

CAPP 20-1  
2 MARCH 2020

# COMMAND DIRECTED INVESTIGATOR'S GUIDE



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# Preface

<p><b>Justification</b></p>	<p>Wing, Region and National commanders possess authority to investigate matters or incidents under their jurisdiction unless preempted by a higher authority. The primary purpose of a Command Directed Investigation (CDI) is to gather, analyze, and record relevant information about matters of primary interest to command authorities. Except for areas identified in the <a href="#">limitations</a> section of this document, commanders may authorize CDIs into any incident, allegation issue, etc. Reasons for a CDI include, but are not limited to:</p> <ul style="list-style-type: none"> <li>• Allegations of misconduct whether they violate CAP regulations or not</li> <li>• Disciplinary Review</li> <li>• Verification of facts for the award of a CAP decoration</li> <li>• Due diligence inquiries for personnel appointments, activities and fund-raising events, etc.</li> <li>• Verification of facts for a potential systemic problem correction</li> </ul>
<p><b>Limitations</b></p>	<ul style="list-style-type: none"> <li>• Commanders may not cite CAPR 20-2, Complaint Resolution as the authority to conduct a CDI.</li> <li>• Serving Inspectors General or Assistant Inspectors General may not be appointed to conduct a CDI.</li> <li>• Certain allegations do not fall into the purview of a CDI and are handled by other regulations.             <ul style="list-style-type: none"> <li>○ Complaints submitted on a CAPF 20 Complaint Form are not subject to a CDI and must be reported to the Inspector General</li> <li>○ Incidents alleging Reprisal, Retaliation, Retribution, Restriction or Whistleblower Violations are not subject to a CDI and must be reported to the Inspector General.</li> <li>○ Allegations of Fraud, Waste and Abuse are not subject to a CDI and must be reported to the Inspector General</li> <li>○ Allegations against CAP Senior Level Officials (Colonels and above) must be reported to the Inspector General.</li> <li>○ Complaints involving allegations of discrimination or violations of the Civil Air Patrol Nondiscrimination Policy are processed under <a href="#">CAPR 36-2, Complaints Under the Civil Air Patrol Nondiscrimination Policy</a>.</li> <li>○ Complaints against CAP employees go to the CAP/IG.</li> <li>○ Complaints against Active Duty Air Force go to the CAP/IG.</li> </ul> </li> <li>• The following are, by definition, CDI but processes for them have been established by regulations.             <ul style="list-style-type: none"> <li>○ Reports of Survey conducted under <a href="#">CAPR 174-1, Property Management and Accountability</a>.</li> <li>○ Suspensions of CAP flying privileges, appeals, reinstatement, and damages under <a href="#">CAPR 70-1, Flight Management</a>.</li> <li>○ Safety Mishap Reports and Investigations are conducted under <a href="#">CAPR 160-2, Mishap Reporting and Review</a></li> </ul> </li> </ul>
<p><b>Background</b></p>	<p>A CDI is a detailed fact-finding examination into allegations, issues, or adverse conditions to provide the appointing commander (AC) a sound basis for decision or taking command action.</p>

	<p>This guide is designed to provide a commander and an appointed Commander Directed Investigation Officer (CDIO) with best practices for conducting an investigation and is not regulatory.</p> <p>Such investigations involve the collection and examination of testimony and documents, resulting in a formal Investigation Summary (IS). The investigation should be completed by a qualified CDIO.</p>
<b>Scope</b>	<ul style="list-style-type: none"> <li>• <b>WHO:</b> This guide is for investigating officers (IOs) appointed in writing by an AC.</li> <li>• <b>WHAT:</b> This guide is for conducting detailed investigations in accordance with parameters set by the AC.</li> <li>• <b>WHEN:</b> This guide is used when a wing, region or national commander appoints an investigator and authorizes a detailed investigation.</li> <li>• <b>WHERE:</b> <b>This guide applies to CDIs involving CAP members.</b></li> <li>• <b>WHY:</b> The investigator is encouraged to use this guide and its correct procedures to conduct a thorough, impartial, detailed investigation.</li> <li>• <b>HOW:</b> This guide of Best Practices is the “how.”</li> </ul>
<b>Terms used in CDIs</b>	<ul style="list-style-type: none"> <li>• APPOINTING COMMANDER (AC) - Refers to the Wing/Region or National Commander authorizing a CDI.</li> <li>• INVESTIGATOR(CDIO) - Refers to the individual(s) assigned by the AC to conduct a CDI.</li> <li>• VICTIM - A person identified as an individual adversely affected by the allegation.</li> <li>• PERSON REPORTING - The individual who reported the allegation. The Person Reporting and the victim are oftentimes the same person.</li> <li>• WITNESS - A person providing evidence or testimony in an investigation. See <a href="#">Witness Types</a>.</li> <li>• SUBJECT - A person alleged to have committed the allegation being investigated.</li> </ul>
<b>Policy</b>	<p>All investigations into matters affecting the integrity, efficiency, discipline and readiness should be conducted in an independent and professional manner, without command influence, pressure, or fear of reprisal from any level.</p> <p>Investigators cannot self-deploy and must have an Appointment Letter issued by the commander to conduct an investigation. This letter provides the investigator indemnification in accordance with <a href="#">CAPR 112-10, Indemnification</a>.</p> <p>Commanders should consult with their Judge Advocate (JA) before initiating a CDI.</p> <p>The commander to whom the Investigation Summary (IS) is presented is the authority responsible for making release determinations for commander-directed investigative reports.</p> <p>The commander must ensure all information subject to <a href="#">CAPR 1-2(l), Personally Identifiable Information</a> and references to third-party information are protected.</p>

	<p>1) Commander initiating a CDI must notify CAP/IG to ensure that an IG complaint is not already in process.</p> <p>2) If an IG complaint comes in on the same issue while a CDI is in progress, the IG Complaint Resolution (CR) process will delay until the CDI is complete.</p>
<p><b>Investigator Qualifications</b></p>	<p>An appointed investigator should be an experienced CAP member and knowledgeable in the CAP regulations. <b>It is highly recommended that an investigator have completed both the Basic Investigator Course and the in-residence IG Senior Course. Also recommend the investigator be equal or senior in grade to the subject.</b></p> <p>Desirable CDIOs are:</p> <p>Legal Officers. The CDIO and the legal officer reviewing the IS should not be the same person.</p> <p>Former Wing/Region Commanders.</p> <p>Former Inspector General Officers.</p> <p>Wing/Region Vice Commanders.</p>
<p><b>Corrective Action</b></p>	<p>Corrective action includes those steps taken to “fix the system” and to minimize the likelihood of wrongdoing or other undesirable events will recur.</p> <p>Establishing checks and balances, modifying procedures, and conducting training are typical corrective responses. Responsible command authority may take corrective actions even when the allegations are not substantiated.</p>
<p><b>Administrative and Disciplinary Action</b></p>	<p>For CAP members, an administrative action is any action, other than training, performance-based action (e.g., promotion, mission status qualification(s)), or disciplinary action, taken against an individual CAP member found to have engaged in misconduct or other improper behavior. Command normally takes any administrative actions following the completion of an IS containing substantiated allegations. Examples of administrative actions include but are not limited to: verbal or written counseling, admonitions, or reprimands; administrative demotions, reductions in grade, and administrative termination actions. See <a href="#">CAPR 35-3, Membership Termination</a>.</p> <p>For CAP members, disciplinary actions, also referred to as Adverse Member Actions, are those initiated under the applicable CAP Regulations.</p> <p>Disciplinary actions should be limited to proven violations of regulations. When an IS is submitted to the AC, they can agree or disagree with the strength of evidence that supports there was a violation of the regulations. The AC may use the IS as a basis for an adverse member action.</p> <p>IAW 35-1. Assignments and Duty Status a commander may suspend a subject's membership pending the outcome of an investigation. This is an <b>Administrative Action, not a Disciplinary Action</b>. Any suspension ordered must conform to the requirements in <a href="#">CAPR 35-1, Assignment and Duty Status</a>.</p> <p><b>NOTE:</b> This pertains to CAP volunteer members only. For a delineation of potential administrative and disciplinary actions involving CAP employees, consult CAP/DP, <i>Director of Personnel</i>.</p>

<b>Doctrine</b>	
<b>Doctrine</b>	The CAP Core Values will guide the CDIO's actions and influence the conduct of the CDIO.
<b>Independence</b>	<p>In all matters relating to an investigation, the individual or the organization performing the investigation must be free in fact and appearance from all impairments to independence.</p> <p>This standard places the responsibility for maintaining independence upon the chain of command so that judgments used in obtaining evidence, conducting interviews, or making recommendations will in fact be impartial, as well as viewed as impartial by knowledgeable third parties.</p> <p>Commanders must ensure that CDIOs are independent from influence or personal loyalties in the performance of their duties.</p>
<b>Timeliness</b>	<p>Investigations are to be conducted and completion reports forwarded in a timely manner.</p> <p>The organization or individual tasked with the investigation is responsible to ensure that established suspense dates are met.</p>
<b>Thoroughness</b>	Completed reports must thoroughly address all relevant aspects of the investigation and must clearly and concisely reflect the results of the CDIO's efforts and findings.
<b>Conflict of Interest</b>	The potential for the appearance of a conflict of interest by CDIOs selected to conduct an investigation is always present. Commanders should ensure that there is no conflict of interest or perceived conflict of interest when appointing a CDIO.

# Chapter 1

## GETTING STARTED

<b>Background</b>	The appointed CDIO is a trusted, confidential extension of command. The appointed CDIO is a fact finder whose primary role is conducting an investigation.
<b>Scope</b>	There should be a clear, mutual understanding between the CDIO and AC concerning what should be investigated. The parameters and scope of the investigation are set by the AC.  This also provides the CDIO the authority to require the presence of persons at interviews, and the authority to secure documents and other pertinent evidence IAW CAP regulations.
<b>Transfer Procedure</b>	If an allegation of discrimination is developed, that portion of the CDI should be suspended and the issue referred to the CAP/EO in accordance with <a href="#">CAPR 36-2, Complaints Under the Civil Air Patrol Nondiscrimination Policy</a> .
<b>Authority</b>	Authority is extended to the CDIO through a written <a href="#">appointment letter</a> signed by the AC (National/Region/Wing Commander).
<b>Confidentiality</b>	Confidentiality is crucial in any investigation and should be guaranteed. Without this guarantee of confidentiality, members will be more reluctant to come forward with information. This recommendation to maintain confidentiality extends to any CAP members contacted by the CDIO during the investigation. Maintaining confidentiality becomes more difficult as the process continues into the investigation phase because there are more people involved. Participants need to be aware that CDIOs will make every effort to maintain confidentiality throughout the process but when the process is complete, the witnesses, subjects and the CDIO may be required to provide information and testimony for an appeal process.
<b>Standard of Proof</b>	CDIs are administrative in nature – they are fact-finding investigations designed to assist commanders in making decisions concerning issues under their purview. They are never “criminal proceedings” in which the standard of "proof beyond a reasonable doubt" is required.  <b>The standard of proof that applies is proof by a <a href="#">Preponderance of the Evidence</a>.</b>
<b>Documentation</b>	CDI documentation should be consistent and formatted in an easy to read and easy to use format. CDIO investigators should use the attached templates included in this guide.

