
REPORT OF INQUIRY
CONCERNING
THE AIR FORCE OFFICE OF SPECIAL INVESTIGATIONS'
USE OF CADETS AS CONFIDENTIAL INFORMANTS
AT THE AIR FORCE ACADEMY

PREPARED BY
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I. INTRODUCTION

On 1 Dec 13, an article published in the *Colorado Springs Gazette* entitled "Honor and Deception" alleged that "A secretive Air Force program recruits academy students to inform on fellow cadets and disavows them afterward." The article went on to discuss the case of former United States Air Force Academy (USAFA) cadet Eric E. Thomas, Class of 2013, who was a confidential informant (CI) for the Air Force Office of Special Investigations (AFOSI, or OSI) for part of his tenure at USAFA. In this article Cadet Thomas related how he became a CI, some of his work for the OSI and finally, how he was disenrolled six weeks short of graduation for "a history disregarding the rules." In the article, former cadet Thomas asserted that some of his discipline problems were a result of taskings he received from the OSI. In the end, Thomas claimed that the OSI did not back him up during his disenrollment process.

This 1 Dec 13 article quickly went "viral," eliciting numerous inputs on social media sites. Some of the inputs backed former Cadet Thomas and his *Gazette* story, others backed the need for such a CI program at the Academy. Congress, top Air Force leadership and the USAFA Superintendent, Lt Gen Michelle D. Johnson soon became involved. The publicity led The Inspector General (TIG) of the Air Force, Lt Gen Stephen P. Mueller, to direct an inquiry into the OSI's CI program at USAFA in general, and former cadet Thomas' case in particular. In mid-December 2013, TIG initiated this inquiry.

As opposed to an "investigation" that begins with a specific allegation or allegations of wrongdoing against an individual, an "inquiry" is an examination/analysis of the facts and circumstances behind a situation, event, or series of events. An inquiry does not substantiate or unsubstantiate specific allegations; rather, it presents the facts to the reader so that he or she may fully understand the situation being examined.

On 12 Dec 13, Maj Gen Craig N. Gourley, Deputy Inspector General, signed a formal tasking memo for this inquiry. After further discussions with Lt Gen Mueller and Maj Gen Gourley, it was decided that the inquiry would examine three topics:

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1. The OSI's use of Confidential Informants (CIs).
 2. The OSI's use of USAFA cadets as CIs.
 3. The OSI's use of Eric Thomas as a CI and their interaction with him.

The assigned investigating team consisted of: Mr. [REDACTED] [REDACTED] Senior Official Inquiries (SAF/IGS), Special Agent (SA), [REDACTED] Headquarters AFOSI, Quantico, VA, and Ms. [REDACTED] Administrative Law Directorate, office of the Judge Advocate General of the Air Force. During the course of inquiry 11 individuals, who were either very familiar with the circumstances being examined, or subject matter experts, were interviewed:

- Mr. Eric E. Thomas, former USAFA cadet
- Mr. [REDACTED], Mr. [REDACTED] attorney
- Special Agent (SA) (Master Sergeant) [REDACTED], formerly assigned to Operating Location Alpha (OL-A), USAFA
- Former Special Agent (Staff Sergeant) [REDACTED] formerly assigned to OL-A
- Special Agent (Captain) [REDACTED] OL-A
- Special Agent (Lt Col) [REDACTED] [REDACTED], Peterson AFB, CO
- Special Agent (Lt Col) [REDACTED] former [REDACTED]
- Brig Gen (Maj Gen-select) Gregory J. Lengyel, Commandant of Cadets, USAFA (USAFA/CW)
- Ms. [REDACTED] (USAFA/CWVVD)
- Maj Gen Steven J. Lepper, Deputy Judge Advocate General of the Air Force (DJAG), currently performing the duties of The Judge Advocate General (PDOT)
- SA [REDACTED] Headquarters AFOSI

II. SCOPE AND AUTHORITY

The Secretary of the Air Force has sole responsibility for the function of The Inspector General of the Air Force (Title 10, Section 8014). When directed by the Secretary of the Air Force or the Chief of Staff, 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 perform any other duties prescribed by the Secretary or the Chief of Staff. The Inspector General of the Air Force is authorized to cooperate fully with the Inspector General of the Department of Defense (Title 10, Section 8020).

III. BACKGROUND

The United States Air Force Academy (USAFA), located on over 18,000 acres of ground at the northern outskirts of Colorado Springs, Colorado is one of three primary Department of Defense Military Academies that grant college degrees and prepare young men and women to serve their country as commissioned military officers. Linked directly to the Chief of Staff, USAFA is one of a few Air Force “Direct Reporting Units” and does not fall under any Major Command. USAFA is commanded by a Superintendent, Lt Gen Michelle D. Johnson, who is responsible for all operations on the Academy grounds to include the Academy itself, a preparatory school, an Air Base Wing, and other associated units.

The Commandant of Cadets (USAFA/CW), presently Brig Gen Gregory J. Lengyel, is a direct report to Lt Gen Johnson and is charged with, among other things, the oversight of the Cadet Wing. The Cadet Wing, approximately 4400 strong at any given time, is organized similar to most active duty wings in the Air Force. The cadet wing has a cadet wing commander, cadet group commanders, cadet squadron commanders and so forth. All told, there are 40 cadet squadrons housed in two large dormitory buildings at USAFA. Each cadet squadron has an active duty Air Officer Commanding (AOC), usually a major (O-4), and at least one Academy Military Trainer (AMT), usually an experienced non-commissioned officer (NCO). Their mission is to oversee their squadron’s operations to include cadet discipline.

At this point it is helpful to the reader to understand a little cadet terminology. Cadets are categorized by class and are called 1st Class, 2nd Class, 3rd Class, and 4th Class cadets. These designations are commonly known at most universities as senior, junior, sophomore, and freshman respectively. For example, a sophomore who is in their second year at the Academy is called a 3rd Class cadet (C3C).

The Air Force Office of Special Investigations (AFOSI), headquartered on Quantico Marine Corps Base, VA, is the Air Force’s federal law enforcement agency. The Commander, AFOSI reports directly to The Inspector General of the Air Force. As stated in their 2013 OSI Fact Book, AFOSI special agents “operate throughout the full spectrum of conflict, seamlessly within any domain; conducting criminal investigations and providing counterintelligence services.” Underneath the Headquarters are eight field Investigative regions (FIR), the Defense Cyber Crime Center, the Office of Procurement Fraud, the Office of Special Projects, and the USAF Special Investigations Academy. The eight FIRs are further divided into squadrons, detachments, and operating locations.

