

Investigation Manual

CHAPTER 4 - THE PRELIMINARY INQUIRY

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CHAPTER 4 - THE PRELIMINARY INQUIRY

0401 **INTRODUCTION:** As discussed in paragraph 0203, the purpose of an IG investigation is to obtain facts sufficient to enable responsible authorities to make intelligent decisions about corrective, remedial, or disciplinary action. Some degree of stigma attaches to the subject of every IG investigation, even when the allegations are not sustained. As noted in paragraph 0206, not all matters reported to an IG are appropriate for an IG investigation. Therefore, the purpose

of the preliminary inquiry is to gather sufficient information to determine whether a full IG investigation is appropriate with the least adverse impact on the reputation of subjects and their commands. Return to [Chapter Table of Contents](#).

0402 PRELIMINARY INQUIRY VERSUS PRINCIPAL INVESTIGATION: The preliminary inquiry is less formal than the principal investigation because it does not require the creation of a written investigative plan or the preparation of an investigative report. There is, however, no clear line dividing the preliminary inquiry from the principal investigation. Certainly, when it becomes necessary to notify the subject or the subject command that allegations have been made against them, the preliminary inquiry is over. Also, once it becomes necessary to interview witnesses who work with the subject on a regular basis, and who will learn the subject is under investigation by the nature of the interview questions, the principal investigation has started, whether or not the subject has been notified. But conversations with legal advisors, a discrete review of applicable documents or other records, and interviews of a limited nature, in person or over the phone, do not cross the line, especially when they are not conducted at the site of the subject command. For the purpose of this manual, a somewhat arbitrary dividing line is established at the point of preparation of the initial written investigative plan, which thus becomes the first step in the principal investigation. Because experience shows that complainants should be interviewed at the beginning of an investigation whenever possible, and that those interviews sometimes reveal no further investigation is necessary, this manual treats the complainant interview as part of the preliminary inquiry. Therefore it may be conducted before the written investigative plan is prepared. When a preliminary inquiry results in a decision that no further action is warranted, neither an investigative plan nor an investigative report is required. A memorandum for the record is sufficient to document the reasons for the decision to go no further. This minimizes the number of documents in the record that may be subject to disclosure, and therefore helps minimize the adverse impact on the privacy and reputations of subjects and others involved in the inquiry when there is insufficient reason to believe any wrongdoing occurred. Similarly, when the preliminary inquiry results in a referral to a non-IG organization for action, a memorandum is sufficient to close out IG action on the matter unless there is a specific reason for the IG to continue to monitor the case. Return to [Chapter Table of Contents](#).

0403 OVERVIEW: This chapter discusses the following matters:

- processing the initial request or complaint;
- opening a case file;
- issue identification and determining appropriate action, and
- some miscellaneous considerations.

Before proceeding, however, a cautionary note is in order. This chapter covers a great deal of material the investigator should consider before deciding whether to undertake a full investigation, and a casual reading may suggest the preliminary inquiry is a long and complicated process. In practice, the steps discussed in this chapter often take place very quickly. Return to [Chapter Table of Contents](#).

PART ONE - PROCESSING THE INITIAL COMPLAINT

0404 **SOURCES OF REQUESTS FOR INVESTIGATIONS:** DoN personnel who, acting in their official capacity, request a formal IG investigation of a matter are one source of requests. The second, and by far more common source, is the phone call, letter, or walk-in visit to a DoN hotline complaint office. [Paragraph 0207](#) contains more information on sources. In some cases, DoN personnel may elect to file a hotline complaint instead of making an official request for investigation. Return to [Chapter Table of Contents](#).

0405 **SCREENING OFFICIAL REQUESTS:** For the purpose of the preliminary inquiry, it is important to remember that DoN personnel who formally request IG investigations may not be aware of alternative methods for dealing with the matter in question. Therefore, those requests should be subjected to the same analysis as that used for the hotline complaint to ensure they are appropriate for an IG investigation. If a formal request from a Navy official does not appear to be appropriate for an IG investigation, alternatives should be discussed with the official before proceeding with the investigation. Return to [Chapter Table of Contents](#).

