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WASHINGTON DC

OFFICE OF THE ASSISTANT SECRETARY

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September 11, 2020

The Honorable Henry J. Kerner
Special Counsel
United States Office of Special Counsel
1730 M Street N.W., Suite 300
Washington, DC 20036-4505

Re: OSC File No. DI- 19-1829

Dear Mr. Kerner:

As agency head, the Secretary of the Air Force delegated to me her authority to review, sign, and submit to you the report required by Title 5, U.S.C. Section 1213(c) and (d). I am responding to your July 1, 2019 correspondence, referring for investigation whistleblower disclosures from Whistleblower alleging that the 150th Special Operations Wing (SOW) at Kirtland Air Force Base mismanaged its Sexual Assault Prevention and Response (SAPR) program and that the 150th SOW purchased two F-16 missile tracking systems, which have been stored unused, and undocumented, in violation of Air Force Instruction 23-201, *Material Management Policy*, since their acquisition. After coordination with the Secretary of the Air Force General Counsel and Inspector General, nine allegations were crafted for the investigation to cover the issues identified in your request for investigation. The allegations investigated and findings were as follows:

- (1) On or about 2008 to 2017, the 150 SOW Sexual Assault Response Coordinator (SARC) failed to ensure information was available for reporting sexual assaults, in violation of 32 CFR § 105.10 and Air Force Instruction 90-6001, *Sexual Assault Prevention and Response (SAPR) Program*.

During the alleged timeframe, there were four different individuals appointed as SARCs for the 150th SOW. One individual, SARC 5, held the duty on two separate occasions. The investigating officer (IO) found that for the most part, the appointed SARCs worked in conjunction with the active duty SARC located on the same installation to ensure that members of the 150th SOW were informed on how to report sexual assaults. However, the IO did substantiate this allegation for SARC 5 during her second term as SARC from 27 January 2015 to 28 January 2018. During that timeframe, SARC 5 also served as the Deputy Director of the Human Resources Office, which substantially hindered her ability to act as the 150th SOW SARC and as a result, there was a lack of information regarding reporting sexual assaults

throughout the wing in violation of 32 CFR § 105.10 and Air Force Instruction 90-6001, *Sexual Assault Prevention and Response (SAPR) Program*.

- (2) On or about 2008 to 2017, the 150 SOW Sexual Assault Response Coordinator (SARC), failed to ensure an adequate victim support system was in place for potential sexual assault victims, in violation of 32 CFR § 105.10 and Air Force Instruction 90-6001, *Sexual Assault Prevention and Response (SAPR) Program*.

For this allegation, IO analyzed whether there was a SAPR response line available 24 hours a day, seven days a week, if there was a certified advocate available to answer the response line, and whether the number provided to installation agencies, such as the Command Post. The IO found that all four SARCs has a 24-hour response line that was available to installation agencies, and worked with Victim Advocates who were available to provide support. The SARCs and other witnesses provided details about the support available for potential victims and response line capabilities. Therefore, the IO did not substantiate this allegation.

- (3) On or about 3 May 2011, the 150th Fighter Wing Commander improperly appointed SARC 2 as the 150 FW Sexual Assault Response Coordinator (SARC), in violation of Air Force Instruction 90-6001, *Sexual Assault Prevention and Response (SAPR) Program*.

The testimony and evidence revealed that SARC 2 was a G-Series commander when appointed as the 150th Fighter Wing (FW) (later renamed SOW) SARC. The IO obtained SARC 2's duty history that validated her testimony of being assigned as a commander. Air Force Instruction 90-6001, para. 2.3.1.1 expressly prohibits an individual on G-Series orders from serving as a SARC. Accordingly, the IO substantiated this allegation.

- (4) On or about 27 January 2015, the 150 SOW Vice Commander, improperly appointed SARC 5 as the 150th SOW Sexual Assault Response Coordinator (SARC), in violation of Air Force Instruction 90-6001, *Sexual Assault Prevention and Response (SAPR) Program*.

The evidence revealed that SARC 5 was not a G-Series commander during the timeframe of the stated allegation. Air Force Instruction 36-6001 expressly prohibits an individual on G-Series orders from serving as a SARC; however, it is silent regarding individuals with prior command. Because her appointment was not in violation of the Air Force Instruction, the IO did not substantiate this allegation.

- (5) On or about 2017 to present, the 150 SOW Vice Commander and Sexual Assault Response Coordinator (SARC), excluded Whistleblower, 150 SOW Mental Health Director of Psychological Health, from required unrestricted Sexual Assault reviews in violation of Air Force Instruction 90-6001, *Sexual Assault Prevention and Response (SAPR) Program*.

Whistleblower, because of her position, was a required member of the Sexual Assault review meetings in accordance with the Air Force Instruction. The evidence and testimony

revealed Whistleblower was indeed excluded from at least one Sexual Assault review meeting. However, the exclusion appears to have been an inadvertent mistake. Because it was not intentional, the IO did not substantiate this allegation, but did find a technical violation of Air Force Instruction 90-6001, para. 8.2.2.

- (6) O/A August 2018 to present, SARC 6, 150 SOW Sexual Assault Response Coordinator (SARC) did not ensure the availability of trained victim advocates in violation of 32 CFR § 105.10 and Air Force Instruction 90-6001, *Sexual Assault Prevention and Response (SAPR) Program*.

The evidence revealed that at the time of the complaint, SARC 6 was certified as a Victim Advocate effective 22 May 2018. In addition, there were six certified 150 SOW Victim Advocates and one member awaiting Victim Advocate certification. The evidence also showed that SARC 6 was in possession of the 150th SOW SAPR response phone, and maintained a diligent response capability. Accordingly, the IO did not substantiate this allegation.

- (7) On or about August 2018 to present, SARC 6, 150 SOW Sexual Assault Response Coordinator (SARC), has not conducted required staff sexual assault training in violation of 32 CFR § 105.10 and Air Force Instruction 90-6001, *Sexual Assault Prevention and Response (SAPR) Program*.

The investigation revealed that the 150th SOW trained 98.7% of the personnel during the alleged timeframe, which exceeded the standard expectation of acceptable wing training result of 95%. Although the investigation revealed a technical violation of Air Force Instruction 90-6001 in that members were not 100% trained, the SARC and Wing Commander outlines and executed a highly successful training effort which afforded the best opportunity for the wing personnel. Therefore, the IO did not substantiate the allegation but did find a technical violation of Air Force Instruction 90-6001, para. 7.3.1.

- (8) On or about August 2018 to present, the 150 SOW Commander, and the 150 SOW Sexual Assault Response Coordinator (SARC), did not ensure all military and DAF civilian personnel received required annual SAPR training in violation of 32 CFR § 105.10 and Air Force Instruction 90-6001, *Sexual Assault Prevention and Response (SAPR) Program*.

Based on the 7 April 2020 150 SOW SAPR Data, statistics show 95% for the 2019 Integrated SAPR Annual Training. Additional information provided by the 150 SOW Commander corrected the completed training statistic to 98.7%. The evidence revealed the SARC and Wing Commander outlined a good plan to ensure training was accomplished by the end of 2019. Therefore, the IO did not substantiate the allegation but did find a technical violation of Air Force Instruction 90-6001, para. 7.3.1 because the unit did not have 100% trained.

- (9) On or about July 2007, at the direction of the 188th Fighter Squadron Chief of Weapons and Tactics, the 150th Fighter Wing purchased two F-16 missile

tracking systems, which have been stored unused and undocumented, in violation of Air Force Instruction 23-101, *Materiel Management Policy*.

The evidence revealed that the equipment was part of a Defense wide multi-million dollar purchase order issued by the Air Force Materiel Command (AFMC) for 550 Rover IV Transceivers. The evidence further showed that the Air Combat Command (ACC) training office sent the equipment to the 188th Fighter Squadron (part of the 150 FW) for F-16 training purposes. There was also evidence that the equipment had been used in training exercises involving the F-16 and air-to-ground capabilities. In addition, the evidence indicated that the equipment was ordered by AFMC, paid for with Air National Guard (ANG) funds from the 88th Air Base Wing (ABW), National Guard Base (NGB) at Wright-Patterson AFB and sent to the 150th FW from the ACC training office for training purposes. Therefore, the IO did not substantiate the allegation. Furthermore, the evidence did not support a finding that the expenditure of \$31,586 for the equipment was significantly out of proportion to the benefit reasonably expected to accrue to the AF and the IO did not substantiate that it was a gross waste of funds.

Finally, the IO examined whether during this timeframe, the 150th SOW SAPR program was grossly mismanaged. Evidence and testimony, including information from a 2017 inspection, revealed violations within the 150 SOW SAPR Program. The IO found the majority of the mismanagement occurred during SARC 2's second appointment as 150 FW SARC. Therefore, the IO did substantiate that the 150 SW SAPR program was grossly mismanaged during SARC 2's second tenure.

In response to these findings, the AF has already taken several actions. Relating to the substantiated finding in Allegation 1, the program has been corrected and the current SARC is now meeting policy guidelines with respect to information availability.

Relating to the substantiated finding of gross mismanagement, the 150 SOW Vice Commander took immediate action upon the recommendation by the internal audit team to remove SARC 5 from the SARC position effective 25 January 2018. The 150th SOW pursued and subsequently hired a full-time SARC in April 2018. SARC 6 received a verbal counseling from the 150 SOW/CC, for not ensuring deployed members received required annual SAPR training.

Relating to the substantiated finding in Allegation 3, the 150 FW/CC and SARC 5 are retired, and there will be no command actions taken.

Relating to disposition of equipment identified in Allegation 9, the logistics squadron commander is now in possession of the Rover IV equipment and is working with the National Guard Bureau for proper disposition.

I am enclosing the Report of Investigation for your official use. I understand you will provide the full copy of this Report to the President and the House and Senate Armed Services Committees for their review and to Whistleblower. As directed by OSC in its Appendix to the July 1, 2019 referral letter, we also will provide a redacted version of the Report in which agency

employees are identified by position title vice name with an attached key identifying the employees by name and position. The redacted copy will be published on your webpage.

We appreciate your efforts to bring this matter to our attention. If the Air Force can be of any further assistance, please contact Ms. Shannon McGuire, Deputy General Counsel for Fiscal, Ethics and Administrative Law at (703) 693-9291 or shannon.mcguire.2@us.af.mil.

/s/

SHON J. MANASCO

Assistant Secretary

(Manpower and Reserve Affairs)

Enclosure

Office of the Air Force Inspector General

**Report to the
Office of Special Counsel**

**OSC File Numbers: DI-19-1829
FRNO: 2019-14168**

**Allegations of Gross Mismanagement and Gross Waste of Funds at the
150th Special Operations Wing
Kirtland Air Force Base, New Mexico**



Report Date:

14 AUGUST 2019

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REPORT OF INVESTIGATION

OSC FILE No. DI-19-1829

INFORMATION INITIATING THE INVESTIGATION

By letter dated 1 July 2019, the Office of Special Counsel (OSC) issued to the Secretary of the Air Force a Report of Violation of Law, Rule, or Regulation, Gross Mismanagement and a Gross Waste of Funds to 5 U.S.C. § 1213(c). According to OSC, a complaint was received from the whistleblower, a social worker who consented to the release of her name, which disclosed several allegations involving management at Kirtland AFB. The whistleblower alleged Kirtland AFB's Sexual Assault Prevention and Response (SAPR) program has been chronically mismanaged in violation of 32 CFR §105.10 and AFI 90-6001; and in July 2007, at the direction of the 188th Fighter Squadron Chief of Weapons and Tactics, the 150th Special Operations Wing (150 SOW) purchased two F-16 missile tracking systems, which have been stored unused, and undocumented, in violation of AFI 23-201 since their acquisition. Pursuant to Section 1213(c), and based on the information outlined in its Report of Violation, OSC determined it had reasonable cause to report these allegations of wrongdoing to the Air Force.

The Secretary of the Air Force has sole responsibility for the function of The Inspector General of the Air Force (Title 10, United States Code, Section 8014). When directed by the Secretary of the Air Force or the Chief of Staff of the Air Force, The Inspector General of the Air Force (SAF/IG) has the authority to inquire into and report upon the discipline, efficiency, and economy of the Air Force and performs any other duties prescribed by the Secretary or the Chief of Staff (Title 10, United States Code, Section 8020). Pursuant to AFI 90-301, Inspector General Complaints Resolution, authority to investigate IG complaints within the Air Force flows from SAF/IG to IG offices at all organizational levels.

On 10 July 2019, the Secretary of the Air Force requested The Air Force Inspector General to initiate investigation activities into the allegations presented in said memo. The Inspector General, Director of Complaints Resolutions, on 15 July 2019, appointed an Air National Guard officer as the Investigating Officer to conduct an investigation into allegations stemming from the 1 July 2019 OSC memo.

After coordination with Secretary of the Air Force General Counsel and Inspector General, nine allegations were crafted for the investigation to cover the issues identified in the OSC Report of Violation. The allegations alleged that the 150 SOW Vice Commander (150 SOW/CV), improperly appointed a Lieutenant Colonel as the 150 SOW Sexual Assault Response Coordinator (SARC); from 2008 to 2017, the 150 SOW SARC failed to ensure information was available for reporting sexual assaults; from 2008 to 2017, the 150 SOW SARC failed to ensure an adequate victim support system was in place for potential sexual assault victims; from 2017 to present, 150 SOW/CV, and SARC excluded Whistleblower, 150 SOW Mental Health Director of Psychological Health (DPH), from required unrestricted sexual assault reviews; from August 2018 to present, 150 SOW SARC, did not ensure the availability of trained victim advocates; from August 2018 to present, the 150 SOW SARC, has not conducted required staff sexual assault training; in July 2007; that the 150th Fighter Wing Commander (150 FW/CC), improperly appointed a 150 SOW SARC; and, from

August 2018 to present, the 150 SOW Commander (150 SOW/CC), did not ensure all military and DAF civilian personnel received annual SAPR training; and at the direction of the 2007 188th Fighter Squadron Chief of Weapons and Tactics, 150 FW, purchased two F-16 missile tracking systems, which have been stored unused and undocumented. The investigation was conducted from 15 July 2019 to 6 November 2019 at Joint Force Base Anacostia-Bolling Washington, DC and Peoria Air National Guard, Peoria, IL.

OSC SUMMARY OF INFORMATION INITIATING THE INVESTIGATION

By letter dated 1 July 2019 and signed by the Special Counsel, the Office of Special Counsel (OSC) referred to the Secretary of the Air Force (SECAF) for investigation whistleblower disclosures alleging that officials at Kirtland AFB, NM, may “have engaged in conduct that constitutes a violation of law, rule, or regulation, gross mismanagement, and a gross waste of funds.” According to OSC, the whistleblower “disclosed several allegations involving management at Kirtland AFB.”

After review and based on the information disclosed by the whistleblower, OSC “concluded that there is a substantial likelihood that the information provided to OSC discloses a violation of law, rule or regulation; gross mismanagement; and a gross waste of funds.”

According to the OSC Referral Letter, the allegations to be investigated include:

Kirtland’s AFB’s Sexual Assault Prevention and Response (SAPR) Program has been chronically mismanaged in violation of 32 CFR § 105.10 and AFI90-6001.

- According to OSC, “*Whistleblower alleged that the appointment of a former Sexual Assault Response Coordinator (SARC),... was improper and that [SARC] did not properly discharge the duties of her position. Whistleblower explained that [SARC] was a former commander in the 150th SOW prior to her management of the Sexual Assault Response Program. Whistleblower asserted that [SARC]’s former position created a conflict because as the SARC she was responsible for responding to incidents involving former subordinates, in violation of AFI 90-6001, which prohibits certain military members, including those on G-series orders such as commanders, from serving as SARCs due to the ‘potential for legal, professional, or community conflicts of interest.’*”
- OSC further provided that “*Whistleblower also alleged that for a nine-year period ending in 2017, there were no incidents investigated by the program. In addition, Whistleblower disclosed that [SARC] did not provide a victim support system that met the sexual assault reporting requirements of AFI 90-6001 § 2.3.5, thereby preventing service members from reporting incidents of sexual assault. Whistleblower also alleged that since 2017, the program has intentionally excluded her from participating in required unrestricted case reviews by [150 FW/CV] not including her in communications regarding cases. She also asserted that the SAPR currently lacks sufficient victim advocates and has not conducted required staff training, in potential violation of 32 CFR § 105.10 and AFI 90-6001.*”

In July 2007, at the direction of 188th Fighter Squadron Chief of Weapons and Tactics, the 150 FW purchased two F-16 missile tracking systems, which have been stored unused, and undocumented, in violation of AFI 23-101 since their acquisition.

- According to OSC, “[Whistleblower] also provided information demonstrating that in 2007 [188th Fighter Squadron Chief of Weapons and Tactics] ordered the purchase of two Rover System missile tracking laptops, which she alleged have been unused in locked desk drawers in the 150th SOW Command Post office since their receipt in May 2008. She provided invoices for these systems indicating that they cost approximately \$31,000 and stated that they are not listed on active or archived inventory lists for the 150th SOW, in possible violation of AFI 23-101, which requires recurring physical inventories of all assets maintained by the Air Force.”

In its referral letter, OSC also noted, “that specific allegations and references to specific violations of law, rule, or regulation are not intended to be exclusive.”

CONDUCT OF THE INVESTIGATION

On 10 July 2019, Secretary of the Air Force General Counsel (SAF/GC) referred the 1 July 2019 OSC Referral Letter to the Air Force Inspector General (SAF/IG). Thereafter, an investigating officer and a legal advisor (collectively, IOs) were appointed to conduct an investigation. In the course of the OSC investigation, the IOs conducted an initial complaint analysis interview with the whistleblower and thereafter obtained information and/or testimony from 20 individuals. The IOs also collected and examined relevant documentation. Pertinent legal authorities were researched and reviewed as well.

The standard of proof used in determining the finding for each allegation was the preponderance of the evidence, *i.e.*, was it more likely than not that the alleged violation occurred.

SUMMARY OF EVIDENCE

BACKGROUND

150th Special Operations Wing, Kirtland Air Force Base, New Mexico

Located on Kirtland AFB, NM, the 150th Special Operations Wing (150 SOW) is the only Air National Guard (ANG) Wing in New Mexico. The New Mexico Air National Guard (NMANG) was federally recognized on 7 July 1947 as the 188th Fighter Bomber Squadron.

The NMANG converted to several aircraft types throughout its history, including the F-51 Mustang, F-80 Shooting Star, F-100 Super Sabre, A-7D Corsair II, and F-16C Fighting Falcon. While assigned the F-16C, the 150th Fighter Wing's (150 FW) primary mission was air interdiction in support of Twelfth Air Force, Air Combat Command (ACC) with worldwide deployment capability. In addition to its primary mission of air interdiction, the 150 FW also maintained a Defense Systems Evaluation (DSE) tasking, which provided fighter aircraft support to the US Army Air Defense Center and White Sands Missile Range. Major program support included testing of various US and foreign surface-to-air missile systems and air defense artillery.

On 1 December 2013, due to the Department of the Air Force restructuring and realignment, the 150 FW was renamed as the 150th Special Operations Wing (150 SOW) through a Total Force Integration with the 58th Special Operations Wing (58 SOW). The redesignation provided a new mission for the 150 FW from an F-16 Fighter Aircraft unit to a special operations training unit. The NMANG consists of the following organizations: the 150 SOW, the 150th Operations Group (150 OG), the 150th Maintenance Group (150 MXG), the 150th Medical Group (150 MDG) and the 150th Mission Support Group (150 MSG). In addition, the 210th Red Horse Squadron (210 RHS) and 250th Intelligence (250 IS) Squadron fall under the 150 SOW organizational structure.

The NMANG provides State and Federal support that includes combat training, combat targeting, counterdrug, engineering, logistics, security, medical and humanitarian missions. Their domestic operations mission is to respond to domestic disasters; provide commercial grade power where needed, facilities, and 30,000 support personnel.

The 150 SOW maintains its daily operations with the support of 344 full-time and 760 drill status guardsman (Air National Guard reserve component members that must complete 48 unit training assemblies, or drills, plus 15 days of annual training each year).

The Whistleblower filed a whistleblower disclosure with the OSC alleging the 150 SOW's Sexual Assault Prevention and Response (SAPR) Program has been chronically mismanaged, and the 150 SOW purchased two F-16 missile tracking systems, which have been stored unused and undocumented. Within that disclosure, nine allegations were investigated for violation of law, rule, or regulation, gross mismanagement and gross waste of funds.

Sexual Assault Response and Prevention (SAPR) Program

The SAPR reinforces the Air Force's commitment to prevention through the development, implementation and assessment of policies and programs to prevent and respond to sexual assault. The Air Force's goal is to provide exemplary support throughout victim reporting, response, victim advocacy, investigations and offender accountability when a sexual assault occurs.

The SAPR Program will provide education and training to all military and civilian members throughout their Air Force careers, to prevent sexual assault, enhance response capability, establish victim support, encourage victims to come forward and hold perpetrators of this crime appropriately accountable. It is Air Force policy that a trained and immediate sexual assault response capability from a Sexual Assault Response Coordinator (SARC), SAPR Victim Advocate (SAPR VA), or a Volunteer Victim Advocate (VVA) will be available 24 hours a day, 7 days per week, for all locations including deployed areas.

The 150 SOW SARCs provided education and training for their members through formal and informal sessions, which included, but was not limited to, briefing Student Flight members, Green Dot and Integrated 2019 SAPR Annual Training. Student Flight is a program is designed to help new, non-prior service enlistees become better prepared for basic training. Green Dot is an Air Force strategy to decrease interpersonal violence across the service. It is an interactive training program designed to help Airmen, which includes military and civilians, intervene in and prevent violence. Green Dot training aims to prevent suicide, sexual assault, family violence, abuse, stalking and other forms of violence. HQ USAF/CVS directed that the 2019 Integrated SAPR Annual Training be completed by 31 December 2019. It further stated that all training must be conducted face-to-face and taught by an implementer/coordinator trained by a Violence Prevention Integrator (VPI) or Air National Guard (ANG) designee.