The OSI’s 8 FIR is located at Peterson AFB, CO and has as one of its subordinate units, the 8 FIS, also located at Peterson AFB. The 8 FIS oversees three “operating locations” – one at Peterson AFB, one at Schriever AFB, CO, and one at USAFA. As noted above, the unit at USAFA is designated as OL-A.

IV. ANALYSIS

1. The OSI's Use of Confidential Informants.

Air Force Instruction (AFI) 71-101, Volume 1, *Criminal Investigations Program*, 8 Apr 11, Incorporating Change 1, 16 May 13, provides guidance to OSI units on the conduct of criminal investigations. Paragraph 1.4.4 of this instruction tasks all OSI units to, "operate a Confidential Informant Program consisting of people who confidentially provide vital information for initiating or resolving criminal investigations." It should be explained at this point that prior to 2011, the OSI used the term "confidential source" for those individuals now known as confidential informants. Regardless of the term used, each OSI unit, to include OL-A at USAFA, is expected to have such a program.

AFOSI Manual 71-118, Volume 1, *Investigative Source Management*, 20 Mar 12 (and its previous versions) provides policy and guidance for the development, coordination, and utilization of human sources necessary to complete the criminal investigative mission. Chapter 4 of this manual, *Managing Confidential Informants*, defines a confidential informant as, "... a source who requires or requests the nature of his or her relationship with AFOSI be protected. Generally, this includes individuals with whom AFOSI establishes a formal managed relationship and whose actions are directed by AFOSI." The manual proceeds to give detailed guidance for their life-cycle management from recruitment to termination. A portion of this guidance includes the acknowledgement that a CI must be carefully vetted and their handling requires careful consideration and planning.

To get a better understanding for the OSI's need for, and use of, CIs, SA [REDACTED] was interviewed as a subject matter expert. Mr. [REDACTED] has over 40 years' experience in the OSI and is considered an expert in use of CIs. Early in his interview, he was asked about the need for CIs:

IO: Within the context of the OSI could you explain the need to develop and coordinate the use of human resources, to complete your mission?

[REDACTED]: Well, we obtain, we get involved in, in pursuing criminal activity a variety of ways, usually it involves, because we don't stumble on to it ourselves, it involves somebody contacting us and telling us that there's something that they either know to be or perceive to be a criminal problem that rises to the level of OSI needing to get involved in it. So, it can be everything from a phone call from the law enforcement desk to, you know, a commander that calls you on the phone and they have perceptions all the way to include folks that we recruit, task, and if you will, get them to provide information to us covertly, through a variety of means.

IO: I would assume this is something that, almost all law enforcement agencies worldwide use?

Another subject matter expert, Maj Gen Steve Lepper, was asked about the need for a CI program within the OSI. Maj Gen Lepper's background includes work as a military judge, a prosecuting attorney, and as a staff judge advocate. With regard to the need for the OSI to use CIs, he testified:

IO: ... how would you speak to the necessity of an organization like the OSI to use confidential informants to ensure the success of their mission?

Lepper: Well, I believe that it is a first of all, a totally appropriate and in many cases absolutely necessary investigative technique and I call it a technique because I think it's basically analogous to drug testing, to you know any, any methodology by which you collect evidence.... So, I view all of those to be similar and that's what I characterize them as techniques. I believe that it's necessary in many cases because um, you know, unless the OSI is able to effectively go undercover to, to collect information, they have to be able to rely on the people that are closest to the information to report it.... And, and so, they will rely on those people, typically Airmen, typically Airmen who are junior and who have contact with other Airmen who may be engaged in misconduct to talk to the OSI about the misconduct uh, whether as a witness or as a person who can provide access to the OSI to, to some of the situations in which this misconduct is occurring. In other words, they are a critical link between the OSI and the situation that needs to be investigated.

In addition to the two subject matter experts mentioned above, every OSI agent we interviewed in the course of this inquiry remarked on the need for the OSI to be able to run CIs to effectively perform its mission. Some of the comments the investigation team received from these interviews included: “the idea is to ask people to be the eyes and ears we can’t” and “it is critical ... because there is criminal activity everywhere you go ... we don’t have access to that activity.” Based on all the interviews and documents collected for this inquiry, the need for the OSI to use CIs to effectively perform their mission, is not in doubt. When used properly, they can be a critical tool for investigating criminal activity.

Besides learning that CIs sign specific agreements with the OSI, through several interviews with OSI special agents, the investigating team learned two other key points that distinguish a CI from other sources of information used by the OSI:

1. A CI's relationship with the OSI must be clandestine and protected, for the safety of the CI and to preserve their access to their targets, and
2. A CI is specifically tasked by OSI to elicit specific information about a target and is trained to avoid entrapping a subject, whereas any other sources of information report what they passively see or overhear without specific tasking.

When an Air Force member is chosen to be a special agent with the OSI, they will receive extensive initial training for their new position. A new special agent candidate first attends a multi-week basic training program at the Federal Law Enforcement Training Center (FLETC) in Glynco, GA. FLETC's course is 19 weeks in length, of which the final 8 weeks are OSI-specific training. Agents interviewed for this inquiry confirmed that a portion of their training specifically addressed the use of CIs by the OSI. SA [REDACTED], who entered his training at FLETC without a law enforcement background, believed he received very good training and remembered one or two days devoted to the topic of confidential informants. He believed the training could have been even a little more extensive, especially with regard to documenting the use of CIs.

After attendance at their initial training at FLETC, each new agent is assigned to an OSI unit and is deemed a probationary special agent. This probationary period normally lasts 15 months and the new SA is expected to show proficiency in multiple aspects of OSI's mission, to include the use and handling of CIs. To be signed off on this segment of the mission, the probationary special agent is tasked with "handling" (recruiting/managing) a confidential informant. During this period, no probationary SA handles a CI alone: a more experienced SA monitors the probationary SA's recruitment, vetting, and good management of the CI and meets with a CI to discuss law enforcement activity are handled by two SAs.

Once the probationary SA shows he or she is proficient in this task, they will be signed off on it. Once the probationary SA is signed off on all required tasks, he or she comes off probation. If a new special agent cannot show proficiency in all tasks, the unit's lead agent may extend the probationary period beyond the initial 15 months.

2. The OSI's Use of USAFA Cadets as Confidential Informants.

The United States Air Force Academy is considerably different than any other Air Force base in the world. In addition to the usual things found on any base, such as a mission support group, commissary, base exchange, chapel, hospital, base housing, fire department, other tenant units, and the like, it contains a degree-granting four-year university, designed to develop new second lieutenants for the Air Force, all the while fielding a full-up, NCAA-competing athletic program. Additionally, the cadets themselves live on the northern edge of the Academy grounds (on "the Hill") and are somewhat separated from the rest of the base.