0406 **THE HOTLINE COMPLAINT:** The majority of requests for investigations come through the hotline complaint system. Most hotline complaints received by NAVINSGEN are in writing. A large minority of hotline complaints are submitted by telephone. Calls placed during working hours are answered by the NAVINSGEN hotline staff. After hours, recording machines take messages. Some complaints are forwarded to NAVINSGEN by Echelon II commands or DoN staff. A small number of hotline complaints are submitted by walk-in complainants. The pattern experienced at NAVINSGEN is similar to that of DoDIG and other DoN IG organizations, except that Echelon II and lower echelon DoN IG organizations receive more walk-in complainants. Proper development of information during the initial contact with complainants, whether by telephone or in-person, is critical to the successful conduct of an IG investigation. Specifically, the more information that can be developed through the complainant upon initial contact, the greater the likelihood that a decision can be made as to how the case should be handled without doing an onsite investigation. As noted in [paragraph 0402](#), complainants who can be identified and are willing to submit to an interview should be interviewed as part of the preliminary inquiry. Return to [Chapter Table of Contents](#).

0407 CASE PROCESSING WHEN COMPLAINANT IS NOT AVAILABLE: In many cases, the IG office receiving the complaint has no way to contact the complainant to obtain additional information. In these cases, the office may not have enough information to determine whether the case is appropriate for IG investigation. It should not treat such cases lightly, however, because a significant number of the allegations made by anonymous complaints are substantiated. Therefore, in addition to the analysis discussed later in this chapter, it is a good practice to conduct some preliminary interviews in order to determine whether an investigation is necessary. If the case would ordinarily be assigned to a lower echelon IG office for conduct of the principal investigation, the office receiving the complaint should consider developing some preliminary information through telephone interviews before deciding whether to make the referral. If that is not practical, the case may be referred with a notation that insufficient information was available to the receiving office to determine whether a complete IG investigation is warranted. The tasking office also may ask the receiving office to conduct a preliminary inquiry and advise of its findings before proceeding to the principal investigation when it appears further investigation may not be warranted. When the tasking and receiving office disagree, the tasking office will decide what course of action to take. NAVINSGEN is available for consultation in such cases. The following paragraphs of this part proceed on the assumption that it is possible to speak to the complainant. Return to [Chapter Table of Contents](#).

0408 HANDLING THE TELEPHONE COMPLAINT: [Chapter 6](#) deals with techniques for the conduct of interviews. For the purpose of the present discussion, only a few points need to be made.

Because the telephone is a poor method of communication when compared to the face-to-face interview, the hotline operator, who should be trained in interviewing techniques, may want to encourage the caller to arrange for an in-person interview if an IG office is located near the complainant. In order to do this, the operator should have access to a list of DoN IG organizations that are willing to make investigators available for face-to-face interviews. The IG organization need not be the one that would be tasked to perform the investigation; it is only necessary that it be located near the caller. If the caller is willing give a face-to-face interview, then, as a minimum, the hotline operator should take enough information to determine whether the matter is likely to be one that should be reviewed by a DoN IG organization. If so, then, at the caller's option, the hotline operator should obtain sufficient information to enable an investigator to contact the caller and make arrangements for the interview, or provide the caller with information necessary to contact a conveniently located DoN IG organization. At the conclusion of the telephone interview, the hotline operator should prepare and forward a memo to the DoN IG organization that will conduct the complainant interview. The memo should indicate whether an investigator is to contact the complainant. Callers who are not willing or able to visit an IG office for an in-person interview

should be encouraged to write a letter after the phone call is completed, detailing as much information as possible, including the names of others who may have information about the matter and information on how to contact those people. They should be asked to provide documents that relate to the matter as enclosures to their letters.

The hotline operator should adhere to the techniques discussed in the following paragraphs as much as possible, keeping in mind that once the complainant hangs up, it may not be possible to re-establish contact to get more information about the allegations at a later date.

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0409 INTERVIEWING THE COMPLAINANT: Complainants who speak to a hotline caseworker or investigator, in person or over the telephone, are submitting themselves to the interview process at that time. Under ideal circumstances, initial complainant interviews are conducted by the person who also conducts the principal investigation. As this is not always practical, persons doing initial complainant interviews should approach them as if they were going to do the principal investigation. Note that no matter how thorough the initial interview discussed in this chapter may be, the person eventually assigned to conduct the principal investigation should also interview the complainant whenever possible. When complainants insist on anonymity, consider asking them to call back at some later date to receive information that will enable them to contact the investigator assigned to the case. In both interviews, the interviewer should follow the techniques for successful interviewing outlined in [Chapter 6](#) as much as possible given the circumstances of the interview. The following points are particularly important for investigators to keep in mind when dealing with complainants, because complainants are volunteers:

Set the stage for a productive interview. Meet walk-ins in a semi-private area that permits initial assessment and control of security and safety. Then move to a comfortable, private area that will encourage the complainant to be completely candid during the interview. Use the same number of interviewers and other precautionary measures as would be appropriate for a witness interview. Establish good rapport; engage in active listening; and assess demeanor, candor, bias, intelligence, motivation and understanding of subject matter and applicable rules.

