

Department of the Interior Departmental Manual

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Series: Investigations

Part 355: Departmental Investigations

Chapter 3: Requirements for Preparing and Processing Investigative Reports

Originating Office: Office of Inspector General

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3.1 Investigative Reports. The OIG is committed to providing to bureaus and offices a report that will serve as a sound basis for administrative action, if warranted. Bureaus and offices should act timely and appropriately in response to OIG investigative reports.

A. When there are indications that a criminal violation has occurred, a report may be prepared to advise the appropriate prosecuting office of facts in the case in order to determine whether prosecution will be undertaken. Depending on the circumstances of the case, a copy of the report may be provided to the appropriate bureau or office.

B. Reports are transmitted by means of a cover letter or memorandum and Report of Investigation cover page. The cover page may not be removed from the investigative report. Strict compliance with the instructions for disclosure and safeguarding of reports is required.

C. The report will be submitted to the bureau or office at a level appropriate to resolve the issue but in no case below what is considered Regional level.

3.2 Referral of Investigative Reports to Bureaus and Offices. In some instances a copy of the investigative report will be referred to other Departmental offices for information or action when the subject matter of the investigation makes such referral appropriate. Matters that are referred to bureaus/offices may include a request for additional information, an administrative investigation, or action at the bureau level. In these cases, no action should be taken by the bureau or office without coordination with the OIG and concurrence of the prosecutor. In all such cases, the OIG is the official point-of-contact with the prosecutor.

3.3 Processing Reports.

A. The receiving bureau or office will process the OIG investigative report, keeping it properly secured pursuant to the provisions of the Privacy Act of 1974 and instructions on the cover page. In arriving at its decision on these cases, the bureau or office will utilize personnel specialists, ethics officials, or other specialists on its staff who have sufficient competence to advise and assist in arriving at a decision and assuring that procedural requirements are properly followed. Decisions should be made promptly, within 90 days following receipt of the

investigative report, whenever possible. The OIG must be notified whenever a time extension appears appropriate and necessary. An accompanying memorandum, with supporting documentation (claims forfeiture, debarment, restitution, suspensions, etc.) should be furnished to the OIG, detailing the action taken by the bureau or office resulting from the facts developed during investigation.

B. If the investigative report is required in connection with any administrative or civil hearing, this should be reported expeditiously and discussed with the OIG. For example, after an employee has been served with notice of a proposed action, those sections of the reports used in connection with adverse actions in accordance with 5 U.S.C. §§ 7503 and 7513(e) may be made available to employees, but only after review by the OIG.

C. Final Disposition of Investigative Reports. All investigative reports and related material remain the property of the OIG and are loaned to DOI organizations as needed. Investigative reports, together with related documents, must always be returned to the OIG.

D. Labeling. All OIG investigative reports are marked "For Official Use Only." Copies of Reports of Investigation and related material that contain sensitive information will be transmitted and returned in double-sealed envelopes with the inner envelope marked "TO BE OPENED BY ADDRESSEE ONLY."

E. Reproduction. The reproduction of any OIG investigative report, or part thereof, by any method, is prohibited without prior approval of the OIG. If a copy is needed it must be requested from the OIG. The OIG may upon request: (a) furnish a copy of the report; (b) give permission to the bureau or office to make a copy (or copies) of the report; or (c) under some circumstances, refuse the request.

3.4 Congressional Inquiries, Freedom of Information Act or Privacy Act Requests.

Requests for copies of the OIG investigative reports or investigative records, including correspondence relating thereto, shall be referred to the OIG for processing. No release of OIG investigative reports or supporting material may be made by any bureau or office pursuant to such requests. Prior to disclosing to Congress or the public, information that has been identified by the Department as privileged or exempt from public disclosure, the General Counsel will consult with the Solicitor.

3.5 Reports from Other Agencies. The report forms employed by other law enforcement agencies may vary; however, they generally contain language similar to the following, which will be honored: "This document contains neither recommendations nor conclusions of the FBI. The report is the property of the FBI and is loaned to your agency; the report and its contents are not to be distributed outside your agency." Reports from other agencies that are disseminated by OIG are for use of the bureau or office concerned and are to be disclosed only to persons in the Department on a "need to know basis." They are not to be distributed outside the Department without the expressed permission of the originating agency.