

OPR Quarterly Email April 2022, Volume 62

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OPR's Quarterly All Employee E-Mail – April 2022

(U//FOUO) Last fall, OPR suspended sending our quarterly email that details employee misconduct and its consequences. We wanted to weigh the value of publishing this information with the discomfort employees harmed by misconduct may feel at its having been published.

(U//FOUO) In the seven months since, we've spoken extensively with affected employees and consulted with several divisions, including the [Victim Services Division](#). After a great deal of deliberation, we have decided to resume the quarterly email. We made this decision as the vast majority of employees we spoke with indicated they wanted publication to resume, since the email:

- Clearly and helpfully demonstrates the standards of conduct that apply to FBI employees
- Provides concrete examples of the types of misconduct which must be avoided
- Acts as a deterrent for potential misconduct by showing its consequences
- Shows misconduct is punished at the FBI, and that punishment is meted out fairly, with mitigating and aggravating factors taken into consideration.

(U//FOUO) To arrive at this conclusion, we asked many employees and leaders difficult questions. We wish to thank them for carefully reflecting on the dilemma we presented them and generously sharing their thoughts with us.

(U//FOUO) More importantly, we wish to thank the employees we spoke to who were affected by the misconduct of others. Your bravery in coming forward to report misconduct and your willingness to revisit it with us, candidly and frankly, demonstrates your great personal integrity.

(U//FOUO) We ask that all employees who witness or experience misconduct come forward as well. By doing so, you make the FBI a strong, accountable organization where employees are free to do their jobs and thrive in them.

Sincerely,
Stuart

L. Stuart Platt
AD, OPR

Below are a few of the matters OPR has adjudicated since last June. Cases in which OPR found an employee did nothing wrong are not included. Please note, the Security Division separately evaluates OPR findings and appeals, which may result in an employee's security clearance being revoked. To contact OPR, email us at HQ_DIV00_OPR_QUESTIONS or visit our [website](#).

(U//FOUO) **Examples of Recent Adjudications:**

1. (U//FOUO) Assault: Employee was arrested for assaulting Employee's spouse. Employee attempted to strangle spouse and hit spouse's head against a nightstand, resulting in a large laceration. Spouse was required to go to the hospital for treatment. Employee was charged with felony assault. In mitigation, Employee has over 10 years of FBI service and a positive performance record. In aggravation, Employee tarnished the reputation of the FBI with local law enforcement and the public. There was substantial media coverage of this incident, which placed a major FBI case in jeopardy. Children were also in the home at the time of Employee's misconduct. The FBI's Offense Codes and Penalty Guidelines specifically lists "arrest" and "harm to persons" as aggravating factors.

PENALTY: Summary Dismissal

OFFENSE: Other Felonies, [Offense Code 4.7](#)

2. (U//FOUO) Database Misuse: Employee conducted a self-query through the Customs & Border Patrol (CBP) TECS database on two occasions. Employee was scheduled for personal and work-related international travel and wanted updated personal and official passports. Employee conducted a self-query in TECS for Employee's personal passport number in order to complete the paperwork necessary to update the passports. The CBP received notifications from internal controls that Employee conducted self-queries and reported the matter to the FBI. In mitigation, Employee has almost five years of FBI service and a positive performance record. The Division described Employee as dependable, a very diligent employee, a conscientious squad member, and a strong team player. Employee works well with other FBI personnel and with other government agencies and foreign partners. Employee manages a heavy caseload without complaint. At the time of this offense, Employee was under significant stress and expressed remorse for using a data base for personal reasons. However, in aggravation, Employee's judgment was poor and could have damaged the FBI's reputation with the CBP.

PENALTY: Letter of Censure

OFFENSE: Misuse of FBI Database(s)/Unauthorized Access, [Offense Code 3.5](#)

3. (U//FOUO) Pornography: Employee utilized several FBI-issued laptops to view pornography and masturbate in the work space. According to the Rules of Behavior Agreement for Unclassified FBI-Owned Laptops and Tablets (FD-889g), it is "expressly prohibited" to use an FBI-owned laptop "for activities that reflect adversely on the FBI (e.g., accessing pornography, mining cryptocurrency, promoting supremacist or racist causes, selling products or services online, gambling, or similar activities)." The misconduct was repeated over the course of five or six years. In mitigation, Employee has nine years of FBI service, a consistent performance record, and expressed remorse. In aggravation, Employee has demonstrated a disregard for Bureau rules and policies and an unwillingness to conform to FBI standards.

