse member action must wait until the completion of their suspension term before filing an IG complaint. The 60-day rule (see para 11.5.1) will be waived in this circumstance.

11.1.2. Members on suspended status pending the outcome of an investigation must wait until the suspension is lifted before filing an IG complaint. The 60-day rule (see para 11.5.1) will be waived in this circumstance.

11.1.3. Members on suspended status, pending termination may file an IG complaint regarding their suspension provided that they have not filed an appeal IAW CAPR 35-3 *Member Termination*. The member will remain on suspended status throughout the complaint resolution process and may file

the appeal on completion of the CR process. IG complaints do not stop or suspend the appeal process. Therefore, complaints filed after the appeal process has begun will not be examined.

11.1.4. This section does not apply to Whistleblower Complaints filed under the provisions of paragraph 7 of this regulation. Members may file Whistleblower Complaints at any time, regardless of their status. The IG, after completion of a complaint analysis, will determine if the complaint qualifies as a Whistleblower Complaint.

11.1.5. A complainant's acknowledgement on the Electronic Complaint Submission System will be considered a signature. The website for the electronic complaint submission system is <https://civilair.ethicspointvp.com/custom/civilair/forms/complaint/>

11.1.6. An anonymous complaint shall be considered unacknowledged regardless of whether or not the complainant acknowledges the complaint in the system.

11.2. All allegations of FWA may be accepted regardless of the source. Complaints submitted under CR must be filed using the procedures established in this regulation.

11.2.1. All complaints will be written and submitted in English, dated, and "signed" by the complainant. Anonymous complaints do not require an acknowledgement. The acknowledgement on the complaint is deemed to be an affirmation and is evidence that all information in the complaint is true and correct to the best of the complainant's knowledge. Complainants providing information through the CR are submitting official statements within official CAP channels. Therefore, complainants who are CAP members remain subject to adverse administrative action for knowingly making false statements and/or communications.

11.2.2. Verbal (in-person or telephonic) complaints shall be followed-up with an electronic or CAPF 20, "*IG Personal and Fraud, Waste & Abuse Complaint Registration*" submission and signed or acknowledged by the complainant (unless anonymous) within 14 days of the original notification.

11.2.3. Emailed complaints are considered complaints but must be followed up with an acknowledge electronic submission or signed CAPF 20 (unless anonymous email address) prior to the completion of the complaint analysis.

11.3. Complainants may submit complaints anonymously. Anonymous complaints may be filed directly with the IG. Verbal (telephonic) and email complaints filed anonymously do not require a follow up but must be entered into the SoR by the receiving IG. Anonymous complaints may only be acted upon if the evidence provided by the anonymous complainant and the complaint analysis reveal credible evidence of a violation of CAP directives. A complaint, by itself, from an anonymous complainant cannot be used as evidence of a violation of CAP standards or regulations unless substantiated with corroborating evidence.

11.4. Where to File a Complaint.

11.4.1. Complaints should be submitted using the Online Complaint Submission System

found at the URL noted above. Complainants may also use the CAPF 20 or other methods of complaint submission.

11.4.2. Complaints against the CAP/IG are submitted directly to the CAP/CC, unless the CAP/CC is a party (complainant, subject or witness) to the complaint. If the CAP/CC is a party to a complaint against the CAP/IG, the complaint will be submitted to the BoG Executive Secretary (CAP/COO). The CAP/CC or BoG Executive Secretary will forward informational copies of complaints filed against the CAP/IG to the CAP-USAF/IG.

11.4.3. Complaints against a wing or region IG or senior level official holding the grade of colonel or above will be submitted directly to the CAP/IG.

11.4.4. Complaints against a squadron or group commander should be submitted to the wing IG.

11.5. Time Limits for Filing a Complaint.

11.5.1. The complainant shall submit the complaint within 60 days of the occurrence or action upon which the complaint is based or within 60 days of the complainant becoming aware of the occurrence or action upon which the complaint is based.

11.5.2. An IG is not required to consider a complaint if a complainant has failed to present the matter within 60 days. IGs, in consultation with their Appointing Authority (AA) and the next higher level IG, may accept and refer complaints that exceed the above requirements if the complaint is of special CAP interest or the complainant is able to demonstrate that he/she was unable to meet the time requirements due to unforeseen or extraordinary circumstances and such circumstances justify the delay. If after consultation there is concurrence the complaint should be dismissed, the receiving IG will upload documentation reflecting this mutual decision. The receiving IG will then send a letter of dismissal to the complainant explaining why the complaint has been dismissed.

11.6. Delivery of an IG Complaint.

11.6.1. The primary method for submitting a complaint is the Electronic Complaint Submission System, however, complaints will be received in other formats.

