

SUBJECT: OFFICE OF INSPECTOR GENERAL INVESTIGATIVE  
RESPONSIBILITIES

1. PURPOSE. This Order summarizes the investigative responsibilities of the Department's Office of Inspector General (OIG); delineates the respective roles of OIG and the other components of the Department with regard to criminal investigations; and sets forth procedures for the issuance of reports of investigation by OIG and for management follow-up actions by the Office of the Secretary (OST) and the various DOT Operating Administrations (OAs).
2. CANCELLATION. This Order cancels:
  - a. DOT Order 8000.8, Office of Inspector General Investigative Responsibilities, dated January 9, 2001, and
  - b. DOT Order 8000.5A, Office of Inspector General Investigative Procedures, dated December 27, 1989.
3. OIG INVESTIGATIVE RESPONSIBILITIES. OIG—
  - a. Provides policy direction for and conducts, supervises, and coordinates investigations relating to the programs and operations of the Department that fall within the purview of the Inspector General Act of 1978, as amended (IG Act). In general, these investigations involve allegations of fraud, waste, mismanagement, abuse or potential criminal conduct in any of the Department's programs, activities, or operations or committed by persons subject to the laws and regulations administered by the Department. OIG's investigations may be conducted in support of criminal, civil, or administrative proceedings.
  - b. Coordinates with management officials to ensure that appropriate and timely action is taken by such officials in response to investigation reports.
  - c. Recommends policies for and conducts, supervises, or coordinates relationships between the Department and other Federal agencies, State and local governmental agencies, and nongovernmental entities with respect to all matters relating to the promotion of economy and efficiency in the administration of, or the prevention and detection of fraud and abuse in, programs and operations administered or financed by the Department, or the identification and prosecution of participants in such fraud and abuse.
  - d. Reports expeditiously to the Attorney General whenever there are reasonable grounds to believe that a violation of Federal criminal law has been committed.

- e. Manages a system whereby all complaints to OIG concerning fraud, waste, or abuse in DOT programs or operations receive appropriate action.

4. ORGANIZATIONAL LOCATION OF DOT CRIMINAL INVESTIGATORS.

Except as provided below, as authorized by the IG Act and to promote uniform training, supervision, and investigation quality, OIG is the only organization in DOT that shall employ criminal investigators (GS-1811s) or perform criminal investigative functions that require the skills, knowledge, and abilities of criminal investigators. Such functions include, but are not limited to, carrying firearms, executing search warrants, making arrests, and having frequent and direct contact with criminal suspects. Except as provided below, this Order relieves other components of the Department of the responsibility to perform criminal investigations, which shall be performed by OIG.

- a. This Order does not restrict the employment of criminal investigators or the performance of criminal investigations by the National Highway Traffic Safety Administration's odometer fraud program. In addition, this Order does not restrict the activities of DOT employees or contractors who protect DOT personnel and property and other personnel while on DOT property, and the exercise of related police powers by such persons whether on DOT or non-DOT property.
- b. This Order does not restrict the designation of DOT employees as Special Assistant United States Attorneys by the Department of Justice (DOJ).

5. OIG HOTLINE.

- a. Sections 7 and 8M of the IG Act authorize the Inspector General to receive and investigate complaints or information concerning the possible existence of any activity constituting a violation of law, rules, regulations, mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to the public health and safety. After receipt of such complaint or information from a source, OIG shall protect the identity of the source when anonymity is requested, unless the Inspector General determines that such disclosure is unavoidable during the course of an investigation.
- b. Some complaints may not be appropriate for OIG investigation but more suitable for investigation or administrative action by another DOT component or by another governmental agency. After making this determination, OIG will promptly forward the complaint to the responsible DOT component or other governmental agency for information and action.
- c. OIG has responsibility to document the nature and disposition of all hotline complaints regardless of disposition. When a complaint is referred to another DOT component, OIG will require notification of action taken by that component, normally within 30 days of transmitting the complaint.