PENALTY: Dismissal

OFFENSE: Misuse of Government Computer(s), [Offense Code 3.6](#)
Indecent/Lascivious Acts, [Offense Code 4.6](#)

4. (U//FOUO) Lack of Candor: Employee was interviewed as a witness in a Department of Justice (DOJ), Office of Inspector General (OIG) investigation into Employee's supervisor. Employee was placed under oath and asked multiple times if Employee had a romantic/intimate relationship with the supervisor. The OIG investigator asked Employee multiple times about the relationship and provided Employee numerous opportunities to correct the record, if the responses had been untruthful. Employee was warned that if Employee lacked candor, Employee could be criminally prosecuted. Employee repeatedly denied having a romantic relationship with the supervisor. After the interview concluded and the employee left the location, Employee contacted the OIG investigators. Employee returned that same day and gave a second interview in which Employee admitted to having a romantic relationship with the supervisor and admitted lacking candor in the first interview. Employee claimed to be too embarrassed to tell the truth in the first interview. The standard penalty for Lack of Candor – Under Oath is dismissal.

PENALTY: Proposed Dismissal/Resigned Under Inquiry

OFFENSE: Lack of Candor – Under Oath, [Offense Code 2.6](#)

5. (U//FOUO) False Information – Security Documents, Failure to Report: Employee began dating a foreign national that Employee met online. Employee failed to report the foreign contact for approximately two years, despite multiple in person meetings with the foreign national. According to the FBI [Self-Reporting Requirements Policy Guide](#) (1037PG), Section 4.1.2, "All FBI personnel must report close or continuous contacts with foreign nationals via FD-981 "Report of Foreign Contact" forms within EPAS within 45 days of the initial contact. Section 4.1.2 further provides, "Foreign contacts may develop in person or through interactions between parties, via written, oral, or electronic communications (e.g., letters, telephone calls, or the Internet)." When Employee finally did report the foreign contact, and submitted an SF-86 as part of a periodic reinvestigation, Employee failed to accurately report when Employee met with the foreign national. In mitigation, Employee has over 20 years of FBI service and a positive performance history. In aggravation, Employee showed a disregard for FBI security protocol and the dangers that can result in reporting false or misleading information with regard to foreign travel and contacts. The Penalty Guidelines specifically list "[s]ignificant security issues" as an aggravator. Finally, this is Employee's second substantiated administrative inquiry.

PENALTY: 40-day suspension

OFFENSE: False/Misleading Information – Employment/Security Document(s), [Offense Code 2.1](#)

Failure to Report - Administrative, [Offense Code 5.7](#)

6. (U//FOUO) Improper Relationship: Supervisory Employee engaged in a sexual relationship with a subordinate. According to the FBI [Personal Relationships Policy](#) (0802D), Section 6.2 (FBI Managers/Supervisors), "[a] manager or supervisor must not [e]ngage in a romantic or intimate relationship with a subordinate FBI employee if the relationship negatively affects a professional and appropriate superior-subordinate relationship or otherwise adversely affects the FBI mission." Furthermore, employees must:

Report the development of a romantic or intimate relationship—even though the relationship is not prohibited—with another employee in the same unit or squad or with an employee with whom a supervisory relationship exists, so that management may determine whether remedial action, such as reassignment, is necessary to prevent interference with the FBI's mission.

Employee lacked candor by initially denying the relationship when questioned by a supervisor. Integrity is an FBI Core Value. Finally, Employee has two prior substantiated administrative inquiries. As part of the adjudication of one of the Employee's previous administrative inquiries, Employee agreed to a [Last Chance Agreement](#) in lieu of termination. Employee's most recent misconduct involving the improper relationship violated the terms of the existing Last Chance Agreement by Employee's engagement in further serious misconduct.

