



Department of Defense **DIRECTIVE**

NUMBER 5505.06

June 6, 2013

IG DoD

SUBJECT: Investigations of Allegations Against Senior DoD Officials

References: See Enclosure 1

1. **PURPOSE.** This directive reissues DoD Directive (DoDD) 5505.06 (Reference (a)) to establish policy and assign responsibilities for reporting and investigating allegations of misconduct against senior DoD officials in accordance with the appendix to Title 5, United States Code (also known as the “Inspector General Act of 1978, as amended,”) and DoDD 5106.01 (References (b) and (c)).

2. APPLICABILITY

a. This directive applies to the OSD, the Military Departments, the Office of 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 DoD (referred to collectively in this directive as the “DoD Components”).

b. Nothing in this directive will affect the authority of the DoD Component heads to initiate inquiries or investigations into matters pertaining to their Component and to determine the nature and severity of disciplinary or administrative action in particular cases, consistent with DoD 5500.07-R (Reference (d)) and DoD Instruction (DoDI) 5505.03 (Reference (e)) or other applicable laws, rules, and regulations. However, DoD Components will not initiate an investigation into such allegations against senior officials without first reporting the allegations as required and then coordinating with IG DoD.

3. POLICY. It is DoD policy that:

a. Allegations of misconduct against senior officials will be reported to the IG DoD within 5 workdays of receipt by a DoD Component. Except in unusual circumstances, the IG DoD will notify the appropriate DoD Component or Components when an investigation is initiated. Allegations of misconduct against senior officials will be vigorously investigated by appropriate investigative organizations.

b. 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 will be reported to the IG DoD in accordance with section 2 of Enclosure 2 of this directive. Ordinarily, inspector general 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 an investigation of allegations when the IG DoD deems such action necessary.

c. Adjudicative bodies investigating allegations against senior officials shall provide the IG DoD a report of determinations and notice of remedies and disciplinary or corrective actions within 5 workdays of such action being taken.

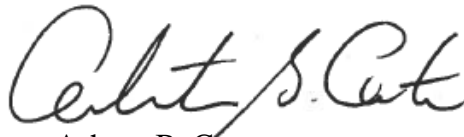
4. RESPONSIBILITIES. See Enclosure 2.

5. 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>.

6. EFFECTIVE DATE. This directive:

a. Is effective June 6, 2013.

b. Must be reissued, cancelled, or certified current within 5 years of its publication in accordance with DoDI 5025.01 (Reference (f)). If not, it will expire effective June 6, 2023 and be removed from the DoD Issuances Website.



Ashton B. Carter
Deputy Secretary of Defense

Enclosures

1. References
2. Responsibilities

Glossary

ENCLOSURE 1

REFERENCES

- (a) DoD Directive 5505.06, "Investigations of Allegations Against Senior Officials of the Department of Defense," April 10, 2006, as amended (hereby cancelled)
- (b) Appendix to Title 5, United States Code (also known as the "Inspector General Act of 1978, as amended")
- (c) DoD Directive 5106.01, "Inspector General of the Department of Defense (IG DoD)," April 20, 2012
- (d) DoD 5500.07-R, "Joint Ethics Regulation (JER)," August 1, 1993, as amended
- (e) DoD Instruction 5505.03, "Initiation of Investigations by Defense Criminal Investigative Organizations," March 24, 2011
- (f) DoD Instruction 5025.01, "DoD Directives Program," September 26, 2012
- (g) DoD Instruction 5505.2, "Criminal Investigations of Fraud Offenses," February 6, 2003
- (h) DoD Instruction 5505.16, "Criminal Investigations by Personnel Who Are Not Assigned to a Defense Criminal Investigative Organization," May 7, 2012
- (i) Chapter 47 of Title 10, United States Code (also known as "The Uniform Code of Military Justice (UCMJ)")

ENCLOSURE 2

RESPONSIBILITIES

1. IG DoD. The IG DoD:

a. Receives reports of allegations of misconduct made against senior officials. If the notification involves a military officer who has been nominated for promotion, IG DoD notifies the Under Secretary of Defense for Personnel and Readiness.

b. Notifies the appropriate DoD Component(s) if an investigation is opened by the IG DoD on a senior official of the Component(s), subject to paragraph 1f of this enclosure. Provides results of the investigation to the appropriate DoD Component.

c. Notifies the appropriate Military Department in the case of senior military officials assigned to a billet outside of their Department, subject to paragraph 1f of this enclosure. Provides results of the investigation to the appropriate Military Department.

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

e. Notifies the Secretary of Defense of allegations or investigations involving:

(1) Presidential appointees.

(2) Others that can reasonably be expected to be of significance.

f. May dispense with the notifications described in paragraphs 1b and 1c and instead notify the Secretary of Defense, if the IG DoD determines in a particular case that investigative needs do not permit these notifications.

g. Establishes necessary controls to limit access to information covered by this directive. To the extent authorized by law, regulation, and policy these controls:

(1) Protect the identity of witnesses and other persons involved in investigations.

(2) Protect the confidentiality and sensitivity of materials obtained during the investigative process.

(3) Ensure that information covered by this directive is handled to avoid unauthorized disclosure.

2. DoD COMPONENT HEADS. The DoD Component heads:

a. 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 is made in writing and includes:

- (1) The name, rank or grade, and duty position of the senior official involved.
- (2) A synopsis of the allegations.
- (3) The date allegations of misconduct were received by the Component.
- (4) A copy of the incoming complaint.
- (5) The name and position of the point of contact within the Component.

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

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

d. Provide a copy of the report of the investigation and supporting documentation to the IG DoD within 5 workdays of completion of the investigation.

e. Provide to the IG DoD a written report of any disciplinary or administrative action, taken against a senior official within 5 workdays after such action is taken.

f. Ensure that allegations of criminal misconduct are referred to the appropriate criminal investigative organization consistent with Reference (e), DoDI 5505.2 (Reference (g)), and DoDI 5505.16 (Reference (h)).

GLOSSARY

PART I. ABBREVIATIONS AND ACRONYMS

DoDD DoD directive
DoDI DoD instruction
IG DoD Inspector General of the Department of Defense

PART II. DEFINITIONS

These terms and their definitions are for the purposes of this directive.

allegations of misconduct. A credible allegation that, if proven, would constitute:

A violation of a provision of criminal law, including chapter 47 of title 10, United States Code (also known as “The Uniform Code of Military Justice (UCMJ)”) (Reference (i)).

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

Any other conduct of concern to DoD leadership or that could reasonably be expected to be of significance to the Secretary of Defense, especially when there is an element of misuse of position or of unauthorized personal benefit to the senior official, a family member, or an associate.

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. 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 DoD Components to establish the scope of investigative work warranted or, alternatively, to conclude that further investigation is not warranted.

Does not include initial reviews of standards that may apply to the allegations or communications with the complainant to clarify an allegation.

senior official

An active duty, retired, Reserve, or National Guard military officer in grades O-7 and above, and an officer selected for promotion to O-7 whose name is on the O-7 promotion board report forwarded to the Military Department Secretary.

A current or former member of the Senior Executive Service.

A current or former DoD civilian employee whose position is deemed equivalent to that of a member of the Senior Executive Service (e.g., Defense Intelligence Senior Executive Service, Senior Level employee, and non-appropriated fund senior executive).

A current or former Presidential appointee.