

ICE Guidance to Offenses and Penalties

Guidelines and Instructions on Use of the Table of Offenses and Penalties

This guide to offenses and penalties provides U.S. Immigration & Customs Enforcement (ICE) managers, supervisors, and employee relations practitioners assistance in assessing the appropriate penalty in disciplinary and adverse actions. Additionally, this guide covers performance deficiencies.

This guide does not cover the entire range of possible offenses that employees may commit. However, it covers the more common types of misconduct occurring on or off-duty, for which ICE management may take action. Offenses not covered in the guide can be separately identified and may become a basis for disciplinary or adverse action.

Where appropriate, at the Agency's discretion, the Agency may consider non-disciplinary actions, such as oral and written counseling. Such non-disciplinary actions may be utilized by management to show that an employee was informed that his or her conduct or performance was less than acceptable.

In keeping with the principles of progressive and corrective action, the table provides a higher range of penalties for second and subsequent incidents of employee misconduct or performance deficiencies. Higher ranges of penalties eliminate the overlap of penalties in cases where subsequent actions are taken. In addition, second and third offenses do not need to be of the same type to be considered subsequent offenses. Management has the authority to exceed the penalties listed in this guide if circumstances warrant.

Because management bears the burden of proving the action by the "preponderance of the evidence," the relevant evidence considered in each action must be that which a reasonable person finds to be more likely true than untrue. Moreover, when management decides which penalty to impose, it must consider aggravating and mitigating factors. Discipline will be administered in a consistent manner for just and sufficient cause as shall promote the efficiency of the service.

Removals, reductions in pay, demotions, and suspensions of 15 days or more are adverse actions that may be appealed to the Merit Systems Protection Board. Non-disciplinary actions, such as counseling, may be utilized by management to show that an employee was informed that his or her conduct or performance was less than acceptable. For purposes of this table of offenses and penalties, suspensions refer to calendar days. Management has sole discretion on when to schedule the days of suspension. The days need to be consecutive calendar days and must include workdays in order to have a corrective effect.

This guide is intended to improve the internal management of the disciplinary and adverse action program within ICE. It is not intended to and does not create any rights, administrative or judicial, substantive or procedural, which can be enforced against ICE.

ICE Table of Offenses and Penalties

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	NATURE OF OFFENSES	REFERENCES/ EXPLANATORY NOTES	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE
A	Attendance and Leave				
1	Unexcused tardiness	These are brief periods of unauthorized absence for which AWOL is not charged against pay; for example, taking excessively long breaks (coffee, cigarette, or lunch break, for example), overdue return after absence from worksite for official business, early departure at the end of the workday, or leaving worksite during the workday without authorization.	Written reprimand	1-day suspension to 5-day suspension	6-day suspension to removal
2	Absence without leave (AWOL) for one workday or less	Number of hours in a workday may vary due to Alternative Work Schedules.	Written reprimand to 3-day suspension	4-day suspension to 14-day suspension	15-day suspension to removal
3	Absence without leave (AWOL) greater than 1 workday and less than 5 workdays	Days or hours may or may not be consecutive.	Written reprimand to 5-day suspension	6-day suspension to removal	Removal
4	Absence without leave (AWOL) of more than 5 workdays	Days or hours may or may not be consecutive.	14-day suspension to removal	Removal	
5	Any unauthorized absence resulting in any impairment of mission accomplishment		1-day suspension to 5-day suspension	6-day suspension to removal	Removal

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A	Attendance and Leave – cont’d				
6	Failure to follow established leave procedures	When on leave restriction, penalties may be increased.	Written reprimand to 5-day suspension	6-day suspension to 14-day suspension	15-day suspension to removal
7	Improper use of sick leave or other leave programs	For example, calling in “sick” when you are in fact not “sick,” or engaging in outside employment while on approved sick leave.	Written reprimand to 5-day suspension	6-day suspension to removal	Removal
8	Excessive unscheduled absences	“Excessive” is defined as the average number of unscheduled absences equal to at least 1 absence per pay period in a calendar quarter or other period of time determined by management.	Written reprimand to 5-day suspension	6-day suspension to 14-day suspension	15-day suspension to removal
9	Failing to report to, unexcused delay in reporting for, or unauthorized absence during, an overtime assignment	Includes both involuntary and voluntary overtime assignments.	1-day suspension to 5-day suspension	6-day suspension to removal	15-day suspension to removal

