



CHIEF NATIONAL GUARD BUREAU INSTRUCTION

NGB-JA
DISTRIBUTION: A

CNGBI 0400.01
30 July 2012

CHIEF, NATIONAL GUARD BUREAU
OFFICE OF COMPLEX ADMINISTRATIVE INVESTIGATIONS

Reference(s):

- a. DoD Directive 6495.01, 23 January 2012, "Sexual Assault Prevention and Response Program"
- b. Title 10 United States Code (U.S.C.)
- c. Title 32 U.S.C.

1. Purpose. This instruction institutes policy by which the Office of the Chief, National Guard Bureau (OCNGB) will establish an Office of Complex Administrative Investigations (OI) under the National Guard Bureau-Chief Counsel (NGB-JA/OI), to provide a capability to perform complex administrative investigations at the request of The Adjutants General (TAG) of the 54 States, Territories and the District of Columbia, or an investigation at the direction of the Chief, National Guard Bureau (CNGB). The requested investigations may include those regarding reports of sexual assault, as defined by reference a, made by and against members of the National Guard (NG).

2. Cancellation. None.

3. Applicability. This policy applies to all NG entities, the NGB (NGB Joint Staff, the Army National Guard (ARNG), and Air National Guard (ANG) directorates), all field activities of NGB, the NG of the States, Territories, and the District of Columbia. All requests by TAG for a complex administrative investigation, including those involving allegations of sexual assault against NG members while they are not in federal status, are covered by this instruction. Investigations regarding allegations of sexual assault against military members performing duty in a federal status under reference b will be investigated by a Military Criminal Investigative Organization (MCIO).

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4. Policy. It is NGB policy to assist TAGs, upon their request, to perform complex administrative investigations, with specially trained personnel, on alleged reports of sexual assault with a NG nexus, and for other matters on a case-by-case basis, including those affecting NG good order and discipline. NGB-JA will make the determination regarding whether or not an allegation has a sufficient NG nexus.

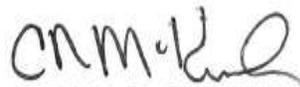
5. Definitions. For the purpose of this instruction, a complex administrative investigation involves factors that may cause a case to be more difficult than other investigations. Such factors may include, but are not limited to, federal and state jurisdictional issues, the need for specialized training of the investigating officer, and the desire for an independent investigator to ensure fairness and impartiality throughout the investigation.

6. Responsibilities. NGB-JA is delegated the authority to promulgate procedures implementing this policy, to appoint investigators to investigate complex matters at the request of TAGs, and to assess such requests to ensure a NGB complex administrative investigation is appropriate and necessary.

7. Summary. This is the initial publication of CNGBI 0400.01.

8. Releasability. This instruction is approved for public release; distribution is unlimited. NGB directorates, TAGs, the Commanding General of the District of Columbia, and Joint Force Headquarters-State may obtain copies of this instruction through www.ngbpdc.ngb.army.mil.

9. Effective Date. This instruction is effective upon publication.


CRAIG R. MCKINLEY
General, USAF
Chief, National Guard Bureau

Enclosure(s):
GL -- Glossary

GLOSSARY

ABBREVIATIONS AND ACRONYMS

ANG	Air National Guard
ARNG	Army National Guard
CNGB	Chief, National Guard Bureau
CNGBI	Chief, National Guard Bureau Instruction
DoDD	Department of Defense Directive
MCIO	Military Criminal Investigative Organization
NG	National Guard
NGB	National Guard Bureau
NGB-JA	National Guard Bureau-Chief Counsel
NGB-JA/OI	National Guard Bureau-Office of Complex Administrative Investigations
OCNGB	Office of the Chief, National Guard Bureau
TAG	The Adjutants General