11.6.1.1. Written Complaints may be delivered in person or by postal mail (UPS, FedEx, and other delivery sources that can confirm delivery), telephone, fax, or email. The date of actual receipt or 5 days following the date of the mail postmark, whichever is earlier, is the effective date of the complaint.

11.6.1.2. To properly establish annotation of complaints that are received via USPS, the receiving IG will not dispose any of the original documents. This includes the envelope containing the original mail postmark. All documents are to be considered a part of the complaint and shall be retained. The receiving IG will scan into the SoR any documents received.

11.6.1.3. The effective date of telephone, fax or email complaints will be the date of actual receipt only if an electronic complaint or CAPF 20, is submitted within 14 days following the date of the initial communication.

11.6.1.4. For anonymous complaints, the effective date will be the date the complaint is received or 5 days following the date of the mail postmark, whichever is earlier, if the complaint is mailed.

11.6.2. Upon receipt of an online submitted complaint, CAP/IGQ will determine which IG is the appropriate IG to process the complaint, assign the appropriate IG to the case, then transfer the complaint accordingly.

11.7. Documentation relating to the complaints process will be filed in the SoR and be available for review by CAP-USAF/IG.

12. Complaint Processing.

12.1. Complaint Acknowledgement. Receipt of a complaint shall be acknowledged (unless anonymous) in writing by the IG using the Acknowledgement of Receipt of Complaint template. This acknowledgement will occur within 30 days of the effective date of the complaint.

12.2. Complaint Clarification. The IG will conduct a clarification interview with known complainant, victim or reporter listed on the complaint submission to determine if there were allegations of regulatory violations as set forth in the facts in the complaint. Interview will be documented and uploaded into the SoR. If the interviewee is a cadet, the IG will ask if the cadet has discussed the complaint with his/her parents/guardians. Any documentation sent to the cadet shall be copied to the parents/guardians. The cadet may have his/her parents/guardians listen in on the clarification and other interviews with the cadet. Reference paragraph 12.8.3 below

12.3. Completing a Complaint Analysis (CA). The IG will complete a CA to determine the most effective resolution strategy for the issues raised by the complainant's allegations. The CA will be sent to the appropriate Legal Officer (LO) for review and endorsement prior to any resolution decision being made. The LO review and endorsement shall be completed with all deliberate speed. The CA results in a formal decision document from which the IG may: assist, refer, transfer, dismiss or investigate the complaint. The CA documents regulatory violations necessitating an IG investigation. The CA will be uploaded into the SoR.

12.3.1. If the CA results in Refer to Command, the commander may use the information gathered in the CA that supports a violation of a standard giving him/her the opportunity and discretion of further remedial action.

12.3.2. Any copies (electronic or written) of the CA provided to the AA must either be returned to the IO for inclusion in the case file or destroyed with a written notice of destruction given to the IO. This written notice will be uploaded in the SoR.

12.3.3. If the complaint is dismissed, referred, or closed with an assist, the IG will write a case closure letter to the known complainant explaining the actions as justified by the results of the CA. If the complaint is transferred, the complainant will receive a transfer letter noting to where the complaint has been transferred. The transfer letter will be copied to the AA and uploaded into the SoR.

12.4. Frivolous Complaints/Allegations. If a complaint or allegation is determined to be frivolous,

the person filing the complaint may be subject to disciplinary action. The CAP/IG will make this determination. A complaint that is submitted outside those requirements defined in the PC definition, is not eligible for Whistleblower Protection.

12.5. Appointment of an IO. If it is determined through a CA that an IG investigation is warranted, the AA shall appoint a qualified IO, using the template provided by the IG. This letter provides the IO indemnification in accordance with [CAPR 112-10, Indemnification](#).

12.6. IG Investigation Notifications.

12.6.1. When it is determined by CA that an IG investigation is warranted, and an IO has been properly appointed, notifications will be made to the complainant, subject's commander (if not the AA) and the subject.

12.6.2. IG investigations must be completed as quickly as possible, unless there is a justifiable reason for delay. However, they must not exceed 180 days. In cases where the IO believes the IG investigation will exceed 180 days, the IO will submit justification for this delay to the AA. The IO will also notify the IG managing the case and make an appropriate addition to the case notes and upload documentation into the SoR.

12.7. Conflict of Interest. The IG or IO selected to conduct an IG investigation shall certify in writing to the AA that no conflicts of interest exist. This document shall be uploaded in the SoR.

