

## THE COMMAND INVESTIGATION CHECKLIST

### I. GETTING STARTED

- \_\_\_ CA appoints an investigating officer in writing.
- \_\_\_ Begin work on the investigation immediately upon hearing that you are to be appointed, whether or not you have received a convening order in writing.
- \_\_\_ Carefully examine the convening order to determine the scope of your investigation.
- \_\_\_ Determine when the investigative report is due to the CA.
  - \_\_\_ If you can not reach that deadline, request an extension.
- \_\_\_ Review all relevant instructions on your investigation, i.e. JAGMAN Chapter 2, etc.
- \_\_\_ Determine which checklists may apply to your investigation and review them carefully to determine what information is required. Refer to sections IX and X of this handbook.
- \_\_\_ Decide what the purpose and methodology of your investigation will be.
  - \_\_\_ Where is evidence likely to be located?
  - \_\_\_ How can such evidence best be obtained and preserved?
- \_\_\_ Has this incident involved a member of the command and/or occurred within the command?  
If not, are you the appropriate command to conduct the investigation?
- \_\_\_ Is this incident under investigation by NCIS, the FBI, or local civilian law enforcement agencies? (If yes, refer to JAGMAN 0201(d)).
- \_\_\_ Is this considered a "major" incident? (Refer to JAGMAN Appendix A-2-a for definition.)
  - \_\_\_ If believed to be a "major" incident, refer to JAGMAN 0203(b)(2), (f), 0204(b)(5), 0210(a)(1).

## II. HANDLING WITNESSES

(NOTE: You may wish to gather and review other types of evidence before interviewing any or all witnesses.)

- \_\_\_ Draw up a list, to be supplemented as the investigation progresses, of all possible witnesses.
- \_\_\_ Determine if witnesses are transferring, going on leave, hospitalized, etc., which might take them out of the area before review of the investigation is completed.
- \_\_\_ Inform the CA, orally, with confirmation in writing, immediately upon learning that a material witness might leave the area before review of the investigation is completed.
- \_\_\_ Conduct an intensive interview of each witness, i.e. names, places, dates, and events that are relevant.
- \_\_\_ Witness statements should be as factual in content as possible. If a witness makes a vague statement ("he was drunk"), try to pin down the actual facts.
- \_\_\_ If a witness is not physically available for an interview, attempt to conduct it via telephone, mail or message.
- \_\_\_ Advise any military witness who may be suspected of an offense, misconduct, or improper performance of duty, of his/her rights under Article 31b. Ordinarily, an investigation should collect relevant information from all other sources before interviewing a suspect. See JAGMAN 0214(d)(2) (Refer to page IX-1 of this handbook for a sample form.)
- \_\_\_ Advise each witness prior to signing any statement relating to the origin, incident, or aggravation of any disease or injury that he/she has suffered, of his/her right not to sign such a statement. (Refer to page IX-2 of this handbook for a sample form). See JAGMAN 0212(c).
- \_\_\_ Is a Privacy Act statement required for the witness interviewed? JAGMAN 0207(e) requires that Privacy Act statements be obtained from each witness from whom personal information is taken. (Refer to page IX-3 of this handbook for a sample form.)
- \_\_\_ Record the interview of each witness in detailed notes or by mechanical means.
- \_\_\_ Reduce each witness' statement to a complete and accurate narrative statement.

- \_\_\_\_\_ If possible, obtain the signature of each witness, under oath and witnessed, on the narrative statement of his/her interview. If not possible, indicate on the narrative statement that it represents either an accurate summary, or verbatim transcript, of oral statements made by the witness.
  
- \_\_\_\_\_ Direct witnesses subject to naval authority not to discuss their statements. Witnesses not subject to naval authority may be requested not to discuss their statements.
  
- \_\_\_\_\_ Review your list of possible witnesses to ensure that you have interviewed all such witnesses.

### III. DOCUMENTARY EVIDENCE

- \_\_\_\_\_ Make a list, to be supplemented as the investigation proceeds, of all possible documents, to include:
  - \_\_\_\_\_ Copies of relevant rules, regulations, instructions, standard operating procedures;
  - \_\_\_\_\_ relevant correspondence and messages;
  - \_\_\_\_\_ personnel records;
  - \_\_\_\_\_ medical records (clinical and hospital records, death certificates, autopsy reports, etc.);
  - \_\_\_\_\_ official logs and reports; and
  - \_\_\_\_\_ required forms (personnel injury forms, vehicle accident reports, etc.).
  
- \_\_\_\_\_ Examine your list of possible documents to ensure that you have obtained all such documents available to you.
  
- \_\_\_\_\_ If unable to obtain a certain document, attempt to obtain it via fax, message, telephone, or mail.
  
- \_\_\_\_\_ Obtain originals or certified true copies of all documents available to you.

### IV. OTHER EVIDENCE

- \_\_\_\_\_ Make a list of any other information which may be of assistance to reviewing authorities in understanding the incident investigated (real objects, physical locations, maps, charts, photographs, your personal observations, etc.).

- \_\_\_\_\_ Examine your list of possible information to ensure that you have obtained all such information personally available to you.
  