### CDIOs Responsibilities

<b>Context</b>	At this point the following has occurred: <ul style="list-style-type: none"> <li>• The commander needs to obtain information before making a decision and has determined to order a CDI.</li> <li>• Appoint a CDIO with experience, seasoned judgment, and maturity to provide a timely response to command. The CDIO should provide an independent/impartial view; and comprehensive and thorough evaluation of matters under investigation.</li> </ul>
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<b>Responsibilities</b>	<p>The authority of a CDIO to investigate/examine/copy documents, files and other data relevant to the investigation comes from the appointment letter issued by the AC. The CDIO is an extension of the AC.</p> <p>The CDIO's responsibility is to learn the truth of the matter under investigation.</p> <ul style="list-style-type: none"> <li>• The investigation should be the CDIO's <b>ONLY</b> duty until completion which is why unit commanders, regardless of qualifications, should not be appointed as an CDIO.</li> <li>• If the CDIO has any personal relationships or other factors that may affect his/her impartiality, they should not be appointed as the CDIO.</li> <li>• The CDIO should consult with the JA throughout the process.</li> <li>• The CDIO should maintain confidentiality under all circumstances.</li> </ul>
<b>Ethical Principles</b>	<p>The following are ethical principles for CDIOs.</p> <ul style="list-style-type: none"> <li>• A CDIO will allow no other interest to compromise the zealous pursuit of the truth in an investigation.</li> <li>• If confronted with potential conflict between “trust” and the pursuit of “truth,” an CDIO should never sacrifice public trust in the CAP to obtain the truth.</li> <li>• The CDIO should not engage in any activity that has an adverse impact on the trust the public has in the CAP.</li> <li>• The CDIO should not use any trick, ruse, or other investigative tactic during an investigation that could cause a reduction in the public trust in the CAP.</li> <li>• The CDIO will adhere to all laws, regulations, and ethical principles applicable to CAP members.</li> <li>• The CDIO will be impartial, unbiased, and objective.</li> <li>• The CDIO will maintain the confidence that CAP members and the public have in the justice and equity of the CAP.</li> </ul>

## Beginning the Investigation

<b>Reference Documents</b>	<p>The CDIO will obtain the relevant documents before beginning any interviews to familiarize him/her with the case details.</p> <p>As a minimum, the investigator will have the following references:</p> <ul style="list-style-type: none"> <li>• <a href="#">Letter of Appointment</a>.</li> <li>• Any other relevant directives, regulations, or documents, including wing and/or region operating instructions and supplements.</li> <li>• The CAP CDIO Best Practice Guide</li> </ul>
<b>Letter of Appointment</b>	<p>The letter of appointment details the CDIO to the case and outlines the tasking and scope of authority. The AC gives it to the CDIO before the investigation begins. <b>This is required in order to have indemnity coverage under CAP’s insurance policy.</b> See <a href="#">CAPR 112-10, Indemnification</a></p> <p>It is a dynamic document and may require modification as the investigative scope expands or contracts.</p> <ol style="list-style-type: none"> <li>1. If the investigation discloses a new subject, the AC must be notified before the new person is added as a subject of the investigation.</li> </ol>

	<p>2. It is not necessary to obtain a new letter if the investigation identifies additional allegations against the original subject.</p> <p>The documents that form the subject matter of investigation will be attached -- the Letter of Appointment may include the name and telephone number of the legal advisor and, if required, the technical advisor(s).</p> <p>This letter is the authority to conduct an investigation, question witnesses, and examine/copy documents, computer files, tape/video recordings, and any other data relevant to investigation. It also establishes the parameters and limits of the investigation as ordered by the AC.</p> <p>If additional investigators are needed, the AC should issue them an appointment letter.</p> <p>In order to maintain confidentiality, the Letter of Appointment should not identify the victims, witnesses or subjects. A recommended template for a <a href="#">Letter of Appointment</a> is in the Attachments section of this document.</p>
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## Nature of the Report and Timing

<p><b>Objective</b></p>	<p>The Investigation Summary (IS) should be a stand-alone document with three objectives:</p> <ul style="list-style-type: none"> <li>• Document a complete and thorough evaluation and analysis of the events and circumstances.</li> <li>• Be an impartial, unbiased assessment arriving at analytical conclusions as to the root causes of the issues.</li> <li>• Contain findings as to whether the preponderance of evidence proves or does not prove a basis for concern for the commander</li> </ul>
<p><b>Suspense Dates</b></p>	<p>The <a href="#">Letter of Appointment</a> should designate a suspense date for the IS and/or progress reports.</p> <p>Suspense dates are established to meet time-sensitive reporting requirements to higher headquarters.</p>

## The 6 Step Life Cycle Model

<p><b>The 6 Steps of an investigation</b></p>	<p>The following is a description of each step of the Investigation Life Cycle Model. Included in this description is the expected product from each step.</p>					
<p><b>Step 1</b></p>	<p><b>Tasking (Completed by the AC)</b></p> <table border="1" data-bbox="402 1556 1482 1856"> <tr> <td data-bbox="402 1556 592 1759"> <p>Expected Action(s):</p> </td> <td data-bbox="592 1556 1482 1759"> <p>a. Commander (after discussion with JA to determine correct channel) decides to order a CDI and becomes the AC</p> <p>b. Must contact the CAP/IG office prior to beginning CDI and they will open a case in the System of Record (SoR).</p> <p>c. CDIO Selected/Appointed.</p> </td> </tr> <tr> <td data-bbox="402 1759 592 1942"> <p>Product:</p> </td> <td data-bbox="592 1759 1482 1942"> <p>d. Appointment Letter for CDIO.</p> <p>e. Tasking is included in the Appointment Letter</p> </td> </tr> </table>		<p>Expected Action(s):</p>	<p>a. Commander (after discussion with JA to determine correct channel) decides to order a CDI and becomes the AC</p> <p>b. Must contact the CAP/IG office prior to beginning CDI and they will open a case in the System of Record (SoR).</p> <p>c. CDIO Selected/Appointed.</p>	<p>Product:</p>	<p>d. Appointment Letter for CDIO.</p> <p>e. Tasking is included in the Appointment Letter</p>
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<p>Product:</p>	<p>d. Appointment Letter for CDIO.</p> <p>e. Tasking is included in the Appointment Letter</p>					

<b>Step 2</b>	<b>Pre-Fact Finding (Completed by the CDIO)</b>	
	Expected Action(s):	f. "Do Your Homework." g. Gather Directives/References. h. Build Investigating team (Subject Matter Expert, etc.). Get additional appointment letters as needed.
	Product:	i. Investigation plan.
<b>Step 3</b>	<b>Fact Finding (Completed by the CDIO)</b>	
	Expected Action(s):	j. Collect evidence. k. Interview witnesses. l. Summarize testimony. m. Analyze the facts.
	Product:	n. Information necessary to prepare the IS.
<b>Step 4</b>	<b>Report Writing (Completed by the CDIO)</b>	
	Expected Action(s):	o. Testimony and statements transcribed. p. Exhibits/Testimony analyzed, indexed. q. IS drafted.
	Product:	r. Proposed report with attachments, and checklists.
<b>Step 5</b>	<b>Legal Review (Completed by JA)</b>	
	Expected Action(s):	s. Review of IS by JA for legal sufficiency.
	Product	t. Statement attesting the legal sufficiency/non-sufficiency should be included in the IS.
<b>Step 6</b>	<b>Closure (Completed by AC)</b>	
	Expected Action(s):	u. IS reviewed and approved or disapproved by the AC.
	Product:	v. Complete Case File. The case file includes: appointment letter, investigation plan, investigation summary and closure letter with command action, as a minimum. All the previous mentioned as well as other documents or emails pertaining to the case, these should be uploaded into the case file by the CAP/IG. w. Once completed file is loaded into SoR the CAP/IG will close the case.

## Investigation Plan

<b>Purpose</b>	The investigation plan lays out the strategy to carry out the investigation and to obtain the facts to enable responsible authorities to make appropriate decisions.  The plan serves as a checklist to ensure all necessary points are covered in an efficient manner and minimize re-work.
<b>Reason</b>	Every investigation should be conducted in accordance with some plan. Poor planning not only wastes resources, but also diminishes the credibility of the investigation, and the CDIO.

	<p>Therefore, every CDIO should make a conscious effort to devise an effective and efficient investigative plan. The plan need not be elaborate or formal; it is a “living document,” amended as the investigation progresses.</p> <p>In simple cases, it need be no more than a statement of the allegations and a list of the witnesses to be interviewed about each allegation.</p> <p>In more complex cases, the plan will be more detailed.</p>
<b>Contact List</b>	<p>This section of the plan identifies every person the CDIO intends to contact in connection with each allegation to be investigated. The list should contain the name, title, rank or grade, address, phone number, and other pertinent information, including relationship to the investigation, for each person on this list.</p> <p>The contact list usually grows as the investigation proceeds. In addition to Subject(s), and witness(es), the list should include cognizant commanders or other points of contact within the Subject’s command, and available legal assistance.</p> <p>The contact list facilitates contact efforts during the investigation and makes it easy to prepare the list of “persons interviewed” when writing the report. It can also be used as a method to keep track of who has been notified of the existence of the investigation. This list may also include a list of every person that has identified as having knowledge of the allegations.</p>
<b>Notification List</b>	<p>Often a part of the contact list, the notification list should include the name of everyone who has been, or should be, told a CDI is taking place, and the dates of notification.</p> <p>People who should be notified include:</p> <ol style="list-style-type: none"> <li>1. Witnesses, by the CDIO.</li> <li>2. Responsible authorities and convening authorities by the AC.</li> <li>3. Subject(s) by the Subject’s commander.</li> </ol>
<b>Background information</b>	<p>This part of the plan may be used to explain how the allegations were received and to highlight information about the commander's instructions for the CDI.</p>
<b>Allegation List</b>	<p>Allegation may be framed by the investigator and placed in this section.</p> <p>Other allegations the AC believes warrant investigation based on the facts presented to him or her, should also be included with a statement as to whether they will be addressed in this investigation, deferred for later action, or referred to another organization.</p> <p>Interview questions will be based upon the allegations.</p>
<b>Witness and Document List</b>	<p>The sources of facts will lead to the creation of a witness list and a document list for each allegation.</p> <p>These witness and document lists can then be reviewed to create the list of allegations and documents to be discussed with each witness.</p> <p>These lists may be used when making the outline for witness interviews and document collection.</p>
<b>Interview Sequence</b>	<p>The witness and document lists can be reviewed to determine which witnesses will need to be interviewed, which allegations should be discussed with each, and the order in which they should be interviewed.</p> <p><b>Start with the Person Reporting/Victim/Witnesses and end with the Subject.</b> After the victim, consider starting with collateral witnesses outside the command to</p>