12.8. Conducting an IG Investigation.

12.8.1. IG investigations are administrative in nature--they are fact finding rather than judicial proceedings. They are not criminal proceedings in which proof beyond a reasonable doubt is required. Rather, the standard of proof that applies is proof by a preponderance of the evidence (an allegation that is not substantiated is one that is not supported by a preponderance of the evidence). Investigations require formal collection of evidence, taking statements from complainants, witnesses and subjects, and documentation of the findings in a Report of Investigation (ROI). An investigation is an evidence-gathering process to substantiate or not substantiate an allegation. Once an investigation is determined to be warranted, and is therefore in IG channels, only the IG at the next higher level may terminate this procedure prior to its normal conclusion.

12.8.2. The purpose of an IG investigation is to establish the facts. To accomplish this, complainants, subjects, and witnesses who are CAP members are required to fully cooperate. Failure to respond with truthful and complete information, unauthorized disclosure, or any action to impede the process of the IG investigation in any way will be documented and provided to the offender's commander (except when member's commander is the subject of the investigation and in those cases, the next superior commander will be provided the documentation) for disciplinary action up to and including membership termination, as permitted under [CAPR 35-3, Membership Termination](#), and other appropriate CAP regulations.

12.8.2.1. Exception: No member shall be required to cooperate or provide information if he/she reasonably believes that the information requested or the answer to be provided might tend to self-incriminate. For the purposes of this regulation, a fact or answer "tends to self-incriminate" a person if the fact or

answer would provide evidence that suggests the commission of a felony or misdemeanor by the declarant. The failure to answer questions based on this defense will be documented in the case file.

12.8.2.2. Individuals providing evidence in an IG investigation shall be requested to sign either the Read-In Document or an attestation that the individual agrees that all information provided in the IG investigation is true and correct and is based on the personal knowledge of the individual. A failure of a CAP member to sign the Read-In Document or an attestation does not preclude the member from being interviewed and the results of the interview from being included in the ROI. The member's refusal to sign the Read-in Document shall be documented in the ROI.

12.8.2.3. There is no requirement for legal representation, recorded statement, a formal hearing, or application of the rules of evidence. CAP/GC and legal officers represent the Corporation and are prohibited from representing interviewees.

12.8.2.4. If the subject or witness fails to appear after being properly notified, the IG investigation will continue without his/her input. The refusal of the complainant(s) to participate in the IG investigation may cause the IG investigation to be closed.

12.8.3. Once a complaint has been sent to an IG or when CAP members have been contacted by the IG or IO regarding an IG complaint, CAP members will not discuss the complaint, analysis, investigation, or findings with any other person. Disclosure may subject the declarant to adverse member action for misconduct. Exception: Cadets may discuss the complaint with their parents or legal guardians but no other CAP members. The IG or IO making contact with a cadet's parent or guardian shall inform them (if non-CAP members) that further release of investigation information could deny the cadet's protected communication privilege and could compromise the integrity and outcome of the investigative process.

12.8.4. If a member of the USAF, USAF Reserve, Air National Guard or a CAP Employee is to be interviewed, the IO will follow the respective policies for interviewing these individuals. These policies are contained in the IO Guide.

12.9. IG Investigation Progress Reports and SoR updates.

12.9.1. Beginning 30 days after the date of the appointment letter, and every 30 days thereafter, the IO will send reports to both the complainant (except for anonymously filed complaints) and the AA indicating what step in the investigative process the complaint has reached. Specific issues or information relating to or derived from the IG investigation will not be discussed.

12.9.2. From the time the complaint is entered into the SoR, the wing and region IGs will provide oversight of the process.

12.9.2.1. Wing and Region IGs will ensure that IOs, working cases at their respective tier, upload documentation as it is received and will enter a case note every 30 days regarding the status of the complaint.

12.9.2.2. Region IGs will check open case files within their regions to ensure that the wing IGs are updating the case file every 30 days. Region IGs will use the CRQCC to ensure the quality of the documentation being uploaded throughout the process as well as to ensure that timely progress is being made.

12.10. The Report of Investigation (ROI)

12.10.1. Upon completion of an IG investigation, the IG will submit written findings of the ROI to the AA. The ROI must be a stand-alone document--all the essential facts, documents, portions of regulations, interviews, etc., must be included in the report so that a reviewer can arrive at a determination without reference to information outside the report.

12.10.2. The signature of a legal officer attesting that a legal sufficiency review of the ROI has been conducted must be documented in writing and will be included as an attachment to the ROI. A legal officer who has been assigned to assist the IG during the investigation will not perform the legal sufficiency review.

12.10.3. The findings and conclusions section of the ROI will include a classification for each allegation. A classification (substantiated or not substantiated) for each of the allegations, is derived from the facts or lack of facts and conclusions, that support the classification. If the IG considers an unsubstantiated complaint to be without merit, the complaint may be submitted to the CAP/IG as potentially frivolous.