The Defense Sexual Assault Incident Database (DSAID) serves as a centralized, case-level incident database for the collection and maintenance of information regarding sexual assault. Each installation SARC will enter information into the DSAID system. Only designated SARCs (Installation, Lead, Deputy and Alternate) and Major Command (MAJCOM) SARCs that have a favorable Tier 2 background investigation, are certified through the Defense Sexual Assault Advocate Certification Program (D-SAACP) and have completed DSAID training shall be permitted access to DSAID.

The D-SAACP ensures sexual assault victims are offered the assistance of a credentialed SARC, SAPR VA and/or VVA who has a favorably adjudicated Tier 2 (or higher-level) background investigation within five years of the D-SAACP initial or renewal application submission.

The JFHQs-State SARCs role in relation to the wing SARC is to: Implement and manage the State SAPR program in coordination with the Wing SARC; Monitor reports of sexual assaults within the State in coordination with the Wing SARC, as applicable, and the victim-advocacy services provided by the assigned certified SAPR personnel from initial

report through disposition and resolution of the victim's health and well-being; Coordinate with the Wing SARC on ANG cases for reports of sexual assaults involving NG members; and, coordinate SAPR training with Wing SARC for new hires, supervisors, and members of the NG.

Prior to FY17, ANG units were not allocated funding for a dedicated, full-time SARC. Prior to January 2018, a full-time 150 SOW member performed SARC duties as an additional duty. Although the 150 SOW appointed a primary and alternate SARC, the "primary" SARC was responsible for execution of the 150 SOW SARP program.

For the period of 2008 to 2017, there were five primary SARCs appointed for the 150 SOW as an additional duty:

2008 to September 2010 - No SARC appointed.

10 October 2010 to 2 May 2011 – SARC 1 – SARC 1 was appointed as the SARC on 10 October 2010, by the 150 FW/CC. SARC 1 was a full-time Maintenance Officer with the 150 FW at the time of his appointment, and assumed this position as an additional duty.

3 May 2011 to o/a January 2012 – SARC 2 – appointed the Primary Wing SARC for the 150 FW on 3 May 2011 by the 150 FW/CC. At the time of the appointment, SARC 2 was the 150th Force Support Squadron Commander (150 FSS/CC) when she assumed this position.

O/a January 2012 to o/a February 2014 – SARC 3 -- appointed by 150 FW/CC. SARC 3 was a full-time Personnel Officer at the 150 FW. She was appointed as the alternate SARC from 3 May 2011 until she assumed the primary SARC responsibilities o/a January 2012. She is now retired and voluntarily accepted the request to participate in an interview.

23 April 2014 to 26 January 2015 – SARC 4 – appointed the 150 SOW SARC on 23 April 2014 by the 150 SOW/CV. Since then, SARC 4 separated from service. A certified letter was sent to her home of record on 12 September 2019 requesting her permission to participate in a voluntary interview. The certified letter receipt was signed 19 September 2019; SARC 4 did not accept the request to participate in an interview.

27 January 2015 to o/a 28 January 2018 – SARC 5 – appointed as the Primary SARC on 27 January 2015 by 150 SOW/CV, 150 SOW/CV. SARC 5 was assigned as a JFHQ-NM Human Resources Officer (HRO) at time of appointment. (note: SARC 5 is the same person previously appointed as SARC 2)

The 150 SOW Inspector General (IG) Inspections office conducted five By-Law inspections on the SAPR Program and were graded IAW AFI 90-201 and applicable governing guidance, for fiscal years 2015, 2016, 2017, 2018 and 2019. A By-Law

inspection is any inspection requirement directed from above the Air Force level (e.g. DoD, Presidential order, or Public Law) normally requiring a report to a higher-than-Air Force authority or to SAF/IG for compilation into a single report.

The purpose of the By-Law inspection is to validate and verify the unit Commander's Inspection Program (CCIP) for accuracy and adequacy and to provide the 150 SOW/CC an independent assessment of the unit's SAPR Program. This includes elements of the four Major Graded Areas (MGAs): Managing Resources, Executing the Mission, Improving the Unit, and Leading People. The inspection identifies any CCIP trends and suggests recommendations. A deficiency is an inspection finding validated against established guidance by an IG and can be Critical, Significant or Minor. A Recommended Improvement Area (RIA) is an identified process, product, or capability which could be improved by a suggested course of action. The 150 SOW/IG performed their first By-Law SAPR Program Inspection in FY15.

The 150 SOW/IG team conducted a By-Law Inspection on 23-30 January 2015 and used the 5 Tier (CCIP) Item Level grading scale definitions of: Outstanding, Highly Effective, Effective, Marginally Effective and Ineffective. The overall assessment of the Inspection Team was "Highly Effective", with two Significant deficiencies and two RIAs. The two Significant deficiencies were as follows: (1) There is no proof that the SARC ensured that VAs have completed the required 40 hours of training and that they have been certified by the Department of Defense Sexual Assault Advocated Certification Program, IAW AFI 36-6001 paras 2.4.1.1 and 2.9.1 and DoDI 6495.02 Encl. 6 para 2.a.(1); and, (2) There was no proof that the Unit Commander concurred in writing of the selected Victim Advocates (VAs). Also the Victim Advocates acknowledgement of their understanding and of their roles and responsibilities was not on file IAW AFI 6-6001 para 2.5.1.2 and DoDI 6495.02 Encl. 6 para 2.a.(4). The two RIAs included: (1) The SAPR Program Manager did not know or had a way to verify if deploying members have completed the SAPR training in ADLS prior to their deployment. To give oversight, recommend to add to the deployment out- processing checklist an area for SAPR Program Manager to be able to verify that the training has been accomplished; and, (2) There is no written plan in place for what a victim will do since the 150th Medical Facility does not conduct sexual assault exams as they are not the Medical Treatment Facility (MTF) on base.

The 150 SOW/IG team conducted the SAPR Program By-Law Inspection on the 150 SOW on 24 February 2016. The inspectors interviewed the program manager, conducted observations, and viewed self-assessment communicators via the Management Internal Control Tools (MICT). The By-Law inspection was graded "Effective", with no deficiencies and one RIA. There were no Repeat Discrepancies noted. The one RIA was to: Establish records management file plan to organize and protect required files.

The 150 SOW/IG, with assistance from the Joint Force Headquarters SAPRs, conducted a SAPR Program By-Law inspection on the 150 SOW SAPR Program on 15-19 September 2017. The inspection team interviewed the program manager, conducted observations, and viewed self-assessment communicators via the MICT. The By-Law inspection was graded "Not in Compliance" with two Critical, four Significant, and one Minor deficiencies, and two RIAs. The two Critical deficiencies are as follows: (1) The SAPR

program lacks any Volunteer Victim Advocates (VVAs) since 2016 when 5 fully trained and qualified VVAs were managed. Additional duty SARC is one currently certified Victim Advocate. SARC states that the program has collapsed due to fiscal limitations/lack of manpower days to provide adequate AFI-directed continuing education to VAs and to ensure they remain current. No additional SARC-led recurring training to maintain qualified VVAs was documented. 150 SOW Comptroller independently verified excess enlisted and officer manpower days were available on closeout of FY17 and had no record of denied requests IAW AFI 90-6001, paras 2.5, 2.5.11, 2.5.11.3, 2.5.29.4, 2.5.29.5, and, 7.5.2; (2) 150 SOW does not retain a unit-specific immediate response capability as AFI-directed due to additional duty assignment officer availability and the collapse of the Volunteer Victim Advocate (VVA) program. Current SARC advises airmen to contact the active duty (377/58th) SAPR office for reports during quarterly Wing "Newcomers Briefing" versus the readily available JFHQ Army National Guard SAPR office, which is WG alternate.

Active duty SAPR office routes cases back to 150 SOW office for reporting, therefore no immediate action is available IAW AFI 90-6001, para 1.4.3. The four Significant deficiencies are as follows: (1) The current SAPR office does not meet AFI guidance for approachability, easy access, and privacy IAW AFI 90-6001, para 1.7.1.8. The SAPR sits in a shared cubicle space with a partition that does not reach to the ceiling. There is no sound barrier preventing others from overhearing phone or personal conversations. SARC states that when meeting with airmen, she often utilizes the First Sergeant's office, Wing CC's office and Command Conference Room, or agrees to meet with airmen off-site. Additionally, alternate WG SARC/JFHQ SAPR has offered their office at the Albuquerque NG Armory for potential victim interviews; (2) The installation SARC was unable to verify that they hold the AFI directed Tier 2 background investigation IAW AFI 90-6001, para 2.2.1.1. The Level II inspection team did note that the process is backlogged at the HHQ level due to newer increased security requirements; (3) The SARC reports that the new Wing CC assumed command in July 2017 and as of this date has not met with the Wing SARC for one on one SAPR training as AFI-directed (within 30 days of taking command) IAW AFI 90-6001, paras 1.7.1.4, 2.5.13.1. No monthly meeting between the SARC and installation inspector general is established IAW AFI 90-6001, para 1.7.1.26; and, (4) The SARC states that due to no case load, no AFI directed case management group (CMG) conducted at the installation level.

The AFI states that if no cases exist, the meeting will still occur to ensure "training, processes and procedures are complete for system coordination." IAW AFI 90-6001, paras 8.2, 8.2.1 and CNGBI 1300.01 A-11 20. SARC is additionally required to attend by CNGBI the JFHQ meeting, however stated that they do not attend due to the JFHQ SAPR being in attendance (JFHQ SARC is also Alternate WG SARC). The one Minor deficiency is as follows: SARC does not have a designated government vehicle for transportation of victims to appropriate assistance agencies (medical, etc.) IAW AFI 90-6001, para 2.5.27. The two RIAs included: (1) Recommend consolidating with JFHQ SAPR to facilitate a Joint effort to rebuild the 150 SOW SAPR program. Additionally recommend that SARC duties be removed as an additional duty assignment, and redirected to JFHQ SAPR until full-time SARC hire is in place. AFI allows for a joint SAPR crisis hotline, which would allow for faster response time and more reliable reporting opportunity to potential victims, and the JFHQ SARC supports this measure. JFHQ SAPR, as the lead SARC for local NGB, has volunteered to provide

personnel support to reorganize the office, reestablish proper training for the VVA program and ensure proper procedures and protocols are in place for the pending full-time Title 5 SAPR; and (2) Recommend relocating the 150 SOW SAPR office to the 150 SOW HQ building, Room 31 (current IGQ office), due to proximity to parking lot, SJA, MEO and lack of general foot traffic in that end of the building. Enclosed office would provide adequate storage space, privacy, and meets the intent of the AFI. IGQ can coordinate with SAPR for use of the office as the need arises.

NOTE: The 150 SOW/IG used the 3-tier ratings found in AFI 90-201, 12 Apr 2015, para A8.9, however, para 5.3.4 states: "Wing IGs are encouraged to use the five-tier rating system found in paragraph 4.9.4."

The 150 SOW/IG team conducted the FY 18 By-Law inspection of the 150 SOW SAPR Program 26 October 2018, and was graded "Not In Compliance", with no new deficiencies. The Summary is as follows: The Sexual Assault Prevention Response (SAPR) Program, subsequent to last year's finding of Not In Compliance, underwent an audit directed by National Guard Bureau in January 2018. At this time no new deficiencies exist from the report, as they were previously unit identified in 2017. Subsequent to the published audit results in February 2018, the sitting SARC was removed by the 150 SOW/CC at the recommendation of the state auditor, and a full-time civilian employee was hired at the end of April 2018 to revitalize the program. During the interim, the Wing utilized JFHQ USARNG SHARP backfill for the Wing SARC. Appropriate training schools were completed by the new hire in August 2018, and the new SARC hire has been able to resolve 5 of the 7 previously identified deficiencies. The program is currently being rebuilt with Volunteer Victim Advocates being recruited and going through appropriate background checks and training, and the new program manager was granted MICT and DSAIDs access upon return from training in September 2018. Due to these mitigating circumstances, IG did not re-inspect the program after assisting with the audit early in the year and validating the closure of the previously mentioned 5 deficiencies. The program shows promise of being in compliance within the next several months and Wing leadership has requested an IG inspection of the SAPR program within the next several months to ensure specific critical areas are in compliance under the new program manager. The By-Law Inspection was conducted IAW AFI 90-201 and published IAW MAJCOM guidance.

The 150 SOW/IG validated the FY19 By-Law inspection of the 150 SOW SAPR Program 30 January 2019 inspection conducted by a subject matter expert (SME), the 152 Airlift Wing SAPR Program Manager/SARC. The program was graded "In Compliance with Comments," with no deficiencies and four RIAs. The comments are as follows: Program is overall in compliance, with several recommended improvement areas but no deficiencies noted. SARC has a good handle on rebuilding the SAPR program and has a very supportive command climate. All documentation is maintained in DSAID and in a locked filing cabinet drawer in the SARC office. Unrestricted/Restricted reporting options are covered in all realms on base and the SARC has made progress on recruiting and training new VVAs, 2 of which are fully qualified and have been appointed by signed Wing Commander memorandum. CMGs are being held monthly IAW AFI requirements. The four RIAs are as follows: (1) The program manager should ensure MICT is updated on a quarterly basis to build continuity. Last MICT completion prior to inspection was in 2016,

program manager updated MICT during the inspection; (2) Program manager should ensure VVA and SARC information is updated on the NGB A-1 site for continuity purposes; (3) Program manager should maintain a log of new Commanders briefings in order to track who has received them and so they may be loaded into MICT; and, (4) Program manager should try to establish a working and networking relationship with the Kirtland installation active duty SARC to ensure ANG personnel get good referrals to the right SARC.

Management Internal Control Toolset (MICT) is the Air Force program of record to communicate a unit's current status of Self-Assessment Communicator (SAC) compliance. In addition, MICT provides supervisors and the command chain, from squadron commander to SecAF, tiered visibility into user-selected compliance reports and program status. A SAC is a two-way communication tool designed to improve compliance with published guidance and communicate risk and program health up and down the chain of command in near real-time. Compliance with a SAC does not relieve individual Airmen from complying with all statutory and regulatory requirements in AFIs and directives at the local, state or federal level.

An Internal Audit on the 150 SOW SAPR Program, Internal Audit Report No. 2017-103, was conducted by Auditors from the Department of the Army and the Air Force, National Guard Bureau, US Property and Fiscal Officer for New Mexico, October 2017 through January 2018. The audit was requested by the Deputy Director, Air National Guard (DDANG), for 20 ANG Wings to determine if SAPR Program offices are compliant with operations program requirements for: Personnel assignment and training; Awareness and response; and Support and records maintenance. The overall conclusion of the audit is as follows: Overall, the New Mexico Air National Guard 150th Special Operations Wing (SOW) Sexual Assault Prevention and Response (SAPR) Program is failing to meet program requirements for personnel assignment and training, awareness and response and support and records maintenance. The assigned 150th SOW SARC serves as the Deputy Human Resources Officer for the New Mexico National Guard and only serves as the SARC as an additional duty. Due to limited availability, caused by multiple assignments, the SARC was unable to remain actively involved in SAPR program activities. The lack of involvement in day-to-day activities allowed the program to fall short in multiple areas necessary to maintain compliance and ensure effectiveness.

The Internal Audit provided the following recommendations: (A-1) The SARC should provide the ongoing SAPR related training required under AFI 90-6001, 7.4.2, and Table 7.1 and document completion of the training. The required training includes quarterly VVA training, annual CMG training, and post deployment training; (A-2) The SARC should ensure the SAPR program is fully staffed in accordance with AFI 90-6001. Staffing should include VVAs, VAs, and dedicated first responders; (B-1) The Director of the Joint Staff should immediately relieve the 150th SOW SARC of her program responsibilities. Duties and responsibilities should be tasked to the JFHQ SARC until a full time Wing SARC is hired. The Director of the Joint Staff must review DEOCS reports in the future to monitor reporting knowledge metrics and evaluate the new SARC's effectiveness in providing sufficient awareness materials to assigned personnel; (C-1) The Director of the Joint Staff should direct in writing the intent to develop a joint Army and Air SAPR program. This directive should

include the requirement to conduct joint CMG meetings and outline the personnel expected to attend the meetings; (D-1) The Wing Commander should assign a primary health care point of contact for SAPR policy in accordance with AFI 90-6001, 1.7.1; (D-2) The Wing Commander should ensure SAPR personnel are provided with appropriate office space and furnishings in accordance with AFI 90-6001, 1.7.1.8. NOTE: As of 25 January 2018, 150th SOW leadership acted upon the preliminary recommendation of the NM Internal Review Division to relieve the SARC of her program duties and responsibilities. Wing leadership recognized the need to initiate action that would ensure the program receives the time and attention required to re-establish compliance with regulatory guidance. The Joint Forces Headquarters SARC was directed to assume 150th SOW responsibilities until a full time SARC can be hired by the Organization. Wing leadership has expressed the utmost desire to improve the effectiveness of the SAPR program. It is clear that they are dedicated to ensuring the Airmen of the 150th SOW have access to, and are aware of all available resources pertaining to incidences of sexual assault.

The following individuals provided witness testimony as SMEs:

SME 1 was the JFHQ-NM SARC from 2014 until early 2018. The SARCs appointed during this time were: SARC 4, 23 April 2014 to 26 January 2015, and SARC 5, 27 January 2015 to 28 January 2018. SME 1 indicated she did not have personal knowledge of the 150 SOW SAPR program from 2008 until about 2015, at which time SARC 5 was the Primary SARC.

SME 2 provided witness testimony for the timeframe 2014 through 2019. He was assigned as the Sexual Harassment Assault Response Prevention (SHARP) NCO for the New Mexico Army National Guard in 2014, he later assumed the position of the JFHQ- NM Sexual Assault Response Coordinator in 2017 and remained in that position until April 2019.

SME 3 has been the active duty SARC for the 377th Air Base Wing (377 ABW), Kirtland AFB since 2009. She had interaction with SARC 2 and 5 during both appointments as the 150th SARC and limited interaction with the remaining 150 SOW SARCs.

SEXUAL ASSAULT AND RESPONSE (SAPR) PROGRAM CHRONOLOGY

DATE	EVENT
10-Oct-10	SARC 1 appointed 150 FW SARC
1-Nov-10	Victim Advocate trained (o/a)
1-Nov-10	Victim Advocate trained (o/a)
1-Nov-10	SARC posters posted on bulletin boards (o/a)
1-Dec-10	Maintenance Commanders Call SAPR briefing (o/a)
1-Dec-10	377 ABW Active Duty SARC provided mass briefings (o/a)
1-Jan-11	377 ABW Active Duty SARC provided mass briefings (o/a)
3-May-11	SARC 2 appointed as 150 FW Primary SARC; SARC 3 Alternate SARC
1-Jun-11	SARC 2 received SARC training at Professional Education Center, Little Rock AR (o/a)
1-Oct-11	SARC 2 distributed SAPR Program posters (o/a)
1-Oct-11	SARC 2 provided small group training in late 2011 and in 2012 (o/a)
1-Jan-12	SARC 3 appointed Primary 150 FW SARC (o/a)
1-Mar-12	Five Victim Advocates trained (o/a)
1-Jul-12	Mandated By-stander training (o/a)
1 Sep 2012-2013	Marketing materials, awareness materials procured/published and distributed (o/a)
2012-2013	Public Awareness Events (o/a)
7-May-13	Two Victim Advocates certified
18-Jul-13	Two Victim Advocates certified
1-Sep-13	Unit Stand Down, mandatory SAPR training
1 Jul 2013-Jan 2014	Evidence of SARC cell phone
1-Feb-14	SARC 3 no longer 150 SOW SARC (o/a)
23-Apr-14	SARC 4 appointed Primary 150 SOW SARC; the JFHQ-NM SARC appointed Alternate
23-Apr-14	SARC Document on SharePoint Re: Sexual Assault Awareness Month
23-Apr-14	SARC Document on SharePoint Re: Sexual Harassment and Assault message from NGB

21-May-14	SARC 4 Level I approval
30-Jun-14	Contact information for SARC and Victim Advocates on SARC SharePoint
2-Aug-14	SARC 4 SARC cell phone
10-Aug-14	SARC 5 relieved of Command of the 150 FSS/assigned to HRO militarily
27-Jan-15	SARC 5 appointed as Primary 150 SOW SARC
30-Jan-15	FY14 SAPR By-Law Report; graded "Highly Effective"
1-Feb-15	JFHQ-NM SARCs provided 40 hr SAPR Victim Advocate training
1-Apr-15	SAPR Public Awareness Event, Walk a Mile in Her Shoes (o/a)
21-May-15	Two Victim Advocates certified
1-Jun-15	2015 or 2016 Family Day with SAPR Program materials (o/a)
1-Jul-15	2015 SAPR SharePoint site containing Safe Helpline link, materials posted (o/a)
31-Jul-15	Four Victim Advocate certifications expired
25-Aug-15	Two Victim Advocates certified
24-Feb-16	FY16 SAPR By-Law Report; graded "Effective"
1-Apr-16	SAPR Public Awareness Event, Denim Day (o/a)
31-May-16	SARC 5 Level I Expired
30-Jun-16	Last SAPR Program MICT assessment by SARC 5
03-Jan-17	SARC 5 Primary AFSC 38P4
01-Apr-17	SARC 5 became Deputy HRO
25-May-17	Victim Advocate Level I approval
26-May-17	SARC 5 Level I Renewal
31-May-17	Two Victim Advocate certifications expired
1-Jun-17	150 SOW/CV is reassigned
31-Aug-17	Two Victim Advocate certifications expired
22-Sep-17	FY17 SAPR By-Law Report; graded "Not In Compliance"

8-Nov-17	SARC 5 emailed 150 SOW/CV with SAPR Program fixes
14-Dec-17	Victim Advocate Level I RENEWAL/CLOSED
09-Jan-18	SARC 5 Primary AFSC 38P4
18-Jan-18	SME 1 received 150 SOW SARC cell phone
23-Jan-18	TAG Email appointing SME 1 as 150th SARC
25-Jan-18	SARC 5 relieved from SARC duties (o/a)
6-Feb-18	Internal Audit Report on the 150 SOW SAPR Program; "SAPR Program failing to meet program requirements for personnel assignment and training, awareness and response and support and records maintenance."
21-Feb-18	SME 1 Certified (Army NG)
1-Apr-18	Acting 150 SOW/CC assigned
22-May-18	SARC 6 Level IV approval valid through 31 May 2020 RENEWAL
4-Aug-18	150 SOW/CV Reassigned
4-Aug-18	150 SOW/CC Assigned
09-Aug-18	SARC 6 appointed Primary 150 SOW SARC (no alternate)
14-Aug-18	SARC 6 assigned SARC cell phone
10-Sep-18	Victim Advocate Training 10-14 Sep 18; SARC 6 provided training
26-Oct-18	FY18 SAPR By-Law Report; graded "Not In Compliance"
28-Nov-18	150 SOW CMG; Whistleblower not invited
28-Nov-18	150 SOW CMG Meeting Minutes
14-Dec-18	150 SOW/CV CMG Standing Membership
18-Dec-18	150 SOW CMG; Whistleblower not invited
10-Jan-19	FY19 SAPR By-Law Report; graded "In Compliance with Comments"
23-Jan-19	150 SOW CMG; Whistleblower not invited
25-Feb-19	NGB SVC Program 2019 Overview
25-Feb-19	Three Victim Advocates certified
27-Feb-19	Victim Advocate Level I approval
27-Feb-19	Victim Advocate Level I approval
28-Feb-19	150 SOW CMG; Whistleblower invited
22-Mar-19	150 SOW CMG; Whistleblower invited
22-Apr-19	150 SOW CMG; Whistleblower invited
22-May-19	150 SOW CMG; Whistleblower invited
31-May-19	Victim Advocate Level I Expired
31-May-19	SARC 5 Level I Expired

1-Jul-19	150 SOW/CV, assigned Director Air-NM ANG
2-Aug-19	Victim Advocate Level I applied Initial Data/NEW
26-Aug-19	JFHQ SARC VVA provided training
3-Sep-19	150 SOW/CC emailed commanders regarding training priority and schedule
23-Sep-19	150 SOW VVA CEU Training
4-Oct-19	Student Flight Out-processing schedule/2 Nov 19

F-16 Missile Tracking Systems

As of the time of this investigation, the 150 SOW had in its possession, a Rover IV Transceiver (hereinafter referred to as “the equipment”), which is designed for air, surface and maritime use. The equipment provides Full Motion Video (FMV) from an airborne platform to ground users via airborne, mobile, fixed or man-portable terminals. The equipment was shipped to the 150th FW on 8 May 2008 to the attention [188th Fighter Squadron Chief of Weapons and Tactics].