Determine whether classified information is to be discussed, and, if so, that all present have the requisite clearance level (need to know is presumed). Encourage complainants to provide a narrative recital of their concerns with minimum interruption for questions. Be alert for the possibility that complainants may implicate themselves in wrongdoing; be prepared to steer the conversation away from incriminating statements or provide the appropriate Miranda or Article 31(b) warnings discussed in [paragraph 0321](#) (note: most people would not consider a complainant interview to be custodial; hence Miranda warnings may not be necessary). Know how to establish contact quickly with an NCIS

agent and JAGC attorney who can provide legal advice to military personnel should they be needed during the course of the interview.

After listening to the narrative, ask clarifying questions, then summarize the key points. Work on the summary until the complainant agrees it is accurate and that you understand the information the complainant is trying to convey. Then write the key points down. The objective is to prepare a "mini hotline report," which, as much as possible, answers the following familiar questions framed in the context of one or more allegations that would be appropriate for an IG investigation:

1. who engaged in the wrongdoing;
2. what did they do (or fail to do) that constitutes the wrongdoing;
3. what standard, rule, regulation, law, etc. was violated when this happened;
4. when did this happen;
5. where did it happen;
6. how did it happen;
7. why does the complainant think this happened, i.e., intentional, negligent, lack of training, motive of personal gain or intent to injure another, etc;
8. how the Navy is adversely affected by what happened;
9. who was harmed by what happened, and in what manner; and
10. what corrective remedial, or disciplinary action, if any, does the complainant think should be taken, and why.

Probe for weaknesses by asking complainants to explain what they expect the subject of their allegations or others that might not agree with the complainant would say in defense of their actions, and why such a response is not sufficient to dispose of the matter.

Ask complainants to identify others who may have pertinent information about the matter that would tend to support or refute the complainant's position. Ask complainants to identify documents that relate to the matter, including those that would tend to support or refute the complainant's position, and, if possible, to provide copies of them for the investigative file as soon as possible.

Ask complainants who else they may have contacted in an attempt to get action on their complaints, and what those others have done to date.

Ask complainants what they want the IG to do about their complaint. This helps to focus the complaint and permits a determination of whether the case should be referred to another organization. It also provides an opportunity to tell complainants whether their expectations of what the IG can/will do in the case are realistic.

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0410 CONSIDER OTHER AVENUES OF RELIEF: When it appears appropriate, the interviewer and complainant should discuss whether avenues of relief other

than an IG investigation are available and more appropriate. When such avenues are available, IG intervention should be reserved as an alternative to the those avenues reserved for cases in which the chain of command can not or will not address the problem, or cases the complainant fears reprisal. When the problem involves action against the complainant that may be addressed through the EEOC/EO process, the grievance process, or an adverse action appeal process (military or civilian) and the complainant has not yet pursued such recourse, encourage the complainant to do so before requesting IG action. See paragraph 0206 for a list of matters usually considered inappropriate for IG investigation. When the complainant has pursued such remedies with unfavorable results, explain that IG review is only appropriate when there is good cause to believe there was misconduct or impropriety in the application of the process to the complainant's case. Return to Chapter Table of Contents.

0411 DISCUSS PRIVACY IMPLICATIONS OF AN INVESTIGATION: At this point, the complainant may decide that another avenue of relief is more appropriate. If not, then it becomes necessary to discuss the privacy and confidentiality implications of a decision to initiate an IG investigation. Explain that if the IG office decides to initiate an investigation, a case file that is subject to the Privacy Act will be opened and the complainant becomes entitled to receive a Privacy Act Statement. If the complainant is physically present, provide the Privacy Act Statement at that time. Tell the complainant to keep one copy for reference, and sign another for the IG file. If the complainant declines to sign, make a note of that fact on one copy and put it in the file. If the interview is conducted by telephone, read the statement to the complainant. Mail a copy to complainants who ask for one. Return to Chapter Table of Contents.

