

# Investigation Manual

## CHAPTER 8 - REPORT WRITING

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## CHAPTER 8 - REPORT WRITING

**0801 INTRODUCTION:** The purpose of the IG investigative report (IR) is to demonstrate why the allegations investigated were (or were not) sustained, in order to provide the responsible authority a basis to determine whether any corrective, remedial, or disciplinary action should be taken. The well-written IR "tells a story" to the reader as it discusses the nature of the allegations, explains the applicable standards, and marshals the pertinent facts in order to persuade the reader that the investigator's conclusions are correct. Objectivity and basic fairness also require the IR provide a balanced accounting of evidence that would tend to support a contrary conclusion, and explain why such evidence was not accorded greater weight. The ability to balance these competing considerations is the hallmark of a professional IR. Return to [Chapter Table of Contents](#).

**0802 OVERVIEW:** This chapter presents an overview of the characteristics of a good IR. It discusses the different sections that comprise the typical IR, and notes the types of investigations that require specific formats. It also discusses specific problems that may occur in writing reports. Return to [Chapter Table of Contents](#).

**0803 CHARACTERISTICS OF A GOOD INVESTIGATIVE REPORT:** Clarity, completeness, and accuracy are the three principal characteristics of a good IR. The IR must be clear enough so that others may understand what the writer means. But more than that, it must be written so clearly that others cannot possibly misunderstand the writer's meaning. Clarity results from a IR that contains a concise, systematic arrangement of facts and analysis stated in precise, neutral terms. Completeness dictates that all information a prudent manager reasonably would want to consider before reaching a decision should appear in the report. Accuracy requires there be no errors in reporting facts or identifying people, places, events, dates, documents, and other tangible matters. A good rule of thumb requires asking whether a person who knows nothing about the case could read the report, fully understand what happened, and feel confident in making a decision based on its contents. Return to [Chapter Table of Contents](#).

**0804 STYLE AND TONE:** Whether the allegations are sustained or refuted, most IRs convey bad news to someone. Proper style and tone makes the news easier to accept; an inappropriate style or tone impedes acceptance and appropriate resolution. Style varies from one person to another, but a simple, direct approach, void of colorful language, is the most effective way to convey facts. The tone also should be neutral, not judgmental, convincing in its modesty of language, not provocative in its descriptions. Style, tone and clarity must complement one another; each handled well tends to achieve the others. Return to [Chapter Table of Contents](#).

**0805 ANALYSIS:** In most investigations, more information is collected than is necessary to reach a conclusion. Some information is redundant; other information is not pertinent to a decision. Sometimes the information is conflicting. Deciding what information to treat as evidence and how to deal with it in the IR is important because in cases where remedial or disciplinary action is a possibility, the decision to accept the conclusions in the IR is likely to be made only after an examination of all the evidentiary material in the file. If the report does not appear to fairly address pertinent evidence, its conclusions may be rejected. Some common issues include:

Evidence considered, but not relied upon, should be discussed in the IR if it is likely that others would want to consider it, or question the completeness of the report were it not mentioned. This is critical when there is conflicting evidence. The failure to discuss and explain why one version of events is relied upon in lieu of competing evidence will cause readers who are aware of the conflicts to question the objectivity of the writer.

Evidence that is redundant or repetitive can be summarized when it comes from various sources that present no unique information. For example, stating that five people saw the subject in the office on a particular day is adequate in most cases.

Testimony may prove difficult to analyze in some cases. Often, only a few witnesses have the entire story. The investigator must piece together fragments of the story to present the entire picture. Summarizing the testimony of witnesses providing these fragments is one acceptable technique to make the sequence of events clear. In complex cases, or cases with many witnesses, it is helpful to use some system for identifying what each witness said about each allegation, such as an evidence matrix, an outline, or file cards.

The evidentiary analysis must bring together all documentary, physical, and testimonial facts relating to the allegations to reach a conclusion. The facts relied upon to reach each conclusion should be apparent to the reader. When the applicable standards are themselves vague, or the testimony conflicts, the reasoning that leads to a conclusion is not always apparent. In that case, the analysis in the IR must explain to the reader how the investigator reached the conclusion.