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	NATURE OF OFFENSES	REFERENCES/ EXPLANATORY NOTES	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE
B	Discriminatory Behavior				
1	Using offensive, demeaning, or degrading remarks, comments, observations, statements, or actions based on another's race, color, religion, national origin, sex, age, disability, sexual orientation, parental status; includes creating a hostile work environment	On or off-duty. Determination in an EO/EEO forum need not be a determining factor to take action.	Written reprimand to removal	14-day suspension to removal	Removal
2	(a) Acting or failing to act on an official matter in a manner which improperly takes into consideration an individual's protected group; (b) taking retaliatory action against an individual involved in the EEO complaint process; (c) failing to take appropriate action to prevent or curtail prohibited discrimination or harassment of a subordinate when the supervisory employee knew or should have known the conduct was discriminatory	On or off-duty. For example, in employment, appraisal, advancement or treatment of employees (present and former) and applicants. Determination in an EO/EEO forum need not be a determining factor to take action.	5-day suspension to removal	Removal	
3	Inappropriate and/or unwelcome verbal or physical behavior of a sexual nature	On or off-duty. Examples include touching, teasing, gestures, phone calls, notes, emails, jokes, display of visual material, pressure for dates, requests for sexual favors (in extremely egregious cases removal may be warranted on the first offense).	Written reprimand to removal	15-day suspension to removal	Removal

ICE Table of Offenses and Penalties

	NATURE OF OFFENSES	REFERENCES/ EXPLANATORY NOTES	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE
B	Discriminatory Behavior – cont'd				
4	Taking, threatening to take, or inferring that official action will be taken as a result of rejection or submission to a request for sexual favors	On or off-duty. Includes behavior or actions directed to employees and non-employees (such as customers, contractors, vendors, passengers, or members of a regulated industry), both favorable or unfavorable, based on granting or withholding a sexual favor.	30-day suspension to removal	Removal	

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	NATURE OF OFFENSES	REFERENCES/ EXPLANATORY NOTES	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE
C	Disruptive Behavior				
1	Using abusive, slanderous, libelous, malicious, or similarly inappropriate language, gestures, or conduct to or about other employees or members of the public		Written reprimand to 14-day suspension	15-day suspension to removal	Removal
2	Using rude, impolite, discourteous, disrespectful, unprofessional, obscene, or sexually explicit, derogatory, or similarly inappropriate language, gestures, or conduct to or about other employees or members of the public		Written reprimand to 5-day suspension	6-day suspension to 14-day suspension	15-day suspension to removal
3	Fighting, threatening, intimidating, attempting to inflict or inflicting bodily harm on another; harassing or provoking quarrel; engaging in dangerous horseplay; any violent, reckless or disorderly act, language, gestures, or conduct toward other employees or members of the public		5-day suspension to removal	30-day suspension to removal	Removal