	<p>minimize the embarrassment to the Subject and disruption to the command, should you make an early determination the allegations are unfounded.</p> <p>Even if it is determined early that the allegations are unsubstantiated, the CDIO must interview the Subject in order to have a legally sufficient case.</p> <p>Include those witnesses who may have information relevant to the allegations under investigation, whether they are likely to prove or disprove the allegations; <b>the investigator is looking for the truth, not support for someone’s position.</b></p>																																	
<p><b>Chronology</b></p>	<p>A timeline or chronology of what happened is highly encouraged in every investigation. It is most important to have a good understanding of the order in which events occurred, or are stated to have occurred, before interviewing Subjects. A chronology for a case in progress is shown in the example below.</p> <table border="1" data-bbox="415 558 1469 1220"> <thead> <tr> <th colspan="3" data-bbox="415 558 1469 604">Chronology – CDI Case 20XX ZZZ-NNN</th> </tr> <tr> <th data-bbox="415 604 581 653">Date</th> <th data-bbox="581 604 813 653">Participants</th> <th data-bbox="813 604 1469 653">Event</th> </tr> </thead> <tbody> <tr> <td data-bbox="415 653 581 701">28 Oct 20xx</td> <td data-bbox="581 653 813 701">XXWG Members</td> <td data-bbox="813 653 1469 701">XXWG Wing Banquet and Military Ball</td> </tr> <tr> <td data-bbox="415 701 581 772">11 Nov 20xx</td> <td data-bbox="581 701 813 772">XXWG/FM</td> <td data-bbox="813 701 1469 772">Sends letters to all Squadrons requesting payment of \$200 each to cover banquet shortfall</td> </tr> <tr> <td data-bbox="415 772 581 823">15 Nov 20xx</td> <td data-bbox="581 772 813 823">XXWG-013/CC</td> <td data-bbox="813 772 1469 823">013 Sqdn Cmdr assesses all cadets \$20 to cover shortfall</td> </tr> <tr> <td data-bbox="415 823 581 894">22 Nov 20xx</td> <td data-bbox="581 823 813 894">Victim/XX-013/CC</td> <td data-bbox="813 823 1469 894">Victim claims assessment unfair, since attending Senior Members are not assessed</td> </tr> <tr> <td data-bbox="415 894 581 945">25 Nov 20xx</td> <td data-bbox="581 894 813 945">XX-013/CC</td> <td data-bbox="813 894 1469 945">Sends Victim letter, indicating pay assessment or be suspended.</td> </tr> <tr> <td data-bbox="415 945 581 1016">29 Nov 20xx</td> <td data-bbox="581 945 813 1016">XXWG/CC; Victim</td> <td data-bbox="813 945 1469 1016">Victim is suspended at unit meeting for not paying assessment, encouraging others.</td> </tr> <tr> <td data-bbox="415 1016 581 1087">04 Dec 20xx</td> <td data-bbox="581 1016 813 1087">Victim</td> <td data-bbox="813 1016 1469 1087">Files Abuse of Authority, Mismanagement, Hostile Environment complaint against XX-013/CC</td> </tr> <tr> <td data-bbox="415 1087 581 1138">07 Dec 20xx</td> <td data-bbox="581 1087 813 1138">XXWG/CC</td> <td data-bbox="813 1087 1469 1138">Issues Acknowledgement to Victim and appoints CDIO</td> </tr> <tr> <td data-bbox="415 1138 581 1220">10 Dec 20xx</td> <td data-bbox="581 1138 813 1220">Investigator; Victim</td> <td data-bbox="813 1138 1469 1220">CDIO telephones Victim for case details, discuss issues procedures, get witness list</td> </tr> </tbody> </table> <p><b>Figure 1 - Chronology for a case</b></p>	Chronology – CDI Case 20XX ZZZ-NNN			Date	Participants	Event	28 Oct 20xx	XXWG Members	XXWG Wing Banquet and Military Ball	11 Nov 20xx	XXWG/FM	Sends letters to all Squadrons requesting payment of \$200 each to cover banquet shortfall	15 Nov 20xx	XXWG-013/CC	013 Sqdn Cmdr assesses all cadets \$20 to cover shortfall	22 Nov 20xx	Victim/XX-013/CC	Victim claims assessment unfair, since attending Senior Members are not assessed	25 Nov 20xx	XX-013/CC	Sends Victim letter, indicating pay assessment or be suspended.	29 Nov 20xx	XXWG/CC; Victim	Victim is suspended at unit meeting for not paying assessment, encouraging others.	04 Dec 20xx	Victim	Files Abuse of Authority, Mismanagement, Hostile Environment complaint against XX-013/CC	07 Dec 20xx	XXWG/CC	Issues Acknowledgement to Victim and appoints CDIO	10 Dec 20xx	Investigator; Victim	CDIO telephones Victim for case details, discuss issues procedures, get witness list
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<p><b>Updates</b></p>	<p>The investigation plan should be reviewed between the CDIO and the legal officer and updated as necessary as the investigation proceeds. Note whether, and how, the facts necessary for each allegation have been established during the investigation. The AC will review for approval.</p> <p>Make changes to the plan that may be necessary to reflect information obtained during the interview process. Add new allegations to be investigated as they are developed, indicating whether they will be explored as part of this case, or through a separate action.</p> <p>Remember to get an <b>updated <a href="#">appointment letter</a></b> if the scope of the investigation broadens.</p> <p><b>A well-thought-out investigative plan that is conscientiously updated becomes the outline of the final report.</b></p>																																	

<b>Logistics</b>	
<b>Basics</b>	<p>“Basic” logistics considerations for a CDIO include, but are not limited to, the following:</p> <ul style="list-style-type: none"> <li>• Orders/Authorizations/funding (if travel is required).</li> <li>• Availability and pre-notification of witnesses.</li> <li>• Location for interviews.</li> <li>• Private workspace area.</li> <li>• Administrative support.</li> <li>• Contact list for assistance.</li> <li>• "Tool kit."</li> </ul>
<b>“Tool kit”</b>	<p>Important resources for a CDIO include, as a minimum, the following:</p> <ul style="list-style-type: none"> <li>• Investigative plan checklists.</li> <li>• Copies of <a href="#">Letter of Appointment</a>.</li> <li>• Wing/Region Supplements, Operating Instructions and Policy Letters</li> <li>• Colored highlighters (yellow and blue). <ul style="list-style-type: none"> <li>➤ Use yellow highlighters to highlight evidence and dates. The dates will later help the CDIO to compose a chronology. Highlight names in light blue in order to establish who-is-who.</li> </ul> </li> <li>• Yellow Post-It® notes (stickies). <ul style="list-style-type: none"> <li>➤ Post-It® notes can tab pages for later reference.</li> </ul> </li> <li>• Spare file folders. <ul style="list-style-type: none"> <li>• Paperclips/notepad.</li> <li>• The CAP CDI Best Practices Guide.</li> </ul> </li> </ul>
<b>The Audio Recorder</b>	<p>An audio recorder is an important tool for the CDIO. When an audio recorder is to be used during an interview, be sure that you have:</p> <ul style="list-style-type: none"> <li>• Extra batteries (or a power adaptor).</li> <li>• Extra blank tapes (if necessary).</li> <li>• Practice using the audio recorder.</li> <li>• The interviewee’s permission to record the conversation.</li> </ul> <p>When purchasing a digital recorder, make sure that it will transfer recordings to a computer in the form of “WAV” files. Certain recorders, e.g. Sony, use recording formats that can result in incompatibility issues with transcriber services, etc. Make sure your recorder has sufficient storage capacity to last at least twice the time you anticipate an interview should take.</p> <p>Some digital recorders allow you to connect to a laptop computer and store the recording directly on the computer’s hard drive, thus giving you a much longer recording capacity.</p> <p>As with the more traditional tape recorders, you need to be sure that you have:</p> <ul style="list-style-type: none"> <li>• Extra batteries (or a power adaptor).</li> <li>• The necessary cables to transfer recordings to a computer.</li> </ul> <p>Practice recording and retrieving digital voice files from your computer before your first interview.</p>

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# Chapter 2

## THE INVESTIGATION

### Overview

<b>Investigator role</b>	<p>The CDIO must be courteous and professional in his/her approach to all parties at all times. In this regard, there are four crucial rules that must be observed.</p>
<b>Neutrality and Confidentiality</b>	<p>Do <b>not</b> take sides. Impartiality, neutrality, and confidentiality are the hallmark of objectivity.</p> <p>Regardless of personal feelings, keep an open mind until all evidence is in.</p> <p>Remember, being a good listener does not signify support.</p> <p>Do not make promises.</p> <p>Do not make any "predictions" about the outcome of the case.</p>
<b>Investigation</b>	<p>No matter how outlandish the accusations may seem and regardless of any personal belief in the motivation or attitude, do not allow emotions to control efforts.</p> <p>Focus efforts on the truth buried beneath the surface of the interviewee.</p> <p>Do not compromise the trust placed in the chain of command by:</p> <ul style="list-style-type: none"> <li>○ <b><u>Not Protecting Confidentiality</u></b> CAP is a volunteer organization. CDIOs have no authority to prevent someone from speaking. All CDIOs however, are ethically bound, and bound by regulation to maintain the confidentiality of all parties to an investigation.</li> <li>○ <b><u>Becoming an advocate for one party of the investigation</u></b> An CDIO has a fiduciary duty to the AC when performing an investigation consistent with the Appointment Letter. CDIOs are responsible to inquire into matters of concern to the commander; they are not advocates for Subject(s) or Witnesses.</li> <li>○ <b><u>Exposing your “Fangs”</u></b> An CDIO must be professional at all times, that means leaving personal and “Hot Button” issues at home. CDIOs must remain calm, not aloof or disinterested.             <ul style="list-style-type: none"> <li>● <b><u>Not staying in the Investigation Lane</u></b> A CDIO does not act on matters outside the limitations of the appointment letter and/or areas that are <u>not subject to a CDI</u>. If the matter becomes a criminal matter, know that and recognize the necessity to refer the matter to the appropriate authority. See <a href="#">Dealing With Law Enforcement</a>.</li> <li>● <b><u>Digging too Deep</u></b> The appointment letter defines the scope and limits of the investigation. If research uncovers additional information that affects the case profoundly, it might be necessary to ask for an extension of the appointment letter, or a new case appointment. Digging too deep could lead a CDIO into entirely new paths, humorously referred to as “Bunny Trails.”</li> </ul> </li> </ul>
<b>Termination of an Investigation</b>	<p>In some cases, an investigation may need to be terminated prior to completion of the investigative process. This can happen for a variety of reasons (e.g.: The subject leaves the CAP) that make it impossible to continue the investigation. The</p>

	investigation should be closed in writing by the AC stating the reasons why the investigation had to be closed before being concluded.
<b>Dealing with Law Enforcement</b>	<p>If an allegation develops into potential criminal activity, CAP/GC will provide guidance on how to proceed. If CAP/GC determines that a potential criminal offense has occurred, the offense will be reported to the appropriate law enforcement agency and the case will be closed. All investigative and analytical activity into the complaint must stop as running a concurrent investigation or inquiry with a criminal investigation can be considered to be interfering with a criminal investigation, which is a crime in most jurisdictions, so CDIs do not include the investigation of criminal behavior.</p> <p>In many cases, the criminal charges will be dropped for whatever reason, and the criminal case will be closed. At that time, the case can be reopened and pick up where it left off. Any documentation obtained from the law enforcement agency or the prosecutor's office to that effect must be included in the case file.</p> <p>If the CDIO is the person who discovered evidence of a crime, it will more than likely fall to the CDIO to report the crime to the law enforcement agency. In this instance, the CDIO becomes a witness in a criminal case and is bound by the laws and procedures involved with being the person reporting a crime. Other than answering questions and providing statements, any other requests for assistance by law enforcement must be approved by the CAP General Counsel. <a href="#">CAPR 900-3</a> restricts the level of assistance that a CAP member may provide to a law enforcement agency regarding the investigation of and the apprehension people engaged in criminal behavior.</p>

## Evidence

### Overview

<b>Definition</b>	<p>Evidence is simply information that tends to prove or disprove the existence of a fact. It is information or data upon which a conclusion or judgment may be based. Evidence can be written or verbal, direct or circumstantial, relevant or irrelevant, first person or hearsay, etc.</p> <p>The best form of evidence varies from cases to case. The “best evidence” is usually that which is <u>most credible</u>. Circumstantial evidence may be the best evidence, for example, in one particular case and not in another.</p>
<b>Direct and Circumstantial Evidence</b>	<p>All evidence is either direct or circumstantial.</p> <ul style="list-style-type: none"> <li>• <b>Direct</b> evidence is that which proves the existence of a fact. EXAMPLE: You witnessed A shoot B.</li> <li>• <b>Circumstantial</b> evidence is that which indirectly proves the existence of a fact. EXAMPLE: You hear a loud noise from around a corner and then observe A with a smoking gun in his hand standing over B who is bleeding. That is circumstantial evidence of the event.</li> </ul> <p>While circumstantial evidence is perceived as less reliable than direct evidence, it can be very persuasive, as in the example above. On the other hand, using the</p>

