

## U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

### 1033.1: Employee Code of Conduct

**Issue Date:** August 7, 2012

**Effective Date:** August 7, 2012

**Superseded:** This Directive is the originating and establishing document regarding the U.S. Immigration and Customs Enforcement (ICE) Employee Code of Conduct. This Directive supersedes all previous U.S. Immigration and Naturalization Service or U.S. Customs Service issuances, but does not supersede the authorities or references listed in section 7 of this Directive. Additionally, this Directive supersedes any and all local guidance and procedures that are inconsistent with this Directive.

**Federal Enterprise Architecture Number:** 306-112-002b

1. **Purpose/Background.** As a law enforcement agency, ICE and all its employees have been given the honor of a special public trust. It is imperative that everyone at ICE respect this special public trust by exercising their power and authority with integrity. This includes building and maintaining the trust and confidence of the nation's citizenry; their support enhances ICE's ability to accomplish its mission. To accomplish this, all ICE employees' professional behavior must be beyond reproach and be a model for all to follow. All ICE employees must clearly understand that they are not only representing themselves, but also their co-workers, ICE, and the Federal Government, and that the highest standards of conduct and ethical behavior are required. The purpose of this Directive is to set forth general standards of conduct for all ICE employees to follow that promote integrity and professionalism, conform to established ethical principles, and further the mission of ICE and the efficiency of the Federal government in a manner that merits the respect of the public we serve.
2. **Policy.** To maintain the highest standards of integrity and professionalism at ICE, all employees, whether on- or off-duty or on official travel, must conduct themselves in a manner that does not adversely reflect on ICE; impede the ability of ICE or DHS to discharge its mission; cause embarrassment to the agency; or cause the public or ICE to question the reliability, judgment, or trustworthiness of its employees. All ICE employees will carry out their duties in a professional and business-like manner and will adhere to this Directive and any other applicable policies, statutes, rules, or regulations that govern conduct at all times, in the United States or abroad, whether or not they appear in this Directive. Employees are accountable for their actions and are subject to appropriate disciplinary action for misconduct when there is a nexus, i.e., connection, between their misconduct (on- or off-duty) and the efficiency of the service. Depending on the circumstances, failure to adhere to this Directive may result in disciplinary, adverse, or other corrective action. This Directive does not prohibit conduct that is protected by federal law.

**3. Definitions. None.**

**4. Responsibilities.**

**4.1. The Director of ICE** is responsible for establishing the Code of Conduct for all ICE employees.

**4.2 The ICE Ethics Office** is responsible for:

- 1) Advising ICE employees on their ethics obligations.
- 2) Responding to employees' questions concerning potential conflicts between their official responsibilities as government employees and their personal activities or other ethics questions, such as outside employment, fundraising, and giving/receiving gifts.

**4.3. Supervisors** are responsible for:

- 1) Ensuring that all employees receive and acknowledge receipt of a copy of this Directive within the first pay period of their employment and are made aware of any updates or amendments within one pay period of issuance.
- 2) Providing positive leadership and serving as a role model for their employees by complying with the Directive.
- 3) Treating fellow ICE employees with dignity and respect.
- 4) Communicating to their employees that discrimination, harassment, a hostile work environment, and retaliation will not be condoned or tolerated.
- 5) Taking action promptly to notify the Office of Professional Responsibility (OPR) of known or suspected arrests, criminal activity, or serious misconduct on the part of employees.
- 6) Addressing allegations of less serious misconduct in accordance with ICE policy.

**4.4. ICE Employees** are responsible for:

- 1) Reviewing and abiding by this Directive.
- 2) Being aware of the consequences of violating this Code of Conduct, applicable statutes, regulations, and rules regarding employee conduct.
- 3) Complying with the Standards of Ethical Conduct for Employees of the Executive Branch (5 Code of Federal Regulations (C.F.R.) Part 2635), and the Federal Criminal Conflict of Interest statutes (18 United States Code §§ 201-209).