The equipment was purchased in 2008 on a contract by the USAF Air Force Materiel Command (AFMC), which was administered by the Defense Contract Management Agency (DCMA), and paid for by Defense Finance and Accounting Service (DFAS)-Columbus Center.

AFMC conducts research, development, test and evaluation, and provides acquisition management services and logistics support necessary to keep Air Force weapon systems ready for war. The DCMA is a product delivery organization. The Agency provides contract administration services for the Department of Defense. DFAS pays all DoD major DoD contractors and vendors.

F-16 MISSILE TRACKING SYSTEMS CHRONOLOGY

DATE	EVENT
4-Jul-05	150 FW Intel moved out of Bldg 1047 to Bldg 1044
1-Oct-07	Chief of Weapons and Tactics, 188th Fighter Squadron (188 FS), assigned
1-Oct-07	Chief of Weapons and Tactics reassigned as Flight Commander, Chief of Standards and Evaluations, 188 FS
1-Mar-08	Commander of the 250th Intelligence Squadron (250 IS/CC), received call from Air Combat Command (ACC) regarding shipping the equipment (o/a)
20-May-08	Equipment shipped; Prime Contractor: L-3 Communications Administered by: DCMA Denver; Payment made by: DFAS Columbus Center Marked for: [Chief of Weapons and Tactics, 188th Fighter Squadron]
1-Jun-08	250 IS/CC remembered receiving equipment (o/a)

2009/2010	250 IS/CC recalled use of the Rover IV equipment while assigned to 150 FW Intel
1-Oct-10	150 FW assigned F-16s depart Kirtland for assignment elsewhere
1-Nov-10	150 SOW Command Post Superintendent attempted to turn in Rover VI equipment to LRS
1-Dec-10	250 IS/CC attempted to find POC for Rover IV equipment (o/a)
1-Aug-11	Flight Commander, Chief of Standards and Evaluations, 188 FS assigned Commander, 188 FS
1-Feb-12	Commander, 188 FS assigned Commander, 188th Rescue Squadron (188 RS)
1-Mar-13	Commander, 188th Rescue Squadron (188 RS), assigned as Director of Operations (A3) HQ NM ANG
1 Dec 13	150 FW re-designated as the 150 SOW, and mission changed from fighter aircraft to special operations.
1-Sep-14	Director of Operations (A3) HQ NM ANG assigned 150 SOW/CC
1-Jan-15	250 IS/CC discussions with 150 SOW Command Post Superintendent regarding equipment turn in
8-Jan-15	Discussion between past and present 150 SOW Command Post Superintendents regarding Rover IV equipment located in Command Post
31-Mar-15	Email to L-3 Communications
1-Apr-15	150 SOW Command Post Superintendent discussion w/ 150 LRS/CC
8-Jul-15	150 SOW Command Post Superintendent discussion w/ 150 MSG/CC
1-Dec-15	150 SOW Command Post Superintendent repackaged equipment and placed in desk drawer in Command Post in Crisis Action Team room (o/a)
1-Mar-16	150 SOW Command Post Superintendent contacted 150 LRS to turn equipment in, "gets the runaround" (o/a)
1-Apr-17	150 SOW/CV Assigned
1-Jun-17	150 SOW Command Post Superintendent conversation with 150 SOW/CV (o/a)
1-Aug-17	150 SOW/CC assigned ATAG HQ NM ANG

ALLEGATION 1

O/A 2008 to 2017, the 150 SOW Sexual Assault Response Coordinator (SARC) failed to ensure information was available for reporting sexual assaults, in violation of 32 CFR § 105.10 and Air Force Instruction 90-6001, *Sexual Assault Prevention and Response (SAPR) Program*.

BACKGROUND

On 1 July 2019, the Office of Special Counsel (OSC) referred a whistleblower disclosure to the Secretary of the Air Force for investigation. This allegation specifically covers the following aspect of the disclosure, *“Whistleblower alleged that SARC 5 did not properly discharge the duties of her position and during a nine year period ending in 2017, there were no incidents investigated by the program.”*

In a clarification interview, Whistleblower clarified that when she claimed no incidents were investigated by the program, she meant that no cases, restricted or unrestricted, had been opened during the alleged time frame. The IO further confirmed that the SARC is not required to “investigate” sexual assault incidents. Additionally, Whistleblower was under the mistaken belief that SARC 5 was the primary SARC during the entire nine year period alleged. However, Whistleblower admitted that she did not join the 150 SOW as an employee until May 2015, so she could not accurately speak to when SARC 5 assumed the SARC position.

Although there may be no way of determining why there were no sexual assault reports filed for the nine-year period as alleged by Whistleblower, and whether there was a correlation between the lack of sexual assault reports at the 150 SOW from 2008 to 2017 and any failures on the part of the acting 150 SOW SARC(s); one possible reason identified by Whistleblower was that there was not enough information made available to potential victims in the unit for ways to report. She cited an example of a training session in 2016 in which she asked the 45 participants if they knew who the SARC was in the 150 SOW. According to Whistleblower, nobody in the audience was aware of the name of the 150 SOW SARC.

Whistleblower further testified that there was not enough information available at the 150 SOW regarding SARC services; specifically she stated that there was, *“not a lot of knowledge out there on how to contact the SARC.”* Whistleblower stated that the 150 SOW SARC’s cell phone is the main contact for that position, and that number, along with the SARC’s name, was not widely disseminated.

Whistleblower claimed that there were instances in which members tried to go to the active duty 377 ABW SARC to report cases, because they were unaware of the 150 SARC contact information. Contrary to this assertion, the 377 ABW active duty SARC (2009-present), testified that she could only recall one Air Guard member contacting her for services during the alleged timeframe. The 377 ABW SARC also testified that this member came to her because there was not enough privacy at the 150 SOW due to the organization being so small.

In line with Whistleblower’s complaint and clarification interview, this analysis focuses on whether the SARC(s) during this time period fulfilled their duties by ensuring information was available for reporting sexual assaults.

As previously noted, Whistleblower mistakenly believed SARC 5 was the 150 SOW appointed SARC for the entire nine-year period from 2008-2017. Instead, during this period there were five primary SARCs appointed for the 150 SOW:

2008 – September 2010:	No SARC appointed
10 October 2010 to 2 May 2011:	SARC 1
3 May 2011 to o/a January 2012:	SARC 2
O/a January 2012 to o/a February 2014:	SARC 3
23 April 2014 to 26 January 2015:	SARC 4
27 January 2015 to 28 January 2018:	SARC 5 (same person as SARC 2)

LEGAL FRAMEWORK

Laws, rules and regulations at issue are set forth below, including Federal statutes and Air Force instruction. Air Force Instruction 36-6001, 29 September 2008, was superseded by Air Force Instruction 90-6001, 21 May 2015. As a result of changes in paragraph numbering and requirements, both AFIs are included in the legal framework depending on the timeframe of the allegation.

32 CFR § 105.9 Establishes commander and management SAPR procedures.

Para (a) SAPR management. *“Commanders, supervisors, and managers at all levels are responsible for the effective implementation of the SAPR program and policy. Military and DoD civilian officials at each management level shall advocate a strong SAPR program, and provide education and training that shall enable them to prevent and appropriately respond to incidents of sexual assault.”*

32 CFR § 105.10 establishes the Sexual Assault Response Coordinator (SARC) and Sexual Assault Program Representative Victim Advocates (SAPR VA) procedures.

Para (6) *“Report directly to the installation commander in accordance with 32 CFR part 103, to include providing regular updates to the installation commander and assist the commander to meet annual SAPR training requirements, including providing orientation briefings for newly assigned personnel and, as appropriate, providing community education publicizing available SAPR services.”*

Air Force Instruction 36-6001, *Sexual Assault Prevention and Response (SAPR) Program*, 29 September 2008, applies to all levels of command and all Air Force organizations including the Active Duty, Air Force government civilian employees, Air Force Academy, and Air National Guard and Air Force Reserve components while in Federal service.

Para 1.8.1. “The installation Wing Commander (WG/CC), or equivalent, implements local sexual assault prevention and response programs ensuring that an immediate, trained response capability exists to support victims of sexual assault.” Para 2.3.5.1.1. “The SARC must provide clear, accurate information on the available avenues for reporting sexual assault throughout his or her area of responsibility.”

Para 2.3.5.7.1. *“Establish and maintain a positive and proactive presence among Airmen on the installation. Consistently convey Wingman tenets, the need for Airmen to look out for one another, and to intervene in ways that impact the outcome positively.”*

Para 2.3.5.7.2. *“Establish and maintain a positive and proactive network in the surrounding community to increase awareness of trends, upcoming events, and potential changes in levels of safety. Communicate those findings with the installation population through leadership channels and public awareness campaigns, to include planning local events for Sexual Assault Awareness Month which is nationally observed during the month of April.”*

Air Force Instruction 90-6001, *Sexual Assault Prevention and Response (SAPR) Program*, 21 May 2015, applies to all levels of command and all AF organizations including the Active Duty (Reg AF), AF government civilian employees, United States Air Force Academy (USAFA), and Air National Guard (ANG) and Air Force Reserve components (ARC) while in Federal service.

Para 1.7.1. *The installation or host wing commander, or equivalent, will implement local sexual assault prevention and response programs ensuring that an immediate, trained response capability exists to support sexual assault victims.*

Para 2.5.3.4. *“Ensure clear and accurate information is available for reporting a sexual assault, both unrestricted and restricted, throughout his or her area of responsibility (T-0).”*

Para 2.5.15. *“Facilitate the development and collaboration of SAPR public awareness campaigns for victims of sexual assault, including planning local events for Sexual Assault Awareness and Prevention Month (T-0). The SARC will publicize the DoD Safe Helpline on all outreach events (T-0).”*

Chief National Guard Bureau Instruction (CNGBI) 1300.01, *Sexual Assault Prevention and Response Program*, 16 July 2016, establishes policy and assigns responsibilities for the National Guard (NG) Sexual Assault Prevention and Response (SAPR) program for NG Title 32 (T32) members, and eligible civilians and dependents in accordance with DoDD 64950.01, DoDI 6495.02 and 32 U.S.C. § 102.

Para 20e. *“Serves as the SAPR POC for ongoing prevention, education, delivery of required training, and assessing the needs specific to the ANG installation or wing in coordination with the NG JFHQs-State SARC.”*

The standard for Gross Mismanagement is set forth in Air Force Instruction 51-1102 which states: *“Gross Mismanagement is a management action or inaction which creates a substantial risk of significant adverse impact upon the agency’s ability to accomplish its mission. It does not include management decisions which are merely debatable, nor does it mean action or inaction which constitutes simple negligence or wrongdoing.”*

ANALYSIS OF FACTS, PERTINENT TESTIMONY AND DOCUMENTATION

To analyze this allegation to cover the nine year period, this analysis will be broken into sections that address the time period of responsibility for each appointed Sexual Assault Response Coordinator (SARC), the governing directive during each SARC's appointed time, the evidence, and relevant witness and subject testimony. Due to the timeframe of nine years for this allegation, the IO relied heavily on witness testimony, as recovering evidence was extremely difficult.

The IO notes that, as an Air National Guard wing, the 150 SOW is a tenant unit located at Kirtland AFB; the 377 ABW is the active duty host organization. The 377 ABW employs a full time SARC, and is identified as the installation SARC. Neither the September 2008 nor May 2015 AFI provides specific guidance and/or duties relative to the relationship of an Air National Guard Wing SARC and active duty SARC. For the purpose of the investigation, the IO used the criteria for the *Installation* SARC in relation to the 150 SOW's SAPR program. The evidence revealed that the installation SARC was involved throughout the years with the 150 SOW SAPR program, and her information and response capability was made available to the 150 SOW members. The evidence also revealed that the 150 SOW SAPR program did not always have funding for a full time SARC. In fact, during the alleged time frame, the 150 SOW SARC position was an additional duty. The 150 SOW attempted to hire the SARC on Title 32 (Full-Time National Guard Duty), then they decided to switch it to Title V (National Guard Civilian Employee), which they thought made more sense so they could get a broader pool of expertise. However, it took a while and they ultimately sought out to hire a full-time SARC in September 2017. While the IO analyzed the particular duties of each 150 SOW SARC in line with the AFI requirement set forth for the installation or lead SARC, the 377 ABW and 150 SOW relationship along with the fact that there was a full time, active duty 377 ABW SARC on Kirtland AFB did factor considerably into the IO's analysis. While the 150 SOW is an Air National Guard unit co-located on an active duty base, the IO obtained evidence from the 150 SOW Installation Support Agreement Manager there was no MOU or MOA with the 377 ABW regarding SARC duties. Therefore, AFI 90-6001, 29 September 2008, para 2.3.5.1.2 does not apply which states, "*Where appropriate, memoranda of understanding (MOU) with other military installations may be used to ensure sexual assault response capability.*" In addition, AFI 90-6001, 21 May 2015, para 2.5.24 states, "*Where appropriate, memoranda of understanding (MOU) with other military installations may be used to ensure sexual assault response capability*" is not applicable.

10 October 2010 to 2 May 2011 – SARC 1

SARC 1 was a major at the time of his appointment. SARC 1 testified that he worked primarily with the 377 ABW active duty SARC, because he had not been formally trained and only served as the 150 FW SARC for approximately seven months. The IO found no documentation or testimony of a prior SARC appointment or any information pertaining to the SAPR program at the 150 FW prior to SARC 1's appointment.

SARC 1 testified that he worked with the 377 ABW active duty SARC to update every bulletin board in the unit with the 377 ABW active duty SARC's name and picture, to ensure members knew who to contact to report a sexual assault. 377 ABW SARC recommended training for 150 FW members regarding restricted vs. unrestricted reporting, the role of the VA and additional SAPR Program topics. SARC 1 coordinated the training for the winter of 2010/2011;

he estimated that approximately 50% of the 150 FW members received the training. The IO asked SARC 1 what information was available for reporting sexual assaults during his time as the SARC, he testified, *"She [377th Active Duty SARC] made it very clear that it—for the time being, it was her...she provided us with materials to put around campus, with her face and her number on it and our Victim Advocates' faces and numbers on it as well."*

The IO found SARC 1 to be forthright and candid about his time as the 150 FW SARC during this time period. Although the length of time that has passed is a factor regarding available evidence, the IO relied on testimony to SARC 1's claim that the active duty SARC was the primary point of contact for SARC services. The current active duty 377 ABW SARC confirmed that the 377 ABW SARC (identified above by SARC 1 as the active duty SARC) was her predecessor and would have been the SARC at that time. Accordingly, the preponderance of the evidence supports the allegation pertaining to this time period is **NOT SUBSTANTIATED**.

3 May 2011 to o/a January 2012 – SARC 2

At the time of her subject interview, SARC 2 had retired from service, and was assigned to the NM ANG as a GS-15, Title 5 civilian. SARC 2 was appointed the 150 FW Primary SARC on 3 May 2011. During this 2011-12 appointment as SARC 2 she was also serving as the Commander, 150th Force Support Squadron (150 FSS), which was a violation of AFI 36-9001 (see Allegation 3). The IO asked SARC 2 what information was available for reporting sexual assaults during this time period. SARC 2 testified that she trained members based on the materials provided to her (presumably by headquarters or the Air Force SAPR program at the time, however she did not clarify in her testimony). SARC 2 also testified that there was SAPR information on the 150 FW SharePoint site, and flyers with SAPR contact information were posted in places of employment. SARC 2 specified the information contained in the flyers, *"I want to say I copied pretty much what the 377th did...this is how you report a restricted and this is how you report an unrestricted, you can contact the SARC, Victim Advocates...I know I had a cell phone that was dedicated only to the SARC program. And I know that phone number was on there."*

SARC 2 further testified that she distributed some of the posters herself and the VAs distributed others; they also provided materials to the commanders to post throughout their units. The IO asked SARC 2 specifically how members would know how to report a sexual assault; she testified that the DoD Safe Helpline was posted all over at Kirtland AFB, and that, other than paying attention to the information presented during the annual training briefings and SharePoint, she does not know how else someone would have known.

The 377 ABW SARC testified that she worked with SARC 2 several times during this appointment, and also later during SARC 2's appointment from 2015-2017 as SARC 5. The 377 ABW SARC could not recall whether she shared active duty reporting posters with SARC 2 during this time frame, but stated it was very possible. She testified that SARC 2 ensured she introduced herself both times she acted as SARC. The 377 ABW SARC testified that before 2013 (Green Dot training was implemented in 2013), the 377 ABW SARC was responsible for training the entire installation. The 377 ABW SARC also stated that she conducted annual training at the 150 FW during this time frame under SARC 2, and possibly during SARC 3's tenure as SARC before 2013. The annual training consisted of definitions of sexual assault, consent, reporting options, and other aspects of the SAPR program.

The IO found the preponderance of evidence through SARC 2's and the 377 ABW SARC's testimony that she worked in concert with the 377 ABW SARC to ensure information was available for reporting sexual assaults during this time frame. 377 ABW SARC, the current active duty SARC, corroborated her testimony somewhat, in that she remembers engaging with SARC 2 on multiple occasions for various 150 FW SAPR program items, to include acting as back-up for each other on the SARC line, and training 150 FW personnel on ways to report sexual assaults. Accordingly, the preponderance of the evidence supports that the allegation pertaining to this time period is **NOT SUBSTANTIATED**.

O/a January 2012 to April 2014 – SARC 3

SARC 3 (now retired) testified that she provided mandated SAPR by-stander intervention training in 2012; at least four or five times. The training consisted of the SARC contact information, unrestricted and restricted reporting, and general information about the SAPR Program. SARC 3 testified that, in addition to the trainings, her team attempted to cultivate *“constant awareness of who the people were, who the SARC was, what the process was, in the form of flyers and billboards.”* Regarding the specific information available to members at that time, SARC 3 stated, *“There were flyers ... Guard Bureau sent us and then they gave us ideas, but they also sent us flyers and then I asked Public Affairs to make more flyers that were bigger and that had the information on the bottom, that had the SARC number, VAs' numbers. We also had another 8 ½-by-11 that was framed and put right next to it ... It had another number... DoD hotline.”* For clarity, it should be noted that during SARC 3's tenure as the SARC, the unit designation changed from 150th Fighter Wing, to the 150th Special Operations Wing, on 1 December 2013.

SARC 3 stated she also had a budget allocated to the SAPR Program and purchased items such as emery boards, pens, Post-it notes, and water bottles which were distributed during training sessions and at every section. She testified these items had the SAPR and DoD hotline numbers on them, in addition to the SAPR logo, that said something to the effect of, “Hurts One, Hurts All.”

The IO asked SARC 3 about public awareness campaigns. She testified that she was involved with the local Rape Crisis Center and invited them to come speak at the 150 FW. She also engaged with community organizations to ensure that they knew who the 150 FW was, and to educate those organizations on SARC procedures for military members.

The IO found SARC 3's testimony that she took steps to ensure information was available for reporting sexual assaults credible during this time frame. The IO found her detailed accounts regarding training and the production of materials to broaden awareness convincing. Accordingly, the preponderance of the evidence supports that the allegation pertaining to this time period is **NOT SUBSTANTIATED**.

23 April 2014 to 26 January 2015 – SARC 4

SARC 4 separated from service and did not accept the request to participate in an interview. The IO obtained documentation regarding SAPR information available to unit members on the organization's SharePoint site in 2014. The SharePoint site contained contact

information for the following individuals: Victim Advocate 1 (NOVA D- SAACP certified 18 July 2013), SARC 4, (NOVA D-SAACP certified 21 May 2014), Victim Advocate 2, and Victim Advocate 3 (NOVA D-SAACP certified 18 July 2013). In addition, the site referenced Sexual Assault Awareness month and information about sexual harassment/assault from the NGB.