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**0806 ORGANIZATION:** Details of the format of the IR vary with the source of the tasking. Generally, all follow an outline that includes:

- an executive summary (optional);
- an introduction (optional);
- background information;
- a discussion of each allegation (consisting of a statement of the allegation, findings, discussions (optional), and conclusions);
- other matters (optional); and

recommendations (optional).

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**0807 EXECUTIVE SUMMARY:** An IR should be structured as a stand-alone document that can be read and understood without referral to other material. Unlike a JAGMAN investigative report, the IR seldom has attachments or enclosures that must be read in conjunction with it. In complex cases, this means that discussions of findings in the IR will be quite lengthy. An executive summary is useful in those cases where the responsible authority is unlikely to read the entire IR due to its length. Sometimes an executive summary is used as a response to Congressional requests for information about an investigation. At a minimum, the executive summary should identify subjects or suspects, note the source of the tasking, list the allegations and conclusions, and provide a brief discussion of the findings for each allegation. The executive summary should be set forth on a separate page or pages that may be separated from the main body of the report. Return to [Chapter Table of Contents](#).

**0808 INTRODUCTION:** The introduction explains how the investigation was initiated (command request, hotline, DoDIG, etc.) and tasked to the investigation office. It should include information of an explanatory nature that will assist the reader in understanding the remainder of the report. In cases with many allegations, the introduction may include a summary list of all the allegations in order for the reader to get an overview of the issues. In those cases where the investigator developed additional allegations during the course of the investigation that should be resolved at the same time as the original allegations, they should be identified here. Use of an introduction is optional, and it may be combined with the section containing background information. Return to [Chapter Table of Contents](#).

**0809 BACKGROUND:** This optional section may be used to describe information about the case, or similar events, that would help the reader understand what led to the tasking. Background information on the subject command and personnel involved in the case may be included here. A brief recitation of prior complaints on the same or similar matter, earlier investigations, other proceedings, etc., may be included here. If several allegations share common facts, it is sometimes useful to set them out in the background. A chronology or timeline is an effective way to familiarize readers with such matters. Return to [Chapter Table of Contents](#).

**0810 DISCUSSION OF ALLEGATIONS:** This section is the heart of the IR. In most cases, each allegation should be discussed separately. The order of presentation of the allegations should facilitate an overall understanding of the case. Sometimes this requires the allegations be discussed in chronological order of the facts pertinent to each allegation. In other cases, allegations that are conceptually linked, or share common facts, should be placed close together.

When the order of presentation is not critical to an overall understanding of the case, then it is common to list the most important in terms of seriousness or sensitivity first. Among those, normal practice is to discuss first those allegations that were sustained, then those that were not sustained. Allegations that were neither sustained nor refuted should appear last. Allegations should be worded in the same manner as they were during issue spotting ([paragraph 0426](#)) and set forth in the investigative plan. The complainant's language may be used if it facilitates an understanding of the issues. Return to [Chapter Table of Contents](#).

0811 **FINDINGS:** The findings present and analyze the evidence the investigator has developed and decided to address in the report with respect to each allegation. Organization and content of the findings are critical to a good report.

Organization should facilitate understanding by one unfamiliar with the case who is reading the IR for the first time. A chronological statement of facts is most likely to achieve this objective. One approach is to set forth the standard, followed by a chronology, or vice versa. When chronology is not important, setting forth information that tends to support the allegation, then information that tends to refute the allegation, promotes understanding. Where there is substantial disagreement over the facts, it may be helpful to first set forth the complainant's story, followed by the subject's version. Facts provided by neutral parties should follow, ending with a discussion that reconciles or selects between conflicting facts. When it is necessary to present the investigator's opinions (usually reserved for the discussion), they should be carefully separated from statements of fact. Content determines whether the report will be perceived as objective, complete, and persuasive. To promote objectivity, the subject's response to the allegations should be set forth, to include the subject's interpretation of the rule or standard alleged to have been violated and the subject's motivation when those issues are pertinent. When it is necessary to present the investigator's opinions, they must be clearly identified as such. Completeness requires that all significant evidence, pro or con, be discussed. The pertinent standard must also be set out and, where necessary, explained. Persuasiveness requires that the logical chain between the statement of facts and the conclusions be clearly set forth in the IR.

