

*Offense Codes and Penalty Guidelines
Governing FBI's Internal Disciplinary Process*



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PREAMBLE TO OFFENSE CODES AND PENALTY GUIDELINES **GOVERNING FBI'S INTERNAL DISCIPLINARY PROCESS**

General Principles: The FBI's Offense Codes and Penalty Guidelines provide general categories of misconduct for which employees may be disciplined. These Offense Codes and Penalty Guidelines, which were amended and became effective on 01/01/2017, supersede the original FBI Offense Codes and Penalty Guidelines adopted on 11/01/2004, and other previously published disciplinary tables.

Organization of the Offense Codes/Penalty Guidelines: The FBI's Offense Codes (Tab A) and Penalty Guidelines (Tab B) are arranged under five main headings:

1. **Investigative Misconduct:** source misconduct and investigative deficiencies, such as the improper handling of evidence and misconduct related to judicial proceedings.
2. **Integrity/Ethical Misconduct:** falsification of FBI documents, lack of candor, misuse of position, failure to cooperate in an administrative inquiry, obstruction of an administrative inquiry, and violation of ethics regulations and guidelines.
3. **Property-Related Misconduct:** loss of government property, misuse of FBI computers or databases, misuse of government credit cards, misuse of government vehicles and other government property, loss of weapon, and loss of credentials/badge.
4. **Illegal/Criminal Conduct:** assault, drug offenses, DWI/DUI, fraud, theft, other illegal interference with property rights, indecent/lascivious acts, other felony and misdemeanor offenses, and the unauthorized disclosure of information. It is not necessary that criminal charges be filed against the employee or that the employee be found guilty of criminal charges for the employee to be subject to disciplinary action.
5. **General Misconduct:** alcohol/substance abuse on duty, failure to report, supervisory dereliction, unwelcome sexual conduct, discrimination, retaliation, disruptive behavior, failure to honor just debts, improper relationship with a subordinate, misuse of weapons, insubordination, security violations, unprofessional conduct, and the violation of miscellaneous rules and regulations.

Purpose and Progressive Nature of Discipline: Disciplinary penalties are imposed to correct behavior and send the message to our workforce, our Congressional overseers, and the general public that misconduct will not be tolerated at the FBI. The FBI's disciplinary process serves to ensure adherence to the Bureau's rigorous standards of conduct. Discipline at the FBI is progressive, meaning that additional acts of misconduct are treated with increasing severity, especially, but not exclusively, when the acts of misconduct are similar in nature. Certain offenses are so egregious (such as theft or lack of candor under oath) that a single act is sufficient to warrant an employee's removal.

Penalty Ranges: The FBI's Penalty Guidelines are expressed in terms of a Standard Penalty, a Mitigated Range, and an Aggravated Range. Suspensions are imposed in *calendar* days, not *work* days. As a general rule, all suspensions start on a Monday. Accordingly, a 7-day suspension will start on Monday morning and be completed the following Sunday night. Although demotion is not specifically designated as a penalty in the Guidelines, demotion may be assessed in appropriate cases involving serious misconduct. In addition, OPR may refer a matter to other Divisions for

appropriate action. For example, a matter may be referred to the Finance Division for the recoupment of monies owed to the government, to the Human Resources Division for consideration of a loss-of-effectiveness transfer, and to the Health Services Unit for a fitness-for-duty examination or medical evaluation.

Factors Considered by OPR in Determining a Penalty: Many factors are considered by OPR in determining the penalty to impose, including the nature of the misconduct and its consequences, as well as the position and record of the employee. Of particular importance are the mitigating and aggravating factors in each case.

- *Mitigating factors* include, but are not limited to, effective efforts to remedy the wrongdoing, limited work experience, and a long period of unblemished service.
- *Aggravating factors* include, but are not limited to, the egregiousness of the misconduct, supervisory or high-grade status, prior disciplinary record, threat to the safety of others, prior warning/advisement not to commit the misconduct, actual or potential harm (including actual or potential harm to the FBI's reputation), repetitive misconduct within the same disciplinary inquiry, and the failure to report. Consideration of the egregiousness of the misconduct as an aggravator, including facts or circumstances cited to substantiate the allegation, is not impermissible "double counting."

The aggravating and mitigating factors listed above are illustrative, not exhaustive, and the Bureau retains the discretion to consider any factors relevant to the case. The listing of an aggravator or mitigator under a particular Offense Code in the Penalty Guidelines does not preclude use of that factor under another Offense Code. Something considered mitigating in one case may be aggravating in another. For example, limited experience may lessen the severity of an employee's conduct in one case, but aggravate it in another, such as a case involving multiple instances of misconduct during a short tenure.

The aggravating and mitigating factors present in a particular case may warrant selecting a penalty outside the range of penalties provided herein -- *i.e.*, deviating from the Guidelines. Only the Assistant Director (AD) of the Office of Professional Responsibility (OPR), the Director, or the Director's designee has the authority to deviate from the Penalty Guidelines and must specify the reasons for doing so in writing. Cases in which the AD, OPR deviates from the Penalty Guidelines are, by definition, aberrational, and they may not be cited or relied on as precedent to assess penalties in future cases. The AD, OPR has authority to designate any decision as aberrational and without precedential weight. Such designations will be recorded in the Case Management System. The Director has the authority to review and amend any disciplinary decision, either in favor of or to the disadvantage of an employee, if the Director considers it necessary to correct an injustice or to prevent harm to the FBI. This authority does not constitute an additional level of appeal for an employee, it will not be routinely exercised, and it remains the sole province of the Director.

Douglas Factors: OPR also considers "Douglas Factors" prior to deciding an appropriate disciplinary sanction. Not all "Douglas Factors" are pertinent to every case. OPR balances the relevant ones in the case before it. The "Douglas Factors" are:

1. The nature and seriousness of the offense, and its relation to the employee's duties, position and responsibilities, including whether the offense was intentional or technical or inadvertent, or was committed maliciously or for gain, or was frequently repeated;
2. The employee's job level and type of employment, including supervisory or fiduciary role, contacts with the public, and prominence of the position;

3. The employee's past disciplinary record;
4. The employee's past work record, including length of service, performance on the job, ability to get along with fellow workers, and dependability;
5. The effect of the offense upon the employee's ability to perform at a satisfactory level and its effect upon supervisors' confidence in the employee's ability to perform assigned duties;
6. Consistency of the penalty with those imposed upon other employees for the same or similar offenses;
7. Consistency of the penalty with any applicable agency table of penalties;
8. The notoriety of the offense or its impact upon the reputation of the agency;
9. The clarity with which the employee was on notice of any rules that were violated in committing the offense, or had been warned about the conduct in question;
10. Potential for the employee's rehabilitation;
11. Mitigating circumstances surrounding the offense, such as unusual job tensions, personality problems, mental impairment, harassment or bad faith, malice or provocation on the part of others involved in the matter; and
12. The adequacy and effectiveness of alternative sanctions to deter such conduct in the future by the employee or others.

Combination of Penalties: In cases where more than one offense is substantiated against an employee, the penalties for the respective offenses will normally be added together, with appropriate aggravation, up to and including dismissal, for repetitive misconduct within the same inquiry. However, in adjudicating cases, OPR is careful to not assess multiple penalties where the substantiated charges are essentially restatements of the same act of misconduct.

Senior Executive Service (SES) Suspensions: By federal regulation, members of the SES may not receive a disciplinary suspension of less than 15 days. 5 C.F.R. §752.601. Accordingly, where the Guidelines indicate a suspension of one to fourteen days for an offense, that sanction cannot be imposed on an SES employee. When OPR concludes that a non-SES employee would have received a punishment of more than a three-day suspension, but less than a 15-day suspension, an SES employee will receive a minimum of a 15-day suspension. If a non-SES employee would have received a one-day to three-day suspension in a given case, an SES employee may receive either a letter of censure or a minimum of a 15-day suspension, as determined by OPR in weighing the facts and circumstances of the case against the heightened behavioral and managerial expectations associated with SES personnel.