One aspect of OL-A's use of cadets as CIs that somewhat surprised the investigators was the lack of specialized, local-familiarization training given to newly arrived special agents at the unit. Both SA [REDACTED] and SA [REDACTED] testified that they received no training concerning the make-up and operation of the cadet wing up on the Hill. SA [REDACTED] stated he had to learn the intricacies of the cadet wing through experience on the job. SA [REDACTED] and Lt Col [REDACTED] former [REDACTED] confirmed this fact. [REDACTED] was an Academy graduate himself and was able to help new probationary special agents understand the Academy, but did

so through on-the-job training. Lt Col [REDACTED] who assumed command of [REDACTED] in the spring of 2013 testified he recognized this lack of local training at OL-A and has initiated a training program to help new special agents fully understand the nuances of their new working environment at USAFA.

Air Force bases are not immune to criminal activity, and USAFA is no exception. While the Cadet Wing boasts many of the best and brightest of our country's youth, they hail from a variety of backgrounds and experiences, and are still subject to the same youthful indiscretions as other 18-24 year-old students. Unfortunately, some cadets engage in criminal activity. According to the AFOSI witnesses interviewed, most of their investigative efforts focus on illegal drug use and sexual assaults within the Cadet Wing. Additionally, it is significant to understand that investigations into criminal activity at USAF occur in one forum with the OSI, while at the same time a completely different forum, the cadet discipline system, disposes of violations independently of criminal investigations.

Similar to any other Air Force base, in order to effectively investigate possible criminal activity on the installation, the OSI may need to use confidential informants to gather needed information. As noted above, to do this, the OSI needs to use CIs who have access to the individuals suspected of the illegal activity. Additionally, these CIs must be willing to work for the OSI in this capacity – the OSI cannot force an individual to be a CI – this is voluntary work.

If USAFA cadets are suspected of criminal activity, to use CIs as an investigative tool, the OSI's unit at USAFA, OL-A, must find someone who can develop and maintain a relationship with the cadet(s) who are the target of the investigation. Each of the OSI special agents interviewed for this inquiry believed that only another cadet can serve as an effective CI for cases involving suspected cadets. When asked why this was, one agent said that the cadets live in a "closed and gated community" where they know each other well. The special agents indicated that using another OSI agent as a CI would not work because they simply would not fit in with cadets and their cover would be quickly blown. Similarly, to try and use a young airman as a CI within the cadet wing would not work because the cadets know each other very well and their day-to-day activities are tightly planned and well-monitored. Like the OSI agent, a young airman would not fit in as a CI in the Cadet Wing. Finally, using USAFA permanent party as CIs would not be feasible since cadets would not reasonably be expected to confide any commission of crimes to those persons charged with their training and discipline.

While the OSI agents interviewed believe only cadets can be used as CIs at USAFA, others interviewed believed the use of cadets as CIs was not the best of ideas. Brig Gen Lengyel, USAFA Commandant of Cadets testified:

IO: Yes sir. Just in general, when the, when the necessity is there, are you in favor of using cadets as confidential informants?

Lengyel: To a point. One of the things that was raised in the Thomas case uh, was the fact that some of his actions were um, uh, went against the Cadet Honor Code. I would

be in favor of using a cadet for, give you a hypothetical, you're going to a party tomorrow night at so-and-so's house, you know, we'd like to know who was there, we'd like to know if this car was in the parking lot, and so on. I am not in favor of cadets actively, you know, trying to set up a drug buy. I'm not in favor of anything, even for law enforcement generation, I do not support cadets violating the Honor Code, which is lying, stealing, cheating. In this case, it would be most of, most of it would be lying. It would be an intent to deceive by trying to play or somebody that you're not, so, I'm skeptical of trying to turn a cadet into Jason Bourne and make him a secret agent.

...

IO2: If sir, you did not want the OSI to actively use cadets as confidential informants, in other words, to use them in roles other than just reporting back observations, who do you believe could perform that role to detect sexual assaults and drug use, for example, among the cadet wing?

Lengyel: I, first of all, I think that, you know, there's, we have other programs to detect sexual assault and drug use, which is um, random urinalysis. We have a very robust reporting system for sexual assaults, to include, you know, unrestricted reports that we can investigate and restricted reports that are confidential, yet we know of, of them happening. I don't, I can't think of any time since I've been the Commandant, you know, that a confidential informant has been our source for either of those. Like I said, I think Thomas was the last cadet they were working in the wing, but, but certainly to my knowledge. But you know, I think that what happens generally is we have cadets who are in trouble and the OSI realizes that these, these cadets are, are in some cases, already drug users and let's get as much information out of them as we can before the discipline system gets them. Or, kind of in the Cadet Thomas case, this is a guy who had access and was hanging around with the wrong people and I also am very much under the impression that Cadet Thomas, when he was approached with this, loved it. He ate it up. He wanted to be a secret agent. And his own sense of self-importance in these cases exceeded the reality of his importance. But, who else would do it? Well, you, you, you're gonna have a hard time if it's a cadet-only function, but you know, these cadets have civilian friends. These cadets are, you know, why couldn't the, why couldn't the OSI agent be, or you know, somebody else acting as a confidential informant be their, their junkie? If it's a cadet-only event and cadets know each other and they know who's a cadet and who's not, you're gonna be in a tough situation when we get into active collection versus the passive collection that we talked about. I don't know what other suggestions to give you. But, I'm more concerned with making sure that we're, we're not having a double standard, where the United States Air Force expects these cadets to not lie, cheat, steal or tolerate, and then would encourage them to violate that, even for law enforcement. I think there's, there's got to be other ways.

While the use of cadets as CIs at USAFA can be debated, our inquiry found that Lt Gen Michael C. Gould, the Academy's Superintendent (USAFA/CC) from Jun 09 until Jul 13 did allow cadets to work for the OSI. With regard to communication between OL-A and Academy leadership concerning the use of specific cadets as CIs, our inquiry revealed that the lead agent at

OL-A would normally discuss specific CIs with the Commandant of Cadets. Additionally, in some cases other members of the cadet CI's permanent party chain of command were notified. In the case that will be discussed below, Brig Gen Richard M. Clark, USAFA/CW, from 2010 to 2012, was made aware that former cadet Eric Thomas was working for the OSI as a CI. Further, Lt Col [REDACTED] personally briefed Brig Gen Lengyel on Eric Thomas' help to OSI in investigating multiple drug and sexual assault cases that ended in successful prosecution. This briefing occurred as Brig Gen Lengyel was deciding on whether or not to recommend Eric Thomas be disenrolled for conduct and aptitude issues.

