

Department of the Interior Departmental Manual

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Series: Investigations

Part 355: Departmental Investigations

Chapter 1: Policy and Procedures

Originating Office: Office of Inspector General

355 DM 1

1.1 Purpose. This chapter provides policy and procedures for investigating programs and operations of the Department of the Interior (The Department or DOI) as defined in the Inspector General Act of 1978, as amended, 5 U.S.C.A. App.3, (the IG Act.)

1.2 Authority. The policy in this chapter is issued pursuant to the provisions of the IG Act, as amended. The IG Act provides Inspectors General with investigative authority to conduct, report, and supervise investigations relating to programs and operations of the Department, and to provide a means for keeping the Secretary and the Congress fully and currently informed about problems and deficiencies relating to the administration of the Department's programs and operations.

1.3 Responsibilities.

A. Office of Inspector General (OIG).

(1) The OIG is responsible for conducting or arranging for the conduct of investigations for alleged or suspected violations of Federal criminal or civil laws or administrative regulations, involving employees, prospective employees, former employees, contractors, subcontractors, prospective contractors and subcontractors, grantees, subgrantees, persons doing business with the Department or having contact with the Department and programs funded by the Department, or geographical areas under its jurisdiction. Such violations include, but are not limited to: false, fictitious or fraudulent claims or certification by any of the above individuals or entities; disclosure of proprietary information; kickbacks on DOI contracts; collusion, bid-rigging or price-fixing on DOI projects; misconduct by high level DOI officials or persons in sensitive or fiduciary positions; conflicts of interest; and gross waste or mismanagement.

(2) The OIG also conducts investigations upon formal requests from designated DOI officials on serious matters that could compromise the Department's mission or threaten the integrity of DOI programs.

B. OIG Investigators.

(1) Investigators of the OIG are duly authorized under the IG Act, as amended to investigate violations of the laws (including violations of criminal laws) of the United States and the regulations of the Department; and to carry out such other official and confidential duties as directed or required. Special agents, while engaged in official duties and supervised by the Assistant Inspector General for Investigations, as authorized by the Homeland Security Act of 2002, other statutes, or as expressly authorized by the Attorney General, are authorized to: (a) carry a firearm, (b) make an arrest without a warrant for any offense against the United States committed in their presence or for any felony cognizable under the laws of the United States if the agent has reasonable grounds to believe the person to be arrested has committed or is committing such felony, and (3) to seek and execute warrants for arrest and seizure of evidence issued under the authority of the United States upon probable cause to believe that a violation has been committed.

(2) In carrying out assigned investigations, the investigators may inquire into any program, policy, grant, contract, cooperative agreement, or other activity relating to or funded by the Department or its employees. All officials and employees of the Department are expected and required to cooperate fully with investigators in the performance of their duties, subject to penalty or appropriate disciplinary action.

(3) Provisions of the Privacy Act of 1974 relating to access to Privacy Act systems of records within the Department do not restrict access to the records by Investigators. Disclosures to investigators conducting authorized investigations are considered disclosures to employees "of the agency which maintains the record who have a need for the record in the performance of their duties" See 5 U.S.C. 552a (b) (1).

C. Departmental Officials. Assistant Secretaries and heads of bureaus and offices are responsible for ensuring that procedures exist within their organizations for immediate reporting to the Inspector General for all instances as provided above in A(1) and (2). This includes:

(1) Responding timely to all IG reports (usually within 90 days) and for ensuring appropriate disciplinary and other actions involving program irregularities and deficiencies have been taken.

(2) Designating a high level contact for all investigative matters and advising the OIG of the designation and any changes.

(3) Establishing a formal system of follow-up on investigative findings, including disciplinary actions.

(4) Ensuring that the required action is taken and reported to the IG on all investigative reports; establishing a time schedule for taking corrective actions; maintaining records of actions; periodically reviewing reports on actions taken; and appointing an individual from each bureau or office responsible for ensuring timely corrective actions on findings.

D. Distinction between Inspector General Investigative Responsibilities and Bureaus and Offices Administrative and Statutory Responsibilities.

(1) The Inspector General, under Section 4(a)(3) of the IG Act, is responsible for recommending policies, and conducting, supervising, or coordinating other activities carried out or financed by the Department for the purposes of promoting economy and efficiency in the administration of, or preventing and detecting fraud and abuse in, its programs and operations.

