Department of Justice

TESTIMONY OF

MICHELE M. LEONHART
ADMINISTRATOR
DRUG ENFORCEMENT ADMINISTRATION

BEFORE THE

COMMITTEE ON OVERSIGHT AND GOVERNMENT REOFRM
U.S. HOUSE OF REPRESENTATIVES

FOR A HEARING EXAMINING

THE OFFICE OF INSPECTOR GENERAL'S REPORT, "THE HANDLING OF SEXUAL HARASSMENT AND MISCONDUCT ALLEGATIONS BY THE DEPARTMENT'S LAW ENFORCEMENT COMPONENTS"

PRESENTED ON

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Testimony of Administrator Leonhart
Drug Enforcement Administration
Before the
U.S. House of Representatives
Committee on Oversight and Government Reform
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Chairman Chaffetz, Ranking Member Cummings, and distinguished Members of the Committee. Thank you for the opportunity to be here today to discuss the report released by the Office of Inspector General (OIG) of the Department of Justice (DOJ) titled, "The Handling of Sexual Harassment and Misconduct Allegations by the Department's Law Enforcement Components." I am honored to lead the more than 9,000 men and women of the Drug Enforcement Administration (DEA) and I can assure you that I regard the issues raised by OIG as significantly troubling, and do not take them lightly.

DEA's mission is to identify, investigate, disrupt, and dismantle drug trafficking organizations responsible for the production and distribution of illegal drugs. DEA is responsible for enforcing the Controlled Substances Act and is pleased to work closely with our local, state, federal, and international counterparts. Enforcement of our nation's drug laws is, and will always be, our top priority.

To address the international threat of the drug trade, DEA employs many of its staff in foreign posts of duty. DEA has the largest international footprint of any American federal law enforcement agency with 833 personnel permanently assigned to 86 foreign offices in 67 countries, including 459 Special Agents as of last year. The vast majority of DEA employees working in foreign countries behave properly while on their foreign assignments. In fact, the OIG acknowledged in its report that they "found relatively few reported allegations of sexual harassment and sexual misconduct in the Department's law enforcement components" for fiscal years 2009 through 2012. Unfortunately, the misconduct of a few individuals which are the subject of the present report overshadows the good work that we have done and casts an unfavorable light on DEA.

Make no mistake, as a career federal law enforcement officer with over 30 years of experience, I am disgusted by the behavior described in these cases, and I remain committed to holding DEA employees accountable for their actions especially when those employees conduct themselves in a manner that is not befitting of the high professional standards I hold dear. As a fellow law enforcement officer, I am disappointed by the discipline imposed for the misconduct described in the report. I need to make clear however, that I do not have the authority to simply terminate employees at will. This is not because I am being overly cautious, but because federal employees have certain constitutional due process rights which are implemented through

statutory procedures granted by Federal Civil Service Law and further carried out through Office of Personnel Management's (OPM) regulations. The Merit Systems Protection Board (MSPB) serves as the guardian of the Federal Government's merit-based system of employment, and MSPB caselaw establishes that comments by senior agency officials about the merits of a particular case before it is finally decided can be deemed harmful procedural error and can actually result in the disciplinary action being overturned. The actions taken against the employees involved in these cases were all taken in compliance with statutory procedures and, where applicable, adjudicated in accordance with MSPB policies and procedures.

What has been overshadowed by the media coverage of this report is that OIG generally found that all components, including DEA, fully investigated reported allegations of misconduct. This said, the serious allegations OIG highlighted are certainly troubling, and outline behaviors that cannot be ignored.

One set of allegations in particular were not as fully investigated as they could have been. The events in question occurred between 2001 – 2004 and were not reported to our Office of Professional Responsibility (OPR) until 2010 at which time an investigation was opened. The allegations that Agents assigned in Bogota engaged in prostitution and accepted gifts from drug traffickers was pursued by OPR; however, the resulting investigation left some questions unanswered.

As a result, the subject employees may have received different sanctions if there had been further information developed through additional investigation. Regardless, the behavior in question is not acceptable and DEA hopes the additional training and guidance that we have provided to all personnel, but particularly those stationed overseas, make absolutely clear there is no tolerance for this misconduct and will prevent similar incidents from occurring in the future.

