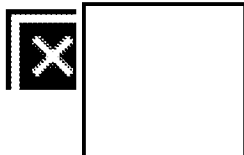


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FEDERAL BUREAU OF INVESTIGATION
POLICY DIRECTIVE

0047D

1. Policy Directive Title.	(U// FOUO) OPR Statement of Authorities and Responsibilities
2. Publication Date.	2008-03-31
3. Effective Date.	2008-01-31
4. Review Date.	2021-01-24
5. Last Updated.	N/A

6. Authorities:

- 6.1. (U) Title 5 United States Code (U.S.C.) Section 301 – Head of an Executive department may prescribe regulations including the conduct of its employees
- 6.2. (U) Title 28 Code of Federal Regulations (CFR) Section 0.138 – FBI Director authorized to take action in employment/employee matters (excepting attorneys)
- 6.3. (U) 28 CFR Section 0.15(c) – Deputy Attorney General may redelegate authority to take action in employment/employee matters pertaining to attorneys and SESers
- 6.4. (U) 28 CFR Section 0.159 – Redlegation of authority to subordinates
- 6.5. (U) 28 CFR Section 0.29c(d) – DOJ/OIG shall report misconduct to FBI-OPR (excepting whistleblower claims)

7. Purpose:

(U//~~FOUO~~) OPR was created to expeditiously and impartially adjudicate allegations of employee misconduct.

8. Policy Statement:

- 8.1. (U//~~FOUO~~) OPR ensures that the FBI maintains its rigorous standards of integrity and professionalism by impartially adjudicating allegations of employee misconduct. FBI employees must maintain the highest standards of personal and institutional responsibility. OPR’s prompt, thorough and fair adjudication of employee misconduct cases materially enhances confidence in and support for the FBI, thereby enabling the institution to better perform its mission.
- 8.2. (U//~~FOUO~~) OPR:
 - 8.2.1. (U//~~FOUO~~) Promotes and enforces disciplinary policies and practices that balance the welfare of employees with the needs of the organization.
 - 8.2.2. (U//~~FOUO~~) Engenders an organizational spirit of fairness by evenhandedly applying the same standards to all employees regardless of rank or job title.
 - 8.2.3. (U//~~FOUO~~) Fosters integrity and ethics in the professional lives of FBI employees.
 - 8.2.4. (U//~~FOUO~~) Brings about a greater awareness of the standards of conduct expected of all employees.
 - 8.2.5. (U//~~FOUO~~) Preserves the high level of respect and cooperation that the FBI receives from the American public and throughout the national and international law enforcement and intelligence communities.

9. Scope:

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

10. Proponent:

(U//~~FOUO~~) OPR

11. Roles and Responsibilities:

11.1. (U//~~FOUO~~) The Assistant Director, OPR, or the individual so designated by the AD, is responsible for:

11.1.1. (U//~~FOUO~~) Adjudicating allegations of employee misconduct by thoroughly reviewing the investigative file to determine whether, by a preponderance of the evidence, the allegation against the employee has been substantiated and, if so, deciding the appropriate disciplinary penalty based on the FBI's Penalty Guidelines.

11.1.1.1. (U//~~FOUO~~) These penalties include oral reprimands, letters of censure, suspensions, demotions, dismissals, and summary dismissals, in accordance with FBI policies and procedures.

11.1.2. (U//~~FOUO~~) Ensuring that in a Delegated Investigation and Adjudication (DIA) case, that has been investigated and adjudicated by the employee's Division, the Division's recommended penalty conforms to the OPR's standards of integrity, professionalism, and impartiality; and is based on the FBI's Penalty Guidelines.

11.1.3. (U//~~FOUO~~) Conducting extensive employee training regarding OPR's policies and procedures, including, but not limited to: (a) EOD training; (b) Quantico training (new agent and other); (c) Legat training; (d) Field Office Training; and (e) intern training (high school and college interns).

11.1.4. (U//~~FOUO~~) Amending the Offense Table and Penalty Guidelines as needed.

12. Exemptions:

(U//~~FOUO~~) None

13. Supersession:

(U//~~FOUO~~) None

14. References, Key Words, and Links:

14.1. (U//~~FOUO~~) References

14.1.1. (U//~~FOUO~~) EC 66F-HQ-C1384970, dated October 22, 2004, entitled "Policy Changes Related to the Disciplinary Process." This document provides information about changes made to the disciplinary process as a result of recommendations received from the Bell/Colwell Commission.

14.1.2. (U//~~FOUO~~) EC to All Divisions, dated October 22, 2004, entitled "New Offense Table and Penalty Guidelines Related to the Disciplinary Process." This document enumerates the type of behavior that constitutes misconduct and the range of penalties for engaging in that behavior.

14.1.3. (U//~~FOUO~~) EC to All Division, dated March 4, 2005, entitled "Policy Changes Related to the Disciplinary Process and Delegated Investigation/Adjudication (DIA) Program." This document describes changes made to the delegated investigation and adjudication program to conform to the overall changes in the disciplinary process.

14.1.4. (U//~~FOUO~~) Memorandum to All Special Agents in Charge, dated August 15, 2000, entitled "Creation of a Single Disciplinary System for All Employees." This document establishes a single

disciplinary system for all employees, making SES employees subject to the same disciplinary procedures as non-SES employees.

14.1.5. (U//~~FOUO~~) Memorandum to All Special Agents in Charge, dated August 15, 1998, entitled "Enhancements to the FBI's Disciplinary Process." This document establishes in-person oral hearings in proposed dismissal cases.

14.1.6. (U//~~FOUO~~) Memorandum to All Special Agents in Charge, dated March 5, 1997, entitled "Standards of Conduct, Disciplinary Matters-Revision of the FBI's Disciplinary Process." This document establishes new procedures for the disciplinary process, including an expansion of employee's procedural rights during the adjudicative and appellate stages.

14.2. (U//~~FOUO~~) Key Words

14.2.1. (U//~~FOUO~~) Adjudication

14.2.2. (U//~~FOUO~~) Preponderance of the evidence

14.2.3. (U//~~FOUO~~) Offense Table and Penalty Guidelines

14.2.4. (U//~~FOUO~~) Delegated Investigation and Adjudication

14.2.5. (U//~~FOUO~~) Misconduct

14.2.6. (U//~~FOUO~~) Employee Training

14.3. (U//~~FOUO~~) Links

14.31. (U//~~FOUO~~) OPR website located at

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15. Definitions:

(U//~~FOUO~~) None

16. Appendices, Attachments, and Forms:

(U//~~FOUO~~) None

Final Approval

Name: John S. Pistole

Title: Deputy Director

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