- \_\_\_\_\_ If unable to obtain certain information, attempt to obtain if via fax, message, telephone, or mail.
  
- \_\_\_\_\_ Attempt to reduce such information to a form, such as photographs or sketches, which can be conveniently included in your investigative report.
  
- \_\_\_\_\_ Take all steps possible to insure that any evidence not an enclosure to the investigative report will be kept in an identified place, safe from tampering, loss, theft, and damage, pending review of the investigation.

## DRAFTING THE CI REPORT

**(NOTE: REFER TO PAGE III-12 OF THIS HANDBOOK FOR SAMPLE FORMAT)**

\_\_\_ Classification of the report, (secret, confidential, etc.). Omit classified information unless absolutely essential (*see* JAGMAN 0208(b)).

### PRELIMINARY STATEMENT

\_\_\_ State that all reasonably available evidence was collected or is forthcoming and that each directive of the CA has been met.

\_\_\_ Set forth the nature of the investigation.

\_\_\_ Relate any delays or difficulties encountered, including non-availability of evidence or failure to interview relevant witnesses.

\_\_\_ Explain any conflicts in evidence, which evidence is considered more reliable, and why.

\_\_\_ Note any extensions requested and granted.

\_\_\_ Note the limited participation by any member or advisor.

\_\_\_ If social security numbers contained in the report were obtained from sources other than the individual (i.e., from service records), so state.

\_\_\_ Indicate where original items of evidence are maintained, how they are being safeguarded, and the name and phone number of the responsible custodian.

\_\_\_ Any other information necessary for a complete understanding of the case.

**FINDINGS OF FACT.** A fact is something that is or happens.

\_\_\_ Distinguish in your own mind the differences between the terms "fact", "opinion", and "recommendation".

\_\_\_ Conduct an evaluation of the evidence or lack of evidence.

\_\_\_ Review any special fact-finding requirements pertaining to the specific incident in the JAGMAN checklists.

\_\_\_ When drafting the findings of fact, be specific as to persons, times, places, and events.

\_\_\_ Reference after each finding of fact, the enclosures to the report that support the finding of fact.

- \_\_\_ Identify by grade or rate, service number, organization, occupation or business, and residence person(s) connected with the incident.
- \_\_\_ Make appropriate findings of fact for all relevant facts, including information already stated in the preliminary statement. The preliminary statement is not a substitute for findings of fact.
- \_\_\_ Place findings of fact in chronological and/or logical order.
- \_\_\_ Is each fact a separate finding?
- \_\_\_ Is each finding of fact supported by an enclosure?
- \_\_\_ Are all enclosures used? (if not used, delete the enclosure.)
- \_\_\_ Ensure that, when read together, the findings of fact tell the whole story of the incident without having to refer back to the enclosures.
- \_\_\_ Does the story flow? Is it readable?

**OPINIONS** are reasonable evaluations, inferences, or conclusions based on the facts found. Opinions are value judgements.

- \_\_\_ Ensure that each of your opinions are exactly that, not findings of fact or recommendations.
- \_\_\_ Ensure that each opinion references the finding(s) of fact that support it.
- \_\_\_ Ensure that you have rendered those opinions required by the convening order, as well as any others you feel are appropriate.

**RECOMMENDATIONS** are proposals made on the basis of the opinions.

- \_\_\_ Ensure that each of your recommendations are exactly that, not findings of fact or opinions.
- \_\_\_ Ensure that each recommendation is logical and consistent with the findings of fact and opinions.
- \_\_\_ Address those recommendations specifically required by the convening order and any others considered appropriate.
- \_\_\_ Recommend any appropriate corrective, disciplinary, or administrative action.
- \_\_\_ Enclose a draft of a punitive letter of reprimand if recommending such action.

\_\_\_ Draft and send, under separate cover, a non-punitive letter of caution if recommending such action.

### **SIGNING**

\_\_\_ Sign your report.

### **ENCLOSURES**

\_\_\_ Convening order.

\_\_\_ All evidence in logical order.

\_\_\_ Is each statement, affidavit, transcript or summary of testimony, photograph, map, chart, document, or other exhibit, a separate enclosure?

\_\_\_ Are any reproduced documents certified to be true copies?

\_\_\_ Have you complied with the special marking requirements applicable to photographs? *See* JAGMAN, 0207(b)(4) and 0208(g)(1).

\_\_\_ Are enclosures listed in the order in which they are cited in the body of the investigation?

\_\_\_ Ensure that you do not have inappropriate material in the investigation: NCIS reports of investigations; aircraft mishap reports; Inspector General reports; polygraph examinations; medical quality assurance investigations.

### **CONCLUDING ACTION**

\_\_\_ Have you stretched your imagination to the utmost in gathering and recording all possible information on the incident investigated?

\_\_\_ Have you checked and double-checked to ensure that your findings of fact, opinions, recommendations, and enclosures are in proper order?

\_\_\_ Have you carefully proofread your Investigative Report to guard against embarrassing clerical errors?

\_\_\_ Have you signed your Investigative Report?