0412 DISCUSS CONFIDENTIALITY: If asked, most DoN personnel would say they assume the identities of hotline complainants are maintained in confidence. This may explain why, in a surprisingly large number of cases, complainants never ask whether their identity will be protected. As discussed in paragraph 0312, the ability to identify complainants to responsible authorities and use them as witnesses in adverse actions enhances the likelihood of a successful IG investigation. Therefore, it is important for the interviewer to discuss this matter with complainants and document their wishes. Paragraphs 0312 through 0314 discuss confidentiality issues in some detail. In summary, the interviewer should do the following at the end of the initial contact with a complainant:

Explain the normal practice regarding (implied) confidentiality, to include:

1. The identity of the complainant, as such, is not provided to anyone outside of the IG chain during the course of the investigation, and the complainant is not identified in the investigative report, unless the complainant consents to such use. Note that complainants who seek redress of injuries that are personal to them will probably need to be identified to the subject command at some point during the investigative

- process in order to correct the injury.
2. If the complainant has first hand knowledge of the matter to be investigated, the initial interview, or a subsequent interview, may be treated as an ordinary witness interview, in which case the complainant will be identified as a witness in the investigative report, and perhaps during the course of the investigation should it become necessary to reconcile conflicting witness statements. Note that the subject of the investigation may obtain a copy of the investigative report, without the names of witnesses, at any time, and with the names of witnesses included if disciplinary action is proposed against the subject.
 3. The complainant's identity is usually furnished to the investigator, who may be someone assigned to the subject command. If the complainant objects to such disclosure, the complainant's name will not be released to the investigator, but this may limit the investigator's ability to conduct the investigation or substantiate the allegations.

Since some complainants do not mind being identified, determine and document whether the complainant is willing to be identified as the complainant:

1. to the investigator assigned to handle the case;
2. to the responsible authority;
3. to the subject command; and
4. to the subject of the investigation. Affirmative responses may assist the investigator assigned the case.

Determine and document whether the complainant is willing to testify in any disciplinary proceeding involving the subject or others who are determined to have engaged in misconduct.

Finally, explain that if the subject is disciplined, or otherwise deprived of a "right, privilege or benefit" as a result of the investigation, then the subject will normally be entitled to review the entire case file, including information that may identify the complainant, after that action is taken. Determine and document whether the complainant is willing to be identified under those circumstances. If the complainant objects, then the investigator may wish to discuss conditions of express confidentiality. If the investigator and complainant agree to an express grant of confidentiality, the investigator must document the terms of the agreement for the case file and take appropriate action to ensure it is honored.

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0413 NEVER PROMISE ABSOLUTE CONFIDENTIALITY: In some cases, complainants will ask for an explanation of the IG policy on confidentiality at the start of the conversation. Refer to [paragraphs 0312 through 0314](#) and provide the information set forth in [paragraph 0412](#) above. Investigators must not promise complete or absolute confidentiality because there is no way to ensure it in all

circumstances. When complainants are granted some degree of express confidentiality, they may be assigned a "confidential source number" and referred to by that number in all case documents and reports. Return to [Chapter Table of Contents](#).

0414 GRANTING ANONYMITY: Some complainants refuse to provide their names or a means of contacting them during the course of a phone or face-to-face interview. Others provide such information, then wish they had not after they understand the consequences of filing their complaint. People in the first category, along with those who write unsigned letters or leave messages on answering machines without providing their names, are truly anonymous. People in the second category are not, since their identity is known to the hotline operator. However, the hotline operator may elect to treat these people as anonymous complainants by deleting all identifying information from the case file before forwarding it for further action. Such action should not be taken lightly, but the interest of promoting confidence in the hotline system suggests this action is appropriate in some cases. It is especially important when the complainant expresses credible fears of reprisal. When hotline operators decide to grant anonymity, they should give complainants a code number and log it in the case file so complainants who later may need to prove they were the source of the complaint will have a means of doing so. Return to [Chapter Table of Contents](#).

0415 DISCUSS REPRISAL: People who want confidentiality usually fear reprisal. Hotline operators should ask whether complainants have any specific reason to believe they may become the targets of reprisal, and should document those fears in the case file. Hotline operators should explain the Navy's policy against reprisal, as set forth in [paragraph 0315](#), being careful to point out the DoN can not guarantee there will be no act of reprisal, but can take action to undo it and punish those who engage in reprisal. Return to [Chapter Table of Contents](#).