- 4) Reporting employee misconduct, including arrests and violations of law, rule, or regulation, in accordance with established policies and procedures.
  - 5) Timely filing of any required public or confidential financial disclosure and completing required ethics training.
  - 6) Seeking advice and guidance as needed from their supervisor concerning their responsibilities under this and other policies governing employee conduct.
  - 7) Completing the ICE Ethics Orientation for new employees within 90 days of starting employment at ICE, and annually completing required Ethics and Prevention of Sexual Harassment training courses.
  - 8) Seeking advice and guidance as needed from the ICE Ethics Office concerning potential conflicts between their official responsibilities as government employees and their personal activities.
- 5. Procedures/Requirements.** All ICE employees must abide by the standards of conduct set forth in this Directive. ICE employees must understand that this is not an exhaustive list. The absence of a specific standard of conduct does not mean that the unspecified behavior is permissible or that no corrective action will be taken as a result from unspecified misconduct. Employees must comply with all applicable statutes, rules, policies, and regulations, and must not commit any of the offenses listed in the ICE Table of Offenses and Penalties.

**5.1. Conduct Unbecoming of an ICE Employee.**

Because we are entrusted with enforcing the Constitution and laws of the United States, all employees must scrupulously avoid any conduct that might compromise their integrity or that of their fellow employees or ICE. ICE employees must not engage in any conduct or activities on- or off-duty that would discredit the employee, embarrass or bring ICE into disrepute, interfere with or adversely affect ICE's mission, or impair its efficient and effective operation.

**5.2. Loyalty.**

Public service is a public trust. Each ICE employee has a responsibility to the United States Government and its citizens to place loyalty to the Constitution, laws and ethical principles above private gain.

**5.3. Truthfulness.**

ICE employees must be accurate, complete, and truthful in all official matters. ICE employees must not make any misleading or ambiguous statements about official matters that are designed to deceive or mislead others unless it is necessary in connection with an

official assignment. This includes cooperating with official inquiries and providing complete and accurate information in regard to any issue under investigation.

**5.4. Courtesy.**

ICE employees must be professional, polite, respectful, considerate, helpful, and patient in all official activities that involve contact with fellow workers or members of the public, even in the face of considerable provocation.

**5.5. Professionalism.**

As part of ICE's responsibility for maintaining a safe, respectful, and productive work environment, employees must display professionalism in their work at all times. All employees must be treated equally, regardless of age, disability, race, marital status, sex, sexual orientation, color, religion, political beliefs, national origin or descent.

Employees may not harass their co-workers or engage in gender-based or sexual harassment in the workplace. They may not abuse in any way their position towards a person who is dependent upon them, including their subordinates. ICE does not tolerate workplace violence including fighting, threats (verbal, visual, or written), or other disruptive behavior or language.

**5.6. Ethical Responsibilities.**

To ensure that every citizen can have complete confidence in the integrity of the Federal Government, all employees must comply with the Standards of Ethical Conduct for Employees of the Executive Branch found at 5 C.F.R. Part 2635.

**5.7. Prohibited Associations and Establishments.**

ICE employees may not knowingly and inappropriately interact or associate with any persons or organizations actively connected to or engaged in criminal or unlawful activity unless it is necessary as part of an official assignment. ICE employees may not engage in any inappropriate social, sexual, financial, or business relationship with an informant, former informant, or suspected or known criminal. Employees also may not knowingly employ individuals who do not have lawful immigration status in the United States.

**5.8. Use of Alcohol and Drugs.**

ICE employees may not use illegal substances and may not use legal substances, including alcohol, in a manner that adversely affects the performance of their duties. Employees must not operate government vehicles under the influence of alcohol or other substances that impair operation of government vehicles.

**5.9. Gambling.**

ICE employees may not engage in any gambling activity while on duty or on Government-owned or -leased property, including gambling on the internet, having an office pool, or conducting any game with financial stakes.

**5.10. Attempted Bribes.**

Offers of bribery represent direct attacks on the integrity of ICE. If a bribery overture is made, ICE employees must report such activity immediately to the local OPR office by telephone: 1-877-246-8253, or by email [Joint.Intake@dhs.gov](mailto:Joint.Intake@dhs.gov). ICE employees may also report such activity to the DHS Office of Inspector General.

**5.11. Financial Obligations.**

ICE employees are expected to meet all just financial obligations and must not knowingly enter into debts they cannot pay. A “just financial obligation” is one that employees have acknowledged or one where there is a final order requiring payment.

**5.12. Proper Use of Government Property.**

ICE employees must be good stewards of government property and must conserve, protect, and dispose of such property in accordance with the established procedures. In addition to disciplinary or adverse action, employees may also be responsible for paying for damage to, or loss of, government property in their care. Any lost, damaged, or stolen property (including firearms and badge/credentials) must be reported to the appropriate supervisor as soon as possible.