Interviews and documents obtained for this inquiry did confirm that when the OSI agents at the Academy did use a cadet as a CI, they would use him or her the same way they would use an Airman at any other Air Force base. We found evidence that cadet CIs would sometimes be "wired-up" to secretly record conversations, be taught how to look like you were using a drug when you actually weren't, would secretly meet with one or two agents off the base to discuss new information, and would be taught the nuances and law concerning the avoidance of entrapment. Evidence indicated that OSI special agents at OL-A did follow the OSI guidelines for the use of CIs stipulated in the aforementioned AFOSI Manual 71-118.

Probably the most controversial aspect of using a USAFA cadet as a CI involves the possible conflict between a CI's need to possibly lie to or deceive someone in his/her conduct as a CI, and adherence to the Academy's Honor Code. This aspect was highlighted in the *Gazette's* article and was the subject of countless blogs after the article's publication. Many individuals see the issue as black and white – the OSI should not place a cadet in a situation where they may have to lie, deceive, or use a "back-story" to maintain his or her cover as a CI. Others see this as a gray area where the need to maintain a CI's cover is done for a higher good and hence trumps the literal interpretation of the code.

The Academy's Honor Code is presented to USAFA cadets in a two-volume *Honor Code Reference Handbook*. Volume One focuses on the Code itself and on Honorable Living. Volume Two focuses on the Honor System. Excerpts concerning the basics of the code from Volume One include:

HONOR CODE, Adopted 1955: "WE WILL NOT LIE, STEAL, OR CHEAT, NOR TOLERATE AMONG US ANYONE WHO DOES."

HONOR OATH, Adopted 1984: "WE WILL NOT LIE, STEAL, OR CHEAT, NOR TOLERATE AMONG US ANYONE WHO DOES. FURTHER MORE, I RESOLVE TO DO MY DUTY AND TO LIVE HONORABLY, SO HELP ME GOD."

SPIRIT OF THE CODE: "DO THE RIGHT THING AND LIVE HONORABLY."

LYING IS MAKING AN ASSERTION WITH THE INTENT TO DECEIVE OR MISLEAD. THIS DECEITFUL ASSERTION MAY BE ORAL, WRITTEN, OR CLEARLY COMMUNICATED BY A GESTURE OR ACTION.

STEALING IS INTENTIONALLY DEPRIVING SOMEONE ELSE OF PROPERTY OR SERVICE WITHOUT PERMISSION, OR ATTEMPTING TO DO THE SAME.

CHEATING IS COMMITTING AN ACT WITH THE INTENT TO RECEIVE UNDESERVED CREDIT OR AN UNFAIR ADVANTAGE. IT ALSO INCLUDES AIDING OR ATTEMPTING TO DO THE SAME.

TOLERATION IS THE FAILURE TO REPORT A SUSPECTED VIOLATION OF THE CADET HONOR CODE.

The following excerpt concerning "gray areas" is also taken from Volume One:

Gray areas are situations in which the application of the Honor Code is misunderstood, or else in which its strict application would be unconscionable because a technical violation of the Honor Code resulted from a cadet being faced with a true moral dilemma, or a cadet acting so as to serve a higher good, or the action was otherwise morally justifiable.... The purpose of the Honor Code is to provide a reasonable standard of ethical behavior in four discrete areas while, at the same time, encouraging the acceptance of a much broader personal standard.

Of all the witnesses interviewed for this inquiry, Maj Gen Lepper gave perhaps the most complete testimony about the Honor Code issue. Besides his vast legal experience over the past 30+ years, Maj Gen Lepper is a USAFA graduate himself (1979), has a [REDACTED] who graduated from USAFA (1981) and has a [REDACTED] who graduated from USAFA (2004). He related that he has in the past discussed the Academy and its cadet Honor Code with them both. Hence, Maj Gen Lepper has a working experience with both CIs and the Honor Code. He related that he was in favor of the OSI using cadets as CIs and provided the following testimony with regard to CIs and the Honor Code:

IO: ... main question, how do we know that we're using cadets as informants and we've got this Honor Code, how can cadets do both if you will? Follow the Honor Code to the letter yet still operate as a confidential informant realizing that there may be some times where they may, not often, but they may have to use that back story to lie, deceive or whatever. How do those two mesh together?

Lepper: Well, you know, I guess you could have two extremes here and I, and I hesitate to gravitate towards either of them and I think most of the people that have opinions on this see this as a black and white. Obviously on the one extreme, I will not lie, steal, cheat or tolerate anyone who does means exact that, all the time, regardless of the circumstances and, and for those people, I guess that a back story is something that would violate the Honor Code. Then there are people who believe the Honor Code should apply situationally and therefore are more willing to rationalize violations of the Honor Code whether they are committed by themselves or other people. And frankly, those are the folks who I would not want to serve with.

IO: Right.

Lepper: I think that there is a middle ground here. I do. And I may not have said that as a cadet because I probably was way over here on the extreme where the Honor Code applies regardless. But after thirty-five years of service, and understanding what integrity really means, I think that there is a place for both the Honor Code and the need to use confidential informants. Just as there is a place for integrity as a core value and the need under certain circumstances to have a story that will protect fellow Airmen, will protect you in cases where safety's in jeopardy. I, for example, you know, aviators who are shot down behind enemy lines.

IO: Right.

Lepper: Have to have a story that explains why they're there that is going to keep them safe. And we, in the Air Force, have understood that for as long as we've been a service.

IO: We trained in it.

W: ... and trained in it, and I won't get into any more detail here because we're not in a classified environment but the, the point is that uh, we as Airmen understand that there are certain circumstances where uh, protection of ourselves, protection of our fellow Airmen, protection of our country sometimes requires us to justify our presence in a certain place, our activities in a way that might be, not be entirely honest. I kind of analogize the use of confidential informers to that situation where uh, you, you certainly don't have to volunteer that you know, I'm not a confidential informant and thereby lie but if you're safety depends upon an answer to a direct question, why are you here? What are you looking for? Why are you taking pictures? Are you working for OSI? And you have to rely on the story that the OSI has given you, I just, I believe that you know the greater good of identifying and ridding yourselves of people who uh, are threats to your organization, is a higher purpose than you know providing the extreme, absolute honest answer to the question. I know this is, this is going to be probably the hardest thing to explain to anyone because like I said, most people view it in a binary way. But I think that there, there has to be again, going back to the balance thing when we talked about keeping the identity of a confidential informant from a commander, I think there's got to ultimately be a balance here.

IO: Yes sir. Now, based on your 35 years of experience, and then going back to when you were a cadet, is there a way we can explain what you've now found out after all your experience to a cadet in either his first, second, third, fourth year at the Academy?