6. DOT RESPONSIBILITIES.

- a. Referrals for Investigation. To carry out its investigative responsibilities effectively, OIG must have the full cooperation of all officials and employees of the Department to ensure that investigative matters within the purview of OIG are promptly referred for disposition in accordance with the below-described procedures.
- b. Agency Officials.
  - 1) The heads of OST offices and OAs, in addition to ensuring compliance with applicable statutes, regulations, and agency instructions and except as otherwise provided by law, are responsible for bringing to the attention of OIG complaints, allegations, or information relating to matters within the jurisdiction of OIG. Information brought to the attention of DOT supervisory or management officials that causes those officials to suspect the occurrence of potential criminal conduct within the jurisdiction of OIG shall be referred to OIG promptly and without alteration. Any review or analysis undertaken by an OST office or OA in support of a referral of a potential criminal matter, such as developing facts, documenting evidence, or preparing a memorandum of law, must be completed expeditiously, and the underlying information concerning the potential criminal matter must be safeguarded and restricted to officials who have a "need to know." Any complaints, allegations, or information more suitable for investigation or administrative action by another DOT component or another governmental agency should be promptly forwarded by DOT supervisory or management officials to the responsible DOT component or other governmental agency for information and action.
  - 2) OST and each OA will appoint an official or office to serve as liaison to OIG with respect to investigations and will notify OIG of such liaison and of any subsequent change in the identity of the liaison.
  - 3) Agency officials, in accordance with Section 6(a)(1) of the IG Act, must provide OIG timely access to all records, reports, audits, reviews, or other available material which relate to programs and operations for which the Inspector General has investigative responsibilities under the IG Act. Requests for technical assistance should be approved whenever possible.
  - 4) Agency officials must not take actions prejudicial to an investigation and shall coordinate proposed administrative actions with OIG on matters affecting a pending investigation, prosecution, or civil proceeding in which OIG has an interest. Every effort will be made by OIG, in coordination with the Department of Justice, or other appropriate Federal agency, and with interested DOT components, to accommodate all interests in expeditiously resolving issues in cases of parallel proceedings.

c. Departmental Employees.

- 1) Employees are responsible for reporting to proper officials, for possible referral to OIG, all instances of known or suspected violations of law, fraud, waste, abuse, mismanagement or irregular activities by a DOT employee, contractor, or grantee affecting DOT programs or activities. Employees also have the option of making a direct referral to the Inspector General via the OIG hotline at 800-424-9071, at <https://www.oig.dot.gov/hotline>, by email at [hotline@oig.dot.gov](mailto:hotline@oig.dot.gov), or by mail to the Office of Inspector General, 1200 New Jersey Avenue, S.E., West Building, 7th Floor, Washington, D.C. 20590.
- 2) DOT officers and employees must cooperate with authorized IG investigations, including by testifying and providing information relating to the performance of their duties when required by OIG. Based on court precedents, refusal to cooperate with OIG in certain circumstances may result in removal from office or employment or in other administrative or disciplinary action unless the refusal constitutes a valid invocation of the officer's or employee's constitutional privilege against self incrimination.

7. MATTERS TO BE REFERRED TO OIG.

- a. Examples of Matters to Be Referred to OIG. OIG has the statutory authority to investigate a wide range of activities involving DOT programs or operations that may constitute fraud, waste, mismanagement, or abuse. As indicated in paragraph 3.a, this authority extends to conducting criminal investigations of persons regulated by the Department or receiving financial assistance from or under the authority of the Department. Examples of suspected violations generally within this range of activities that DOT components must refer to OIG for investigation include, without limitation:
  - 1) False or fraudulent claims, statements, or certifications by employees, contractors, borrowers, grantees, or others in connection with DOT programs.
  - 2) False or fraudulent claims for payment involving goods and services not delivered or involving the delivery of nonconforming goods.
  - 3) Unlawful manipulation of the competitive bidding process.
  - 4) Unauthorized concealment, removal, obliteration, alteration, or destruction of official documents.
  - 5) Misappropriation or embezzlement of Government funds or conversion of Government property or Government-funded property.

