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FEDERAL BUREAU OF INVESTIGATION

POLICY DIRECTIVE**0796D**

1. Policy Directive Title.	Reporting FBI Employee Misconduct
2. Publication Date.	2015-05-15
3. Effective Date.	2015-05-15
4. Review Date.	2020-05-15
5. Last Updated.	N/A

6. Authorities:

- 6.1. (U) Title 5 United States Code (U.S.C.) Section (§) 301
6.2. (U) Title 28 Code of Federal Regulation (CFR) § 0.138
6.3. (U) 28 CFR § 0.159
6.4. (U) 28 CFR § 0.29c(d)
6.5. (U) 28 CFR § 0.29d
6.6. (U) 5 U.S.C. § 2303
6.7. (U) 28 CFR Part 27

7. Purpose:

(U//~~FOUO~~) The purpose of this policy is to advise all Federal Bureau of Investigation (FBI) employees of their obligation to report misconduct by other FBI employees and to self-report their own misconduct.

8. Policy Statement:

- 8.1. (U//~~FOUO~~) FBI employees are expected to adhere to, and maintain high standards of, professional and ethical conduct in both their professional and private lives.
8.2. (U//~~FOUO~~) FBI employees are obligated to report misconduct when they: (1) personally witness misconduct, (2) become aware of misconduct committed by another FBI employee and have reason to believe it has not yet been reported, or (3) commit misconduct themselves.
8.3. (U//~~FOUO~~) An FBI employee who makes a good-faith disclosure of information that may evidence misconduct committed by another FBI employee will not be subjected to any adverse action based on the disclosure.
8.4. (U//~~FOUO~~) Misconduct is conduct that violates the Offense Codes and Penalty Guidelines Governing FBI's Internal Disciplinary Process.
8.5. (U//~~FOUO~~) Failure to report misconduct can itself constitute misconduct subject to discipline under Offense Codes 5.7 ("Failure to Report-Administrative") and 5.8 ("Failure to Report-Criminal/Serious") of the Offense Codes and Penalty Guidelines Governing FBI's Internal Disciplinary Process.

9. Scope:

(U//~~FOUO~~) This policy applies to all FBI employees.

10. Proponent:

- 10.1. (U) Office of Professional Responsibility (OPR)
10.2. (U) Inspection Division (INSD)

11. Roles and Responsibilities:

- 11.1. (U) FBI employees:

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11.1.1. (U//~~FOUO~~) Must self-report their own misconduct and/or report the misconduct of other FBI employees to their supervisors, INSD's Internal Investigations Section (IIS), or the Department of Justice's Office of Inspector General (DOJ OIG).

11.1.2. (U//~~FOUO~~) Must submit a report of misconduct in writing when reporting to INSD's IIS or DOJ's OIG.

11.1.2.1. (U//~~FOUO~~) A report may be submitted anonymously.

11.1.2.2. (U//~~FOUO~~) An e-mail communication constitutes a report in writing.

11.1.3. (U//~~FOUO~~) Should consult INSD's IIS, DOJ's OIG, or OPR if employees are uncertain whether conduct constitutes reportable misconduct.

11.1.4. (U//~~FOUO~~) Will receive, if applicable, whistleblower protection under federal law and FBI policy.

11.2. (U) FBI supervisors:

11.2.1. (U//~~FOUO~~) Must refer these matters, in writing, to INSD's IIS upon learning of allegations of misconduct that appear to have a good-faith basis.

11.2.2. (U//~~FOUO~~) Must advise their subordinates that employees do not have to report misconduct to their supervisors, but may instead report misconduct directly to INSD's IIS or DOJ's OIG.

11.2.3. (U//~~FOUO~~) May not retaliate against employees for reporting allegations of misconduct.

12. Exemptions:

(U) None

13. Supersession:

(U) None

14. References, Links, and Forms:

14.1. (U) Links:

14.1.1. (U) [OPR Intranet site](#)

14.1.2. (U//~~FOUO~~) [INS IIS Intranet site](#)

14.1.3. (U//~~FOUO~~) [Offense Codes and Penalty Guidelines Governing FBI's Internal Disciplinary Process](#)

15. Key Words, Definitions, and Acronyms:

15.1. (U) Key Words

15.1.1. (U) allegation

15.1.2. (U) misconduct

15.1.3. (U) reporting

15.2. (U) Definitions

15.2.1. (U//~~FOUO~~) Misconduct: conduct that violates the [Offense Codes and Penalty Guidelines Governing FBI's Internal Disciplinary Process](#).

15.3. (U) Acronyms:

15.3.1. (U) CFR: Code of Federal Regulations

15.3.2. (U) DOJ: Department of Justice

15.3.3. (U) FBI: Federal Bureau of Investigation

15.3.4. (U) IIS: Internal Investigations Section

15.3.5. (U) INSD: Inspection Division

15.3.6. (U) OIG: Office of Inspector General

15.3.7. (U) OPR: Office of Professional Responsibility

15.3.8. (U) U.S.C.: United States Code

16. Appendices and Attachments:

(U) None

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