

WRI Oversight Analysis Worksheet – Investigations
D-CATS

Complainant:

Organization:

RMO(s):

Component Cross-reference Number:

Any "No" answers must be explained in comments below. For multipart questions, all subparts must be "Yes " for question to be "Yes".

Elements of Reprisal

1. Making or preparing to make a protected communication, or being perceived as having made a protected communication:
 - a. Were all of the protected communications alleged by the complainant identified?
 - b. Were the dates of the protected communications identified?
 - c. Were the recipients of the protected communications identified?
 - d. Were the alleged protected communications analyzed to determine whether they were covered under 10 U.S.C 1034 and DoDD 7050.06?
2. Unfavorable personnel actions taken or threatened against Complainant, or favorable personnel actions withheld or threatened to be withheld from Complainant:
 - a. Were all of the alleged personnel actions identified?
 - b. Were all of the alleged personnel actions analyzed to determine whether they were covered under 10 U.S.C. 1034 or DoDD 7050.06?
3. Knowledge or perception of responsible management official(s) of Complainant's protected communication(s) or preparation of protected communication(s):
 - a. Were all of the RMOs identified?
 - b. Was it determined if all of the RMOs were aware of or perceived that the protected communication(s) took place or were planned?
4. Causation: Were all the factors in determining whether the same personnel action(s) would have been taken, withheld, or threatened absent the protected communication(s) analyzed:
 - a. Reason stated by the RMO for taking, withholding or threatening the action
 - b. Timing between the protected communications and the personnel actions
 - c. RMO's motive for taking, withholding, or threatening the personnel actions, including animosity toward the protected communication
 - d. Disparate treatment of the complainant as compared to other similarly situated individuals

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5. Was evidence relevant to the question of whether the responsible management official restricted or attempted to restrict a military member or members from making or preparing to make a lawful communication to a member of Congress or an Inspector General gathered and analyzed?

Quality Standards of the Council of Inspectors General on Integrity and Efficiency

Investigator Qualifications

Quality standard: Individuals assigned to conduct the investigative activities must collectively possess professional proficiency for the tasks required.

6. Has the investigator received entry-level investigative training?
7. Has the investigator received periodic investigative refresher training?

Independence

Quality standard: In all matters relating to investigative work, the investigative organization must be free, both in fact and appearance, from impairments to independence; must be organizationally independent; and must maintain an independent attitude.

8. Did the IO certify that:
 - a. They are outside the immediate chain of command of both the complainant and all subjects or at least one organization higher in the chain of command than the organization of the complainant and all subjects;
 - b. They are free of personal, financial, or other interests that could influence or be perceived as influencing their handling of this investigation; and
 - c. No one has interfered with or unduly influenced their handling of this investigation.
 - d. They have no conflict of interest with any witness, the complainant, or any subject during the conduct of this investigation.
9. Did the investigator demonstrate IG impartiality during interviews?

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Due Professional Care

Quality standard: Due professional care must be used in conducting investigations and in preparing related reports.

10. Did the investigator identify the correct statute or standard?
11. Did the investigator accurately cite the statute/standard that applied *at the time*?
12. Were all appropriate individuals interviewed, i.e., complainant, subjects, and witnesses?
13. For any key witnesses not interviewed, does the report explain why interviews were not conducted?
14. Was each underlying allegation identified and addressed or referred for handling?
15. Did the investigator apply the appropriate standard of proof?
16. Did the evidence support the investigation findings?
17. Was all evidence relied upon in the report included for review with the report?

Planning

Quality standard: Organizational and case-specific priorities must be established and objectives developed to ensure that individual case tasks are performed efficiently and effectively.

18. Was an investigative plan included in the case file?

Executing Investigations

Quality standard: Investigations must be conducted in a timely, efficient, thorough, and objective manner.

Timely

19. Was the investigation initiated within 30 days of receipt of the allegation?
20. Was DoD IG provided with the report within 150 days after the date of receipt of the allegation from the complainant by the DoD Component IG or IG DoD?
21. If the case has been open over 180 days after receipt of the allegation, have all required notifications been made? USD(P&R), DoD IG, the Secretary of the Military Department concerned, and the complainant?
22. If the case has been open over 180 days after receipt of the allegation, were the required notifications sent at or prior to the 180-day mark?
23. If the case has been open over 180 days after receipt of the allegation, did the required notifications include the reasons for the delay and an estimate of when the report will be issued?

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Efficient

24. Was the investigative plan followed?

Thorough

25. Did the investigator gather all relevant evidence?

Objective

26. Did the investigator ask appropriate, relevant, open-ended questions during interviews?

27. Did the investigator maintain professionalism during interviews?

Legal

28. Did the report receive legal sufficiency review?

29. Did the legal review find the report legally sufficient?

Reporting

Quality standard: Reports must thoroughly address all relevant aspects of the investigation and be accurate, clear, complete, concise, logically organized, timely, and objective.

30. Did the Component IG notify DoD IG within 10 working days after receiving any military reprisal or restriction allegation?

31. Did the notification include a copy of the complaint?

32. Did the investigator accurately summarize the complaint in the report?

33. Did the investigator accurately apply the statute or standard that *applied at the time*?

34. Were all issues and allegations identified?

35. Did the investigator accurately characterize the evidence?

36. If not accurately identified, does it affect the findings? Why or why not?

37. Did the investigator accurately apply the facts to each element of the statute or standard?

38. Did the report reach a conclusion for each allegation?

39. Did the findings support the conclusions reached? If “no,” detail your recommended course of action to your leadership in Comments section below.

40. Were emergent allegations addressed in this report?

41. If substantiated, did the report recommend appropriate remedy for the complainant?

42. If substantiated, did the report recommend corrective action for the subject(s)?

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Managing Investigative Information

Quality standard: Investigative data must be stored in a manner that allows effective retrieval, reference, and analysis, while ensuring the protection of sensitive data (i.e., personally identifiable, confidential, proprietary, or privileged information or materials).

- 43. Does the report include the D-CATS case number as well as the Service case number?
 - 44. Was the investigative information organized in a logical and easily retrievable manner?
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Comments

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Comments (Cont'd)

Additional comments are attached if box is checked.

I attest that this review was conducted in accordance with CIGIE quality standards for investigations.

Investigating Officer

Approved by: