

Quarterly E-Mails: #8 - January 2008

1) Abuse of Position; Lack of Candor Under Oath: An employee misused administrative leave; misused his credentials to gain entry into a night club; misused a government vehicle; provided law enforcement sensitive information to his girlfriend, who was a news reporter; improperly stored secret documents in a hotel room, which were viewed by his girlfriend; and, following their break-up, threatened his girlfriend with the release of a sex tape the two had made, which threats she referred to a U.S. Attorney's Office. The employee also lied under oath during the course of the administrative inquiry. PENALTY: Employee resigned after being proposed for dismissal. (Offense Codes/Penalty Guidelines 2.2, 2.6, 2.8, 3.9, 4.9, 5.17, 5.21 -- False Information re Fiscal Matters; Lack of Candor Under Oath; Misuse of Position; Misuse of Government Vehicle; Unauthorized Disclosure of Classified Information; Security Violation; Unprofessional Conduct)

2) Disruptive Behavior; Insubordination: An employee was disruptive in the workplace, insubordinate, and provided false information on T&A records. Specifically, the employee saw his official personnel file on his supervisor's desk, took it, read it, and kept it despite repeated instructions from the supervisor to return the file. The employee also repeatedly displayed disruptive behavior in the office, was habitually late to work, routinely entered inaccurate times on his T&A records, and repeatedly violated Letters of Requirement related to T&A abuses. In aggravation, the employee had two prior adjudications for intentional violations of multiple Bureau rules and regulations. PENALTY: Dismissal. (Offense Codes/Penalty Guidelines 2.2, 5.11, 5.4 -- False Information re Fiscal Matters; Insubordination; Disruptive Behavior)

3) Disruptive Behavior; Insubordination: An employee became preoccupied with a co-worker and, despite clear indications that the co-worker desired only a professional relationship, the employee repeatedly attempted to interject himself into the co-worker's life. The employee repeatedly violated directions to cease all contact with the co-worker. In aggravation, the employee wrote an inappropriate letter to the co-worker, refused to acknowledge the inappropriate nature of his conduct, and criticized the co-worker for alerting supervisory personnel. PENALTY: 37-day suspension. (Offense Codes/Penalty Guidelines: 5.4, 5.11 -- Disruptive Behavior; Insubordination)

4) DUI: An employee was involved in an automobile accident. When taken to the hospital, a police officer noticed a strong odor of alcohol. When hospital staff tried to restrain the employee, he attempted to punch a nurse. In aggravation, the employee was involved in an accident, refused to have his blood-alcohol content measured, had to be physically restrained at the hospital, and had been previously adjudicated for harassing behavior. PENALTY: 60-day suspension. (Offense Codes/Penalty Guidelines 4.1, 4.4 -- Assault/Battery; DUI in Privately Owned Vehicle)

5) DUI; Misuse of Position: An employee was convicted following a jury trial of DUI in his personally owned vehicle. At sentencing, the employee's attorney advised the court that the employee was employed by the FBI. In aggravation, the employee was stopped for driving the wrong way on a one-way street, the officer needed to stop the field sobriety test for the employee's safety, and the employee refused to take a breath alcohol test despite being informed that it was required by law. PENALTY: 50-day suspension. (Offense Codes/Penalty Guidelines 2.8, 4.4 -- Misuse of Position; DUI in Privately Owned Vehicle)

6) Failure to Cooperate; Unauthorized Disclosure: An employee conducted more than 1,500 unauthorized FBI database searches and shared FISA-derived information with a non-FBI employee. The employee subsequently refused to answer an investigator's questions regarding conversations the employee had with others about the investigation. Finally, the employee refused to give a signed sworn statement during the course of the administrative inquiry. PENALTY: Dismissal. (Offense Codes/Penalty Guidelines 2.10, 3.5, 4.9 -- Failure to Cooperate in OPR Investigation; Misuse of FBI Databases;

Quarterly E-Mails: #9 - April 2008

1) Domestic Violence: An employee assaulted his spouse during a domestic dispute. The employee threw a cordless telephone at his spouse, causing an injury that required medical attention. PENALTY: 45-day suspension. (Offense Code/Penalty Guideline 4.1 -- Assault/Battery)

2) DUI; Misuse of Position: An employee operated her privately-owned vehicle while intoxicated and attempted to use her FBI position to avoid being arrested. PENALTY: 35-day suspension. (Offense Codes/Penalty Guidelines 4.4, 2.8 -- DUI in Privately-Owned Vehicle; Misuse of Position)

3) Engaging in Conduct that Constitutes Felony: An employee sexually assaulted his granddaughter and adopted daughter. PENALTY: Summary Dismissal. (Offense Code/Penalty Guideline 4.7 -- Other Felonies)

4) Engaging in Conduct that Constitutes Felony: An employee engaged in several illegal gun transactions and possessed illegal firearms, constituting felonies and misdemeanors under federal and state laws. The employee possessed an AR-15 with a high-capacity magazine and an M3A1, both felonies under the Federal Assault Weapons Ban and the relevant state's Assault Weapons Control Act. The employee also illegally sold high-capacity magazines over the internet and sold firearms without using a licensed gun dealer in violation of state law. PENALTY: 60-day suspension. (Offense Code/Penalty Guideline 4.7 -- Other Felonies)

5) Failure to Perform Prescribed Duties: An employee was found asleep in a darkened conference room. In mitigation, the Division changed the employee's shift to daytime hours, after which his performance improved dramatically. In aggravation, the employee had a prior suspension for sleeping on duty. PENALTY: 14-day suspension. (Offense Code/Penalty Guideline 5.6 -- Failure to Perform Prescribed Duties)

6) Illegal Drug Use: An employee used marijuana on a number of occasions and cocaine on a single occasion over a twenty-month period during the last five years while an onboard employee. PENALTY: Dismissal. (Offense Code/Penalty Guideline 4.2 -- Drug Use)

7) Improper Personal Relationship with Source; Misuse of Bureau Vehicle; Lack of Candor: An employee had a sexual relationship with a source, including liaisons in a Bureau vehicle. The employee also lacked candor under oath when questioned during the administrative inquiry. In aggravation, the employee engaged in multiple sexual encounters with the source and this was the employee's second substantiated misuse of a government vehicle. PENALTY: Dismissal. (Offense Codes/Penalty Guidelines 1.4, 2.6, 3.10 -- Improper Personal Relationship with Source; Lack of Candor Under Oath; Misuse of Government Vehicle/Title 31)

8) Investigative Deficiency - Improper Handling of Gvt Property: Without obtaining prior approval, an employee contacted a Bureau supplier to exchange a damaged digital recorder for a new digital recorder. Although the employee attempted to erase a source's recordings from the damaged recorder, the old recordings were not completely erased. The Bureau was able to recover the broken recorder, which had been sent overseas by the supplier. PENALTY: 7-day suspension. (Offense Code/Penalty Guideline 1.6 -- Investigative Deficiency/Improper Handling of Property in the Control of the Government)

9) Investigative Deficiency - Improper Handling of Gvt Property: An employee failed to properly identify and secure materials on a thumb drive related to a child pornography investigation. As a result, the material was inadvertently viewed by other FBI employees. In mitigation, the employee's actions were unintentional and there was no impact on the FBI's mission. PENALTY: Letter of Censure. (Offense

Code/Penalty Guideline 1.6 -- Investigative Deficiency/Improper Handling of Property under the Control of the Government)

10) Investigative Deficiency - Improper Handling of Gvt Property: An employee kept a Bureau laptop at home after completion of specific official duties. Although the employee continued to occasionally use the computer to complete official duties, this was done infrequently and without approval. Additionally, the employee maintained sensitive materials in the employee's home safe after completion of duties related to highly sensitive operation. PENALTY: 20-day suspension. (Offense Codes/Penalty Guidelines 1.6, 3.6 -- Investigative Deficiency/Improper Handling of Property under the Control of the Government; Misuse of Government Computer)

11) Investigative Deficiency - Misconduct Related to Judicial Proceedings: When interviewing a witness, an employee used an overly aggressive and confrontational technique such that an employee from another law enforcement agency ended the interview. During the witness interview, the FBI employee struck the wall close to the interviewee's head, creating a dent in the wall. In mitigation, the employee is undergoing counseling for anger management. In aggravation, the employee's actions damaged the Bureau's reputation and relations with another law enforcement agency, and had a negative impact upon relationships with the local community. Moreover, the employee had a prior incident involving aggressive behavior. PENALTY: 45-day suspension. (Offense Code/Penalty Guideline 1.7 -- Investigative Deficiency/Misconduct Related to Judicial Proceedings)

12) Lack of Candor: An employee provided information to the FBI in a Signed Sworn Statement regarding the accidental discharge of his weapon. During a subsequent civil proceeding to retrieve his personally-owned weapons, which had been confiscated by local authorities, the employee testified under oath to a substantially different version of events regarding the accidental discharge. The case was aggravated because the employee had been previously proposed for dismissal for lacking candor related to the accidental discharge, but offered a version of the events sufficient to overcome dismissal, and then changed his story again while testifying under oath in the civil proceeding. PENALTY: Dismissal. (Offense Code/Penalty Guideline 2.6 -- Lack of Candor Under Oath)

13) Misuse of Bureau Vehicle: An employee used a government vehicle for unofficial or purely personal purposes, including driving to golf outings. PENALTY: 30-day suspension. (Offense Code/Penalty Guideline 3.10 -- Misuse of Government Vehicle/Title 31)

14) Misuse of FBI Databases; Unauthorized Disclosure: During a polygraph examination, an employee acknowledged conducting unauthorized searches on FBI databases and sharing information with co-workers. For example, the employee searched FBI databases for information on public celebrities the employee thought were "hot." The employee also conducted NCIC searches on two employees' boyfriends and shared the results with those employees. PENALTY: 30-day suspension. (Offense Codes/Penalty Guidelines 3.5, 4.9 -- Misuse of FBI Databases; Unauthorized Disclosure)

15) Misuse of Gvt Credit Card: An employee failed to pay the balance on his government credit card for approximately six months despite receiving voucher reimbursements. In mitigation, the employee was new to the Bureau and made partial payments twice a month. PENALTY: 5-day suspension. (Offense Code/Penalty Guideline 3.8 -- Misuse of Government Credit Card)

16) Misuse of Gvt Credit Card: An employee used his government credit card for personal purchases and failed to pay the balance in a timely manner despite receiving reimbursement. In aggravation, the employee failed to respond to an FBI warning that his balance was overdue and permitted his card to be suspended for non-payment. Additionally, the employee had previously been admonished for misusing his government credit card at an unauthorized establishment. PENALTY: 10-day suspension. (Offense Code/Penalty Guideline 3.8 -- Misuse of Government Credit Card)

17) Misuse of Gvt Property; Indecent Acts: An employee used FBI equipment to view pornographic movies in the office while sexually satisfying himself. In aggravation, the employee was a supervisor and

the conduct occurred during work hours. PENALTY: 35-day suspension. (Offense Codes/Penalty Guidelines 3.11, 4.6 -- Misuse of Government Property; Indecent Acts)

18) Misuse of Position: An employee misused his position for private gain or advantage when he requested, on three separate occasions, to have his seat upgraded to first class during a flight. In aggravation, the employee was cautioned by a fellow FBI employee not to make such a request, and the employee attempted to play upon the flight attendants' post 9-11 fears by stating that he should be in first class between the cockpit and any potential threat. PENALTY: 7-day suspension. (Offense Code/Penalty Guideline 2.8 -- Misuse of Position)

19) Misuse of Position; Engaging in Conduct that Constitutes Misdemeanor: An employee, while intoxicated at an amusement park, was involved in a verbal dispute with teenagers, confronted their parents, and was ultimately asked to leave the amusement park by security. The police were summoned when the employee failed to leave the park. The employee was then arrested for public intoxication. While at the detention facility, the employee repeatedly referred to his FBI employment, provided officers with the telephone number to the local FBI office, and, when he spoke to a fellow FBI employee, demanded that a member of senior management arrange for his immediate release. PENALTY: 20-day suspension. (Offense Codes/Penalty Guidelines 2.8, 4.8 -- Misuse of Position; Other Misdemeanors)

20) Misuse of Weapon/Safety Violation: An employee improperly modified his Bureau-issued firearm by filing down the trigger guard. PENALTY: 7-day suspension. (Offense Code/Penalty Guideline 5.13: Misuse of Weapon/Safety Violation)

21) Theft: An employee shoplifted two ties from a local retailer. PENALTY: Dismissal. (Offense Code/Penalty Guideline 4.5 -- Theft)

22) Theft; Lack of Candor Not Under Oath; Failure to Cooperate in OPR Proceeding: An employee took money collected for a colleague's retirement party with the intent of appropriating it for personal use. When questioned by his supervisors, the employee lied about his conduct. During the investigation, the employee refused a Substantial Objective Basis polygraph related to other office thefts. PENALTY: Employee resigned after being proposed for dismissal. (Offense Codes/Penalty Guidelines 2.5, 4.5, 2.10 -- Lack of Candor Not Under Oath; Theft; Failure to Cooperate in OPR Proceedings)

23) Unprofessional Conduct; Misuse of Position; Lack of Candor: An employee drove past a felony traffic stop, yelled "Rodney King" out his car window, and momentarily lost control of his vehicle, swerving into the oncoming lane and almost striking a police officer. When two officers pulled the employee over, the employee immediately displayed his FBI credentials. During the administrative inquiry, the employee lacked candor by denying he yelled "Rodney King," claiming instead that he yelled "Geeze Louise." The employee also falsely indicated that the officers were aggressive, the employee was rude and condescending towards the officers, and the employee failed at any time to acknowledge his unprofessional behavior. PENALTY: Dismissal. (Offense Codes/Penalty Guidelines 2.6, 2.8, 5.21 -- Lack of Candor Under Oath; Misuse of Position; Unprofessional Conduct)

24) Voucher Fraud: An employee submitted a voucher for excessive and nonexistent taxi fares. When the voucher was questioned by the Division, the employee resubmitted the voucher without the excessive fares, but still included a nonexistent cab ride to the airport (a ride for which the employee had received a lift from a fellow employee). PENALTY: Dismissal. (Offense Code/Penalty Guideline 2.2 -- False Information relating to Fiscal Matters)

25) Voucher Fraud: An employee submitted a voucher for a four-night hotel stay although the employee did not stay in the hotel. PENALTY: Dismissal. (Offense Code/Penalty Guideline 2.2 -- False Information relating to Fiscal Matters)

Quarterly E-Mails: #12 - January 2009

1. DUI: Employee operated a privately-owned vehicle while intoxicated. Case was aggravated due to automobile accident that resulted in property damage. PENALTY: 45-day suspension. (Offense Code/Penalty Guideline 4.4 -- DUI/POV)

2. Failure to Perform Duties: Employee repeatedly slept on the job after being advised to stop. Even without such a warning, Employee understood the need to perform his duties and knew of prohibition against sleeping on duty. In addition, in a two-year period, Employee was AWOL on 205 occasions. In mitigation, Employee had significant health problems, including sleep apnea. In aggravation, Employee was unable to conform to Bureau policy. In five years, Employee took no affirmative steps to address health issues or improve performance. PENALTY: Dismissal. (Offense Codes/Penalty Guidelines: 5.6, 5.23 -- Failure to Perform Prescribed Duties; Violation of Miscellaneous Rules)

