**DEPARTMENT OF HOMELAND SECURITY**
**U.S. CUSTOMS AND BORDER PROTECTION DIRECTIVE**

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# U.S. Customs and Border Protection Standards of Conduct

## 1. PURPOSE

This directive establishes the U.S. Customs and Border Protection (CBP) policy on the ethical conduct and responsibilities of all CBP employees.

## 2. POLICY

It is the policy of CBP to maintain a workforce that demonstrates high standards of ethical and professional conduct in order to ensure efficient performance of government service.

## 3. INTRODUCTION

3.1 In fulfilling its mission, CBP and its employees must sustain the trust and confidence of the public they serve. All employees must maintain high standards of honesty, integrity, impartiality, character, and professionalism to ensure the proper performance of government business and the continued trust and confidence of the public. The conduct of CBP employees must reflect the qualities of integrity and loyalty to the United States; a sense of responsibility for the public trust; courtesy and promptness in dealing with and serving the public; and a standard of personal behavior that reflects positively upon, and will be a credit to, both CBP and its employees.

3.2 Certain conduct, on or off-duty, may subject an employee to appropriate disciplinary action. This holds true whether or not such conduct is specifically addressed in these standards, or in related statutes or regulations, to include those noted in the Authorities section below. The absence of a specific standard of conduct does not mean that an act is permissible or would not result in disciplinary action. Employees are held accountable for their actions and are subject to appropriate disciplinary action when there is a nexus (connection) between their misconduct (on or off-duty) and the efficiency of the service. For example:

- Failing to conform to these standards or related statutes and regulations.
- Raising the presumption of a connection between the employee's conduct and the efficiency of the service because of the nature and gravity of the conduct (e.g., criminal conduct).

- Directly and negatively impacting the job performance of an employee or his/her co-workers, or management's trust and confidence in an employee's job performance.
- Adversely affecting or interfering with the accomplishment of CBP's mission.

## 4. AUTHORITIES

4.1 Executive Order (E.O.) 12674, Principles of Ethical Conduct for Government Officers and Employees.

4.2 Department of Homeland Security (DHS) Management Directive System - MD Number 0480.1, Standards of Conduct.

4.3 Title 5, Code of Federal Regulation (CFR) Part 2635, Standards of Ethical Conduct for Employees of the Executive Branch.

4.4 Title 5, CFR Part 735, Employee Responsibilities and Conduct.

## 5. RESPONSIBILITIES

5.1 The Commissioner of CBP is responsible for establishing the standards of professional and ethical conduct for all CBP employees.

5.2 The Assistant Commissioner, Office of Human Resources Management (HRM), is responsible for formulating CBP's policy and guidance on the standards of professional and ethical conduct.

5.3 The Executive Director, Labor and Employee Relations (LER), is responsible for the overall administration, interpretation, and application of the Standards of Conduct and applicable rules and regulations.

5.4 LER is responsible for providing advice and guidance to supervisors and managers on the application of the Standards of Conduct; and for issuing a Standards of Conduct reminder to all employees, at least annually, to maximize employee awareness of the Standards.

5.5 CBP managers and supervisors are responsible for providing advice and guidance to employees under their supervision concerning conduct questions, and for providing clarification of the Standards of Conduct when needed.

5.6 The Human Resources Operations, Programs, and Policy Division (HROPP) is responsible for providing the Standards of Conduct, as part of the initial orientation package, to each newly hired employee upon their initial entrance on duty.

5.7 Every CBP employee is required to: (1) know the Standards of Conduct and their application to his or her behavior; (2) seek clarification from his or her supervisor if

unsure of the application of the Standards of Conduct; (3) adhere to the Standards of Conduct; and (4) be aware of the consequences of violation of the Standards of Conduct, applicable statutes, regulations, and rules regarding conduct.

5.8 Every CBP employee is required to immediately report allegations of misconduct using one of the following methods:

- Calling the toll-free Joint Intake Center Hotline at 1-877-2INTAKE or send a fax to (202) 344-3390;
- Sending an e-mail message to Joint.Intake@dhs.gov;
- Contacting a CBP Internal Affairs (IA) Office;
- Contacting an ICE Office of Professional Responsibility (OPR);
- Writing to P.O. Box 14475, 1200 Pennsylvania Avenue, NW, Washington, DC 20044;
- Calling the OIG at 1 (800) 323-8603;
- Sending an e-mail message to DHSOIGHOTLINE@dhs.gov;
- Writing to the Department of Homeland Security, Washington, DC 20528, Attn: Office of Inspector General, Hotline; or
- Notifying his or her immediate supervisor or other management official within his or her chain of command.