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0812 **DISCUSSION:** The discussion explains the weight the investigator assigns to the facts set forth in the findings and how they fit together to substantiate or refute the allegations. Consequently, when the issues surrounding an allegation are simple and facts are not in dispute, this section may not be necessary. The discussion gives the reader a clear understanding of the investigator's opinion of the case that has been developed. It should never include new facts, nor should it restate facts already set forth in the findings. Rather, the investigator should sift through the facts in conflict and reconcile them, if possible. If conflicting facts can not be reconciled, the investigator must explain why one version of the facts is

found to be more credible than another. In some cases, this may simply consist of comparing the number of witnesses who say an event happened to the number who say it did not and going with the majority vote. In most cases, however, questions of perception, bias, self-interest, competence, and veracity must be addressed, because it is the quality of the evidence, not the quantity, that determines how disputed issues should be resolved. Return to [Chapter Table of Contents](#).

**0813 CONCLUSIONS:** Each allegation must have one or more conclusions, which must be consistent with, and flow logically from, the findings and discussion. Where facts are in dispute, the discussion should make reasons for the conclusions obvious. Therefore, no further discussion in the conclusions section should be necessary if the allegation is substantiated or not substantiated. When an allegation is partially substantiated, the conclusion must clearly distinguish those portions that were substantiated from those that were not. When an allegation is substantiated, but extenuating or mitigating circumstances are present, they should be discussed, i.e. "... however, the facts indicate subject was motivated by concern for subordinates and not self-interest". The conclusions may also reflect that an allegation, as framed in the IR, was not substantiated, but that a related allegation would be. An example is the case where the allegation of an actual conflict of interest is not substantiated, but the appearance of a conflict does exist. Return to [Chapter Table of Contents](#).

**0814 OTHER MATTERS:** During the course of an investigation, an investigator sometimes develops information about another matter that is outside the scope of the present investigation. The "other matters" section of the IR is useful for identifying such information and making recommendations for a separate IG investigation or other form of examination of the matter. Return to [Chapter Table of Contents](#).

**0815 RECOMMENDATIONS:** The recommendations section should contain constructive suggestions for action by the responsible authority. Every IR should contain a recommendation as to the status of the investigation, i.e., that it be closed as completed based on the report, or that further action along specific lines such as that raised in the other matters section be taken. Where the IR has identified systemic problems or program weaknesses, a recommendation to consider corrective action to "fix the system" is appropriate. A general recommendation for remedial action may also be included, but specific recommendations for punitive, adverse administrative, or disciplinary action should not appear in the IR. In such cases, the recommendation should merely indicate that "appropriate action" should be taken with regard to the subject or suspect. Return to [Chapter Table of Contents](#).

**0816 INTERIM REPORTS:** When investigations will require more than 90 days to complete, interim reports are usually required. The purpose of an interim report is to report the status of the investigation and point out any problems that

have been encountered, particularly those that may delay the investigation or need to be addressed at a higher level. The interim report should not be used to indicate the likely outcome of the investigation. Similarly, complainants and subjects/suspects should not be provided information indicating the anticipated outcome of the investigation. Return to [Chapter Table of Contents](#).

**0817 PROTECTIVE MARKINGS:** At a minimum, every IR should be marked in accordance with the Navy FOIA instruction, SECNAVINST 5720.42E. This requires that the words "FOR OFFICIAL USE ONLY" appear at the bottom center of each page of the report. The purpose of this marking is to alert DoN personnel that material so marked may contain information not appropriate for release to the general public. The marking, in itself, creates no protection. In addition, IRs that contain classified information should be marked in accordance with DoD/DoN information security requirements. At a minimum, the outside front and back of the report must be marked with the highest classification of information contained in the report. In most reports, classified information can be confined to a few specific paragraphs. The report should clearly identify those paragraphs, to facilitate discussion and dissemination of unclassified information contained in the report. Since the first page of most IRs will contain derogatory information, a cover sheet or neutrally worded cover letter should be used with every IR. Return to [Chapter Table of Contents](#).