The IO had limited evidence and no Subject testimony to support the analysis of this time period. However, the 150 SOW/IG office conducted a By-Law Inspection on 4 February 2015 for the period of 23-30 January 2015. The program received an overall assessment of “Highly Effective.” The report further stated that “*SAPR training and communication has been spread to Wing members*” and “*SAPR training throughout the wing is being accomplished in a highly effective manner.*” Additionally, based on the evidence and testimony from the preceding SARC, SARC 3, it was evident that the materials SARC 3 procured and provided were still available to 150 SOW members during SARC 4’s brief nine-month appointment as the 150 SOW SARC. SARC 5, who was appointed 150 SOW SARC after SARC 4, corroborated that SARC 3’s marketing materials were still available, as SARC 5 testified that she distributed the same materials during her tenure. Accordingly, the preponderance of the evidence supports that the allegation pertaining to this time period is **NOT SUBSTANTIATED**.

27 January 2015 to 28 January 2018 – SARC 5

SARC 5 was appointed for a second time as the 150 SOW Primary SARC on 27 January 2015. SARC 5 testified that the 150 SOW/CC and 150 SOW/CV contacted her and asked her to consider assuming the SARC position again. At the time, SARC 5 was assigned to the Human Resources Office as a technician and military member, and worked in Santa Fe (the 150 SOW is located on Kirtland AFB, Albuquerque). According to SARC 5, she agreed to assume the role temporarily while 150 SOW/CC and 150 SOW/CV continued to find someone else. Then SARC 5 testified she agreed to the appointment, however she told them that due to her workload, the administrative side of the program may suffer, but the victim care side would not. As discussed below, the evidence indicates that although SARC 5 seemed sincere in her attempt to stay engaged during this time period, her full-time duties ultimately impacted her ability to act as the 150th SOW SARC. Based on the recommendation from the audit the 150 SOW/CC and 150 SOW/CV removed her from the position.

According to SARC 5, the 150 SOW SAPR Program was executed better the second time she was appointed SARC. SARC 5 stated that she worked closely with the JFHQ-NM SARC, and that they conducted joint training. SARC 5 testified that NGB provided various types of training and marketing materials, and that she used those materials to train 150 SOW members. The materials were distributed at various types of events. In addition, she educated members about the SAPR Program at Student Flight briefings and Green Dot trainings. The JFHQ-NM SARC testified that at the Green Dot trainings, SARC 5 did make her presence known as the unit SARC. She also stated that SARC 5 regularly engaged with the Student Flight monthly briefings.

SARC 5 testified that during this time as the appointed SARC, she and the JFHQ-NM SARC updated all of the posters to include both the 150 SOW and JFHQ-NM SARC contact numbers. They also passed out small bags with the SARC information, to include the names and phone numbers of the 150 SOW and JFHQ-NM SARCs, magnets, pens, and other items. She testified that these items were distributed at mass events, trainings, and Family Days. Contrary to SARC 5’s testimony relating to updating all of the posters, the

JFHQ-NM SARC testified that although one of the JFHQ-NM SAPR program goals was to ensure SARC 5 and the 150 SOW had a National Guard number advertised, she believed a lot of the posters remained with only the active duty contact information.

SARC 5 further testified that she did have a SharePoint site in 2015 that contained her contact information and links to the Safe Helpline and DoD SAPR. She indicated that active duty information was also posted throughout several buildings in which 150 SOW members were co-located with the active duty personnel. Those active duty posters did not contain SARC 5's contact information, however, according to SARC 5, if a member from the 150 SOW called the active duty SARC, the active duty SARC would refer that individual to SARC 5.

Contrary to SARC 5's testimony, there were additional witnesses who testified that there was a lack of information available regarding reporting sexual assaults during this period. A JFHQ-NM NCOIC, testified that he did not feel the 150 SOW SAPR Program provided clear and accurate information for reporting sexual assaults and that he never noticed any flyers in the buildings. A member of the 150 SOW/IG office also testified that there was a lack of 150 SOW SARC public awareness, she stated: *"...until really the new SARC came, there was none of the flyers, or any of that for how to report something if it did happen. That information was just not apparent throughout our Wing at all. We're a tenant on a host base and when you go over to the 377th, you see the flyers and everything everywhere about the differences between restricted and...unrestricted. And we didn't have any of that here locally in our own Wing for the Wing to see."* The 150 SOW/IG member did testify however that then-SARC 5 provided SAPR information during the yearly training she conducted.

The 150 SOW/IG further confirmed that most of the flyers within the 150 SOW that were available referenced the active duty 377 ABW Installation SARC. The 150 SOW/IG testified that when she inspected the SAPR program, she believed there was a sign that had SARC 5's cell phone on it and for immediate assistance, members could also contact the active duty 377 ABW SARC. A member of the 150 SOW Command Post currently serves as a 150 SOW VA and indicated that the flyers posted contained information for the 377 ABW, and no information regarding the 150 SOW SARC or their VAs was available.

Regarding public awareness events during the time period under discussion (2015 to 2018), SARC 5 testified that JFHQ-NM SARC was the lead for public awareness events, as JFHQ-NM SARC was a primary duty SARC, and the SARC position was an additional duty for SARC 5. SARC 5 testified that during this time period, the following events were held: Walk a Mile in Her Shoes, April Denim Day and outreach with a local college. JFHQ-NM SARC testified she was aware of one public event for Sexual Assault Month during this time, and confirmed that the JFHQ-NM SARC team was usually the lead on such events, and SARC 5 was invited to them. Additionally, the 150 SOW held large events like Family Day, at which the JFHQ-NM set up tables to give out information and promotional items. The 150/SOW IG recalled "Denim Day" that occurred in April 2018 and April 2019.

Although SARC 5 testified that she took multiple, proactive steps to ensure information for reporting sexual assaults was available throughout the wing, it appears that at some point during her second appointment from 2015-2018, the 150 SOW SAPR program began to take a turn for the worse. The most pointed evidence to this effect is reflected in the program's

inspections during this period, which indicate that in 2017, the program began to suffer. In 2016, the IG inspection team found no deficiencies regarding the allegation under discussion. On 24 February 2016, the 150th SOW/IGI conducted a By-Law Inspection of the 150th SOW SAPR program; the team gave the program a grade of “Effective.” In the area of Improving the Unit, the report stated: *“The SAPR program has been updated to reflect current requirements. SharePoint has been updated with current information and procedures; should a member be in need of SAPR resources”* In 15-19 September 2017, the team conducted another inspection and graded the program “Not in Compliance,” however, the inspection team found no deficiencies related to awareness in reporting sexual assaults. Instead, the report noted that, *“Many of the unit training and outreach responsibilities formally codified in AFI 90-6001 have been absorbed by the Green Dot Program. This has allowed the unit to maintain a level of awareness on the SAPR program and reporting options in spite of limited involvement by the SARC.”*

On 26 October 2017, the 150 SOW SAPR program underwent an internal audit, along with various other Air National Guard units. The Final Audit report concluded that the 150 SOW SAPR program was failing to meet the requirements in several key areas, to include awareness. Relevant to the allegation under discussion, the report noted the following: *The audit team has determined that the 150th SOW SAPR program did not provide sufficient awareness materials to ensure Airmen assigned to the wing obtained sufficient understanding of available resources. Although, awareness materials are initially provided to 150th SOW Airmen, it is evident that the SARC did not adequately participate in the day-to-day operations of the program in order to ensure that SAPR program resources were consistently made available...The lack of involvement inhibited the SARC from continuously developing the program and ensuring that NMANG Airmen had the most up to date resources available to them.”*

The audit team further determined that the 150 SOW SARC *“did not adequately participate in outreach events and the program was not sufficiently represented in order to ensure Airmen had the opportunity to be aware of the resources available to them.”* The report noted that SARC 5 stated during the audit that her lack of involvement and posted awareness materials was due to her duties as the Deputy Human Resources Officer, which significantly impacted her ability to engage in awareness events. The audit team concluded that the absence of materials and efforts to promote awareness had a negative impact on the overall SAPR reporting knowledge of members of the wing; this conclusion was based on a DEOMI Organizational Climate Survey (DEOCS) Report dated 1 November 2017, in which the 150 SOW scored a 65% in sexual assault reporting knowledge. The audit team ultimately concluded that the lack of reduced knowledge of reporting procedures potentially deterred Airmen from reporting sexual assaults. Based upon the preliminary recommendation of the New Mexico Internal Review Division, the 150 SOW/CC and 150 SOW/CV removed SARC 5 of her SARC duties on 18 January 2018.

The IO addressed the findings of the Internal Audit regarding awareness materials with SARC 5 and specifically her ability to engage in awareness events once she became Deputy of Human Resources. SARC 5 testified that upon assuming the Deputy position, time constraints “probably” impacted awareness. She testified her new job may have impacted some administrative tasks as well, but never her ability to answer her cell phone or availability to speak with people. SARC 5 also admitted to not participating in a public outreach event that was coordinated by JFHQ-NM SARC during a weekend she was not available. In response to the audit team’s note that the majority of high traffic areas, such as the gym and dining facility solely contained materials pertinent to the active duty SARC, she agreed, and testified that this was

because those facilities belonged to the active duty component on base. SARC 5 testified that because she had received no reports, that there was a problem with the program, *“because we know from historical that sexual assaults happen. It was just that they weren’t coming forth.”*

The evidence indicates that SARC 5’s duties as the HRO Deputy Director likely impacted her ability to fulfill the additional duty functions of the 150 SOW SARC, to include her responsibilities to ensure information was available for reporting sexual assaults. SARC 5 acknowledged both to 150 SOW/IG inspectors and to the IO that her full-time duties impacted her ability to act as the 150 SOW SARC, and that, *“awareness was probably impacted,”* but SARC 5 maintained that she would not let the victims suffer. The IO notes, as discussed above, that SARC 5 made the 150 SOW/CC and CV aware that the program was going to suffer because of her full-time duties, however they appointed her anyway.

As previously stated above, SARCs appointed at the 150 SOW served as an *additional duty*, as Guard units were not allocated funding for a full-time SARC position until FY17. The 150 SOW leadership at the time of SARC 5’s appointment in January 2015 as the SARC consisted of 150 SOW/CC and 150 SOW/CV. 150 SOW/CV testified that he was not aware of any issues regarding SARC 5’s appointment as the 150 SOW SARC. 150 SOW/CV retired o/a March 2017.

The 150 SOW/CV assumed the responsibilities of the position o/a April 2017 and assumed the role full-time June 2017. He testified that himself and the Wing Commander at the time met with SARC 5 relating to her not being able to perform the SARC duties as required as a result of the internal inspection, the FY17 By-Law Inspection, conducted 22 September 2017, and outlined what needed to be accomplished. Around that same time, the 150 SOW also received notification from NGB that he gained a full-time resource for the SARC position. The 150 SOW/CV testified it was a frustrating process, as they attempted to hire the SARC position on Title 32, and then switched to Title V, so they could get a broader pool of experience. This is somewhat corroborated by SARC 5’s testimony that she asked to apply for the Title 5 position and indicated she wouldn’t qualify due to the education requirements and she wasn’t willing to take the position as a Title 32 GS-11, because her current position was a GS-12. Ultimately, 150 SOW/CV began the interview process for a full-time SARC in December 2018. Shortly after, in the midst of the internal audit on the SAPR program 150 SOW/CV was notified by the audit team to replace SARC 5. At that time, 150 SOW/CC and CV decided to remove SARC 5 from the SARC position and appoint JFHQ-NM SARCs as JFHQ-NM full-time State SARCs until the new SARC was brought on board in April 2018.

Although there were several deficiencies noted by the FY17 By Law Inspection and the internal audit, the IO does not find that SARC 5’s lack of involvement rises to the definition of Gross Mismanagement as defined by AFI 51-1102. Pursuant to this definition, *“It does not include management decisions which are merely debatable, nor does it mean action or inaction which constitutes simple negligence or wrongdoing...”* The IO found that throughout SARC 5’s testimony, she was sincere in her attempt to perform her duties for the program, she was just unable to do so. The investigation did reveal that SARC 5 was simply negligent in her inability to fulfill her duties as the 150 SOW SARC. In addition, the scope of the investigation was focused solely on the allegations derived from the referral letter, specifically addressing the 150 SOW SARCs responsibilities in executing the program. Specific violations of rule were not addressed at the Wing leadership level. However, 150 SOW/CV provided testimony, as indicated above,

that once he was aware the SAPR program was not in compliance, he began to take action to remedy the situation, which ultimately resulted in the removal of SARC 5.

The IO found the admission by SARC 5 that her position during this time as the Deputy Director of HRO impacted her ability to act as the 150 SOW SARC, testimony from JFHQ-NM SAPR Program staff and 150 SOW personnel regarding the lack of information throughout the wing, and the findings of the internal audit (which resulted in the immediate removal of then-SARC 5 as the 150th SOW SARC) was convincing and sufficient to substantiate this allegation by a preponderance of the evidence. The IO must note that SARC 5 warned 150 SOW/CCs that she may struggle to fulfill the duties of the program as an additional duty. Ultimately the 150 SOW/CC and CV corrected the issue by removing SARC 5 and filling the position with a full time SARC position. The preponderance of the evidence supports that the allegation pertaining to this time period is **SUBSTANTIATED**.

CONCLUSION

Based on review of the evidence, testimony adduced during this investigation, and based on a preponderance of evidence, the following allegations are:

O/A 10 October 2010 to 2 May 2011, the 150 SOW Sexual Assault Response Coordinator (SARC 1) failed to ensure information was available for reporting sexual assaults, in violation of 32 CFR § 105.10 and Air Force Instruction 90-6001, *Sexual Assault Prevention and Response (SAPR) Program*. **NOT SUBSTANTIATED**

O/A 3 May 2011 to o/a January 2012, the 150 SOW Sexual Assault Response Coordinator (SARC 2) failed to ensure information was available for reporting sexual assaults, in violation of 32 CFR § 105.10 and Air Force Instruction 90-6001, *Sexual Assault Prevention and Response (SAPR) Program*. **NOT SUBSTANTIATED**

O/A January 2012 to o/a February 2014, the 150 SOW Sexual Assault Response Coordinator (SARC 3) failed to ensure information was available for reporting sexual assaults, in violation of 32 CFR § 105.10 and Air Force Instruction 90-6001, *Sexual Assault Prevention and Response (SAPR) Program*. **NOT SUBSTANTIATED**

O/A 23 April 2014 to 26 January 2015, the 150 SOW Sexual Assault Response Coordinator (SARC 4) failed to ensure information was available for reporting sexual assaults, in violation of 32 CFR § 105.10 and Air Force Instruction 90-6001, *Sexual Assault Prevention and Response (SAPR) Program*. **NOT SUBSTANTIATED**

O/A 27 January 2015 to o/a 28 January 2018, the 150 SOW Sexual Assault Response Coordinator (SARC 5) failed to ensure information was available for reporting sexual assaults, in violation of 32 CFR § 105.10 and Air Force Instruction 90-6001, *Sexual Assault Prevention and Response (SAPR) Program*. **SUBSTANTIATED**

ALLEGATION 2

O/A 2008 to 2017, the 150 SOW Sexual Assault Response Coordinator (SARC), failed to ensure an adequate victim support system was in place for potential sexual assault victims, in violation of 32 CFR § 105.10 and Air Force Instruction 90-6001, Sexual Assault Prevention and Response (SAPR) Program.

BACKGROUND

On 1 July 2019, the Office of Special Counsel (OSC) referred a whistleblower disclosure to the Secretary of the Air Force for investigation. This allegation specifically covers the following aspect of the disclosure, *“Whistleblower disclosed that SARC 5 did not provide a victim support system that met the sexual assault reporting requirements of AFI 90-6001.”*

As discussed above, Whistleblower mistakenly believed SARC 5 was the 150 SOW appointed SARC for the entire nine-year period from 2008-2017. Instead, during this period, there were five primary SARCs appointed for the 150th SOW:

2008 – September 2010:	No SARC appointed
10 October 2010 to 2 May 2011:	SARC 1
3 May 2011 to o/a January 2012:	SARC 2
O/a January 2012 to o/a February 2014:	SARC 3
23 April 2014 to 26 January 2015:	SARC 4
27 January 2015 to 28 January 2018:	SARC 5 (same person as SARC 2)

LEGAL FRAMEWORK

Laws, rules and regulations at issue are set forth below, including Federal statutes, as well as Air Force instruction. Air Force Instruction 36-6001, 29 September 2008, was superseded by Air Force Instruction 90-6001, on 21 May 2015. As a result of changes in paragraph numbering and requirements, both AFIs are included in the legal framework depending on the timeframe of the allegation.

32 CFR § 105.9 Establishes commander and management SAPR procedures.

(b)(1) *“Develop guidelines to establish a 24 hour, 7 day per week sexual assault response capability for their locations, including deployed areas.”*

32 CFR § 105.10 establishes the Sexual Assault Response Coordinator (SARC) and Sexual Assault Program Representative Victim Advocates (SAPR VA) procedures.

Para (7): *“Provide a 24 hour, 7 day per week response capability to victims of sexual assault, to include deployed areas.”*

Para (A) *“Activate victim advocacy 24 hours a day, 7 days a week for all incidents of reported sexual assault occurring either on or off the installation involving Service members and other persons covered by this part.”*

Air Force Instruction 36-6001, *Sexual Assault Prevention and Response (SAPR) Program*, 29 September 2008, applies to all levels of command and all Air Force organizations including the Active Duty, Air Force government civilian employees, Air Force Academy, and Air National Guard and Air Force Reserve components while in Federal service.

Para 2.3.5.1. “The SARC is responsible for ensuring a victim support system exists capable of responding to all reported sexual assaults, 24 hours a day-7 days a week, occurring on or off the installation within his or her area of responsibility to include geographically separated units (GSUs) attached to or supported by the installation.”

Para 2.15.2.3.1. “SARCs should ensure installation agencies, such as the Command Post and Installation Operators, add the SARC contact phone numbers to phone listings and/or rosters for emergency contact. SARCs and VAs should not provide victims with their personal home or personal cellular phone numbers.”

Air Force Instruction 90-6001, 21 May 2015, *Sexual Assault Prevention and Response (SAPR) Program*. This instruction applies to all levels of command and all AF organizations including the Active Duty (Reg AF), AF government civilian employees, United States Air Force Academy (USAFA), and Air National Guard (ANG) and Air Force Reserve components (ARC) while in Federal service.

Para 2.5.2. “Responsible for a victim support system that ensures a certified advocate answers the installation SAPR response line and is capable of responding to all reported adult sexual assaults 24 hours a day, 7 days a week, occurring on or off the installation within his(her) area of responsibility to include Geographically Separated Units (GSUs) attached to or supported by the installation (T-0).”

Para 2.5.3.4.1. “SARCs will provide installation agencies, such as the Command Post and Installation Operators, the SAPR 24/7 local response line and any additional roster(s) for emergency contact information. SARCs, SAPR VAs, and VVAs will not provide victims with their personal home or personal cellular phone numbers.”

Chief National Guard Bureau Instruction (CNGBI) 1300.01, *Sexual Assault Prevention and Response Program*, 16 July 2016, establishes policy and assigns responsibilities for the National Guard (NG) Sexual Assault Prevention and Response (SAPR) program for NG Title 32 (T32) members, and eligible civilians and dependents in accordance with DoDD 64950.01, DoDI 6495.02 and 32 U.S.C. § 102.

Para b. “Implement and manage the ANG installation or wing SAPR program in coordination with the NG JFHQs-State SARC IAW DoD Issuances, Service specific requirements as applicable to non-Federalized NG members, CNGB Issuances, State laws, and TAG’s policies and procedures.”

Para e. “Serve as the SAPR POC for ongoing prevention, education, delivery of required training, and assessing the needs specific to the ANG installation or wing in coordination with the NG JFHQs-State SARC.”

The standard for Gross Mismanagement is set forth in Air Force Instruction 51-1102 which states: *“Gross Mismanagement is a management action or inaction which creates a substantial risk of significant adverse impact upon the agency’s ability to accomplish its mission. It does not include management decisions which are merely debatable, nor does it mean action or inaction which constitutes simple negligence or wrongdoing.”*

ANALYSIS OF FACTS, PERTINENT TESTIMONY AND DOCUMENTATION

Notwithstanding the lack of clarity regarding Whistleblower’s allegation that *“there was no victim support system in place,”* the IO analyzed whether there was a SAPR response line available 24 hours a day, seven days a week, if there was a certified advocate available to answer the response line, and whether the number was provided to installation agencies, such as the Command Post. The analysis is broken into sections that address the time period of responsibility for each appointed Sexual Assault Response Coordinator (SARC), the governing directive during each SARC’s appointed time, the evidence, and relevant witness and subject testimony.

While this allegation analyzed whether there was a victim support system, capable of responding to all reported sexual assaults, the majority of testimony equated the adequacy of the victim support system based on availability of Victim Advocates (VAs). The requirement(s) referenced above do not provide direct policy regarding what a victim support system should consist of, nor does it mandate a required number of VAs, only that the SARC ensures a “victim support system capable of responding to sexual assaults” exists.

Whistleblower testified that her only knowledge regarding the victim support system was during the period SARC 5 was appointed as the 150 SOW SARC, from 27 January 2015 to 28 January 2018. She testified that the primary support system that was in place during this time would have been the chaplain. Whistleblower could not provide any documentation or evidence that specific individuals were not provided required victim support care. Whistleblower testified that her only role in the SAPR program is to review unrestricted cases and could not identify any specific reporting requirements that were not met. The IO noted that Whistleblower’s testimony focused more on available information for reporting sexual assaults (see Allegation 1). The Whistleblower was also unsure how a lack of a victim support system prevented service members from reporting incidents.

10 October 2010 to 2 May 2011 – SARC 1

SARC 1 testified that his first task upon his appointment was to appoint VAs and send them to training at the Professional Education Center in Little Rock, Arkansas. SARC 1 received support from the 377 ABW active duty SARC at the time, who provided training to ensure that unit personnel knew to contact her if there was a reportable incident. SARC 1 believed the program did have the capability of responding to a sexual assault 24 hours a day, seven days a week. According to SARC 1, the 150 FW VAs as well as the 377 ABW SARC were all available 24/7 to respond and provide victim support services. SARC 1 was not aware of whether the 150 FW had a dedicated SARC response line. He testified that the 150 FW Command Post was not a 24/7 operation, and that during non-duty hours the calls would be rerouted to the 377 ABW Command Post, where the 377 ABW SARC’s information was also available.