Offense Codes Applicable to FBI's Internal Disciplinary Process

- The listed offenses apply to all FBI personnel, regardless of position or title.
- The term “on duty” refers to the period when an employee is performing an official duty or acting in an official capacity, whether or not the employee is being paid at the time (e.g., misconduct occurring while an employee is driving a Bureau vehicle home at the end of the employee’s shift is considered “on duty” for administrative disciplinary purposes.)
- See the Penalty Guidelines (Tab B) for an expanded discussion of applicable penalties, including examples of mitigating and aggravating factors for various offenses.

1. INVESTIGATIVE MISCONDUCT

Offense Code 1.1
Asset/CW/Informant/CHS
(Source) - Failure to Obtain
Authorization or Report
Criminal Activity

Knowingly or recklessly failing to obtain proper authorization for a source’s participation in otherwise illegal activity; or failing to timely inform the appropriate FBI official of a source’s unauthorized criminal activity about which the employee knows, or reasonably should know, based upon all available information. Criminal activity includes all violations of the law.

Mitigated: Letter of Censure - 5 Days

Penalty: 7 Days

Aggravated: 10 Days - Dismissal

Offense Code 1.2
Asset/CW/Informant/CHS
(Source) - Improper Financial
Relationship

Without authorization, directly or indirectly loaning money to or receiving money from a source; giving a favor/gift to or accepting a favor/gift from a source; paying a source for a favor, gift, or service; or attempting to obtain any favor, gift, or service from a source. This includes financial benefits, favors, and gifts conferred upon an employee’s relatives or associates due to the employee’s relationship with the source.

Mitigated: Letter of Censure - 5 Days

Penalty: 7 Days

Aggravated: 10 Days - Dismissal

Offense Code 1.3
Asset/CW/Informant/CHS
(Source) - Improper Intervention
on Behalf Of

Without authorization, aiding, protecting, harboring, or shielding a source, or any attempt to aid, protect, harbor, or shield a source from law enforcement or legal obligations.

Mitigated: Letter of Censure - 5 Days

Penalty: 7 Days

Aggravated: 10 Days – Dismissal

<p>Offense Code 1.4 Asset/CW/Informant/CHS (Source) - Improper Personal Relationship</p>	<p>Engaging in a social, romantic, or intimate relationship or association with a source. Social relationships/associations involve any contact beyond that reasonably necessary for the completion of an investigative mission or beyond that which is authorized. An employee can be disciplined for: (1) engaging in an improper personal relationship, or (2) engaging in unauthorized conduct that would cause a reasonably prudent person to believe that there is an improper relationship. See FBI’s “Personal Relationships Policy” for additional information.</p> <p><i>Mitigated: Letter of Censure - 5 Days</i> <i>Penalty: 7 Days</i> <i>Aggravated: 10 Days – Dismissal</i></p>	
<p>Offense Code 1.5 Asset/CW/Informant/CHS (Source) - Violation of Operational Guidelines and Policies, Other</p>	<p>Knowingly or recklessly failing to operate or obtain proper authorization to operate long-term, high-level, privileged or media-affiliated confidential informants or other informants who are subject to special approval requirements in accordance with FBI or Department of Justice (DOJ) guidelines or policies; or knowingly or recklessly failing to enforce or comply with an FBI or DOJ operational guideline or policy that governs the handling of informants, assets or cooperating witnesses, in a manner not specifically delineated in any of the other “Asset/CW/Informant/CHS” Offense Codes provided herein.</p> <p><i>Mitigated: Oral Reprimand - 3 Days</i> <i>Penalty: 5 Days</i> <i>Aggravated: 7 - 30 Days</i></p>	
<p>Offense Code 1.6 Investigative Deficiency - Improper Handling of Document(s) or Property in the Care, Custody, or Control of the Government</p>	<p>Failing to properly seize, identify, package, inventory, verify, record, document, control, store, secure, or safeguard documents or property under the care, custody, or control of the government, including evidence, non-evidentiary items, and seized property held by the government. This offense includes, but is not limited to, the unauthorized or improper use, loss, damage, destruction, or improper disposal of documents or property, to include ELSUR (electronic surveillance) materials.</p> <p><i>Mitigated: Oral Reprimand - 3 Days</i> <i>Penalty: 5 Days</i> <i>Aggravated: 7 - 30 Days</i></p>	
<p>Offense Code 1.7 Investigative Deficiency - Misconduct Related to Judicial Proceedings</p>	<p>During the investigative or litigative phases of a criminal or civil case, including a proceeding in a FISA Court or similar tribunal, engaging in conduct that dishonors, disgraces, discredits, or otherwise brings the integrity or reliability of the FBI into question. This does not apply to conduct involving falsification covered under Offense Code 2.6, Lack of Candor - Under Oath.</p> <p><i>Mitigated: Letter of Censure - 5 Days</i> <i>Penalty: 7 Days</i> <i>Aggravated: 10 Days - Dismissal</i></p>	
<p>Offense Code 1.8 Investigative Deficiency - Violation of Operational Guidelines and Policies, Other</p>	<p>Knowingly or recklessly failing to enforce or comply with an FBI or DOJ operational guideline or policy not specifically delineated in any of the other “Investigative Deficiency” Offense Codes provided herein.</p> <p><i>Mitigated: Oral Reprimand - 3 Days</i> <i>Penalty: 5 Days</i> <i>Aggravated: 7 - 30 Days</i></p>	

2. INTEGRITY/ETHICAL MISCONDUCT

<p>Offense Code 2.1 False/Misleading Information - Employment/Security Document(s)</p>	<p>Knowingly providing false or misleading information in an employment-related or security-related document; or signing or attesting to the truthfulness of the information provided in an employment-related or security-related document in reckless disregard of the accuracy or completeness of pertinent information contained therein. Employment/security documents include, but are not limited to, the Employment Application (FD-140); Security Reinvestigation Questionnaire (FD-814) and other security clearance forms; Government Employees Training Act (GETA) forms (SF-182); training records; Candidate Qualification form (FD-954); report of medical history; marriage, roommate, and foreign travel forms; and other documents/forms which impact hiring, retention, transfer, promotion, and award decisions.</p> <p><i>Mitigated: Letter of Censure - 5 Days</i> <i>Penalty: 7 Days</i> <i>Aggravated: 10 Days – Dismissal</i></p>	
<p>Offense Code 2.2 False/Misleading Information - Fiscal Matter(s)</p>	<p>Knowingly providing false or misleading information in a fiscal-related document; or signing or attesting to the truthfulness of the information provided in a fiscal-related document in reckless disregard of the accuracy or completeness of the pertinent information contained therein. Documents involving fiscal matters include, but are not limited to, Time & Attendance (T&A) records, travel vouchers, disbursement/expenditure forms, draft requests, expense forms, supporting documentation for leave purposes, insurance forms, benefits forms, and transfer documents.</p> <p><i>Mitigated: Letter of Censure - 7 Days</i> <i>Penalty: 10 Days</i> <i>Aggravated: 14 Days – Dismissal</i></p>	
<p>Offense Code 2.3 False/Misleading Information - Investigative Activity</p>	<p>Knowingly providing false or misleading information in an investigative document; or signing or attesting to the truthfulness of the information provided in an investigative document in reckless disregard of the accuracy or completeness of the pertinent information contained therein. Documents involving investigative activity include, but are not limited to, FD-302s, inserts, evidence control documents, LHMs, ECs, and documentation of informant matters.</p> <p><i>Mitigated: Letter of Censure - 21 Days</i> <i>Penalty: 30 Days</i> <i>Aggravated: 35 Days – Dismissal</i></p>	
<p>Offense Code 2.4 False/Misleading Information - Other Official Matter(s)</p>	<p>Knowingly providing false or misleading information in an official FBI document or an official document of another governmental agency; or signing or attesting to the truthfulness of the information provided in an official FBI document or an official document of another governmental agency in reckless disregard of the accuracy or completeness of the pertinent information contained therein. This applies to documents executed either on-duty or off-duty.</p> <p><i>Mitigated: Letter of Censure - 5 Days</i> <i>Penalty: 7 Days</i> <i>Aggravated: 10 Days – Dismissal</i></p>	

