



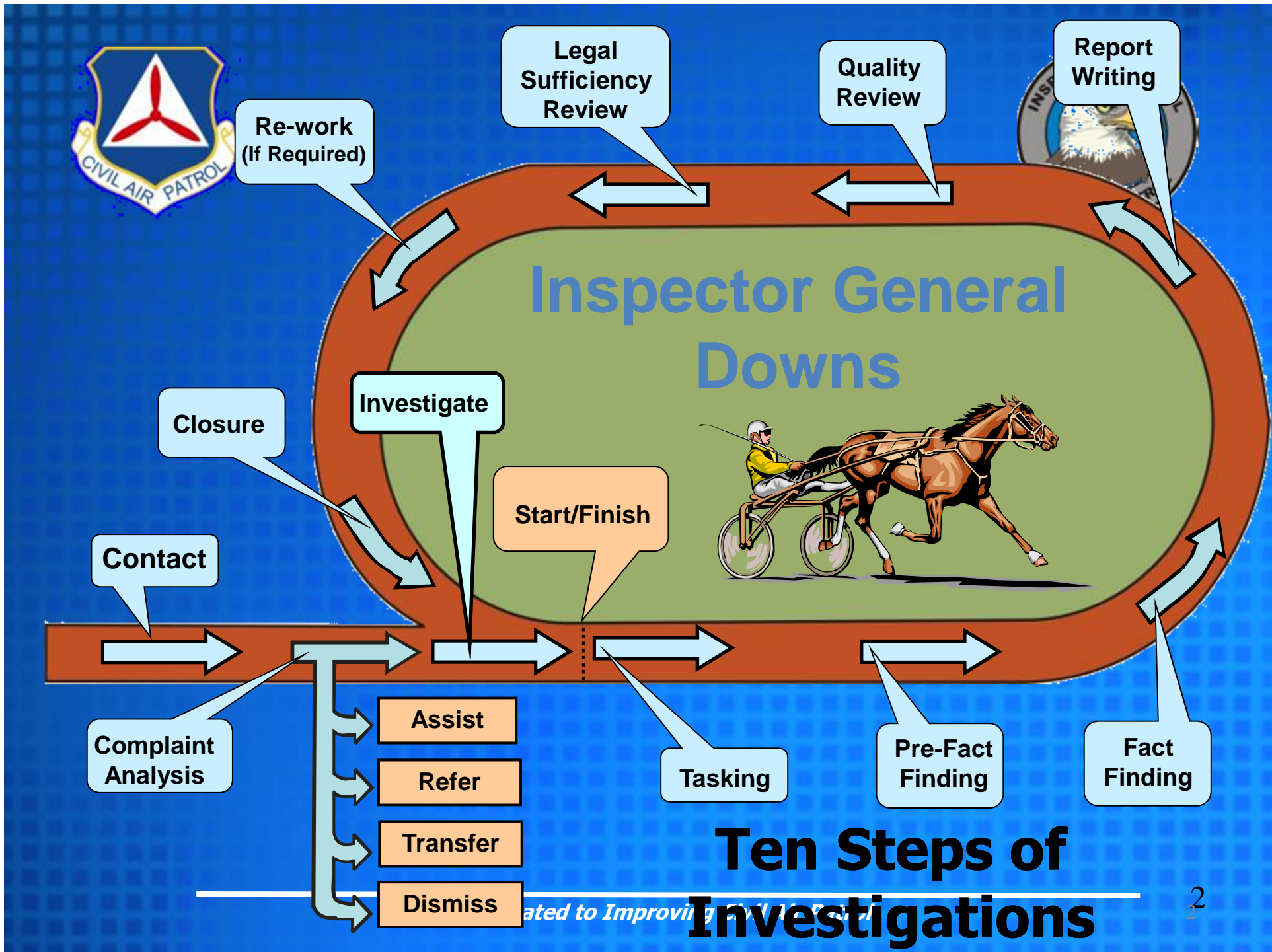
Civil Air Patrol
Performing Missions for America



So, You've Submitted a Complaint- What Happens Next?

**National Board Learning Lab
Louisville, KY
18-19 August 2011**

Insert Presenter





Initial Expectations



What the Complainant is hoping for:

- Quick action
- Sympathy
- Professionalism
- Fair Play
- Uncomplicated
- Confidentiality
- Remain Informed

What the Investigator is hoping for:

- CAPF 30 submitted
- Clearly-defined allegation(s)
- Timely submission
- IAW CAPR 123-2
- Confidentiality
- Communicate Status



Contact



- A complaint is a written document listing facts and circumstances specifically reporting a violation of a CAP directive, a violation of law, or serious misconduct.
- All complaints should be in writing, dated, and signed by the complainant.
- E-mail complaints require a written follow up with a signature within 8 days.
- Only members have the right to file complaints
Exception: parents or legal guardians may submit complaints on behalf of cadet members.