The IO found SARC 1 to be forthright and candid about his time as the 150 FW SARC during this time period. Pursuant to the requirement that the SARC ensures a victim support system exists capable of responding to all reported sexual assaults 24 hours a day, seven days a week—the IO determined that SARC 1 did have such a system. Although the length of time that has passed is a factor regarding available evidence, his testimony regarding trained VAs was corroborated by SARC 2's testimony. The IO relied on testimony due to lack of physical documentation that indicated that SARC 1 and/or 377 ABW SARC provided a victim support system for 150 FW members. Accordingly, the preponderance of the evidence supports that the allegation pertaining to this time period is **NOT SUBSTANTIATED**.

3 May 2011 to o/a January 2012 – SARC 2

SARC 2 recalled that there was one trained victim advocate at the 150 FW when she became the SARC in January 2011, and that she trained an additional three or four more VA's during this period of time. She received her SARC training from NGB and attended the training in Little Rock, Arkansas. This training qualified SARC 2 to provide victim support services in accordance with AFI 36-6001. The IO was unable to obtain any documentation for trained VAs for this time period as there was no official system to track VA training. The requirement to certify SARCs and VAs became effective in 2013. Additionally, SARC 3's testimony regarding 150 FW VAs in place when she took over from SARC 2 contradicts SARC 2's testimony. While there is contradiction regarding the number of VAs in place and no evidentiary documentation, the IO concluded SARC 2 did have a victim support system in place due to the fact that she was trained IAW AFI 36-6001 to provide victim support services. In addition, her testimony regarding recalling one trained victim advocate is corroborated by SARC 1's testimony that two individuals received VA training.

Regarding the response line, SARC 2 testified that there was a dedicated SARC line available in 2011 and 2012, for which she was responsible. SARC 2's testimony was corroborated by a phone bill during this period. SARC 2 believed, but could not confirm, that the number had been provided to the Command Post.

The IO found SARC 2 to be credible in her testimony and obtained evidence of a 24/7 response line. Pursuant to the requirement that the SARC ensures a victim support system exists capable of responding to all reported sexual assaults 24 hours a day, seven days a week—the IO determined that SARC 2 did have such a system. Although the length of time that has passed is a factor regarding available evidence, the IO relied on testimony and concluded that SARC 2 did have a victim support system available for the 150 FW. Accordingly, the preponderance of the evidence supports that the allegation pertaining to this time period is **NOT SUBSTANTIATED**.

O/a January 2012 to o/a February 2014 – SARC 3

SARC 3 testified that when she became the primary 150 FW SARC, there was no program in place nor, was she aware of any trained VAs. Her testimony directly contradicts testimonies regarding the existence of a SAPR program and VAs. SARC 1 testified as the SARC he provided the initial steps to building a program by getting the word out, working with the 377 ABW SARC to explain the program, and training VAs. The 377 ABW SARC testified she recalled after meeting SARC 2 for the first time, one of the 150th VAs was being sent to training and the VA didn't seem like she really wanted to be involved in the program. SARC 2 also

testified that there was SAPR information on the 150 FW SharePoint site, and that flyers with SAPR contact information were posted in places of employment. It is unclear why SARC 3 testified to having no program in place, which would have been while she was assigned as the Alternate SARC. SARC 3 also testified she attended a 12-week technical school in Biloxi sometime in 2010 or 2011. However, her testimony is inconsistent as to the year she attended school in Biloxi, she also testified she attended school sometime in 2012.

Due to the lack of an appointment letter, the IO tried to confirm when SARC 3 was appointed as the SARC. Evidence revealed she was trained 9 December 2011 and she testified that it sounded right. SARC 3 explained that once she was trained, she trained five additional VAs. She further testified that after their initial training, she ensured they received the mandated certification. Based on the NGB/SAPRO Report, there were four VAs to include SARC 3, who completed the NOVA D-SAAAP credentialing process, which became a requirement in 2013. For clarification, during SARC 3's tenure as the SARC, the unit designation changed from 150th Fighter Wing, to the 150th Special Operations Wing, on 1 December 2013.

The IO obtained evidence of a dedicated SARC phone and number through AT&T Wireless bills for the time period 1 July 2013 through 9 February 2014. SARC 3 had an established process in place for the SARC response line, and testified there was an individual on-call 24 hours a day. Each designated member carried the phone, and understood (as did their supervisors) that the line should be answered 24 hours a day, seven days a week. SARC 3 further testified that she personally ensured the Command Post had the SARC response number.

SARC 3 provided specific details regarding the VA training, certification and response line capabilities. However, she testified that she developed the SAPR Program, which previous testimony by SARC 1, SARC 2 and the 377 ABW SARC clearly contradicted. While she recalled details regarding certain aspects of the SAPR Program, she was not consistent in dates of her attendance at technical school, or when she was assigned as the SARC, which raises questions regarding her credibility. Pursuant to the requirement that the SARC ensures a victim support system exists capable of responding to all reported sexual assaults 24 hours a day, seven days a week—the IO determined that SARC 3 did have such a system. Although the length of time that has passed is a factor regarding available evidence, her testimony about training and maintaining VAs for victim support was corroborated through the NGB SAPRO Reports for NOVA certified VAs. The IO concluded based on her testimony that SARC 3 did have a victim support system available for the 150 FW. Accordingly, the preponderance of the evidence supports that the allegation pertaining to this time period is **NOT SUBSTANTIATED**.

23 April 2014 to 26 January 2015 – SARC 4

SARC 4 did not accept the request to participate in an interview. The IO obtained limited evidence that there was a victim support system during this time. The 150 SOW/IG office conducted a By-Law Inspection on 4 February 2015 for the period of 23- 30 January 2015. Remarks from the report stated, *"There is no proof that the Unit Commander concurred in writing of the selected Victim Advocates (VAs). Also the Victim Advocates acknowledgement of their understanding and of their roles and responsibilities was not on file."* Although the preceding statement was a Significant Deficiency in the inspection, it provides evidence that there were trained VA's to provide a victim support system. Another Significant Deficiency stated the following, *"There is no proof that the SARC ensured that VAs have completed the required 40*

hours of training and that they have been certified by the Department of Defense Sexual Assault Advocated Certification Program.” Contrary to the By-Law Inspection findings, the NGB SAPRO Report for NOVA Certified established that there were four Victim Advocates that were trained and credentialed through 31 July 2015.

The IO had limited evidence and no Subject testimony regarding this time period. However, pursuant to the requirement that the SARC ensures a victim support system exists capable of responding to all reported sexual assaults 24 hours a day, seven days a week—the IO determined that SARC 4 likely had such a system. Evidence established that there were four trained VAs during SARC 3’s appointment and were still credentialed through 31 July 2015. In addition, SARC 4 was certified 21 May 2014 and could perform victim support services. Although the length of time that has passed is a factor regarding available evidence, the IO found no claims that SARC 4 did not have a victim support system available for the 150 SOW. Accordingly, the preponderance of the evidence supports that the allegation pertaining to this time period is **NOT SUBSTANTIATED**.

27 January 2015 to 28 January 2018 – SARC 5

SARC 5 was appointed in January 2015, and received her NOVA D-SAACP certification 1 February 2015. In February 2015, the JFHQ-NM SARC provided 40-hour SAPR VA training. Additionally, six members received their NOVA certifications over the course of two years, during SARC 5’s tenure as SARC. (note: SARC 5 is the same person as SARC 2)

The IO asked SARC 5, to describe the victim support system in place during this timeframe. She testified that she had VAs, and two dedicated phone lines, one for the SAPR and one phone should the VA need to make calls on behalf of a victim. SARC 5 testified that she saw her response capability in action several times. A member of the Student Flight called the line, and SARC 5 responded and assigned a VA to the member who worked with the victim for “quite some time,” ultimately the member did not file a report. Another member also contacted SARC 5 to report a sexual assault, however, the report did not meet the criteria for a sexual assault. The JFHQ-NM SARC corroborated SARC 5’s assertion that there were trained VAs; she testified that she conducted training when SARC 5 was appointed the SARC the second time (SARC 2 was the first appointment). Additionally, the JFHQ-NM SARC testified that there were “five or six” credentialed VAs during this time frame.

The IO interviewed a previous VVA under SARC 5 as the SARC in 2015. The VA felt the training the VAs received was good training, and that they received a lot of resources and provided a lot of contact information from community resources, such as the Rape Crisis Center.

Regarding the capability of responding to all reported sexual assaults 24 hours a day, seven days a week, SARC 5 testified, *“We have a cell phone ... when I was not available, I gave the phone to [JFHQ-NM SARC].”* The VA also confirmed SARC 5 maintained a 24/7 hotline and was unaware of any issues regarding her responsiveness. SARC 5 testified the cell phone number was publicized on the SharePoint and also on a lot of the promotional items/marketing materials. The current SharePoint site still has contact information for SARC 5. SARC 5 also informed members during briefings that she was able to support them if they were not comfortable seeing her in the SARC office. She testified she would tell them, *“If you don’t want to come talk to me here, we can go talk anywhere.”*

The FY16 SAPR By-Law inspection conducted 2 March 2016 was graded “Effective” and provided evidence of a victim support system in place: *“The program manager has established an organized program, with 5 credentialed Victim Advocates (VAs).”* However, the following year, the Internal Audit on the 150 SOW SAPR Program revealed the following, *“There were no Victim Advocates (VAs) or Volunteer Victim Advocates (VVAs) in the SAPR program at the time of the audit. The previous five VVAs, while fully trained and qualified, did not renew their certifications in 2017.”* The audit was conducted from October 2017 to January 2018. While the audit correctly identified five VVAs certifications elapsing, it was remiss in identifying SARC 5as being able to provide VA services pursuant to AFI 90-6001, para 2.5.3.9. which states, *“Be trained and perform victim advocate duties LAW MRE 514(b) (2) (B) (T-0).”* The FY17 By-Law collaborates that SARC 5, was in fact, a VA, and stated: *“Additional duty SARC is lone currently certified Victim Advocate.”*

Based on the NGB/SAPRO report below, two VVAs expired 31 May 2017, leaving four certified victim advocates. Another two VVAs expired 31 August 2017, leaving two certified victim advocates for the period of 1 September 2017 through 28 January 2018.

Wherein the question is, was there an adequate victim support system during this five-month period. The standards that apply to this allegation (*Activate victim advocacy 24 hours a day, 7 days a week for all incidents of reported sexual assault, and responsible for a victim support system that ensures a certified advocate answers the installation SAPR response line and is capable of responding to all reported adult sexual assaults 24 hours a day, 7 days a week, do not specify what is an adequate number of VVAs, nor what an adequate victim support system consists of.*) In addition, AFI 90-6001, para 2.8.3 states: *“The SARC has sole discretion to decide whether an individual will serve as a VVA based on their advocacy role (T-3).”* SARC 5 testified she was aware of the requirements to recertify VVAs and the SARC was responsible for coordinating the recertification. She also stated it was the VAs responsibility to make sure their stuff is done. She also testified she didn’t get anyone else recertified because she left the program before they needed to be recertified again.

SARC 5 testified she was aware that the VVA’s had expired and stated the following:

“I knew [VA] did because she had separated. [VA 4] expired because she actually worked in the IG office, so we intentionally let hers expire. The ones in May, [VA 2] and [VA 3], they didn’t want to renew. We did have another one ..., but she transferred to another state and then came back.”

Member	Date Received	LA Status	LA Approved Level	Status Effective Date	Valid Thru	Rank	LA Position	LA Command Location	State
SARC 5				2/1/2015	2/28/2017	Lt Col		150 Special Operations	NM
VA 1	4/30/2015	Expired	Level I	5/21/2015	5/31/2017	TSgt	SAPR VA	150 LRS	NM
VA 2	4/30/2015	Expired	Level I	5/21/2015	5/31/2017	SSgt	SAPR VA	150 OSS/HARM	NM
VA 3	7/31/2015	Expired	Level I	8/25/2015	8/31/2017	SSgt	SAPR VA	150th 50W	NM
VA 4	4/30/2015	Expired	Level I	8/25/2015	8/31/2017	TSgt	SAPR VA	150 AMXS	NM
VA 5	4/4/2017	Expired	Level I	5/25/2017	5/31/2019	SSgt	SAPR VA	150th MXS	NM
SARC 5	1/31/2017	Expired	Level I	5/26/2017	5/31/2019	Lt Col	SARC	150 Special Operations	NM

Regarding the SAPR response line, the audit team stated they tried to call and it went unanswered two out of three times. Based on the audit note regarding the unanswered calls, it is unclear when the unanswered calls took place. The IO obtained evidence that the JFHQ-NM SARC signed for the 150 SOW SARC cell phone on 18 January 2018. However, the audit note indicates the transition took place 25 January 2018. The IO could not obtain conclusive evidence that SARC 5 did not respond to the audit's phone calls.

The testimony revealed that the active duty SARC worked with the 150 SOW SARCs at various times over the alleged time period. The 377 ABW SARC provided witness testimony which supported the evidence that there was a victim support system available. The 377 ABW SARC testified that she had contacted SARC 5 on the SARC line, and did not believe there were ever any missed/unreturned calls. In addition, SARC 5 agreed to fill in for the 377 ABW SARC in her absence, and to help her VAs should they need a SARC.

The IO interviewed the 150 SOW Command Post Superintendent relating to the SARC number being provided to the Command Post. He testified from October 2014 until May of 2018, the 150 SOW SARC number was not available at the Command Post. Contrary to his testimony, the IO obtained the 2015 Quick Reaction Checklist (QRC) that had a SARC number listed. The 150 SOW Command Post Superintendent testified that he was unsure if the number that was listed on the 2015 checklist was correct or not. The IO confirmed with the 150 Communications Flight Commander that the number listed on the 2015 QRC was in fact, assigned to SARC 5. While it is not the same number as the dedicated SARC phone number evidenced in the 2019 QRC, it was most likely, her office phone number at that time.

The evidence did reveal negligence on behalf of SARC 5's administrative capabilities executing the program. Regardless of how many VVA's were trained and/or available, SARC 5 testified that her ability to answer calls and provide victim care was not negatively impacted by her other assigned duties. However, pursuant to this specific allegation relative to the requirement that a victim support system remains in place in which a certified advocate answers the installation SAPR response line, and is capable of responding to all reported adult sexual assault 24 hours a day, 7 days a week—the IO determined that SARC 5 did have such a system. She provided specific details regarding the VA training, certification and response line capabilities. SARC 5's testimony was corroborated through the NGB SAPRO Reports for NOVA certified VAs. The internal audit report stated the following: *"As a result of procedures in place the audit team has determined that the 150th SOW is sufficiently prepared to handle reports of sexual harassment in accordance with regulatory guidelines."* In addition, SARC 5 provided specific details regarding providing support for potential victims. Accordingly, the preponderance of the evidence supports that the allegation pertaining to this time period is **NOT SUBSTANTIATED**.

CONCLUSION

Based on review of the evidence, testimony adduced during this investigation, and based on a preponderance of evidence, the following allegations are:

O/A 10 October 2010 to 2 May 2011, the 150 SOW Sexual Assault Response Coordinator (SARC 1), failed to ensure an adequate victim support system was in place for potential sexual

assault victims, in violation of 32 CFR § 105.10 and Air Force Instruction 90-6001, Sexual Assault Prevention and Response (SAPR) Program. **NOT SUBSTANTIATED**

O/A 3 May 2011 to o/a January 2012, the 150 SOW Sexual Assault Response Coordinator (SARC 2), failed to ensure an adequate victim support system was in place for potential sexual assault victims, in violation of 32 CFR § 105.10 and Air Force Instruction 90-6001, *Sexual Assault Prevention and Response (SAPR) Program*. **NOT SUBSTANTIATED**

O/A January 2012 to o/a February 2014, the 150 SOW Sexual Assault Response Coordinator (SARC 3), failed to ensure an adequate victim support system was in place for potential sexual assault victims, in violation of 32 CFR § 105.10 and Air Force Instruction 90-6001, *Sexual Assault Prevention and Response (SAPR) Program*. **NOT SUBSTANTIATED**

O/A 23 April 2014 to 26 January 2015, the 150 SOW Sexual Assault Response Coordinator (SARC 4), failed to ensure an adequate victim support system was in place for potential sexual assault victims, in violation of 32 CFR § 105.10 and Air Force Instruction 90-6001, *Sexual Assault Prevention and Response (SAPR) Program*. **NOT SUBSTANTIATED**

O/A 27 January 2015 to o/a 28 January 2018, the 150 SOW Sexual Assault Response Coordinator (SARC 5), failed to ensure an adequate victim support system was in place for potential sexual assault victims, in violation of 32 CFR § 105.10 and Air Force Instruction 90-6001, *Sexual Assault Prevention and Response (SAPR) Program*. **NOT SUBSTANTIATED**

ALLEGATION 3

O/A 3 May 2011 150th Fighter Wing Commander improperly appointed SARC 2 as the 150 FW Sexual Assault Response Coordinator (SARC), in violation of Air Force Instruction 90-6001, *Sexual Assault Prevention and Response (SAPR) Program*.

BACKGROUND

On 1 July 2019, the Office of Special Counsel (OSC) referred a whistleblower disclosure to the Secretary of the Air Force for investigation. This allegation specifically covers the following aspect of the disclosure, “*Whistleblower alleges that the appointment of a former Sexual Assault Response Coordinator (SARC) SARC 5 was improper. Whistleblower explained that SARC 5 was a former commander in the 150th SOW prior to her management of the Sexual Assault Response Program. Whistleblower asserted that [SARC 2’s] former position created a conflict because as the SARC she was responsible for responding to incidents involving former subordinates.*”

LEGAL FRAMEWORK

Laws, rules and regulations at issue are set forth below, including Federal statutes and Air Force rules and instructions. Each standard below as a whole was considered during the analysis.

32 CFR § 105.9 Establishes commander and management SAPR procedures.

Para (a) SAPR management. *“Commanders, supervisors, and managers at all levels are responsible for the effective implementation of the SAPR program and policy. Military and DoD civilian officials at each management level shall advocate a strong SAPR program, and provide education and training that shall enable them to prevent and appropriately respond to incidents of sexual assault.”*

Air Force Instruction 36-6001, *Sexual Assault Prevention and Response (SAPR) Program*, 29 September 2008, which applies to all levels of command and all Air Force organizations including the Active Duty, Air Force government civilian employees, Air Force Academy, and Air National Guard and Air Force Reserve components while in Federal service. Para 1.8.1. *“The installation Wing Commander (WG/CC), or equivalent, implements local sexual assault prevention and response programs ensuring that an immediate, trained response capability exists to support victims of sexual assault.”*

Para 2.3.1.1. *“Because of the potential for legal, professional, or community conflicts of interest, the following military members cannot serve as SARCs, Alternate SARCs, or VAs: individuals on G-series orders, first sergeants, chief master sergeants, individuals associated with law enforcement or investigations, individuals assigned to the Office of the SJA, MTF personnel working in clinical roles with whom assault victims may come in contact, individuals assigned to Equal Opportunity (EO) offices, individuals assigned to the Office of the Installation Staff Chaplain, or individuals assigned to the wing’s Inspector General staff.”*

ANALYSIS OF FACTS, PERTINENT TESTIMONY AND DOCUMENTATION

Testimony and documentary evidence indicates that SARC 2 was on G-Series orders as the 150th Force Support Squadron (150 FSS) Commander when she was appointed as the 150 FW Primary Sexual Assault Response Coordinator (SARC).

The 150 FW/CC retired in 2012 and did not accept the request to participate in an interview. A certified letter was sent to him on 12 September 2019 requesting his permission to schedule a voluntary interview to provide an opportunity for him to provide his side of the situation and reasons for his actions. The certified letter receipt was signed 19 September 2019, and the former 150 FW/CC did not accept the request to participate in an interview.

The IO looked into the rationale behind SARC 2’s appointment. The 150 FW/CC appointed SARC 2 as the 150 FW SARC on 31 May 2011. The appointment memorandum states the 150 FW did not have a Wing Executive Support Officer at this time, therefore, SARC 2 and SARC 3, both fulltime officers from the Force Support Squadron, were the two most logical individuals to perform this duty for the NM ANG. SARC 2 testified that the 150 FW/CC had solicited numerous people to be the SARC and according to SARC 2, there was a lot of conversation with the 150 FW/CC regarding forcing someone to be the SARC. She believed there was no Wing SARC at the time, and volunteered to be the SARC until they could find someone else.

It is unclear why leadership did not appoint SARC 3 as the Primary SARC as it appears she was not on G-Series orders. SARC 2 testified that the 150 FW/CC knew at the time of the appointment that it was a violation, but he felt it was more important to have a SARC on record and trained in case they had any reports filed. She testified that she worked closely with the Joint

Force Headquarters SARC, as well as the 377 ABW SARC if a conflict did arise.

SARC 2 testified that she was on G-Series orders as the Commander, 150 FSS. SARC 2 acknowledged that she had a discussion with the 150 FW/CC regarding a “gray area,” and that the rationale was that her G-Series orders applied when she was in a military status (Force Support Squadron Commander on drill weekends), and when she was in civilian status (Director of Personnel during the week), she could act as the SARC. SARC 2 testified that she was not aware of any conflicts regarding her dual positions as both SARC and commander and stated that she would advise anyone coming to her that she was a commander and would refer them to the 377 ABW SARC if needed.

SARC 2 testified that each time she spoke with personnel with the NGB SAPR Program, she was reminded, *“You’re not supposed to do this and be a commander at the same time.”* SARC 2 testified she knew it was a violation of the AFI and felt the 150 FW didn’t have a choice until someone else could be appointed. Subsequently, SARC 3, who was appointed as the Alternate SARC when SARC 2 was the Primary, was appointed as the Primary 150 FW SARC after she received the required training. By her own admission, SARC 2 violated rules and regulations by serving as the 150 FW SARC.

ANALYSIS

The testimony and evidence revealed that SARC 2 was a G-Series commander when appointed as the 150 FW SARC. The IO obtained SARC 2’s duty history that validated her testimony of being assigned as a commander. AFI 36-6001 expressly prohibited an individual on G-Series orders from serving as a SARC. Accordingly, the preponderance of the evidence supports that this allegation is **SUBSTANTIATED**.

