Department of Justice § 0.29h

(3) DOJ-OPR refers to the OIG allega-tions involving misconduct by Depart-ment attorneys or investigators that do not relate to the exercise of an at-torney’s authority to investigate, liti-gate, or provide legal advice.

(4) The OIG and the FBI notify each other of the existence of criminal in-vestigations that fall within their joint jurisdiction to investigate crimes in-volving the operations of the Depart-ment, except where such notification could compromise the integrity of an investigation;   
 (5) All Department components re-port to the OIG all non-frivolous alle-gations of criminal wrongdoing and se-rious administrative misconduct in-volving any of their employees except allegations involving Department at-torneys 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

are reported to management for appro-priate 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, dur-ing 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, | rec- |

ommend, or approve any personnel ac-tion shall not, with respect to such au-thority, take or threaten to take any action against any employee as a re-prisal for the employee making a com-plaint 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 fal-sity.

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| rfrederick on PROD1PC67 with CFR | VerDate Aug<31>2005 | the Deputy Attorney General or   (ii) Request that the Deputy Attor-ney General determine that such noti-fication would undermine the integrity of the investigation nor jeopardize the interests of the complainant.  (7) While an issue of investigative ju-risdiction or assignment is pending be-fore the Deputy Attorney General, nei-ther the OIG DOJ-OPR shall undertake any investigative activity without au-thorization from the Deputy Attorney General.  (b) OIG investigations that result in findings of potential criminal mis-conduct 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 investiga-tion that reflects upon the ethics, com-petence, or integrity of a Department attorney for appropriate action by DOJ-OPR.  (d) OIG investigations that result in findings of administrative misconduct | | | | | **§ 0.29h**  **Specific authorities of the In-** **spector General.**  The Inspector General is authorized to:   (a) Conduct investigations and issue reports relating to criminal wrong-doing and administrative misconduct of Department employees and adminis-tration of the programs and operations of the Department as are, in the judg-ment of the Inspector General, nec-essary or desirable;   (b) Receive and investigate com-plaints or information from an em-ployee 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 au-thority, 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 per-formance of the functions and respon-sibilities of the OIG; | | |
| 21 | | | | | | | |
| 10:11 Aug 04, 2008 | Jkt 214106 | PO 00000 | Frm 00031 | Fmt 8010 | Sfmt 8010 | Y:\SGML\214106.XXX | 214106 |

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| rfrederick on PROD1PC67 with CFR | VerDate Aug<31>2005 | § 0.29i | | | | | | | | | | | | | | 28 CFR Ch. I (7–1–08 Edition) | | | | |
| (d) Have access to all records, re- | | | | | | | | | | | | | | essary in the performance of the func- | | | | |
| ports, audits, reviews, documents, pa- | | | | | | | | | | | | | | tions of the OIG. | | | | |
| pers, recommendations, or other mate-rial 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 Inspec- | | | | | | | | | | | | | | [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.** | | | | |
| tor General, in writing, that such ac-cess shall not be available because it is necessary to prevent the disclosure of (1) Sensitive information concerning ongoing civil or criminal investiga-tions or proceedings;   (2) Undercover operations; | | | | | | | | | | | | | | The OIG is authorized to perform au-dits, inspections, and reviews of the programs and operations of the Depart-ment of Justice and of entities con-tracting with or obtaining benefits from the Department. | | | | |
| (3) | The | | | identity | | | of | | | confidential | | | | **§ 0.29j** | | **Law enforcement authority.** | | |
| sources, including protected witnesses; | | | | | | | | | | | | | | Subject to guidelines promulgated by the Attorney General, Special Agents of the Office of the Inspector General are authorized to:   (a) Detect and assist in the prosecu-tion of crimes in violation of the laws of the United States and to conduct such other investigations regarding matters that are within the jurisdic-tion of the Inspector General;   (b) Serve legal writs, summons, com-plaints, and subpoenas issued by the Inspector General or by a Federal grand jury;   (c) Receive, transport, and provide safekeeping of arrestees and other per-sons in the custody of the Attorney General or detained aliens;   (d) Arrest without warrant any per-son for an offense against the United States committed in the presence of the Special Agent or whom the Special Agent has reasonable grounds to be-lieve has committed or is committing a felony cognizable under the laws of the United States;   (e) Seek and execute search and ar-rest warrants;   (f) Carry firearms while on-duty; and (g) Carry firearms while off-duty as authorized by the Inspector General.  [Order No. 2835–2006, 71 FR 54413, Sept. 15, 2006] | | | | |
| (4) | Intelligence | | | | | or | | | counterintel- | | | | |
| ligence matters; or   (5) Other matters the disclosure of | | | | | | | | | | | | | |
| which | | | would | | constitute | | | | | | a | serious | |
| threat to national security or signifi-cantly impair the national interests of the United States;   (e) Request such information or as-sistance as may be necessary for car-rying out the duties and responsibil-ities of the OIG from any office, board, division, or component of the Depart-ment, and any Federal, State, or local governmental agency or unit thereof; (f) Issue subpoenas to individuals, and entities, other than Federal gov-ernment 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; (h) Select, appoint, and employ such officers and employees as may be nec-essary for carrying out the functions, powers, and duties of the OIG;   (i) Employ on a temporary basis such experts and consultants as may be nec-essary to carry out the duties of the OIG; | | | | | | | | | | | | | |
| (j) Enter into contracts and other ar-rangements for audits, studies, anal-yses, and other services with public | | | | | | | | | | | | | | Subpart F—Community Relations Service | | | | |
| agencies and with private persons, and | | | | | | | | | | | | | | **§ 0.30** | **General functions.** | | | |
| to make such payments as may be nec- | | | | | | | | | | | | | |
| essary to carry out the duties of the | | | | | | | | | | | | | | The following-described matters are | | | | |
| OIG; | | | | | | | | | | | | | | assigned to, and shall be conducted, | | | | |
| (k) Take from any person an oath, af- | | | | | | | | | | | | | | handled, or supervised by, the Director | | | | |
| firmation, or affidavit whenever nec- | | | | | | | | | | | | | | of the Community Relations Service: | | | | |
| 22 | | | | | | | | | | | | | | | | | | |
| 10:11 Aug 04, 2008 | | Jkt 214106 | | | PO 00000 | | | Frm 00032 | | | | | Fmt 8010 | Sfmt 8010 | | | Y:\SGML\214106.XXX | 214106 |