12.10.3.1. SUBSTANTIATED -- an allegation is "substantiated" when the investigation reveals "a preponderance of evidence" in support of the allegation. The findings of the IO shall be based upon preponderance of evidence.

12.10.3.2. NOT SUBSTANTIATED -- The investigation determined that the allegation did not occur, was not justified according to applicable directives, or that there was not a preponderance of evidence to support the allegation.

12.10.4. The ROI is prepared for the AA and shall remain confidential, subject to the provisions of this regulation.

12.10.5. IOs will NOT make written recommendations concerning administrative, disciplinary, or other corrective actions to commanders in the ROI. IOs may make recommendations concerning systemic problems noted/encountered during the investigation.

12.10.6. Generally, the CAP command level conducting an IG investigation shall pay the costs incurred during investigations (exceptions may be agreed upon by the command levels involved). The IG or assigned IO will not personally pay for expenses related to any IG investigation.

12.10.7. After the ROI has been submitted to the AA, the IO will send notification to the complainant and the subject informing them the AA has the ROI. Once the ROI has been submitted to the AA, it is the AA's responsibility to communicate with the complainant until the case is officially closed. This includes providing the complainant with 60-day updates. These updates will be provided to the IO for inclusion into the case file in the

SoR.

12.11. The AA and the ROI.

12.11.1. The AA may accept or reject the findings of the IO or may direct further IG investigation.

12.11.2. Upon receipt of the findings and when the AA is satisfied that the complaint has been fully investigated, the AA will provide the complainant (except for anonymously filed complaints) subject's commander (if not the AA) and the subject each with a written notification stating the classification of the allegations of the complaint.

12.11.2.1. The AA will issue the closure letter. Included in the closure letter as applicable, will be "corrective action was considered and/or taken for each specification presented". Additionally, the IG, IO, or legal officer may assist with the preparation of these documents.

12.11.2.1.1. The notification to the member of the decision and proposed action of the commander shall be in accordance with the regulation under which the proposed action is taken. This notification shall not be given to the IO nor uploaded in the case file in the SoR.

12.11.2.1.2. Any copies (electronic or written) of the ROI provided to the AA must either be returned to the IG for inclusion in the case file or destroyed with a written notice of destruction given to the IG. The written notice shall be uploaded in the case file in the SoR.

12.11.2.2. Upon receipt of a copy of the closure letter from the AA and entry by the IG into the SoR, the IG investigation will be officially closed.

12.11.3. IG Investigation Review. If a complainant or subject believes that the IG investigation was improperly conducted, not valid or inadequate for some reason(s), he/she may request that the CAP/IG review the case. This review will focus on the complaint procedure and the information on which the IO based the findings.

12.11.3.1. Simply disagreeing with the findings or conclusions will not constitute sufficient reason for additional IG review.

12.11.3.2. This request shall occur within 30 days of receiving the closure letter from the AA.

12.11.3.3. The request for a review shall be in writing, give specific reasons why the complainant or subject believes the original IG investigation was improperly conducted, not valid or inadequate, and provide additional information to justify a review of previously considered issues.

12.11.3.4. The CAP/IG may delegate an IG Investigation Review to the Region IG or another NHQ staff IG.

12.11.3.5. A member shall not use the IG Investigation Review process as the

means to appeal a commander's action, which may be an outcome of the IG investigation. Appeals regarding terminations are covered in CAPR 35-3, *Membership Termination* and have nothing to do with the IG process. The appeal deals directly with the AA and/or Commander's decision.

13. Protection of Inspector General Records.

13.1. Complaints to an IG, or complaints worked in IG channels, are confidential in nature and are CAP Confidential documents. All records, reports, and related documents provided by a complainant, subject, witness, or other members involved in the case shall be marked "COMPLAINANT, SUBJECT, WITNESS OR OTHER PROVIDED." Having this marking on a document clarifies that the document is not the official record obtained from an office of primary responsibility but rather a document provided by the complainant.

13.2. Inspector general reports are available for review to the CAP-USAF/IG.

13.3. No person shall be granted access to the SoR without explicit approval from the CAP/IG.

14. Disposition of Records.

14.1. Upon receipt, documents shall be uploaded into the SoR and then destroyed. Upon completion of an IG investigation, the IO/IG shall place any remaining documents into the SoR to include the closure letter and certification of destruction letter from the AA. The IG/IO will make a case note stating they have destroyed any documents they had in their possession. This shall constitute the case file. The complete case file shall be uploaded into the SoR database. Storage, protection, and disposition of such files will be in accordance with this regulation and [CAPR 10-2, Files Maintenance and Records Disposition](#) and maintained by CAP/IGQ with concurrence of CAP/GC and CAP/IGJA. Designated inspection team members may review these files for completeness during Compliance Inspections (CI), in accordance with Attachment 1 below.

