

# OPR Quarterly Email July 2018, Volume 50

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(U//FOUO) **OPR's Quarterly All Employee E-Mail – July 2018 Edition**

(U//FOUO) Set forth below are examples of cases adjudicated by the Office of Professional Responsibility (OPR) during the last quarter. OPR sends these Quarterly E-Mails to educate employees about the Bureau's standards of conduct and to aid employees in steering clear of ethical pitfalls and other violations. We do not include cases in which OPR found that the employee did nothing wrong (typically, more than one-third of the cases we adjudicate). Employees are reminded that they must follow U.S. law and adhere to FBI policies when posted overseas.

To contact OPR, feel free to email us at HQ\_DIV00\_OPR\_QUESTIONS or go to our [website](#). Thank you.

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

1. (U//FOUO) **Misdemeanor:** Police observed FBI Intern stumbling on the street. Intern was arrested for Public Intoxication and Underage Drinking. In mitigation, Division considered Intern an excellent employee and Intern expressed remorse. In aggravation, Intern was employed by the Bureau for only five months at the time of the misconduct, and Intern informed arresting officers of Bureau employment, thereby damaging FBI's reputation with a law enforcement partner.

PENALTY: Resigned prior to presentation of 30-day suspension letter

OFFENSE: Misdemeanor, [Offense Code 4.8](#)

2. (U//FOUO) **Improper Relationship with CHS**: Employee engaged in a romantic relationship with a CHS. Pursuant to the [Confidential Human Source Policy Guide](#) (0836PG), an FBI employee must never "engage in sexual or unduly familiar social relationships with any potential CHS or CHS" nor "[s]ocialize with a potential CHS or CHS, except to the extent necessary and appropriate for operational reasons." Moreover, the [FBI's Personal Relationships Policy](#) (0802D) expressly prohibits employees from engaging in "a romantic or intimate relationship with a confidential human source (CHS) . . . witness, or subject, because such conduct may negatively affect the credibility of the persons involved, negatively affect the investigation and/or prosecution, and make the employee vulnerable to improper pressure." In mitigation, Employee has over 20 years of FBI service and an excellent performance record. In aggravation, Employee used a Bureau-issued cellphone to exchange inappropriate sexual messages with the CHS, which were retained by the CHS and could be used to the detriment of the FBI. Moreover, Employee's misconduct had to be disclosed to the U.S. Attorney's Office and could have negatively impacted a case.

PENALTY: 14-day suspension

OFFENSE: Improper Personal Relationship with CHS, [Offense Code 1.4](#)

3. (U//FOUO) **Investigative Deficiency**: Employee failed to ensure seized evidence was removed subsequent to the search of a residence, resulting in currency and drugs being lost. In mitigation, Employee expressed remorse, had been working long hours on a sensitive investigation, and the Division expressed support for Employee.

PENALTY: 5-day suspension

OFFENSE: Investigative Deficiency, [Offense Code 1.6](#)

4. (U//FOUO) **Unauthorized Disclosure; Lack of Candor**: SES Employee authorized disclosure to the media of sensitive information regarding an ongoing investigation and lacked candor under oath when questioned about it. In mitigation, SES Employee had an exceptional performance record and was dealing with unprecedented challenges. In aggravation, SES Employee was expected to display utmost integrity. Lack of candor is incompatible with the FBI's Core Values.

PENALTY: Dismissal

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

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

Unauthorized Disclosure, [Offense Code 4.10](#)

5. (U//FOUO) **DUI; Misdemeanor**: Employee attended city festival, consumed multiple drinks to the point of extreme intoxication, then drove car the wrong way down a one-way street, colliding with parked cars. Employee illegally parked Employee's car at a fire hydrant and left the scene. Employee was arrested for DUI and Hit and Run. In mitigation, Employee has strong support of the Division. In aggravation, Employee's BAC was more

than twice the legal limit and posed a serious threat to others.

PENALTY: 45-day suspension

OFFENSE: DUI – Privately Owned Vehicle, [Offense Code 4.4](#)  
Misdemeanor, [Offense Code 4.8](#)

6. (U//FOUO) **Sexual Harassment; Lack of Candor:** Supervisory Employee engaged in unwelcome sexual touching and comments to numerous women in the workplace. Supervisory Employee also lacked candor under oath when questioned about conduct. In aggravation, Supervisory Employee's misconduct was repeated over a period of years and involved multiple victims. Moreover, Supervisory Employee used his supervisory position to intimidate women who feared retaliation, and selected certain women to harass based on his knowledge of their workplace shortcomings, which they feared he would use against them. Supervisory Employee's misconduct was in serious violation of the FBI's commitment to a safe and harassment-free workplace.

