

## U.S. CUSTOMS AND BORDER PROTECTION DIRECTIVE

CBP Directive No.: 1440-026A

DATE: 4/4/2017

ORIGINATING OFFICE: OPR: IOD

SUPERSEDES: 1440-026, 4/2/1999

REVIEW DATE:

### REPORTING ALLEGATIONS OF EMPLOYEE MISCONDUCT

**1 PURPOSE.** This directive is to advise all U.S. Customs and Border Protection (CBP) employees and contractors of the requirement to report allegations of misconduct by any CBP employee and contractor, to include self-reporting misconduct.

**1.1** All CBP employees and contractors have the responsibility to promote and preserve integrity of the agency within the workplace. This directive establishes the process to report allegations of employee misconduct in a fair, consistent, and professional manner. A uniform system of reporting employee misconduct will foster employee awareness and encourage organizational integrity.

**2 POLICY.** All CBP employees are required to adhere to the CBP Standards of Conduct found in the CBP Directive No. 51735-013A, dated March 13, 2012; failure to do so subjects employees to sanctions contained in the Table of Offenses and Penalties. Certain conduct, on or off duty, may subject employees to disciplinary action whether or not the conduct is specifically addressed in the Standards of Conduct, or in related statutes or regulations.

**3 AUTHORITY.** Executive Order 12674, Principles of Ethical Conduct for Government Officers and Employees; Department of Homeland Security Management Directive System – MD No. 0480.1, Standards of Conduct; and Title 5 Code of Federal Regulation Part 2635, Standard of Ethical Conduct for Employees of the Executive Branch.

**4 REFERENCES.** CBP Directive No. 51735-013A, U.S. Customs and Border Protection Standards of Conduct dated March 13, 2012; and CBP Directive 3340-025D, Reporting Significant Incidents to the Commissioner's Situation Room dated September 30, 2010; and CBP Directive No. 51735-014, U.S. Customs and Border Protection Arrest of CBP Employees dated March 13, 2012.

**5 RESPONSIBILITIES.** The Assistant Commissioner, Office of Professional Responsibility (OPR) is responsible for overall policy implementation and program management.

**6 REPORTABLE ALLEGATIONS.** Reportable allegations include violations of state or federal criminal laws, including all employee arrests, and misconduct that may jeopardize the agency's mission.

- Examples of violations of law may include, but are not limited to: solicitation/acceptance of a bribe; theft or misuse of funds; smuggling of narcotics and persons; use or possession of illegal drugs; perjury/false statements; deprivation of civil rights such as excessive use of force; sexual assault or abuse; aiding and abetting; money laundering; child pornography; disclosure of classified information; intentional misrepresentation or falsification of information; abuse of official position for private gain; and willful and intentional misuse of government systems or databases (e.g., TECS misuse).
- Examples of alleged misconduct that jeopardizes the agency's mission may include, but are not limited to: improper association/relationship with any criminal element; willful and intentional misuse of government vehicles or property; failure to cooperate during an official investigation; viewing or downloading pornography (other than child pornography) on a government computer; abuse of authority; arrest of a family member with a nexus to any laws enforced by CBP; interference with other employees in the performance of official duties; misuse of official time; unintentional discharge of a service weapon (no injuries); gross mismanagement; hostile work environment; harassment; missed (TECS) hits or lookouts; CBP travel credit card violations of over \$500 or delinquencies of over \$1,000 beyond 60-days<sup>1</sup>; inattention to duty where potential danger to life or extensive damage to property is affected or substantial revenue is lost; failure to follow established policies and procedures; neglect of duty; unauthorized or negligent use or damage to government property (e.g., firearms, vehicles, aircraft, or vessels); seizure discrepancies with signs of tampering; and allowing individuals to escape apprehension through suspected assistance or negligence.

**7 PROCEDURES.** CBP takes allegations of violations of law or misconduct that jeopardizes the Agency's mission seriously. These allegations must immediately be reported using one of the following methods:

- call the toll-free Joint Intake Center (JIC) Hotline at 1-877-2INTAKE;
- contact the local CBP OPR Special Agent in Charge (SAC) Office;
- send a fax to (202) 344-3390;
- send an e-mail message to [Joint.Intake@dhs.gov](mailto:Joint.Intake@dhs.gov);
- write to P.O. Box 14475, 1200 Pennsylvania Avenue, NW, Washington, DC 20044.

**8 NON-REPORTABLE WORK RELATED MATTERS.** Work related matters or employee performance issues should not be reported to the JIC nor the local CBP OPR SAC Office. Absent aggravating factors, these matters are best handled by supervisors and managers in coordination with CBP Labor and Employee Relations (LER).<sup>2</sup>

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<sup>1</sup> As outlined in CBP Directive 5330-022G Section 5.7.5. Does not include instances where evidence exists that an employee submitted a completed travel voucher and had not been reimbursed by CBP, through no fault or delay by the employee, in accordance with CBP Directive 5330-022G Sections 5.9, 6.6, 6.8, 6.8.1, and 6.9.

<sup>2</sup> In situations where an employee is unable to address a work-related matter or performance issue with his or her supervisor (i.e., if the supervisor is the subject of the allegation), the employee should contact LER or report the matter to the JIC or local CBP OPR SAC Office. If an employee is not certain whether a work-related matter or employee performance issue should be handled by his or her supervisor, he or she should contact the JIC or local CBP OPR SAC Office for a determination as to whether the conduct is a reportable allegation.

- Examples of work related matters or employee performance issues may include, but are not limited to: vehicle accidents (no fault, no injuries); lost/missing/stolen government property (e.g., PIV card, government cellular phone, credit card, camera, sensor); leave issues, such as tardiness or absence without approved leave; performance related issues, such as not carrying out work assignments, inattention to duty, and poor work product; insubordination; 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 towards members of the public, co-workers, or supervisors; passenger or citizenship processing complaints involving examinations, seizures, fees, fines, or penalties; and unauthorized use of the government travel/purchase/fleet card (\$500 or less) or a payment delinquency under \$1,000.

**9 MEASUREMENT.** OPR will maintain a case management system to track and categorize all allegations.

**10 NO PRIVATE RIGHT CREATED.** This Directive is an internal policy statement of CBP. It does not create or confer any right, privilege, or benefit on any person or entity.



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