



Department of Defense DIRECTIVE

NUMBER 5505.06

April 10, 2006

Certified current as of September 17, 2010
Incorporating Change 1, September 17, 2010

IG DoD

SUBJECT: Investigations of Allegations Against Senior Officials of the Department of Defense

- References:
- (a) DoD Directive 5505.6, subject as above, July 12, 1991 (hereby canceled)
 - (b) Appendix 3 of title 5, United States Code, "Inspector General Act of 1978," as amended
 - (c) DoD Directive 5106.01, "Inspector General of the Department of Defense," *April 13, 2006.*
 - (d) DoD 5500.7-R, "Joint Ethics Regulation (JER)," *current version*
 - (e) through (g), see Enclosure 1

1. REISSUANCE AND PURPOSE

This Directive:

- 1.1. Reissues and updates Reference (a) according to References (b) and (c).
- 1.2. Establishes policy and assigns responsibilities for reporting and investigating allegations of misconduct against senior officials of the Department of Defense.

2. APPLICABILITY

2.1. This Directive applies to the *OSD*, the Military Departments, including the National Guard and Reserve components, the Chairman of the Joint Chiefs of Staff *and the Joint Staff*, the Combatant Commands, the Office of the Inspector General of the Department of Defense (IG DoD), the Defense Agencies, the DoD Field Activities, and all other organizational entities *within* the Department of Defense (hereafter referred to collectively as the "DoD Components").

2.2. Nothing in this Directive shall affect the authority of the Heads of the DoD Components and commanders to initiate inquiries or investigations into matters pertaining to their Component or command, and to determine the nature and severity of disciplinary or administrative action in particular cases, consistent with Reference (d) and DoD Instruction 5505.3 (Reference (e)) or other applicable laws, rules, and regulations.

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3. DEFINITIONS

3.1. Allegations of Misconduct. A credible allegation that, if proven, would constitute:

3.1.1. A violation of a provision of criminal law, including the Uniform Code of Military Justice (Reference (f)).

3.1.2. A violation of a recognized standard such as Reference (d), or other Federal, DoD, or Service regulations.

3.1.3. A matter not included in subparagraphs 3.1.1. and 3.1.2. above that, nevertheless, involves other misconduct of concern to the leadership of the Department of Defense or could reasonably be expected to be of significance to the Secretary of Defense, especially when there is an element of unauthorized personal benefit to the senior official, a family member, or an associate.

3.2. Investigation. Any investigative work conducted to address allegations against senior officials, beyond the initial review of an allegation to determine whether it meets the definition of misconduct in paragraph 3.1. above. The term “investigation” as used in this Directive includes full investigations, as well as “preliminary inquiries,” “complaint analyses,” and other investigative activities that may be employed by Components to establish the scope of investigative work warranted or, alternatively to conclude that further investigation is not warranted. The term investigation does not include initial reviews of standards that may apply to the allegations or communications with the complainant to clarify an allegation.

3.3. Senior Official. Active duty, retired, Reserve, or National Guard military officers in grades O-7 and above, or selected for promotion to grade O-7; current and former members of the Senior Executive Service; other current and former DoD civilian employees whose positions are deemed equivalent to that of a member of the Senior Executive Service (e.g., Defense Intelligence Senior Executive Service employees, Senior Level employees, and non-appropriated fund senior executives); and current and former Presidential appointees.

4. POLICY

It is DoD policy that allegations of misconduct against senior officials shall be promptly reported to the IG DoD at the time such allegations are received by another DoD Component. Except in unusual circumstances, the IG DoD shall promptly notify the appropriate DoD Component or Components when an allegation is received. Allegations of misconduct against senior officials shall be vigorously investigated by appropriate investigative organizations.

5. RESPONSIBILITIES

5.1. The IG DoD shall:

5.1.1. Receive reports of allegations of misconduct made against senior officials. If the notification involves a military officer who has been nominated for promotion, simultaneously notify the Under Secretary of Defense for Personnel and Readiness.

5.1.2. Promptly notify the appropriate DoD Component or Components if an investigation is opened by the IG DoD on a senior official of the Component, subject to subparagraph 5.1.6., below. Provide results of the investigation to the appropriate DoD Component.

5.1.3. Provide simultaneous notification to the appropriate Military Department in the case of senior military officials assigned to a billet outside of their Military Department, subject to subparagraph 5.1.6., below. Provide results of the investigation to the appropriate Military Department.

5.1.4. Provide oversight, as the IG DoD deems appropriate, on investigations conducted by the other DoD Components into allegations against senior officials.

5.1.5. Notify the Secretary of Defense of allegations or investigations involving Presidential appointees, and other allegations or investigations that can reasonably be expected to be of significance.

5.1.6. If the IG DoD determines in a particular case that investigative needs do not permit the notifications for which subparagraphs 5.1.2. and 5.1.3. above provide, the IG DoD may dispense with those notifications and shall instead promptly notify the Secretary of Defense.

5.1.7. Establish necessary controls to limit access to information covered by this Directive. The controls shall protect the confidentiality and sensitivity of material and identity of witnesses. Those controls should ensure that information covered by this Directive is handled to avoid unauthorized disclosure.

5.2. The Heads of the DoD Components shall:

5.2.1. Report allegations of misconduct made against senior officials of the reporting Component or other Components to the IG DoD within 5 workdays of receipt. The notification shall be made in writing and shall include the name, rank/grade, and duty position of the senior official involved; a synopsis of the allegations; the date received by the Component; and the name and position of the point of contact within the Component.

5.2.2. Unless notified that the IG DoD assumes investigative responsibility for a particular matter, initiate an investigation into the issues raised in the allegation.

5.2.3. Upon request from the IG DoD, provide the status, scope, findings to date, and expected completion date of the investigation.

5.2.4. Provide a copy of the report of the investigation to the IG DoD within 5 workdays of completion of the investigation.

5.2.5. Upon request from the IG DoD, provide a written report of any disciplinary and/or administrative action and the nature thereof, taken against a senior official.

5.2.6. Ensure that allegations of criminal misconduct are referred to the appropriate criminal investigative organization consistent with Reference (e) and DoD Instruction 5505.2 (Reference (g)).

6. INVESTIGATIONS OF ALLEGED DISCRIMINATION

Allegations that a senior official personally participated in discrimination cognizable under an applicable DoD Component regulation are matters of concern to the Secretary of Defense and shall be reported to the IG DoD under paragraph 5.2. of this Directive. Ordinarily, IG organizations defer to the investigative process contemplated by the applicable DoD Component regulation. This provision does not preclude the IG DoD from conducting or directing the conduct of a parallel IG investigation of allegations of discrimination when the IG DoD deems such action necessary.

7. RELEASABILITY

UNLIMITED. This Directive is approved for public release and is available on the Internet from the DoD Issuances Website at <http://www.dtic.mil/whs/directives>.

78. EFFECTIVE DATE

This Directive is effective immediately.


Gordon England 4/10

Enclosures - 1

E1. References, continued

E1. ENCLOSURE 1

REFERENCES, continued

- (e) DoD Instruction 5505.3, "Initiation of Investigations by Military Criminal Investigative Organizations," June 21, 2002
- (f) Uniform Code of Military Justice, section 801 et seq. of title 10, United States Code
- (g) DoD Instruction 5505.2, "Criminal Investigations of Fraud Offenses," February 6, 2003