- 6) Bribery or corruption of Government employees or officials.
  - 7) Conflicts of interest that violate criminal statutes. (For relationship to Agency Ethics Program, see paragraph 11.a.)
  - 8) Criminal violations of the laws and regulations of the Department or its operating administrations.
- b. Matters Generally Not Referred to OIG. Generally, the following should be resolved by supervisory or management officials and not OIG: misuse of government vehicles, property, or equipment; violations of personnel or security regulations; minor employee misconduct; discrimination; sexual harassment; and incidents that require investigations solely for security suitability determinations. When there is doubt concerning jurisdiction or responsibility for action or when multiple allegations are alleged which may overlap, the matter should be discussed with OIG for proper handling.

8. REQUESTS FOR OIG INVESTIGATION.

- a. Requests for OIG investigation from a DOT component should be in writing from the liaison appointed pursuant to Section 6.b.ii of this Order or other agency officials authorized by the Department to request OIG investigations. In exigent circumstances, telephonic requests may be made, followed by a written confirmation.
- b. Requests may be directed to OIG Headquarters or field offices, commensurate with the internal procedures of each DOT component.
- c. All pertinent available facts, information, and supporting documentation should be included in the request.
- d. OIG will promptly acknowledge such requests and advise the requester whether OIG will conduct an investigation. If declined, the matter may be referred back to the requester for administrative action as appropriate.

9. OIG CRIMINAL INVESTIGATIONS OF REGULATED PERSONS. For OIG criminal investigations of individuals or entities subject to DOT regulation (“regulated persons”)—

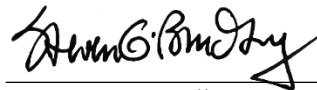
- a. When a DOT component determines that circumstances may warrant a criminal investigation of a regulated person, the component shall notify OIG. If the DOT component wishes to continue regulatory compliance activity or civil enforcement proceedings involving the regulated person, including an administrative or regulatory investigation, the component will keep OIG informed. OIG will notify the responsible DOT component and the Office of Litigation and Enforcement within the Office of the General Counsel (OGC) if OIG initiates an investigation

of the regulated person and will keep the DOT component and the OGC Office of Litigation and Enforcement informed of significant milestones in the investigation and the outcome of the investigation.

- b. OIG may request that a DOT component hold any regulatory compliance activity in abeyance should continuation impact the viability of criminal enforcement efforts. OIG shall provide any request to hold a regulatory compliance activity or civil enforcement proceedings in abeyance in writing to DOT.
- c. If a DOT component and OIG disagree with regard to the initiation of a criminal investigation, referral of a matter to DOJ, or whether regulatory compliance activity or civil enforcement proceedings should be held in abeyance, the matter shall be raised to the headquarters level of each organization for resolution. In reaching resolution within the Department, OIG or the DOT component may request participation by OGC or they may jointly inform and seek advice from DOJ.
- d. OIG criminal investigations of regulated persons often relate to and may affect the mission, operations, and policies of the Department. For these investigations, OA and OST officials have technical expertise and training in relevant areas covered by statutes and regulations administered by DOT, background in the historical interpretation and established agency policy concerning interpretation of the statutes and regulations, and knowledge of the entire range of enforcement tools available to the Department and likely effectiveness of such tools in a given situation, all of which can be of significant value to an investigation. For these reasons, OIG should:
  - 1) Consult with the responsible DOT components and OGC on matters of statutory or regulatory interpretation within the Department's jurisdiction where an investigation, potential referral to DOJ, or judicial proceeding involving a regulated person is premised on a violation of DOT requirements.
  - 2) Work with the responsible DOT components and OGC in determining which DOT employees are the most appropriate witnesses on behalf of the government where DOT employees' testimony is sought by DOJ in any criminal proceeding involving a regulated person.
- e. Responsible DOT components may support OIG criminal investigations by such activities as advising OIG about evidence to be seized during the execution of a search warrant, providing technical information concerning the mode of transportation in question, and providing information in the component's possession concerning the persons or matters under investigation.
- f. OIG immediately shall notify the responsible DOT component(s) when OIG obtains information that may justify immediate DOT regulatory action to protect public safety. In all investigations, protecting public safety shall be the paramount consideration.