IG Checklist



- Acknowledge receipt of complaint



ANONYMOUS COMPLAINTS



- Will not receive a reply from the IG.
- All complaints will receive the same level of attention. **“Investigative TV test”**
- Should be treated in accordance to the amount of information provided. IG is not expected to make a case for someone who will not provide sufficient information for an inquiry.
- Only members can make complaints (with the exception noted from prior slide).



CAPF 30 -- “IG Personal and Fraud, Waste & Abuse Complaint Registration”

IG PERSONAL AND FRAUD, WASTE & ABUSE COMPLAINT REGISTRATION				
<small>AUTHORITY: CAP Regulation 125-2, Complaints PRINCIPAL PURPOSE: To register a personal complaint relating to individual injustices or suspected Fraud, Waste and Abuse ROUTINE USE(S): Data provided are furnished to a commander or inspector general for resolution of complaints and/or to eliminate conditions considered detrimental to the efficiency or reputation of Civil Air Patrol. A member's use of the procedures set forth in this regulation will be free from retribution or 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. DISCLOSURE: Failure to provide the information will not adversely affect the resolution of your complaint, but may delay the investigating officer in addressing the issue.</small>				
SECTION I - TO BE COMPLETED BY COMPLAINANT				
Name (Last, First, Middle Initial)		CAPID	Have you informed your commander of your problem? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Address (If the response to this complaint will be sent)		Home Telephone No.	Work Telephone No.	
		E-mail Address		
Names, Contact Information and/or Positions of Witnesses (Or others having knowledge of your allegations. Continue on reverse, if needed.)				
Description of Allegations: (Continue on separate sheet, if required.) (Please number each allegation and state who, what, where, when, how, and in violation of which CAP standard.)				
Signature of Complainant				
				Date
SECTION II - TO BE COMPLETED BY INSPECTOR GENERAL STAFF				
EIM Ref No.	Date Opened	Date Finalized	Total Processing Days	No. of Times This Person's Complaint Addressed
COMPLAINANT STATUS <input type="checkbox"/> Senior Member <input type="checkbox"/> Cadet Member <input type="checkbox"/> Parent/Guardian <input type="checkbox"/> Anonymous <input type="checkbox"/> Other				
SPECIAL INTEREST COMPLAINTS <input type="checkbox"/> Reprisal <input type="checkbox"/> Senior Official <input type="checkbox"/> FWA Other:				
GRIEVANCE CHANNEL <input type="checkbox"/> IG <input type="checkbox"/> CAP Hotline <input type="checkbox"/> Congressional				
FIVE MOST SIGNIFICANT ALLEGATIONS				
Complaint Category				Action*
1. Allegation of <input type="checkbox"/> Waste <input type="checkbox"/> Fraud <input type="checkbox"/> Abuse(s) <input type="checkbox"/> Cadet Abuse <input type="checkbox"/> Violation of CAP Standard(s)				
2. Allegation of <input type="checkbox"/> Waste <input type="checkbox"/> Fraud <input type="checkbox"/> Abuse(s) <input type="checkbox"/> Cadet Abuse <input type="checkbox"/> Violation of CAP Standard(s)				
3. Allegation of <input type="checkbox"/> Waste <input type="checkbox"/> Fraud <input type="checkbox"/> Abuse(s) <input type="checkbox"/> Cadet Abuse <input type="checkbox"/> Violation of CAP Standard(s)				
4. Allegation of <input type="checkbox"/> Waste <input type="checkbox"/> Fraud <input type="checkbox"/> Abuse(s) <input type="checkbox"/> Cadet Abuse <input type="checkbox"/> Violation of CAP Standard(s)				
5. Allegation of <input type="checkbox"/> Waste <input type="checkbox"/> Fraud <input type="checkbox"/> Abuse(s) <input type="checkbox"/> Cadet Abuse <input type="checkbox"/> Violation of CAP Standard(s)				
*ACTION CODES: S = Sustained N = Not Sustained D = Dismissed A = Assistance T = Transferred R = Referred				
CAP FORM 30, JAN 11		Previous Editions May Be Used		OPR/ROUTING: EXS



CAPF 30



Contact information is not only critical, it helps prevent delays in complaint registration

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Address (Where response to this complaint will be sent)	Home Telephone No.	Work Telephone No.
	E-mail Address	
Names, Contact Information, and/or Positions of Witnesses (Or others having knowledge of your allegations. Continue on reverse)		



CAPF 30



Description of Allegations: (Continue on separate sheet, as required) (Please number each allegation and state who, what, where, when, how, and in violation of which CAP standard)

Do not feel compelled to stay with this “box”. The more information you provide the more we have to work from. Complaint Analysis depends on what you provide at this point as we are not yet “investigating” anything!

