

## 12. Office of Inspector General (OIG) Warnings

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The Office of Inspector General (OIG) initiates investigations based on allegations it receives from multiple sources, including its Hotline, the U.S. Postal Service, and Congress. OIG conducts investigations to prevent and detect fraud and misconduct in Postal Service programs and operations, as required by the Inspector General Act. 5 U.S.C. app. 3, 4(a)(3).

The Inspector General Act also requires that OIGs report to the Attorney General “whenever the Inspector General has reasonable grounds to believe there has been a violation of federal criminal law.” The Attorney General has issued guidelines for OIGs when conducting investigations, including warnings to be used. These warnings ensure employees are fully advised of their rights and Department of Justice’s (DOJ) interests in the cases are safeguarded. The use of the DOJ warnings also promotes uniformity in OIG investigations. The warnings, listed below, are also called Advisements of Rights.

Information on OIG warnings and the specific forms used by the OIG to provide an employee with their rights can be found on the NAPS website at [www.naps.org](http://www.naps.org) under the *Forms & Documents* section.

### 12.1 Miranda

Miranda warnings are given to subject to OIG investigations when they are placed under arrest or in the custody, as required by Miranda v. Arizona, 384 U.S. 436 (1966). Miranda warnings advise the subject of OIG investigations who are under arrest or otherwise in custody that they have a right to remain silent; that statements they make can be used against them; that they have a right to an attorney during questioning; and that an attorney will be appointed to them if they cannot afford one.

### 12.2 Garrity

Garrity warnings are given to subjects in OIG investigations, who are not under arrest or in custody, as suggested by Garrity v. New Jersey, 386 U.S. 493 (1967). Garrity warnings are designed to ensure that employees’ interviews are voluntary. Garrity warnings advise subjects that they may remain silent on matters where there may be criminal exposure, but must report on activities for which there is no criminal exposure. Subjects are also reminded that the interview is strictly voluntary.

### 12.3 Kalkines

Kalkines warnings are given to subjects of OIG investigations to assure employees that their statements may not be used against them in any criminal proceeding, in accordance with guidance in Kalkines v. U.S., 473 F.2d 1391 (Ct. Cl. 1973). Courts have long held that once an individual’s statements are immunized, the employee no longer has a right to remain silent. Lefkowitz v. Cunningham, 431 U.S. 801, 806 (1977).

Kalkines warnings remind employees that they have a duty to respond to investigative questions and that agency disciplinary actions may follow if employees fail to cooperate or fail to answer fully and truthfully. Employees are also told that statements they provide may be used in civil or administrative proceedings, but cannot be used in criminal proceedings.

The Postal Service Employee and Labor Relations Manual (ELM), Section 665.3 requires that Postal Service employees “cooperate in any postal investigation, including Office of Inspector General investigations.” Employees may be disciplined for refusal to cooperate or for providing false statements during questioning. As an additional safeguard for employees, OIG agents have been trained to comply with all reasonable requests for union or management representation.