PENALTY: Dismissal

OFFENSE: Improper Relationship with a Subordinate, [Offense Code 5.10](#)

7. (U//FOUO) Theft, Lack of Candor: While posted overseas, Supervisory Employee stole an item from a shopping mall kiosk. Mall security footage showed Employee taking the item and walking away without paying. Mall security contacted the U.S. Consulate regarding the matter. When questioned by Regional Security Officers, Employee gave different, and conflicting stories, which evolved after Employee learned of the security footage. The shopping mall demanded an apology, the return of the item, and the cost of the item in reparations. The FBI drafted an apology letter, which was signed by the Consul General, and provided the letter, the stolen item, and \$95 dollars as reparation to the mall. In mitigation, Employee had over 10 years of FBI service, a positive performance history, and numerous awards. Employee was experiencing personal and work stressors at the time of the incident. In aggravation, as a supervisory employee and FBI representative in a foreign country, Employee is held to a higher standard. Employee's actions embarrassed and discredited the FBI. Finally, not only is theft incompatible with the Core Values of the FBI, it is completely contrary to the FBI's mission as a law enforcement agency.

PENALTY: Dismissal

OFFENSE: Lack of Candor – No Oath, [Offense Code 2.5](#)
Fraud/Theft, [Offense Code 4.5](#)

8. (U//FOUO) Security Violations: Employee committed several security violations. Employee took home classified material/property on two occasions. Employee did not advise a supervisor that Employee was taking the classified material home, nor did Employee seek authorization to do so. According to the [Classification Management Policy Guide](#) (1058PG), Section 4.2.10:

[An] authorized person must have a valid courier card and follow courier guidelines when transporting [] classified material to his or her personal residence. In every instance of approval, the material removed must remain in the personal control of the authorized person at all times unless a safe and an alarm are installed in the residence by the FBI.

Additionally, Employee took at least four photos in FBI space. Finally, Employee engaged in video chats in FBI space on multiple occasions on a non-FBI device. According to the [Mobile Devices and Mobile Applications Policy Guide](#) (1119PG), Section 4.1, "in FBI-controlled facilities . . . [u]se of speakerphone, photographic, audio/video recording, or video call/chat capabilities on non-FBI owned mobile devices is prohibited." In mitigation, Employee has over 20 years of FBI service, a positive performance history, and numerous awards. The Division stated Employee gets along with coworkers. Employee apologized for the misconduct. In aggravation, Employee displayed a pattern of repeated security violations, which was not reported until a five-year reinvestigation.

PENALTY: 14-day suspension

OFFENSE: Security Violation - Other, [Offense Code 5.18](#)

9. (U//FOUO) Lost Government Property: Employee returned to the hotel after working a long shift while on deployment. Employee parked a rental vehicle and left an FBI-issued laptop in the back of the vehicle. Later, Employee returned to the vehicle and realized the laptop had been stolen. Employee attempted to view surveillance video, notified a supervisor, and filed a report with the local police. However, the laptop has not been recovered. In mitigation, Employee has over 10 years of FBI service, a positive performance record, and has received numerous awards. Employee took immediate action in an effort to locate the missing laptop. At the time of the offense, Employee was serving in a particularly stressful environment and had served a long shift without sleep.

PENALTY: Letter of Censure

OFFENSE: Loss of Government Property or Document(s) of a Sensitive/Valuable Nature, [Offense Code 3.3](#)

10. (U//FOUO) Database Misuse, Unauthorized Disclosure: Probationary Employee used Sentinel to look up an FBI investigation into Employee's cousin. Employee was curious to learn more details about the cousin. After reviewing the closed case file, Employee spoke to Employee's parents and spouse and confirmed that there had been an FBI investigation into the cousin. In mitigation, this was a one-time misuse of Sentinel and the facts involved a case that has been closed for several decades. The Division stated that Employee is a very hard worker and an asset to the Division.

PENALTY: 3-day suspension

OFFENSE: Misuse of FBI Database(s)/ Unauthorized Access, [Offense Code 3.5](#)
Unauthorized Disclosure – Sensitive Information, [Offense Code 4.10](#)

11. (U//FOUO) Lost Weapon: Employee accidentally left a Bureau-issued weapon in a personal vehicle when Employee dropped it off at a mechanic shop for repairs. When Employee realized the weapon was missing, Employee searched for it for several days before reporting its loss to the PFI and SSA. A few months later, the local police department received a call regarding a shooting at a gas station. The police eventually located the shooter, took him into custody, and recovered a gun. The gun was Employee's Bureau-issued weapon. The suspect told officers that he purchased the weapon for \$450 outside a convenience store. In mitigation, Employee has 30 years of FBI service, a positive performance history, has received several awards, and maintains the support of the Division. In aggravation, Employee has one prior substantiated inquiry for lost government property.