0416 DISCUSS THE COMPLAINANT'S ROLE AS A WITNESS: If complainants who are concerned about confidentiality would appear to be logical witnesses in an investigation into the complaint, explain there is a possibility they may be interviewed at the same time as other witnesses. This may occur inadvertently, when the person conducting the investigation does not know the identity of the complainant. But investigators who know the complainant's identity may decide it necessary to interview them again to reduce the likelihood the complainant may be perceived as the original source of the complaint because not interviewing them along with others in the office would arouse suspicion. Return to [Chapter Table of Contents](#).

0417 OBTAINING WRITTEN STATEMENTS: Although the hotline operator should take notes during the interview, in some cases it may be appropriate to request the complainant provide a written statement of the allegations and supporting facts. The writing process may assist the complainant in remembering

to provide additional pertinent facts. A written complaint is particularly useful if you intend to refer the investigation to another organization. The hotline operator should also consider whether to ask the complainant to provide a sworn statement. This is especially important when serious misconduct by senior officials is alleged. If the complainant agrees to give a statement, the interviewer should take it at that time, even if the complainant expresses a willingness to be interviewed later, to avoid the possibility the complainant may subsequently decline to give the statement. Later, the principal investigator assigned to the case can ask the complainant to prepare a second statement if it becomes necessary. Should the complainant decline to give a sworn statement, take an unsworn statement and make a memo to file noting the declination. Return to [Chapter Table of Contents](#).

0418 DO NOT PROMISE AN INVESTIGATION: The hotline operator should not make any promises or commitments about the action that will be taken, other than that the allegations will be looked into, and, when appropriate, that a response will be provided to the complainant. After the interview is completed, the interviewer should record impressions of the complainant's understanding of the issues, attitude, apparent sincerity, credibility, and veracity in a separate document for the case file. Return to [Chapter Table of Contents](#).

0419 DEVELOPING WRITTEN OR ANSWERING MACHINE COMPLAINTS: When a complaint is received in writing, or by a recorded telephone message, the IG operator should try to contact the complainant to obtain more information along the lines outlined in the previous paragraphs. Return to [Chapter Table of Contents](#).

0420 WRITING UP THE INTERVIEW: After the interview is completed, the investigator should write a results of interview report if a case file will be opened in connection with the complaint. The following part of this chapter discusses criteria for opening a case file. Return to [Chapter Table of Contents](#).

PART TWO - OPENING A CASE FILE

0421 EFFECT OF ESTABLISHING A CASE FILE: During the course of a telephone or walk-in interview, the complainant and interviewer may conclude the matter does not warrant an IG investigation. Since there is no legal requirement to maintain any record of the call or visit, the investigator has the option to destroy any notes that have been made, and no official record of the visit will exist. Once a case is opened, an official government record is created, and it must be maintained in accordance with the laws and regulations applicable to federal records. It is subject to review by government officials who have a need to know its contents, and it is subject to release in accordance with the Freedom of Information and Privacy Acts. It is also subject to release in litigation. Thus, the mere decision to open a case file could adversely impact the privacy and reputation of people identified in it. Most of the time, the interviewer should open

a case file, even if only to document the existence of the complaint for future reference. However, that action is not automatic, and some thought should be given to it. Return to [Chapter Table of Contents](#).

0422 WHEN NOT TO OPEN A CASE FILE: Circumstances which may justify not opening a case file include those instances where, after discussing the case, the investigator and the complainant agree there is no basis for an investigation. This may occur when the investigator can demonstrate to the complainant that the conduct described is not improper under applicable laws or regulations, and therefore a complaint would be frivolous. It also may occur when the complainant and investigator agree that the matter should be handled by another organization and that the complainant will take the matter there directly. In rare cases, investigators may determine complaints are not made in good faith, i.e., the complainant knows, or could determine with reasonable effort, that the statements made in support of the allegation are false. For example, complainants are not acting in good faith when they have documents that would establish some of the facts upon which the allegation is based are not true, yet fail to give them to the investigator or advise of their existence when submitting the complaint. In those cases, the investigative organization receiving the complaint may decide to ignore the complaint, open a file for record purposes only, or, in cases of extreme abuse, initiate an investigation against the complainant. Return to [Chapter Table of Contents](#).

0423 OPENING A CASE FILE TO PROTECT THE COMPLAINANT: If the complainant agrees to take the matter to the chain of command, the investigator should consider opening a case file for record purposes in order to protect the complainant in the event of reprisal. A case file may be opened at the request of the complainant who fears reprisal, or in any other case where it would be prudent to be able to establish the date and nature of the complainant's disclosure. Return to [Chapter Table of Contents](#).