## 6. STANDARDS OF CONDUCT

6.1 CONDUCT PREJUDICIAL TO THE GOVERNMENT. Employees will not engage, on or off-duty, in criminal, infamous, dishonest, or notoriously disgraceful conduct, or any other conduct prejudicial to the government.

6.2 PROHIBITED ACTIONS. Employees will avoid any action, whether or not specifically prohibited by these Standards of Conduct, which might result in, or reasonably create the appearance of:

- Using public service for private gain;
- Giving preferential treatment to a private organization or individual in connection with official government duties and/or responsibilities;
- Impeding government efficiency or economy; or
- Engaging in activities which conflict with official government duties and/or responsibilities, or adversely interfere with the accomplishment of the mission of CBP.

6.3 INTEGRITY-RELATED MISCONDUCT. Integrity is one of CBP's Core Values, and is essential to the effective functioning of CBP. As an Agency charged with law enforcement activities, it is imperative that CBP employees demonstrate high standards of integrity. Only by each and every employee maintaining the highest standards of integrity and professionalism can CBP keep the public trust and confidence that are critical to the accomplishment of law enforcement, homeland security, and other missions.

6.3.1 Employees will not directly or indirectly solicit or accept gifts, money, or anything of value in connection with their employment with CBP. This prohibition includes any act that is connected to, or affected by, an official act or duty performed, or the failure to perform an official act or duty.

6.3.2 In addition to other responsibilities to report misconduct, employees will promptly report any offer of a gift, money, or anything of value, when the offer is connected to, or affected by, an official act or duty performed, or the failure to perform an official act or duty.

6.3.3 Employees will not take any official act, or fail to do so, for personal benefit or gain to the employee, or any other individual or group.

6.3.4 Employees will not use the authority of their position in any way that might result in adversely affecting public confidence in the integrity of CBP and of the government.

6.3.5 Employees will not use any CBP identification, or other form of identification associated with their employment, in a manner which may reasonably give the perception that they are using the identification for personal benefit, attempting to exert undue influence, or to obtain, directly or indirectly, a favor, reward, or preferential treatment for themselves or others, or to improperly enhance their own image.

6.3.6 Inappropriate Association. Employees will not, except as may be necessary in connection with official assignments or duties, or in connection with family obligations, knowingly associate with individuals or groups who are believed or known to be connected with criminal activities. This limitation on association applies to any social, sexual, financial, or business relationship with a source of information, a suspected or known criminal, or a known or suspected illegal alien, subject to being removed from the United States of America.

6.3.7 Arrests. CBP regards any violation of law by a CBP employee as being inconsistent with and contrary to the Agency's law enforcement mission. Therefore, employees will not engage in any activities which violate local, state, and/or Federal laws, which may result in their arrest or their receipt of a summons to appear in court on criminal charges. This prohibition also applies to activities which violate foreign laws, which may result in an employee's arrest.

6.3.8 In the event of an employee's arrest or receipt of a summons to appear in court on criminal charges, the employee must report such occurrence to his or her immediate supervisor or other management official within his or her chain of command as soon as reasonably possible, but not more than 24 hours after the arrest or the receipt of a summons to appear in court on criminal charges (notwithstanding the occurrence of holidays, approved leave, or regular days off). If notification within the prescribed timeframe is precluded because of the circumstances of the arrest, then it must be made as soon as circumstances allow, including an explanation for failing to meet the required timeframe.

6.4 FALSE STATEMENTS.

6.4.1 Employees will not knowingly make false, misleading, incomplete, or ambiguous statements, whether oral or written, in connection with any matter of official interest.

6.4.2 When directed by proper authority, employees must truthfully and fully testify, provide information, and respond to questions (under oath when required) concerning matters of official interest that are being pursued administratively.