14.2. ROI and case files are privileged information documents as stated in [paragraph 6](#) of this regulation. Except as noted in paragraph 14.3, they shall not be released (in whole or in part), reproduced or given additional dissemination (in whole or in part) outside of IG or legal officer channels without prior written approval of the CAP/IG and the CAP/CC, after consultation with the CAP/GC.

14.3. Following the completion of an IG investigation of a complaint against a [CAP senior level official](#), the responsible IG will notify the CAP/IG that the investigation is complete. The CAP/IG will forward a copy of the final ROI to CAP/GC, CAP-USAF/IG and CAP/CC within 30 days. Any copies (electronic or written) of the ROI provided must either be returned for inclusion in the case file or destroyed with a written notice of destruction given to CAP/IG.

15. Commander Directed Investigations (CDIs).

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

15.2. At the conclusion of CDIs that are open as of 1 March 2020, IOs shall submit the case file consisting of the appointment letter, investigation summary and closure letter to CAP/GC at gc@capnhq.gov. CAP/GC will ensure the files are uploaded into a System of Record. Templates

for these documents are provided in the Command Directed Investigator's Guide (CDIG) and shall be followed for consistency in presentation. Original appointment letters do not need to follow the template.

15.3. Commanders initiating investigations on 2 March 2020 and later shall appoint an IO using the template in Attachment 1 to the CDIG. Investigating officers will use the remaining four templates provided as Attachments 2 through 5 of the CDIG to complete the investigation plan, investigation summary, evidence log and closure letter. These five documents make up the investigation case file. Upon conclusion of the investigation, IOs shall forward the entire case file to CAP/GC at gc@capnhq.gov to be uploaded into a System of Record.

15.4. A CDI cannot be opened if the complaint was originally received by an IG. Commanders shall ask the IG if there has been an IG complaint filed prior to initiating a CDI.

15.5 An IG may not interfere with an ongoing CDI. If a complaint is received regarding an issue while a CDI on the same matter is in progress, the IG will inform the complainant that they must await the conclusion of the CDI before filing an IG complaint.

15.6 Commanders shall not:

15.6.1. Cite this regulation as authority to conduct CDIs.

15.6.2. Investigate allegations of reprisal, restriction or FWA. Commanders shall refer such allegations to the IG at the appropriate command level for investigation.

15.6.3. Appoint IGs or IG staff members as inquiry or investigating officers for CDIs.

15.6.4. Conduct any investigation into allegations against [CAP senior level officials](#). Commander shall refer such allegations to the IG at the appropriate command level for investigation.

MARK E. SMITH
Major General, CAP
Commander

ATTACHMENT 1, COMPLIANCE ELEMENTS

Type	#	Topic/Detailed Question	How to Verify <u>Compliance</u>	Discrepancy Write-Up	How to Clear
CI	4	<p>Are the SoR case files maintained IAW this regulation?</p> <p>SoR CASE FILE: Sample Check for inclusion and quality (based on sampling) for the following documents in SoR FILE SAMPLED, NOTE: all sub steps required for each file for overall YES</p> <p>a) Were the templates used and documents in the case file verified by the CRQCC?</p> <p>b) Does each case contain the original complaint? (Y/N)</p> <p>c) Was the complaint acknowledgement sent or noted in case notes in SoR. (Y/N)</p> <p>d) Was a complaint clarification interview conducted? (Y/N)</p> <p>e) Does the file contain a written complaint analysis? (Y/N)</p> <p>f) Is there documentation confirming destruction of any copies of the CA provided to Commander/AA? (Y/N)</p>	<p>A sample of SoR cases will be reviewed and compared against the Complaint Resolution Quality Control Checklist (CRQCC)</p>	<p>All) (Discrepancy): [xx] (E3 Question 4) Wing SoR case files are not maintained IAW (specific paragraphs below)</p> <p>CAPR 20-2, para 5</p> <p>CAPR 20-2, para 11.1</p> <p>CAPR 20-2, para 12.1.</p> <p>CAPR 20-2, para 12.2</p> <p>CAPR 20-2, para 12.3.</p> <p>CAPR 20-2, para 12.3.2</p>	<p>All) Attach a plan of action, approved by Wing/CC, to prevent reoccurrence to the discrepancy in the Discrepancy Tracking System (DTS).</p>