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	NATURE OF OFFENSES	REFERENCES/ EXPLANATORY NOTES	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE
D	Drugs and Alcohol	NOTE: Refer to applicable directive(s) for information about: (1) any requirement to provide the employee an opportunity to enter a rehabilitation program or other reasonable accommodation, or (2) the DHS or ICE Drug-Free Workplace Program.			
1	Unauthorized possession, transfer, storage or consumption of alcoholic beverages while on duty or on government-owned or leased property (including vehicles); drinking alcohol when carrying a weapon on or off-duty		Written reprimand to 14-day suspension	15-day suspension to removal	Removal
2	Refusing or failing to submit to, or interfering with, a properly ordered or authorized drug or sobriety test	Includes substituting, adulterating, or otherwise tampering with a test sample.	14-day suspension to removal	Removal	
3	Reporting for or being on duty under the influence of alcohol or other impairing legal substance to a degree that would interfere with proper performance of duty, be a risk to safety, or be prejudicial to the maintenance of discipline	In addition to any disciplinary action, the employee must be immediately removed from duties that put safety or security at risk. Employee should not be allowed to drive. If armed, employee must relinquish weapon. Transportation should be arranged for employee.	Written reprimand to removal	5-day suspension to removal	14-day suspension to removal
4	Consuming alcoholic beverages within a designated abstinence period prior to reporting for duty; reporting for or being on duty with a blood alcohol level exceeding established limits	In addition to any disciplinary action, the employee must be immediately removed from duties that put safety or security at risk.	14-day suspension to removal	Removal	

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	NATURE OF OFFENSES	REFERENCES/ EXPLANATORY NOTES	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE
D	Drugs and Alcohol	NOTE: Refer to applicable directive(s) for information about: (1) any requirement to provide the employee an opportunity to enter a rehabilitation program or other reasonable accommodation, or (2) the DHS or ICE Drug-Free Workplace Program.			
5	Operating a Government owned or leased equipment or vehicle, on or off-duty, or a privately owned vehicle, on duty, while under the influence of alcohol, drugs, or other intoxicant.	Includes automobiles, trucks, seagoing vessels, aircraft, or other equipment, 31 U.S.C. § 1349. Under the influence is defined as the legal limit in the state in which it takes place.	30-day suspension to removal	Removal	
6	Possession, use, sale, or distribution of illegal drugs; unauthorized possession, use, sale, or distribution of controlled substances	On or off-duty. May include violations of 21 U.S.C. § 844.	60-day suspension to removal	Removal	

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	NATURE OF OFFENSES	REFERENCES/ EXPLANATORY NOTES	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE
E	Failure/Refusal to Follow Orders				
1	Insolence, flagrant and/or contemptuous disrespect towards a supervisor ¹ or other management official	Written, verbal, or gesture.	Written reprimand to 14-day suspension	15-day suspension to removal	Removal
2	Failure to promptly and fully comply with directions, instructions, or assignments of a supervisor or other management official; failure to follow a regulation, policy, procedure, practice, protocol, or rule		Written reprimand to 14-day suspension	15-day suspension to removal	Removal
3	Willful or intentional delay or refusal to comply with an order, direction, instruction, or assignment of a supervisor or other management official; willful or intentional delay or refusal to follow regulation, policy, procedure, or rules	Includes insubordination and failure to report for required training or for duty as detailed, transferred, or reassigned.	5-day suspension to removal	14-day suspension to removal	30-day suspension to removal
4	Willful or intentional failure to carry, display, or present required government identification, badge or credentials on duty or on government controlled premises		Written reprimand to 5-day suspension	6-day suspension to 14-day suspension	15-day suspension to removal

¹ All references to "supervisor" include acting supervisors and team leaders.

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	NATURE OF OFFENSES	REFERENCES/ EXPLANATORY NOTES	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE
F	Falsification/Dishonesty/ Misstatement				
1	Making misstatements or misrepresentations; failing to provide honest and complete information or displaying lack of candor in any official inquiry or proceeding, including background investigations; failure to provide material fact or pertinent information	Includes (but not limited to) statements or documents related to travel, employment, promotion, leave forms, attendance logs or records, workers' compensation claims, EEO investigations, OPR, administrative and judicial hearings, transactions with the public, or any other official record. Investigations, inquiries, or proceedings applies to internal (DHS or ICE) and external (any other state or federal agency, police investigator, court, etc.). Law Enforcement Officers may be removed for a first offense based upon Giglio/Henthorn considerations.	Written reprimand to removal	14-day suspension to removal	Removal
2	Material and intentional falsification, concealment; omission of fact to mislead; forgery	May include violation of 18 U.S.C. § 1001; includes perjury, providing false testimony, and knowingly making a false statement or accusation. For employees in positions with the potential to testify in court, this violation often jeopardizes their ability to serve as federal witnesses.	Removal		

