


# Memorandum



Subject:  
Conduct of Drug Enforcement Administration (DEA)  
Employees (DFN: 060-01)

Date:  
October 22, 2014

To:  
All DEA Employees

From:   
Michele M. Leonhart  
Administrator

The Drug Enforcement Administration (DEA) is the premier drug law enforcement agency in the world. This is the result of the hard work and dedication of our employees, who are committed to the mission of protecting public health and safety. As a result of our work, DEA enjoys a tremendously positive reputation with the public that we serve.

Working to maintain the public's trust and confidence is vital to our success as a law enforcement agency. Without that, our ability to do our job becomes much harder, and we put ourselves and others at risk. While I am proud of the conduct of the vast majority of our personnel, our reputation is not something we can take for granted. DEA employees occupy positions of great trust and confidence. Our vital mission, and the tremendous authority that is committed to us by statute, demand that employees conduct themselves in an exemplary manner at all times, whether on or off-duty. DEA's Standards of Conduct, which all employees acknowledge that they have read and understand annually, set the standards of behavior to which all employees must adhere.

This memorandum, while not intended to be all encompassing or to in any way alter the Standards of Conduct, is intended to address specific areas of misconduct that are of particular concern to me in that violations in these areas can seriously impact the integrity of this agency. I have therefore instructed the Board of Professional Conduct and the Deciding Officials to closely review and to consider proposing and imposing severe disciplinary actions in all future cases of misconduct in these areas, as appropriate.

## Making False, Misleading or Inaccurate Statements

In order to maintain the public trust, protect the integrity of the agency, and ensure the safety of our personnel and the public, it is imperative that DEA employees, regardless of job series or duties, be truthful and forthright in all aspects of their official duties. There can be no exception to this requirement, and all DEA employees must maintain the highest standards of integrity, trust and character. Creating false, misleading, or inaccurate documents or providing false, misleading, or inaccurate statements in any matter or context is unacceptable and will be dealt with through DEA's disciplinary system.

DEA personnel are expected to be candid, forthcoming, and responsive in all matters related to or impacting upon their official duties. As has long been the standard in this agency, employees will not use evasive or craftily worded phrases in their statements (written or oral), in their testimony, or in documents. Employees will not minimize or exaggerate facts and will not omit or distort information or data. Similarly, employees will not permit, condone, or acquiesce in other agency employees violating these basic principles. Violating these principles is a serious offense which is only marginally mitigated by telling the truth later, such as when an employee initially is less than completely truthful with Office of Professional Responsibility but subsequently tells the full truth, even if within the same interview. Similarly, these principles apply to both oral and written statements, whether under oath or not.

While these principles apply to all employees, misconduct along these lines is particularly egregious when committed by employees such as Special Agents, Diversion Investigators, Chemists, and other employees whose duties require testimony. DEA is required to disclose any instances of past conduct which negatively reflects upon a testifying employee's propensity to be truthful. Criminal defendants are often provided this information and use it to impeach the integrity of DEA employees. When a DEA employee commits an act involving falsification, then, he or she may be restricted or prohibited from testifying or from participating in criminal investigations, in addition to facing severe discipline.

### Off-Duty Misconduct

It is important to remember that DEA's Standards of Conduct govern employee behavior both on and off-duty. The Standards specifically state, "DEA personnel, as members of the law enforcement community, occupy positions of trust and shall refrain from omissions or commissions of conduct in their off-duty hours which will impact, influence, impede, or in any way affect their DEA responsibilities." *Personnel Manual*, Section 2735.15.A.2. The Standards prohibit employees from "engaging in any criminal, infamous, dishonest, or notoriously disgraceful conduct or other conduct prejudicial to DEA, to the Department of Justice, or to the Government of the United States." *Personnel Manual*, Section 2735.15.A.1.

Any conduct, whether on or off-duty, that is of a nature that could bring discredit to DEA, that could adversely affect an employee's or co-worker's ability to perform his or her job, that could adversely affect or that opposes the agency's mission, or that causes the agency to lose trust and confidence in the employee, violates these Standards of Conduct. For example, soliciting or participating in prostitution, which is defined as engaging in sexual activity for money or its equivalent, is strictly forbidden, even while assigned to or in a foreign country where such activity is not criminalized.