**5.13. Use of Badges, Credentials, Official Identification.**

Badges, credentials, and official identification cards must be used only for official purposes.

**5.14. Safeguarding and Use of Information, Documents and Records.**

Employees will properly handle Government records in accordance with ICE and DHS policies including those governing the handling of Sensitive Personally Identifiable Information, Sensitive Security Information, Classified Information, or For Official Use Only/Sensitive but Unclassified information.

**5.15. Standard of Attire.**

ICE employees must present a professional and positive image to the public and our colleagues both within and outside of ICE. While on official duty, employees must adhere to any applicable dress code policy where they are stationed.

### **5.16. Reporting Violations of Laws and Employee Misconduct.**

Employees have a responsibility to report allegations of employee misconduct, including any violations of law, rule or regulation, of which they are aware. Employees must promptly report to their supervisor and OPR if they are arrested or charged formally in connection with any violation of a federal, state, or local law. Routine traffic tickets do not need to be reported unless the violation is drug or alcohol related (e.g., DUI charges). Reporting must be done in accordance with existing laws and policies.

### **5.17. Official Travel.**

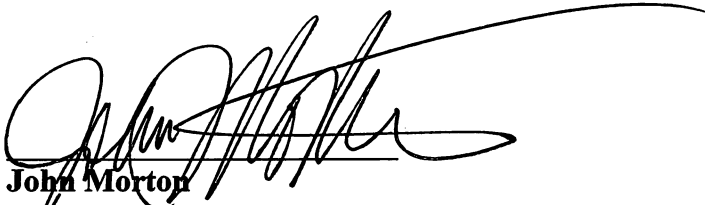
ICE employees must abide by this Code of Conduct and all DHS or ICE policies while stationed abroad or on official travel, even if the prohibited behavior would be permissible under local laws. Any ICE employee on official travel abroad is also subject to any rules set forth by the applicable Chief of Mission.

## **6. Recordkeeping. None.**

## **7. Authorities/References.**

- 7.1.** Sections 402(3) and 402(5) of the Homeland Security Act of 2002.
- 7.2.** 18 U.S.C. §§ 201-209.
- 7.3.** 5 U.S.C. §§ 7321-7326 (The Hatch Act) and implementing regulations at 5 C.F.R. Part 734.
- 7.4.** Stop Trading on Congressional Knowledge Act of 2012 (Stock Act), Public Law No. 112-05.
- 7.5.** 5 C.F.R. Part 2635, Standards of Ethical Conduct for Employees of the Executive Branch.
- 7.6.** 5 C.F.R. Part 2634, Executive Branch Financial Disclosure, Qualified Trusts and Certificates of Divestiture.
- 7.7.** 5 C.F.R. Part 950, Solicitation of Federal Civilian and Uniformed Service Personnel for Contributions to Private Voluntary Organizations.
- 7.8.** 5 C.F.R. Part 735, Employee Responsibilities and Conduct.
- 7.9.** Department of Homeland Security Management Directive 0480.1, "Ethics/Standards of Conduct."
- 7.10.** ICE Directive 17001.1 (formerly directive 6-1.0), "Functions of the Office of Professional Responsibility."

- 7.11. ICE Directive 1022.1 (formerly directive 1-15.0), "Table of Offenses and Penalties (TOP)."
  - 7.12. ICE Directive 1027.1, "Romantic or Sexual Relationships between ICE Supervisors and their Subordinates (Anti-Fraternization Policy)."
  - 7.13. ICE Directive 1032.1, "Statement of Policy and Intent Regarding Employee Integrity."
  - 7.14. ICE and Customs and Border Protection joint memorandum, signed by the Commissioner of CBP and the Assistant Secretary of ICE dated July 2, 2004, titled, "Guidance on Reporting Employee Misconduct."
  - 7.15. ICE memorandum, signed by ICE Deputy Director Peña dated November 10, 2010, titled, "Directing Complaints Appropriately to the Joint Intake Center (JIC), the Office of Professional Responsibility (OPR), the Office of the Inspector General (OIG), or Local Management."
  - 7.16. ICE Employees' Guide to the Standards of Conduct.
8. **Attachments.** None.
9. **No Private Right.** These guidelines and priorities are not intended to, do not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law by any party in any administrative, civil, or criminal matter.



**John Morton**  
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