0424 OPENING A CASE OVER COMPLAINANT'S OBJECTIONS: Once complainants have made contact with an IG organization, they have started an official government process. Consequently, complainants have no right to insist that a case file not be opened on a matter. Nor do they have the right to "withdraw" the complaint during an investigation and demand that an investigation be closed at that point. Such decisions are made by the IG organization. Return to [Chapter Table of Contents](#).

0425 REPORTING CASES OF SPECIAL INTEREST: SECNAVINST 5430.57F requires that DoN organizations performing IG functions immediately advise NAVINSGEN, through the IG chain, prior to initiating any inquiry reasonably deemed likely to be of interest to the Secretary, the CNO, the CMC, or Congress. SECNAVINST 5800.12A requires NAVINSGEN to conduct investigations of allegations against senior DoN officials. Therefore, upon receipt of a complaint or request for investigation, the IG organization shall analyze the allegations for

such matters. All allegations against senior officials shall be forwarded directly to NAVINSGEN. This reporting requirement also applies to information that is developed during the course of an investigation. For example, when the original allegation is made against a GS-15, but information developed during witness interviews indicates the SES employee who supervises the GS-15 is also involved in the alleged misconduct, the investigating office must advise NAVINSGEN. It may not expand the investigation to include the senior official unless and until NAVINSGEN authorizes such action. Return to [Chapter Table of Contents](#).

PART THREE - IDENTIFYING THE ISSUES

0426 THE CONCEPT OF ISSUE SPOTTING: In the IG context, issue spotting is the process of reviewing the facts to determine whether, alone, or together with others that may be established upon further investigation, they would provide the basis for a decision to take corrective, remedial, or disciplinary action. The issues that would justify an IG investigation relate to matters involving fraud, waste, abuse, mismanagement, standards of conduct violations, criminal acts, or other matters that relate to wrongdoing that could adversely affect readiness, effectiveness, discipline, efficiency, integrity, and public confidence. The facts presented in many hotline complaints can be tied to such matters. However, others may justify an inspection, an audit, a criminal investigation, or other action for which an IG investigation is not appropriate. Return to [Chapter Table of Contents](#).

0427 ANALYZE THE COMPLAINT FOR IG ISSUES: Careful planning is critical to a successful, credible investigation. As noted in [paragraph 0408](#), the issue spotting analysis begins during the initial contact with the complainant, when the investigator questions the complainant to develop more information. It continues after the interview is completed, when the investigator determines whether or not to open a case file, and what referrals, if any, may be necessary. Thus, issue spotting is the first step of the planning phase of an investigation. Consider the following:

The ability to spot issues is directly related to the investigator's familiarity with, and understanding of, the laws, rules, regulations, directives, instructions, notices and policy statements that dictate the manner in which the government may do business.

The investigator needs to have access to such material, and every IG office should have easy access to a basic reference library containing the most frequently consulted references, such as the DoD Joint Ethics Regulation. The OGC or JAGC attorney assigned to assist an IG organization may be consulted during issue spotting. Counsel can also assist the investigator in obtaining reference materials and in determining what additional facts would be necessary to establish a violation. When other counsel is not readily available for consultation, IG investigators may contact the NAVINSGEN legal office.

Similarly, consider consulting subject matter experts such as contracts, finance, accounting, or personnel specialists as needed to assist in the issue spotting process.

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0428 DRAFT ALLEGATIONS: Once the issues have been identified, they should be written in the form of allegations to be investigated. Consider the following:

Investigators should not rely on the complainant's description or characterization of the facts, but should formulate their own statement of the allegation.

An allegation to be investigated should be expressed in neutral, non-emotional terms. It should be formulated in such manner that substantiation (a "yes" answer) of the allegation demonstrates there has been some form of impropriety.

In general, the allegation should be worded along the lines of the following manner: someone (the subject) did, or failed to do, something (the act or omission), and such act or omission was improper (the wrongdoing) because it violated some standard (the law, rule, regulation, directive, instruction, notice or policy).