(2) Offices and bureaus should normally pursue certain matters of misconduct for which regulations provide a remedy through adverse action or through the proper exercise of supervision. Some examples are: insubordination, absence without leave, drinking on duty, altercations, illegal use of drugs on duty or minor misuse of government equipment.

(3) Certain types of alleged or suspected employee misconduct are within the jurisdiction of other units within DOI or other Government offices, such as the Department's Office of Civil Rights or the Merit Systems Protection Board, and should be reported directly to the appropriate entity through established channels. These include prohibited personnel practices, prohibited political activity, sexual harassment, and discrimination complaints. These areas overlap and may require coordination between bureaus/offices and the OIG. (See 355 DM 1.4 below and 355 DM 2.4)

1.4 Coordination and Cooperation during Investigations.

A. When an Assistant Secretary, head of a bureau or office, or their designated OIG contact requests an investigation or reports matters as explained in paragraph 1.3A(2), the AIG will advise, usually within thirty (30) days, whether the OIG will conduct an investigation or return the matter for bureau or office resolution. When an investigation is initiated based on information developed by the OIG, or supplied by a complainant, the AIG for Investigations will not normally advise the bureau or office when the investigation commences, unless remedial action is immediately required. In some instances to protect the integrity of an investigation, notice will not be given until the investigation is complete.

B. Full cooperation of responsible officials and employees of DOI is required, including provision of administrative and technical assistance to search and interpret records, regulations and other pertinent materials, and access to and reproduction or surrender of any original records or documents needed as evidence.

C. As appropriate, heads of bureaus and offices may be requested to assign appropriate staff to conduct or assist in the conduct of investigations. The AIG for Investigations is responsible for making the arrangements, which may include activities that fall within the scope of the following:

(1) Conduct of Investigations. Often the nature of the allegations received by the OIG or reported by bureaus and offices are best addressed by a particular bureau or office. Frequently, such allegations involve disciplinary questions where timeliness is essential and the allegations do not adversely affect the integrity of the Department. When the OIG refers or remands such allegations to a bureau or office for inquiry or investigation, the OIG will also

advise the bureau or office of requirements, if any for reporting back to the OIG. The report could be a full report of the facts developed or it could be a notification of the action taken.

(2) OIG Investigation Reports. The OIG will transmit investigative results to the bureaus, emphasizing that these reports are the culmination of thorough investigations conducted by law enforcement professionals and that they may be relied upon as such. If, upon receipt of an OIG report, a bureau or other manager believes that the investigation failed to address an area of concern, the investigators will discuss the concern with the bureau or office head, and supplement the report with additional investigation, if necessary. The bureau or other manager or human resources office should not undertake an independent investigation. When a bureau or office takes adverse action against an employee based on the results of an OIG investigation, the OIG investigators will be made available to the bureau or office as witnesses, should the matter be challenged in any administrative forum, including the Equal Employment Opportunity Commission and the Merit Systems Protection Board.

(3) Development of Additional Information. When information referred to the OIG does not contain sufficient information to judge whether or not an investigation is warranted, it will be sent to the designated OIG contact in the bureau or office for development of additional information as specified by the AIGI.

1.5 Other Agency Investigations. Investigations of various types are conducted by other Government law enforcement agencies and relate to certain phases of Departmental operations. Most of such original investigative activity is conducted by the Federal Bureau of Investigation on the basis of alleged violations of the Federal criminal statutes filed directly with the FBI or Department of Justice. Other investigations, occurring less frequently, are conducted by the Government Accountability Office, the Office of Personnel Management, the Merit Systems Protection Board, other Offices of Inspector General, and Congressional Committees. When required, in furtherance of authorized Departmental investigations, other agencies may be asked to perform investigative services on a cooperative basis.

1.6 Interagency Cooperation. In performing investigative assignments, the OIG shall cooperate fully with other Federal agencies having general or special investigative authority. Under the spirit of cooperation, matters under the jurisdiction of other agencies that are disclosed during an Inspector General investigation will be referred to the other agency for appropriate action.

1.7 Notification. When a DOI employee becomes aware of an outside organization's investigation of DOI programs, operations, or contractors, the employee shall notify the OIG.