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	NATURE OF OFFENSES	REFERENCES/ EXPLANATORY NOTES	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE
F	Falsification/Dishonesty/ Misstatement – cont'd				
3	Unauthorized recording or monitoring of telephone calls, conversations, meetings, electronic communications, etc.	Includes all forms of electronic surveillance.	Written reprimand to 14-day suspension	15-day suspension to removal	Removal
4	Concealing or covering up an act that violates law, regulation, or DHS or ICE policy		Written reprimand to removal	14-day suspension to removal	Removal
5	Failure to complete background investigation forms in the prescribed time frame		Written reprimand to 5-day suspension	6-day suspension to 14-day suspension	15-day suspension to removal

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	NATURE OF OFFENSES	REFERENCES/ EXPLANATORY NOTES	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE
G	Inquiries and Investigations				
1	Failing or refusing to give oral or written statements or testimony or otherwise cooperate in connection with any official inquiry (including internal inquiry), investigation (including EEO) or proceeding; interfering with an official inquiry, investigation, or administrative or adjudicatory proceeding	May include violations of 18 U.S.C. §§ 1621, 1622; includes attempting to influence others involved in an inquiry, releasing information regarding an official inquiry, or proceeding when one knows or should know not to do so.	Written reprimand to removal	14-day suspension to removal	Removal

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	NATURE OF OFFENSES	REFERENCES/ EXPLANATORY NOTES	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE
H	Integrity and Ethics				
1	Accepting or soliciting a bribe; agreeing to accept or solicit a bribe	May include violations of 18 U.S.C. § 201; A bribe may include anything of value, loans, or personal gain to the employee or the employee's family or others.	Removal		
2	Failing to promptly report an offer of a bribe or attempted bribe to OPR	Regardless of personal involvement.	14-day suspension to removal	Removal	
3	Use of position or authority for other than official purposes	On or off-duty. May include reprisal against an employee for whistleblowing and/or providing information or testimony, or otherwise participating in an official investigation or inquiry; directing subordinates to perform work not related to official duties; attempting to use one's position to avoid a legal citation or arrest.	5-day suspension to removal	14-day suspension to removal	Removal
4	Using government identification including badges and/or credentials, for other than official purposes	On or off-duty. May include violations of 18 U.S.C. § 701; for example, to attempt to coerce, intimidate, or deceive, or for private gain or advantage.	5-day suspension to removal	15-day suspension to removal	Removal

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	NATURE OF OFFENSES	REFERENCES/ EXPLANATORY NOTES	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE
H	Integrity and Ethics – cont'd				
5	Use of public office for private gain	May include a violation of 5 CFR 2635.702 (Subpart G).	14-day suspension to removal	15-day suspension to removal	Removal
6	Using government property, property under government custody, or the property of others for other than official purposes	Includes querying confidential or sensitive databases for other than official purposes.	Written reprimand to 14-day suspension	15-day suspension to removal	Removal
7	Using government-sponsored travel card for other than official travel	Using any government-sponsored credit card for other than official and authorized purposes.	Written reprimand to 14-day suspension	15-day suspension to removal	Removal
8	Directly or indirectly soliciting a gift or accepting a gift from a prohibited source	May include a violation of 5 CFR 2635 (Subpart B); prohibited source includes any person who does, or seeks to do, business with ICE.	Written reprimand to 14-day suspension	15-day suspension to removal	Removal
9	Knowingly and inappropriately associating with sources of information, illegal aliens, or persons connected with criminal activities	On or off-duty. May include social, romantic, sexual, financial (including acceptance of gifts), or business relationship.	14-day suspension to removal	15-day suspension to removal	Removal