Offense Code 2.5 Lack of Candor - No Oath	Knowingly providing false information when making a verbal or written statement, not under oath, to a supervisor, another Bureau employee in an authoritative position, or another governmental agency, when the employee is questioned about his conduct or the conduct of another person. This misconduct includes false statements, misrepresentations, the failure to be fully forthright, or the concealment or omission of a material fact/information. <i>Mitigated: Letter of Censure - 10 Days</i> <i>Penalty: 14 Days</i> <i>Aggravated: 20 Days – Dismissal</i>
Offense Code 2.6 Lack of Candor - Under Oath	Knowingly providing false information in a verbal or written statement made under oath. This misconduct includes false statements, misrepresentations, the failure to be fully forthright, or the concealment or omission of a material fact/information. <i>Mitigated: N/A</i> <i>Penalty: Dismissal</i> <i>Aggravated: N/A</i>
Offense Code 2.7	RETIRED
Offense Code 2.8 Misuse of Position	Exceeding the limits of FBI authority to further a personal, unofficial, or unauthorized interest; or using FBI position or affiliation for private gain or advantage or for the gain or advantage of relatives or associates of the employee, including pressuring subordinates for personal gain. See 5 C.F.R. §2635.702 for additional information. <i>Mitigated: Oral Reprimand - 3 Days</i> <i>Penalty: 5 Days</i> <i>Aggravated: 7 - 30 Days</i>
Offense Code 2.9 Misuse of Position - Impersonating an Agent	Misrepresenting oneself as a Special Agent in order to conduct an unofficial inquiry, investigation, or database search, or for personal gain. <i>Mitigated: Letter of Censure - 30 Days</i> <i>Penalty: 45 Days</i> <i>Aggravated: 50 Days - Dismissal</i>
Offense Code 2.10 Failure to Cooperate in an Administrative Matter	Failing or refusing to fully participate in an administrative matter. “Administrative matter” includes, but is not limited to, internal disciplinary investigations, OIG investigations, OPR adjudications, or EEO Matters. <i>Mitigated: N/A</i> <i>Penalty: Dismissal</i> <i>Aggravated: N/A</i>
Offense Code 2.11 Obstruction of an Administrative Matter	Taking any action to influence, intimidate, impede or otherwise interfere with an administrative matter. “Administrative matter” includes, but is not limited to, internal disciplinary investigations, OIG investigations, OPR adjudications, or EEO Matters. <i>Mitigated: Letter of Censure - 14 Days</i> <i>Penalty: 20 Days</i> <i>Aggravated: 30 Days - Dismissal</i>

Offense Code 2.12 Violation of Ethical Guidelines	<p>Engaging in any activity or conduct prohibited by the uniform Standards of Conduct of Employees of the Executive Branch (5 C.F.R. Part 2635), the supplemental regulations (5 C.F.R. Part 3801), or DOJ or FBI ethical policies. Prohibited conduct involves, but is not limited to, issues such as conflict of interest, favoritism, unauthorized outside employment, and gifts. See Executive Order 12674; 5 C.F.R. Part 2635; 5 C.F.R. Part 3801; 5 U.S.C. §3110; 18 U.S.C §§203, 205, 208, and 209; and the FBI Ethics and Integrity Program Policy Guide for additional information.</p> <p><i>Mitigated: Letter of Censure - 10 Days</i> <i>Penalty: 14 Days</i> <i>Aggravated: 15 Days – Dismissal</i></p>	
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3. PROPERTY-RELATED MISCONDUCT

<p>Offense Code 3.1 Damage, Destruction, or Improper Disposal of Government Property</p>	<p>Without proper authority, damaging, destroying, or disposing of any government document(s) or property. This does not include the destruction or wrongful disposal of the type of property and documents covered in 1.6, Investigative Deficiency - Improper Handling of Document(s) or Property.</p> <p><i>Mitigated: Oral Reprimand - 3 Days</i> <i>Penalty: 5 Days</i> <i>Aggravated: 7 - 14 Days</i></p>
<p>Offense Code 3.2 Loss of Badge and/or Credentials</p>	<p>Loss or theft of an FBI Special Agent Badge or FBI credentials resulting from employee's failure to adequately safeguard the property. Absent compelling circumstances, the first loss/theft of such items will not be referred for disciplinary action, but rather will be referred to the Security Division for whatever action is deemed appropriate.</p> <p><i>Mitigated: N/A</i> <i>Penalty: Letter of Censure</i> <i>Aggravated: 3 - 10 Days</i></p>
<p>Offense Code 3.3 Loss of Government Property or Document(s) of a Sensitive/Valuable Nature</p>	<p>Loss or theft of government property, including documents, resulting from the employee's failure to adequately safeguard an item, deemed by an appropriate authority to be of a sensitive or valuable nature. This does not include the loss of the type of property and documents covered in 1.6, Investigative Deficiency - Improper Handling of Document(s) or Property. "Loss" includes a significant temporary loss of control or inability to locate, including temporary losses that raise safety or operational concerns.</p> <p><i>Mitigated: Oral Reprimand - 3 Days</i> <i>Penalty: 5 Days</i> <i>Aggravated: 7 - 14 Days</i></p>
<p>Offense Code 3.4 Loss of Weapon</p>	<p>Loss or theft of a Bureau-issued or Bureau-approved weapon resulting from employee's failure to adequately safeguard the property. "Loss" includes a significant temporary loss of control or inability to locate, including temporary losses that raise safety or operational concerns.</p> <p><i>Mitigated: N/A</i> <i>Penalty: 3 Days</i> <i>Aggravated: 5 - 14 Days</i></p>
<p>Offense Code 3.5 Misuse of FBI Database(s)/ Unauthorized Access</p>	<p>Without authorization, accessing an FBI or other government database or record. This does not include the disclosure of such information to others, which is covered in 4.9, Unauthorized Disclosure - Classified/Law-Enforcement Sensitive/Grand Jury Information or 4.10, Unauthorized Disclosure - Sensitive Information.</p> <p><i>Mitigated: Oral Reprimand - 3 Days</i> <i>Penalty: 5 Days</i> <i>Aggravated: 7 - 14 Days</i></p>
<p>Offense Code 3.6 Misuse of Government Computer(s)</p>	<p>Using a government computer for personal, unofficial, or unauthorized use. This does not apply to <i>de minimis</i> use, where the cost to the government is negligible, as long as the use is not otherwise objectionable (e.g., pornography). See 5 C.F.R. §2635.704; 28 C.F.R. §45.4.</p> <p><i>Mitigated: N/A</i> <i>Penalty: Letter of Censure</i> <i>Aggravated: 3 - 14 Days</i></p>
<p>Offense Code 3.7</p>	<p>RETIRED</p>

