

officials for appropriate administrative action, which may include admonishment, reprimand, demotion, suspension, or termination of employment. Restitution may be required in cases involving loss or misuse of government funds or property. Administrative actions also may be pursued in addition to, and separate from, civil action or criminal prosecution.

The OIG Hotline

The Office of Investigations operates the OIG Hotline, which provides an effective, direct channel for employees and contract personnel, as well as private citizens, to report incidents of waste, fraud, abuse, and mismanagement to OIG. Hotline calls are received from 8:15 a.m. to 5:00 p.m., Monday through Friday, to coincide with the Department's official work hours. During nonduty hours, a recorded message may be left. Cables to the Inspector General should be addressed "OIG Channel-State" to ensure confidentiality. Further information on the Hotline can be found on OIG's websites (Internet: <http://oig.state.gov>, or intranet: oigweb.state.gov) or on OIG's Hotline bookmark, which may be requested, along with copies of this brochure, either by writing to OIG/CPO, Room 810, 1700 North Moore Street, Arlington, Virginia 22209, by telephoning 703-284-1833, or by e-mailing oighotline@state.gov.

**Office of Inspector General
HOTLINE
P.O. Box 9978
Arlington, Virginia 22219
202-647-3320
800-409-9926**

August 2002
Department of State Publication 10963
(Revision of Publication 10515, October 1997)

U.S. Department of State

and the

Broadcasting Board of Governors



The Office of
Inspector General
Investigative Process

THE OIG INVESTIGATIVE PROCESS

Congress established statutory Inspectors General for the purpose of preventing and detecting fraud and abuse in the programs and operations of the various departments and agencies. Congress further mandated that, if the Inspector General has reasonable grounds to believe that there has been a violation of federal criminal law, then he/she must report this matter expeditiously to the Attorney General for potential prosecution.

OIG's Office of Investigations is responsible for examining all allegations that may involve criminal activity or misconduct in Department of State (Department) or Broadcasting Board of Governors (BBG) programs and operations.

The purpose of this pamphlet is to acquaint you with the investigative process and to inform you of your rights and responsibilities in an OIG investigation.

**Clark Kent Ervin
Inspector General**

The Omnibus Diplomatic Security and Anti-Terrorism Act of 1986 (Public Law 99-399) established an independent Inspector General in the Department of State. The Inspector General was given all the responsibilities outlined in the Inspector General Act of 1978, plus responsibilities under the Foreign Service Act of 1980. Investigations of programs and operations are conducted by OIG's Office of Investigations, headed by the Assistant Inspector General for Investigations.¹

What is an Investigation?

Investigations are conducted in response to allegations of criminal wrongdoing or waste, fraud, and abuse with regard to Department or BBG programs or operations from various sources, including Department or BBG management and employees, law enforcement agencies, Congress, and the public. Allegations are communicated in writing, in person, and through the OIG Hotline. Sometimes, an investigation will determine an allegation to be unfounded. In other cases, an investigation will disclose activities that violate the legal and ethical standards pertaining to Department employees and U.S. government contractors. Assistance is enlisted from experts as necessary to augment internal investigative staff and/or to lend expertise. OIG special agents often interview Department employees who might be able to provide information about a matter under investigation.

¹ The investigative jurisdiction, standards, and authorities of the OIG are set forth in Volume 2, Section 030, of the Foreign Affairs Manual.

Employee Rights

What you can expect during an investigation:

- a fair, objective, and timely investigation, conducted free of any conflict of interest or appearance of impropriety;
- an investigation with minimal intrusion into your privacy, consistent with our mandate to find the truth;
- to have any personal information disclosed during the investigation kept confidential and handled with respect and care.
- equal treatment in conformance with Equal Employment Opportunity standards and without regard to your position in the Department, your placement in the Civil or Foreign Service, or your status as a Foreign Service national employee;
- a special agent who conducts him/herself with integrity and is polite, tactful, and considerate during the investigation;
- to be informed of the identity of the special agents, as well as other participants at the inception of the interviews, unless it would compromise the conduct of the investigation.

Consistent with federal law, regulation, and OIG practice, when interviewed, you have the right:

- to be advised whether you are the subject of a criminal investigation or whether you are being contacted simply as a witness;
- to be informed of the nature of the inquiry being conducted and to be told whether the investigation could lead to criminal, civil or administrative action;
- to be advised of applicable federal constitutional rights and your rights as an employee. Federal case law requires that you affirmatively be advised of your right to counsel when you have been arrested or legally detained and are being interviewed by special agents. The Inspector General will honor any request to be represented by counsel and/or a union representative during an investigative interview;
- to furnish a statement free from any promises, threats, pressure, or coercion of any kind

or, if you are the subject of a criminal investigation, to make no statement at all.