Lepper: You know, that's the hard part because part of the challenge of educating cadets about the Honor Code is the fact that many of the cadets who come to the Academy have never had the exposure to honor and integrity and that's unfortunate. And in my experience, the cadets who washed out early were the ones who never really had a compass that governed their lives and here we are at the Air Force Academy in the first week telling them all about the Honor Code. These were foreign, foreign ideas to them and, and so you had to, you almost had to be absolute in the way that you taught and then

as a cadet lived the Honor Code while you were there. And it's only after being able to mature and, and understand the whole idea of achieving a balance that you can even grasp what I just described.

IO: Right.

W: The idea that, that there might be something else out there that is so important that it would justify a lie. That it would justify not telling the truth. The security of our nation is one of those things we teach our Airmen, the safety of your fellow Airmen is one of those things we teach our Airmen when we tell them that if you're captured tell this story.

IO: Right.

W: We don't tell them that as cadets because again, we're there to lay the foundation so this, that's the hardest part of all of this is how, how to teach that, how to lay that foundation on the one hand and then provide for the possibility that the absolute terms in which we talked about the Honor Code may have some exceptions. That's hard.

At the conclusion of his interview, Maj Gen Lepper was asked:

IO: If you were the superintendent of the Academy, would I assume that you would allow the OSI to use cadets as confidential informants?

Lepper: I would. Again, there's a greater purpose out there. I, you know, I don't want drug dealers. I don't want sexual predators to be in my Air Force. And I'm not going to let the Honor Code be something that people can hide behind to prevent me from getting at them. I just, you know, again, there's a balance that's got to be achieved out there.

In closing this section of the inquiry, it is noted that the preponderance of the evidence concerning whether or not the OSI should use cadets as CIs and whether or not this use conflicts with the cadet Honor Code indicates that cadets can be used as CIs and their use does not have to place them in conflict with the Honor Code when viewed in a broader context. At the same time, this inquiry is well aware of the many arguments against both.

3. The OSI's Use of Eric Thomas and Their Interaction With Him.

Throughout this section of the report, the facts discussed will be based on the preponderance of the evidence gathered for this inquiry. In many instances, witness testimony conflicted with other witness testimony and with documentary evidence. Also, the title (Mr., C2C, etc...) given Eric Thomas in the text will be his title during the timeframe being addressed at that point in the report.

Mr. Eric E. Thomas was raised in Abilene, TX, graduated from high school there and then attended the USAFA Preparatory School the 2008-2009 academic year. From there, he

earned an appointment to the Academy, which he entered on 25 Jun 09 and after cadet basic training, became a 4th Class cadet in the class of 2013. At this point Cadet 4th Class (C4C) Thomas had had no contact with any member of the OSI.

By the end of his fourth class year, C4C Thomas had accumulated 20 total demerits, had a grade point average (GPA) of 2.09 (on a 4-point scale) and had been on Academic probation for part of the fall semester. At this point C4C Thomas had had no contact with any member of the OSI.

In Jun 10, Cadet Third Class (C3C) Thomas was involved in a major incident that resulted in his receiving 50 demerits. The incident was resolved within the Academy and C3C Thomas was not interviewed or contacted by the OSI. C3C Thomas entered his second academic year in Aug 10 with 70 demerits total and still not having met any member of the OSI. At this point it should be noted that 200 career total demerits is normally considered grounds for disenrollment.

On 2 Oct 10, the day of the Air Force-Navy football game, some cadets attended a party in Divide, CO, west of the Academy. C3C Thomas attended this party with friends. The party was broken up by the local police and when cadets returned to USAFA, one car was stopped for possible DUI. At this time Academy officials believed the party involved only drinking, and hence some underage drinking. Since C3C Thomas was 21 years old at the time, he was not suspected of underage drinking. The Academy decided to conduct an internal investigation into the party and each AOC was instructed to interview cadets in their squadron who attended the party. Hence, C3C Thomas was interviewed by his AOC and it was determined he failed to properly sign out for the party and was given 20 demerits, bringing his career total to 90.

After the AOC-conducted investigation, it was determined there was evidence of potential drug use (Spice, or synthetic marijuana) at the Divide party and possibly a sexual assault. USAFA had a "zero-tolerance" policy for Spice usage. Later, the OSI's OL-A became involved and records indicate that the OSI began investigating the Divide party in Jan 11. The alleged use of Spice by cadets at the Divide first came to the attention of the OSI during a debriefing of another cadet CI who was at that party. This triggered OSI's investigation into the Divide party.

C3C Thomas ended this fall semester with 90 demerits and an overall GPA of 2.01. C3C Thomas testified that he met, was interviewed by, and provided a statement to, SA [REDACTED] in late Oct 10. However, other testimony and written documents pinpoint this meeting to have occurred in Apr 11. Hence the preponderance of the evidence indicates that at the beginning of 2011, C3C Thomas had not yet met with the OSI.

One evening in early Mar 11, C3C Thomas was invited to another cadet's room. After arriving in the room, he discovered the presence of a female 4th Class cadet and alcohol. He stayed in the room behind closed doors. Events of that evening led to the female cadet filing a

restricted report of alleged sexual assault against her by another cadet in the room, not C3C Thomas. Since her report was a restricted one, the OSI was unaware of the incident at that time and conducted no investigation into the matter at that time. Still, C3C Thomas was behind closed doors with a female 4th Class cadet with alcohol in the room. He would eventually, in Jan 12, get 129 demerits for his actions this night. If the demerits had been issued at that time, he would have reached a career total of 219 demerits.

C3C Thomas' name first came to the attention of the OSI during a 15 Feb 11 interview with another cadet who had been at the Divide party and who mentioned that C3C Thomas had attended the party also. C3C Thomas was called into the OSI's offices on 6 Apr 11 to be interviewed about the Divide party. There, he met SA [REDACTED] and was questioned about the party. C3C Thomas provided SA [REDACTED] a signed, written statement, dated 6 Apr 11. Although Mr. Thomas testified he met SA [REDACTED] concerning the Divide party in late Oct 10, SA [REDACTED] testimony and C3C Thomas' signed, dated written statement concerning the Divide party indicate otherwise. Thus, the preponderance of the evidence indicates the first encounter between Mr. Thomas and the OSI occurred on 6 Apr 11.

Concerning his talking to C3C Thomas, SA [REDACTED] testified, "I talked to him one time. Best I can recall." Regarding the OSI's knowledge of the Divide, CO party, SA [REDACTED] stated:

We did find out about the party, but it was well after it had happened. In fact, it was the, the party was being investigated, if you will, by the Cadet Wing, by the AOCs, and AMTs of the Cadets who were involved. It, it wasn't until sometime after the party where we kind of stumbled into the information. We definitely were not onto what had happened immediately.

