

DEPARTMENT OF THE TREASURY
WASHINGTON, D.C.

UNDER SECRETARY

MAY 12 1997

MEMORANDUM FOR VALERIE LAU
INSPECTOR GENERALMARGARET M. RICHARDSON
COMMISSIONER
INTERNAL REVENUE SERVICEFROM: RAYMOND W. KELLY *RWK*
UNDER SECRETARY (ENFORCEMENT)SUBJECT: Good O' Boys Roundup Policy Review Disciplinary
Rules

Attached is the finalized policy statement for your signature on disciplinary rules as part of the implementation process of the Good O' Boys Roundup Policy Review. This policy statement was reviewed by your staffs, the Office of General Counsel, and the National Treasury Employees Union as part of the Union's statutory national consultation rights.

I am asking you to join me in issuing this policy statement. By issuing this policy at the Department level, rather than Bureau by Bureau, we will achieve a uniform policy for our employees with firearms and arrest authority.

If you have any questions about this policy statement, or any other aspect of the Policy Review Implementation, please call me or Elisabeth Bresee. Thank you for your assistance.

Attachment

cc: Lawrence H. Summers
Deputy SecretaryEdward S. Knight
General CounselMichael Froman
Chief of Staff

DEPARTMENT OF THE TREASURY
WASHINGTON, D.C. 20220



April 30, 1997

OFFICE: Office of the Under Secretary for Enforcement
Office of the Inspector General
Office of the Commissioner of Internal Revenue

SUBJECT: Policy on Off-Duty Conduct, Bias-Motivated Conduct, and
Membership or Participation in Hate Groups by Law
Enforcement Personnel

1. For purposes of this policy, the term "Treasury law enforcement officer" includes personnel of the U.S. Customs Service, the U.S. Secret Service, the Bureau of Alcohol, Tobacco and Firearms, the Financial Crimes Enforcement Network, the Internal Revenue Service Criminal Investigation Division and Inspection Service, and the Inspector General's Office who are authorized to arrest individuals suspected or convicted of violations of federal criminal law, and to carry firearms and badges in performance of their duties, as well as Federal Law Enforcement Training Center instructors, training supervisors and managers. The policy set forth herein applies to all Treasury law enforcement officers.

2. Policy Statement

Both the reality and the appearance of integrity, professionalism, and impartiality in the performance of duty are expected of all Treasury employees, and are essential to the ability of law enforcement personnel to perform their mission. Both on-duty and off-duty employee conduct may adversely affect the public's perception of the integrity, professionalism, and impartiality of the employee and the agency, and may otherwise adversely affect the efficiency of the service.

Public trust and confidence in the fair and impartial enforcement of laws and in the integrity and professionalism of Treasury law enforcement officers are of paramount importance to the law enforcement mission. Due to the importance of communicating specific and unambiguous rules to its employees and the public and to ensure public trust and confidence, the Treasury Department is promulgating this policy to make clear that invidiously prejudiced conduct, whether on or off duty, will result in disciplinary action when such conduct affects the efficiency of the service.

3. Off-Duty Conduct In General

(1) Treasury law enforcement officers may be disciplined for violations of the rules governing employee conduct whether the violation occurs on or off duty, when violation of the rules adversely affects the efficiency of the service. 31 C.F.R. § 0.102(a).¹

(2) Treasury law enforcement officers shall not engage, on or off duty, in criminal, infamous, dishonest, or notoriously disgraceful conduct, or any other conduct prejudicial to the government.

4. Bias-Motivated Conduct

Treasury law enforcement officers shall not use or engage in, on or off duty, abusive, derisive, profane, or demeaning statements, conduct, or gestures 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.²

As reflected in paragraph 3 above, such conduct will result in disciplinary action when it adversely affects the efficiency of the service.

5. Membership or Participation in Hate Groups

Each Treasury Bureau or component that employs law enforcement officers should publish guidelines for the application of the Off-Duty Conduct Rule and the Bias-Motivated Conduct Rule, set forth in Paragraphs 3 and 4 above, as to membership in hate groups or other behavior through which a Treasury law enforcement officer might associate himself or herself with the prejudice-related

¹ Section 0.102(a) states that all employees and officers of the Department are required to follow the rules of conduct and procedure contained in the Department of the Treasury Employee Rules of Conduct, 31 C.F.R. Part 0, the Treasury Supplemental Standards of Conduct, 5 C.F.R. Part 3101, and the Executive Branch-wide Standards of Ethical Conduct, 5 C.F.R. Part 2635, the Employee Responsibilities and Conduct Provisions, 5 C.F.R. Part 735, and any bureau-issued rules.

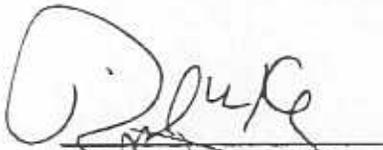
² See 31 C.F.R. § 0.214.

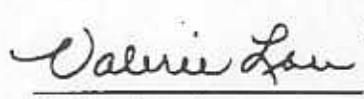
conduct of others. Such guidelines should contain at least the following language:

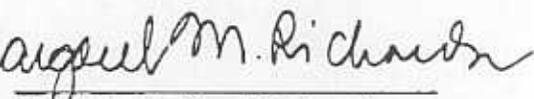
A Treasury law enforcement officer who knowingly becomes or remains a member of or participates in a hate group or otherwise knowingly associates himself or herself with the hate-motivated activities of others, proceeds at the risk that his or her membership, participation, or association could reasonably be taken as tacit approval of the prejudice-related aspects of those groups or activities and could subject the officer to disciplinary investigation and possible disciplinary action. As used here, "hate group" or "hate-motivated activities" are defined as an organization, association, event, or activity, the sole or a primary purpose of which is to advocate or promote hate, violence, or invidious prejudice against individuals or groups on account of race, color, religion, national origin, sex, sexual orientation, age, or disability.

The guidelines should also inform officers and their supervisors of the factors that will be applied in determining whether disciplinary action will result.

Bureaus are reminded to fulfill all labor relations obligations prior to implementing this policy for bargaining unit employees.


Raymond W. Kelly
Under Secretary
(Enforcement)


Valerie Lau
Inspector General


Margaret M. Richardson
Commissioner, IRS