3. Improper Relationship with Source: Employee engaged in a sexual relationship with a source over a seven-month period. Aggravating factors included the extensive and repetitive nature of the sexual contact, the potential consequences for pending cases, and the resulting loss of the Source's services to the Bureau. PENALTY: 40-day suspension. (Offense Codes/Penalty Guidelines 1.4, 3.10, 5.19 -- Improper Personal Relationship w/ Source; Misuse of Government Vehicle; Sexual Misconduct)

4. Insubordination: After receiving a direct order from a supervisor to cease all contact with a former girlfriend, Employee initiated contact with the former girlfriend, resulting in her filing a complaint with the local police and initiating court proceedings to bar further contact. Employee also engaged in improper contact with an FBI source. In mitigation, Employee's contact with the source appears to have been motivated by legitimate, investigative purposes in the early stages, and later, by a genuine desire to help the source in his personal life. Furthermore, no FBI investigation was compromised by the source relationship. PENALTY: 14-day suspension. (Offense Codes/Penalty Guidelines 1.4, 5.11 -- Improper Personal Relationship w/ Source; Insubordination)

5. Insubordination: Employee was insubordinate in failing to follow supervisor's explicit instructions relating to Employee's final day in the Division prior to transferring to another Division. Employee failed to report as directed. Employee argued, unsuccessfully, that he has a tendency to "tune out" his supervisor's comments and, therefore, did not hear his supervisor's instruction. PENALTY: 7-day suspension. (Offense Code/Penalty Guideline 5.11 -- Insubordination)

6. Investigative Dereliction: Employee failed to properly document the receipt of evidence, instead keeping documentary evidence in his desk drawer for a lengthy period of time. Employee also failed to complete various investigative documents,

OPR's Quarterly All Employee E-Mail B January 2011 Edition

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. In adjudicating employee misconduct cases, OPR is guided by the FBI's Offense Table and Penalty Guidelines, which may be found on OPR's website. Penalties may vary based on mitigating and aggravating factors unique to an individual case. **OPR=s Quarterly E-Mails do not include cases in which an employee is found to have done nothing wrong; although not discussed in its Quarterly E-Mails, OPR unsubstantiates a significant percentage of allegations made against employees.** Prior Quarterly E-Mails are posted on OPR's website. Please contact our office at 202.220.7800 if you have any questions or concerns. Thank you.

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Examples of Recent Adjudications:

1. DUI; Engaging in Misdemeanor: Employee ingested 12 beers, operated privately-owned vehicle, side-swiped another vehicle, and left the scene of the accident. Employee was later charged with DUI and leaving the scene of an accident. In mitigation, Employee was deeply remorseful. In aggravation, Employee caused an accident (the other driver was not injured). **PENALTY:** 40-day suspension. **OFFENSES:** *DUI in Privately-Owned Vehicle 4.4; Committing Misdemeanor 4.8.*

2. False Information on Official Document; Misuse of Government Computer: Employee submitted an altered W-2 to another government agency. Employee=s actual W-2 listed Employee=s former address (Employee's parents= home). Employee was participating in a government subsidy program that required a copy of Employee's W-2 showing the current residence. Employee altered the W-2 to change the address from the parents= address to Employee=s current address, and used the FBI unclassified system to print the altered W-2. In mitigation, Employee did not technically falsify the document, but rather changed the address on the W-2 to accurately reflect Employee=s new address. In aggravation, Employee attempted to present the altered W-2 as a true and accurate form of the official document, and the other government agency, upon discovering the alteration, complained to the FBI that Employee had attempted to perpetuate a fraud. **PENALTY:** 7-day suspension. **OFFENSES:** *False Information re Official Matters 2.4; Misuse of Government Computer 3.6.*

