

OPR Quarterly Email January 2018, Volume 48

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(U//FOUO) **OPR's Quarterly All Employee E-Mail – January 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 FBI policy when posted overseas. To contact OPR, feel free to call us at 202-436-7470, email us at HQ_DIV00_OPR_QUESTIONS, or access the link on our [website](#). Thank you.

Candice M. Will
Assistant Director
Office of Professional Responsibility
Woodies Building
1025 F Street, N.W., Suite 410
202-436-7470

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

1. (U//FOUO) **Improper Relationship With Source:** Employee exchanged text messages with a source that included sexual banter. [The Confidential Human Source Policy Guide](#) (0836PG) Section 2.3, states that agents are not permitted to socialize with a source "except to the extent necessary and appropriate for operational reasons," and that agents "...must conduct themselves professionally..." when interacting with a source. In mitigation, Employee had a positive performance record and was well-regarded by the Division. In aggravation, Employee's text messages with the source are discoverable in litigation and could have complicated or compromised an investigation. The source made statements to others that the source could use the text messages to extract money or special favors from the FBI.

PENALTY: 2-day suspension

OFFENSE: Improper Personal Relationship w/ Source, [Offense Code 1.4](#)

2. (U//FOUO) **Improper Relationship With Sources:** On two occasions, Employee invited sources to dinner at Employee's home with Employee's family present. [The Confidential Human Source Policy Guide](#) (0836PG) prohibits agents from meeting or entertaining sources at their homes. In mitigation, Employee has more than 20 years of FBI service, a positive performance record, received various awards, and Employee's work with the sources substantially furthered the Bureau's mission. In aggravation, Employee had a prior OPR matter resulting in a suspension.

PENALTY: 3-day suspension

OFFENSE: Improper Personal Relationship w/ Source, [Offense Code 1.4](#)

3. (U//FOUO) **Violation of Source Guidelines:** Employee failed to follow policies and procedures regarding source documentation. Section 16.1.7 of the [Confidential Human Source Policy Guide](#) (0836PG) states, "Both the CHS reporting document and the contact report must be uploaded into Delta within five business days of contact with the CHS." Employee regularly uploaded documents months after they were due. In mitigation, Employee had over 20 years of FBI service, a positive performance record, and was working on a large-scale, labor-intensive investigation on an understaffed squad. In aggravation, the delayed completion of case documents may have hampered other investigations, had a negative impact on the Bureau's relationship with the United States Attorney's Office, and the scope and duration of Employee's failure to abide by Bureau policy was extensive.

PENALTY: 5-day suspension

OFFENSE: Violation of Source Guidelines, [Offense Code 1.5](#)

4. (U//FOUO) **Fraud/Theft:** Employee obtained two cash advances for official travel from another government agency. The cash advances totaled approximately \$3,500.00, and were deposited into Employee's bank account. The official travel was later canceled, but Employee did not refund the money to the other government agency. More than a year later, an audit uncovered the situation and Employee was ordered to repay the money.

PENALTY: Dismissal

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

5. (U//FOUO) **Theft; Solicitation of Prostitutes; Bucar Misuse; False Application:** During a pre-polygraph interview related to Employee's five-year reinvestigation, Employee admitted taking multiple government items home for personal use (e.g., wrench, wire cutters, cable, generator, extension cord, lamps), returning some within a matter of months, and not returning other items until after Employee failed an earlier polygraph examination. Employee also admitted going to a massage parlor and paying for sex. [The Attorney General Memorandum, Prohibition on the Solicitation of Prostitution](#) states that all Department of Justice personnel "are prohibited from soliciting, procuring, or accepting commercial sex" regardless of whether they are off duty or the activity is legal or tolerated in a particular jurisdiction. Employee also misused a Bureau vehicle to transport family members on several occasions. According to the [FBI's Government Vehicle Use Policy Guide](#) (0947PG), Section 4.5, "...persons with whom the FBI

does not have official business must not ride in GOVs unless expressly authorized to do so[.]" Employee also deviated from the home-to-work route in violation of Bucar policy. According to Section 4.1.2 of the [FBI's Government Vehicle Use Policy Guide](#) (0947PG), employees authorized to use a Bucar "must follow the most direct and expeditious route practical," and if "no official purpose exists for the underlying journey, then any personal use is not authorized, no matter how short the trip." Finally, Employee admitted smoking and selling marijuana prior to Bureau employment and failing to report it on pre-employment documents. According to the [FBI's Pre-employment Drug Adjudication Policy Guide](#) (0846PG), Sections 3.2.1 and 3.2.2, an applicant is disqualified from FBI employment for selling, distributing, manufacturing, producing, or transporting illegal drugs, and for deliberately misrepresenting drug-use history in employment application.

PENALTY: Dismissal

OFFENSE: False Information – Employment Documents, [Offense Code 2.1](#)

Misuse of Gvt Vehicle, Non-Title 31, [Offense Code 3.9](#)

Misuse of Gvt Vehicle, Title 31, [Offense Code 3.10](#)

Indecent/Lascivious Acts, [Offense Code 4.6](#)

Theft, [Offense Code 4.5](#)

6. (U//FOUO) **Unauthorized Disclosure; Lack of Candor:** Probationary Employee provided law enforcement sensitive information pertaining to an ongoing investigation to family members, who tipped off the subjects of the investigation. Employee originally admitted to supervisors having disclosed the information, but later recanted and claimed the family members learned of the information elsewhere. Employee also attempted to hide the extent of the disclosures when interviewed by the OIG. Employee's disclosures compromised the ongoing criminal investigation.