PENALTY: 5-day suspension

OFFENSE: Loss of Weapon, [Offense Code 3.4](#)

12. (U//FOUO) Weapon Safety Violation, Unprofessional Conduct: Supervisory Employee, while flying armed, requested an alcoholic beverage from the flight attendant. The flight attendant tried to discretely explain Employee could not consume alcohol while flying armed. Employee did not believe the flight attendant when she explained it was against the airline's policy to serve armed passengers. While onboard the aircraft, Employee sent an email to the airline accusing the flight attendant of singling out Employee for disparate treatment. The Employee's conduct was reported to the aircraft pilot. Following the flight, the pilot contacted the chief of security for the pilot's union to report the incident. Employee reported ordering an alcoholic beverage while flying armed on 3-4 occasions over the past several years. According to the [Firearms Aboard Aircraft Policy Directive](#) (0804D) § 11.1.5, "[a]ll FBI LEOs must [] [r]efrain, at all times, from consuming alcoholic beverages

while traveling armed on an aircraft or within eight hours prior to travel.” In mitigation, Employee has over 15 years of FBI service, a positive performance record, and has received numerous awards for achievements. Upon learning an explanation of the policy, Employee expressed remorse for the misconduct. In aggravation, at the time of the misconduct, Employee was a supervisor and held to a higher standard, particularly with regard to knowledge of basic FBI policy. Employee had received “flying while armed training” that specifically delineated the prohibition against consuming alcohol. Employee’s conduct occurred on several flights prior to this incident.

PENALTY: 17-day suspension

OFFENSE: Misuse of Weapon/Safety Violation, [Offense Code 5.13](#)
Unprofessional Conduct – Off Duty, [Offense Code 5.21](#)

13. (U//FOUO) Lost Weapon: Employee left a Bureau-approved weapon, along with other Bureau property including a SACS badge, Agent badge, credentials, RSA token, smartphone, and government travel card in a backpack partially underneath the seat of a rental car while Employee went on an hour long run in a remote park area. According to [FBI Firearms Policy Guide](#) (0888PG), Section 4.1.2.1, “FBI personnel are responsible for the security of all FBI-approved firearms under their control in order to prevent unauthorized handling and unintentional discharges, regardless of the locations of the firearms.” Additionally, according to Section 4.1.2.4:

Security of firearms in vehicles is designed to accommodate for the reasonable operational needs of FBI personnel while balancing the need to secure firearms in the most vulnerable of locations. Outside of emergency or exigent circumstances, a firearm must never be left unsecured or unattended in the passenger compartment of a car, a truck, or a sport utility vehicle (SUV) (the entire interior compartment of a vehicle is considered the passenger compartment) unless:

(1)The firearm is affixed to the vehicle via a locked firearms mount, another type of lock or mount of substantial construction, or within a locked security container (preferably constructed of metal).

(2)The firearm mount, locking device, or container is secured to the vehicle itself.

(3) The vehicle is equipped with an alarm, a manufacturer’s theft-deterrent system, or a similar antitheft device. If feasible, the secured firearm should be concealed from public view.

When Employee returned to the car, the back window was smashed, the driver’s side door was ajar, and the backpack, containing Employee’s weapon and other Bureau property, was stolen. Employee promptly reported the theft and searched the area, but the weapon was not recovered. In mitigation, Employee has over 10 years of FBI service and a positive performance record. In aggravation, this is Employee’s second substantiated administrative inquiry related to safeguarding property left inside a vehicle. Employee was previously admonished regarding the requirement to safeguard Bureau property following the loss of Bureau-issued property which had also been left unsecured in a Bucar in plain sight.

