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U.S. Department of Justice

Executive Office for United States Attorneys

Operations

Suite 8105, Bicentennial Building

(202) 616-6600

*600 E Street, N.W.
Washington, DC 20530*

FAX (202) 616-6646

MEMORANDUM - Sent via Electronic Mail

DATE: December 1, 2004

TO: ALL UNITED STATES ATTORNEYS
ALL FIRST ASSISTANT UNITED STATES ATTORNEYS
ALL ADMINISTRATIVE OFFICERS
ALL DISTRICT OFFICE SECURITY MANAGERS
ALL PERSONNEL OFFICERS

FROM: /s/
David W. Downs
Chief Operating Officer

SUBJECT: Conduct of Background Investigations

ACTION REQUIRED: For information only.

DUE DATE: None

CONTACT PERSON: Shawn Gunn
Chief, Personnel Security (Acting)
Security Programs Staff
Telephone: (202) 616-3116

Background investigations are conducted on employees, applicants, and contractors to ensure they are suitable for positions with the Department of Justice. The following explains the Office of Personnel Management (OPM) background investigation process, and procedures to follow if you receive a complaint about a specific incident or investigator. Please provide this information to employees before they undergo a background investigation.

OPM background investigations are conducted under contract by the United States Investigations Service, a private company. Investigators should call the subject of the investigation during business hours to schedule appointments for interviews. They may contact the subject at home if necessary. They should arrange to meet in government office space, during normal business hours, present credentials, and advise the subject of his/her rights under the Privacy Act of 1974. The interview should be conducted in private, in a professional and courteous manner, and should generally be limited to the questions covered in the security forms, related case papers, and other areas brought up by the subject in response to general

questions. The investigator does however, have some discretion in questioning based on information developed during the course of the investigation.

After completing the subject interview, the investigator may interview supervisors and co-workers. The subject's friends, references, neighbors, former spouses, and mental health practitioners may also be contacted. These interviews are conducted to verify information provided on security forms, and to obtain information regarding the subject's character, honesty, integrity, personal conduct, loyalty, susceptibility to blackmail or coercion, and emotional or mental health as it affects the national security, the public trust, and the safety of the workplace. The investigator will usually ask interviewees if they would recommend the subject for a position involving the public trust or national security.

The investigation may include reviews of military and federal personnel records, local and federal criminal records, and checks with federal agencies, such as the Central Intelligence Agency, Immigration and Naturalization Service, Department of Defense, and State Department. Public record information, including verification of citizenship of the subject and family members, divorce, bankruptcy, civil and criminal court actions, will be reviewed. An individual's credit history is also thoroughly checked. The investigator may re-contact the subject for clarification, or additional information after all interviews have been conducted.

If the subject believes the investigator's line of questioning is inappropriate they may decline to answer and inform the investigator that they will seek guidance concerning the appropriateness of the question. The investigator should be asked to call the subject later. While subjects are well within their rights to decline to answer inappropriate questions, this procedure should only be used in extraordinary circumstances where in the view of the subject, the line of questioning is clearly inappropriate.

If an interviewee has a complaint or concern about any issue involving an OPM investigation, or if an applicant or employee believes an investigator has acted inappropriately, they may submit a written complaint to the Executive Office for United States Attorneys, Security Programs Staff (SPS). The report may be sent by E-mail or memorandum and should contain detailed information about the specific area of concern, to include dates and times, and the name of the investigator. SPS will coordinate with OPM, to ensure the complaint is handled appropriately.

An employee or applicant may obtain a copy of their completed investigation by submitting a written request to OPM, Federal Investigations Processing Center, Attention: Freedom of Information and Privacy Act Branch, Boyers, PA 16018. The request should state that the information is requested pursuant to the Privacy Act of 1974, and should include the individual's full name, other names used, home address, social security number, date and place of birth, and signed by the individual. The Security Programs Staff does not maintain copies of background investigations for federal employees.

If you need additional information, please call Shawn Gunn, Chief Personnel Security (Acting), on (202) 616-3116.