As Administrator of the DEA, I take these matters seriously. In fact, shortly after the Cartagena incident in April 2012, I formed a Task Force to address employee misconduct. The Task Force was comprised of representatives from the following DEA components: Office of Professional Responsibility, Field Management, the Board of Professional Conduct, Human Resources Division, and the Office of Chief Counsel. After numerous meetings and discussions, the Task Force made three recommendations, all of which were implemented in the fall of 2014:

1 Amend DEA's Personnel Manual to clarify and emphasize unacceptable conduct by employees as related to prostitution and association with the criminal element;

2 Issue an agency-wide message and memorandum to all employees reiterating the expected conduct for DEA employees and the possible discipline for violating these standards (Appendix A); and

3 Publish "Fact or Fiction?" questions and answers related to employee misconduct on DEA's intranet system (Appendix B).

Additionally, in September 2014, DEA's Office of Chief Counsel incorporated new material relating to off-duty misconduct into two ethics classes presented at DEA's Training Academy. The first class is taught to all new core series employees starting their career at DEA: Special Agents, Intelligence Research Specialists, Diversion Investigators, and Office of Forensic Science professionals. The second class is presented at the DEA Group Supervisor Institute and Supervisor Development Institute, which are attended by all DEA managers. Both of these courses not only address off-duty misconduct overseas, but also misconduct in the United States. Both courses address not only prostitution, but other forms of misconduct and emphasize that, while certain activities may be legal in a foreign country or United States jurisdiction, DEA employees would still violate applicable laws, regulations, and Department policy if they engaged in such acts.

For many years, the Office of Professional Responsibility has given and continues to give a presentation at core series training courses held at the DEA Training Academy and at the DEA Foreign Orientation Program, which is attended by all DEA personnel being transferred to an overseas assignment. The Office of Professional Responsibility updated their presentation to emphasize on-duty and off-duty misconduct which would be investigated by them both domestically and internationally. In addition, this material specifically addresses excessive alcohol consumption, illegal drug use, prostitution, and notorious conduct. The amended presentation was first provided to the Foreign Orientation Program in May of 2012, and it was implemented in all core series training courses beginning September, 2014.

DEA has had the opportunity to review the report and regrets any misunderstanding we have had with OIG in relation to providing access to files regarding their audit. It is against DEA's best interests to obfuscate personnel issues, and I can assure you there was no effort to do so in this case nor would I tolerate any effort to do so. We certainly believe that there is value in having the OIG examine policies and procedures to help identify areas where improvement may be needed.

Of the eight recommendations, six are applicable to DEA. As noted in Appendix 11 of the report, DEA concurred with the four that were directly applicable to DEA and deferred to the Office of the Deputy Attorney General on the remaining two. For three of the six applicable recommendations, DEA was asked to provide additional documentation regarding our compliance by June 30, 2015. DEA is on track to provide this information to OIG. Let me highlight the actions DEA took prior to the release of OIG's report, as well as the work that we continue to do in an effort to address many of the recommendations in the report.

Reporting of Allegations of Sexual Harassment and Sexual Misconduct

The OIG found that DEA "lacks a clear policy" as to when managers should report allegations to Headquarters and recommended that DEA make such reporting mandatory. On October 22, 2014, I issued a memorandum titled "Conduct of DEA Employees" (Appendix A) to each and every employee which addressed specific areas of misconduct which can seriously impact the integrity of DEA. Such areas include Off-Duty Misconduct; Failure to Exercise Proper Supervision; Sexual Harassment; Discrimination and Retaliation; Improper Relationships with Cooperating Individuals/Sources of Information; and others. This memorandum ensures that supervisors and managers, as well as employees, are aware of their responsibilities concerning misconduct and that appropriate measures through the disciplinary process are taken once a report of misconduct is received.

