

## **Department of Justice**

## **§0.29c**

(d) Serve as a central agency for information relating to the work and activities of all agencies of the Department.

(e) Prepare public statements and news releases.

(f) Coordinate Department publications.

(g) Assist the Attorney General and other officials of the Department in preparing for news conferences, interviews and other contacts with the news media.

[Order No. 960-81, 46 FR 52343, Oct. 27, 1981. Redesignated by Order No. 1497-91, 56 FR 25629, June 5, 1991]

### **Subpart E-4—Office of the Inspector General**

SOURCE: Order No. 2167-98, 63 FR 36847, July 8, 1998, unless otherwise noted.

#### **§0.29 Organization.**

(a) The Office of the Inspector General (OIG) is composed of the Inspector General; the Deputy Inspector General; the Audit, Inspections, Investigations, and Management and Planning Divisions; the Special Investigations and Review Unit; and the Office of General Counsel.

(b) The OIG is headquartered in Washington, DC. Investigations Field Offices and Audit Regional Offices are located in Washington, DC and throughout the United States. For a listing of specific office locations, see the OIG Internet Website at <http://www.usdoj.gov/oig>.

#### **§0.29a General functions.**

(a) The OIG is a statutorily created independent entity within the Department of Justice subject to the general supervision of the Attorney General that conducts and supervises audits, inspections, and investigations relating to the programs and operations of the Department; recommends policies to promote economy, efficiency, and effectiveness and to prevent and detect fraud and abuse in Departmental programs and operations; and keeps the Attorney General and Congress informed about the problems and deficiencies relating to the administration

of the Department and the necessity for and progress of corrective action.

(b) In order to carry out its responsibilities the OIG:

(1) Audits and inspects Department programs and operations as well as non-Department entities contracting with or receiving benefits from the Department;

(2) Investigates allegations of criminal wrongdoing and administrative misconduct on the part of Department employees, as provided in §0.29c of this subpart;

(3) Investigates allegations that individuals and entities outside of the Department have engaged in activity that adversely affects the Department's programs and operations;

(4) Undertakes sensitive investigations of Department operations and/or personnel, often at the request of senior Department officials or Congress.

#### **§0.29b Reporting allegations of waste, fraud, or abuse.**

Employees shall report evidence and non-frivolous allegations of waste, fraud, or abuse relating to the programs and operations of the Department to the OIG or to a supervisor for referral to the OIG.

#### **§0.29c Reporting allegations of employee misconduct.**

(a) *Reporting to the OIG.* Evidence and non-frivolous allegations of criminal wrongdoing or serious administrative misconduct by Department employees shall be reported to the OIG, or to a supervisor or a Department component's internal affairs office for referral to the OIG, except as provided in paragraph (b) of this section.

(b) *Reporting to the Department's Office of Professional Responsibility (DOJ-OPR).* Employees shall report to DOJ-OPR evidence and non-frivolous allegations of serious misconduct by Department attorneys that relate to the exercise of their authority to investigate, litigate, or provide legal advice. Employees shall also report to DOJ-OPR evidence and non-frivolous allegations of serious misconduct by Department law enforcement personnel that are related to allegations of misconduct by a Department attorney that relate to the exercise of the attorney's authority to

**§ 0.29d**

investigate, litigate, or provide legal advice.

(c) *Reporting to the Drug Enforcement Administration Office of Professional Responsibility (DEA-OPR).* Evidence and non-frivolous allegations of serious misconduct by employees of the Drug Enforcement Administration (DEA) shall be reported by the OIG to the Drug Enforcement Administration Office of Professional Responsibility (DEA-OPR) or to the Deputy Attorney General.

(d) *Reporting to the Federal Bureau of Investigation Office of Professional Responsibility (FBI-OPR).* Evidence and non-frivolous allegations of serious misconduct by employees of the Federal Bureau of Investigation (FBI) shall be reported by the OIG to the FBI-OPR except as provided in § 0.29d of this subpart, or to the Deputy Attorney General.

[Order No. 2167-98, 63 FR 36847, July 8, 1998, as amended by Order No. 2492-2001, 66 FR 37903, July 20, 2001]

**§ 0.29d Whistleblower protection for FBI employees.**

(a) *Protected disclosures by FBI employees.* Disclosures of information by an FBI employee that the employee reasonably believes evidences a violation of any law, rule, or regulation, or mismanagement, gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety are protected disclosures when they are reported as provided in § 27.1 of this chapter. Any office or official (other than the OIG or DOJ-OPR) receiving a protected disclosure shall promptly report such disclosure to the OIG or DOJ-OPR. The OIG or DOJ-OPR may refer such allegations to FBI-OPR for investigation unless the Deputy Attorney General determines that such referral shall not be made.

