



THE FBI'S DISCIPLINARY PROCESS

EXPLANATION OF PROCEDURES

1 You have been notified that an allegation of serious misconduct or criminal activity has been made against you, and have been advised of the nature of the issue(s) that will be addressed during the investigation. You will, absent compelling reasons to the contrary, be notified if any significant change in the issue(s) being addressed during this investigation occurs. This does not apply to investigation into possible false statements or lack of candor/cooperation, which may be necessary in any case to verify the accuracy and completeness of information furnished.

ALLEGATION OF CRIMINAL ACTIVITY

2 If the allegation involves criminal activity for which the Department of Justice (DOJ) has not declined prosecution, a criminal investigation will be conducted and you will be afforded all legal and constitutional rights.

ALLEGATION OF SERIOUS MISCONDUCT

3 If the allegation is of serious misconduct, or criminal activity for which DOJ has declined prosecution, an administrative inquiry will be conducted, and the following rules will apply to you:

4 You are required to be fully cooperative and candid during the course of this investigation, and failure to furnish full and candid cooperation may, by itself, constitute grounds for disciplinary action.

5 You will be interviewed in this matter, and your participation in the interview is mandatory. The date, time and location will be set by the investigator conducting the Office of Professional Responsibility (OPR) interview.

6 You are directed to identify, during your interview or as soon as possible thereafter, any testimony, documents or other evidence which you believe are exculpatory or favorable, so OPR can conduct appropriate investigation. Pertinent written documentation or other related material presented by you or your attorney will be made a part of the OPR file, and will be considered before any administrative action is decided.

REPRESENTATION BY AN ATTORNEY

7 You may consult with and be accompanied by counsel during the course of the investigation and adjudication of this inquiry. You may designate in writing one attorney to be present when you are interviewed, provided that person is a private attorney licensed to practice and authorized to represent you. This should not be taken as a legal or constitutional right, and the opportunity to have an attorney present during your administrative interview is conditioned upon observance of the rules set forth below.

8 The FBI is not obligated to provide you with an attorney. The decision to retain an attorney is yours, and the FBI cannot and will not pay the expenses you incur by retaining an attorney. You are not allowed to be represented by the Chief Division Counsel (CDC), the Assistant CDC, or any person employed in any capacity by the FBI or the U.S. Department of Justice.

RESTRICTIONS ON CERTAIN COMMUNICATIONS WITH ATTORNEYS

9 As an employee, you are obligated to protect classified, law enforcement sensitive and Privacy Act information during the course of any communication with your attorney regarding a disciplinary investigation or adjudication. A separate form is attached informing you of policies concerning Disclosure of Information to Attorneys. If you decide to discuss the allegations against you with an attorney, you must sign and return the attached forms to your Division Head or his/her designee. An attorney will not be permitted to be present at your interview if you have not returned the form designating that attorney within a reasonable time prior to the interview. OPR will conclude that you have elected not to seek representation by an attorney unless this form is returned with your original signature for inclusion in the file.

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