- g. DOT components and OIG shall work cooperatively in identifying the categories of possible criminal offenses by regulated persons that the responsible DOT component should refer to OIG and the types of investigations about which OIG should notify DOT.
  - h. OIG annually should inform OGC's Office of Litigation and Enforcement of (1) the number of investigations of regulated persons that OIG has initiated within the calendar year, listed separately by relevant DOT component and by subject matter, and (2) the number of cases involving regulated persons that OIG has referred within the calendar year to the Attorney General, State prosecutors, or other prosecution officials, and the results of those referrals.
10. NOTICE OF INVESTIGATION OF INTERNAL MATTERS. For OIG criminal investigations of internal matters, OIG will--
- a. Provide notice of an investigation to the relevant liaison appointed pursuant to Section 6(b)(2) of this Order or to OST leadership as promptly as possible after initiating an investigation, except when circumstances make notification impractical;
  - b. As appropriate, keep the relevant OST office or OA liaison or OST leadership informed in a timely manner of significant case developments; and
  - c. Report the results of the investigation to the relevant OST office or OA through its liaison or to OST leadership as promptly as possible following completion of an investigation. Notices of investigation of regulated persons should be provided as outlined under Section 9(a) of this Order.
11. RELATIONSHIPS.
- a. General Counsel's Authority. Nothing in this Order is intended to supersede the jurisdiction and responsibilities of the General Counsel, as the Chief Legal Officer of the Department. The General Counsel has final authority within the Department on questions of law involving the interpretation and application of the Department's statutory and regulatory authorities, and on how other legal requirements may govern the Department's programmatic and operational decisions. OIG will coordinate with the Office of the General Counsel as needed to ensure consistent legal interpretations on such matters.
  - b. Agency Ethics Program. Nothing in this Order is intended to supersede the jurisdiction and responsibilities of and required coordination with the Designated Agency Ethics Official under the various employee ethics and conflict of interest laws, executive orders, and regulations, which include the Ethics in Government Act of 1978, 5 U.S.C. Appendix; 5 U.S.C. §§ 7351, 7353; 18 U.S.C., Chapter 11; E.O. 12674, as modified by E.O. 12731; 5 CFR Parts 2634, 2635, and 6001; and 49 CFR Part 99. OGC and OIG will coordinate before referral to DOJ or another governmental authority on matters that fall within this jurisdiction and responsibility.

- c. Security Programs. Nothing in this Order is intended to supersede the jurisdiction and responsibility of and required coordination with the OST Office of Security or other security elements within the Department incidental to the administration of the security programs under their cognizance in accordance with applicable laws, orders, and regulations.
  - d. Other Agencies. OIG may refer matters of investigative interest to other Offices of Inspector General or other investigative or law enforcement agencies that have jurisdiction over the matter. Nothing in this section affects a DOT component's authority to refer a matter directly to DOJ or other law enforcement or national security agency in appropriate circumstances (such as if required by law or where there is a threat to public safety). If a matter is referred directly to DOJ or another law enforcement or national security agency, the DOT component should also inform OIG as soon as possible and in no event later than 24 hours after referral.
  - e. Labor Relations. In implementing this Order, the Department shall comply with applicable labor relations obligations.
12. JUDICIAL REVIEW. This Order is intended only to improve the internal management of the Department and is not intended to create any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies, its officers, or any other person.



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