I fully understand that I am accountable for knowingly making untruthful, malicious, libelous or slanderous statements

Signature of Complainant

Date

CAPR 123-2 says this must be signed!
If this gives you “pause”, then so to does it give the IG
“pause”. No signature, no inquiry!

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WHISTLEBLOWER PROTECTION



- In compliance with Sarbanes-Oxley, the CAP Whistleblower Protection Program provides for:
 - Protection against reprisal or abuse of authority against members who expose any fraud, waste, mismanagement or deficiency...
 - Cadet protection issue or...
 - Abuse of authority.
- “No person shall restrict a member of the Civil Air Patrol from making a protected communication.”



Complaint Analysis



- Frequently, much of material in the complaint is irrelevant or may not even make sense.
- Review the material and attempt to determine what the complainant's issues are.
- Read the complaint without being judgmental or drawing any conclusions.
- What specific remedy is the complainant seeking?
- We **frame the allegations** in this format:

“Who did What to Whom, When and Where, in violation of What (not limited to CAP) standard?”



Complaint Analysis



- Framing the allegation answers key questions, like...
 - Is the IG the **appropriate channel** to resolve this?
 - Is the complaint a **command issue**?
 - Does this belong to **safety** or **standardization and evaluation**?
 - Does the complaint involve a **criminal matter**?
 - Is the complaint a **violation of non-criminal law**? (Environmental -- fuel spillage, Fire codes -- improper storage of incendiary devices)



Complaint Analysis



- The IG and the legal officer then.....
 - Discuss the Who, What, When, Where, and How of the complaint.
 - Discuss the applicable CAP standards.
 - The legal officer should contact the CAP/IGJ or the CAP General Counsel if neither of us have handled a situation like this before.
- We must account for all the allegations in the complaint that we can **properly frame**.



Complaint Analysis End State



- Allegation(s) have been framed (“Who did what to whom, when, where, in violation of what standard”)
- The complaint is clear in the mind of the IG or IO and filed in Ethics Point Incident Management.
- Now it is time to select from **the Five disposition choices.**



Action Options



- The IG may...
 1. **ASSIST** the complainant in resolving the issue.
 2. **REFER** the case to the appropriate level of command.
 3. **TRANSFER** the case to the appropriate CAP jurisdiction (IG or Otherwise).
 4. **DISMISS** the complaint.
 5. **INVESTIGATE** (with an appointment letter).
Investigation should be the option of last resort.



Assist



“I applied for a cadet special activity through CAP channels. I sent it to my commander and a copy to the Group commander, and with less than 3-months to go before the activity, I still do not know if I am going or have been selected as a senior officer chaperone. I have vacation plans to submit to at work”



Transfer

“ Dear GW Wing IG: Although I live in Great Western Wing, I attended the Class B encampment in Great Eastern Wing this summer. While there, Lt. Touche, my tactical officer, said I looked “sexy”. What should I do?

--- Cadet Rose”



Refer

"I have been arguing with my unit commander for weeks now over what should be the unit's training objectives. I've bent over backwards, but he's going against the wishes of the unit and members are threatening to transfer out"



Dismiss

“My unit had a vehicle to use assigned to it for the last five years! Although we lost some membership numbers in the last year, the stupid Wing Commander moved the van to the unit across town. What a stupid mistake that is!”



Investigate

"I wrote a letter to you last year about the problems the unit experienced with the bullying nature of my unit commander. Now, I applied for promotion to Major. I met all training and service requirements. My commander said he would not sign my promotion and forward it because he said I was a trouble maker and disloyal for going to the IG over a petty matter."



Appointment Letter



- What is an Appointment Letter?
 - Authorizes an investigation
 - Indemnifies the IG or IO
- When does the Appointment Letter get issued?
 - Only after the IG and the Legal Officer have finished the complaint analysis, and helped the commander define the scope of the inquiry.
- Who can indemnify?
 - **Only Corporate Officers can indemnify!!**



Tasking



- Now it is time we think about how the investigation will be conducted and who will do it.
- “The inspector general..., on behalf of the commander, shall either personally investigate the complaint, or cause an investigation to be completed.”
 - IGs and IO **do not work in a vacuum**
 - IGs can assemble **qualified members** to assist
 - IGs are expected to make use of **qualified assistants**



Tasking



- How Long Does It Take to Do a CAP Investigation?
- CAP Investigating Officer (IO) –
- Usually has three cases working at any one time –



Investigations should be completed AS QUICKLY AS POSSIBLE unless there is a justifiable reason for delay.