	<p>same example, it does not rule out the possibility that B committed suicide and A rushed over to render first aid and thoughtlessly picked up the gun.</p> <p>While you are unlikely to encounter these examples in your CAP investigations, they serve to clearly differentiate between direct and circumstantial evidence.</p> <p>You will be wise to seek additional evidence to corroborate or support circumstantial evidence.</p>
<b>Seizing Evidence</b>	<p>CDIOs do not need to seize evidence; nor do they use “evidence tags” or other materials to establish a chain of custody for evidence. CDIOs may have access to and may copy any material/documents relevant to the allegations in the investigation. This authority is established in the appointment letter. Also, the Standard of Proof for CDIs is the Preponderance of Evidence, not the Proof Beyond a Reasonable Doubt standard required for a criminal conviction. Hence, it is not necessary to "seize" evidence. For example, a CAP computer that is evidence in a CDI case can be photographed instead of seized.</p>
<b>The Evidence Log</b>	<p>In most investigations, an Evidence Log is a useful tool for keeping track of evidence collected and cross-referencing participants. An evidence log should identify the item or document, state the date that the item was collected, who the item was obtained from, where the item is stored and how the item impacts the preponderance of evidence in the case. See attachment 4.</p>
<b>Physical Evidence</b>	
<b>Documents</b>	<p>Authentic documentary evidence gives the CDIO a snapshot in time.</p> <p>Documentary evidence does not forget and will not change its mind. However, remember all documents are prepared by human beings and are, therefore, subject to error. There is a presumption, however, that the more official the document, the less likely it will be to contain error.</p> <p>One way to enhance the credibility of a document is to have it identified by its author, especially in the case of correspondence, personal notes, and computer records. This process is known as <b>authentication</b> and should be mentioned in the final report if the document has been so verified.</p> <p>NOTE: CDIOs should consult with the legal officer prior to incorporating information from another system of records (such as hospital records or police reports) into the IS.</p>
<b>Computer Files</b>	<p>Data contained on computer hard drives, local area networks, e-mail systems, disks, etc., are considered to be documentary in nature, but pose special problems. These types of files on CAP-owned computers are to be accessed in accordance with the terms of the appointment letter. Files on non-CAP owned computers can present access problems. Obtaining access to this information can be difficult, and the wing JA should always be consulted.</p>
<b>Testimonial Evidence</b>	
<b>Testimonial Evidence</b>	<p>The bulk of the evidence you will collect during your investigation will be in the form of testimony. Such information can be very powerful, as in the case of a confession, or ambiguous, as in the case of an anonymous complaint.</p>

	<p>Since this evidence is based upon the recollection of human beings, it can also be incorrect. This may be due to the fact that every witness has only a part of the whole picture, forgetfulness, perception, or outright bias.</p> <p>Whatever the case, you must exercise caution and look for evidence to corroborate important statements.</p> <p>Remember: Unsigned testimony <b>should not</b> be used as evidence to establish preponderance of evidence.</p>
<b>Witness Types</b>	<p>There are six witness types.</p> <ul style="list-style-type: none"> <li>• <u>The Person(s) Reporting</u> is the person who is bringing the incident to the attention of the appointing authority. The Person Reporting need not be involved in the incident at all. They can be someone who became aware of the incident. An example of a person reporting would be the parent of a cadet reporting something that happened to their child at an encampment.</li> <li>• <u>The Victim(s)</u> is the person who is alleged to have been victimized by the actions in the allegation. The victim does not necessarily have to be the person reporting the incident.</li> <li>• <u>The Subject(s)</u> is important since he/she is the one against whom the allegation(s) has (have) been made. This person is normally interviewed <b>last</b> and given an opportunity to respond to the specific allegation(s) against him/her. They are often the only witnesses who can supply critical information such as motive or intent. For example, they may provide a logical and/or legitimate reason for their action(s).</li> <li>• <u>Character witness(es)</u> are people who can verify the reputation of a particular person for certain conduct or personality traits, i.e., honesty, violence, etc. They may be commanders, supervisors, etc.</li> <li>• <u>Expert witness(es)</u> is someone with special knowledge about a particular topic. They may be used as consultants for background information only.</li> <li>• <u>Informational witness(es)</u> are people who have direct or indirect knowledge of fact(s) relevant to matters under investigation and whose knowledge tends to prove/disprove the allegations.</li> </ul> <p>CDIOs should not allow the testimony of an expert witness to control their final findings and recommendations; this remains the ultimate responsibility of the investigator.</p>

## INTERVIEWS

<b>Overview</b>	
<b>Interviewing Cadets</b>	<p>Interviewing cadets presents several unique challenges for the CDIO. The following guidelines should be followed when there is a need to interview cadets:</p> <ul style="list-style-type: none"> <li>• Cadets should always be given the option to have a parent or guardian present for the interview. If the cadet requests a parent or guardian present for the interview, the interview may have to be rescheduled to accommodate their request.</li> </ul>

	<p>1) If a parent or guardian is present at the cadet interview, the investigator should:</p> <ul style="list-style-type: none"> <li>○ Brief the parent or guardian that they are to remain quiet during the interview.</li> <li>○ The parent or guardian should be seated in the interview room out of the line of vision of the cadet. Seating the parent or guardian behind the cadet is the optimal location.</li> </ul> <p>CAPR 60-2 states that Adult leaders who need to mentor or counsel cadets individually during official activities should do so in the presence of a third person when reasonably possible. Alternatively, one-on-one meetings are permitted if conducted in a semi-open setting (e.g. office door kept ajar, or conversing away from, but in sight of, the group, or other circumstances). Cadets are prohibited from meeting one-on-one in a closed environment; an adult leader must be present or other arrangements must be made to minimize the risk of misconduct, such as keeping the door fully open. Keeping the door open or conducting the interview during an investigation interview is not practical so investigators will abide by the "two deep rule" and interview the cadet with two investigators present.</p> <p>If the cadet being interviewed is a female cadet, every effort should be made to have a female CDIO present. If that is not possible, then a female CAP officer can be "read-in" for the interview. This officer should be a member of the unit or otherwise associated with the case.</p>
<p><b>Interviewing USAF Personnel</b></p>	<p>The CAP-USAF policy on interviewing USAF personnel (active, reserve or civilian) during an investigation is shown on the next pages. If you determine that USAF personnel (active, reserve or civilian) need to be interviewed during an investigation, be sure to comply with the instructions found in the following memorandum.</p>

**Figure 4 - The CAP-USAF Policy on interviewing USAF Personnel**



DEPARTMENT OF THE AIR FORCE  
CIVIL AIR PATROL-UNITED STATES AIR FORCE (CAP-USAF) (ACC)  
MAXWELL AIR FORCE BASE, ALABAMA

27 November 2019

MEMORANDUM FOR CAP/IG

FROM: CAP-USAF/CC

SUBJECT: Policy Regarding Civil Air Patrol Interviews of USAF Personnel

1. A Civil Air Patrol (CAP) Inspector General (IG), Investigating Officer (IO), or any CAP member conducting a CAP investigation, formal or informal, may identify the need to interview CAP-USAF personnel (active duty, reserve, or civilian employee). Prior to any such interview, coordination and permission from the CAP-USAF/CC is required. In addition, the following guidelines apply:

a. The CAP interviewer will request permission from the CAP-USAF/CC prior to initiating an interview with a CAP-USAF member. Requests will be staffed through the CAP/IG or CAP Wing/CC and the CAP-USAF/IG. A general list of anticipated interview questions must accompany the request. Reasonable follow-up questions are permitted; however the interviewer may not initiate questioning beyond the anticipated questions submitted to the CAP-USAF/CC;

b. If the CAP interviewer identifies the need to review documents in the possession of CAPUSAF, a request for production will be submitted to the CAP-USAF/CC; requests will be staffed through the CAP/IG and CAP-USAF/IG;

c. When interviewing a CAP-USAF member, use of sound or video recording devices are prohibited;

d. If before or during an interview, the CAP interviewer suspects the interviewee of misconduct (criminal in nature, or in violation of any CAP or Air Force regulation), the interview must be immediately terminated, and the CAP-USAF/ IG notified. The CAPUSAF/IG will contact the CAP-USAF/CC and CAP-USAF/JA for further guidance;

e. The CAP interviewer may conduct follow-up interviews to clarify information obtained in the initial interview under the initial permission granted by the CAP-USAF/CC; however, the follow-up interview must first be coordinated with the CAP-USAF/IG. If the CAP interviewer

identifies the need to inquire into new topics, the procedures in paragraph "a" above must be followed;

f. CAP will provide a copy of the interview results to the CAP-USAF/IG within 30 days of the interview.

2. In the course of an investigation, CAP may identify the need to interview USAF personnel (active duty, reserve, or civilian employees), who are not assigned to CAP-USAF. If the 2 interview is part of an IG investigation, a CDI, or any other formal or informal interview, the CAP interviewer must seek CAP-USAF/CC permission to interview the USAF personnel.

Requests will be staffed through the CAP/IG or CAP Wing/CC and CAP-USAF/IG. The CAP/USAF/CC will coordinate the request with the relevant Air Force commander or supervisor. The CAP interviewer will be notified which, if any, of the procedures in paragraph "1 a- f" above must be followed. This mandate applies even if the USAF member is also a CAP member.

a. If, during any interview conducted under this paragraph, the CAP interviewer suspects or learns that any USAF member, including the interviewee, engaged in misconduct (criminal in nature, or in violation of any CAP or Air Force regulation) the interview must be immediately terminated. The CAP interviewer will then contact the CAP/IG or a CAP Wing/CC who will notify the CAP-USAF/IG. Likewise, if, during any interview conducted under this paragraph, the CAP interviewer suspects the interviewee will provide or the interviewee does provide any USAF official information, the interview must be immediately terminated. The CAP interviewer will then contact the CAP/IG or a CAP Wing/CC who will notify the CAP-USAF/IG of the situation. The CAP-USAF/IG will contact the CAP-USAF/CC and CAP-USAF/JA for further guidance.

3. This policy letter supersedes the policy letter regarding CAP members interviewing USAF personnel dated, 7 February 2017.

4. Please disseminate appropriately. Questions regarding this matter may be directed to the CAP-USAF/IG at DSN 493-5236, commercial (334) 953-5236 or norma.moreno@us.af.mil.

//SIGNED//

MARK A. WOOTAN, Colonel, USAF  
Commander

cc:  
CAP-USAF Personnel

<p><b>Interviewing CAP Employees</b></p>	<p>The Chief Operating Officer’s policy on interviewing CAP employees during an investigation is shown on the next page. If you determine that a CAP employee needs to be interviewed during an investigation, be sure to comply with the instructions found in the <a href="#">following memorandum</a>.</p>
<p><b>Recording</b></p>	<p>The investigator should:</p> <ul style="list-style-type: none"> <li>• Record witness testimony (Except USAF personnel) to accurately capture what was said during the interview. All tapes and digital voice files must be turned in to the appointing authority together with the completed IS (Need to abide by all local and state laws).</li> <li>• Sign all summarized testimony to certify its validity. Add the following statement to the end of the summarized testimony: “I certify the above to be a true summary testimony given to me on (date) at (place).”</li> </ul> <p>Transcription of recorded testimony is authorized but not required. Transcription is a difficult and time-consuming process and if done professionally, can be costly. Payment for these services is at the discretion of the individual AC.</p> <p>The CDIO must review all transcripts to ensure accuracy; when the CDIO signs the verbatim testimony, this is the certification that it is accurate.</p> <p><b>NOTE:</b> There is no requirement for any witnesses to sign their testimony, but make sure they sign any written statements made to the investigator. The CDIO should <b>not</b> provide witness(es) copies of any recordings made by the CDIO. The interviewee may record their own interviews if they wish.</p> <p>State laws regarding the recording of telephonic interviews vary greatly so as a rule, CAP telephonic interviews will not be recorded unless all parties in the interview are aware that the call is being recorded and agree to it.</p>
<p><b>Note Taking</b></p>	<p>Notes are any record of facts, actions, words or incidents made in the course of an interview as part of an investigation or inquiry. If notes are not taken during the interview or at the time of the event, they should be made as soon as possible after the event. The accuracy should also be verified with others present.</p> <ul style="list-style-type: none"> <li>• Notes should be identifiable as to who wrote them, when and for what purpose, with as much identifying data as reasonable. They should also be factual, objective, complete, concise and clear. If a quote is recorded in the notes, make it clear in the notes that it is a quote and who said it. Any other investigative personnel present at the scene should be identified in the notes and may initial the notes taken in order to enhance merit.</li> </ul>