**0818 SPECIFIC FORMATS:** There are three specific report formats that DoN IG organizations may be required to use in preparing IRs. They are the **DoD/Navy Hotline Completion Report**, the **Senior Official Investigative Report**, and the **Military Whistleblower Reprisal Report**. The latter report requires that specific questions be answered in a specific order, as set forth in IGDG 7050.6, the *DoDIG Guide to Military Reprisal Investigations*. Note that the Hotline Completion Report format does require a separate discussion of each allegation, including the elements discussed in [paragraphs 0810](#) through 0815, even though that requirement is not clearly set forth in the sample that appears in the Hotline instruction, SECNAVINST 5370.5A. Return to [Chapter Table of Contents](#).

**0819 SPECIFIC PROBLEMS:** Problems in IRs often occur because investigators know the case so well that they fail to include information in the IR that readers who are not familiar with the case need to know. Other problems occur because of sloppy writing habits or the failure to organize and place information in the appropriate sections of the report. Some common examples include the following:

Mixing up facts, opinions, and conclusions - There are separate sections of the IR for recording facts, opinions, and conclusions. All too often, writers give their opinions in the middle of a recitation of facts. This is confusing and may cause readers to question whether the investigator understands the difference. Opinions may creep in through the use of adjectives and adverbs in a sentence setting forth facts. This may occur because the investigator fails to reserve the

discussion of the implications that may be drawn from the facts for a later section of the report. Another common problem is the inclusion of facts, for the first time in the report, in the sections of the report reserved for conclusions and recommendations. This often happens when the investigator realizes that a fact necessary to support the conclusion does not appear in the findings section. These problems can be avoided by carefully following the outline of the IR described earlier. Another good technique is to take a highlighter and mark everything in the IR that is not a statement of fact. This technique, used in reviewing an IR for release pursuant to a FOIA request, is an effective way to determine whether facts and opinions are in the wrong places.

Unsupported conclusions - Sometimes it is not apparent how the investigator arrived at the conclusions based on the evidence presented in the IR. This usually occurs for one of three reasons. First, because investigators are so familiar with the case, they may think they included a fact when they did not, or they may assume something will be apparent to the reader that is not obvious to one unfamiliar with the investigation. In most cases, the evidence was gathered, it simply was not reported. A second cause is the inclusion of conflicting statements of fact that are not resolved in the discussion of the findings. When the reader looks at some of the reported facts the conclusions appear logical, but when others are added, a contrary result would also appear reasonable. This requires the reader to attempt to resolve the conflicts, often without any information in the report that would provide a logical basis for doing so. A third cause is the failure to cite and, where necessary, discuss the standard that should be applied to the facts in order to reach a conclusion. The most effective way to avoid these problems is to adhere to the outline of proof in the investigative plan when writing, then to ask someone in the office who is unfamiliar with the case to read a draft of the IR.

Insupportable conclusions - Misinterpreting testimony, misreading documents, and not wording allegations properly may result in erroneous conclusions for which there is simply no support in the investigative record. This discredits recommendations and brings the integrity of the IG system into question. This problem may not be obvious from a reading of the IR itself; it is most likely to be discovered when command counsel is reviewing the investigative file to determine whether or not it will support disciplinary action. To avoid this situation, the investigator first must be able to document the source of every fact in the report. The most effective way to do so is to create an endnote for each statement of fact when writing the draft of the IR. The endnoted draft should be maintained in the file; the endnotes should not appear in the final or smooth version of the IR. Using endnotes permits another person in the office to quickly review the document, sworn statements, interview notes, or other sources of evidence relied on to support the facts in order to determine if there is sufficient support in the record. Early coordination of the investigation with the appropriate legal office will help ensure that evidence necessary to support disciplinary action will be developed during the course of the investigation.

Recommendations not consistent with conclusions - Occasionally, conclusions are presented that merit a recommendation, but none appears in the IR. In

other cases, the conclusion does not support the recommendation. These errors are likely to be picked up when drafts are reviewed by fellow investigators not familiar with the case.

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