<p>Offense Code 3.8 Misuse of Government Charge Card - Personal Use</p>	<p>Using, or permitting the use of, a Government Charge Card (GCC) for personal purchases, rentals, services, and/or cash advances; failing to pay the balance in a timely manner; or failing to apply a voucher reimbursement to the corresponding GCC debt.</p> <p><i>Mitigated: Letter of Censure - 1 Day</i> <i>Penalty: 3 Days</i> <i>Aggravated: 5 Days - Dismissal</i></p>	
<p>Offense Code 3.9 Misuse of Government Vehicle or Aircraft, Non-Title 31</p>	<p>Using, or permitting the use of, a government owned or leased passenger motor vehicle or aircraft, or the equipment therein, regardless of the employee’s intent, for an unofficial purpose; or transporting or allowing another to transport an unauthorized passenger in a motor vehicle or aircraft. See 41 C.F.R. §§301-10.201 and June 2015 FBI Government Vehicle Use Policy Guide for additional information.</p> <p><i>Mitigated: Oral Reprimand - 3 Days</i> <i>Penalty: 5 Days</i> <i>Aggravated: 7 - 14 Days</i></p>	
<p>Offense Code 3.10 Misuse of Government Vehicle or Aircraft, Title 31</p>	<p>Knowingly, or with reckless disregard, using, or permitting the use of, a government-owned or government-leased passenger motor vehicle or aircraft for an unofficial or purely personal purpose (i.e., a purpose other than the facilitation of government work or the execution of the FBI’s mission). See 31 U.S.C. §§1344 and 1349(b); 41 C.F.R. §301-10.201 and June 2015 FBI Government Vehicle Use Policy Guide for additional information.</p> <p><i>Mitigated: N/A</i> <i>Penalty: 30 Days</i> <i>Aggravated: 35 Days - Dismissal</i></p>	
<p>Offense Code 3.11 Misuse of Government Property, Other</p>	<p>Using government property, not specifically delineated in another Offense Code, for personal, unofficial or unauthorized use. This does not apply to <i>de minimis</i> use, where the cost to the government is negligible and the use is not otherwise inappropriate. See 5 C.F.R. §2635.704 and 28 C.F.R. §45.4.</p> <p><i>Mitigated: Oral Reprimand</i> <i>Penalty: Letter of Censure</i> <i>Aggravated: 1 – 10 Days</i></p>	

4. ILLEGAL/CRIMINAL CONDUCT

An employee does not have to be arrested, criminally charged, or convicted for the employee to be found in violation of the FBI's Illegal-Criminal Conduct offenses set forth below. However, the involvement of law enforcement or an employee's arrest, charging, or conviction constitute aggravating factors to be considered by OPR in imposing the appropriate disciplinary penalty.

Offense Code 4.1 Assault/Battery	Attempting or offering to inflict bodily harm on another using unlawful force or violence; or inflicting bodily harm on another using unlawful force or violence.	
	<i>Mitigated: Letter of Censure – 14 Days</i>	
	<i>Penalty: 20 Days</i>	
	<i>Aggravated: 25 Days – Dismissal</i>	
Offense Code 4.2 Drugs - Use or Possession	Knowingly and consciously ingesting, injecting, inhaling, or possessing an illegal controlled substance or anabolic steroid, on or off duty, after entering on duty. This does not apply to the possession of controlled substances for official purposes. See 21 U.S.C. §812 for a list of controlled substances.	
	<i>Mitigated: 10 - 60 Days</i>	
	<i>Penalty: Dismissal</i>	
	<i>Aggravated: N/A</i>	
Offense Code 4.3 DUI/DWI - Government Vehicle	Operating or being in actual physical control of any government vehicle while intoxicated or impaired by alcohol or a controlled substance. Impairment can be evidenced by a chemical analysis (breathalyzer and/or blood test), or credible observations of law enforcement personnel, other witnesses, or other reliable evidence.	
	<i>Mitigated: N/A</i>	
	<i>Penalty: 45 Days</i>	
	<i>Aggravated: 50 Days – Dismissal</i>	
Offense Code 4.4 DUI/DWI - Privately Owned Vehicle	Operating or being in actual physical control of any privately owned vehicle while intoxicated or impaired by alcohol or a controlled substance. Impairment can be evidenced by a chemical analysis (breathalyzer and/or blood test), or credible observations of law enforcement personnel, other witnesses, or other reliable evidence.	
	<i>Mitigated: N/A</i>	
	<i>Penalty: 30 Days</i>	
	<i>Aggravated: 35 Days – Dismissal</i>	
Offense Code 4.5 Fraud/Theft/Illegal Interference with Property Rights	Taking, obtaining, or withholding, by any means, from the possession of the government or another owner, any money, property, or article of value of any kind, with the intent to deprive or defraud the government or another owner, of the use and benefit of the property or with the intent to appropriate it for personal use or for the use of another entity or person other than the owner. This Offense Code includes illegal interference with property rights, and is not limited to theft for personal gain. The victim need not be the owner. This Offense Code does not include conduct covered under any of the Offense Codes included in Part 3.	
	<i>Mitigated: 30 - 60 Days</i>	
	<i>Penalty: Dismissal</i>	
	<i>Aggravated: N/A</i>	

Offense Code 4.6 Indecent/Lascivious Acts	<p>Inappropriately acting in a manner to appeal to or gratify the sexual desires of the employee, his victim, or both; or indecently exposing a body part to public view. This Offense Code applies to prostitution and other forms of commercial sex. See, e.g., Attorney General Memorandum For All Department Personnel, “Prohibition on the Solicitation of Prostitution” (April 10, 2015). If a local, state, or foreign jurisdiction lawfully permits any type of indecent/lascivious act described herein, this Offense Code will nevertheless be applied if the act is contrary to the best interests of the FBI.</p> <p><i>Mitigated: 5 - 21 Days</i> <i>Penalty: 30 Days</i> <i>Aggravated: 35 Days - Dismissal</i></p>
Offense Code 4.7 Other Felonies	<p>Engaging in an act, other than one which has been specifically delineated in another Offense Code, which is considered a felony in the jurisdiction in which the act occurred. This does not apply to perjury, which is covered under 2.6, Lack of Candor - Under Oath.</p> <p><i>Mitigated: 30 - 45 Days</i> <i>Penalty: 60 Days</i> <i>Aggravated: Dismissal</i></p>
Offense Code 4.8 Other Misdemeanors	<p>Engaging in an act, other than one which has been specifically delineated in another Offense Code, which is considered a misdemeanor in the jurisdiction in which the act occurred.</p> <p><i>Mitigated: Letter of Censure - 5 Days</i> <i>Penalty: 7 Days</i> <i>Aggravated: 10 Days - Dismissal</i></p>
Offense Code 4.9 Unauthorized Disclosure - Classified/Law-Enforcement Sensitive/Grand Jury Information	<p>Without authorization, disclosing or attempting to disclose classified or law enforcement sensitive material, or Grand Jury information. See the Federal Rules of Criminal Procedure, Rule 6(e), for additional information.</p> <p><i>Mitigated: Letter of Censure - 7 Days</i> <i>Penalty: 10 Days</i> <i>Aggravated: 14 Days – Dismissal</i></p>
Offense Code 4.10 Unauthorized Disclosure - Sensitive Information	<p>Without authorization, disclosing or attempting to disclose the FBI’s, or another agency’s, sensitive material.</p> <p><i>Mitigated: Letter of Censure - 5 Days</i> <i>Penalty: 7 Days</i> <i>Aggravated: 10 Days – Dismissal</i></p>