Type #	Topic/Detailed Question	<u>How to Verify Compliance</u>	Discrepancy Write-Up	How to Clear
	h) If the case was closed at the complaint analysis stage, is there a case closure letter? (Y/N)		CAPR 20-2, para 12.3.3	
	i) If an investigation, was the IO qualified? (Y/N)		CAPR 20-2, para 12.5	
	j) If an investigation, was there a proper Appointment Letter? (Y/N)		CAPR 20-2, para 12.5.	
	k) Is there documentation showing no conflict of interest? (Y/N)		CAPR 20-2, para 12.7.	
	l) If an investigation, was there a report of investigation? (Y/N)		CAPR 20-2, para 12.10.1	
	m) If an investigation, was there a signed statement by the Legal Officer? (Y/N)		CAPR 20-2, para 12.10.2	
	n) Once the ROI has been submitted has the commander documented communication with complainant until case closed? (Y/N)		CAPR 20-2, para 12.10.7	
	o) Did the file contain a closure letter from the AA? (Y/N)		CAPR 20-2, para 12.11.2.1.	
	p) Is there documentation confirming destruction of any copies provided to the AA? (Y/N)		CAPR 20-2, para 12.11.2.3.2.	

ATTACHMENT 2, GLOSSARY**GLOSSARY OF TERMS USED FOR COMPLAINT
RESOLUTION**

1. Abuse. The intentional, wrongful, or improper use of CAP resources such as the misuse of rank, position or authority that causes the loss or misuse of resources such as tools, vehicles, computers, copy machines, etc.
2. Abuse of Authority. A capricious exercise of power by a CAP member that adversely affects the privileges of membership.
3. Acid Test. A test that an investigating officer uses to determine if reprisal, abuse of authority or a frivolous complaint/allegation has occurred.
4. Adverse Information. Information that constitutes:
 - 4.1. A violation of CAP directives, instructions, policies, law, other agency directives, instructions, polices that are applicable to CAP.
 - 4.2. An abuse of authority, especially when an element of personal benefit accrues to the official, a family member or an associate.
 - 4.3. Fraud, waste and abuse or mismanagement governed by the applicable directives.
 - 4.4. A matter not included above which may reflect adversely on the individual's judgement.
5. Allegation. A postulated assertion (assumed without proof) framed by an inspector general or investigating officer concerning an individual or a detrimental condition. An allegation is a hypothetical statement containing four elements, all of which must be proved by a preponderance of evidence to be true for the allegation to be substantiated. A properly framed allegation will contain the following elements:
 - 5.1. When, (in what time frame did the improper conduct or behavior occur),
 - 5.2. Who, (a person, identified by as much information necessary to uniquely identify),
 - 5.3. What was improperly done, (the specific behavior or conduct that was improper and represents the adverse information),
 - 5.4. Which standard, law, or regulation was violated?
 - 5.5. A properly framed allegation is constructed as follows: When (on or about 10 January 2012), Who, (Major John A. Smith, XX Sq/CC) did what, (verbally hazed cadet William Tell), in violation of which standard (in violation of CAPR 60-2 para 2.2)
6. Appointing Authority (AA). Those possessing the authority to write an appointment letter to indemnify IGs for investigations and approve reports of investigations in the IG channel directed under their authority. IGs can appoint investigating officers (IOs) as needed, provided that the authority is granted in the official appointment letter.
7. Assertion. A declaration, maintaining a charge is true.

8. Assist. An IG assist is the process of making phone calls, asking questions, or soliciting helpful information from appropriate offices or agencies or putting complainants in touch with people, offices or agencies that can address their concerns. Assistance is used when there is no evidence or assertion of personal wrongdoing by a CAP member. Assistance is the IG giving aid or support to quickly resolve a member's real or perceived problem. Once the assist is complete, the case will be closed in SoR and noted as an assist.
9. Assistant Inspector General (IGA). A CAP member who has been appointed by the wing or region IG, with concurrence of their respective commander, as an IGA. IGA's must have completed the Introduction to Inspections, The Inspection Augmentee Qualification (IAQ), and Investigating Officer (IO) courses and be enrolled in the IG Specialty Track.
10. Authentication. The process of having a document (correspondence, personal notes, computer records, etc.) verified as genuine.
11. Cadet Protection Issue. See [CAPR 60-2, CAP Cadet Protection](#).
12. CAP Directive. As used in this program, directive means any CAP regulation, or Supplements to CAP regulations or operating instructions (OI).
13. CAP Member. See [CAPR 39-2, Civil Air Patrol Membership](#).
14. CAP Senior Level Official. CAP members in the grade of CAP colonel and above (temporary or permanent), other agents/representatives as appointed under Article XII, and CAP appointed members of the Board of Governors.
15. Capricious. Given to sudden and unaccountable changes of mood or behavior.
16. Case File. A compilation of documents relevant to an inspector general complaint that are gathered/prepared during Complaints Resolution, such as the complaint and complainant provided documents.
17. Closed. A case that results in an IG investigation will be considered closed after all required reviews and approvals are completed, the subject's commander or subject, as appropriate, is notified of the results and the complainant receives a final response, and a copy of the closure letter is received by the IG or IO and entered in the SoR.
18. Commander Directed Investigation (CDI). An inquiry initiated by a commander in accordance with a commander's inherent authority to investigate matters or incidents under his/her jurisdiction, unless preempted by a higher authority. The conduct of CDIs does not fall under the authority of the Inspector General.
19. Complainant. One who identifies a possible violation of a CAP directive, violation of law, misconduct, or FWA and brings it to the attention of the IG or a person in a position of leadership or authority.
20. Complaint. A formal assertion concerning a wrong; or violation of law, regulation, or rule; or report of conditions detrimental to the operation, mission, or reputation of CAP.
21. Complaint Analysis (CA). A preliminary review of assertions and evidence to determine the potential validity and relevance of the assertion to CAP and to determine what action, if any, in IG, supervisory