CONCLUSION

Upon review of the evidence and testimony adduced during the investigation, and based upon a preponderance of the evidence, the above allegation is **SUBSTANTIATED**.

ALLEGATION 4

O/A 27 January 2015, 150 SOW Vice Commander, improperly appointed SARC 5 as the 150 SOW Sexual Assault Response Coordinator (SARC), in violation of Air Force Instruction 90-6001, *Sexual Assault Prevention and Response (SAPR) Program*.

BACKGROUND

On 1 July 2019, the Office of Special Counsel (OSC) referred a whistleblower disclosure to the Secretary of the Air Force for investigation. This allegation specifically covers the following aspect of the disclosure, *“Whistleblower alleges that the appointment of a former Sexual Assault Response Coordinator (SARC) [SARC 5] was improper. Whistleblower explained that SARC 5 was a former commander in the 150th SOW prior to her management of the Sexual Assault Response program. Whistleblower asserted that [SARC 5]’s appointment created a conflict because as the SARC she was responsible for responding to incidents involving former subordinates...”*

LEGAL FRAMEWORK

Laws, rules and regulations at issue are set forth below, including Federal statutes and Air Force rules and instructions. Each standard below as a whole was considered during the analysis.

32 CFR § 105.9 Establishes commander and management SAPR procedures.

Para (a) SAPR management. *“Commanders, supervisors, and managers at all levels are responsible for the effective implementation of the SAPR program and policy. Military and DoD civilian officials at each management level shall advocate a strong SAPR program, and provide education and training that shall enable them to prevent and appropriately respond to incidents of sexual assault.”*

Air Force Instruction 36-6001, *Sexual Assault Prevention and Response (SAPR) Program*, 29 September 2008, applies to all levels of command and all Air Force organizations including the Active Duty, Air Force government civilian employees, Air Force Academy, and Air National Guard and Air Force Reserve components while in Federal service.

Para 1.8.1. *“The installation Wing Commander (WG/CC), or equivalent, implements local sexual assault prevention and response programs ensuring that an immediate, trained response capability exists to support victims of sexual assault.”*

Para 2.3.1.1. *“Because of the potential for legal, professional, or community conflicts of interest, the following military members cannot serve as SARCs, Alternate SARCs, or VAs: individuals on G-series orders, first sergeants, chief master sergeants, individuals associated with law enforcement or investigations, individuals assigned to the Office of the SJA, MTF personnel working in clinical roles with whom assault victims may come in contact, individuals assigned to Equal Opportunity (EO) offices, individuals assigned to the Office of the Installation Staff Chaplain, or individuals assigned to the wing’s Inspector General staff.”*

REVIEW OF FACTS, PERTINENT TESTIMONY, AND DOCUMENTATION

Whistleblower testified that SARC 5 *“was the FSS Commander prior to taking on her role as a SARC.”* The IO asked Whistleblower if she knew of any specific conflicts of interest that occurred because of SARC 5’s prior command position. Whistleblower testified that individuals came to her and claimed that they would not report to SARC 5 because of her prior command. She further stated, *“The specific statements were I would never talk to her about anything personal, I don’t feel safe going to her. I don’t feel like she would keep my confidence.”*

The Whistleblower did not release the names of the individuals, citing rules of confidentiality. The timeframe was approximately in the fall of 2016. The IO researched SARC 5’s duty history and found that she was indeed the 150 FSS/CC prior to her appointment as the SARC. However, SARC 5’s duty history and the Unit Personnel Management Rosters reflect that she was relieved as the 150 FSS/CC effective 10 August 2014, approximately five months prior to her appointment as the 150 SOW SARC on 25 January 2015.

To determine the rationale behind SARC 5’s appointment, the IO interviewed the former 150 SOW/CV, who appointed SARC 5 as the 150 SOW SARC. The 150 SOW/CV confirmed that SARC 5 was not a G-Series orders commander at the time of the appointment. Ultimately,

the 150 SOW/CV decided to appoint SARC 5 as the SARC as her secondary duty, understanding that the JFHQ-NM SARC was the full time SARC at the Joint Force Headquarters (JFHQ) located in Santa Fe. The 150 SOW/CV testified that the rationale was that SARC 5 and the JFHQ-NM SARC would “tag-team” the SARC duties, as the Guard had not funded a full-time SARC position at that time. The 150 SOW/CV testified that it was the logical fit since SARC 5 worked in Santa Fe with the Joint Force Headquarters.

The IO asked the 150 SOW/CV about the potential for conflict due to SARC 5’s present and previous positions at the time of her appointment. The 150 SOW/CV testified that no one ever expressed concerns to him about a conflict due to her appointment and prior command. The 150 SOW/CV stated that, “[SARC 5] is a very strong young lady. So, there might have been some personality conflicts out there.”

SARC 5 confirmed that she was not a G-Series commander at the time of the allegation under discussion. SARC 5 testified that she felt the only potential issue regarding her appointment was that she had been with the New Mexico Air National Guard for such a long time and held a variety of positions. SARC 5 also indicated that members may not have wanted to come to her as the SARC because there was a perception that she was close or friendly with senior leaders in the command. She testified, “*I have the reputation that I’m straight forward ... I don’t sugarcoat things and I have a reputation of being, as a politically correct nice way to say it, mean.*”

SARC 5 testified that she spoke about the potential issue of her approachability as the SARC with wing leadership at the time of her appointment. She did not recall anyone ever bringing up the potential for a conflict to her. The IO questioned the JFHQ-NM SARC staff regarding this allegation. The JFHQ-NM SARC testified that a 150 SOW Victim Advocate voiced concern about SARC 5’s past command positions and whether people would feel comfortable talking to her. The JFHQ-NM SARC testified that she did not receive any reports herself from victims who did not want to report to SARC 5.

The JFHQ-NM SHARP testified that he was never contacted by a member who felt uncomfortable reporting to SARC 5 as the SARC. However, he did testify that SARC 5 herself told him that members were probably not comfortable going to her. A previous VA testified that SARC 5’s personality was “*a bit abrasive*” and that she didn’t have “*the caring type of personality that a SARC needs.*” The 150 SOW Inspector General testified that individuals’ perception that SARC 5 was close with leadership was an “*intimidating factor.*”

ANALYSIS

Previously mentioned in the report, 150 SOW SARC position was an additional duty 2010 through 2018; funding was not approved until FY17. The 150 SOW/CV testified they weren’t allowed to have a full-time SARC and he thought SARC 5 was a good fit because she was already working in Santa Fe and had a good working relationship with JFHQ-NM SARC.

He further testified that because of the issue of not being able to hire a full-time SARC, he detailed SARC 5 to the position. He testified the SAPR program was managed adequately and didn’t see any program differences in other Guard unit’s he visited. He further added he felt the program had the resources it needed. The 150 SOW/CV retired o/a March of 2017.

Further testimony and evidence revealed that SARC 5 may have not been the best fit as the 150 SOW SARC. Several witnesses stated that she was not approachable because of her personality; SARC 5 herself acknowledged there was a perception that she was “straightforward” or “mean,” potentially affecting her approachability. Additionally, several witnesses testified that SARC 5 was perceived as being too close to senior leadership; this may have been due to the length of time SARC 5 had been at the 150 SOW and/or her previous command positions.

However, the evidence revealed that SARC 5 was not a G-Series orders commander during the timeframe of the stated allegation. AFI 36-6001 expressly prohibits an individual on G-Series orders from serving as a SARC; however, it is silent regarding individuals with prior command. Although the intent of the AFI is arguably meant to address some of the potential conflicts or issues that seem to have surrounded SARC 5’s appointment, it is evident that her appointment was not in violation of the AFI. Accordingly, by a preponderance of the evidence the allegation that SARC 5’s appointment was improper in violation of the AFI is **NOT SUBSTANTIATED**.

CONCLUSION

Upon review of the evidence and testimony adduced during the investigation, and based on a preponderance of evidence, the above allegation is **NOT SUBSTANTIATED**.

ALLEGATION 5

O/A 2017 to present, 150 SOW Vice Commander and Sexual Assault Response Coordinator (SARC), excluded Whistleblower, 150 SOW Mental Health Director of Psychological Health, from required unrestricted Sexual Assault reviews in violation of Air Force Instruction 90-6001, *Sexual Assault Prevention and Response (SAPR) Program*.

BACKGROUND

On 1 July 2019, the Office of Special Counsel (OSC) referred a whistleblower disclosure to the Secretary of the Air Force for investigation. This allegation specifically covers the following aspect of the disclosure, “*Whistleblower alleges that since 2017, the program has intentionally excluded her from participating in required unrestricted case reviews by [150 SOW/CV] by not including her in communications regarding cases.*”

Whistleblower clarified in her testimony that “case reviews” was in reference to Case Management Group (CMG) meetings. Pursuant to AFI 90-6001, the CMG is a: “*multi-disciplinary group that meets monthly to review individual cases of sexual assault, chaired by the installation or host wing commander, this may be delegated to the vice wing commander but no further. For unrestricted case review the CMG shall consist of the following: Chair, SARC, SAPR VA, Chaplain, military criminal investigator, DoD law enforcement, DPH, SJA or designee if the SJA is unavailable, VWAP and victim’s commander, VVA and SVC. For restricted case review the CMG membership is limited to all SARCs assigned to the installation, victim’s SAPR VA or VVA, DPH, victims SVC and chaplain. Any deviations to this CMG for restricted cases must be approved by AF/CVS.*”

LEGAL FRAMEWORK

Laws, rules and regulations at issue are set forth below, including Federal statutes, as well as Air Force instruction.

32 CFR § 105.9 Establishes commander and management SAPR procedures.

Para (i) “*Chair or attend the CMG, in accordance with the requirements of § 105.13. Direct the required CMG members to attend.*”

Air Force Instruction 90-6001, *Sexual Assault Prevention and Response (SAPR) Program*, 21 May 2015 applies to all levels of command and all AF organizations including the Active Duty (Reg AF), AF government civilian employees, United States Air Force Academy (USAF), and Air National Guard (ANG) and Air Force Reserve components (ARC) while in Federal service.

AFI 90-6001, para 8.2.2. “*For cases arising from unrestricted reports, the CMG chair will limit primary membership to the following appointed CMG positions (T-0). The CMG chair must obtain AF/CVS approval for any CMG membership modifications (T-0)...Mental Health Flight, DPH or designee if the DPH is unavailable. DPH serves as a consultant on mental health issues to include issues regarding victim safety...*” see also para 8.2.2.5

AFI 90-6001, Attachment 1: *For unrestricted case review the CMG shall consist of the following: Chair, SARC, SAPR VA, Chaplain, military criminal investigator, DoD law enforcement, DPH, SJA or designee if the SJA is unavailable, VWAP and victim’s commander, VVA and SVC.*

Chief National Guard Bureau Instruction (CNGBI) 1300.01, *Sexual Assault Prevention and Response Program*, 16 July 2016, establishes policy and assigns responsibilities for the National Guard (NG) Sexual Assault Prevention and Response (SAPR) program for NG Title 32 (T32) members, and eligible civilians and dependents in accordance with DoDD 64950.01, DoDI 6495.02 and 32 U.S.C. § 102. Para 18a. “*Support and direct the implementation of TAG’s established State SAPR Program in compliance with DoD Issuances, Service-specific requirements as applicable to non- Federalized NG members, CNGB Issuances, and State laws.*”

ANALYSIS OF FACTS, PERTINENT TESTIMONY AND DOCUMENTATION

Whistleblower alleges that she was excluded from the CMG in February or March 2018. Whistleblower testified that she began attending the 150 SOW CMG in November or December of 2018, and since that time has not been excluded. She also indicated the meetings were held quarterly and clarified that she was excluded from only one case. She testified that she believed the 150 SOW/CV was the one who excluded her, because he was the SARC’s supervisor.

According to the evidence, the 150 SOW received one unrestricted case in 2018 from which Whistleblower could have been excluded—there were no cases in 2017. Contrary to Whistleblower’s assertion that she was excluded in February or March 2018, the evidence indicates that the 150 SOW did not begin conducting their own CMGs until several months after that time frame. Therefore, Whistleblower could not have been excluded during the time period she claims. For the sake of analysis, the IO determined whether there were other meetings

in 2018 and the beginning of 2019 from which Whistleblower could have been excluded. According to CMG meeting Outlook invites, Whistleblower was not invited to the CMG in November 2018, December 2018, and January 2019 meetings. However, this contradicts Whistleblower's testimony that she began attending again in November or December of 2018.

The following chart provides evidence of reported sexual assault cases for the 150 SOW, FY17, FY18 and FY19:

DSAID Cases for location code 1894 (Kirtland ANG, NM)		
FY 19	Restricted	Unrestricted
3	2	1
FY 18	Restricted	Unrestricted
1	0	1
FY 17	Restricted	Unrestricted
0	0	0

The 150 SOW/CV testified that he became the 150 SOW/CV in April 2017 and was dual-hatted as the 150 MSG/CC until he officially became the 150 SOW/CV in June 2017. He testified that the 150 SOW had been attending the Joint Force Headquarters CMGs instead of conducting their own, until November 2018. The 150 SOW/CV testified that once the full-time 150 SOW SARC (SARC 6) was in place there was a transition period until she was able to operate the CMGs correctly, to include who should be invited.

The 150 SOW/CV testified that he believed the first "couple of CMGs" did not include the correct attendees, however this error was resolved as SARC 6 gained more experience. The 150 SOW/CV testified that he was not responsible for the CMG invites, and that he never intentionally excluded Whistleblower from any CMG meetings. The 150 SOW/CV did testify that there was a tense situation between himself and Whistleblower and that the "NGB put her into abeyance" and Whistleblower was ultimately disciplined. He provided documents relative to the situation. The 150 SOW/CV testified that despite this issue, he made sure she was invited—and that he never intentionally excluded nor directed others to intentionally exclude Whistleblower from the CMGs.

SARC 6 testified that she never intentionally excluded Whistleblower from participating in required unrestricted case reviews. SARC 6 recalled inviting Whistleblower to the CMGs, but was unsure of the time frame. SARC 6 was unaware of any unrestricted cases from which Whistleblower may have been excluded. The IO asked SARC 6 if she was aware she had failed to invite Whistleblower to the November 2018, December 2018, and January 2019, meetings. She testified that she was unaware, and that she had not intentionally failed to invite her.

ANALYSIS

The evidence contradicts whether Whistleblower was invited to the November and December 2018 CMGs. In addition, the evidence indicates that Whistleblower was not *intentionally* excluded from the CMG meetings, as Whistleblower disclosed in the OSC referral letter. However, she was excluded due to sheer administrative error. The IO found the 150 SOW/CV and SARC 6's testimony to be candid and forthright, they both made it clear that if Whistleblower was not invited to the CMGs, it was not intentional. SARC 6 testified the first case

she received was in October 2018. Around that time, SARC 6 co-chaired her first CMG, with 150 SOW/CV as the Chair, on 28 November 2018. The Whistleblower, amongst other required CMG members, was not sent an Outlook invitation to attend that first meeting, and nor did she attend—Whistleblower was not invited via Outlook invitation, until February 2019. It is unclear which meetings to which Whistleblower is referring in her complaint, however, 150 SOW/CV testified there were “growing pains” with the CMG process when SARC 6 came on board, and once SARC 6 learned the process and the proper individuals to invite to the CMGs, Whistleblower has been invited. The IO leaned heavily on the referral letter indicating Whistleblower was *intentionally* excluded from case review meetings, and Whistleblower’s own testimony that she started attending CMGs in November or December 2018. The 150 SOW/CV’s and SARC 6’s actions were not conscious decisions in the administrative oversight of Whistleblower exclusion in the January CMG. Although it was a technical violation of AFI 90-6001, Attachment 1, because Whistleblower was a required attendee, the exclusion was not intentional and therefore the allegation was not proven true by a preponderance of evidence.

CONCLUSION

Upon review of the evidence, testimony adduced during the investigation, and based on a preponderance of the evidence, the above allegation is **NOT SUBSTANTIATED**. **The investigation revealed an unintentional technical violation of AFI 90-6001, Attachment 1.**

ALLEGATION 6

O/A August 2018 to present, SARC 6, 150 SOW Sexual Assault Response Coordinator (SARC) did not ensure the availability of trained victim advocates in violation of 32 CFR § 105.10 and Air Force Instruction 90-6001, *Sexual Assault Prevention and Response (SAPR) Program*.

On 1 July 2019, the Office of Special Counsel (OSC) referred a whistleblower disclosure to the Secretary of the Air Force for investigation. This allegation specifically covers the following aspect of the disclosure, “*Whistleblower asserts the SAPR currently lacks sufficient victim advocates.*”

BACKGROUND

At the time of Whistleblower’s complaint, SARC 6 was the 150 SOW SARC until she resigned in October 2019. SARC 6 was a DoD Civilian, GS-12 Title 5, and accepted the 150 SOW SARC position in April 2018.

Air Force Instruction 90-6001, *Sexual Assault Prevention and Response (SAPR) Program*, does not require a specific number of victim advocates be assigned to a particular SAPR program, nor does it use the term “sufficient,” as the complainant did in her allegation, in reference to how many victim advocates should be involved. Instead, AFI 90-6001 requires that the SARC will be “*responsible for a victim support system that ensures a certified advocate answers the installation SAPR response line and is capable of responding to all reported adult sexual assault 24 hours a day, 7 days a week...*” Throughout the course of this investigation, the IO determined there was no requirement for a SAPR program to have a particular number of victim advocates.

CFR 32 § 105.10 does not reference a “victim support system,” however, it does state that [The SARC will] *“Provide a 24 hour, 7 days per week response capability to victims of sexual assault, to include deployed areas. SARCs shall respond to every Restricted and Unrestricted Report of sexual assault on a military installation and the response shall be in person, unless otherwise requested by the victim. Based on the locality, the SARC may ask the SAPR VA to respond and speak to the victim.”*

LEGAL FRAMEWORK

Laws, rules and regulations at issue are set forth below, including Federal statutes, as well as Air Force instruction.

32 CFR § 105.9 Establishes commander and management SAPR procedures.

Para (b)(1) *“Develop guidelines to establish a 24 hour, 7 day per week sexual assault response capability for their locations, including deployed areas.”*

32 CFR §105.10 establishes the Sexual Assault Response Coordinator (SARC) and Sexual Assault Program Representative Victim Advocates (SAPR VA) procedures. Para (7): *“Provide a 24 hour, 7 day per week response capability to victims of sexual assault, to include deployed areas.”*

Para (A) *“Activate victim advocacy 24 hours a day, 7 days a week for all incidents of reported sexual assault occurring either on or off the installation involving Service members and other persons covered by this part.”*

Air Force Instruction 90-6001, *Sexual Assault Prevention and Response (SAPR) Program*, 21 May 2015, applies to all levels of command and all AF organizations including the Active Duty (Reg AF), AF government civilian employees, United States Air Force Academy (USAFA), and Air National Guard (ANG) and Air Force Reserve components (ARC) while in Federal service.

Para 2.5.2. *“Responsible for a victim support system that ensures a certified advocate answers the installation SAPR response line and is capable of responding to all reported adult sexual assaults 24 hours a day, 7 days a week, occurring on or off the installation within his(her) area of responsibility to include Geographically Separated Units (GSUs) attached to or supported by the installation (T-0).”*

Chief National Guard Bureau Instruction (CNGBI) 1300.01, *Sexual Assault Prevention and Response Program*, 16 July 2016, establishes policy and assigns responsibilities for the National Guard (NG) Sexual Assault Prevention and Response (SAPR) program for NG Title 32 (T32) members, and eligible civilians and dependents in accordance with DoDD 64950.01, DoDI 6495.02 and 32 U.S.C. § 102.

Para 20b. *“Implement and manage the ANG installation or wing SAPR program in coordination with the NG JFHQs-State SARC IAW DoD Issuances, Service specific requirements as applicable to non-Federalized NG members, CNGB Issuances, State laws, and TAG’s policies and procedures.”*

Para 20e. “Serves as the SAPR POC for ongoing prevention, education, delivery of required training, and assessing the needs specific to the ANG installation or wing in coordination with the NG JFHQs-State SARC.”

The standard for Gross Mismanagement is set forth in Air Force Instruction 51-1102 which states: *“Gross Mismanagement is a management action or inaction which creates a substantial risk of significant adverse impact upon the agency’s ability to accomplish its mission. It does not include management decisions which are merely debatable, nor does it mean action or inaction which constitutes simple negligence or wrongdoing.”*

ANALYSIS OF FACTS, PERTINENT TESTIMONY AND DOCUMENTATION

In her complainant clarification interview, Whistleblower testified, *“I believe that [SARC 6] also has been negligent in ...procuring victim advocates for the program.”* Whistleblower did not know how many current VAs were present in the wing, and asserted her belief that the requirement was one VA per group. She estimated that there were at least two VAs for the 150 SOW.