## Figure 5 - The CAP/COO Policy on interviewing CAP Employees



NATIONAL HEADQUARTERS CIVIL AIR PATROL  
UNITED STATES AIR FORCE AUXILIARY  
105 South Hansell Street  
MAXWELL AIR FORCE BASE, ALABAMA 36112-6332

JOHN SALVADOR  
CHIEF OPERATING OFFICER

1 November 2019

MEMORANDUM FOR CAP/CC

FROM: CAP/CO

SUBJECT: Policy Regarding CAP Investigating Officers Interviewing CAP Employees

- 1. There may be times when CAP personnel conducting complaint resolution or commander directed investigations wish to interview CAP employees. In these cases, the employees will most likely fall into one of two categories; those who were fulfilling a function associated with their employment at the time they witnessed/participated in the circumstances being investigated and those who were fulfilling a function as a CAP member at the time they witnessed/participated in the circumstances being investigated.
- 2. Regardless of whether the individual was fulfilling a function associated with their employment or was acting as a CAP member, the CAP investigating officer must coordinate the request to interview the employee with National Headquarters Human Resources (CAP/HR). CAP/HR will coordinate with CAP/GC and CAP/COO plus any National Headquarters directorates necessary, as well as the employee(s) in question. Once all coordination is completed, CAP/HR will notify the requesting investigating officer that he/she may proceed with the interview. Follow-up interviews to clarify information obtained in the initial interview may be conducted under the initial permission. Interviews with employees who have been interviewed previously that discuss new/different circumstances from the previously approved interview require a new approval.
- 3. The above policy relates to circumstances where a CAP employee is a witness in an investigation. Complaints/allegations in which a CAP employee is the complainant, or a subject of the complaint will be forwarded to CAP/COO, through CAP/HR. CAP/HR will coordinate with CAP/GC and any other National Headquarters directorates as necessary for handling in accordance with the CAP Employee Handbook.
- 4. Questions regarding this process may be directed to my office at (334) 953-9180.

  
JOHN A. SALVADOR  
Chief Operating Officer

**Figure 6 - Policy Regarding CAP Investigating Officers Interviewing CAP Employees**

<p><b>Written Statements</b></p>	<p>Statements may be taken from any witness. The statement must be signed by the providing witness. The CDIO will <b>not</b> provide witness(es) copies of any statements provided to the CDIO.</p>
<p><b>New allegations</b></p>	<p>During the conduct of any investigation, additional information might come to the attention of the CDIO that could indicate additional areas for review. The CDIO should immediately consult with the AC and JA to see if the scope of the investigation should be expanded.</p> <p>If the issue is closely related to the investigation, the AC may ask the CDIO to consider it as part of the ongoing investigation and provide a revised <a href="#">appointment letter</a>.</p> <p>If the issue is not closely related to the ongoing investigation, the AC may initiate a separate investigation and issue a new appointment letter or have the investigation mention the issue as an observation in the final report.</p> <p>If the new allegation(s) deals with items noted in CAPR 20-2 that must go to the IG, then the CDIO must inform the member to file a CAPF 20.</p>
<p><b>Starting</b></p>	
<p><b>Determine the Location of the Interview</b></p>	<p>Make sure the location of the interview is compatible with the dignity and confidentiality of the investigation. Conduct interviews in a location that precludes witnesses from being seen or heard by others. The CDIO should always attempt to interview witness in his/her office or an interview room. The atmosphere of privacy helps place the witness at ease and make him or her more willing to provide information. The following options should be considered:</p> <ul style="list-style-type: none"> <li>• <u>Resources</u>. Equipment (recorders, etc.) is readily available there and, if necessary, other assigned CDIOs or CAP personnel are available for assistance.</li> <li>• <u>Control Privacy</u>. The situation and access to the interview can be easily controlled. This will better protect confidentiality and diminish rumor by removing the interviewee from his/her office environment.             <ul style="list-style-type: none"> <li>○ <u>Interviewee’s Office</u>. The advantage is that the interviewee may be more at ease and more willing to share his/her information. The CDIO’s willingness to come to the witness’s location may also help establish a rapport with a reluctant or defensive witness. The interviewee may also have ready access to information, records or documents. The disadvantages are that the interviewee’s coworkers may find out that you are there, which may result in rumors. Further, you have little control over privacy and will probably not be able to prevent unwanted interruptions. A Subject may also want to interview in his/her office because he/she feels more in control.</li> <li>○ <u>Neutral Location</u>. There will be times when the CDIO may need to travel, and the interviews may have to be conducted at a neutral location, such as a hotel lobby, airport conference room, etc. This can be done effectively if the CDIO plans ahead. Having a partner while interviewing in these</li> </ul> </li> </ul>

	<p>situations becomes more important and provides everyone involved with a measure of protection from possible allegations of wrongdoing. When notifying someone that you will interview him/her at a hotel, set up an initial meeting in a public place such as the lobby. There you can properly identify yourself and make the interviewee more at ease.</p> <ul style="list-style-type: none"> <li>○ <u>Other Command/Activity Office</u>. Ask the command point of contact to set aside an appropriate interview location and ensure they are aware of any special needs.</li> </ul> <p><u>Interviewee’s Home</u>. On rare occasions, the CDIO may interview a witness at the witness’ home. This is the least desirable location because you may lack control of the interview and proper planning becomes more critical to provide all individuals concerned the necessary protection from allegations of wrongdoing, real or perceived. If this option is necessary, work with another CDIO as a team.</p>
<p><b>Interview Location Considerations</b></p>	<p>Physical influence factors include not only those things that pertain to the body and mind of the interviewee, but the physical environment of the interview setting as well. Therefore, each CDIO must make an informed judgment for each interviewee regarding what will be appropriate and allowable during the interview.</p> <ul style="list-style-type: none"> <li>• Smoking, drugs (legal and illegal), alcohol, coffee or tea with its caffeine, and food and drink, which control hunger and thirst, all dramatically affect the interviewee. Health and age are also factors for consideration.</li> <li>• The physical environment such as comfort, noise, privacy, distance between the CDIO and interviewee, seating arrangement and territoriality affects interviews. <ul style="list-style-type: none"> <li>○ The CDIO can enhance the interviewee’s concentration and motivation with a well-lighted, pleasantly painted, moderately sized room that has a comfortable temperature and proper ventilation.</li> <li>○ Noise, movements and interruptions, especially telephone calls, disrupt concentration, thought patterns and the mood of the interview. People have difficulty listening and thinking when they see cars on the street outside a window, persons moving about in an outer office, or other personnel coming and going. The CDIO must provide privacy and a good atmosphere for an effective interview to take place.</li> <li>○ For most interviews planned by the CDIO, all communications barriers such as desks, tables, personal items, etc. should be eliminated. Generally, the person sitting behind a desk, whether the CDIO or the interviewee, gains power and formality. The elimination of physical structures limits the ability of the interviewee to hide behind barriers that can provide a feeling of security as well as emotional and psychological support. For a friendly witness, the room should be casual and comfortable.</li> </ul> </li> </ul> <p>The CDIO’s decision concerning where the actual location of the interview will take place is often based on the sensitivity of the matter and the cost, time and resources available to conduct the inquiry.</p>
<p><b>Use the plan</b></p>	<p>The investigative plan will contain a list of witnesses to interview and targeted questions; careful planning avoids duplication of effort and unnecessary diversions.</p> <p>The plan will also cut down on rambling interviews that can cause unnecessary delay when verbatim transcripts are required.</p>

<p><b>Formulate Advance Questions</b></p>	<p>A well thought out interrogatory (list of questions and anticipated answers) is the key to a successful interview. The interrogatory is basic to planning the interviews and it provides a road map for the interview and ensures that the CDIO covers all important points. Therefore, the CDIO should:</p> <ul style="list-style-type: none"> <li>• Develop a list of questions for each witness on separate sheets of paper (in some cases, the interrogatory will be the same) including all the questions you want to ask of the interviewee. The interrogatory should also include the anticipated answers. If the answers cannot be anticipated, the CDIO must be ready to follow-up with other preplanned questions.</li> <li>• Consider the specific sequencing of the questions in order to optimize the interview time and obtain the most information. Questions should be sequenced from general to the specific: <ul style="list-style-type: none"> <li>○ General questions elicit a narrative response type of answer that provides the who, what, where, why, when and how. Questions starting with “tell me ...” also are likely to elicit a narrative response. Questions requiring a narrative response are <b>open-ended</b> questions that <b>encourage the interviewee to talk</b> and allow the interviewer to obtain the “big picture” of what the interviewee may know.</li> </ul> </li> </ul> <p>Specific questions call for a specific or precise answer. The specific question should be used to extract more detailed information or to clarify information after a narrative response question is asked. These types of questions should not be used until a number of open-ended questions have been asked and answered.</p>
<p><b>Cascade Interviews</b></p>	<p>Witnesses A and B may have information that will facilitate your interview with witness C. Have questions (based upon the allegations and outlines of proofs) drafted in advance of the interviews. Be sure to also have alternative lines of questioning depending on the answers you receive.</p> <p>This “branching” technique keeps the interview focused and helps retain control by maintaining momentum.</p> <p>Try not to ask the ultimate question, “Did you do it?” before asking other questions which will lead naturally to the same conclusion or will exclude, explain, or limit other possibilities.</p>
<p><b>Best Evidence</b></p>	<p>An CDIO should always strive to obtain both testimony and original documents from witnesses with direct knowledge of the issue being investigated and of the original documents.</p>
<p><b>Long Distance Interviews</b></p>	<p>For witnesses <b>outside</b> the local area, an CDIO can either travel to meet and interview the witness, or interview the witness by telephone.</p> <p><b>NOTE:</b> Consult with the JA before conducting telephonically recorded interviews because state laws differ regarding recording phone calls. If you do record the interview, be sure to get the interviewee’s approval to record on the recording.</p>
<p><b>Disadvantages of a Telephone Interview</b></p>	<p>The most obvious disadvantage of a telephone interview is that you cannot see the person to whom you are talking. In fact, the CDIO may not even be sure he/she is talking to the person they claim to be. The CDIO must be careful to ask questions that would ensure reasonable belief that the person you are talking to is the person they claim to be.</p>