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 4.9](#)

7. (U//FOUO) **Bank Fraud; Unauthorized Outside Employment; False Financial Disclosure:** Employee committed loan fraud related to the purchase of two luxury vehicles. Employee and a friend formed a corporation to run a vehicle leasing business. The friend could not purchase the vehicles due to bad credit and a prior felony conviction, so Employee agreed to purchase the vehicles in Employee's name. In doing so, Employee made deceptive representations on a bank loan application, including claiming a grossly inflated salary. Employee's friend made no payments on the loans. When the bank demanded payment from Employee, Employee filed a false police report claiming to have been the victim of identity theft in an attempt to avoid financial responsibility for the loans. Filing a false police report constitutes criminal conduct. Employee also failed to report the \$85,000 in bank loans on Employee's Security Financial Disclosure Form (SFDF). In addition, Employee failed to submit a request to engage in outside employment

related to the auto leasing business, which would have enabled the Bureau to run a check on Employee's friend. Employee's financial misconduct was especially concerning since Employee's official FBI duties included managing the budget for several units and reconciling financial accounts. Employee's fraudulent conduct is fundamentally at odds with the FBI's standards of integrity and professionalism.

PENALTY: Dismissal

OFFENSE: False Information – Security Documents, [Offense Code 2.1](#)

False Information – Official Documents, [Offense Code 2.4](#)

Violation of Ethical Guidelines, [Offense Code 2.12](#)

Fraud, [Offense Code 4.5](#)

8. (U//FOUO) **Violation of Ethical Guidelines:** Employee made unauthorized statements to the media concerning two extremely sensitive FBI investigations. Employee had 20 years of FBI service, a positive performance record, and was the recipient of several awards. In aggravation, Employee demonstrated a willingness to disregard FBI policy to promote Employee's personal agenda, and Employee was the subject of three prior OPR matters, including one for unauthorized disclosure. OPR encourages all employees to review the FBI's new [Public Affairs Policy Guide: Media Relations, External Communications, and Personal Use of Social Media](#) (1002PG).

PENALTY: 60-day suspension

OFFENSE: Violation of Ethical Guidelines, [Offense Code 2.12](#)

9. (U//FOUO) **Improper Relationship With Criminal Element; Failure to Report:** The Federal Bureau of Prisons obtained correspondence addressed to a federal inmate from an FBI employee, including a flyer commemorating Employee's lengthy FBI service. Employee admitted engaging in a romantic relationship with an incarcerated felon and sending him money. Employee failed to report contact with the felon. [FBI Policy Directive 0535D, Unofficial Contacts and Reporting Requirements](#), Section 8.1. states, in part: "All FBI personnel must report unofficial contacts with individuals who are or suspected of engaging in criminal . . . activity." Section 11.1.5. reads, in part: "For purposes of this policy, criminal . . . activities include felonious [] acts and ongoing misdemeanor violations." [FBI Policy Directive 0728D, Personnel Security Self-Reporting Requirements](#), Section 8.1. states, in part: "All FBI personnel . . . must report high-risk and other security concerns between personnel security investigations." Section 11.1.1.6. reads, in part: "All FBI personnel must report [h]igh-risk security concerns" such as "contacts with all individuals, including close and/or immediate family members, to a criminal ... organization or group." In mitigation, Employee has 30 years of FBI service, a positive performance record, and maintains the support of the Division. Employee expressed remorse and immediately self-reported once Employee learned of this administrative inquiry and the requirement to report. In aggravation, Employee engaged in a romantic relationship with an inmate with full knowledge of the inmate's violent history, and minimized the inmate's role in a murder as a "dumb mistake." Employee's actions call into question Employee's judgment and put Employee in a position to be compromised.

PENALTY: 15-day suspension

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

Improper Relationship – Criminal Element, [Offense Code 5.9](#)

10. (U//FOUO) **False Application; Polygraph Countermeasures:** In executing a search warrant, the FBI came across Employee's name on a list of people who had purchased instructional materials from the target about how to use countermeasures to pass a polygraph examination. When interviewed, Employee admitted purchasing materials on "how to beat the polygraph" prior to onboarding with the FBI to hide Employee's prior misconduct, which included having filed a false accident report at another federal agency and having purchased stolen furniture from a dodgy friend. Employee further admitted using countermeasures during the pre-employment polygraph and five-year reinvestigation polygraph. Employee's conduct called into question Employee's integrity and raised security concerns.

PENALTY: Dismissal

OFFENSE: False Information – Official Documents, [Offense Code 2.1](#)

11. (U//FOUO) **Sexual Assault:** Probationary Employee sexually assaulted several women while they were sleeping. Probationary Employee was a guest in their homes at the time. Criminal prosecution is ongoing.

PENALTY: Dismissal

OFFENSE: Felony, [Offense Code 4.7](#)

12. (U//FOUO) **Failure to Report; Unprofessional Conduct:** Employee was questioned by local police about possible criminal activity committed by Employee's spouse against Employee's minor child. Employee was warned not to tell the spouse. Employee disregarded the directive, enabling spouse to remove evidence from the home and flee the state. Employee falsely claimed ignorance of spouse's whereabouts when questioned by local police. The local police arrested Employee for Obstruction and Concealment of Evidence. Employee's supervisor first learned of Employee's arrest from the local news. Although the charges against Employee were ultimately dropped by state authorities, Employee's conduct nevertheless undermined a criminal investigation and the mission of the FBI. Employee's arrest and trial were covered by local television and newspapers, negatively impacting the Bureau's reputation. Division stated Employee is untrustworthy and incapable of rehabilitation.

PENALTY: Dismissal

OFFENSE: Failure to Report – Criminal, [Offense Code 5.8](#)

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.**](#)