

GAO Highlights

Highlights of [GAO-17-506](#), a report to congressional requesters

Why GAO Did This Study

Whistleblowers play an important role in safeguarding the federal government against waste, fraud, and abuse. However, whistleblowers also risk reprisal, such as demotion, reassignment, and firing.

GAO was asked to review DODIG's reprisal investigations program for DOD civilians and contractors. This report examines the extent to which DODIG has (1) met and taken steps to achieve key timeliness goals for civilian and contractor reprisal investigations, (2) established processes to ensure that civilian and contractor reprisal cases are handled independently and thoroughly, (3) conducted oversight of civilian reprisal cases handled by the defense intelligence components, and (4) developed performance measures to assess the timeliness and quality of its investigations. GAO analyzed DODIG data for cases closed from fiscal years 2013 through 2015, reviewed a generalizable random sample of 178 cases closed in 2015, which included all fully investigated cases, and interviewed cognizant officials and investigators.

What GAO Recommends

GAO is making seven recommendations, including that DODIG assess the feasibility of collecting key workload data, document threats to independence and incorporate such information into an evaluation of independence threats, strengthen its internal controls checklist, develop a process to oversee all defense intelligence component cases, and develop performance measures to assess its quality and timeliness. DODIG concurred with the recommendations.

View [GAO-17-506](#). For more information, contact Brenda S. Farrell at (202) 512-3604 or farrellb@gao.gov.

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WHISTLEBLOWER PROTECTION

Opportunities Exist for DOD to Improve the Timeliness and Quality of Civilian and Contractor Reprisal Investigations

What GAO Found

The Department of Defense Office of Inspector General (DODIG) did not meet statutory or internal timeliness goals for more than 83 percent of the Department of Defense (DOD) civilian and contractor employee whistleblower reprisal investigations it closed in fiscal years 2013 through 2015. DODIG has taken steps to improve timeliness and has reduced the average length of its investigations, intake process, and oversight reviews. Although the average length of all closed investigations improved by about 20 percent over the 3 fiscal years, it was significantly longer than the established timeliness goals. For example, DODIG's timeliness goal is 240 days for DOD appropriated-fund and non-appropriated-fund civilians, but in fiscal year 2015 the average length of these investigations was 608 and 402 days, respectively. Similarly, the statutory timeliness goal for DOD contractors and subcontractors is 180 days, and in fiscal year 2015 the average length for those investigations was 285 days. To continue to improve timeliness, DODIG requested funds to increase its personnel, but it has yet to determine the feasibility of collecting key workload data such as labor hours that would enable it to strengthen its assessment of personnel requirements and allocate personnel in the most efficient manner.

DODIG has established processes to help ensure the independence and thoroughness of the DOD civilian and contractor cases it handles, including a quality-assurance process and an internal controls process. However, a lack of documentation may limit its ability to fully evaluate threats to its independence, and it does not always follow its complaint intake process. GAO's review of case files closed by DODIG in fiscal year 2015 found that some key documentation or data needed to demonstrate compliance with these processes were missing or were not uploaded to DODIG's case-management system in a timely manner. GAO found, and DODIG officials acknowledged, that DODIG's internal controls checklist for assessing case-file completeness does not capture all key documentation and investigative events, thus limiting DODIG's ability to ensure the completeness and accuracy of case-file documentation and data.

DODIG has conducted oversight of reprisal cases provided by some of the defense intelligence component inspectors general—such as the Defense Intelligence Agency and the National Security Agency. However, DODIG and the components have not fully addressed requirements related to DODIG's oversight of component cases, and there is not a process to do so. As a result, DODIG and the components are unable to completely fulfill their prescribed roles related to the oversight of component cases.

In April 2017, DODIG developed performance measures to assess the timeliness of its investigations and oversight reviews for fiscal year 2017 that demonstrate many, but not all, attributes of successful performance measures. However, DODIG has not established performance measures to assess the quality of its investigations and oversight reviews for fiscal year 2017 and beyond. By developing performance measures that fully reflect these key attributes, DODIG will be better positioned to assess the timeliness and quality of its investigations and oversight reviews and determine whether initiatives are on track to achieve desired outcomes.