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0429 DECIDE WHAT SHOULD BE DONE ABOUT EACH ALLEGATION: Having written allegations in the proper format, it is then possible to decide whether official action is warranted and, if so, what that action should be. Refer to [paragraph 0205](#) for review of those matters appropriate for IG investigation. Also, note the following:

At this point, it will be clear in some cases that one or more of the allegations must be thoroughly investigated and discussed in a formal investigative report that documents the findings. The investigator is ready to start writing the investigative plan and thus embark on the principal investigation. In other cases, the investigator may want to make discrete inquiries that may develop additional information from other sources before proceeding further. Which way to proceed is a question of judgement that comes with experience.

On the other hand, at this point the investigator may realize that some allegations are simply not significant enough to warrant any further form of inquiry. At best, they may warrant maintaining for record purposes (NAVINGEN calls this "bookfiling"). If the investigator can not write a good allegation after consulting with others in the office, reviewing applicable regulations, and perhaps talking with counsel, it may be there is nothing to investigate in the first place.

When issues of privacy and reputation are considered, some frivolous

allegations do not even warrant being recorded in an official government record. Consider, for example, whether a DoN IG organization would investigate the allegation that a government official was unfit for office due to membership in a mainstream religious organization. Then consider whether an IG organization should even maintain a file - subject to release in certain situations - that would contain such an allegation. Note that SECNAVINST 5211.5D forbids the maintenance of any record describing how an individual exercises first amendment rights unless it is pertinent to and within the scope of an authorized law enforcement activity.

Sometimes an allegation may be serious, but contain insufficient information or detail for the investigator to determine how to go about gathering more information. Most IGs do not have sufficient resources to engage in fishing expeditions. Complaints that fall in this category should be bookfiled.

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0430 **DECIDE WHO SHOULD DO IT:** Once the appropriate type of action has been identified, determining what organization should take that action is relatively easy. For example, if the allegations include the commission of "major crimes" within the jurisdiction of NCIS, they must be referred to NCIS. If the allegations are made against a flag officer or member of the SES, they must be referred to NAVINSGEN. However, absent special circumstances, the general rule is to refer allegations for IG investigation to the lowest level IG organization able to perform an investigation that will be thorough and impartial, in fact as well as appearance. For example, allegations against a CO or XO of an organization should not be performed by the IG attached to the organization for obvious reasons. In addition, allegations made against a lower level employee who is generally known to have a close personal relationship to the CO or XO should be referred to the next higher IG organization in order to avoid any appearance of bias or command influence. Sometimes resource constraints will require an investigation be performed by a higher echelon IG. In such cases, consider the possibility of a joint investigation. Remember that NAVINSGEN has the authority to task individuals outside the IG chain to assist in the performance of IG functions. This is especially useful when expert analysis may be required during an investigation. When a witness has been transferred out of the area of the subject command, consider asking an NCIS or IG office near the witness' new location to conduct an interview as a courtesy that can save time and money. Note that it is appropriate to refer an allegation to another IG office for further preliminary inquiry. Return to [Chapter Table of Contents](#).

PART FOUR - MISCELLANEOUS MATTERS

0431 **NOTIFYING COMPLAINANTS OF INITIAL ACTION:** Once you have completed the analysis described above, contact complainants and tell them whether you have decided to open a case file, and whether you intend to conduct an investigation or simply keep it for record purposes. Furnish the case number

for future correspondence, and when appropriate, tell complainants they will be apprised of the results of the investigation upon its completion. Return to [Chapter Table of Contents](#).

0432 HANDLING FREQUENT COMPLAINERS: Some people repeatedly bring complaints to an IG. Indexing cases by complainant names allows you to review old complaints to determine whether the matter has already been reviewed. Based on that review, you may decide it is not necessary to open a new case, or reopen the old one. However, be careful not to "type" the complainant. The fact that an earlier complaint was substantiated does not mean the new one also will be confirmed. Nor should you reject the complaints of someone whose earlier complaints have not been substantiated without a careful and objective analysis of the new matter. Return to [Chapter Table of Contents](#).

0433 HANDLING THIRD PARTY REQUESTS FOR ASSISTANCE: Be careful of third party requests for assistance, especially those sent by a parent or family member. They may have been submitted without the knowledge of that person, and you must be careful that your correspondence with the family member does not violate any privacy rights. Return to [Chapter Table of Contents](#).

0434 HANDLING CONGRESSIONAL REQUESTS: Refer to [paragraph 0207](#) and be careful to distinguish "private" requests on behalf of constituents from official committee requests before proceeding. When in doubt, contact NAVINSGEN. Return to [Chapter Table of Contents](#).