SA [REDACTED] went on to relate that the OSI conducted dozens of interviews for the Divide party case and his with C3C Thomas was near the end. With regard to his interaction with C3C Thomas at the end of the 6 Apr 11 interview, SA [REDACTED] testified:

[REDACTED] We had a lot of information to believe that the sports teams were involved in, you know, a lot of nefarious activity, but sports teams being what they are, are very difficult to penetrate, so I believe that at the end of that interview, I kind of gave him a, a soft pitch, if you will. Kind of explained to him, hey, you know, you seem like a guy who really wants to help out, you know, you're kind of in a unique situation since you work for the, you know, that you're on a sports team. Is there, would you be willing to help? You know, kind of really summarizing here, and I may have even, there are a few pieces of documentation that are required for anyone to become a confidential informant with OSI. I, and we kind of had these together just to call them a, a little source packet, you know. I may have at the end of interview gone back in there and said, you know, he may have said, yeah, yeah, that's, that's something that, you know, I'd be willing to do. I may have gone in there with the, with the paperwork, talked to him about it, had him fill it out, and not gone anywhere with it. There being, um, and it's kind of difficult I guess to explain, but although I was off probation, and I was no longer a probationary Agent, the idea is you would rather have more informants than not enough, and so we kind of ran

IO: Would you ever, you know, have asked him to kind of get close to certain people?

IO: Okay. Would you ask him to kind of, hey, why don't you, why don't you get in with this crowd and see if you can get to know them? You know, maybe you can help us out later on if you can get into this crowd?

Near the conclusion of his interview, SA [REDACTED] was asked whether or not he called C3C Thomas again or C3C Thomas called him again concerning information in general and he replied, "No. Absolutely not." Thus the preponderance of the evidence indicates SA [REDACTED] met C3C Thomas on 6 Apr 11, interviewed him, took a signed statement from him and probably had him [Thomas] fill out some OSI paperwork for possible future use. While C3C Thomas may have thought he was now formally, or informally, helping the OSI, the lack of evidence to corroborate Mr. Thomas' testimony, and the lack of any available phone records to the contrary, indicates Thomas and [REDACTED] did not communicate further. Finally, Air Force records indicate SA [REDACTED] attended pre-deployment training at Ft. Dix, NJ, 12 - 28 Jun 11, and deployed to Kabul, Afghanistan 29 Jul 11 - 31 Jan 12; he could not have communicated with C3C Thomas or handled him as a CI or source during this time period.

Records show C3C Thomas picked up another 30 demerits in Apr 11. At the end of his 3rd Class year, C3C Thomas had 120 total demerits and an overall GPA of 1.90. A series of Academic Review Committee meetings ended up recommending disenrollment, however USAFA/CC overturned this recommendation and directed him to a Divisional Major. Now-C2C Thomas remained on Academic Probation. At this point, evidence indicates C3C Thomas had met SA [REDACTED] and had filled out some paperwork for possible future OSI use, but was not "working for the OSI."

Records obtained from the Academy's [REDACTED] [REDACTED] indicated that C2C Thomas went "Over The Fence," or "OTF," on several occasions during the fall semester 2011. Going OTF basically means leaving the Academy grounds, or a portion of those grounds, to which one has been restricted, without permission. Specifically, C2C Thomas was wrongfully off the USAFA grounds on 13 Aug 11, 10 Sep 11, 5 Nov 11, 11 Nov 11, 10 Dec 11, and 12 Dec 11. C2C Thomas would eventually receive 110 demerits for his pattern of going OTF, specifically the Dec 11 OTFs.

On the night of 5 Nov 11, C2C Thomas went off base (OTF) with friends for dinner, returned to the Academy for a short while, went back off the installation for drinks and then back to the dorms. By the end of the night he was in the middle of breaking up a fight in the dorms and knowledgeable of a possible sexual assault occurring within the group of people he was with. The 10th Security Forces Squadron was the first to arrive in the dorms in the early morning of 6 Nov 11. They interviewed C2C Thomas and multiple other cadets. C2C Thomas provided a signed sworn statement to them at that time. C2C Thomas would receive 70 demerits for his actions this night.

In a later memo, dated 23 Apr 13, SA [REDACTED] related that his first interaction with C2C Thomas was in the Nov-Dec 11 timeframe. SA [REDACTED] related that C2C Thomas had called the OSI office stating he "had information." This led to SA [REDACTED] meeting with and eventually recruiting C2C Thomas to be a confidential informant. C2C Thomas signed an official agreement with the OSI to be a CI on 7 Dec 11. This agreement stated that he [Thomas] was doing this voluntarily and while working for the OSI as a CI, he would not break any laws or other DoD regulations he was subject to unless directed to do so by the OSI.

After this date, SA [REDACTED] documented multiple "Source Meets" with C2C Thomas. Many of these Source Meets were concentrated in the middle weeks of Dec 11, some were in person meets, while others were telephonic meets. At some of the in-person meets, C2C Thomas would receive training on the tradecraft of being a CI. OSI policy does not require that an alternate handling agent (AHA) join the primary handling agent at every personal meeting with the CI. Therefore, SA [REDACTED] was not required to have an AHA present every time he met with Eric Thomas, even as a probationary SA. According to Eric Thomas' OSI dossier, SA [REDACTED] participated in 20 personnel meetings with Eric Thomas as a CI; an AHA was present for 17 of those 20 meetings. This is fully consistent with OSI's CI program and the probationary SA upgrade training process.

During this timeframe the OSI agents were preparing for “Operation Gridiron” which would be executed in mid-Jan 12 and focus on Spice use among members of the Academy’s football team. The OSI saw C2C Thomas as a potential source of information on cadet Spice use and alleged sexual assaults. During this timeframe, the OSI used C2C Thomas extensively. The fact that this December timeframe was in the middle of academic finals for the Fall semester did not inhibit C2C Thomas’ OSI work. OSI agents testified that they were unaware of the severity of C2C Thomas academic problems and that he was under restriction. Mr. Thomas testified that they were well aware of his academic situation and the fact that he was also restricted to base in Dec 11. Finally, OSI records and phone records confirm that C2C Thomas was working for the OSI gathering information for cases the weekend of 10-12 Dec. Hence the argument that C2C Thomas received some demerits because of his work for the OSI would hold water for those dates.

At the end of his Fall 2011 semester, C2C Thomas officially had 120 demerits and an overall GPA of 2.03. He would continue on Academic probation. In Jan 12, after a cadet Squadron Commander Review Board, a cadet Group Commander Review Board and a review by his AOC, C2C Thomas received 309 demerits and a Letter of Reprimand. The 309 demerits were a total for the now-known incident in Mar 11, the incident in Nov 11, and a series of OFTs. This put his career total at 438, far in excess of the normal 200 demerit threshold. At this time C2C Thomas was placed on Conduct and Aptitude Probation along with Academic probation and was recommended for disenrollment.