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	NATURE OF OFFENSES	REFERENCES/ EXPLANATORY NOTES	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE
H	Integrity and Ethics – cont'd				
10	Knowingly and inappropriately assisting or participating in activities that jeopardize DHS' or ICE's mission		14-day suspension to removal	30-day suspension to removal	Removal
11	Conflict of interest with the mission of ICE	May include violations of 5 CFR 2635 (Subparts D and E), 18 U.S.C. § 205; for example, serving as an officer with or without pay in an organization whose interests conflict with ICE's mission, certain financial interests.	Written reprimand to removal	30-day suspension to removal	Removal
12	Giving the appearance of a conflict of interest; violating law; or violating the ethical standards of conduct	May include a violation of 5 CFR 2635, 5 CFR 3101.	Written reprimand to 14-day suspension	15-day suspension to removal	Removal
13	Direct or indirect bidding, or purchase at auction or sale, of Government property under direction or incident to the function of ICE		Written reprimand to 14-day suspension	15-day suspension to removal	30-day suspension to removal
14	Borrowing substantial sum(s) of money from a subordinate employee, securing a subordinate's endorsement on a loan, or otherwise having a subordinate assume the financial responsibility of a superior	May include a violation of 5 CFR 2635.702(a); does not prohibit loans of a small amount, for example, to pay for lunch or cab fare, for a brief period when there is no actual or implied coercion.	Written reprimand to removal	15-day suspension to removal	Removal

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	NATURE OF OFFENSES	REFERENCES/ EXPLANATORY NOTES	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE
H	Integrity and Ethics – cont'd				
15	Direct or indirect solicitation, or acceptance, of a gift from a subordinate	May include a violation of 5 USC § 7351, 5 CFR 2635 (Subpart C).	Written reprimand to 14-day suspension	15-day suspension to removal	Removal
16	Soliciting for, or giving, a gift or donation, to an official superior	May include a violation of 5 CFR 2635.302.	Written reprimand to 14-day suspension	15-day suspension to removal	Removal
17	Failure to report the employment of family members who hold positions that DHS or ICE employees themselves are prohibited from holding in outside employment	May include a violation of 5 CFR 2635.502; family members are: spouse, child, or other relative, by marriage or blood, who is dependent upon the employee and/or resides in the employee's household.	Written reprimand to 3-day suspension	5-day suspension to removal	Removal
18	Failure to obtain required approval before engaging in outside employment	May include a violation of 5 CFR 2635 (Subpart H).	Written reprimand to 3-day suspension	5-day suspension to removal	14-day suspension to removal
19	Seeking employment with persons or businesses affected by the performance or non-performance of the employee's official duties	May include a violation of 5 CFR 2635 (Subpart F).	Written reprimand to removal	14-day suspension to removal	Removal

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	NATURE OF OFFENSES	REFERENCES/ EXPLANATORY NOTES	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE
H	Integrity and Ethics – cont'd				
20	Entering into an unauthorized procurement commitment or personal services contract	Whether or not an employee is authorized to conduct procurement actions or decisions.	Written reprimand to 14-day suspension	15-day suspension to removal	Removal
21	Unauthorized canvassing, soliciting, or peddling at DHS or ICE worksite or while on duty	Includes canvassing or fundraising for charitable causes or organizations. Currently, the Combined Federal Campaign is the only authorized charity, unless otherwise notified.	Written reprimand to 1-day suspension	2-day suspension to 14-day suspension	Removal
22	Failure to honor just debts or legal obligations in a timely manner	May include a violation of 5 CFR 2635; includes untimely payment of government-sponsored travel card bills (unless employee is awaiting pending reimbursement).	Written reprimand to 14-day suspension	15-day suspension to removal	Removal