Employees must remember that they represent DEA, the Department of Justice, and the United States of America at all times, whether on or off-duty. While this is true everywhere, it is particularly true for personnel who are assigned, sent TDY, or who are otherwise present in a foreign country. Conduct which is unacceptable in the United States may lead to disciplinary action if engaged in overseas, even though such conduct may be acceptable in a particular foreign country. The converse may also be true – conduct which is acceptable in the United States may lead to disciplinary action if engaged in overseas. Employees overseas must remember that they are subject to Department of State regulations governing conduct as well as those of DEA.

## Consumption of Alcohol and Related Misconduct

One of the quickest ways to lose public trust and confidence is to call into question the sobriety of the workforce. DEA policy has long contained strong warnings about the use of alcohol by employees both on and off-duty. Employees are forbidden from consuming *any* alcoholic beverages during their assigned duty hours (unless formally authorized by their supervisors for mission-related reasons and in accordance with the Agents Manual) or when they will be operating an Official Government Vehicle (OGV). Consuming any alcohol under these circumstances is a serious matter, even if the employee is not impaired. Similarly, I want to remind employees that, under DEA's Table of Penalties, driving an OGV under the influence of alcohol carries a penalty of a minimum 60-day suspension for a first offense. I have instructed the Board of Professional Conduct and the Deciding Officials to strictly adhere to the Table of Penalties in this regard. In addition, employees in law enforcement positions who may be recalled to duty should not engage in the consumption of alcohol to such an extent that they are unable to return if called upon.

I believe that violations of these directives pertaining to alcohol consumption are extremely serious and merit severe disciplinary action, up to and including removal from DEA. Because the irresponsible or excessive use of intoxicating beverages directly affects the integrity of the service, it is incompatible with DEA's mission and will not be tolerated. DEA employees must appropriately monitor and control their off-duty consumption of alcohol to ensure that they do not bring embarrassment or discredit to this agency. Similarly, supervisory personnel will observe subordinate personnel for warning signs or indicators which suggest that an employee may have a problem with intoxicants. In such situations, supervisors must make the appropriate referrals and notifications through the chain of command.

## Domestic Violence

I have noted an increase in incidents involving allegations of domestic violence. Such conduct can adversely impact an employee's ability to do his or her job and cause agency leadership to lose confidence in the employee. It demonstrates a lack of the maturity and self-control that is expected of personnel working for an agency charged with authority to make decisions affecting life, liberty and property. It also negatively affects the reputation of this agency among the state and local law enforcement agencies with which we must work. Accordingly, I expect employees to refrain from all acts of domestic violence, and I have instructed the Office of Professional Responsibility, the Board of Professional Conduct, and the Deciding Officials to closely scrutinize allegations of domestic violence and to take stern disciplinary action when such charges are sustained.

## Failure to Exercise Proper Supervision

Supervisors and managers play an integral role in maintaining the integrity of the agency and its personnel. DEA's ability to accomplish its mission is directly related to the supervision provided by first line managers and others in the chain of command. Managers are charged with ensuring that DEA's policies and procedures are followed. Ineffective or negligent supervision can endanger not only the welfare and safety of DEA personnel, but also the well-being of others. In fact, many errors and unfortunate outcomes that this agency has experienced could likely have been prevented or minimized by more effective management. Examples of inadequate supervision include managers who ignore or do not react appropriately when misconduct occurs; permit employees to disregard

procedures; fail to monitor the activities of subordinate employees; or simply do not ensure that an employee's work performance is acceptable or his/her conduct is appropriate.

In sum, supervisory personnel are to be held accountable for the misconduct of their subordinate employees when such acts could have been prevented by greater attention to supervisory duties. Supervisors are to monitor the work of subordinates and intervene as appropriate with guidance and direction. Failure to properly carry out supervisory or managerial responsibilities, regardless of outcome, may lead to the initiation of disciplinary action against the supervisor.

#### Sexual Harassment, Discrimination, and Retaliation

Diversity is vital to this agency's success, and indeed it is a major strength of DEA. We are a flexible, dynamic, and multi-talented workforce. Accordingly, I am strongly committed to maintaining a workplace free of the destructive effects of harassment, discrimination and retaliation. DEA personnel are to treat everyone professionally and with respect, regardless of any characteristic such as race, religion, ethnicity, gender, age, physical handicap, or sexual preference. Anything less will not be tolerated. DEA personnel shall not retaliate or reprimand against employees who exercise their right to file a report or complaint of discrimination, who provide information in the course of any internal investigation of misconduct related to such allegations, or who otherwise engage in any protected activity.