In addition, all DEA employees are required to certify on an annual basis that they have reviewed and understand the DEA's Standards of Conduct. DEA's Standards of Conduct ensure that employees understand that they are held to a high standard of honesty and integrity and that any lapses from that standard can destroy the future effectiveness of employees and harm DEA's credibility with the public. Failing to adhere to the Standards of Conduct may result in disciplinary action, up to and including removal from service.

Coordination with DEA's Office of Security Programs

The OIG concluded that DEA's Office of Security Programs was not always informed about employees who were alleged to have engaged in high-risk sexual behavior. The report recommended that all non-frivolous sexual harassment and sexual misconduct allegations be referred to the Office of Security Programs. On November 17, 2014, a memorandum was issued that implemented new procedures to ensure systematic coordination between the Office of Professional Responsibility and the Office of Security Programs. This coordination will ensure an assessment is made to determine whether an employee's security clearance should be maintained.

Procedures for Reporting Allegations of Harassment and Misconduct

OIG concluded that DEA should have clear and consistent criteria for determining whether an allegation should be investigated at Headquarters or should be referred back to the originating office to be handled as a management matter. DEA concurred with this recommendation, and OIG acknowledged in the report that DEA had established clear and consistent criteria to determine appropriate action. The Office of Professional Responsibility, at the discretion of the Deputy Chief Inspector, investigates all criminal violations, integrity violations, and violations of the DEA's Standards of Conduct. On occasion, issues such as

insubordination or other administrative matters are referred back to Division management for action they deem appropriate.

DEA's "Disciplinary Offenses and Penalties Guide"

The report determined that DEA did not have specific offense categories to address allegations of sexual misconduct and sexual harassment. The DEA Disciplinary Offenses and Penalties Guide (Guide) is intended to provide information and guidance about the range of penalties that may result from a particular type of misconduct. The Guide is not intended to set forth specific charges, but rather to ensure that employees are charged consistently. DEA is currently examining and evaluating the offense categories specifically designed to address sexual misconduct and sexual harassment, and will revise the Guide as appropriate.

Prior to that review, DEA modified its Personnel Manual in November 2014 to explicitly make clear that solicitation or engaging in prostitution is forbidden, even in foreign countries or other jurisdictions where it is not criminalized.

Preservation and Monitoring of Text Messages and Images

OIG concluded that all four law enforcement components, including DEA, did not have adequate technology to archive text messages sent and received by their employees and are unable to fully monitor the transmission of sexually explicit text messages and images. As mentioned in the report, the OIG will work with the Deputy Attorney General to implement these recommendations and successfully resolve any outstanding issues.

As outlined above, we have already made significant policy changes designed to clarify and educate the DEA workforce. As a career Special Agent, I am here to testify that the professional standards and conduct of DEA is of paramount concern and I will continue to address these important issues moving forward.

In conclusion, I would like to reiterate that throughout DEA's history of over 40 years, we have safeguarded Americans from the dangers associated with the drug trade and, during that time, the vast majority of our employees have pursued that mission effectively and honorably. It is my sincere hope that DEA Agents will be regarded for their hard work in this arena and not by the poor choices of a few.

Thank you again for the opportunity to appear before the committee today, and I look forward to answering any questions you may have.

Appendix A

Memorandum

Subject:	Date:
Conduct of Drug Enforcement Administration (DEA) Employees (DFN: 060-01)	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 warnings 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 reprise 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.

Appendix B

Office of Professional Responsibility- Foreign Operations

You are part of the Drug Enforcement Administration… An Agency Set Apart. We are the best at what we do with our single-mission focus on enforcing our nation's drug laws. For example, consider our presence, relationships and our effectiveness in working with and in foreign countries.

DEA has the largest presence internationally of any American federal law enforcement agency. As of last year DEA had 833 personnel (Special Agents, Intelligence Research Specialists, support personnel, and other employees) permanently assigned to 86 foreign offices in 67 countries, including 459 Special Agents. Our personnel are not just present in those countries: they are working, accumulating accomplishments, and being good partners to our host-nation counterparts.