At the same time, C2C Thomas continued to work as a CI for the OSI, work that would continue until Jul 12. After receiving the 309 demerits and the new probations, the OSI agents definitely knew of his situation and his restrictions to base. Still, during the spring 2012 semester, C2C Thomas would occasionally depart the base, with agents, while doing OSI work. C2C Thomas testified that he simply stopped signing out after his Jan 12 demerits. It should be noted that to protect the identity and safety of a CI, OSI special agents will take a CI to a location where they all are unlikely to be recognized and seen together.

During the Dec 11 – Jul 12 timeframe, C2C Thomas’ work as a CI played a significant role in the OSI’s ability to investigate and the Air Force to eventually prosecute multiple cases of illegal drug usage and sexual assault at the USAFA. C2C Thomas was fully engaged as a CI, he was wired up on two occasions and he provided the OSI critical information in a timely manner. C2C Thomas’ excellent work was acknowledged and appreciated by the OSI and briefed to the Commandant of Cadets, Brig Gen Clark.

At this time it is important to note that at no time did any member of the OSI tell or indicate to Eric Thomas that they could or would help him out of the dilemma caused by his overwhelming amount of demerits. In fact, the Declaration of Agreement that C2C Thomas signed with the OSI on 7 Dec 11 stated, “No threat or promises have been extended me by AFOSI to obtain my cooperation and this declaration constitutes the total agreement between

AFOSI and myself.” Additionally, multiple testimonies indicated there were no promises made in this area and that the OSI agents had specifically told C2C Thomas they could not help him out in this area. Eric Thomas testified that he thought all of his chain of command was aware of his CI actions, but the OSI never told him this. The OSI had made a conscious decision not to brief C2C Thomas’ AOC of his [Thomas’] role as a CI, but the Commandant of Cadets was aware of his status.

Finally, it should be understood that any work Eric Thomas performed for the OSI was voluntary on his part – the OSI was not forcing him to be a CI. He was never a subject or suspect of any OSI investigation and every time he had been interviewed before becoming a CI was as a witness in cases the OSI was investigating. Eric Thomas testified that his motive for being a CI was based on his strong feelings against sexual assault what he saw happening to a few of his female friends and the fact he had two sisters. Others testified they believed his motive was because he enjoyed being a detective and he wanted to try to “save his skin.” There are some comments made by his CI handler, SA [REDACTED] in the written source meets that state C2C Thomas was motivated by his high level of demerits. Regardless, his work was voluntary on his part and he was aware of the amount of time being a CI would entail.

In the Feb-Mar 2012 timeframe, the Academy needed to decide the way ahead with C2C Thomas’ disenrollment package. At this time SA [REDACTED] was involved in a series of meetings with the Commandant and members of his staff addressing whether or not C2C Thomas’ case should go to a hearing officer or a Military Review Committee (MRC). To explain the difference – a “hearing officer” is a single officer that hears all the facts of the case and alone makes a recommendation to the commandant, while an MRC is a committee of five permanent party officers chaired by the Vice Commandant who conduct a hearing to gather facts and make a recommendation to the commandant. A hearing officer is normally used for cadets facing disenrollment because of a single, very egregious event, while a MRC is used for most all other circumstances. SA [REDACTED] favored a hearing officer in Thomas’ case because the OSI could more freely tell the hearing officer the details of C2C Thomas’ CI work, while they could not do that with a MRC.

On 16 Mar 12, Brig Gen Clark decided that C2C Thomas should meet a MRC, but that it should be delayed until a series of investigations and a courts-martial had concluded. C2C Thomas was scheduled to testify at the courts-martial. Hence, a MRC was scheduled for Aug 12.

On 8 May 12, C2C Thomas received 20 demerits for being late to CQ shift duty bringing his career total to 458. There is no record of an OSI Source Meet on this date and no phone text messages for this date amongst those provided by Eric Thomas. Hence these demerits are not related to any CI work on the part of C2C Thomas. At the end of his 2nd class year C2C Thomas was on multiple probations, had an overall GPA of 2.07 and was facing disenrollment.

When a cadet appears before a MRC, he is allowed to have two witnesses appear on his behalf. C1C Thomas had arranged to have SA [REDACTED] appear. The morning of the MRC, Lt Col

██████████ was visiting OL-A and asked SA ██████████ where he was going and SA ██████████ said he was to appear as a witness before C1C Thomas' MRC. Lt Col ██████████ was unaware whether or not this had been properly coordinated because it was the first time he ██████████ had heard about it. Given the fact that senior USAFA officials and cadets not already familiar with OSI's CI program would be present, the MRC was not the type of forum where OSI would typically send an agent of SA ██████████ experience level to explain the details and nuances of such a sensitive aspect of OSI's mission. Lt Col ██████████ testified:

... And I said, we're not gonna go to this because I don't know what you're walking into and, frankly, you're still a probationary agent and I'm not gonna have you go in there and talk about the program because I don't know what these guys are gonna talk about and there's cadets in there. So I told him that I would talk to Gen Lengyel about this and I would brief him. If this is a board deciding what's gonna happen to him, then I will go and brief the Commandant on the circumstances of this case.

The MRC voted 5-0 for disenrollment and C1C Thomas felt betrayed by the OSI since SA ██████████ did not appear. C1C Thomas knew he would now eventually meet with the Commandant so he wanted to use the FOIA system to get official OSI records to show Brig Gen Lengyel what he had done with the OSI and to prove his worth as a cadet and future officer in the Air Force. In Sep 12, C1C Thomas emailed the FOIA office at OSI headquarters in Quantico, VA requesting documents associated with his work as a CI. He heard nothing for some months. In Feb 13, C1C Thomas contacted Lt Col ██████████ concerning the lack of response from OSI Headquarters. At that time Lt Col ██████████ pointed out to C1C Thomas that his original email to OSI Headquarters had an error in the email address and probably never reached Quantico. C1C Thomas promptly made another request, this time with the right email address.

On 27 Mar 13, OSI Headquarters responded to C1C Thomas with a "no records" reply. The FOIA person at OSI Headquarters was new to the job and did not know to check the CI data system. C1C Thomas then went to his Congressman for help in obtaining the records through FOIA and OSI received another request on 2 Apr 13. This time they located his source dossier and provided that to him on 11 Jul 13. Mr. Thomas then appealed the completeness of what he had been sent. In answer to this appeal, the OSI provided Mr. Thomas with three additional documents. Mr. Thomas again appealed, believing there were more documents. OSI replied there were none – he already had all the OSI documents he requested. This last correspondence, in summer 2013, is the last contact between Mr. Eric Thomas and the AFOSI.