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	NATURE OF OFFENSES	REFERENCES/ EXPLANATORY NOTES	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE
H	Integrity and Ethics – cont'd				
23	Engaging in political activity that violates the Hatch Act	<p>May include a violation of 5 U.S.C. §§ 7323, 7324.</p> <p>NOTE: Alleged Hatch Act violations are referred to the Office of Special Counsel for investigation and if warranted prosecution before the MSPB; if a violation is found, the MSPB will order removal or, by unanimous decision, may order a suspension of not less than 30 days.</p>	30-day suspension to removal (See NOTE at left)	30-day suspension to removal (See NOTE at left)	30-day suspension to removal (See NOTE at left)
24	Interfering with employees' rights, or taking reprisal against employees for exercising their rights, to file or participate in a grievance or appeal, or for their affiliation or non-affiliation in labor unions	On or off-duty.	Written reprimand to 14-day suspension	15-day suspension to removal	Removal
25	Ethics violation (5 CFR 2635) not elsewhere covered in this Table		Written reprimand to removal	5-day suspension to removal	14-day suspension to removal
26	Committing a prohibited personnel practice (5 U.S.C. § 2302) not elsewhere covered in this Table		Written reprimand to removal	5-day suspension to removal	14-day suspension to removal

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	NATURE OF OFFENSES	REFERENCES/ EXPLANATORY NOTES	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE
I	Neglect of Duty				
1	Delay in carrying out orders, work assignments, instructions of superiors, policies, or procedures	See also TOP E2.	Written reprimand to 3-day suspension	5-day suspension to removal	14-day suspension to removal
2	Failure to follow applicable laws, rules, regulations, or policies in the performance of duties		Written reprimand to 14-day suspension	15-day suspension to removal	Removal
3	Interference with other employees in the performance of official duties	Includes deliberate as well as reckless or negligent conduct.	Written reprimand to 30-day suspension	31-day suspension to removal	Removal
4	Engaging in or encouraging a strike, work stoppage/slowdown, or sick out		Removal		
5	Sleeping on the job or inattention to duty where there is no potential danger to life or property or potential loss of revenue		Written reprimand to 3-day suspension	5-day suspension to removal	14-day suspension to removal
6	Sleeping on the job or inattention to duty where human life, property, or revenue, is jeopardized or damage/injury/loss actually occur		14-day suspension to removal	Removal	

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	NATURE OF OFFENSES	REFERENCES/ EXPLANATORY NOTES	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE
I	Neglect of Duty – cont'd				
7	Failure to comply with policy or delegated authority in administering disciplinary action		Written reprimand to 14-day suspension	15-day suspension to removal	Removal
8	Negligent or careless performance of assigned duties where an inspection, investigation, or other enforcement function is substantially and negatively impacted	In circumstances where life or safety was placed in jeopardy, removal may be warranted on the first offense.	5-day suspension to 14-day suspension	15-day suspension to removal	Removal
9	Failure to observe established policies or procedures in the apprehension or detention of suspects, violators, or illegal aliens	Transportation of prisoners and leaving post while on guard or protective duty.	5-day suspension to 14-day suspension	15-day suspension to removal	Removal
10	Failure to follow applicable personal search and/or detention policies and/or procedures	Includes failing to obtain proper authorization to conduct search, improperly authorizing a personal search, making improper comments during the search, etc.	5-day suspension to removal	14-day suspension to removal	Removal
11	Intentional or reckless disregard of rules governing arrests, searches, or seizures	May include a violation of Rule 41-Federal Rules of Criminal Procedure.	30-day suspension to removal	Removal	

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	NATURE OF OFFENSES	REFERENCES/ EXPLANATORY NOTES	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE
J	Personal Appearance and Hygiene/Uniform Requirements				
1	Failure to maintain a neat, clean, and businesslike appearance, or to comply with uniform or dress standards while on duty		Written reprimand to 3-day suspension	5-day suspension to 14-day suspension	15-day suspension to removal
2	Failure to maintain proper hygiene to the extent that it is either a health and safety consideration or disruptive in the workplace		Written reprimand to 3-day suspension	5-day suspension to 14-day suspension	15-day suspension to removal