According to the DEA Office of Operations Management, DEA's foreign offices had 514 active Priority Target Organization cases (23 percent of which were linked to CPOTs. At the same time they dismantled 83 drug trafficking organizations, of which a quarter were CPOT-linked, and disrupted 124 Drug Trafficking Organizations in 2013.

That year DEA's foreign offices reported seizures of more than 223 tons of cocaine, nearly 11 tons of heroin, eight tons of methamphetamine, 24 tons of opium, nearly seven tons of morphine and more than a million kilograms of marijuana. It is estimated that the total revenue denied to drug traffickers by DEA's foreign offices was about $2.3 billion. These are big numbers that represent many major successes that significantly reduced the flow of drugs to our country and damaged many major international drug trafficking organizations.

In addition to our exceptional performance globally, the vast majority of DEA employees working internationally behave properly while on their foreign assignments. However, when DEA personnel engage in misconduct, it reflects poorly on our agency, erodes the public's trust in us, and diminishes DEA's image as a leader in law enforcement.

When misbehavior does happen, it is reported and thoroughly investigated by the Office of Professional Responsibility along with other appropriate Department of Justice internal affairs offices. This happens so that the American public will maintain their confidence in us, in the integrity of the process, and of all the important work we do.

The OPR would rather prevent misconduct than investigate these matters after they have occurred. With that in mind, test your knowledge on the following fact or fiction questions:

1. **Fact or Fiction**? Federal employees cannot be disciplined for off-duty misconduct unless that conduct amounts to a crime.

Answer: Fiction. DEA's Standards of Conduct state that DEA personnel are prohibited 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. The Standards of Conduct also state that DEA personnel occupy positions of trust, and shall refrain from conduct in their off-duty hours which will impact, impede, or in any way affect their DEA responsibilities.

1. **Fact or Fiction**? In some overseas environments, DEA employees are permitted personal use of their assigned OGVs by their Regional Director because of security concerns. Even in those instances, DEA employees may not operate their OGVs after consuming alcohol.

Answer: Fact. A Regional Director's authorization of personal use of OGVs due to security concerns only permits employees to use the OGV for unofficial purposes, such as running errands and transporting

family members. Personnel remain subject to all other agency standards concerning OGV use, including the prohibition on operating the vehicle after consuming alcohol.

1. **Fact or Fiction**? If a DEA employee is sent TDY to a country where prostitution is legal, he or she may engage in the activity without violating the Standards of Conduct.

Answer: Fiction. DEA's Standards of Conduct prohibit employees from soliciting or participating in prostitution, defined as engaging in sexual activity for money or its equivalent or commercialized sex, even in countries where it is not criminalized.

1. **Fact or Fiction**? Occasionally, the Department of State or the DEA host country office imposes additional restrictions on employee conduct. For example, certain establishments may be declared off-limits. DEA personnel who are sent TDY to that country, or who visit the country on vacation, are subject to those additional requirements to the same extent as assigned personnel.

Answer: Fact. DEA personnel who are in a foreign country, whether permanently assigned, sent TDY, or simply visiting on vacation, are subject to all conduct requirements applicable to personnel assigned to that country.

1. **Fact or Fiction**? A DEA employee who is arrested must report the event to his or her supervisor. He or she need not make a report if he or she is merely detained by law enforcement personnel, however.

Answer: Fiction. DEA personnel must *immediately* report any incident in which they are taken into custody, held for investigation, or detained for questioning. They must also report any instance in which they are questioned by law enforcement authorities under circumstances suggesting that they might be under investigation for or suspected of a potential crime.

1. **Fact or Fiction**? During an official investigation or inquiry, an investigator instructs you to bring your Government issued cell phone to your interview scheduled for the following day to be relinquished to the investigator. Before you do so, you can delete your personal contacts, pictures, e-mails, or texts from the phone.

Answer: Fiction. DEA's Standards of Conduct prohibit employees from obstructing or attempting to obstruct an official investigation, inquiry, or other matter of official interest. Deleting information from a Government issued cell phone after an investigator has instructed you to relinquish it is obstruction of an official investigation and amounts to misuse of office.

The DEA is the best at what we do, and maintaining a high level of integrity is one of the most important things we can do to stay that way.