5. GENERAL MISCONDUCT

<p>Offense Code 5.1 Alcohol/Substance Abuse - Under the Influence While On Duty</p>	<p>Without authorization, consuming a beverage containing alcohol while on duty or during a break; consuming alcohol prior to reporting for duty to the extent that it has an effect on the employee's workplace or performance; or using a prescribed medicine in a manner inconsistent with the prescribing physician's instructions, having an effect on the employee's workplace or performance.</p> <p><i>Mitigated: Oral Reprimand - 10 Days</i> <i>Penalty: 15 Days</i> <i>Aggravated: 20 Days - Dismissal</i></p>	
<p>Offense Code 5.2 Dereliction of Supervisory Responsibility</p>	<p>A supervisor, or an employee acting in an authorized supervisory capacity, failing to exercise reasonable care in the execution of his duties or responsibilities, disregarding his duties or responsibilities, or significantly deviating from appropriate methods of supervision.</p> <p><i>Mitigated: Oral Reprimand - 3 Days</i> <i>Penalty: 5 Days</i> <i>Aggravated: 7 - 14 Days</i></p>	
<p>Offense Code 5.3 Discrimination</p>	<p>Engaging in conduct for or against another person based on that person's protected status (e.g., race, color, religion, national origin, sex, disability, age, parental status or sexual orientation). See, e.g., Civil Rights Act of 1964; Age Discrimination in Employment Act; and Executive Order 11478.</p> <p><i>Mitigated: 10 - 25 Days</i> <i>Penalty: 30 Days</i> <i>Aggravated: 35 Days - Dismissal</i></p>	
<p>Offense Code 5.4 Disruptive Behavior</p>	<p>Engaging in inappropriate verbal or physical conduct, while on official business or in an FBI space or vehicle, which is disruptive or negatively impacts the workplace.</p> <p><i>Mitigated: Oral Reprimand</i> <i>Penalty: Letter of Censure</i> <i>Aggravated: 1 - 10 Days</i></p>	
<p>Offense Code 5.5 Failure to Honor Just Debts/Regulatory Obligations</p>	<p>Without valid justification, failing to satisfy an uncontested, lawful debt or to fulfill a legal or regulatory obligation. The failure to satisfy the debt or fulfill the obligation must be characterized by deceit, evasion, false promises or other indicators of a deliberate nonpayment or gross indifference towards the just debt/obligation. This does not apply to debts involving government charge cards, which are covered under 3.8, Misuse of Government Charge Card - Personal Use.</p> <p><i>Mitigated: Oral Reprimand - 3 Days</i> <i>Penalty: 5 Days</i> <i>Aggravated: 7 Days - Dismissal</i></p>	
<p>Offense Code 5.6 Failure to Perform Prescribed Duties</p>	<p>Disregarding, declining, or failing to perform a particular task or duty, after the employee was given a general or specific order/instruction.</p> <p><i>Mitigated: Oral Reprimand</i> <i>Penalty: Letter of Censure</i> <i>Aggravated: 1 - 10 Days</i></p>	

<p>Offense Code 5.7 Failure to Report - Administrative</p>	<p>Failing to inform the appropriate FBI official or supervisor, in a timely manner, about an administrative matter which the employee knew, or should have known, was required by FBI or DOJ regulation or policy to be reported.</p> <p><i>Mitigated: Oral Reprimand</i> <i>Penalty: Letter of Censure</i> <i>Aggravated: 1 - 10 Days</i></p>	
<p>Offense Code 5.8 Failure to Report - Criminal/Serious</p>	<p>Failing to report to the appropriate FBI official or supervisor, in a timely manner, any serious misconduct the employee committed; any arrest, summons, contact with law enforcement, or involvement in the court system by the employee; or any serious misconduct or criminal conduct committed by another employee of which the employee was aware.</p> <p><i>Mitigated: Letter of Censure - 3 Days</i> <i>Penalty: 5 Days</i> <i>Aggravated: 7 - Dismissal</i></p>	
<p>Offense Code 5.9 Improper Relationship - Criminal Element</p>	<p>Without authorization, engaging in an ongoing social, romantic, or intimate relationship or association with a person the employee knew, or should have known, is involved in criminal activities. Social relationships or associations involve any contact beyond that reasonably necessary for the completion of an investigative mission or beyond that which is authorized. This does not apply to relationships and associations covered under 1.4, Asset/CW/Informant/CHS (Source) - Improper Personal Relationship or an on-going relationship an employee maintains with his or her minor child's other parent. See FBI's "Personal Relationships Policy" for further information.</p> <p><i>Mitigated: Letter of Censure - 5 Days</i> <i>Penalty: 7 Days</i> <i>Aggravated: 10 Days - Dismissal</i></p>	
<p>Offense Code 5.10 Improper Relationship with a Subordinate</p>	<p>Engaging in or seeking a romantic or intimate relationship with a subordinate that violates the strictures of the FBI's Personal Relationships Policy as it pertains to FBI executives, managers, supervisors, and other persons serving or acting in positions of authority. See FBI's "Personal Relationships Policy" for additional information.</p> <p><i>Mitigated: Letter of Censure - 5 Days</i> <i>Penalty: 7 Days</i> <i>Aggravated: 10 Days - Dismissal</i></p>	
<p>Offense Code 5.11 Insubordination</p>	<p>After being given, and understanding, a legitimate order made orally or in writing by a supervisor or another person in authority, refusing to comply or willfully failing to comply with the order. An employee may not avoid an insubordination charge by merely asserting the employee believed the order was illegitimate. If such a belief is reasonable but mistaken, the belief will be considered as a mitigator.</p> <p><i>Mitigated: Letter of Censure - 5 Days</i> <i>Penalty: 7 Days</i> <i>Aggravated: 10 Days - Dismissal</i></p>	
<p>Offense Code 5.12 Military Reserve Matter</p>	<p>Engaging in conduct contrary to FBI regulations concerning reserve status, drilling, and military leave. See Military Reserve Policy Guide and the Leave Policy Manual for additional information.</p> <p><i>Mitigated: Oral Reprimand</i> <i>Penalty: Letter of Censure</i> <i>Aggravated: 1-10 Days</i></p>	

Offense Code 5.13 Misuse of Weapon/Safety Violation	<p>Handling, displaying, operating, controlling, carrying, storing, or otherwise treating a weapon, explosive, or incendiary device in a manner inconsistent with the use and safety protocols and procedures established by the FBI and federal regulatory agencies.</p> <p><i>Mitigated: Letter of Censure - 5 Days</i> <i>Penalty: 7 Days</i> <i>Aggravated: 10 Days - Dismissal</i></p>	
Offense Code 5.14 Misuse of Weapon - Accidental Discharge	<p>Causing the unintentional discharge of a weapon.</p> <p><i>Mitigated: N/A</i> <i>Penalty: 1 Day</i> <i>Aggravated: 3 - 14 Days</i></p>	
Offense Code 5.15 Misuse of Weapon - Intentional Discharge	<p>Purposefully or willfully discharging a weapon in violation of the deadly force policy.</p> <p><i>Mitigated: 5 - 14 Days</i> <i>Penalty: 30 Days</i> <i>Aggravated: 45 Days - Dismissal</i></p>	
Offense Code 5.16 Retaliation	<p>Taking, or threatening to take, an adverse employment action against an employee who engaged, or who was believed to have engaged, in a protected activity, including making a protected disclosure or exercising any other legitimate right authorized by the FBI. This Offense Code applies where the adverse action is motivated by both retaliatory and non-retaliatory reasons. See, e.g., Whistleblower Protection Act.</p> <p><i>Mitigated: 10 - 21 Days</i> <i>Penalty: 30 Days</i> <i>Aggravated: 35 Days - Dismissal</i></p>	
Offense Code 5.17 Security Violation - Failure to Secure Space, Sensitive Equipment/Materials	<p>Failing to safeguard or control access to non-public FBI space, to sensitive or classified material, or to the equipment or locations where such material is inputted, maintained, collected, stored, or preserved. This does not apply to items covered in 1.6, Investigative Deficiency - Improper Handling of Document(s) or Property in the Care, Custody, or Control of the Government.</p> <p><i>Mitigated: Oral Reprimand - 3 Days</i> <i>Penalty: 5 Days</i> <i>Aggravated: 7 - 30 Days</i></p>	
Offense Code 5.18 Security Violation - Other	<p>Engaging in an activity or conduct in violation of a security regulation or policy promulgated by the FBI, DOJ, or another authoritative agency, which has not been specifically delineated in another Offense Code.</p> <p><i>Mitigated: Oral Reprimand - 3 Days</i> <i>Penalty: 5 Days</i> <i>Aggravated: 7 - 30 Days</i></p>	
Offense Code 5.19 Sexual Conduct - Consensual	<p>Engaging in sexual, intimate, or romantic activity with a willing partner in an inappropriate location (such as government spaces, government vehicles), or while on duty.</p> <p><i>Mitigated: Letter of Censure - 5 Days</i> <i>Penalty: 7 Days</i> <i>Aggravated: 10 Days – Dismissal</i></p>	