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	NATURE OF OFFENSES	REFERENCES/ EXPLANATORY NOTES	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE
K	Property Misuse/Loss/Damage				
1	When willfulness or intent is not a factor, improper or negligent operation of government owned or leased property	Includes automobiles, seagoing vessels, aircraft, and other equipment.	Written reprimand to 14-day suspension	15-day suspension to removal	Removal
2	Losing or damaging government property, equipment, records, etc.; concealing, removing, mutilating, altering, or destroying government records, prior to expiration of retention guidelines	May include a violation of 18 U.S.C. § 2071; penalty depends on value of property, extent of damage, and degree of fault.	Written reprimand to 14-day suspension	15-day suspension to removal	Removal
3	Unauthorized use of law enforcement equipment, resources, and application of techniques	Includes the use of electronic sensing devices; this charge carries a higher penalty than misuse of other government property as it could potentially jeopardize a law enforcement operation.	14-day suspension to removal	30-day suspension to removal	Removal
4	Willful misuse of (or authorizing the use of) any government-owned or -leased passenger vehicle (including aircraft and seagoing vessel); authorizing the use of government vehicle for other than official purposes	31 U.S.C. § 1349(b).	30-day suspension to removal	60-day suspension to removal	Removal

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	NATURE OF OFFENSES	REFERENCES/ EXPLANATORY NOTES	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE
K	Property Misuse/Loss/Damage – cont'd				
5	Unauthorized personal use of government computers, software systems, fax machines, telephones, copiers, etc.	Unauthorized includes use that interferes with one's work or the work of others, excessive personal use of such equipment or systems, accessing or transmitting sexually explicit material.	Written reprimand to 14-day suspension	15-day suspension to removal	Removal
6	Unauthorized use of TECS or other Law Enforcement computer programs or resources		Written reprimand to 14-day suspension	15-day suspension to removal	Removal

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L	Reporting Responsibilities				
1	Failure to immediately report one's own arrest to superiors and Office of Professional Responsibility		Written reprimand to 4-day suspension	5-day suspension to removal	14-day suspension to removal
2	Concealing or failing to report missing, lost, or damaged government property or funds, or property or funds in the government's custody or care		Written reprimand to 5-day suspension	14-day suspension to removal	Removal
3	Failure to report an accident or injury to a person, including oneself, or damage to property, arising from acts committed on-duty or occurring within the scope of employment		Written reprimand to 5-day suspension	14-day suspension to removal	Removal
4	Failure to promptly report violations of laws enforced by ICE		14-day suspension to removal	30-day suspension to removal	30-day suspension to removal
5	Failure to timely complete or submit required financial disclosure forms		Written reprimand to 5-day suspension	6-day suspension to 14-day suspension	15-day suspension to removal
6	Failure to report misconduct. Failure to report information concerning violation of any law, policy, or procedure by an ICE employee	This includes failure to self-report misconduct and/or violations.	Written reprimand to removal	5-day suspension to removal	30-day suspension to removal

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M	Safety/Security/Health				
1	Failure to observe and/or enforce safety and health regulations, rules, signs, and instructions, or to perform duties in a safe manner; failure to wear protective clothing and equipment, including vehicle safety restraints; failure to observe rules, posted signs, emergency alarms, oral safety instructions		Written reprimand to 14-day suspension	15-day suspension to removal	Removal
2	Endangering the safety of, or causing injury to, any person through carelessness or failure to follow instructions		5-day suspension to removal	14-day suspension to removal	Removal
3	Willful or reckless disregard for the safety of others	Includes piloting aircraft too low or acrobatically.	30-day suspension to removal	Removal	
4	Violation of local traffic laws of any state or political subdivision while operating a government-owned or leased vehicle	With the exception of authorized surveillance or other law enforcement operations.	Written reprimand to 14-day suspension	15-day suspension to removal	Removal
5	Violation of traffic regulations, reckless driving, or improper operation of a vehicle on government controlled premises	This includes POVs or GOVs. Disciplinary action may be taken in addition to any applicable traffic fine or penalty (with exceptions noted in M.4).	Written reprimand to 14-day suspension	15-day suspension to removal	Removal