	<p>Other difficulties that arise are: location, time (due to different time zones), lack of observation and the inability to interpret body language, feeling, and voice inflections.</p> <p>The person you are talking to on the telephone may have total anonymity which makes establishing rapport more difficult. It is a good idea to always ask if you may call the individual back due to the length and expense of the call. This will give you a telephone number that can be used to determine where the call originated, if required. If they respond that they are calling from a government telephone, then you can ask for the number “in case we are cut off for some reason,” so you can re-contact them immediately.</p>
<b>Subject vs. Witness</b>	<p>If the status of a witness changes during the course of an investigation to that of a Subject, or if the CDIO thinks it may change, then he/she should take no further action until after consulting with the AC and JA, if necessary. The witness will have to be interviewed or re-interviewed and given an opportunity to respond to the suspected misconduct or allegations in light of their new status.</p> <p>The AC will determine whether any additional alleged misconduct should be investigated separately, or whether a need exists to expand the CDIO’s appointment letter and scope.</p>
<b>Find Corroboration</b>	<p>The memories of a witness may be inaccurate, or their testimony may conflict with statements of other parties in the case.</p> <p>Therefore, an CDIO should always look for more information to support witness testimony and evaluate its truthfulness. This can be done through the testimony of other witnesses, documentary evidence, and the natural inferences to be drawn.</p> <p>If testimony is corroborated, then the credibility of the witness will be enhanced.</p> <p>If contradictions arise, then the CDIO will have an opportunity to clarify them before finalizing the investigation. The CDIO may need to re-interview witness(es) or Subject(s).</p>
<b>Find the Facts</b>	<p>The investigator’s primary function is find the facts, <i>i.e.</i>, to determine what events or circumstances actually occurred or existed. Evidence (witness testimony, documents, <i>etc.</i>) is used by the investigator to identify the relevant facts.</p> <p>A preponderance of evidence is the standard for CDIs. See <a href="#">“Standard of Proof”</a>.</p>
<b>Create a Chronology</b>	<p>A complaint chronology is highly recommended for all investigations. A chronology is one of the most useful documents an CDIO can create to assist him/her and those reviewing the report.</p> <p>This single document can provide an instant overview of the sequence of events, allowing the reader to evaluate the recollection of witnesses and put their testimony in context.</p> <p><b>A chronology is an invaluable tool when writing the IS.</b></p>
<b>Technical Assistance</b>	<p>Sometimes the CDIO must evaluate information or interpret guidance in a technical field that is beyond one’s normal range of expertise. When this happens, the AC should appoint a technical advisor to assist in the investigation – this will have been annotated in the appointment letter.</p>

	<p>If the question is generic, <i>i.e.</i>, normal procedures to file a CAPF 108, one can ask almost anyone with knowledge of the subject and may not need to create a witness statement.</p> <p>However, if the question deals with the specifics of your case, the CDIO may need to interview the “<a href="#">expert witness</a>” and include a statement in the report.</p> <p>The key question will be how important the technical information is to the overall conclusions in your report. If it is important, then formally interview the expert.</p> <p><b>NOTE:</b> Remember confidentiality here. Only share the portion of the investigation required to obtain the technical assistance and advise the expert of the need to maintain confidentiality. The expert witness should sign a <a href="#">Read-In Document</a>.</p>
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## The Interview Format

<b>Criminal Activity</b>	<p>If during an interview the CDIO discovers information leading them to believe that a witness or Subject has committed some criminal offense(s) – then:</p> <ul style="list-style-type: none"> <li>• Stop the interview and inform the witness he or she will be recalled;</li> <li>• Immediately consult with the AC, JA and CAP/GC</li> </ul> <p>If allowed to proceed, recall the individual.</p>
<b>Investigation Plan</b>	<p>Use the list of questions from the investigation plan. It is important to pose questions that require more than a “yes” or “no” answer.</p> <p>Remember the CDIO may need to recall a witness after gathering more information.</p> <p>Do not lecture the witness. The job is to gather facts surrounding the circumstances of the allegations.</p>
<b>Interview Notes Format</b>	<p>The CDIO’s notes from each interview may be recorded on any paper type, e.g., lined notebook paper.</p>
<b>Other Persons Present</b>	<p>A typical interview will involve the appointed CDIOs (<i>i.e.</i>, the two-person team) and the witness. The introduction of any “third party” into the process is a technical breach of confidentiality. However, when you are interviewing a cadet or member of the opposite sex, it is advisable to have a third party (same sex as witness) in the interview.</p> <p><i>Subjects</i> may consult with an attorney, or parent of a cadet, before answering questions. If the Subject has an attorney, coordinate actions through your JA.</p>

## Conducting the Interview

<b>Basic Rules</b>	<p>Regardless of category of participant being interviewed, certain basic rules apply to the conduct of the interview. Four fundamental rules are as follows:</p> <ul style="list-style-type: none"> <li>• <u>Two Interviewer Rule</u>. Whenever possible, two CDIOs should conduct an investigative interview. One CDIO assumes the role of primary CDIO (generally the responsible case agent) and takes the major role in the interview. The primary CDIO makes the introductions, states the purpose, establishes rapport, and asks the first series of questions. The primary CDIO is responsible for setting the tone of the interview, setting the parameters (if any), initiating the interview and observing the interviewee via all modes of communication. The primary also ensures that the secondary CDIO knows exactly what is required of him/her.</li> </ul>
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	<p>The secondary CDIO generally takes notes, makes observations and asks questions not asked by the primary CDIO. It is an accepted rule that the primary and secondary CDIOs DO NOT interrupt each other.</p> <ul style="list-style-type: none"> <li>• <u>Establish Rapport.</u> Rapport building is one of the most important aspects of any interview process. There is little chance of a successful interview unless the interviewee can be induced to talk. Most people resist giving information to a stranger; therefore, attempt to establish a sincere and trusting attitude with the interviewee to enlist his/her full cooperation. It may be nothing more than a handshake, smile, professional demeanor, the way the purpose is stated, or more involved discussion of some matter important to the interviewee. CDIOs build rapport by explaining the role of the CDIO, striking a balance between professionalism and being relaxed and casual, being up-front as much as possible (without violating confidence of sources), and presenting themselves as impartial, unbiased and nonjudgmental. Rapport building is a process that should be continuous throughout the interview.</li> <li>• <u>Be an Active Listener.</u> Probably the most important way to improve communication skills is to work at active listening. This means more than simply concentrating on what the other person is saying. It includes letting interviewees know you have heard them. It means keeping your talking to a minimum and keeping the speaker at ease. This requires reacting appropriately to disclosures and information provided and, above all, concentration to hear what the interviewee is saying. To do this you must avoid making assumptions and arguing mentally, both of which are distracting. You are obligated to listen for the main points and supporting evidence and share in the responsibility for the communication. Questioning should be used for clarification and feedback. The basic skill involved in active listening is paraphrasing or putting into your own words what the other person seems to be communicating to you. This gives interviewees a way to know whether their point is getting through to you or whether you have missed the point and further clarification is needed.</li> </ul> <p><u>Be Observant.</u> It is important that the CDIO also “actively listen” to nonverbal communication processes throughout the interview. The CDIO must read clusters of behavior and not rely on a single observation. When analyzing behaviors, you must first determine what the “normal” behaviors are for the interviewee. Look for changes/ variations in this norm. Be aware of cultural differences. Evaluate for timing and consistency; to be reliable indicators of truth or deception, behavioral changes should occur immediately in response to a question or simultaneously with the interviewee’s response. The CDIO’s observations are of value when developing follow-on questions and may be of value when weighing the evidence or credibility of a witness. Hesitation, evasiveness, body movements, and fidgeting may indicate the witness is not telling the truth or is concealing information. Or it may mean only that the witness is nervous with the interview process. This is where the CDIO’s ability to put the witness at ease is very important. When appropriate, write a Memo For Record (MFR) which describes physical mannerisms. Use caution in interpreting physical mannerisms, and avoid attaching undue or unfounded significance to them.</p>
<p><b>Phases of the Interview</b></p>	<p>The conduct of the actual interview consists of four distinct phases which are discussed below.</p>

<p><b>Phase I – The Introduction</b></p>	<p>The ultimate success or failure of the interview is often determined during your initial contact with the witness. Every interview starts with a three-part introduction: The greeting, the pre-tape briefing, and the formal read-in:</p> <ul style="list-style-type: none"> <li>• <u>Greeting</u>. During this initial portion of the interview, the CDIO greets the person to be interviewed, attempts to establish rapport, and defines the purpose of the interview. Introduce yourself (as well as your partner, if appropriate) and identify the organization you represent. Establishing rapport with the interviewee is an important and continuous part of the interview process. When appropriate, the CDIO should clearly define or state the purpose of the interview, and advise the interviewee why you find it necessary to speak to him or her. The statement of purpose is not meant to reveal detailed facts of the case, but consists of an overview of what is to come.</li> <li>• <u>Pre-Tape Briefing</u>. The purpose of having a standardized pre-tape briefing is to put witnesses at ease by explaining investigation procedures and the interview process. The CDIO accomplishes this by fully explaining to the interviewee what is going to take place. The standardization helps to ensure that each witness gets the same information and that your presentation is smooth and confident. For standardization, review the content of the read-in for most interviews. The investigator can help put the witness at ease by covering the following points before starting the questioning phase: <ol style="list-style-type: none"> <li>1. Explain your confidential fact-finding role, and that both hearsay and opinion can be accepted as testimony;</li> <li>2. Explain how the investigation requirement protects the confidentiality of the witness, but that law or regulation may in some instances result in the ultimate release of any testimony (e.g., a court may order the release of an investigation record). Remember, do not guarantee confidentiality.</li> <li>3. Don't ask the interviewee whether he/she wants to record. If the question is raised by the interviewee, deal with it then.</li> <li>4. Explain that you will ask questions and give the witness time to respond.</li> <li>5. Explain that the final product of the investigation will be a report to the AC.</li> <li>6. If the need arises, tell the witness that because the interview is recorded, all responses must be oral; not to speak while anyone else is speaking; and to avoid actions, such as tapping on the table, which might obliterate words in the recording.</li> <li>7. Explain that you can turn off the recording devices and discuss points off tape, but that everything said is considered on the record and may be used in the investigation.</li> </ol> </li> </ul> <p>If recording the interview, turn on the recording equipment and use the example script to ensure that all of the necessary information is captured on the recording.</p>
<p><b>Phase II – The Questioning Phase.</b></p>	<p>Questions and answers are the body and purpose of the interview. Whether recording the interview or not, keep in mind the question sequencing (general to specific) and the phraseology (who, what, where, when, why and how) of the questions. Some general guidelines during this phase follow:</p> <ul style="list-style-type: none"> <li>• Questions should be asked in a conversational manner whenever possible using terms familiar to the interviewee. After the interviewee's response, incorporate a short pause to greatly enhance the flow of information.</li> </ul>

- Put the witness at ease by asking background questions first in order to establish rapport, but word the questions so the information comes from the witness. Avoid questions that can be answered by yes or no. For example, if you want to know if the witness was at a certain place on a particular day, do not ask him if he or she was there, but rather, where he or she was on that day. Rephrase the question if the answer is incomplete.
- Use simple, direct questions to elicit information, especially when the witness is hostile and reluctant. Ask one question at a time, and then patiently wait for the answer. If the witness hesitates, don't immediately start rephrasing the question because he/she may need time to think. In many instances, witnesses start to answer a question and one or both CDIOs interrupt with another question or clarification before the witness has completed answering the original question. Make a note, and ask the question when the interviewee finishes the answer. Usually if an interviewee does not understand a question, he/she will ask.
- Listen attentively, evaluate the information received, and resolve inconsistencies with follow-up questions. The CDIOs should agree, prior to the interview, as to who will concentrate on the prepared interrogatory and who will listen for unsuspected leads and answers. This agreement also lessens the chance of one CDIO unnecessarily interrupting the other and possibly changing the thrust of the original question.
- Maintain control of the interview. Allow discussions of unrelated matters to place witnesses at ease, but never allow a witness to take the initiative. Guide the talkative interviewee to the issue and pertinent answers. Allow the interviewee to give testimony freely and without fear, but don't permit him/her to give flippant, evasive or argumentative answers.
- Get to the point at the appropriate time during the interview. The CDIO needs to establish background information and put the interviewee at ease before getting into difficult areas that could cause the interviewee to become defensive and not want to answer. Waiting too long can appear to be "beating around the bush" or "fishing" which can be just as bad. The best approach is usually to first ask background questions that are pertinent, but not controversial, and then work the interviewee toward the more difficult subject. Determine the source of hearsay so direct evidence may be obtained.
- Ask the "hard questions" that concern the specific role of the interviewee in what has been alleged. Do not allude to the subject matter, but be specific. If the hard question is not asked, it most likely will go unanswered. Often the questions can be embarrassing or sensitive to you and the interviewee. Preparation will make you comfortable, and your comfort will put the interviewee at ease with the "hard" questions.
- Pursue the issue when an answer, tone of voice, or nonverbal signal indicates the interviewee has additional information. Continue to question an interviewee who avoids answering questions by saying, "I don't remember." Point out that he/she may be failing to remember facts that persons would normally recall.
- Use skill and tact to confirm or deny suspicions that an interviewee is untruthful. Confront the untruthful interviewee with proof of his or her falsehood to elicit a