PENALTY: 5-day suspension

OFFENSE: Loss of Weapon, [Offense Code 3.4](#)

14. (U//FOUO) DUI: After consuming alcohol in a bar for approximately eight to nine hours, Employee operated a private vehicle and was involved in a single-car accident. A responding

local police officer arrived and observed that Employee had glassy eyes, a moderate odor of alcohol, appeared disoriented, and was swaying. Employee failed to successfully complete several field sobriety tests, refused to submit to a breathalyzer and had blood involuntarily drawn at the police station after a court issued a search warrant. Approximately three hours after the initial encounter with officers, Employee registered a BAC level of 0.176%, more than twice the legal limit. In mitigation, Employee has over 20 years of Bureau service, multiple awards, and a positive performance history. Employee was experiencing significant personal and work-related stress. In aggravation Employee hit a light pole and left the scene of the accident. Employee was not cooperative with local law enforcement.

PENALTY: 45-day suspension

OFFENSE: DUI/DWI – Privately Owned Vehicle, [Offense Code 4.4](#)

15. (U//FOUO) Failure to Report: Employee failed to timely report Employee spouse's arrest for violating the state's quarantine law. According to the FBI [Self-Reporting Requirements Policy Guide](#) (1037PG), Section 4.1.4:

All FBI personnel who are sharing living quarters with cohabitants or roommates (1) who have engaged in criminal activities; (2) who have been arrested for, or convicted of, one or more felony offenses; and/or (3) who have outstanding warrants for arrest must promptly report (within three calendar days) these circumstances via FD-1078 "Self-Reporting" forms within EPAS.

In mitigation, Employee has 10 years of FBI service, a positive performance history, and has received several awards. Additionally, Employee was cooperative and helpful with local law enforcement when they attempted to contact Employee's spouse. In aggravation, Employee knew, or should have known, of the reporting requirement. Employee has one prior substantiated inquiry.

PENALTY: 1-day suspension

OFFENSE: Failure to Report - Administrative, [Offense Code 5.7](#)

16. (U//FOUO) Unprofessional Conduct: Supervisory Employee made inappropriate comments of a sexual nature and unprofessional comments in the workplace to coworkers and subordinates. In one example, Employee looked a subordinate up and down and told her that she had nice legs. Employee also made inappropriate comments of a sexual nature to his fellow coworkers and subordinates while off duty. In mitigation, Employee had over 15 years of FBI service and had received awards. During the time of the misconduct, Employee was under significant familial and professional stressors. However, in aggravation, Employee was a supervisor and held to a higher standard. Employee was entrusted to set the standard of professionalism and conduct among coworkers, however, Employee contributed to an inappropriate and toxic environment in the Unit. Employee's conduct was unacceptable behavior by a leader in the FBI, and tarnished the FBI's reputation for safe and equal workplaces.

PENALTY: 30-day suspension and demotion

OFFENSE: Unprofessional Conduct – Off Duty, [Offense Code 5.21](#)

Unprofessional Conduct – On Duty, [Offense Code 5.22](#)

17. (U//FOUO) Unwelcome Sexual Conduct: Probationary Employee made unwelcome sexual comments to other new employees while at Quantico. The DOJ and the FBI have expressed in the strongest terms their zero-tolerance policy for sexual harassment. According to the April 30, 2018 [DOJ Memorandum on Sexual Harassment and Misconduct](#), "[e]ven in the absence of an aggravating factor, a single instance of sexual harassment or

misconduct may warrant a suspension of 15 days or more or removal." As a probationary employee, Employee's conduct rendered Employee unfit for continued Bureau employment.

PENALTY: Dismissal

OFFENSE: Unwelcome Sexual Conduct, [Offense Code 5.20](#)

18. (U//FOUO) Unwelcome Sexual Conduct: Employee made unwanted comments of a sexual nature to a coworker. Employee referred to a coworker as "hot" on the coworker's social media account and was admonished by the coworker that the comments were unwelcome and made coworker feel uncomfortable. In spite of being specifically placed on notice that the comments were seen as sexual in nature and were unwelcome, four months later, Employee made an additional comment on social media to the coworker that was substantially similar to the previous one, again using the term "hot" in reference to the coworker. The FBI [Harassment Policy Directive](#) (1038D), Section 5.2.2. states "sexual harassment may include, but is not limited to: oral or written comments of a sexual nature; statements, jokes, or anecdotes with sexual content or innuendos; sexual comments or gestures regarding an individual's body; gestures that contain sexual innuendos or are sexually degrading in nature..." In mitigation, Employee has five years of Bureau service, a positive performance record, and is considered a dependable employee who works well with a team. Employee has expressed remorse and apologized. In aggravation, Employee's actions were repeated and intentional. FBI employees are responsible for policing their own conduct and must not rely on their coworkers to alert them of unprofessional, unwelcome, and harassing behavior.