Evidence and testimony indicates that around the time Brig Gen Lengyel was going to meet with C1C Thomas concerning his disenrollment, he [Lengyel] also met with Lt Col ██████████ who explained all the good work C1C Thomas had done for the OSI and the Academy. Concerning this timeframe and his decision, Brig Gen Lengyel testified:

IO: No, that's, that's an excellent synopsis there. So what I heard you say is that he did have his day in court. Lt Col ██████████ did come and show you, you know, the, I guess for

lack of a, the best term, the good that former cadet Thomas did for the OSI in helping them execute some investigations they had going on.

Lengyel: Yeah. Let me, if I can comment on that. One of the things that has been a topic of discussion surrounding cadet Thomas is that we, we recommended him for disenrollment without a recoupment for his education. Um, and there was several things that contributed to that. Um, first of all, is because I could trace his misconduct that caused him to exceed the threshold for disenrollment back to the end of his cadet third class year, sophomore year, before he was a committed cadet. He, he had a commitment for either enlisted service or monetary recoupment. You know, I thought that we should exploit that fact and say that um, you know, based on the fact that this conduct occurred before he was committed and because he was in fact helpful to OSI in a number of cases, that I recommend disenrollment without recoupment. I didn't want him to serve as an enlisted member. Neither did his AOC in the Squadron or Group um, and I feel that, you know, part of our responsibility here is to um, filter who comes into the Air Force. I did not believe that, you know, one of the reasons Thomas was valuable to OSI is because of who he was hanging out with. And I thought that there was some issues that Thomas had demonstrated he did not have the aptitude or character for military service as an officer or as an enlisted airman. And then the other piece of that, of course, since we, he, I acknowledge he was helpful to OSI, so. You know, it was an interpretation that we did to kind of acknowledge that and so I think it was a fair thing to do. And I think he got a good deal out of that, because we, you know, our own interpretation of what misconduct puts him over the threshold is in fact an interpretation. We could have said it was something else later on, but we didn't. And so anyway, that's a comment on he was helpful and we acknowledged that.

IO: Yes sir. That certainly jives with all the records and documents that I've seen on that. So the next step, of course, is after you've seen it and you make your recommendation, it then goes to the Superintendent and do you remember any discussions you might have had with Lt Gen Gould about this case and what do you remember about it?

Lengyel: I summed it up for Gen Gould um, the same way I summed it up for you guys. The one thing I wanted to insure the Superintendent of was that Thomas made some pretty serious allegations uh, against you know, OSI and his Air Officer Commanding for how he'd been treated, and that I looked into them, and I did not believe that they were substantiated or that they in any way would result in him, you know, him earning a commission diploma from the United States Air Force Academy because of what he brought up. I reviewed his case thoroughly and um, I, I believe that the right answer was to disenroll him for a pattern of misconduct and a lack of his ability to demonstrate an aptitude for military service.

In March 2013, Lt Gen Gould, USAFA/CC, concurred with Brig Gen Lengyel's recommendation to disenroll C1C Thomas. While one could debate the optimum time for the OSI to have explained to Academy leadership the extent of Eric Thomas' help to the OSI, by the preponderance of the evidence, we cannot conclude that he was disenrolled from USAFA because he was not properly credited with the OSI work he had done.

VI. SUMMARY

This Report of Inquiry has examined three topics as assigned by The Inspector General:

1. The OSI's use of Confidential Informants (CIs).
2. The OSI's use of USAFA cadets as CIs.
3. The OSI's use of Eric Thomas as a CI and their interaction with him.

In examining the first topic, this inquiry found that the OSI's use of Confidential Informants is directed by an Air Force instruction and guided in more detail by an AFOSI manual. Like any law enforcement agency world-wide, there is a need for the OSI to use CIs and they are a critical tool in ensuring the effectiveness of any OSI unit. We found the overall training new special agents receive at FLETC provides them a good background in the use and handling of CIs as they enter their probationary stage in their OSI careers. We also found their need to be "signed-off" in the skill of handling CIs before they can go off probation to be a positive reinforcement of this skill.

In examining the second topic, this inquiry found the OSI's use of cadets as CIs to be a controversial issue. However, on close examination, we found that if the OSI were to use any CIs at all to get information from inside the Cadet Wing, the use of cadets themselves would be necessary. We found the lack of specific training given to agents new to USAFA in the 2009-2012 timeframe to be an area needing attention, which apparently has already occurred. This lack of training and a solid knowledge of the Cadet Wing and how it operates, had put new agents at a decided initial disadvantage when dealing with cadets. Finally, we found USAFA's Honor Code and its apparent conflict with a Cadet CIs' need to possibly lie or deceive people to do his or her CI job, to be the most controversial. We believe Maj Gen Lepper's testimony that focused on a maturity needed and the recognition of a higher good, to offer the best possible resolution to this controversy.

In examining the third topic, this inquiry determined by a preponderance of the evidence that the OSI did not cause Mr. Eric Thomas to be disenrolled from USAFA. We found that he did interact with the OSI many, many times as a CI, and there is no question his OSI-related work did a tremendous amount of good in helping solve investigations and then bring those so deserving to justice. However, with the exception a few instances, we did not find that Mr. Thomas' work with the OSI caused him to get demerits and hence get disenrolled. A subtraction of the small number of demerits he received while working as a CI for the OSI would come nowhere close to bringing his career total under 200. As stated before, we found that the OSI followed its own procedures and regulations as written when working with Eric Thomas.

We found Eric Thomas' work for the OSI to be totally voluntary on his behalf – he was never promised a "get out of jail free" card. Regardless of his motive to be a CI, his work was on his own accord and he did so in the face of severe academic and conduct problems. The mission

of any cadet is to successfully obtain a college degree while abiding by the rules put in place by the Academy. None of this is a secret, all cadets are aware of this fact, they know their mission and that to succeed, they need to remain focused on that mission throughout their USAFA careers. From the evidence we gathered, Mr. Eric Thomas failed to focus on this mission.

In closing, we make a couple of suggestions for the applicable organizations to consider. One, thought should be given by the OSI as to the experience level of the special agents assigned to OL-A at USAFA. Our inquiry uncovered a relatively new cadre of agents at OL-A and relatively young leadership. We suggest that, if possible, an increase in the experience level and seniority of those assigned to OL-A would enhance their mission effectiveness in the future. A solid, USAFA familiarization training program for any new agents is also a necessity.

Second, we suggest that USAFA leadership and the OSI meet face-to-face to discuss all aspects of the use of cadets as CIs. Our inquiry saw a lack of standardization in the communication between the two organizations and a lack of understanding of some aspects of a CI's role. We would further suggest that the Honor Code, as applied to the situation of a cadet CI, be addressed by Academy leadership head-on.



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