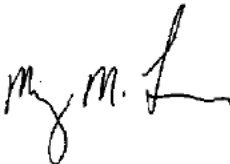




**U.S. Immigration  
and Customs  
Enforcement**

NOV 20 2006

MEMORANDUM FOR: Special Agents in Charge  
Deputy Assistant Directors  
ICE Attachés

FROM: Marcy M. Forman   
Director

SUBJECT: Mandatory Notifications to the ICE Office of Professional  
Responsibility

All Special Agents in Charge, Deputy Assistant Directors and ICE Attachés are reminded that they must immediately notify the ICE Office of Professional Responsibility (OPR) when an allegation of corruption or employee misconduct by an ICE or CBP employee is uncovered during an investigation. This includes instances where the DHS Office of Inspector General has approached an OI field office directly to request information or assistance. This notification is of utmost importance as OPR is charged with protecting the overall integrity of ICE and is responsible for investigating all allegations of employee misconduct (see attached ICE Policy 08001.1). ICE employees are not authorized to conduct investigative activity related to employee misconduct without receiving prior approval from ICE OPR.

If you have any questions regarding reporting requirements, please contact the ICE OPR Joint Intake Center at 1-877-**(b) (7)(E)** and ask to speak to a Headquarters Duty Agent.

Attachment

CC: Director, Office of Professional Responsibility

**U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT  
ICE Policy System (IPS)**

**OFFICE OF PRIMARY INTEREST: OFFICE OF PROFESSIONAL RESPONSIBILITY**

<b>DISTRIBUTION:</b>	ICE
<b>ICE POLICY NO.:</b>	08001.1
<b>ISSUE DATE:</b>	02/03/2005
<b>EFFECTIVE DATE:</b>	02/03/2005
<b>REVIEW DATE:</b>	02/03/2008
<b>SUPERSEDES:</b>	None

**DIRECTIVE TITLE: Functions of the Office of Professional Responsibility**

1. **PURPOSE and SCOPE.** This Directive establishes policy and responsibilities for the Office of Professional Responsibility (OPR). OPR is charged with protecting the overall integrity of U.S. Immigration and Customs Enforcement (ICE). This Directive applies to all components of ICE.
2. **AUTHORITIES.**
  - 2.1 Department of Homeland Security Delegation Order Number 7030.2, issued November 13, 2004.
  - 2.2 ICE Delegation Order Number ICE DO 04-008, issued June 18, 2004.
  - 2.3 ICE and U.S. Customs and Border Protection (CBP) joint reporting memorandum, signed by the Commissioner of CBP and the Assistant Secretary of ICE dated July 2, 2004 and entitled, "Guidance on Reporting Employee Misconduct."
3. **BACKGROUND.** Under the direction of the Assistant Secretary, ICE is charged with enforcing immigration and customs laws, collecting intelligence, protecting specified federal buildings, providing commercial aviation security and performing any such functions as the Secretary of Homeland Security may direct. Critical to this mission is the need for an effective internal program to measure compliance with policies and procedures and investigate allegations of employee misconduct.
4. **POLICY.** OPR is charged with protecting the overall integrity of ICE. OPR is responsible for investigating allegations of employee misconduct impartially, independently and thoroughly. OPR prepares timely and comprehensive reports of investigation for judicial or management action. OPR inspects and reviews ICE offices, operations and processes in order to provide management with an

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FUNCTIONS OF THE OFFICE OF PROFESSIONAL RESPONSIBILITY

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independent review of the agency's organizational health and assesses the overall effectiveness and efficiency of ICE. OPR is responsible for the administration of the Personnel Security program.

## **5. RESPONSIBILITIES.**

- 5.1** The Director of OPR was delegated the authority to conduct investigations of misconduct allegedly committed by employees of ICE, CBP and U.S. Citizenship and Immigration Services.
- 5.2** OPR will maintain a Management Inspections Division responsible for assessing organizational performance, the efficiency and effectiveness of both office and management operations, and compliance to policies and procedures of programs and offices within ICE on a regular and/or recurring basis.
- 5.3** OPR will utilize the OPR Case Management System to monitor and track investigations and inspections.
- 5.4** OPR will manage the ICE Personnel Security program which includes overseeing the background investigation process, adjudicating suitability determinations, and granting appropriate security level clearances.

## **6. PROCEDURES.**

- 6.1** OPR will investigate allegations of criminal and serious misconduct impartially, independently and thoroughly.
- 6.2** OPR will objectively inspect ICE operations and processes for managerial effectiveness and efficiency.
- 6.3** All employees must immediately report allegations of substantive misconduct or serious mismanagement to a local OPR field office, to the Joint Intake Center at 1-877-2INTAKE or to the Department of Homeland Security (DHS) Office of Inspector General. Additional guidance on the specific allegations which must be reported is contained in the July 2, 2004, memorandum entitled "Guidance on Reporting Employee Misconduct."
- 6.4** OPR has full and unobstructed access to all ICE information/records. Managers will ensure OPR is granted full access to all records, files, databases and all related materials needed to conduct investigations, undercover audits and management inspections. OPR will ensure that information is obtained, managed, used and disseminated consistent with the Privacy Act; as well as applicable laws and regulations.
- 6.5** All employees must cooperate fully with OPR during the course of an OPR investigation or inspection. This requirement does not prohibit an employee, who

is the subject in a criminal investigation, from invoking their right against self-incrimination and remaining silent.