Offense Code 5.20 Unwelcome Sexual Conduct	Making unwelcome or unwanted sexual advances, unwelcome requests for sexual favors, or engaging in other unwelcome verbal or physical conduct of a sexual nature. This Offense Code includes any unwelcome verbal or physical conduct of a sexual nature, and is not limited to conduct that creates a “hostile work environment” under federal or state law. <i>Mitigated: 5 - 21 Days</i> <i>Penalty: 30 Days</i> <i>Aggravated: 35 Days – Dismissal</i>	
Offense Code 5.21 Unprofessional Conduct - Off Duty	Engaging in conduct, while off duty, which dishonors, disgraces, or discredits the FBI; seriously calls into question the judgment or character of the employee; or compromises the standing of the employee among his peers or his community. This applies to misconduct not otherwise delineated in a specific Offense Code. <i>Mitigated: Oral Reprimand - 3 Days</i> <i>Penalty: 5 Days</i> <i>Aggravated: 7 Days - Dismissal</i>	
Offense Code 5.22 Unprofessional Conduct - On Duty	Engaging in conduct, while on duty, which dishonors, disgraces, or discredits the FBI; seriously calls into question the judgment or character of the employee; or compromises the standing of the employee among his peers or his community. This applies to misconduct not otherwise delineated in a specific Offense Code. <i>Mitigated: Letter of Censure - 5 Days</i> <i>Penalty: 7 Days</i> <i>Aggravated: 10 Days - Dismissal</i>	
Offense Code 5.23 Violation of Miscellaneous Rules/Regulations	Failing to enforce or comply with an FBI, DOJ, Office of Personnel Management, or other federal administrative or operational guideline or policy not specifically delineated in any Offense Code. <i>Mitigated: Oral Reprimand - 3 Days</i> <i>Penalty: 5 Days</i> <i>Aggravated: 7 - 30 Days</i>	

Penalty Guidelines Applicable to FBI's Internal Disciplinary Process

- The listed penalties apply to all FBI personnel, regardless of position or title, except that federal law prohibits an agency from imposing a suspension action of less than 15 days against an SES employee. 5 CFR §752.601. In keeping with that requirement, the Preamble to the FBI's Offense Codes and Penalty Guidelines appended hereto provides that if a non-SES employee would have received a 1-day to a 3-day suspension, OPR may impose on an SES employee a letter of censure or a minimum of a 15-day suspension, based on OPR's weighing of the facts and circumstances of the case against the heightened behavioral and managerial expectations associated with SES personnel.
- The term "on duty" refers to the period when an employee is performing an official duty or acting in an official capacity, whether or not the employee is being paid at the time (e.g., misconduct occurring while an employee is driving a Bureau vehicle home at the end of the employee's shift is considered "on duty" for administrative disciplinary purposes).
- See the Offense Codes (attached hereto as Tab A) for a discussion of offenses.

1. INVESTIGATIVE MISCONDUCT

Number	Offense	Mitigated Range	Standard Penalty	Aggravated Range
Penalty Guideline 1.1	Asset/CW/Informant/CHS (Source) - Failure to Obtain Authorization or Report Criminal Activity	Letter of Censure - 5 Days	7 Days	10 Days - Dismissal Compromise case; seriousness of criminal activity
Penalty Guideline 1.2	Asset/CW/Informant/CHS (Source) - Improper Financial Relationship	Letter of Censure - 5 Days No personal gain; good-faith attempt to help source	7 Days	10 Days - Dismissal Financial benefit to employee
Penalty Guideline 1.3	Asset/CW/Informant/CHS (Source) - Improper Intervention on Behalf Of	Letter of Censure - 5 Days No personal gain; good-faith attempt to help source	7 Days	10 Days - Dismissal

Penalty Guideline 1.4	Asset/CW/Informant/CHS (Source) - Improper Personal Relationship	<i>Letter of Censure - 5 Days</i> Lack of initial knowledge the individual was a source	<i>7 Days</i>	<i>10 Days - Dismissal</i> Non-disclosure to AUSA
Penalty Guideline 1.5	Asset/CW/Informant/CHS (Source) - Violation of Operational Guidelines and Policies, Other	<i>Oral Reprimand - 3 Days</i> No personal gain; good-faith attempt to help source	<i>5 Days</i>	<i>7 - 30 Days</i> Jeopardizing safety of others
Penalty Guideline 1.6	Investigative Deficiency - Improper Handling of Document(s) or Property in the Care, Custody, or Control of the Government	<i>Oral Reprimand - 3 Days</i> Others contributed to improper handling	<i>5 Days</i>	<i>7 - 30 Days</i> Significant loss of documents/property
Penalty Guideline 1.7	Investigative Deficiency - Misconduct Related to Judicial Proceedings	<i>Letter of Censure - 5 Days</i> Acted in good faith	<i>7 Days</i>	<i>10 Days - Dismissal</i> Judicial criticism
Penalty Guideline 1.8	Investigative Deficiency - Violations of Operational Guidelines and Policies, Other	<i>Oral Reprimand - 3 Days</i>	<i>5 Days</i>	<i>7 - 30 Days</i> Jeopardizing safety of others

2. INTEGRITY/ETHICAL MISCONDUCT

Number	Offense	Mitigated Range	Standard Penalty	Aggravated Range
Penalty Guideline 2.1	False/Misleading Information - Employment/Security Document(s)	<i>Letter of Censure - 5 Days</i> Minor issues	<i>7 Days</i>	<i>10 Days - Dismissal</i> Drugs, illegal matters, or otherwise material to hiring or a clearance
Penalty Guideline 2.2	False/Misleading Information - Fiscal Matter(s)	<i>Letter of Censure - 7 Days</i> Minor issues; little benefit to employee	<i>10 Days</i>	<i>14 Days - Dismissal</i> Serious T&A abuse; NOTE: voucher fraud warrants dismissal
Penalty Guideline 2.3	False/Misleading Information - Investigative Activity	<i>Letter of Censure - 21 Days</i> Unintentional; minor issues; no material effect on agency/mission	<i>30 Days</i>	<i>35 Days - Dismissal</i> Intentional; significant issues; material impact on investigation/case
Penalty Guideline 2.4	False/Misleading Information - Other Official Matter(s)	<i>Letter of Censure - 5 Days</i> Unintentional or immaterial	<i>7 Days</i>	<i>10 Days - Dismissal</i> Intentional and particularly material; released to another government agency or Congress
Penalty Guideline 2.5	Lack of Candor - No Oath	<i>Letter of Censure - 10 Days</i> Relatively insignificant matters	<i>14 Days</i>	<i>20 Days - Dismissal</i>
Penalty Guideline 2.6	Lack of Candor - Under Oath	<i>N/A</i>	<i>Dismissal</i>	<i>N/A</i>
Penalty Guideline 2.7	RETIRED			