Based on information provided from NGB/SAPRO, the following chart indicates that as of 28 September 2019 there were six (including the SAPR) credentialed Victim Advocates assigned to the 150 SOW:

VA	Date Received	LA Status	Status Effective Date	Valid Thru	Rank	LA Position	LA Command Location	State
VA1	5/7/2013	Expired	7/18/2013	7/31/2015	MSgt	SAPR VA	150 FW	NM
VA2	5/7/2013	Expired	7/18/2013	7/31/2015	Maj	SARC	150 FW	NM
VA3	5/9/2013	Expired	7/18/2013	7/31/2015	MSgt	SAPR VA	150 FW	NM
VA4	5/7/2013	Expired	7/18/2013	7/31/2015	MSgt	SAPR VA	Kirtland AFB/ACC	NM
VA5	4/15/2014	Expired	5/21/2014	5/31/2016	CPT	SARC	150 SOW	NM
VA6	Unknown	Unknown	2/1/2015	2/28/2017	Lt Col		150 SOW	NM
VA7	4/30/2015	Expired	5/21/2015	5/31/2017	TSgt	SAPR VA	150 LRS	NM
VA8	4/30/2015	Expired	5/21/2015	5/31/2017	SSgt	SAPR VA	150 OSS/HARM	NM
VA9	7/31/2015	Expired	8/25/2015	8/31/2017	SSgt	SAPR VA	150 FW	NM
VA10	4/30/2015	Expired	8/25/2015	8/31/2017	TSgt	SAPR VA	150 AMXS	NM
VA11	4/4/2017	Expired	5/25/2017	5/31/2019	SSgt	SAPR VA	150 MXS	NM
VA12	1/31/2017	Expired	5/26/2017	5/31/2019	Lt Col	SARC	150 SOW	NM
VA13	4/26/2017	Closed	12/14/2017	Unknown	MSgt	SAPR VA	150 FSS	NM
VA14	1/26/2018	Approved	2/21/2018	2/29/2020	CPT	SARC	JFHQ-NM	NM
VA15	4/5/2018	Approved	5/22/2018	5/31/2020	CIV	SARC		NM

VA16	10/31/2018	Approved	2/25/2019	2/28/2021	TSgt	SAPR VA	150	NM
VA17	10/31/2018	Approved	2/25/2019	2/28/2021	MSgt	SAPR VA	150 SOW	NM
VA18	10/31/2018	Approved	2/25/2019	2/28/2021	TSgt	SAPR VA	210 RHS	NM
VA19	10/31/2018	Approved	2/27/2019	2/28/2021	SSgt	SAPR VA	210 RHS	NM
VA20	10/31/2018	Approved	2/27/2019	2/28/2021	MSgt	SAPR VA	150 SOW/FSS	NM
VA21	7/30/2019	Initial	8/2/2019	Unknown	TSgt	SAPR VA	150 AMXS	NM

In addition to the individuals listed above, SARC 6 testified that an additional VA is also a certified and has recently transferred to the 150 SOW.

SARC 6 testified that once she took over the 150 SOW SAPR Program, she began the VA training process in coordination with the JFHQ NM SARC in September 2018, which included a 40-hour training class. The IO addressed the availability of a victim support system with SARC 6 that ensures a certified advocate answers the installation SAPR response line, and the capability of her team to respond to all reported adult sexual assaults 24 hours a day, seven days a week. SARC 6 testified, *"I have the 24- hour duty phone at all times and I answer the calls."* In addition, SARC 6 testified that she coordinates with the JFHQ SARC to provide backup in the event of her absence. She also testified that if she were to miss a call, her policy is to return the call within 24 hours. Further evidence showed SARC 6 received and signed for the 150 SOW SAPR phone 14 August 2018.

Additionally, SARC 6 recently provided training to the victim advocates on the new Form 2910, *Victim Reporting Preference Statement*, September 2019, and guidance regarding the new Catch Program, which assists VAs in ensuring restricted reports have accurate, current information regarding reporting a sexual assault. SARC 6 provided monthly continuing education opportunities for the VAs in February, June, August and September 2019, IAW Air Force Instruction 90-6001. She testified, *"I hold monthly luncheons with our victim advocates, and I provide a 1.5 CEU training every month in regards to responding to our Airmen."*

A recently assigned JFHQ NM SARC recently took over the position in March 2019. As the JFHQ NM SARC, some of her responsibilities includes: *"Implement and manage the State SAPR program in coordination with the Wing SARC; and, Monitor reports of sexual assaults within the State in coordination with the Wing SARC,"* IAW CNGBI 1300.01, *Sexual Assault Prevention and Response Program*, 16 July 2016. Regarding the adequacy of advocates available, the JFHQ NM SARC testified, *"They do have a response line. According to her list...she should have more than enough people for a response. I know that she has communicated with me that she carries it 24/7."* The JFHQ NM SARC also testified that she has called the response line twice, and SARC 6 answered both of the calls.

ANALYSIS

Upon review of the evidence and testimony adduced during the investigation, and based upon a preponderance of the evidence, SARC 6 has ensured the availability of trained VAs

beginning August 2018 to present. Pursuant to the requirement that a victim support system remains in place in which a certified advocate answers the installation SAPR response line, and is capable of responding to all reported adult sexual assault 24 hours a day, seven days a week—the IO determined that SARC 6 does have such a system. At the time of the complaint, SARC 6 was certified as a VA effective 22 May 2018. In addition, there were six certified 150 SOW VAs and one member awaiting VA certification. The evidence also showed SARC 6 was in possession of the 150 SOW SAPR response phone, and maintained a diligent response capability. Accordingly, the preponderance of the evidence supports this allegation is **NOT SUBSTANTIATED**.

CONCLUSION

Upon review of the evidence and testimony adduced during the investigation, and based upon a preponderance of the evidence, the above allegation is **NOT SUBSTANTIATED**.

ALLEGATION 7

O/A August 2018 to present, SARC 6, 150 SOW Sexual Assault Response Coordinator (SARC), has not conducted required staff sexual assault training in violation of 32 CFR § 105.10 and Air Force Instruction 90-6001, *Sexual Assault Prevention and Response (SAPR) Program*.

On 1 July 2019, the Office of Special Counsel (OSC) referred a whistleblower disclosure to the Secretary of the Air Force for investigation. This allegation specifically covers the following aspect of the disclosure, “*Whistleblower asserted that the SARP has not conducted required staff training, in potential violation of 32 CFR § 105.10 and AFI 90-6001.*”

BACKGROUND

In a clarification interview, Whistleblower testified that she is alleging that the 150 SOW SARC 6 has not conducted the required annual training for the year 2019, which includes the Suicide Prevention Training and SARC training together, hereinafter referred to as “2019 Integrated SAPR Annual Training.” Whistleblower indicated that [as of June 2019], the wing was only at two percent members trained. Whistleblower confirmed the required training had been completed for the year 2018. AFI 90-6001 states that: “*Commanders will ensure all Military (Reg, AF, Reserve and Guard) and DAF civilian personnel, both appropriated and non-appropriated fund employees, receive at a minimum, annual SAPR training.*” NOTE: Allegation 8 relates to the Commander’s responsibility to ensure members receive annual SAPR training.

In a 20 December 2018 memorandum, HQ USAF/CVS directed that the 2019 Integrated SAPR Annual Training must be completed by 31 December 2019. It further stated that all training must be conducted face-to-face and taught by an implementer/coordinator trained by a Violence Prevention Integrator (VPI) or Air National Guard (ANG) designee.

LEGAL FRAMEWORK

Laws, rules and regulations at issue are set forth below, including Federal statutes, as well as Air Force instruction.

32 32 CFR § 105.10 establishes the Sexual Assault Response Coordinator (SARC) and Sexual Assault Program Representative Victim Advocates (SAPR VA) procedures.

Para (6) *“Report directly to the installation commander in accordance with 32 CFR part 103, to include providing regular updates to the installation commander and assist the commander to meet annual SAPR training requirements, including providing orientation briefings for newly assigned personnel and, as appropriate, providing community education publicizing available SAPR services.”*

Air Force Instruction 90-6001, *Sexual Assault Prevention and Response (SAPR) Program*, 21 May 2015, applies to all levels of command and all AF organizations including the Active Duty (Reg AF), AF government civilian employees, United States Air Force Academy (USAFA), and Air National Guard (ANG) and Air Force Reserve components (ARC) while in Federal service.

4.2. Training. *“Home station unit commanders (or equivalent) must ensure deploying members are trained on annual SAPR training requirements prior to departure (T-0). Annual SAPR training will not be provided to deployed members in theater (T-1). The home station SARC will assist commanders (or equivalent) with this responsibility and coordinates these efforts with the Personnel Readiness Function (PRF) (T-1).”*

Para 7.3.1.1. *“SARCs, in coordination with Unit Training Managers or Unit Ancillary Training Monitors, will ensure training is offered and their supported population receives mandatory annual training per guidance provided by AF/CVS (T-1). MAJCOM SAPR Program Managers will ensure guidance, training materials, and suspenses for training completion are disseminated to the installation level.”*

Chief National Guard Bureau Instruction (CNGBI) 1300.01, *Sexual Assault Prevention and Response Program*, 16 July 2016, establishes policy and assigns responsibilities for the National Guard (NG) Sexual Assault Prevention and Response (SAPR) program for NG Title 32 (T32) members, and eligible civilians and dependents in accordance with DoDD 64950.01, DoDI 6495.02 and 32 U.S.C. § 102.

Para 20b. *“Implement and manage the ANG installation or wing SAPR program in coordination with the NG JFHQs-State SARC IAW DoD Issuances, Service specific requirements as applicable to non-Federalized NG members, CNGB Issuances, State laws, and TAG’s policies and procedures.”* Para 20e. *“Serves as the SAPR POC for ongoing prevention, education, delivery of required training, and assessing the needs specific to the ANG installation or wing in coordination with the NG JFHQs-State SARC.”*

ANALYSIS OF FACTS, PERTINENT TESTIMONY AND DOCUMENTATION

SARC 6, the 150 SOW SARC, testified that in order to meet the 2019 Integrated SAPR Annual Training requirement, she and the 150 SOW Chaplain trained 17 implementers throughout the wing to ensure the mandated training is accomplished. SARC 6 further testified that she briefs the Commander and Vice Commander weekly on the annual SAPR training, statistics, etc. At the time of her testimony, SARC 6’s belief was that the 2019 Integrated SAPR

Annual Training was at 70% as of 1 October 2019. SARC 6 stated that her goal was to train 90-100% members by year-end.

ANALYSIS

The IO obtained 150 SOW SAPR training data dated 7 April 2020, indicating 95% of members had received 2019 Integrated SAPR Annual Training. The IO also addressed this training with the current 150 SOW Commander, who testified that the wing had a plan in place to ensure the training is completed by all members. The IO relied on testimony and available evidence to support the allegation that the 150 SOW has not taken steps to complete required annual training as alleged by Whistleblower. The evidence revealed the SARC and Wing Commander outlined a good plan to ensure training was accomplished by the end of 2019. Command and deployment officials, cognizant of the AF expectations, did not ensure the deploying members completed all training requirements prior their June/July 2019 departure. While the bylaw requirement is 100%, the AF Training & Education Manager stated most wings aim is at least 95% total trained as this is a more realistic expectation at any given point in time. The 150 SOW trained 98.7% of the personnel, which exceeded the standard expectation of acceptable wing training result of 95%. Although the investigation revealed a technical violation of AFI 90-6001, the SARC and Wing Commander outlined and executed a highly successful training effort which afforded the best opportunity for the wing personnel. Therefore, this allegation is **NOT SUBSTANTIATED**.

CONCLUSION

Upon review of the evidence and testimony adduced during the investigation, and based upon a preponderance of the evidence, the above allegation is **NOT SUBSTANTIATED**.

ALLEGATION 8

On or about August 2018 to present, the 150 SOW Commander, and the 150 SOW Sexual Assault Response Coordinator (SARC), did not ensure all military and DAF civilian personnel received required annual SAPR training in violation of 32 CFR § 105.10 and Air Force Instruction 90-6001, *Sexual Assault Prevention and Response (SAPR) Program*.

BACKGROUND

On 1 July 2019, the Office of Special Counsel (OSC) referred a whistleblower disclosure to the Secretary of the Air Force for investigation. This allegation specifically covers the following aspect of the disclosure, *“Whistleblower asserted that the SAPR has not conducted required staff training, in potential violation of 32 CFR § 105.10 and AFI 90-6001.”*

In a clarification interview, Whistleblower testified that she is alleging that SARC 6 has not conducted the required annual training for the year 2019, which includes the Suicide Prevention Training and SARC training together, herein referred to as “2019 Integrated SAPR Annual Training.” Whistleblower indicated that [as of June 2019], the wing was only at two percent members trained. Whistleblower confirmed the required training had been completed for 2018.

In a 20 December 2018 memorandum, HQ USAF/CVS directed that the 2019 Integrated

SAPR Annual Training must be completed by 31 December 2019. It further stated that all training must be conducted face-to-face and taught by an implementer/coordinator trained by a Violence Prevention Integrator (VPI) or Air National Guard (ANG) designee.

LEGAL FRAMEWORK

32 CFR § 105.9 Establishes commander and management SAPR procedures.

Para (a) *“Commanders, supervisors, and managers at all levels are responsible for the effective implementation of the SAPR program and policy. Military and DoD civilian officials at each management level shall advocate a strong SAPR program, and provide education and training that shall enable them to prevent and appropriately respond to incidents of sexual assault.”*

32 CFR § 105.10 establishes the SARC and SAPR VA procedures.

Para (6) *“Report directly to the installation commander in accordance with 32 CFR part 103, to include providing regular updates to the installation commander and assist the commander to meet annual SAPR training requirements, including providing orientation briefings for newly assigned personnel and, as appropriate, providing community education publicizing available SAPR services.”*

Air Force Instruction 90-6001, *Sexual Assault Prevention and Response (SAPR) Program*, 21 May 2015, applies to all levels of command and all AF organizations including the Active Duty (Reg AF), AF government civilian employees, United States Air Force Academy (USAFA), and Air National Guard (ANG) and Air Force Reserve components (ARC) while in Federal service.

4.2. Training. *“Home station unit commanders (or equivalent) must ensure deploying members are trained on annual SAPR training requirements prior to departure (T-0). Annual SAPR training will not be provided to deployed members in theater (T-1). The home station SARC will assist commanders (or equivalent) with this responsibility and coordinates these efforts with the Personnel Readiness Function (PRF) (T-1).”*

Para 7.3.1. *“Commanders (or equivalent) will ensure all Military (Reg AF, Reserve and Guard) and DAF civilian personnel, both appropriated and non-appropriated fund employees receive, at a minimum, annual SAPR training (T-0). DoD contractors may be required to attend per the terms of their contract. Otherwise, DoD contractors are highly encouraged to attend the training.”*

Chief National Guard Bureau Instruction (CNGBI) 1300.01, *Sexual Assault Prevention and Response Program*, 16 July 2016, establishes policy and assigns responsibilities for the National Guard (NG) Sexual Assault Prevention and Response (SAPR) program for NG Title 32 (T32) members, and eligible civilians and dependents in accordance with DoDD 64950.01, DoDI 6495.02 and 32 U.S.C. § 102.

Para 18a. *“Support and direct the implementation of TAG’s established State SAPR Program in compliance with DoD Issuances, Service-specific requirements as applicable to non-Federalized NG members, CNGB Issuances, and State laws.”*

ANALYSIS OF FACTS, PERTINENT TESTIMONY, AND DOCUMENTATION

Testimony and documentary evidence indicates that the 150 SOW/CC had established a training plan to ensure all wing members received required annual SAPR training, however, it did not include personnel deploying prior to departure.

The IO asked the 150 SOW/CC about the process to ensure training was completed by 31 December 2019 IAW HQ USAF/CVS guidance. She testified that she has provided direction and was confident the commanders have direction on how to complete the training. She also stated that training was the wing's number one priority for the remainder of the year. As part of the process, 150 SOW/CC met with the unit training managers (UTMs) and provided guidance regarding 150 SOW members' opportunities to attend the 377 ABW SAPR training, which would meet the annual training requirement. The 150 SOW/CC further testified, *"So that's a risk I have assumed, is that they don't need a Guardsman to teach them. They can have an active duty person teach them."*

The 150 SOW/CC testified that she anticipates the manual data entry process will not be perfect, but that the 150 SOW is headed in the right direction for compliance. The IO obtained evidence that 150 SOW/CC emailed all the commanders on 3 September 2019 and provided them with the 150 SOW ANG Ancillary Training Program – Requirements Schedule, dated 17 January 2019. The schedule identifies the 2019 Integrated SAPR/Suicide Prevention Training with an "ALL" requirement, as the first annual requirement. The 150 SOW/CC testified that she was meeting with all the commanders on 10 October 2019 to follow-up with the training requirements.

The IO obtained additional testimony from 150 SOW/CC regarding the 37 150 SOW members that did not receive the required training according to the CY19 statistics. She accounted for all the individuals by name and section with updated information. There were 11 members that deployed in June/July 2019 and did not receive training prior to deployment for three reasons: (1) The SARC was ineffective at scheduling/tracking training; (2) the Suicide Prevention Program Manager (SPPM) deployed, SPPM Alternate 1 retired, and SPPM Alternate 2 went to technical school; and, (3) Lastly, the 150 MSG failed to identify and train an "implementer" to provide course material to its subordinate units.

The 150 SOW/CC testified all three issues were corrected after the deployed members departed. The former SARC was counseled in July 2019, a SPPM Alternate 3 was identified (Whistleblower) who took the lead in scheduling and tracking training, and the 150 MSG identified and trained an implementer that provided training wing-wide for the remainder of CY19.

ANALYSIS

The IO relied upon testimony and available evidence to support the allegation that the 150 SOW has not conducted required staff training as alleged by Whistleblower. Based on the 7 April 2020 150 SOW SAPR Data, statistics show 95% for the 2019 Integrated SAPR Annual Training. Additional information provided by 150 SOW/CC corrected the completed training statistic to 98.7%. The evidence revealed the SARC and Wing Commander outlined a good plan to ensure training was accomplished by the end of 2019. Command and deployment officials, cognizant of

the AF expectations, did not ensure the deploying members completed all training requirements prior their July 2019 departure. While the bylaw requirement is 100%, the AF Training & Education Manager stated most wings aim is at least 95% total trained. The 150 SOW trained 98.7% of the personnel, which exceeds most AF wings goal of 95%.

The preponderance of the evidence indicated that the 150 SOW commander did provide training for over 98% personnel prior to the end of CY19. As noted before, although the investigation revealed a technical violation of AFI 90-6001, para 4.2, the Wing CC and SARC outlined and executed a highly successful training effort which afforded the best opportunity for the wing personnel. Accordingly, this allegation is **NOT SUBSTANTIATED**.

CONCLUSION

Upon review of the evidence and testimony adduced during the investigation, and based upon a preponderance of the evidence, the above allegation is **NOT SUBSTANTIATED**.

GROSS MISMANAGEMENT OF SARC PROGRAM:

According to OSC, the whistleblower “disclosed several allegations involving management at Kirtland AFB.” After review and based on the information disclosed by the whistleblower, OSC “concluded that there is a substantial likelihood that the information provided to OSC discloses a violation of law, rule or regulation; gross mismanagement; and a gross waste of funds.” Further clarification of the allegation determined the whistleblower, Whistleblower, was referring to the NMANG’s unit, the 150 SOW, which is located on Kirtland AFB.

LEGAL FRAMEWORK:

The standard for Gross Mismanagement is set forth in Air Force Instruction 51-1102 which states: *“Gross Mismanagement is a management action or inaction which creates a substantial risk of significant adverse impact upon the agency’s ability to accomplish its mission. It does not include management decisions which are merely debatable, nor does it mean action or inaction which constitutes simple negligence or wrongdoing.”*

BACKGROUND:

The Air Force's goal is to provide exemplary support throughout victim reporting, response, victim advocacy, investigations and offender accountability when a sexual assault occurs. During the timeframe of the allegation, 2008 to 2018, there were five SARCs assigned the responsibility of executing the SAPR Program and four commanders responsible for implementing the SAPR Program. The evidence revealed that the 377 ABW SARC was involved throughout the years with the 150 SOW SAPR program, and her information and response capability was made available to the 150 SOW members. The evidence also revealed that the 150 SOW SAPR program did not always have funding for a full time SARC. In fact, during the alleged period, the 150 SOW SARC position was an additional duty. While the 150 SOW identified deficiencies in the SARC program in the FY15 and FY16 SAPR Program By-Law Inspections, the program was rated respectively as “Highly Effective” and “Effective.” The FY17 SAPR Program By-Law Inspection was graded “Not In Compliance” and soon thereafter, an internal audit identified several program shortfalls. In

January 2018, the 150 SOW was relieved of her program duties and responsibilities and the JFHQ SARC was directed to assume 150th SOW responsibilities until a full time SARC was hired in April 2018.

ANALYSIS OF FACTS, PERTINENT TESTIMONY AND DOCUMENTATION

Although there is no way of determining the severity of mission impact or whether the ability for the 150 SOW to accomplish its mission was adversely impacted as a result of the action or inaction of management official(s) at the 150 SOW from 2008 to 2018 relating to the SAPR program, the investigation revealed violations of law, rule and/or regulations. The majority of the violations were administrative in nature, and have subsequently been addressed and/or corrected. However, over the totality of the allegation timeframe, the 150 SOW SAPR program was found to be mismanaged.

Evidence revealed that the 150 FW/CC appointed SARC 2, a G-series order commander as the 150 FW SARC, which is a direct violation of AFI 36-6001, *Sexual Assault Response and Prevention (SAPR)* program. (See Allegation 3). SARC 2 testified she was the commander of the 150 FSS at the time of appointment. SARC 2 was aware of the violation and testified that each time she spoke with personnel with the NGB SAPR program, she was reminded it was a violation. She further testified she volunteered to be the SARC until they could find someone else. Despite her rationale and willingness to help the unit, it was a clearly a violation.

While there were five SARCs assigned during this timeframe, evidence revealed SAPR program mismanagement that occurred during SARC 2's second appointment as SARC 5, o/a 27 January 2015 to 28 January 2018. SARC 5 testified that after the first year or two of being assigned as the 150 SOW SARC, management of the program, specifically MICT assessment was not being monitored as effectively when she got too many additional duties. This is corroborated by the MICT program being last assessed by SARC 5 in 2016. The FY17 SAPR program By-Law Inspection was conducted in September 2017 and graded as "Not in Compliance." Several deficiencies regarding SAPR program management were identified with most notably the critical deficiency relating to lacking any Volunteer Victim Advocates (VVAs) since 2016 when 5 fully trained and qualified VVAs were managed. While SARC 5 testified as to the adequacy of the victim support system she had in place, (See Allegation 2) she was negligent in ensuring there were additional VVAs, which could have limited the capability of Airmen to report a sexual assault. SARC 5 testified that she agreed the program had problems but didn't feel it was as bad as the inspection. 150 SOW/CV, who appointed SARC 5 in 2015, had retired in March 2017.

The 150 SOW/CV during this timeframe testified regarding his knowledge of the findings in the FY17 SAPR Program By-Law Inspection. After being briefed on the results, 150 SOW/CV testified he notified SARC 5 that she had 30 days to "fix" the program. It is unclear as to why the 150 SOW/CC did not remove SARC 5 as the SARC immediately after the FY17 By-Law inspection results. However, 150 SOW/CV testified he wanted to replace her during that fall timeframe and that SARC 5 didn't want to relinquish the program, or leave a failed program.