6.5 DISCLOSURE AND SAFEGUARDING OF OFFICIAL INFORMATION.

6.5.1 Employees will not disclose, use, or store official information without proper authority. Examples of official information include: information that is protected from disclosure by statute, Executive Order or regulation; proprietary business information; and sensitive information retrieved from CBP automated systems. Even information not within these categories may constitute official information for purposes of this section. Official information includes any information that an employee acquires in connection with CBP employment, that he or she knows, or reasonably should know, has not been made available to the general public.

6.5.2 CBP utilizes automated systems that are considered "sensitive but unclassified." These systems include the Treasury Enforcement Communications System, Automated Commercial Environment, Automated Commercial System, the National Criminal Information Center, National Automated Immigration Lookout System, as well as others. They contain, for example, financial, law enforcement, trade-sensitive, and counter-narcotics information. Employees must safeguard all sensitive information against unauthorized access, disclosure, alteration, or loss. Unauthorized accessing of these systems, and use of these systems for unofficial purposes, including "browsing" (querying the systems for information for other than official reasons) is prohibited.

6.5.3 Employees will not access, conceal, alter, remove, mutilate, or destroy documents or data in the custody of CBP or the Federal government without proper authority. Employees are required to care for and conserve such documents according to Federal law and CBP policy. Upon separation from CBP employment, employees

are responsible for adhering to DHS and CBP standards governing the removal of official documents and/or data from the Agency.

6.5.4 Nothing in the Standards of Conduct should be construed or applied to interfere with an employee's right to communicate with their Congressional representatives and to engage in conduct protected by the Whistleblower Protection Act.

6.6 USE OF CONTROLLED SUBSTANCES. CBP is charged with the responsibility for interdicting illegal drugs that are being brought into the United States. Therefore, CBP employees are prohibited from using, possessing, selling, or distributing illegal drugs. Users of illegal drugs will not be selected for employment in CBP, and removal action will be initiated with respect to any CBP employee who is found to use, possess, sell, or distribute illegal drugs.

6.7 GENERAL CONDUCT.

6.7.1 Pursuant to applicable policies and negotiated agreements, employees will be appropriately dressed for their workplace, business contacts, and duties, and will maintain a neat and professional appearance. All employees will be properly groomed. Unless otherwise authorized, uniformed employees will report for duty in proper uniform attire, and will comply with applicable uniform and grooming standards.

6.7.2 Employees are required to perform their duties to the government and the public conscientiously, respond readily to the lawful direction of their supervisors, and follow Agency policies and procedures.

6.7.3 Employees will be professional in their contact with supervisors, subordinates, co-workers, and members of the public. "Professional" for the purposes of this provision means being polite, respectful, and considerate. This requirement to be professional must be adhered to so long as it does not compromise employee safety or impede the performance of official duties.

6.7.4 Employees must observe designated duty hours and be punctual in reporting for work, including overtime assignments, and in returning from lunch and breaks.

6.7.5 Employees will use official duty time to perform official duties.

6.7.6 Employees assigned to inspectional, border protection, or other enforcement duties will not leave their assigned posts until properly relieved or otherwise authorized to depart. In all situations where employees are required to remain at their assigned posts beyond their normal tour of duty, they will be compensated in accordance with the appropriate compensation laws, rules, and/or regulations.

6.7.7 Leave is to be used in accordance with its intended purpose and must be approved in advance whenever possible, and in accordance with negotiated agreements and local requirements.

6.7.8 CBP does not tolerate violence in the workplace. Therefore, employees will not provoke, participate in, or condone activities that may cause, lead to, or involve violence in the workplace. Such violence includes communicating a direct or indirect threat of physical, mental, or emotional harm. Threats can take the form of written or verbal statements, stalking activity, and/or physical gestures. This does not preclude the use of force in accordance with Agency policies regulating its use in the conduct of law enforcement activities.

6.8 CARE OF MONEY AND PROPERTY.

6.8.1 Employees who have access to, receive, or come into possession, custody, or control of property, money, or other items of value in relation to their employment with the Agency shall follow established procedures, and use standards of care that are reasonable under the circumstances, when they account for, conserve, protect, or dispose of such property, money, or items of value.