Penalty Guideline 2.8	Misuse of Position	<i>Oral Reprimand - 3 Days</i> Doing so to prevent harm to another or to ensure safety of public/others	<i>5 Days</i>	<i>7 - 30 Days</i> Uncooperative; confrontational; display of weapon; safety hazard; security issue; financial gain; threatening or aggressive behavior
Penalty Guideline 2.9	Misuse of Position - Impersonating an Agent	<i>Letter of Censure - 30 Days</i> Doing so to prevent harm to another or to ensure safety of public/others	<i>45 Days</i>	<i>50 Days - Dismissal</i> Financial gain; threatening or aggressive behavior; security issue; violation of law; engaging in investigative activity
Penalty Guideline 2.10	Failure to Cooperate in an Administrative Matter	<i>N/A</i>	<i>Dismissal</i>	<i>N/A</i>
Penalty Guideline 2.11	Obstruction of an Administrative Matter	<i>Letter of Censure - 14 Days</i>	<i>20 Days</i>	<i>30 Days - Dismissal</i> Threatening or aggressive behavior
Penalty Guideline 2.12	Violations of Ethical Guidelines	<i>Letter of Censure - 10 Days</i> No personal gain; good-faith attempt to assist another	<i>14 Days</i>	<i>15 Days - Dismissal</i> Financial gain; duration; direct/obvious conflict; impact on agency/mission

3. PROPERTY-RELATED MISCONDUCT

Number	Offense	Mitigated Range	Standard Penalty	Aggravated Range
Penalty Guideline 3.1	Damage, Destruction, or Improper Disposal of Government Property	<i>Oral Reprimand - 3 Days</i> Minimal, insignificant value of property	<i>5 Days</i>	<i>7 - 14 Days</i> Significant value of property
Penalty Guideline 3.2	Loss of Badge and/or Credentials	<i>N/A</i>	<i>Letter of Censure</i> 1st loss not referred to OPR, only to Security Division	<i>3 - 10 Days</i> Repeated loss
Penalty Guideline 3.3	Loss of Government Property or Document(s) of a Sensitive/Valuable Nature	<i>Oral Reprimand - 3 Days</i> Minimal, insignificant value; minimal impact on agency/mission; prompt reporting	<i>5 Days</i>	<i>7 - 14 Days</i> Significant value of property; compromise of investigation
Penalty Guideline 3.4	Loss of Weapon	<i>N/A</i>	<i>3 Days</i>	<i>5 - 14 Days</i> Repeated loss; other violation of law, rule or regulation
Penalty Guideline 3.5	Misuse of FBI Database(s)/Unauthorized Access	<i>Oral Reprimand - 3 Days</i> Non-sensitive information	<i>5 Days</i>	<i>7 - 14 Days</i> Duration; frequency; type of information obtained/accessed
Penalty Guideline 3.6	Misuse of Government Computer(s)	<i>N/A</i>	<i>Letter of Censure</i>	<i>3 - 14 Days</i> Duration; frequency; type of information obtained/accessed
Penalty Guideline 3.7	RETIRED			

Penalty Guideline 3.8	Misuse of Government Charge Card - Personal Use	<i>Letter of Censure - 1 Day</i> Expeditious self-reporting of unintentional or emergency use; minimal dollar amount charged, prompt remediation	<i>3 Days</i>	<i>5 Days - Dismissal</i> Duration; frequency; high dollar amount of charges; NOTE: gasoline purchases for personal vehicle with knowledge of direct billing to FBI warrants dismissal
Penalty Guideline 3.9	Misuse of Government Vehicle or Aircraft, Non-Title 31	<i>Oral Reprimand - 3 Days</i>	<i>5 Days</i>	<i>7 - 14 Days</i> Frequency; duration; accident; injury/harm to persons/property; citation/arrest
Penalty Guideline 3.10	Misuse of Government Vehicle or Aircraft, Title 31	<i>N/A</i>	<i>30 Days</i>	<i>35 Days - Dismissal</i> Frequency; duration; accident, injury/harm to persons/property; citation/arrest; NOTE: use to travel to a strip club or similar establishment without operational justification warrants 60 days
Penalty Guideline 3.11	Misuse of Government Property, Other	<i>Oral Reprimand</i> Emergency situation	<i>Letter of Censure</i>	<i>1 - 10 Days</i> Frequency; duration; high value amount

4. ILLEGAL/CRIMINAL CONDUCT

Number	Offense	Mitigated Range	Standard Penalty	Aggravated Range
<p>Penalty Guideline 4.1</p>	<p>Assault/Battery</p>	<p><i>Letter of Censure - 14 Days</i></p> <p>No physical injury</p>	<p><i>20 Days</i></p>	<p><i>25 Days - Dismissal</i></p> <p>Child abuse; presence of children; extent of injuries; alcohol-related</p> <p>Threatening the use of a deadly weapon in any manner during the assault warrants 60 days or dismissal, depending on the totality of the circumstances</p> <p>Making death threats before, during, or after the assault warrants 60 days or dismissal, depending on the totality of the circumstances</p> <p>Especially degrading conduct warrants 60 days or dismissal, depending on the totality of the circumstances</p> <p>Repeated instances of domestic violence warrant 60 days or dismissal, depending on the totality of the circumstances, even absent prior disciplinary history</p> <p>An injury resulting in medical treatment warrants 60 days or dismissal, depending on severity and the totality of the circumstances</p>

				An attempt to prevent the victim from calling 911 or contacting others warrants 60 days or dismissal, depending on the totality of the circumstances
Penalty Guideline 4.2	Drugs - Use or Possession	<i>10 - 60 Days</i> Minimal occurrence in distant past	<i>Dismissal</i>	<i>N/A</i>
Penalty Guideline 4.3	DUI/DWI - Government Vehicle	<i>N/A</i>	<i>45 Days</i>	<i>50 Days - Dismissal</i> Accident, injury, death; failure to cooperate, including refusal to submit to a field sobriety test or BAC test; NOTE: second occurrence results in dismissal DUI by a supervisor warrants demotion to a non-supervisory position BAC greater than .16 warrants 60 days to dismissal, depending on other aggravators and the totality of the circumstances

<p>Penalty Guideline 4.4</p>	<p>DUI/DWI - Privately Owned Vehicle</p>	<p><i>N/A</i></p>	<p><i>30 Days</i></p>	<p><i>35 Days - Dismissal</i></p> <p>Accident, injury, death; failure to cooperate, including refusal to submit to a field sobriety test or BAC test;</p> <p>NOTE: second occurrence results in dismissal</p> <p>DUI by a supervisor warrants demotion to a non-supervisory position</p> <p>BAC greater than .16 warrants 45 days to dismissal, depending on other aggravators and the totality of the circumstances</p>
<p>Penalty Guideline 4.5</p>	<p>Fraud/Theft/Illegal Interference with Property Rights</p>	<p><i>30 - 60 Days</i></p>	<p><i>Dismissal</i></p>	<p><i>N/A</i></p>
<p>Penalty Guideline 4.6</p>	<p>Indecent/Lascivious Acts</p>	<p><i>5 - 21 Days</i></p>	<p><i>30 Days</i></p>	<p><i>35 Days - Dismissal</i></p> <p>A single violation involving a child warrants dismissal</p> <p>Two or more acts of commercial sex warrant 60 days or dismissal, depending on the totality of the circumstances, regardless of the absence of prior disciplinary history</p>
<p>Penalty Guideline 4.7</p>	<p>Other Felonies</p>	<p><i>30 - 45 Days</i></p>	<p><i>60 Days</i></p>	<p><i>Dismissal</i></p> <p>Arrest/indictment/conviction; injury/harm to persons/property; child victim</p>

