Cross-Regional/Auxiliary Investigations

1. **Purpose.** To encourage collaboration between ROs\(^1\) and provide guidance on conducting these joint investigations of employee benefit plans and service providers. Increasing collaboration among ROs can lead to:
   a. More efficient use of investigative talent and expertise;
   b. Increased consistency in applying enforcement policies;
   c. A better understanding of issues and trends affecting the regulated community on a national basis

2. **Case Characteristics.** Cross-regional civil or criminal investigations are appropriate for one or more of the following:
   a. Large plans (i.e. plan asset or participant size);
   b. Service providers to multiple plan clients;
   c. Complex or systemic issues;
   d. Resource-intensive;
   e. Time-sensitive

3. **Ways to Collaborate.** ROs can collaborate on cross-regional investigations by:
   a. Introducing investigations for consideration;
   b. Opening an Office 99, if appropriate;
   c. Leading an investigation involving another RO or OE staff;
   d. Participating in an investigation by providing investigative expertise or conducting a parallel investigation\(^2\)

4. **Investigative Assistance/Auxiliary Investigations\(^3\).** When there is only the need for limited investigative activity on a case outside the geographic jurisdiction of the primary RO, the primary RO may:
   a. Request the RO having jurisdiction over this area (auxiliary office) to perform the work;
   b. Notify the auxiliary RO prior to conducting the work

Appropriate examples of auxiliary investigations include:
   a. Issuance of an in-person subpoena requiring immediate production
   b. Conducting routine interviews
   c. Participating in search and seizures

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\(^1\) Cross Regional investigations can also include the OE staff.

\(^2\) The “lead region” designation is normally to be given to the RO that developed the investigation to the point of receiving cross-jurisdictional consideration. However, other factors to consider include expertise needed to complete the investigation in an efficient and effective manner.

\(^3\) Auxiliary investigations do not meet the criteria for cross-regional investigations.
Investigator/Auditors should charge time expended in auxiliary investigations to the primary RO’s case.