6.8.2 Employees must promptly report to their supervisors any loss, misplacement, theft, damage, or destruction of property, money, or other items of value that is (was) under the control of the Agency.

6.8.3 Upon separation, transfer, or reassignment, or on demand from the proper authority, employees will return all government-owned or leased property, money, or other items of value issued to them for use in carrying out their official duties.

6.9 USE OF GOVERNMENT PROPERTY OR OTHER RESOURCES.

6.9.1 Computers and Other Office Equipment.

6.9.1.1 Pursuant to CBP's Directive concerning "Limited Personal Use of Government Office Equipment Including Information Technology," CBP employees may use government computers and office equipment for authorized purposes only. However, limited personal use of government computers and office equipment by employees during non-work time is considered to be an "authorized use" of government property if such use involves only minimal additional expense to CBP and does not: adversely affect the performance of official duties; interfere with the mission or operations of CBP; overburden any CBP information resources; or violate any standard of conduct herein. The privilege to use government-owned computers and office equipment for personal purposes may be revoked or limited by the employee's supervisor or other authorized official for inappropriate use. All such reasons will be in writing and promptly provided to the affected employee(s).

6.9.1.2 The use of government computers or other equipment to access, view, store, or transmit sexually explicit material is prohibited.

6.9.1.3 Employees will use only CBP authorized software on CBP computers. All software use must comply with copyright laws and/or license agreements. Employees will adhere to security policies and procedures regarding the use and protection of their computer identification and passwords.

6.9.1.4 Employees will not use government documents for private or unofficial purposes, circulate them to audiences for which they were not intended, or in any way alter the intended distribution of such documents with respect to their limited organizational or other application. CBP employees may not use postage-paid official envelopes or letterhead for personal purposes.

6.9.2 Government-Sponsored Credit Cards.

6.9.2.1 Employees will safeguard government-sponsored credit cards under their care, including travel cards, phone cards, fleet cards, and purchase cards, and will promptly report the loss of such cards to their supervisors and to the issuing company. As cardholders, employees are responsible for using the credit card strictly in accordance with both the government requirements and those of the financial institution issuing the card.

6.9.2.2 Pursuant to the Federal Travel Regulations (41 CFR § 301), government-sponsored travel (credit) cards may be used only for official travel and official travel-related expenses away from an employee's official duty station and may not be used for personal purposes. Only the employee whose name appears on the credit card may use the card. An employee who holds a government-sponsored travel card must pay all valid charges appearing on the credit card statement in full when due each month. Unusual and/or mitigating circumstances will be considered consistent with any collective-bargaining agreements.

6.9.2.3 Fleet cards will be used only to pay for authorized goods and services for government-owned vehicles (GOVs).

6.9.2.4 Purchase cards will be used only for authorized goods and services for CBP. When planning and making purchases, purchase cardholders are required to comply with officially designated mandatory sources of supply and funding limitations of their cards. Cardholders are responsible for being cognizant of the rules, policies, and procedures regarding the use of their cards and will not circumvent or disregard those rules, policies, or procedures (e.g., split-purchases, etc.). Cardholders are required to consult with a warranted contracting officer or the appropriate program official when any question arises about a potential source for purchase of a service or supply.

6.9.3 Government Identification. Badges, credentials, and identification cards are to be used by CBP employees only for official purposes. Employees will promptly report the loss of any badges, credentials, and/or identification cards to their supervisor.

6.9.4 Government-Owned Vehicles (GOVs).

6.9.4.1 GOVs are "passenger carriers" which include, but are not limited to: passenger motor vehicles; aircraft; boats; ships; snow mobiles; all-terrain vehicles; or other similar means of transportation that are owned or leased by the United States. Employees will not use, or authorize the use of, a GOV except for official purposes, i.e., those deemed essential to the successful completion of the official mission. The transportation of individuals in a GOV, including family members, is prohibited, unless officially authorized. Willful use of a GOV for other than official purposes carries a minimum statutory penalty of a 30-day suspension from duty and pay.

6.9.4.2 Employees will not consume alcoholic beverages while operating a GOV and will not consume alcoholic beverages for a reasonable period of time prior to operating a GOV. Driving a GOV while impaired by alcohol is prohibited under all circumstances.