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	NATURE OF OFFENSES	REFERENCES/ EXPLANATORY NOTES	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE
M	Safety/Security/Health - Cont'd				
6	Violation of security procedures covering information, documents, records, or other material classified or sensitive to the government, including Privacy Act protected records		Written reprimand to 14-day suspension	15-day suspension to removal	Removal
7	Unauthorized disclosure of information, documents, records, or other material classified or sensitive to the government, including Privacy Act protected records and Grand Jury information	May include violations of 5 U.S.C. § 552a, 18 U.S.C. § 1030; Rule 6(e) of the Federal Rules of Criminal Procedure.	Written reprimand to removal	15-day suspension to removal	Removal
8	Unauthorized access, or providing unauthorized access, to classified or Law Enforcement sensitive systems or information	Includes either personal access or providing someone access without authorization.	Written reprimand to 14-day suspension	15-day suspension to removal	Removal

ICE Table of Offenses and Penalties

	NATURE OF OFFENSES	REFERENCES/ EXPLANATORY NOTES	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE
N	Unauthorized Takings or Possession				
1	Unauthorized use, removal, or possession of a thing of value belonging to another employee or private citizen; colluding with others to commit such acts	Conversion of seized property to one's own use or sale may result in removal for the first offense.	Written reprimand to removal	15-day suspension to removal	Removal
2	Actual or attempted theft, or other unauthorized taking, diversion, or possession of funds or property, owned or controlled by the Government; colluding with others to commit such acts	May include a violation of 18 U.S.C. § 641.	Written reprimand to removal	15-day suspension to removal	Removal

ICE Table of Offenses and Penalties

	NATURE OF OFFENSES	REFERENCES/ EXPLANATORY NOTES	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE
O	Weapons Related				
1	Failure to report the discharge of a firearm or inappropriate use of a weapon	For all items in section O: "weapon" refers to, but is not limited to, authorized firearms, batons, and chemical spray.	Written reprimand to 5-day suspension	6-day suspension to removal	14-day suspension to removal
2	Inappropriate storage, care, loss, damage, or misplacement of a weapon or ammunition	Includes damage caused by carelessness.	5-day suspension to 14-day suspension	15-day suspension to removal	Removal
3	Inappropriate display or brandishment of a weapon or ammunition	On or off-duty.	5-day suspension to removal	15-day suspension to removal	Removal
4	Unauthorized or illegal possession of a weapon or ammunition		14-day suspension to removal	30-day suspension to removal	Removal

ICE Table of Offenses and Penalties

	NATURE OF OFFENSES	REFERENCES/ EXPLANATORY NOTES	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE
O	Weapons Related – cont'd				
5	Unnecessary discharge of a weapon:				
	(a) Where there is apparent danger to human life:				
	(1) Intentional		Removal		
	(2) Unintentional		14-day suspension to removal	Removal	
	(b) Where there is no apparent danger to human life:				
	(1) Intentional		14-day suspension to removal	30-day suspension to removal	Removal
	(2) Unintentional		Written reprimand to 3-day suspension	5-day suspension to removal	14-day suspension to removal

NOTE: Conduct that results in a felony or misdemeanor indictment or warrant for arrest pending further court proceedings will usually result in an indefinite suspension until the matter is resolved.

Nothing in this table should be interpreted as prohibiting: (1) the reporting of suspected fraud, waste, abuse, corruption, misconduct, or a substantial and specific danger to public health or safety to appropriate agency officials (see 5 U.S.C. § 2302); or (2) the free expression of an employee's opinions on matters of public concern in his or her private capacity, consistent with reasonable and necessary limitations on disclosures (see Part M). Managers with questions about the limits of protected and prohibited speech should contact their servicing agency legal counsel; employees should contact their ethics counselors for guidance.