(b) *Allegations of retaliation against FBI employees.* Allegations of retaliation against an employee of the FBI who makes a protected disclosure shall be reported to the OIG, DOJ-OPR, or the Deputy Attorney General.

[Order No. 2167-98, 63 FR 36847, July 8, 1998, as amended by Order No. 2492-2001, 66 FR 37903, July 20, 2001]

**28 CFR Ch. I (7-1-03 Edition)****§ 0.29e Relationship to other departmental units.**

(a) The OIG works cooperatively with other Department components to assure that allegations of employee misconduct are investigated by the appropriate entity:

(1) The OIG refers to DOJ-OPR allegations of misconduct within DOJ-OPR's jurisdiction and may refer to another component the investigation of an allegation of misconduct on the part of an employee of that component;

(2) The OIG may refer to a Department component's internal affairs office allegations of misconduct within that office's jurisdiction or may investigate such allegations on its own;

(3) DOJ-OPR refers to the OIG allegations involving misconduct by Department attorneys or investigators that do not relate to the exercise of an attorney's authority to investigate, litigate, or provide legal advice.

(4) The OIG and the FBI notify each other of the existence of criminal investigations that fall within their joint jurisdiction to investigate crimes involving the operations of the Department, except where such notification could compromise the integrity of an investigation;

(5) All Department components report to the OIG all non-frivolous allegations of criminal wrongdoing and serious administrative misconduct involving any of their employees except allegations involving Department attorneys and investigators that relate to an attorney's authority to litigate, investigate, or provide legal advice.

(6) At the request of the Inspector General, the Deputy Attorney General may assign to the OIG a matter within the investigative jurisdiction of DOJ-OPR. In such instances, the OIG shall either:

(i) Notify DOJ-OPR of its request to the Deputy Attorney General or

(ii) Request that the Deputy Attorney General determine that such notification would undermine the integrity of the investigation nor jeopardize the interests of the complainant.

(7) While an issue of investigative jurisdiction or assignment is pending before the Deputy Attorney General, neither the OIG DOJ-OPR shall undertake

**Department of Justice****§ 0.29h**

any investigative activity without authorization from the Deputy Attorney General.

(b) OIG investigations that result in findings of potential criminal misconduct or civil liability are referred to the appropriate prosecutorial or litigative office.

(c) The OIG advises DOJ-OPR of the existence and results of any investigation that reflects upon the ethics, competence, or integrity of a Department attorney for appropriate action by DOJ-OPR.

(d) OIG investigations that result in findings of administrative misconduct are reported to management for appropriate disposition.

[Order No. 2167-98, 63 FR 36847, July 8, 1998; 63 FR 40788, July 30, 1998, as amended by Order No. 2492-2001, 66 FR 37903, July 20, 2001]

**§ 0.29f Confidentiality.**

The Inspector General shall not, during the pendency of an investigation, disclose the identity of an employee who submits a complaint to the OIG without the employee's consent, unless the Inspector General determines that such disclosure is unavoidable in the course of the investigation.

**§ 0.29g Reprisals.**

Any employee who has authority to take, direct others to take, recommend, or approve any personnel action shall not, with respect to such authority, take or threaten to take any action against any employee as a reprisal for the employee making a complaint or disclosing information to the OIG unless the complaint was made or the information was disclosed with knowledge that it was false or with willful disregard for its truth or falsity.