6.9.4.3 Any employee operating a GOV must observe all applicable state and local traffic laws consistent with the flexibility required for the conduct of law enforcement activities. Even then, employees are responsible for exercising due caution to ensure the safe operation of their vehicle.

6.9.5 Firearms/Use of Force Weaponry. Unless firearms and other CBP-issued use of force weaponry are authorized and required in the performance of duty, employees will not carry firearms or other CBP-issued weaponry, either openly or concealed, while on government property or on official duty. Employees authorized to carry firearms and other CBP-issued use of force weaponry will do so strictly in accordance with applicable firearms and related policies.

6.10 USE OF ALCOHOLIC BEVERAGES.

6.10.1 Employees will not report for duty or remain on duty under the influence of alcohol.

6.10.2 Unless specifically authorized, employees may not consume alcoholic beverages while on official duty.

6.10.3 Under no circumstances will employees operate a GOV, on or off duty, while under the influence of alcohol.

6.10.4 As a law enforcement organization, it is important that CBP maintains credibility with the public it serves. An employee's arrest for driving under the influence of alcohol (DUI), driving while intoxicated (DWI), or reckless driving and endangerment, on or off-duty, could reflect negatively upon the Agency. Therefore, employees must not operate motorized conveyances, on or off-duty, while impaired.

6.10.5 Uniformed employees will not purchase or consume alcoholic beverages, on or off-duty, while in uniform.

6.10.6 Members of aircrews will not consume alcoholic beverages within 8 hours prior to their performing scheduled flight duties. Any member of an aircrew who is found to have done so will be considered impaired for duty. Furthermore, even if a member of an aircrew has not consumed an alcoholic beverage during the 8-hour period immediately preceding flight duties, he or she may be considered impaired for duty if he or she, upon reporting for duty, is found to be suffering the residual effects of alcohol consumption.

6.11 BIAS-MOTIVATED CONDUCT.

6.11.1 Employees will not act or fail to act on an official matter in a manner which improperly takes into consideration an individual's race, color, age, sexual orientation, religion, sex, national origin, or disability, union membership, or union activities.

6.11.2 Employees will not make abusive, derisive, profane, or harassing statements or gestures, or engage in any other conduct evidencing hatred or invidious prejudice to or about another person or group on account of race, color, religion, national origin, sex, sexual orientation, age, or disability.

6.11.3 Employees will not engage in sexual harassment. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) submission to such conduct by an individual is used as the basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

6.12 GAMBLING. CBP employees will not engage in any gambling activity on government premises, and/or using government equipment, including an office pool or any game with financial stakes. This prohibition also covers gambling on the Internet.

6.13 FINANCIAL MATTERS.

6.13.1 Lending and Borrowing Money.

6.13.1.1 An employee cannot give, make a donation to, or ask for contributions for a gift to his or her supervisor (immediate or in the chain of command). A gift includes any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. In addition, an employee cannot accept a gift from another employee who earns less pay, unless the person giving the gift is not a subordinate and the gift is based on a strictly personal relationship. There are exceptions to these prohibitions. There is an exception for voluntary gifts worth more than $10 on a special

occasion such as marriage, illness, or retirement. Gifts valuing less than $10 may be given and received on occasions when gifts are traditionally given or exchanged. An employee may give and/or receive items of food and refreshments to be shared at work among employees.

6.13.1.2 Supervisors will not request or require an employee under their supervision to act as a co-maker, co-signer, or endorser in financial matters. Furthermore, supervisors will not act as co-makers, co-signers, or endorsers in financial matters for employees under their supervision.

6.13.2 Financial Disclosures. Employees who occupy certain positions are required to file statements of employment and financial interests within 30 days of their entrance on duty and are further required to file annual supplemental statements. Affected employees will be notified of their requirement to file such statements.

6.13.3 Fund Raising Campaigns. Employees may refuse to participate in government-sponsored fund-raising campaigns. Supervisors will not exert pressure on employees to participate in such fund-raising campaigns.

6.13.4 Gifts. Except as provided in the Standards of Ethical Conduct for Employees of the Executive Branch, an employee will not directly or indirectly solicit or accept a gift from a prohibited source, or a gift given because of the employee's official position.

6.13.5 Just Financial Obligations. Employees will satisfy all just financial obligations in a timely manner, especially Federal, state, or local taxes that are imposed by law.