In cases where the IO believes the investigation will exceed 180 days, the IO will submit justification for this delay to the appointing authority (SEE CAPR 123-2 para 8f and I).



Tasking



- How Long Does It Take to Do a CAP Investigation?
 - CAP Investigating Officer or IG –
 - Usually has **three to five** cases working at any one time –
 - With a full time IG working on CAP --

ABOUT 180 DAYS
IF EVERYONE
COOPERATES



Pre-Fact Finding



- To prepare to do an investigation, The IG/IO needs to prepare him/herself with:
 - Access to all CAP regulations and copies of key regs.
 - Access to a computer and a good work space.
 - Copies of the forms and templates you will need.
 - Pens, pencils, paper, “sticky notes”, high lighters, etc.
 - A recorder, tapes, and plenty of fresh batteries.
 - A filing system and a functional brief case.



Pre-Fact Finding



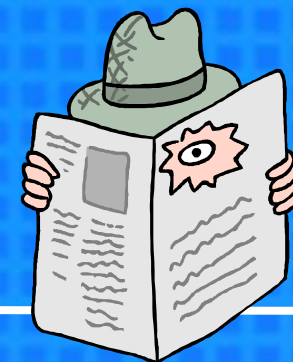
- Interviews
 - are most often conducted in person.
 - may also be conducted by:
 - Telephone
 - Someone else on behalf of the IG
 - A set of questions sent to you to be answered and sent back to the IG .
 - Method used is determined by the sensitivity and conditions of the case.
 - CAP is a **volunteer** organization and **no one has to participate** in an interview, but failure to do so can adversely affect their membership.



Pre-Fact Finding



- The Interview:
 - It is always a good idea to use a **male and female** interview team.
 - The IG has an obligation to work **discreetly** and confidentially, but **never covertly**.
 - CAP is a **volunteer** organization and **no one has to participate** in an interview, but failure to do so can adversely affect their membership.





IG Checklist



- Acknowledge receipt of complaint
- Send status report to Appointing Authority and Complainant after 45 days



Report Writing



- The Report of Investigation (ROI) includes the following points (See CAPR 123-2):
 - Complainant's framed allegation.
 - A summary or background of the incident.
 - CAP standards that may be applicable.
 - Complainant's documentation and/or testimony.
 - Subject's documentation and/or testimony.
 - Witnesses' documentation and/or testimony, if any.



Report Writing



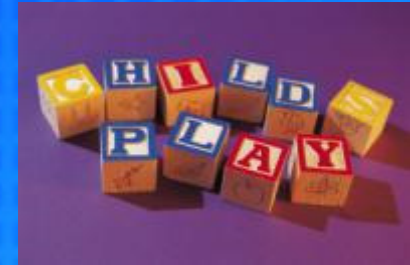
- Allegation/Conclusion classifications are either:
 - **SUSTAINED** -- The inquiry reveals “a preponderance of evidence” in support of the allegation.
 - **NOT SUSTAINED** -- The inquiry determined that the act complained of
 - did not occur,
 - was justified according to applicable directives, or
 - that there was not a preponderance of evidence to support the allegation.



Quality/Technical Reviews



- Are done by IGs or IOs with expertise in the English language and with writing skills.
 - Spaling, sentance structure, subjects and verbaly agreement;
 - Does the report make scents (sense)?
- Remember, IGs are known by their reports and Quality Reviews make better reports.
- When technical expertise is required for some facet of the report, there should be a Technical Review as well.





Legal Sufficiency Review



- **Performed to ensure that:**
 - each allegation has been addressed.
 - allegations allege a violation of law, regulation, procedure, or policy.
 - the IO reasonably applied the preponderance of the evidence standard in arriving at findings.
 - conclusions are supported by, and consistent with, the findings.
 - the investigation complies with all applicable legal and administrative requirements.
 - any errors or irregularities exist, and if so, their legal effects, if any.