PENALTY: 14-day suspension

OFFENSE: Unwelcome Sexual Conduct, [Offense Code 5.20](#)

19. (U//FOUO) Bucar Misuse: While on scheduled Annual Leave, Employee drove a Bucar to purchase groceries. Employee's Bucar, personal vehicle, and a visiting relative's vehicle, were all parked in the driveway of the residence. Employee's Bucar was blocking Employee's personal vehicle. Instead of moving the Bucar in order to use the personal vehicle, Employee used the Bucar to go to the grocery store. While Employee claimed Employee also intended to get fuel for the Bucar during the trip, Employee acknowledged that getting fuel was only the "secondary purpose of the trip." After buying groceries, Employee started to drive to the gas station to get fuel when Employee was rear-ended by another vehicle who fled the scene of the accident. Employee contacted local law enforcement and provided the accident details to the responding officer. Employee's admitted primary purpose in using the Bucar was unauthorized and had no nexus in direct furtherance of the FBI's mission, operations, and programs. According to the [Government Vehicle Use Policy Guide](#) (1093PG), section 4.1.1, "GOVs must only be used for official purposes" and "uses that are in direct furtherance of the FBI's mission, operations, and programs will be considered official." Additionally, Section 4.1.2.1 of the Policy Guide allows minor deviations from a route to complete personal business, but clearly notes that if "no official purpose exists for the underlying journey, then any personal use is not authorized, no matter how short the trip." It further notes that "a deviation must not be considered minor if . . . [t]he official purpose underlying the vehicle's use is pretextual." In mitigation, Employee has over 10 years of FBI service, a positive performance record, and has received several awards. Employee immediately reported the car accident and misuse of the Bucar, and was remorseful. The Division stated that Employee is honest, hardworking, straight forward, and very dependable. The Division noted that the offense was not frequently repeated and indicated Employee has a positive rehabilitation potential. In aggravation, the accident and damage to the Bucar would not have occurred but for the misuse. The Penalty Guidelines specifically lists "accident" and harm to property as an aggravating factor.

PENALTY: 30-day suspension

OFFENSE: Misuse of Government Vehicle, Title 31, [Offense Code 3.10](#)

20. (U//FOUO) Bucar Misuse: At the end of the work day, Employee drove to a movie theater in a Bucar to watch a movie. The movie theater was not on Employee's direct route home and driving there constituted more than a minor deviation. While Employee was watching the movie, another driver struck the Bucar where it was parked in the parking lot. According to the [Government Vehicle Use Policy Guide](#) (1093PG), section 4.1.1, "GOVs must only be used for official purposes" and "uses that are in direct furtherance of the FBI's mission, operations, and programs will be considered official." Furthermore, section 4.1.2.1 provides that, "[c]onsistent with security concerns, employees who are authorized to use GOVs must follow the most direct and expeditious route practical, under the circumstances, to carry out the purpose for which the use was authorized. Even so, minor deviations (as explained below) from that route to attend to personal business will not render a particular journey nonofficial." Under section 4.1.2.1, whether a particular deviation is minor requires consideration of the driving time and distance involved, the amount of additional expense incurred because of the deviation, and the duration of the stop. In mitigation, Employee has over 15 years of FBI service, a positive performance record, and has received awards. Employee is described as an extremely valuable, dependable, and trusted employee; a team player and vital asset, who gets along with everyone; and whose work has contributed to the success of numerous cases. Employee immediately reported the damage to the Bucar to a supervisor, and accepted responsibility for the misconduct. However, in aggravation, Employee parked the Bucar in a place it should not have been, which resulted in another driver striking the Bucar and the Bucar sustaining damage.

PENALTY: 30-day suspension

OFFENSE: Misuse of Government Vehicle, Title 31, [Offense Code 3.10](#)

For further information, please refer to the complete [Offense Codes and Penalty Guidelines Governing the FBI's Internal Disciplinary Process](#). Also, all FBI policies are available to employees at the Internal Policy Office's [Policy Portal](#).

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