other channels is necessary. A CA results in a formal decision document for the appointing authority. The CA decision document is used to record the rationale for the selected complaint resolution strategy.

22. Complaint Clarification. The process of interviewing the complainant to ensure the intent of the complaint is verified.

23. Complaint Resolution (CR). The procedure followed to describe actions required to resolve a complaint from receipt through closure.

24. Conflict of Interest. A situation in which a person has a private, personal, or financial interest in the outcome of an event, including an investigation pertaining to CAP activities, such that it would influence in any way the objective exercise of his/her judgment to be other than impartial, independent, professional and without bias.

25. Contact. A member reaching out to an IG in the form of a complaint/disclosure (written or oral).

26. Discrimination. See [CAPR 36-1, Civil Air Patrol Nondiscrimination Program](#).

27. Dismiss. A complaint is dismissed if a thorough complaint analysis determines the allegations did not violate CAP directives.

28. Employee. A person who is a paid employee of CAP.

29. Evidence. Information or data upon which a conclusion or judgment may be based. Evidence is simply information that tends to prove the existence of a fact.

30. Fact. Facts are not conclusions, but rather information or data that have actual existence or occurrence.

31. Fraud. Any intentional deception for inducing CAP action, inaction, or reliance on that deception; depriving CAP of something of value; or securing from CAP a benefit, privilege, or consideration to which the member is not entitled. Such practices include, but are not limited to:

31.1. The offer, payment or acceptance of bribes or gratuities, or evading or corrupting inspectors or other members.

31.2. Making false statements, submitting false claims, or using false weights or measures.

31.3. Deceit, either by suppressing the truth or misrepresenting material facts, or to deprive CAP of something of value.

31.4. Adulterating or substituting materials, falsifying records and books of accounts.

31.5. Use of CAP credit cards for personal benefit.

31.6. Conspiring to carry out any of the above actions.

32. Frivolous Complaints and/or Allegations. Any allegations contained in a signed complaint filed in the IG channel which is:

32.1. Filed in a negligent manner without basis in fact of a violation of CAP directives or law;

- 32.2. Determined to have been brought forward in bad faith to cause harm, harass, annoy or embarrass a member, or to disrupt the missions of CAP. Harm includes, but is not limited to, maliciously attacking a member's reputation, publicly posting harmful or false information, or making false claims about or against a member or the organization;
- 32.3. Groundless, or false (see item 33);
- 32.4. Determined to be created to detract from a directives violation committed by the complainant;
- 32.5. Repeated submission of an allegation to CAP that was previously presented and closed as dismissed, invalid, or unsubstantiated;
- 32.6. The filing of multiple complaints by the same member that are dismissed or unsubstantiated. These complaints need not be regarding the same incident or issue.
33. Groundless, or False. As applied to frivolous complaints/allegations:
- 33.1. A complaint with statements that appear to be intentionally incomplete, unclear, unsupported, unjustified, or irrational.
- 33.2. A complaint that contains intentionally false statements or allegations.
34. Hostile Environment. Exists when one's behavior within a unit creates an atmosphere in which it is difficult or uncomfortable for other people to accomplish CAP's missions. A threatening atmosphere includes, but is not limited to, repeated emotional and/or physical abuse, hazing, stalking, bullying, and offensive language.
35. Impartiality. A principle holding that decisions should be based on objective criteria, rather than based on bias, prejudice or preferring the benefit to one person over another for improper reasons.
36. Improper Conduct. Conduct (acts or omissions) found to violate an identifiable directive, instruction, policy, regulation, rule, statute or other standard applicable to CAP, without regard to knowledge, motive, or intent.
37. Inspector General (IG). A CAP member who is appointed by the National Commander to the position of Civil Air Patrol Inspector General (CAP/IG) or who has been appointed to the position of region or wing inspector general by his/her respective region or wing commander. The appointed member must have fulfilled the requirements for the respective echelon to which he/she is being appointed.
38. Investigating Officer (IO). An officer or NCO, assigned in writing by an AA to perform a specific IG investigation or to assist in an investigation. An IO must have at least completed the IO portion under IG courses in the Learning Management System (LMS).
39. Investigation. A duly authorized, systematic, detailed examination to uncover the facts and determine the truth of a matter.
40. Legal Sufficiency Review. A review of an ROI by a CAP legal officer, before the ROI is transmitted to the appointing authority, to ensure by a preponderance of evidence that there is factual and regulatory