Closure



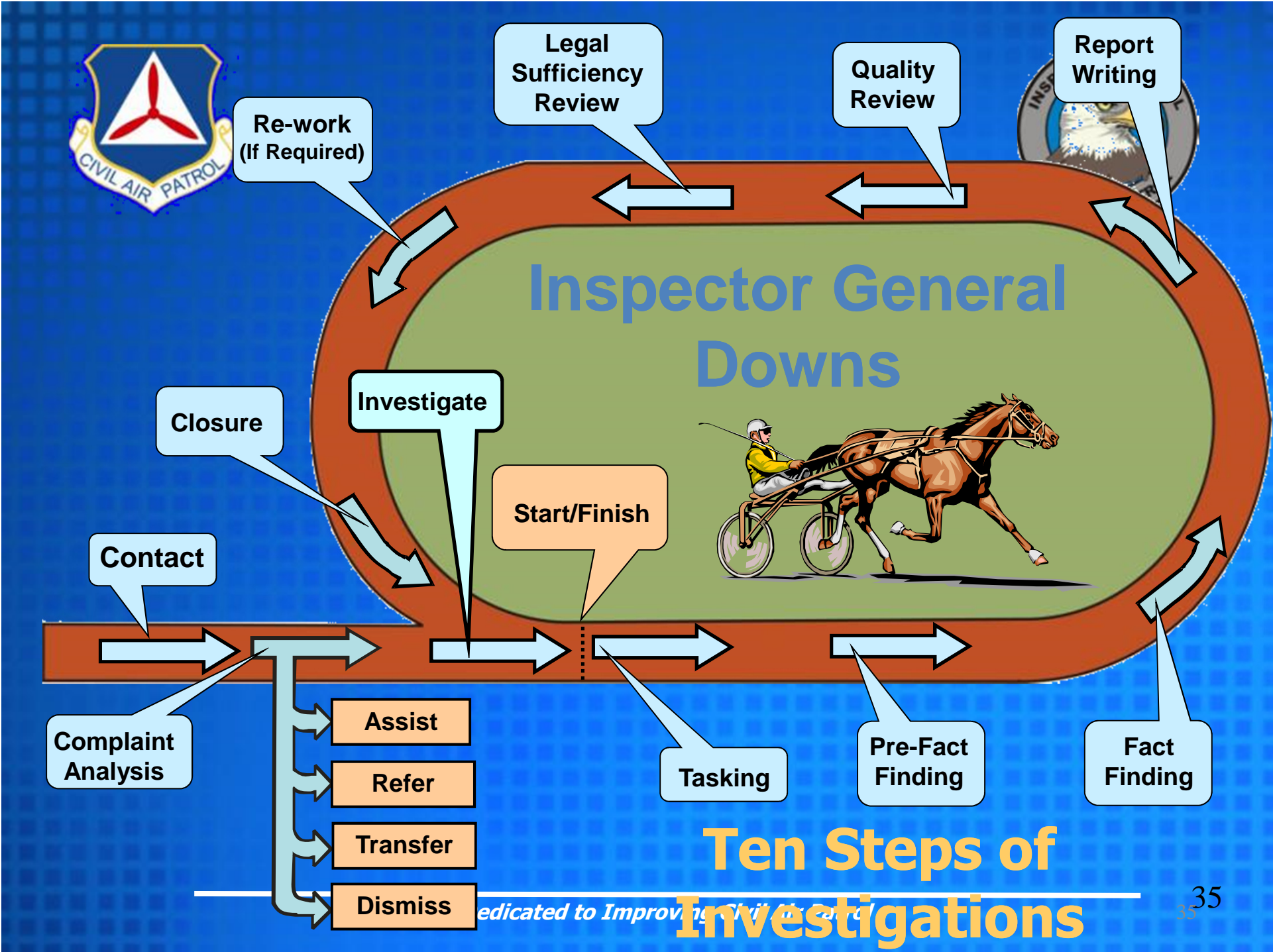
- The Report of Investigation is forwarded to the Appointing Authority for his/her action.
- A message is sent by the IG to you and the subject saying the investigation is done and the Report of Investigation has been sent to the Appointing Authority.
- A copy of the Commander's decision letter(s) is sent to you and subject that now become part of the case file.
 - These files are **confidential** and must be kept **under lock and key** (IG holds the key) **for a period of 5 years** in accordance with CAPR 10-2.



IG Checklist



- Acknowledge receipt of complaint
- Send status report to Appointing Authority and Complainant after 45 days
- Send completion letter to Complainant and Subject once ROI has been sent to Appointing Authority.



Legal Sufficiency Review

Quality Review

Report Writing

Re-work (If Required)

Inspector General Downs

Investigate

Start/Finish

Closure

Contact

Complaint Analysis

Assist

Refer

Transfer

Dismiss

Tasking

Pre-Fact Finding

Fact Finding

Ten Steps of Investigations

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