**§ 0.29h Specific authorities of the Inspector General.**

The Inspector General is authorized to:

(a) Conduct investigations and issue reports relating to criminal wrongdoing and administrative misconduct of Department employees and administration of the programs and operations of the Department as are, in the judgment of the Inspector General, necessary or desirable;

(b) Receive and investigate complaints or information from an employee of the Department concerning the possible existence of an activity constituting a violation of law, rules, or regulations, or mismanagement, gross waste of funds, an abuse of authority, or a substantial and specific danger to the public health and safety;

(c) Have direct and prompt access to the Attorney General when necessary for any purpose pertaining to the performance of the functions and responsibilities of the OIG;

(d) Have access to all records, reports, audits, reviews, documents, papers, recommendations, or other material available to the Department and its components that relate to programs and operations with respect to which the OIG has responsibilities unless the Attorney General notifies the Inspector General, in writing, that such access shall not be available because it is necessary to prevent the disclosure of

(1) Sensitive information concerning ongoing civil or criminal investigations or proceedings;

(2) Undercover operations;

(3) The identity of confidential sources, including protected witnesses;

(4) Intelligence or counterintelligence matters; or

(5) Other matters the disclosure of which would constitute a serious threat to national security or significantly impair the national interests of the United States;

(e) Request such information or assistance as may be necessary for carrying out the duties and responsibilities of the OIG from any office, board, division, or component of the Department, and any Federal, State, or local governmental agency or unit thereof;

(f) Issue subpoenas to individuals, and entities, other than Federal government agencies, for the production of information, records, data, and other documentary evidence necessary to carry out the functions of the OIG;

(g) Obtain information from Federal government agencies by means other than subpoena and advise the head of such agency whenever information is unreasonably refused or not provided;

**§ 0.29i**

(h) Select, appoint, and employ such officers and employees as may be necessary for carrying out the functions, powers, and duties of the OIG;

(i) Employ on a temporary basis such experts and consultants as may be necessary to carry out the duties of the OIG;

(j) Enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, and to make such payments as may be necessary to carry out the duties of the OIG;

(k) Take from any person an oath, affirmation, or affidavit whenever necessary in the performance of the functions of the OIG.

[Order No. 2167-98, 63 FR 36847, July 8, 1998, as amended by Order No. 2492-2001, 66 FR 37903, July 20, 2001]

**§ 0.29i Audit, inspection, and review authority.**

The OIG is authorized to perform audits, inspections, and reviews of the programs and operations of the Department of Justice and of entities contracting with or obtaining benefits from the Department.

**§ 0.29j Law enforcement authority.**

Special Agents of the OIG are deputized on an annual basis as Deputy United States Marshals at the direction of the Deputy Attorney General and are authorized to:

(a) Detect and assist in the prosecution of crimes in violation of the laws of the United States and to conduct such other investigations regarding matters that are within the jurisdiction of the Inspector General;

(b) Carry firearms;

(c) Seek and execute search and arrest warrants;

(d) Arrest without warrant any person committing any offense in the presence of an OIG Special Agent or whom the Agent has reasonable grounds to believe has committed or is committing a felony;

(e) Serve legal writs, summons, complaints, and subpoenas issued by the Inspector General or by a Federal grand jury;

(f) Receive, transport, and provide safekeeping of arrestees and other per-

**28 CFR Ch. I (7-1-03 Edition)**

sons in the custody of the Attorney General, or detained aliens.

**Subpart F—Community Relations Service****§ 0.30 General functions.**

The following-described matters are assigned to, and shall be conducted, handled, or supervised by, the Director of the Community Relations Service:

(a) Exercise of the powers and performance of the functions vested in the Attorney General by sections 204(d), 205, 1002, and 1003(a) of the Civil Rights Act of 1964 (78 Stat. 267) and section 2 of Reorganization Plan No. 1 of 1966.

(b) Preparation and submission of the annual report to the Congress required by section 1004 of that Act.

[Order No. 423-69, 34 FR 20388, Dec. 31, 1969, as amended by Order No. 445-70, 35 FR 19397, Dec. 23, 1970; Order No. 699-77, 42 FR 15315, Mar. 21, 1977; Order No. 960-81, 46 FR 52343, Oct. 27, 1981]

**§ 0.31 Designating officials to perform the functions of the Director.**

(a) In case of a vacancy in the Office of the Director of the Community Relations Service, the Deputy Director of the Service shall perform the functions and duties of the Director.

(b) The Director is authorized, in case of absence from his office or in case of his inability or disqualification to act, to designate the Deputy Director to act in his stead. In unusual circumstances, or in the absence of the Deputy Director, a person other than the Deputy Director may be so designated by the Director.

**§ 0.32 Applicability of existing departmental regulations.**

Departmental regulations which are generally applicable to units or personnel of the Department of Justice shall be applicable with respect to the Community Relations Service and to the Director and personnel thereof, except to the extent, if any, that such regulations may be inconsistent with the intent and purposes of section 1003(b) of the Civil Rights Act of 1964.