Shortly thereafter, the United States Property and Fiscal Office-New Mexico conducted an internal audit during the timeframe October 2017 through January 2018. The audit revealed the 150 SOW SAPR program was failing to meet program requirements for personnel assignment and training, awareness and response, and support and records management.

Relating to personnel assignment and personnel, the audit stated:

- The SAPR office was not adequately staff
- There were no Victim Advocates in the SAPR program
- The SARC did not identify any dedicated first responders
- The SARC did not have a mechanism for tracking the training requirements of first responders
- The SARC did not conduct all the training required to include post-deployment training, quarterly VA training or annual CMG training

Relating to awareness and response, the audit stated:

- The SAPR program did not provide sufficient awareness materials
- The SARC did not adequately participate in the day-to-day operations of the SAPR program
- Communication between the SARC and MAJCOM was essentially non-existent.
- Newsletters were not pushed down to the wing
- Reports were not pushed up to MAJCOM
- The SARC did not adequately participate in outreach events
- SAPR program material was not readily available
- The SARC did not adequately participate in CMG meetings at JFHQ-NM or host installation
- CMG meeting minutes were not uploaded in DSAID

In relation to support and records maintenance, the audit stated:

- Areas of operational support, including SAPR office facilities and the identification and evaluation of Military Treatment Facilities are in need of improvement
- No healthcare point of contact had been assigned
- The SARC had not designated any Military Treatment Facilities
- The 150th SOW is sufficiently prepared to handle reports of sexual harassment in accordance with regulatory guidelines

The audit report also noted that *“As of 25 January 2018, 150 SOW leadership acted upon the preliminary recommendation of the NM Internal Review Division to relieve the SARC of her program duties and responsibilities. Wing leadership recognized the need to initiate action that would ensure the program received the time and attention required to re-establish compliance with regulatory guidance.”*

SARC 5 testified that when she became HRO Deputy Director in April of 2017, it impacted the program administrative aspects. In addition, during this same timeframe, she testified she discussed with wing leadership (presumably 150 SOW/CC) and that they needed to find a SARC.

150 SOW/CV testified that himself and the wing commander decided to remove SARC 5 and appointed the JFHQ-NM State SARCs as the acting 150 SOW SARCs until they could get a SARC on board. The full-time SARC, SARC 6, was hired and began in late April of 2018.

Additionally, the investigation revealed a violation relating to annual SAPR training. (See Allegations 7 and 8). 150 SOW/CC testified there were 11 members that deployed in July 2019 and did not receive the required annual training prior to deployment.

CONCLUSION:

Evidence and testimony revealed violations within the 150 SOW SAPR Program. While the scope of the investigation was determined based on the specific allegations in the referral letter, the IO found the majority of the mismanagement occurred during SARC 5's second appointment as 150 SOW SARC. While SARC 5 was properly appointed by 150 SOW/CV per the regulation, evidence revealed she wasn't effective as the SARC. 150 SOW/CV retired prior to knowledge of the program failures. The 150 SOW/CV became aware of the program failures due to the FY17 SAPR Program By-Law inspection and took immediate action to correct the deficiencies, and ultimately removed SARC 5 from the SAPR program. Individual violations cited in the ROI did not rise to the definition of gross mismanagement. However, over the entirety of the timeframe of SARC 5's tenure as 150 SOW SARC, the preponderance of the evidence supports that the allegation pertaining to gross mismanagement of the 150 SOW SAPR program is **SUBSTANTIATED**.

ALLEGATION 9

O/A July 2007, at the direction of the 188th Fighter Squadron Chief of Weapons and Tactics, 150th Fighter Wing purchased two F-16 missile tracking systems, which have been stored unused and undocumented, in violation of Air Force Instruction 23-101, *Materiel Management Policy*.

BACKGROUND

On 1 July 2019, the Office of Special Counsel (OSC) referred a whistleblower disclosure to the Secretary of the Air Force for investigation. This allegation specifically covers the following aspect of the disclosure, *"Whistleblower also provided information demonstrating that in 2007 [188th Fighter Squadron Chief of Weapons and Tactics], ordered the purchase of two Rover System missile tracking laptops, which she alleged have been unused in locked desk drawers in the 150th SOW Command Post office since their receipt in May 2008. She provided invoices for these systems indicating that they cost approximately \$31,000 and stated that they are not listed on active or archived inventory lists for the 150th SOW, in possible violation of AFI 23-101, which requires recurring physical inventories of all assets maintained by the Air Force."*

Whistleblower is referring to a Rover IV Transceiver (hereinafter referred to as the equipment), which the 150 SOW Command Post currently has in its possession. The equipment provides Full Motion Video (FMV) from an airborne platform to ground users via airborne, mobile, fixed or man-portable terminals. The investigation revealed the equipment has been in a desk drawer located in the 150 SOW Command Post since approximately 2010. At the time of the equipment purchase in 2008, the 150 FW mission was air interdiction with the F-16 aircraft.

LEGAL FRAMEWORK

Laws, rules and regulations at issue are set forth below, including Federal statutes, as well as Air Force instruction.

Air Force Instruction 23-101, *Air Force Material Management*, 12 December 2016, applies to all personnel (military, civilian, and contractors) working for the United States Air Force (USAF), including Air Force Reserve Command (AFRC) and Air National Guard (ANG).

Para 5.7. “*Physical Inventory and Inventory Adjustments. Inventories and inventory adjustments of all property held by AF activities will be conducted as provided in this section and as outlined in AFMAN 23-122, Sec. 5G, Physical Inventory and Inventory Adjustments. (T-1).*”

5.7.1.1. *Physical inventories will be conducted using the floor-to-book/book-to-floor method for all assets IAW DoDM 4140.01, DoD Supply Chain Materiel Management Procedures. Floor to book refers to physically checking the entire work area to ensure items are accounted for on the appropriate APSR. Under no circumstances will computer balances be reflected on initial HHT or initial inventory count sheets. Reference AFMAN 23-122, Chap 5, Sec 5G for inventory count procedures.*

The standard for Gross Waste of Funds is set forth in Air Force Instruction 55-1102, which states, “*Gross Waste of Funds means a more than debatable expenditure that is significantly out of proportion to the benefit reasonably expected to accrue to the government.*”

ANALYSIS OF FACTS, PERTINENT TESTIMONY AND DOCUMENTATION

Evidence and testimony indicate that the 188th Fighter Squadron Chief of Weapons and Tactics, did not direct the purchase of the equipment, it was used for training purposes and that the equipment was not maintained on any 150 SOW (or previously 150 FW) equipment listing. The IO obtained the following physical evidence pertaining to this equipment: a DD Form 250, *Material Inspection and Receiving Report*, which shows a Rover IV, S/N: 852 was shipped to 150 FW/188 FS, 2251 Air Guard Road, Kirtland AFB NM 87117-5875, Marked For Attn: [188th Fighter Squadron Chief of Weapons and Tactics]. Evidence revealed the equipment was not funded by 150 SOW.

Whistleblower testified that the 150 SOW Command Post Superintendent, was “disgruntled” about the equipment because he was attempting to return it, or otherwise account for it but was unable to do so. Whistleblower does not have first-hand knowledge of the equipment in 2007 or 2008, when she alleges it was purchased.

The equipment arrived before the 150 SOW Command Post Superintendent became the full-time Command Post Superintendent, and he could not provide testimony regarding who requested or purchased it, but the paperwork he provided shows that the equipment was to be delivered to the 188th Fighter Squadron Chief of Weapons and Tactics. The evidence is contrary to Whistleblower allegation that the 188th Fighter Squadron Chief of Weapons and Tactics directed the purchase; the Material Inspection and Receiving Report indicated it was administered by DCMA Denver, not the 150 FW.

The IO looked into the 188th Fighter Squadron Chief of Weapons and Tactics having the authority to purchase the equipment, the use of the equipment, and the inventory process. The IO identified the Commander of the 250th Intelligence Squadron (250 IS/CC) as the individual with the most direct knowledge of how the 150 FW came into possession of the equipment. The 250 IS/CC testified the equipment was ordered by ACC and that he was notified via telephone that the equipment would be sent to the unit for training purposes. During that phone conversation, ACC asked for the name of the Weapons Officer and indicated the equipment would be shipped. The IO asked the 250 IS/CC if it was a common scenario for ACC to send equipment and he testified that they had received items in past years, to prepare the F-16 aviators for upcoming tasking cycles. The 250 IS/CC confirmed equipment was usually sent for training purposes.

The 188th Fighter Squadron Chief of Weapons and Tactics was assigned to this position when the equipment was delivered to the 150 FW. The 150 FW aligned with the previous wing mission, which included fighter aircraft, and prior to the re-designation to the 150 SOW, with a mission change.

The 188th Fighter Squadron Chief of Weapons and Tactics testified that he did not purchase the equipment, nor did he have the authority to do so. The 188th Fighter Squadron Chief of Weapons and Tactics testimony is corroborated by the DD Form 1155, which indicates the equipment was purchased in a contract by USAF/Air Force Materiel Command (AFMC), and paid for by DFAS-Columbus Center. The contract reflected that this equipment was one of 550 Rover IVs purchased, for a total cost of \$17,372,300.00.

Regarding the use of the equipment, evidence revealed it was used for air-to-ground training cycles to transfer information from F-16 aircraft to the ground for analysis. The 188th Fighter Squadron Chief of Weapons and Tactics testified that he remembered using the equipment as an F-16 pilot in training at ranges around their area. He also testified he thought there was a possibility of the equipment being used for the Defense Systems Evaluation (DSE) tasking sometime during 2008.

Regarding the equipment inventory, the 250 IS/CC did not discuss how to inventory the equipment with the ACC training office when he was notified the 150 FW would receive it, nor did he confirm which organization would be responsible for tracking it. The 250 IS/CC did recall attempts in 2010 to turn in the equipment. The 250 IS/CC also recalled former unit members attempting to work through the 150 LRS to locate a “master equipment list,” in order to find its ultimate owner.

Testimony revealed the 250 IS underwent a transition which necessitated they move facilities. During this move, it was determined the equipment should be turned in. The 250 IS/CC testified after unsuccessful efforts to turn in the equipment, it was stored in a secure area and was later moved over to the Wing Command Post. The 250 IS/CC testified that the logistics section was too inundated to accept their request and the previous Command Post Superintendent left the equipment with the subsequent Command Post Superintendent to work on getting it turned in, and at that time, he believed the equipment had been turned in.

The 150 SOW Command Post Superintendent became aware of the equipment sometime in January 2015, when he was working with the former 150 SOW Command Post Superintendent, who told the current Superintendent not to worry about the equipment, that it was “*left over from the F-16 days.*” In December of 2015, the 150 SOW Command Post Superintendent started full-

time in the Command Post, and repackaged the equipment and placed it in a drawer. The 150 SOW Command Post Superintendent continued to attempt to turn in the equipment, to no avail. The 150 SOW Command Post Superintendent had not contacted the Wing Contracting office or the State USFPO office to turn in the equipment. He testified he was “*basically told to let it lie,*” by the logistics commander at the time, presumably due to the investigation that was ongoing into property accountability. He further testified the equipment was still in a drawer in the Command Post and not listed on any inventory. The IO was unable to obtain any evidence of an account the equipment is listed on through the 150 SOW, NM USFPO or the National Guard Bureau.

ANALYSIS

Contrary to the allegation, the testimony and documentary evidence revealed by a preponderance that, although the equipment under discussion was shipped to the 188th Fighter Squadron Chief of Weapons and Tactics, he does not recall signing for the equipment, did not direct the purchase of the equipment, nor did he have the authority to do so. Instead, as confirmed by the 250 IS/CC, the ACC training office sent the equipment to the 188th Fighter Squadron (part of the 150 FW) for F-16 training purposes. In addition, the 250 IS/CC testified that he was generally aware of the equipment being used in training exercises involving the F-16 and air-to-ground capabilities. Since the equipment was not ordered or purchased by the 150 FW, the IO concludes it reasonably would not be included in their equipment inventories.

Although the evidence revealed DFAS made payment, DFAS served as a payment agent for AFMC. In this case, DFAS accessed the appropriation funding indicated by AFMC and made payment from the Operations and Maintenance (O&M) funds for the ANG. DFAS did not use its funds to pay for the ordering agency; it merely assisted in the purchase by making a payment on behalf of AFMC. Further, evidence revealed the equipment was purchased using ANG 3840 O&M funding, and the funds allocation level 4157 was the 88 ABW, NGB, at Wright-Patterson AFB. In addition, the IO was unable to obtain evidence that the equipment was ever on any 150 FW or 150 SOW inventory, or any Air Force inventory system. There were several unsuccessful attempts by the then current and previous Command Post Superintendents to return the equipment over several years, however, it appears the correct POCs were not contacted (NGB/A4).

The unit has taken proactive steps relating to the turn-in of the equipment and have created a local number for inventory purposes and have contacted NGB F-16 Weapon System Manager for equipment turn-in process. Accordingly, the preponderance of the evidence support that the allegation is **NOT SUBSTANTIATED**.

Relating to the allegation of possible Gross Waste of Funds, evidence reveals the equipment was purchased in a contract by AFMC, and the 188th Fighter Squadron Chief of Weapons and Tactics did not have the authority to purchase, nor did he in fact purchase, the equipment in question. Instead, this equipment was paid for by the ANG out of Wright-Patterson AFB, and sent to the unit for training purposes, which the evidence supports that it was used as such. Accordingly, the preponderance of available evidence concludes the 188th Fighter Squadron Chief of Weapons and Tactics or the 150 SOW did not commit a gross waste of funds.

CONCLUSION

Based on review of the evidence and testimony adduced during the investigation, and based on a preponderance of evidence, the above allegation is **NOT SUBSTANTIATED**.

VIOLATIONS OF LAW, RULE OR REGULATION

Upon review of the evidence and testimony adduced during the investigation, the following violations of law, rule, or regulation are based upon a preponderance of the evidence:

For Allegation 1, based upon the evidence and testimony in the record, the IO found, by a preponderance of the evidence, that during the timeframe of on-or-about 27 January 2015 to 28 January 2018, SARC 2, the 150 SOW SARC failed to manage the SAPR which resulted in the following violations: 32 CFR, § 105.10; AFI 36-6001, *Sexual Assault Prevention and Response (SAPR) Program*, 29 September 2008; AFI 90-6001, *Sexual Assault Prevention and Response (SAPR) Program*, 21 May 2015; and, Chief National Guard Bureau Instruction 1300.01, *Sexual Assault Prevention and Response Program*, 16 July 2016.

For Allegation 3, based upon the evidence and testimony in the record, the IO found, by a preponderance of the evidence that the 150th Fighter Wing Commander did improperly appoint SARC 2, a G-Series order commander, as the 150 FW Sexual Assault Response Coordinator (SARC) in violation of 32 CFR, § 105.10 and AFI 36-6001, *Sexual Assault Prevention and Response (SAPR) Program*, 29 September 2008. In addition, SARC 2 also violated the aforementioned AFI by volunteering to serve as a SARC.

For Allegations 5, 7, and 8, although not substantiated, the IO found technical violations of AFI 90-6001, *Sexual Assault Prevention and Response (SAPR) Program*, 21 May 2015, in that Whistleblower was inadvertently excluded from required unrestricted sexual assault review meetings and wing personnel were not 100% trained on annual SAPR training.

With regard to gross mismanagement, upon review of the evidence and testimony reviewed during the investigation and based upon a preponderance of the evidence, the IO found the 150 SOW SAPR program was grossly mismanaged by SARC 5 which resulted in the following violations: 32 CFR, § 105.10; AFI 36-6001, *Sexual Assault Prevention and Response (SAPR) Program*, 29 September 2008; AFI 90-6001, *Sexual Assault Prevention and Response (SAPR) Program*, 21 May 2015; and, Chief National Guard Bureau Instruction 1300.01, *Sexual Assault Prevention and Response Program*, 16 July 2016.

The investigation did not reveal a criminal violation. Therefore, referral to the Attorney General, pursuant to 5 U.S.C. Sections 1213(c) and (d) is not appropriate. This Report is submitted in satisfaction of my responsibilities under 5 U.S.C. Sections 1213(c) and (d).

ACTIONS PLANNED OR TAKEN

Relating to the substantiated finding in Allegation 1, while SARC 5 failed to ensure information was available during the time period of O/A 27 January 2015 to o/a 28 January 2018, the program has been corrected and the current SARC is now meeting policy guidelines with respect to information availability.

Relating to Allegation 1, the 150 SOW/CV took immediate action upon the recommendation by the internal audit team to remove SARC 5 from the SARC position effective 25 January 2018. The 150 SOW pursued and subsequently hired a full-time SARC in April 2018.

Relating to the substantiated finding in Allegation 3, the 150 FW/CC and SARC 5 are retired, and there will be no command actions taken.

Relating to the substantiated finding of gross mismanagement, the 150 SOW/CV took immediate action upon the recommendation by the internal audit team to remove SARC 5 from the SARC position effective 25 January 2018. The 150 SOW pursued and subsequently hired a full-time SARC in April 2018. SARC 6 received a verbal counseling from the 150 SOW/CC, for not ensuring deployed members received required annual SAPR training. The 150 SOW/CC and SARC 5 are retired, and there will be no command actions taken.

Relating to disposition of equipment identified in Allegation 9, the logistics squadron commander is now in possession of the Rover IV equipment and is working with the National Guard Bureau for proper disposition.

CONCLUSION

Upon review of the evidence and testimony obtained during the investigation, and based upon a preponderance of the evidence, the Air Force found four violations. The investigation did not reveal a criminal violation. Therefore, referral to the Attorney General, pursuant to 5 U.S.C. §§ 1213(c) and (d) is not appropriate. This Report is submitted in satisfaction of my responsibilities under 5 U.S.C. §§ 1213(c) and (d).

APPENDIX A

Acronyms

A1Z	USAF Manpower & Personnel ADLS – Advanced Distance Learning System
ABW	Air Base Wing
ACC	Air Combat Command
AEF	Air Expeditionary Force
AF/CVS	Air Force/Vice Commander Services
AFB	Air Force Base
AFI	Air Force Instruction
AFMC	Air Force Materiel Command
AGR	Air Guard Reservist
ANG	Air National Guard
ARC	Air Force Reserve Components
ARCNET	Air Reserve Component Network
ATAG	Adjutant General-Air
BETM	Base Education Training Manager
CC	Commander
CCIP	Commander's Inspection Program
CE	Continuing Education
CE(S)	Civil Engineering (Squadron)
CEU	Continuing Education Units
CF	Communications Flight
CFR	Code of Federal Regulations
CMG	Case Management Group
CNGBI	Chief National Guard Bureau Instruction
COMM	Communications (Flight)
COMSEC	Computer Security
CV	Vice Commander
CY	Calendar Year
DCMA	Defense Contract Management Agency
DFAS	Defense Finance and Accounting Service
DoD	Department of Defense
DoDD	Department of Defense Directive
DoDI	Department of Defense Instruction
DoDM	Department of Defense Manual
DPH	Director, Psychological Health
DSaid	Defense Sexual Assault Incident Database
D-SAACP	Defense Sexual Assault Advocate Certification Program
DSE	Defense Systems Evaluation

DSG	Drill Status Guardsman
DTAG	Deputy-The Adjutant General
EMS	Emergency Medical Services
EO	Equal Opportunity
FMV	Full Motion Video
FOIA	Freedom of Information Act
FSS	Force Support Squadron
FW	Fighter Wing
FY	Fiscal Year
GOV	Government Owned Vehicle
GS	General Scale
GSU	Geographically Separated Unit
HQ	Headquarters
HRO	Human Resources Office
IAW	In Accordance With
IG	Inspector General
IGI	Inspector General Inspections
IO	Investigating Officer
IS	Intelligence Squadron
JAG	Judge Advocate
JFHQ	Joint Forces Headquarters
JFHQ-NM	Joint Forces Headquarters-New Mexico
JTAC	Joint Tactical Air Controller
LMR	Land Mobile Radio
LRS	Logistics Readiness Squadron
MAJCOM	Major Command
MCIO	Military Criminal Investigation Organization
MICT	Management Internal Control Toolset
MDG	Medical Group
MEO	Military Equal Opportunity
MGA	Major Graded Area
MOA	Memorandum of Agreement
MOU	Memorandum of Understanding
MPA	Manpower Authorization
MSG	Mission Support Group
MXG	Maintenance Group
NCOIC	Noncommissioned Officer in Charge
NDAA	National Defense Authorization Act
NG	National Guard
NGB	National Guard Bureau
NMANG	New Mexico Air National Guard

NOVA	National Organization for Victim Assistance
OG	Operations Group
OIC	Officer in Charge
OPS	Operations
ORE	Operational Readiness Exercise
ORI	Operational Readiness Inspection
OSC	Office of Special Council
OSF	Operations Support Flight
OSI	Office of Special Investigations
OSS	Operations Support Squadron
PA	Public Affairs
PEC	Professional Education Center
PFO	Property and Fiscal Office
QRC	Quick Reaction Checklist
RHS	Red Horse Squadron
RIA	Recommend Improvement Area
SAC	Self-Assessment Communicator
SAF/IG	Air Force Inspector General
SAF/GC	Secretary of the Air Force General Counsel
SAPR	Sexual Assault Prevention and Response
SARC	Sexual Assault Response Coordinator
SANE	Sexual Assault Nurse Examination
SAV	Staff Assisted Visit
SECAF	Secretary of the Air Force
SCIF	Compartmented Information Facility
SHARP	Sexual Harassment/Assault Response and Prevention (Army)
SJA	Staff Judge Advocate
SME	Subject Matter Expert
SOW	Special Operations Wing
SPPM	Suicide Prevention Program Manager
SVP	Special Victims' Counsel
TACP	Tactical Air Control Party
TAG	The Adjutant General
TFI	Total Force Integration
USAFA	United States Air Force Academy
UTA	Unit Training Assembly
UTM	Unit Training Manager
VA	Victim Advocate
VPI	Violence Prevention Integrator
VVA	Volunteer Victim Advocate
VWAP	Victim and Witness Assistance Program

WG	Wing
XO	Executive Officer