	<p>change in his or her testimony. Remember it is not necessary that the CDIO have a Subject admit his/her wrongdoing. If the CDIO has the preponderance of evidence that substantiates an allegation, the only purpose for talking to the Subject is to get his/her side of the story. The fact that the Subject has lied during a case can be as important as the original allegations and should be addressed in your report.</p> <ul style="list-style-type: none"> <li>• Determine the basis for the opinion of the interviewee. Although the CDIO’s main concern is the collection of facts, CDIOs have discovered that a wealth of information may be revealed when a question is asked dealing with the opinion of the interviewee. In many instances the interviewee will have much more information about how a transgression may have happened and who may have done it. Also, in many instances when an interviewee is asked for an opinion regarding wrongdoing or administrative problems within his organization, he/she may know exactly who did or is doing things improperly, and where the organization is most vulnerable.</li> <li>• Ask questions for clarification when answers contain trade names, technical wording, acronyms, slang, or colloquial expressions. However, do not interrupt by asking how to spell a name or to obtain other identifying data. This interruption of the interviewees’ train of thought often causes loss of the thought. Make a note, and ask the question after the interviewee finished the answer or at the end of the interview.</li> <li>• Ask yourself, have all pertinent points been covered? Are the answers complete? If you have any doubt as to what the interviewee is saying, ask, “What I hear you saying is...” or “Do you mean by that...?”, then repeat your understanding to the interviewee.</li> </ul> <p>If during the interview, the interviewee suggests personal criminal involvement, the CDIO should take no further action until after consulting with the AC and JA. The interviewee will have to be interviewed or re-interviewed and given an opportunity to respond to the suspected misconduct or allegations considering their new status. The AC will determine whether any additional alleged misconduct should be investigated separately, or whether a need exists to expand the CDIO’s charter and scope. Note: Should the CDIO or the interviewee have to take a break for any reason while conducting recorded testimony, state for the record the circumstances and time before shutting off the recorders. When ready to resume the interview, turn on the recorders, state the time and whether the people in attendance are the same or not. If someone has departed or someone new is present, give their names and briefly explain the reason for the change.</p>
<p><b>Phase III – The Summary</b></p>	<p>The summary is an important part of the interview, especially in the one-interviewer interview, because it allows the CDIO to be sure he/she has obtained all the information. Just prior to the end of the interview, the CDIO may want to summarize important answers with such statements as “I understand that what you have stated this: one, two, three... A, B, C...” This technique is specifically applicable when it concerns an element of essential information. Often the interviewee will clarify or add to previously given information during this phase.</p> <p>In the two-person interview, the secondary interviewer usually summarizes from notes just taken and may ask any questions not asked by the primary interviewer. To be accurate, the CDIO must also be careful during this phase for a witness may believe and agree with whatever you say even if incorrect. This is especially true</p>

	when the witness feels overwhelmed and nervous about the interview process or really wants to please the CDIO.
<b>Phase IV – The Close</b>	<p>The final phase of the interview is the close. The close is the continuation of the rapport and courtesy to ensure that the door is left open for future contact. During this important phase the CDIO gives the interviewee the opportunity to present information concerning matters not specifically covered during the interview. The CDIO:</p> <ul style="list-style-type: none"> <li>• Obtains any additional identifying data required including how and when to contact the interviewee again, if necessary, and ensures the interviewee knows how to contact the interviewer if he/she remembers or obtains additional information.</li> <li>• Reassures the interviewee about any concerns he/she may have raised regarding the interview or information provided. Also, if the CDIO senses that the witness fears retribution for cooperating with the investigation, the witness is informed to contact the CDIO if he/she becomes the target of reprisal.</li> <li>• Thank the interviewee for his/her cooperation.</li> <li>• Specifically asks the witness whether he/she consents to release of his/her testimony in response to unofficial requests for his/her information or the investigation report or inquiry. Remember, don't guarantee the witness confidentiality.</li> </ul> <p>Closes out with some type of statement that allows the individual to know what to expect, which depending on the situation, might be nothing. Be candid. If you do not think you will ever contact the interviewee again, tell him/her so.</p>

## Safety and Health Issue for CAP

<b>Background</b>	<p>Air Force experience has demonstrated that being a Subject of an investigation may result in stress and turmoil within an individual's life. The same would also be true of CAP members in similar situations. The <i>hand-off</i> process is intended to act as a safety net for those individuals who might be so emotionally distraught as to pose a danger to themselves or others. These referrals (or hand-offs) require person-to-person contact between the CDIO and the Subject's commander or designee, or other qualified member such as a Chaplain or Critical Incident Stress Team member. Hand-offs will require pre-coordination and advanced planning.</p> <p>The same may be true of witnesses, particularly cadets. Lacking maturity, a cadet may overreact to the stress of the situation, whether the cadet is a Subject or a witness.</p>
<b>Procedures</b>	<p>Prior to initial interviews with CAP members who are the Subject of an investigation, CDIOs should refer such individuals to their commander or designee, or other qualified member such as a Chaplain or Critical Incident Stress Team member. This individual should be physically present immediately following the interview and receive the Subject.</p> <p>When providing the hand-off, the CDIO should indicate that the individual is the Subject of a CDI. The CDIO should also explain the reason for any concern he or she has about the individual's personal safety (e.g., individual was emotionally distraught or shocked.) However, the CDIO may not disclose the substance of testimony or other evidence obtained during the investigation. A CDIO should not delay obtaining appropriate assistance for an individual whose emotional state</p>

demands immediate attention simply to obtain AC coordination. The referral should be documented within the IS.

If any witness (or Subject) in subsequent interviews appears to be emotional, distraught, or stunned during the process of any interview, the hand-off procedure should be used to minimize the possibility that the witness will depart alone. Such a witness should be released to their commander or designee, or other qualified member such as a Chaplain or Critical Incident Stress Team member who will help ensure the individual receives the necessary support to safely handle his or her personal crisis (referred to as handing-off).

As stated above, in most instances, hand-offs will require pre-coordination and advanced planning. A hand-off is only required for witnesses if the CDIO determines the witness has been sufficiently disturbed by the interview to warrant person-to-person contact. The CDIO should also explain the reason for any concern he or she has about the individual's personal safety (e.g., individual was emotionally distraught, shocked, etc.).

Health and Safety also applies to the interviewers. In some cases, a subject or a witness may be confrontational. It is advisable to have two CDIOs present with this type of interview to corroborate any statements made by the interviewee. The AC should not tolerate any abuse, verbal or otherwise, of CDIOs while in the performance of their duties. If the interviewee becomes combative or starts making threats, terminate the interview immediately and leave the premises. Report the incident to the AC as soon as possible.

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# Chapter 3

## REVIEW AND ANALYSIS

### Overview

<b>Background</b>	<p>Once you have gathered the evidence in your case, the next step is to determine what it all means. This may seem deceptively simple since you have probably already formed some preliminary conclusions about your case.</p> <p>Remember that many other individuals will read your report and that it must stand up under some intense scrutiny.</p> <p>With this in mind, you must adopt a framework for analysis that forces you to consider the possibilities. Before you do so, however, you must be familiar with the standard of proof that will govern your conclusions.</p>
<b>Investigative thoroughness</b>	<p>Take time at the beginning of your analysis to review the issues identified in the appointment letter prior to starting your investigation.</p> <p>Remember that these are the issues and that your basic responsibility is to address them completely in your report.</p>

### Standard of Proof

<b>Standard of Proof</b>	<p>The standard of proof applicable to CDIs is proof by a <b><i>Preponderance of the Evidence</i></b>. The preponderance standard means:</p> <ul style="list-style-type: none"><li>• The CDIO is satisfied that the <i>greater weight of the credible evidence</i> supports the findings and conclusions.</li><li>• The CDIO has determined that the evidence supporting one side in the case is more convincing than that supporting the other.</li></ul> <p>The weight of the evidence supporting a conclusion is not to be determined by the sheer number of interviewees or the volume of evidentiary matter presented, but rather by the evidence which best accords with reason and probability.</p> <p>The CDIO determines that it is <b><i>more likely than not</i></b> that the events have occurred.</p>
<b>Flexibility</b>	<p>CDIOs must be careful not to apply this standard too mechanically.</p> <p>Quality counts as much as quantity and an CDIO may choose to believe one interviewee rather than five, if the one is sufficiently credible and the five are not.</p> <p>In addition, there is no way to measure the weight of a document against the testimony of a interviewee other than by applying the rules concerning credibility discussed earlier in this chapter.</p>

### Summary of Conclusions:

	<p>The preponderance of evidence proves or does not prove a basis for concern for the commander.</p>
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# Analysis of Evidence

<p><b>Introduction</b></p>	<p>Keeping in mind the standard being sought (preponderance of the evidence), CDIOs should follow a simple 5-step process when analyzing the evidence they have collected.</p>
<p>Step 1</p>	<p>What is/are the allegation(s)? Do they still make sense after taking testimonies and reviewing the evidence?</p>
<p>Step 2</p>	<p>What are the facts (what happened)? Facts <b>are not</b> conclusions but information from which the CDIO must draw logical conclusions. Facts are not always consistent and are often in dispute. The CDIO must analyze the evidence and use the preponderance of the evidence standard to make the tough call and arrive at logical decisions.</p>
<p>Step 3</p>	<p>What standards apply (what are the rules)? Applicable standards should have been identified at the beginning when properly framing the allegations.</p>
<p>Step 4</p>	<p>Were the standards violated (was a rule, regulation, policy, or law broken)? Once the standards have been identified, the CDIO must then decide whether the facts, taken as a whole, would lead a reasonable person to conclude the standards were violated.  CDIOs should consult their legal advisors when in doubt about whether a particular action violated CAP standards.</p>
<p>Step 5</p>	<p>Who violated the standards and do any mitigating factors exist? Keep in mind the standard of proof by a preponderance of the evidence.  The preponderance standard applies to factual determinations, determinations of intent, and ultimately to the investigator's conclusion about whether the Subject violated the standard and whether the violation constitutes wrongdoing.</p>

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# Chapter 4

## THE REPORT

<b>Overview</b>	
<b>Before Getting Started</b>	<p>The CDIO should complete the following.</p> <ul style="list-style-type: none"> <li>• Prepare a detailed chronology of events to provide a “road map” to the report</li> <li>• Draft a report and then read it to determine if anything appears missing; stop and collect missing data, if needed.</li> <li>• Ensure thoroughness, since those who read the report will be limited to the facts presented.</li> <li>• Address each of the framed allegations in the report.</li> </ul> <p>Always give the same effort to a report that exonerates an individual as one that substantiates allegations.</p>
<b>Documentation</b>	<p>The IS <b>must be a stand-alone document</b> -- all the essential facts, documents, portions of regulations, interviews, etc., must be included in the report so that a reviewer can arrive at a determination without reference to information outside the report; the report must be accurate and impartial.</p>
<b>Rules</b>	<p>For a CDIO to complete a good report, they must follow these rules:</p> <ul style="list-style-type: none"> <li>• All statements, references and/or exhibits must be accurate and cross-referenced in the report. Simply making reference to an attachment is not enough. Reference the attachment, explain what the attachment is and state how it is evidence.</li> <li>• Subject matter must be systematically arranged and the report must be logically written.</li> <li>• A good report is written as if the reader had no prior knowledge of the case. Conclusions to <b>each</b> allegation must be factual, short, and clearly stated. Generalities, opinions and gratuitous information must be avoided – the CDIO must stay with the facts.</li> </ul>
<b>Review the Evidence</b>	<p>In transcribing or summarizing testimony, it is possible to lose the context and the demeanor of an interviewee during the interview. Listening to interview recordings after all testimony has been taken often reveals important information or perspective not noted initially, or it could change perspectives taken from other interviewees. Extra time expended in re-reviewing tapes will likely result in more balanced and sustainable conclusions.</p>
<b>Investigation Summary (IS) Format Overview</b>	
<b>Policy</b>	<p>An IS is the final report written by the respective assigned CDIO outlining the findings and conclusions of the investigation.</p>
<b>Format</b>	<p>Upon completion of an investigation the CDIO will submit written findings to the appropriate commander in an Investigation Summary (IS). An IS shall include at least the following points:</p> <ul style="list-style-type: none"> <li>○ The date is the date the report is completed.</li> <li>• Heading. The IS is an official CAP document and shall be completed in accordance with <a href="#">CAPR 1-2</a>.</li> <li>• The report will be addressed to the AC.</li> </ul>