#### Improper Relationships with Cooperating Individuals, Sources of Information, and Others

Personal or financial relationships with individuals who provide or who in the past have provided information to law enforcement or intelligence agencies can compromise investigations and result in the credibility and integrity of both the employee and the agency being called into question. These individuals may be formally documented sources, may be undocumented, and/or may be associated with other agencies. Regardless of affiliation, DEA employees are not to involve themselves personally or financially with individuals who are assisting or who in the past have assisted in the conduct of an investigation. In short, agency personnel will maintain a professional relationship, not a personal relationship, with these individuals at all times.

Additionally, DEA employees are precluded from developing a personal or financial relationship with individuals associated with criminal activity or who have a history of associating with criminal activity. Employees are also not to develop relationships and/or affiliate with any person or group which advocates or engages in illicit activity. Such relationships are inconsistent with the mission of a Federal law enforcement agency, directly call into question the credibility and integrity of DEA and the employee concerned, and potentially place the employee and DEA in a position in which this agency's operational effectiveness may be compromised. Employees are reminded that they are always to conduct themselves in a manner above reproach in all associations and relationships and to be mindful that even the appearance of impropriety can seriously jeopardize DEA's law enforcement mission.

#### Misuse of Office

It is important for all employees to recognize that Misuse of Office encompasses several different types of misconduct. Section 2735.15 (O) of the *Personnel Manual* includes examples of misconduct that I regard as serious enough to warrant disciplinary action, up to and including removal, for the

first offense. Of particular concern to me is destruction of evidence and obstruction or attempted obstruction of an official investigation, inquiry, or other matter of official interest. DEA employees must remember that, as a law enforcement agency, they are held to a high standard of conduct. DEA personnel must respond to and cooperate with investigators when so directed and must provide accurate and complete information in response to an investigator's requests. I expect that all DEA employees will provide all information and documents, including electronic communications, requested by investigating officials. If an employee is the target of a criminal investigation, he or she retains the ability to invoke any applicable constitutional protections he or she may have. However, any employee who destroys information requested by investigators during an official inquiry or obstructs an official investigation will be subject to severe disciplinary action, up to and including removal, for the first offense.

### Loss or Theft of Firearms

Special Agent personnel are reminded of the importance of properly safeguarding their firearms. Weapons that are lost or stolen pose a grave danger to society and can be used to commit violent crimes. As a result, it is imperative that Agents maintain and safeguard all weapons issued by DEA or approved for official use in accordance with applicable policies and procedures at all times. I consider loss or theft of weapons resulting from a failure to properly maintain and safeguard them as a very serious matter, and I have instructed the Office of Professional Responsibility, the Board of Professional Conduct, and the Deciding Officials to treat it as such.

### Repeat Offenders

I also want to remind employees that repeated acts of misconduct will not be tolerated. Multiple violations of the Standards of Conduct, even if each incident is relatively minor, are inconsistent with the high standards of this agency and indicate, at best, an uncaring, cavalier attitude towards one's responsibilities. Section 2735.13.B.4 of the *Personnel Manual* states that the commission of four acts of misconduct within a two-year period may be grounds for removal from DEA, regardless of the nature of the offenses committed. I have asked the Office of Professional Responsibility, the Board of Professional Conduct, and the Deciding Officials to be mindful of this provision and of employees' history of misconduct as they perform their duties.

### Conclusion

The mission and work of DEA are highly respected by the public at large and the law enforcement community. It does not take much to tarnish this hard-earned and well-deserved reputation, however. As noted above, I have not attempted to address in this memorandum every area of conduct that an employee should avoid. Rather, my intent is to address certain areas of specific concern to me, where I believe misconduct can cause particular harm to DEA. Any violation of the Standards of Conduct can cause serious harm, however, and can warrant disciplinary action.

Accordingly, an employee who engages in on or off-duty misconduct can expect that appropriate measures will be taken and that, once a report of misconduct is received, the Office of Professional Responsibility and/or the Office of the Inspector General (OIG) will thoroughly and completely investigate such allegations. The results of these investigations will be evaluated through DEA's disciplinary process and, if appropriate, disciplinary action consistent with DEA's Table of Penalties

will be imposed. Sustained charges of misconduct will result in disciplinary action up to and including removal, as warranted.