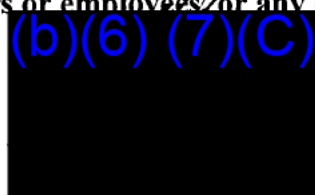
**7. ATTACHMENTS.**

**7.1 Attachment A.** ICE and CBP joint memorandum, signed by the Commissioner of CBP and the Assistant Secretary of ICE dated July 2, 2004, entitled, "Guidance on Reporting Employee Misconduct."

**8. NO PRIVATE RIGHT STATEMENT.** This Directive is an internal policy statement of ICE. It is not intended to, and does not create any rights, privileges, or benefits, substantive or procedural, enforceable by any party against the United States, its departments, agencies, or other entities, its officers or employees, or any other person.

(b)(6) (7)(C)

APPROVED

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Assistant Secretary

**ATTACHMENT "A"**

JUL 02 2004



Homeland  
Security

MEMORANDUM FOR ALL EMPLOYEES OF U.S. CUSTOMS AND BORDER  
PROTECTION AND U.S. IMMIGRATION AND  
CUSTOMS ENFORCEMENT

FROM: Commissioner, U.S. Customs and Border Protection  
Assistant Secretary, U.S. Immigration and Customs Enforcement

SUBJECT: Guidance on Reporting Employee Misconduct

As our transition to the Department of Homeland Security (DHS) began last year, legacy INS and Customs employees were instructed to continue reporting allegations of misconduct to their former agencies. Since then, U.S. Immigration and Customs Enforcement (ICE) and U.S. Customs and Border Protection (CBP) have made great strides in developing shared mission support functions and coordinated operational activities. It is now time to unify our procedures for reporting allegations of employee misconduct.

Accordingly, we have signed a memorandum of understanding creating a Joint Intake Center. At this center, CBP and ICE personnel work together to receive, track and assign the appropriate level of review or investigation to allegations of misconduct involving ICE and CBP employees. In addition, DHS has issued a Management Directive that establishes department-wide policy regarding the role of the Office of Inspector General (OIG) in these matters. A copy of the directive is attached for your review and reference.

Effective immediately, CBP and ICE employees must report allegations of misconduct to the DHS OIG or to the Joint Intake Center or to an ICE Office of Professional Responsibility (OPR) Field Office (a list of OPR contact numbers and locations is attached for your reference). Employees are subject to disciplinary action for failing to report allegations of misconduct. Examples of reportable misconduct are attached to this memorandum.

Allegations of misconduct are to be immediately reported by calling an ICE OPR Field Office or by using one of the following methods:

- Call the toll-free Joint Intake Center Hotline at 1-877-(b) (7)(E) or send a fax to (202) 927-(b) (7)(E)
- Write to P.O. Box 14475, 1200 Pennsylvania Avenue, NW, Washington, DC 20044;
  - Send an E-mail message to (b) (7)(E); or
  - Call the OIG at 1-800-323-(b) (7)(E)

Please review the attached documents. Federal laws and regulations prohibit retaliation against employees for reporting misconduct. If you are unsure about what is reportable misconduct, contact the Joint Intake Center Hotline or your supervisor for clarification.

Attachments

www.dhs.gov

## EXAMPLES OF MISCONDUCT

Every employee has a duty to report any matters that could reflect substantive misconduct or serious mismanagement.

### EXAMPLES OF MISCONDUCT BY EMPLOYEES WHICH MUST BE REPORTED

1. **Criminal activity:** conduct that would violate state or federal criminal laws. Examples of criminal activity include, but are not limited to: bribery, theft or misuse of funds, smuggling, drug possession, perjury, civil rights violations such as mistreatment of aliens, etc.;
2. **Serious misconduct:** substantive misconduct that could jeopardize the agency's mission. Examples of serious misconduct include, but are not limited to: misuse of the Treasury Enforcement Communications System, falsification, abuse of official position for private gain, workplace violence or harassment, improper association, willful misuse of government vehicle or property, etc.

A common-sense approach should be used about reporting less-serious misconduct. Rather than being reported to the Joint Intake Center or to an OPR Field Office, these matters are best handled directly by supervisors and managers or are more appropriately remedied through other avenues that are specifically established for reviewing employee concerns, such as the grievance or complaint process.

### EXAMPLES OF OTHER MISCONDUCT BY EMPLOYEES WHICH SHOULD NOT BE REPORTED TO THE JOINT INTAKE CENTER OR TO AN OPR FIELD OFFICE, BUT SHOULD BE MADE KNOWN TO MANAGEMENT IN A TIMELY MANNER:

Leave issues, such as tardiness or absence without approved leave

Performance related issues, such as not carrying out work assignments, insubordination, inattention to duty, poor work product and misuse of official time.

Dress code issues, such as uniform and appearance matters.

Workplace atmosphere issues, such as personality conflicts and disruptive conduct

Isolated and de minimis (\$100 or less) imprest fund or collection discrepancies.

Rude or unprofessional conduct, such as the use of profanity or other discourteous language, demeanor or gestures.

Passenger or citizenship processing complaints involving examinations, seizures, fees, fines or penalties.

Unauthorized use of the government travel/purchase card (\$500 or less) or a payment delinquency under \$1,000.