Penalty Guideline 4.8	Other Misdemeanors	<i>Letter of Censure - 5 Days</i>	<i>7 Days</i>	<i>10 Days - Dismissal</i> Arrest/conviction; injury/harm to persons/property; child victim
Penalty Guideline 4.9	Unauthorized Disclosure - Classified/Law Enforcement Sensitive/Grand Jury Information	<i>Letter of Censure - 7 Days</i> Unintentional, inadvertent; minimal impact on agency/mission	<i>10 Days</i>	<i>14 Days - Dismissal</i> Compromise of case; jeopardizes safety of others; sensitivity of information; security issues
Penalty Guideline 4.10	Unauthorized Disclosure - Sensitive Information	<i>Letter of Censure - 5 Days</i> Unintentional, inadvertent; minimal impact on agency/mission	<i>7 Days</i>	<i>10 Days - Dismissal</i> Compromise of case; jeopardizes safety of others; sensitivity of information; security issues

5. GENERAL MISCONDUCT

Number	Offense	Mitigated Range	Standard Penalty	Aggravated Range
Penalty Guideline 5.1	Alcohol/Substance Abuse - Under the Influence While On Duty	<i>Oral Reprimand - 10 Days</i>	<i>15 Days</i>	<i>20 Days - Dismissal</i> Training exercise; weapons involved; supervisory position; brought alcohol to workplace; extent of intoxication; injury/harm to persons/property
Penalty Guideline 5.2	Dereliction of Supervisory Responsibility	<i>Oral Reprimand - 3 Days</i>	<i>5 Days</i>	<i>7 - 14 Days</i> Jeopardizes safety of others; injury/harm to persons/property; impact on agency/mission
Penalty Guideline 5.3	Discrimination	<i>10 - 25 Days</i>	<i>30 Days</i>	<i>35 Days - Dismissal</i> Supervisory position; pervasiveness; duration; frequency; severity; multiple victims; previously warned Use of a slur based on race, gender, religion, sexual orientation or other protected status warrants 60 days or dismissal depending on the totality of the circumstances Use of such a slur by a supervisor also warrants demotion to a non-supervisory position
Penalty Guideline 5.4	Disruptive Behavior	<i>Oral Reprimand</i>	<i>Letter of Censure</i>	<i>1 - 10 Days</i>

Penalty Guideline 5.5	Failure to Honor Just Debts/Regulatory Obligations	<i>Oral Reprimand - 3 Days</i> Took prompt steps to resolve matter	<i>5 Days</i>	<i>7 Days - Dismissal</i> Amount of debt; violation of court order; pattern; duration; frequency; NOTE: repeated or serious failure to pay federal or state taxes could result in dismissal
Penalty Guideline 5.6	Failure to Perform Prescribed Duties	<i>Oral Reprimand</i> Minimal mission/agency impact	<i>Letter of Censure</i>	<i>1 - 10 Days</i> Extent of dereliction; jeopardizes safety of others; duration; frequency; consequences of dereliction
Penalty Guideline 5.7	Failure to Report - Administrative	<i>Oral Reprimand</i> Insignificant matters	<i>Letter of Censure</i>	<i>1 - 10 Days</i> Significant security issues; impact on agency/mission
Penalty Guideline 5.8	Failure to Report - Criminal/Serious	<i>Letter of Censure - 3 Days</i>	<i>5 Days</i>	<i>7 - Dismissal</i> Seriousness of incident; significant security issues; impact on agency/mission
Penalty Guideline 5.9	Improper Relationship - Criminal Element	<i>Letter of Censure - 5 Days</i>	<i>7 Days</i>	<i>10 Days - Dismissal</i> Impact on agency/mission; compromise of case; especially close relationship
Penalty Guideline 5.10	Improper Relationship with a Subordinate	<i>Letter of Censure - 5 Days</i>	<i>7 Days</i>	<i>10 Days - Dismissal</i> Actual favoritism v. perceived favoritism; student/instructor relationship

Penalty Guideline 5.11	Insubordination	<i>Letter of Censure - 5 Days</i> Reasonable but mistaken belief order was unlawful or in violation of rule, regulation or policy	<i>7 Days</i>	<i>10 Days - Dismissal</i> Jeopardize safety to others; injury/harm to persons/property; impact on agency/mission; compromise of investigation
Penalty Guideline 5.12	Military Reserve Matters	<i>Oral Reprimand</i>	<i>Letter of Censure</i>	<i>1 - 10 Days</i> Impact on agency/mission
Penalty Guideline 5.13	Misuse of Weapon - Safety Violation	<i>Letter of Censure - 5 Days</i>	<i>7 Days</i>	<i>10 Days - Dismissal</i> Intentionality; level of safety risk; use to intimidate or threaten; altered weapon rendering more unsafe
Penalty Guideline 5.14	Misuse of Weapon - Accidental Discharge	<i>N/A</i>	<i>1 Day</i>	<i>3 - 14 Days</i> Injury/harm to persons/property; violation of weapons law, regulation or policy
Penalty Guideline 5.15	Misuse of Weapon - Intentional Discharge	<i>5 - 14 Days</i>	<i>30 Days</i>	<i>45 Days - Dismissal</i> Injury/harm to persons/property; violation of weapons law, regulation or policy
Penalty Guideline 5.16	Retaliation	<i>10 - 21 Days</i>	<i>30 Days</i>	<i>35 Days - Dismissal</i> Retaliation by supervisor warrants demotion to a non-supervisory position
Penalty Guideline 5.17	Security Violation - Failure to Secure Space, Equipment/Materials	<i>Oral Reprimand - 3 Days</i> Minimal impact on agency/mission; insignificant/immaterial matter; expeditious self-reporting	<i>5 Days</i>	<i>7 - 30 Days</i> Compromise of case; impact on agency/mission; duration; frequency; severity; injury/harm to persons/property; jeopardizes the safety of others

Penalty Guideline 5.18	Security Violation - Other	<i>Oral Reprimand - 3 Days</i> Minimal impact on agency/mission; insignificant/immaterial matter; expeditious self-reporting	<i>5 Days</i>	<i>7 - 30 Days</i> Compromise of case; impact on agency/mission; duration; frequency; severity; injury/harm to persons/others
Penalty Guideline 5.19	Sexual Misconduct - Consensual	<i>Letter of Censure - 5 Days</i>	<i>7 Days</i>	<i>10 Days - Dismissal</i> Pervasiveness; impact on agency/mission
Penalty Guideline 5.20	Unwelcome Sexual Conduct	<i>5 - 21 Days</i>	<i>30 Days</i>	<i>35 Days - Dismissal</i> Pervasiveness; impact on agency/mission; impact on victim
Penalty Guideline 5.21	Unprofessional Conduct - Off Duty	<i>Oral Reprimand - 3 Days</i> Minor incident	<i>5 Days</i>	<i>7 Days - Dismissal</i> Use of a slur based on race, gender, religion, sexual orientation or other protected status warrants 60 days or dismissal, depending on the totality of the circumstances Use of such a slur by a supervisor also warrants demotion to a non-supervisory position
Penalty Guideline 5.22	Unprofessional Conduct - On Duty	<i>Letter of Censure - 5 Days</i> Minor incident	<i>7 Days</i>	<i>10 Days - Dismissal</i> See aggravators for Offense Code 5.21
Penalty Guideline 5.23	Violation of Miscellaneous Rules/Regulations	<i>Oral Reprimand - 3 Days</i> Minor incident	<i>5 Days</i>	<i>7 - 30 Days</i>