6.13.6 Prohibition on Purchase of Certain Assets. Employees will not purchase, directly or indirectly, property owned by the government and under the control of CBP or sold under the direction or incident to the functions of CBP, except items sold generally to the public at fixed prices.

6.14 SAFETY. Employees will observe safe practices as well as all safety regulations in the performance of their duties. Employees will promptly report to their supervisors any injury, accident, or illness that occurs in connection with the performance of their official duties by the most expeditious means available.

6.15 OUTSIDE/FAMILY MEMBER EMPLOYMENT.

6.15.1 Employees must complete and submit the appropriate form through their supervisor for approval before entering into any outside employment or business activity. As a general rule, employees may, with prior approval, engage in any outside employment or business activity, provided such employment or activity is not prohibited and does not interfere or conflict with performance of their official duties. No CBP employee will work for a Customs broker, international carrier, bonded warehouse, foreign-trade zone, cartman, or law firm engaged in the practice of customs or immigration law, any businesses or service organizations which assist aliens, or other

companies engaged in services related to Customs or Immigration matters. This prohibition includes employment in the importation department of a business, employment in any private capacity related to the importation or exportation of merchandise or agricultural products requiring inspection, and employment related to immigration.

6.15.2 Any employee, who has a family member (spouse, child, or other relative, by marriage or blood, who is dependent upon the employee and/or resides in the employee's household), employed in one of the above listed categories, must file an annual report through their supervisor to Office of Chief Counsel, for a determination as to whether the employment constitutes a conflict of interest or the appearance of a conflict of interest with the CBP employee's performance of official duties.

6.16 POLITICAL ACTIVITY. NOTE: CBP recognizes that it does not have authority to define permitted and prohibited political activity under the Hatch Act and that the Office of Special Counsel has the sole authority to enforce such statutory and regulatory provisions. As such, the following information is provided for informational purposes. Be further advised, however, that Hatch Act violations can have serious consequences up to and including removal from the Service.

6.16.1 Employees may take an active part in political management or in political campaigns to the extent permitted by law (Title 5 U.S.C. 7321-7325), vote as they choose, and openly express their opinions on political subjects and candidates. Employees may not use their official authority or influence to interfere with or affect election results. Employees may be disqualified from employment for knowingly supporting or advocating the violent overthrow of our constitutional form of government.

6.16.2 The following list contains examples of permissible activities for CBP employees who are not members of the Senior Executive Service (SES). See Title 5, CFR Part 734, Subpart B.

- Stand as candidates for public office in nonpartisan elections.
- Register and vote as they choose.
- Assist in voter registration drives.
- Express opinions about candidates and issues.
- Contribute money to political organizations.
- Attend political fund-raising functions.
- Campaign for or against candidates in partisan elections.
- Make campaign speeches for candidates in partisan elections.
- Distribute campaign literature in partisan elections.
- Hold office in political clubs or parties.
- Attend and participate in political rallies and meetings.
- Join and be active members of a political party or club.
- Sign nominating petitions.
- Campaign for or against referendum questions, constitutional amendments, and municipal ordinances.

6.16.3 The following list contains examples of prohibited activities for CBP employees who are not members of the SES. See Title 5, CFR Part 734, Subpart C.

- Engage in political activity (an activity directed toward the success or failure of a political party, candidate for partisan political office, or partisan political group) while on duty, in a government office, wearing an official uniform, or driving a GOV.
- Use official authority or influence to interfere with an election.
- Solicit or discourage political activity on the part of anyone with business before CBP.
- Solicit or receive political contributions from any person except in certain limited situations as specified in Title 5, U.S.C. 7323 (a)(2).
- Be candidates for public office in partisan elections.
- Wear partisan political buttons while on duty.

6.16.4 The SES employees are subject to greater restrictions than those identified above. These individuals should refer to Title 5, U.S.C. Part 7321, or consult the Office of Chief Counsel.

6.16.5 Employees who reside in localities (designated by the Office of Personnel Management) where the majority of voters are employed by the Federal government are covered by additional provisions (See Title 5, CFR Part 733).

David V. Aguilar
Acting Commissioner
U.S. Customs and Border Protection