	<ul style="list-style-type: none"> <li>• The Subject line refers to the subject of the report, not the subject of the complaint.</li> <li>• Background of the complaint (how it came to the attention of the CDIO).</li> <li>• Individuals Associated with this investigation should be a table that identifies the participants and their status.</li> <li>• Allegations and applicable CAP directives should be a table that identifies the allegations and the CAP, FAA, FCC, etc. regulations alleged to have been violated. Keep in mind that a CDI is not limited to allegations that violate CAP regulations. Areas investigated that do not violate regulations do not need directives listed.</li> <li>• The IS should state the actions taken by the CDIO, evidence collected and interview summaries in chronological order. It should be as detailed as possible.</li> <li>• The conclusion of the IS based on the findings noted in the IS with a discussion of the facts or lack of facts that support a preponderance of proof</li> <li>• Additional Recommendations is where the CDIO lists suggestions to correct systemic problems and identify areas of importance discovered during the investigation that may not pertain to the original reason for the CDI.</li> <li>• CDIO Notes is an additional comments area that the CDIO can use to provide additional information to the commander regarding the case. An example would be the identification of an additional allegation or the CDIO's opinions.</li> <li>• Signature of the CDIO.</li> <li>• Interviewee documentation and/or testimony, if any. <ul style="list-style-type: none"> <li>• Evidence, testimony and documents used to support statements and conclusions in the IS may be included in the IS as attachments even though they are stored in the case file. This is in the event that the IS needs to be printed for review.</li> </ul> </li> </ul>
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## Case Closure

<p><b>Case Closure Notifications</b></p>	<p>All participants of the CDI should be notified as soon as the case is closed. It is up to the AC, with advice from the JA, to decide if all or part of the results of the CDI will be disclosed.</p>
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## Disposition of Records

<p><b>Policy</b></p>	<p>All investigation records and documents should be turned over to the AC. To maintain the integrity of the CDI, the CDIO should not keep any files regarding the investigation once the case is closed.</p> <p>The AC will give the case files to the CAP/IG for storage in the SoR. Once the case file is complete, CAP/IG will close the case.</p> <p>The CAP/IG maintains CDI case files in a central repository. The IG is NOT an appeal for CDIs.</p>
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# ATTACHMENT 1 - Suggested Appointment Letter Format



**Office of the Commander**  
**REGION/WING HEADQUARTERS**  
**CIVIL AIR PATROL**  
**Address**  
**City, State Zip Code**  
**United States Air Force Auxiliary**

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**DATE:** Click here to enter a date.

**TO:** Click here to enter text.  
Click here to enter text.

**FROM:** Click here to enter text.  
Click here to enter text.

**SUBJECT:** Appointment to Conduct a Command Directed Investigation

---

1. Click here to enter text., is hereby appointed as a Commander Directed Investigative Officer authorized to inquire into all aspects and circumstances surrounding an allegation of Click or tap here to enter text..
2. This appointment requires the CDIO to collect evidence and take statements for documentation in an Investigative Summary. The CDIO may review records, collect evidence and conduct interviews of witnesses and subjects.
3. The scope of the CDI shall include any and all members of Click or tap here to enter text..
4. The Primary Appointed Command Directed Investigating Officer may appoint assistant Investigating Officers as needed.
5. Since the purpose of a CDI is to establish the facts, subjects and witnesses who are CAP members are required to fully cooperate. Failure to respond with truthful and complete information or any action to impede the process of the investigation in any way will be documented and provided to the Appointing Commander for disciplinary action up to and including membership termination.

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Click or tap here to enter text.  
Click or tap here to enter text.

# ATTACHMENT 2 - Suggested Investigation Plan Format



ADD TEXT HEADQUARTERS  
CIVIL AIR PATROL  
ADD TEXT  
ADD TEXT  
United States Air Force Auxiliary

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**DATE:** Click here to enter a date.

**TO:** Click here to enter text.  
Click here to enter text.

**FROM:** Click here to enter text.  
Click here to enter text.

**SUBJECT:** Investigation Plan

---

1. Mission:
  
2. Facts Bearing on Investigation:
  - a. Background:
  
  - b. Chronology
  
  - c. Applicable regulations and reference publications:
  
  - d. Commands involved:
  
  - e. Staff agencies having knowledge of complaint

3. Evidence and Data Required:

a. Witnesses:

b. Documents:

4. Administrative Matters:

a. Itinerary:

b. Notifications:

c. Personnel actions:

---

Click here to enter text.  
Click here to enter text.

Date

1<sup>st</sup> Endorsement,

TO: MEMORANDUM FOR RECORD

I have reviewed and approve this Investigation Plan.

---

Click here to enter text.  
Click here to enter text.

# ATTACHMENT 3 - Suggested Investigation Summary Format



**OFFICE OF THE COMMANDER**  
**WEST WING HEADQUARTERS**  
**CIVIL AIR PATROL**  
 1234 Main St.  
 Anytown, West 00000  
**United States Air Force Auxiliary**

***THIS IS A PRIVILEGED INFORMATION DOCUMENT.***  
 ONLY PERSONS HAVING A SPECIFIC NEED TO KNOW WILL REVIEW THIS MATERIAL.

## INVESTIGATION SUMMARY

DATE: [Click here to enter a date.](#)

**TO:**           Click or tap here to enter text.  
                   Click or tap here to enter text.

**FROM:**       Click or tap here to enter text.  
                   Click or tap here to enter text.

**SUBJECT:**     INVESTIGATION SUMMARY

### INDIVIDUALS ASSOCIATED WITH THIS INVESTIGATION

#### Individuals Interviewed

Grade	Participant	Position	Role	Interview Date	Interview Method(s)
			Choose an item.	Click here to enter a date.	Choose an item.
			Choose an item.	Click here to enter a date.	Choose an item.
			Choose an item.	Click here to enter a date.	Choose an item.
			Choose an item.	Click here to enter a date.	Choose an item.
			Choose an item.	Click here to enter a date.	Choose an item.
			Choose an item.	Click here to enter a date.	Choose an item.
			Choose an item.	Click here to enter a date.	Choose an item.
			Choose an item.	Click here to enter a date.	Choose an item.
			Choose an item.	Click here to enter a date.	Choose an item.
			Choose an item.	Click here to enter a date.	Choose an item.

(Add/delete rows if necessary)

**ALLEGATIONS AND APPLICABLE CIVIL AIR PATROL DIRECTIVES (IF ANY)**

The CDIO finds the following allegations in this matter:

No.	Allegation	Regulation (if applicable)	Regulation No. and paragraph (if applicable)
1	Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.
2	Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.

(Add/Delete rows if necessary)

**BACKGROUND**

**SUMMARY OF INCIDENT**

**TESTIMONY**

**FINDINGS/CONCLUSIONS**

The preponderance of evidence proves or does not prove a basis for concern for the commander.

**ADDITIONAL RECOMMENDATION(S):**

**INVESTIGATOR NOTES:**

It is the responsibility of the CDIO to find factual information. The information found is then presented to the appropriate Civil Air Patrol commander(s) for their decision concerning any necessary action. To preserve the integrity of our inquiry, we have asked that those involved not discuss this situation with anyone, other than the CDIO during the inquiry. This request does not abridge their privilege to contact governmental officials (elected or regulatory) or to discuss this situation with appropriate legal counsel.

Respectfully submitted,

---

Click or tap here to enter text.  
Click or tap here to enter text.

**cc:** Click or tap here to enter text.

Attachments/Enclosures:

# ATTACHMENT 4 - Suggested Evidence Log Format

## EVIDENCE LOG

Page 1 of

### Item 1

COLLECTED BY:	DESCRIPTION	DATE COLLECTED	WHERE FOUND	TESTIMONIAL OR PHYSICAL?	LOCATION STORED	COMPLAINANT PROVIDED?
						<input type="checkbox"/>
DESCRIBE HOW THIS EVIDENCE PROVES OR DISPROVES A PARTICULAR ALLEGATION						

### Item 2

COLLECTED BY:	DESCRIPTION	DATE COLLECTED	WHERE FOUND	TESTIMONIAL OR PHYSICAL?	LOCATION STORED	COMPLAINANT PROVIDED?
						<input type="checkbox"/>
DESCRIBE HOW THIS EVIDENCE PROVES OR DISPROVES A PARTICULAR ALLEGATION						

### Item 3

COLLECTED BY:	DESCRIPTION	DATE COLLECTED	WHERE FOUND	TESTIMONIAL OR PHYSICAL?	LOCATION STORED	COMPLAINANT PROVIDED?
						<input type="checkbox"/>
DESCRIBE HOW THIS EVIDENCE PROVES OR DISPROVES A PARTICULAR ALLEGATION						

EVIDENCE LOG

Item 4

COLLECTED BY:	DESCRIPTION	DATE COLLECTED	WHERE FOUND	TESTIMONIAL OR PHYSICAL?	LOCATION STORED	COMPLAINANT PROVIDED?
						<input type="checkbox"/>
DESCRIBE HOW THIS EVIDENCE PROVES OR DISPROVES A PARTICULAR ALLEGATION						

Item 5

COLLECTED BY:	DESCRIPTION	DATE COLLECTED	WHERE FOUND	TESTIMONIAL OR PHYSICAL?	LOCATION STORED	COMPLAINANT PROVIDED?
						<input type="checkbox"/>
DESCRIBE HOW THIS EVIDENCE PROVES OR DISPROVES A PARTICULAR ALLEGATION						

Item 6

COLLECTED BY:	DESCRIPTION	DATE COLLECTED	WHERE FOUND	TESTIMONIAL OR PHYSICAL?	LOCATION STORED	COMPLAINANT PROVIDED?
						<input type="checkbox"/>
DESCRIBE HOW THIS EVIDENCE PROVES OR DISPROVES A PARTICULAR ALLEGATION						

Item 7

COLLECTED BY:	DESCRIPTION	DATE COLLECTED	WHERE FOUND	TESTIMONIAL OR PHYSICAL?	LOCATION STORED	COMPLAINANT PROVIDED?
						<input type="checkbox"/>
DESCRIBE HOW THIS EVIDENCE PROVES OR DISPROVES A PARTICULAR ALLEGATION						

# ATTACHMENT 5 - Suggested Case Closure Letter



Office of the Commander

ADD TEXT HEADQUARTERS

CIVIL AIR PATROL

ADD TEXT

ADD TEXT

United States Air Force Auxiliary

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**DATE:** Click here to enter a date.

**TO:** Click here to enter text.  
Click here to enter text.

**FROM:** Click here to enter text.  
Click here to enter text.

**SUBJECT:** Closure of Investigation

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Dear Click or tap here to enter text.

On Click here to enter a date., I ordered a Command Directed Investigation into Click or tap here to enter text. That investigation was completed on Click here to enter a date.

The results of the investigation as follows:

I concur with the Investigator's findings and corrective action, if any, will follow in a separate letter.

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Click or tap here to enter text.

Click or tap here to enter text.