

CHAPTER 4

BEGINNING AN INVESTIGATION

A. **PURPOSE OF A FORMAL INVESTIGATION.** A formal investigation is required under the provisions of this Volume whenever a preliminary review determines that a potential violation has occurred. Generally, the existence of a potential violation shall be established during the preliminary review and before a formal investigation begins. The purpose of the formal investigation is to determine the relevant facts and circumstances concerning the potential violation--if a violation has occurred, what caused it, what are appropriate corrective actions and lessons learned, and who was responsible for the violation.

B. **APPOINTMENT OF AN INVESTIGATING OFFICER.** A formal investigation shall be performed by an appointed investigating officer. The investigating officer shall be advised of his or her appointment by a formal memorandum. Included in that memorandum will be the case number and specific time frames to be met during the investigation. The case number shall be used on all applicable correspondence and reports related to the formal investigation.

C. **WHEN MORE THAN ONE DOD COMPONENT IS INVOLVED.** In some cases, a DoD Component whose funds are involved, rather than the DoD Component where the potential violation occurred, may request a formal investigation by the DoD Component where the potential violation occurred. A case number shall be assigned by the DoD Component whose funds are involved and the required information regarding the investigation shall be included in the next monthly activity report (Enclosure 6-1) of that DoD Component. If the DoD Component whose funds are involved is not successful in obtaining cooperation from other DoD Components implicated, the matter shall be referred to the Office of the Under Secretary of Defense (Comptroller) for resolution.

D. **PROCEDURES FOR SELECTING AN INVESTIGATING OFFICER.** Investigations of violations shall be conducted by individuals with no vested interest in the outcome, and who are capable of conducting a complete, impartial, unbiased investigation. A commander of a major command, a superior to a commander of a major command who is in the chain-of-command, or equivalent in an organization other than a Military Department, shall appoint an adequately trained and qualified individual to serve as an investigating officer. To help assure independence and impartiality during an investigation, an investigating officer shall be selected from an organization external to an installation-level organization being investigated.

1. When the Office of the Under Secretary of Defense (Comptroller) requires that a formal investigation be conducted, the applicable major command, or higher command, shall assign an investigating officer within 15 business days of the receipt of the request.

2. If the Under Secretary of Defense (Comptroller) notifies the Inspector General, DoD, (IG, DoD) (or other audit organization) that a potential violation requiring IG, DoD, investigation has been reported, the IG, DoD, shall assign an investigating officer and advise the Office of the

Under Secretary of Defense (Comptroller) of the date the investigation began in the next monthly activity report. A case number shall be assigned by the organization being investigated.

3. Except as provided for in paragraphs D.4. and D.5., below, an investigating officer shall meet all of the following qualifications:

a. Be chosen from a roster of qualified personnel as required by DoD Directive 7200.1, "Administrative Control of Appropriations."

b. Be adequately trained to conduct an investigation of this type, including having successfully completed a training course after May 1, 1995, as specified in Section B. or C. of Chapter 8 of this Volume.

c. Have adequate experience in the functional area that is involved in the apparent violation.

d. Have knowledge of financial management policies and procedures and the Antideficiency Act.

e. Have skill in investigating potential violations.

f. Otherwise be fully qualified to serve as an investigating officer.

4. An auditor from the IG, DoD; Army Audit Agency; Naval Audit Service; or Air Force Audit Agency can be considered to be fully qualified to serve as an investigating officer if he or she has an appropriate background in fiscal matters. Likewise, an investigator from the IG, DoD, or from the Inspector General organizations of the Military Departments (The Inspector General of the Army, The Naval Inspector General, and The Inspector General of the Air Force) can be considered fully qualified to serve as an investigating officer, if he or she has an appropriate background in fiscal matters.

5. Individuals not meeting the requirements of paragraphs D.3. and D.4., above, maybe considered to be "trained" investigation officers, and be eligible for selection to conduct investigations, provided that all of the following conditions are met:

a. They have successfully conducted and completed a previous investigation of an actual violation of the Antideficiency Act.

b. The prior investigation began after January 1, 1991, but before October 1, 1995.

c. Their name is included on the roster of approved qualified personnel as discussed in Chapter 8 of this Volume.

d. The current investigation begins before September 30, 1996.

6. After September 30, 1996, investigating officers must meet the requirements of either paragraph D.3. or D.4., above.

7. An investigating officer(s) need not be senior-in-grade to the person(s) being investigated.

8. If an individual involved in the investigation or in the process of selecting and appointing the investigating officer has a conflict of interest or any personal stake in the outcome of the investigation, that individual shall remove himself or herself from the process. Those matters that may not lend themselves to impartial investigation--because the investigator is assigned to the level where the violation occurred--shall be referred to the next higher level, through command channels, for the appointment of an investigator.

E. APPOINTMENT OF AN INVESTIGATING OFFICER BY THE UNDER SECRETARY OF DEFENSE (COMPTROLLER) OR OTHERS. An appointment of an investigating officer may be made or reviewed by the Under Secretary of Defense (Comptroller), an Assistant Secretary of a Military Department for Financial Management, or the Comptroller or Senior Financial Manager for other DoD Components, whenever a potential violation (a) is of special interest to that official, (b) demands specific attention, or (c) may involve a high-level official. Such a review or appointment also may be made whenever other circumstances warrant such involvement.

F. LEGAL ISSUES. An investigating officer may face a number of legal issues during the course of an investigation and may be expected to take statements. An investigating officer should consult with appropriate legal counsel on any legal issues associated with the investigation

G. USING AN INVESTIGATING TEAM. If a potential violation appears to involve a complex situation or a multitude of functional areas, a team approach may be necessary. The appointing official shall ensure that the investigating officer receives adequate support, including access to additional personnel with the requisite knowledge in all of the functional areas involved. The appointment of a legal advisor for the investigating team also should be considered.