PENALTY: Resigned after being proposed for dismissal

OFFENSE: Lack of Candor – Under Oath, [Offense Code 2.6](#)  
Unwelcome Sexual Conduct, [Offense Code 5.20](#)

7. (U//FOUO) **DUI; Weapon Safety Violation; Unprofessional Conduct:** Employee had several drinks after work and then attempted to drive home in a Bureau-issued vehicle. Employee sideswiped a police car. Employee was arrested for DUI. Employee was in possession of Bureau-issued weapon. According to the [FBI Alcohol Policy Guide](#) (0358PG) Section 1.1.1, "FBI employees may not...[c]arry a firearm when impaired by the consumption of alcohol." In aggravation, Employee refused to submit to field sobriety or breathalyzer tests, and committed a second alcohol-related offense (drinking on subway platform in violation of open container law) while the DUI administrative inquiry was pending. In mitigation, Employee has excellent performance record, expressed remorse, and committed to a serious alcohol rehabilitation program.

PENALTY: 60-day suspension and Last Chance Agreement

OFFENSE: DUI – Government Vehicle, [Offense Code 4.3](#)  
Weapon Safety Violation, [Offense Code 5.13](#)  
Unprofessional Conduct – Off Duty, [Offense Code 5.21](#)

8. (U//FOUO) **Theft:** During the lunch hour, Employee stole items from a store valued at \$40. Employee was apprehended by Loss Prevention Officer, and arrested by the local police for theft.

PENALTY: Resigned after being proposed for dismissal

OFFENSE: Theft, [Offense Code 4.5](#)

9. (U//FOUO) **Theft:** Employee stole approximately \$160,000 in government forfeiture funds. Employee was prosecuted and pled guilty to Embezzlement or Theft of Public Money, in violation of 18 U.S.C. § 641.

PENALTY: Summary Dismissal

OFFENSE: Theft, [Offense Code 4.5](#)

10. (U//FOUO) **Misdemeanor:** After hours, Supervisory Employee consumed alcohol at a bar. When Supervisory Employee left and attempted to walk to car, Supervisory Employee was so intoxicated that Supervisory Employee staggered and bounced off parking signs and other cars. A police officer present at the scene, arrested Supervisory Employee for Public Intoxication. In mitigation, Supervisory Employee has over 20 years of FBI service and retained the support of the Division. In aggravation, Supervisory Employee is a supervisor and, as such, expected to set an example for other employees.

PENALTY: 20-day suspension

OFFENSE: Misdemeanor, [Offense Code 4.8](#)

11. (U//FOUO) **Sleeping on Duty; Insubordination:** Employee was found sleeping on duty on multiple occasions, despite being counseled about such behavior. Employee's conduct negatively impacted office morale. Employee was moved to a work station directly outside of the supervisor's office and was still found sleeping on duty. Additionally, Employee excessively accessed social media sites and watched videos during work hours. As a result, Employee was prohibited from bringing personal electronic devices capable of connecting to the internet into the FBI building, but Employee disregarded the directive. In mitigation, Employee had medical issues that Employee stated contributed to drowsiness. In aggravation, Employee was previously suspended by OPR for sleeping on duty.

PENALTY: Dismissal

OFFENSE: Failure to Perform Prescribed Duties, [Offense Code 5.6](#)

Insubordination, [Offense Code 5.11](#)

12. (U//FOUO) **Unprofessional Conduct:** While posted overseas, Supervisory Employee became intoxicated and caused a scene at a hotel. After the police determined that Supervisory Employee was a guest of the hotel, Supervisory Employee was escorted to hotel room. Supervisory Employee later returned to the lobby and flipped off the front desk staff while making an inappropriate comment. In mitigation, Supervisory Employee was described by Division as exemplary, has received multiple awards, was experiencing personal stressors, and expressed remorse. In aggravation, Supervisory Employee is a supervisor and, as such, held to a higher standard.

PENALTY: 7-day suspension

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

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](#).