

Cross-Regional/Auxiliary Investigations

1. **Purpose.** To encourage collaboration between ROs¹ 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 investigation²



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

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.