Employee Responsibilities

Employee cooperation is essential to the success and fairness of OIG investigations. By assisting in investigations and reporting to OIG matters that appear to violate law, regulations, or standards of ethical conduct, employees help to maintain public confidence in the integrity and efficiency of Department or BBG programs or operations.

Employee and management responsibilities with respect to OIG investigations, as described in the Foreign Affairs Manual (2 FAM 030), include:

- promptly reporting information concerning the possible violation of laws or regulations or instances of waste and mismanagement, and refraining from taking actions that could compromise the investigative process.
- providing assistance and information requested by OIG special agents in the conduct of official investigations and preliminary inquiries; and
- avoiding discussion or disclosure of investigative information to unauthorized parties or to the subjects of inquiries.

When alerting OIG to situations that they believe warrant review, employees should provide as much information as possible, including any supporting documents and other factual information that may be available to them. This will facilitate the investigative process and reduce the instance of inaccurate or incomplete reports that may infringe upon the rights of those against whom an allegation is made.

Confidentiality

Confidentiality may be granted to anyone reporting a matter to the OIG, in accordance with the provisions of Section 7(b) of the Inspector General Act of 1978. These provisions require that the identity of employee complainants not be disclosed without their consent, unless the Inspector General deter-

mines that such disclosure is unavoidable during the course of the investigation. (It should be noted that, to date, no such determination has ever been made by this OIG.) Those calling or writing to the OIG also may choose to remain anonymous. Reports of suspected wrongdoing from anonymous sources receive the same consideration as all others.

In addition to OIG controls designed to protect the identity of sources, federal laws offer protection against reprisal actions. Employees who believe they have suffered reprisal as a result of making complaints to OIG or providing assistance to OIG or other authorities should notify OIG of the circumstances.

How Inquiries Are Started

Each allegation provided to the Office of Investigations is reviewed promptly, carefully, and thoroughly. If an allegation involves possible criminal activity or civil fraud, an investigation is opened and assigned to a special agent. If an allegation involves a violation of regulation, rule, ethical standard of conduct, or a matter more properly addressed by management, it may be referred to the appropriate bureau or post manager for action and response to OIG. If an allegation lacks sufficient detail for the Office of Investigations to determine whether a violation of law, regulation or rule has occurred, a preliminary inquiry is opened and assigned to a special agent to develop sufficient facts upon which to make an informed decision about how to handle it. If the special agent does not develop information indicating a violation has occurred, the inquiry is closed without further action. If the special agent develops information that a violation has occurred, either an investigation is opened or a referral to management is made, as the case may be.

The Investigative Process

Every effort is made to review complaints as quickly and efficiently as possible. Various factors may, however, affect the progress of an investigation, including the demands of higher priority cases, the availability and proximity of involved parties,

and the need to protect the identity and rights of those under investigation.

During the conduct of OIG investigations at posts abroad, OIG special agents will offer to inform chiefs of mission of the matter under investigation. This notification is given only if it will not jeopardize the integrity of the investigation or unduly infringe on privacy rights of the accused. OIG does not provide status reports on investigations in progress to Department managers or interested parties, unless there is a clear and compelling need to do so. As added protection to the integrity of the investigative process and the privacy of those involved, it is OIG's policy not to release publicly the details of an ongoing investigation.

OIG conducts investigations according to investigative procedures established by the professional community, which include reviews of relevant files and documentation and interviews with and written statements from complainants, witnesses, technical experts, and subjects of inquiries. During investigations involving overseas operations, OIG special agents cooperate with domestic and overseas embassy and other Department security personnel and, as necessary, with host country police and security forces. Investigations may involve cooperation with local, state, or federal law enforcement agencies, including the Department of Justice.

If an investigation uncovers no evidence of wrongdoing and the subject of the investigation is a Department employee, the Office of Investigations will notify the employee in writing that the case has been closed with no evidence of wrongdoing on his or her part.

If an investigation discloses evidence of criminal misconduct, the case is referred to the Department of Justice, (or, in the case of foreign nationals, to host country authorities) for prosecution. If the Justice Department declines criminal prosecution, the matter may be referred to state or local authorities for criminal prosecution, to the Justice Department Civil Division, or to Department or BBG officials for administrative action. Noncriminal matters, such as violations of standards of ethical conduct, are referred to the Director General Bureau of Human Resources or other cognizant agency