support for the findings of substantiated or not substantiated of the allegations of a complaint.

41. Member of Congress. A United States Senator or Representative, or any member of their staff.

42. Misconduct: Improper conduct (acts or omissions) undertaken:

42.1. With the knowledge that the conduct violates a standard (an identifiable directive, instruction, policy, regulation, rule, statute or other standard without regard to knowledge, motive or intent) or willful disregard for that possibility, or

42.2. For the intention of harming another or willful disregard of that possibility, or

42.3. For the purpose of personal profit, advantage or gain.

43. Mismanagement. The management of resources or programs within one's assigned responsibilities in such a manner as to create or perpetuate waste or abuse, or to contribute to acts of fraud.

44. Personnel Action. Any administrative action taken which changes a member's status within CAP or that affects or has the potential to affect that member's CAP position or career.

45. Preponderance of Evidence. The standard of proof for IG investigations. The preponderance standard means: When it is more likely than not that events have occurred as alleged, there is a preponderance of the evidence and the IO may consider the events proven.

46. Priority Investigation. An investigation directly involving cadet protection issues, Whistleblower Complaint, or loss of life and/or CAP tangible assets. These investigations are critical and will take precedence over all other pending investigations.

47. Protected Communication (PC). Any lawful communication to a Member of Congress (or their staff), a Department of Defense Inspector General, a CAP Inspector General (national, region or wing) or CAP General Counsel. Those communications that are willfully false or made publicly with the ostensible purpose of harassment, intent to cause harm, annoy, embarrass, or disrupt the missions of Civil Air Patrol do not meet the definition of a PC.

48. Read-In Document or Attestation. An initial document setting out the expectations of truthfulness and confidentiality by those individuals giving evidence in an investigation, which is to be signed by the individual. If it is not signed, the investigation continues, and a note is made in SoR.

49. Referral. A referral is a complaint that is determined to be more appropriately handled by an organization or agency outside the CAP IG program. Refer to command, safety, operations or law enforcement are examples and not an all-inclusive list.

50. Report of Investigation (ROI). An ROI is the final report written by the respective IG or the assigned IO outlining the findings and conclusions of the investigation.

51. Reprisal. Taking or threatening to take an unfavorable personnel action or withholding or threatening to withhold a favorable personnel action on a CAP member for making or preparing to make a PC. Reprisal may also be known as retaliation or retribution.

52. Restriction. Preventing or attempting to prevent members of Civil Air Patrol from making or preparing to make a PC.

53. Sexual Harassment. Unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when submission to the conduct:

53.1. Is made a term or condition of membership in CAP or membership privileges/benefits;

53.2. Is a basis for decisions affecting CAP membership and or membership privileges/benefits;

53.3. Creates an intimidating, hostile or offensive volunteer work environment; or

53.4. Has the purpose/effect of unreasonably interfering with an individual's volunteer work.

54. Subject. A person who is asserted or alleged to have committed a violation of a CAP directive, a violation of law or misconduct.

55. System of Record (SoR). An online database that is the primary CAP inspector general tool for the capture of IG investigative and administrative activity CAP-wide.

56. Transfer. A complaint is transferred when the IG receiving the complaint determines a CAP IG other than the one receiving the complaint should resolve it.

57. Waste. The extravagant, careless, or needless expenditure of CAP funds or consumption of CAP resources that results from deficient practices, system controls or decisions.

58. Whistleblower Complaint. A complaint by a CAP member or parent or legal guardian of a cadet member, alleging reprisal for making or preparing to make a PC or who exposes any fraud, waste, mismanagement, deficiency, cadet protection issue, abuse of authority or discrimination.

59. Witness. A person who provides statements and information during an investigation.