3. Impersonating an Agent; Failure to Report Contact with Law Enforcement: Employee misrepresented himself as an FBI Agent to obtain "professional courtesy" from local police following Cousin=s arrest for shoplifting. Employee also failed to subsequently report his contact with law enforcement. In mitigation, Employee was under significant stress due to his parents= health issues and a recent death in Cousin=s family. In aggravation, Employee was aggressive and extremely rude to the store=s loss prevention officer and the local police, and Employee repeatedly misrepresented himself as a Special Agent despite being given repeated

opportunities by local police for Employee to clarify his official title. PENALTY: 60-day suspension. OFFENSES: *Impersonating an Agent* 2.9; *Failure to Report* 5.8.

4. Insubordination: Employee was insubordinate when Employee refused to attend training after being directed to do so by supervisor. In aggravation, Employee engaged in other conduct reflecting a general lack of respect for, and hostility toward, immediate supervisor. Employee also refused to conduct certain work and used inappropriate language with co-workers. PENALTY: 14 -day suspension. OFFENSE: *Insubordination* 5.11.

5. Insubordination; Unauthorized Disclosure; Misuse of Government Database: Employee, who had been removed from a particular type of work, continued to access information in official databases regarding that work and continued to discuss that information with employees from another government agency. Employee also failed to comply with multiple direct orders from his superiors regarding said conduct and further ignored their orders not to enter an off-site following his reassignment. PENALTY: 14-day suspension. OFFENSES: *Misuse of Government Databases* 3.5; *Unauthorized Disclosure* 4.10; *Insubordination* 5.11.

6. Lack of Candor Under Oath; Failure to Honor Just Debts; Fraud/Theft: Employee, director of local FBI Recreation Association (RA), withdrew large amounts of cash from RA=s account for holiday party, but failed to provide receipts for or full accounting of expenses. Employee also repeatedly failed to pay bills incurred by the RA, leading to problems with RA=s creditors, and lacked candor during the administrative proceedings. In aggravation, Employee had been previously admonished for failing to reconcile RA=s account and Employee=s procurement authority had been previously suspended. PENALTY: Dismissal. OFFENSES: *Lack of Candor Under Oath* 2.6; *Fraud/Theft* 4.5; *Failure to Honor Just Debts* 5.5.

7. Lack of Candor Under Oath; Obstruction of Disciplinary Process: Employee instructed subordinate to falsify FBI accident report to "avoid an automatic OPR" and to limit scrutiny of Employee=s subordinates= use of take-home vehicles. Employee also lacked candor under oath when questioned about his conduct. PENALTY: Dismissal. OFFENSES: *Lack of Candor Under Oath* 2.6; *Obstruction of OPR Process* 2.11.

8. Misuse of Government Credit Card: Employee used government credit card for more than 170 personal transactions exceeding \$9000 over an 8-month period and failed to promptly pay the balance, resulting in the suspension of the card. In mitigation, Employee was under tremendous stress due to father's death and mother's serious illness and was experiencing financial difficulties. Employee also sought counseling and medical attention. In addition, Employee acknowledged wrongdoing, expressed regret, and paid the credit card account in full. In aggravation, Employee was previously suspended for similar misconduct. PENALTY: 15-day suspension. OFFENSE: *Misuse of Government Credit Card* 3.8.

9. Misuse of Government Database; Failure to Report; Security Violation: Employee misused government database to conduct name checks on two friends who were foreign nationals employed as exotic dancers. Employee also failed to report his contact with foreign nationals and brought the two friends into FBI space after-hours without proper authorization. In aggravation, Employee had a prior suspension for unauthorized use of government database, and was serving in a leadership position at the time of this offense. PENALTY: 23-day suspension. OFFENSES: *Misuse of Government Database* 3.5; *Failure to Report* 5.7; *Security Violation* 5.17.