

**FISH AND WILDLIFE SERVICE
LAW ENFORCEMENT**

Law Enforcement

Part 441 Rules of Conduct

Chapter 1 Conduct, General Rules, and Definitions

441 FW 1

1.1 What is the purpose of this chapter? This chapter provides guidance on conduct, general rules, and reporting requirements for all Service officers.

1.2 What are the authorities for this chapter? The authorities for this chapter are:

A. 16 U.S.C.

B. 446 DM, Law Enforcement.

C. Standards of Ethical Conduct for Employees of the Executive Branch (5 CFR 2635).

1.3 What terms do you need to know to understand this chapter?

A. Service officer means any Service special agent, wildlife inspector, or refuge officer authorized to enforce Service statutes, regulations, and policies by means of delegated authority. This includes any other officer delegated authority by means of a Memorandum of Understanding or Agreement as a Federal Deputy Game Warden.

B. Service law enforcement officers are the same as the officers described in section 1.3A, except they:

(1) Do not include wildlife inspectors, and

(2) They may carry firearms.

1.4 What rules of general conduct must Service officers adhere to? Service officers must follow the regulations and rules that govern all Federal employees. However, the nature of their positions, duties, and responsibilities require more specific obligations for conduct. Service officers must:

A. Report punctually for duty at the time and place their supervisor designates.

B. At all times remain courteous and considerate and refrain from using inappropriate, unprofessional, violent, or profane language.

C. Be familiar with all pertinent provisions of statutes, rules, regulations, and policies.

D. Make timely reports of incidents and investigations.

E. Provide their name and identification/badge number in a courteous and professional manner, when requested to do so.

F. Immediately verbally notify their supervisor of any injury to themselves or any loss, damage, or theft of Government property (including seized property) in their charge. Within 5 working days of the verbal notification, they must submit a written report. The written report must provide complete details and include the names and addresses of all witnesses. If the severity of the injury physically prevents the officer from preparing this report at the time of injury, the immediate supervisor must prepare the report.

G. Complete their official duties in strict adherence to the policies and procedures for Service law enforcement programs.

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H. Not engage in any activity or employment that may directly or indirectly interfere with the performance of their duties, bring discredit upon the Service, or result in or create the appearance of a conflict of interest.

1.5 What conduct may warrant disciplinary action against Service officers? Service officers who engage in any of the following conduct may be subject to immediate disciplinary action (see 227 FW 2, 18 U.S.C. 641, and 31 U.S.C. 1349):

- A.** Reporting for duty under the influence of drugs or intoxicating agents.
- B.** Using controlled substances, except as allowed by law or regulation.
- C.** Malingering or feigning illness or injury to evade the performance of duty.
- D.** Insubordination, disobedience, or failure to obey a lawful order made by a supervisory officer or order issued by other authorized personnel.
- E.** Willfully, knowingly, or negligently making an untruthful statement of any kind in any oral or written report pertaining to their official duties, or making an untruthful statement before a court.
- F.** Inefficiency where there is sustained, repeated, and documented evidence from supervisors or others concerning the performance of duties or neglect of duty.
- G.** Receiving money, gratuities, or other items of value contrary to Service policy.
- H.** Absence from duty without leave.
- I.** Willfully mistreating or using unnecessary force toward a prisoner or other person.
- J.** Neglecting any duty that they are assigned or otherwise must perform.
- K.** Conviction in a court of a crime or offense that may bring discredit to the Service.
- L.** Deliberate misuse of Government equipment.
- M.** Loss of equipment or issued property of any type through carelessness.

1.6 What are allegations of misconduct?

A. An allegation of misconduct is information from any source that a Service officer or supervisor in the law enforcement chain of command has violated a Federal, State, or local statute, Departmental or Service policy, or a standard of conduct in this chapter.

B. All Service officers are responsible for immediately reporting either verbally or in writing an allegation of misconduct against a Service officer or supervisor in the law enforcement chain of command as follows:

- (1)** To their supervisor or a higher-level Service official in their chain of command, or

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(2) Directly to the Professional Responsibility Unit (PRU) or to the Departmental Office of the Inspector General. Employees can find contact information for the PRU on the Law Enforcement Website. Click on "FWS Professional Responsibility Unit" on the home page of the site.

C. The reporting requirements above do not prohibit a Service employee from also reporting an allegation of misconduct to any other appropriate authority.

1.7 Who may investigate incidents of misconduct by law enforcement staff? The PRU, or any Service law enforcement officer when requested by the PRU, has the authority to investigate and resolve allegations of misconduct by Service law enforcement personnel, noncommissioned supervisors or managers with line authority over law enforcement personnel or programs, and any Service employee assigned to the Office of Law Enforcement (OLE).

1.8 May Service officers investigate incidents of employee misconduct that involve violations of conservation laws? In most cases, we do not authorize Service officers to investigate matters of alleged official or unofficial misconduct involving other Service employees. However, a Service officer may investigate allegations of misconduct or irregularity if it involves a violation of a conservation statute or regulation over which the Service has investigative authority.

1.9 What is the Code of Conduct for Service officers? In addition to the specific conduct guidelines described earlier in this chapter, Service officers must adhere to the Code of Conduct below:

A. I will faithfully abide by all laws, rules, regulations, and customs governing the performance of my duties and I will commit no act that violates these laws or regulations or the spirit or intent of these laws and regulations while on or off duty.

B. In my personal and official activities, I will never knowingly violate *any* local, State, or Federal law or regulation. I recognize that I hold a unique position of traditional high public trust which carries an inherent personal commitment to uphold the laws and integrity of my profession. For these reasons, I understand that this code places special demands on me to preserve the confidence of the public, my peers, my supervisors, and society in general.

C. I will commit no act in the conduct of official business or in my personal life that subjects the Department or the Service to public censure or criticism.

D. I will neither accept outside employment nor make any display representing the Service that will in any way conflict with law enforcement interests or jeopardize the activities or mission of the Service, or give the appearance of conflict.

E. I will conduct all investigations, inspections, and law enforcement functions assigned to me impartially and thoroughly and will report the results truthfully, completely, objectively, and with meticulous accuracy.

F. I will be judicious at all times and will release information pertaining to my official duties, orally or in writing, only under appropriate law and announced policy.

G. I will accept nothing, except as allowed by Service policy, including favored treatment of any kind, from anyone on my own behalf or on behalf of another person. I recognize that acceptance may result in a conflict or give the appearance of a conflict with my official duties or impair my effectiveness as a law enforcement officer.

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H. I will abide by all rules, practices, and regulations of the Service, including those relating to health, safety, and the technical expertise requirements of my position.

I. I understand that this Code of Conduct is in addition to the requirements imposed on me and all Department of the Interior employees in 5 CFR Part 2635, Standards of Ethical Conduct for Employees of the Executive Branch, which I have reviewed, and that a violation of this Code or these regulations may be cause for disciplinary action or removal from the Service.

1.10 Are Service officers responsible for safeguarding Constitutional rights? Service officers must at all times guard and defend the rights and liberties the Constitution guarantees and not engage in any activity that would violate those rights.

1.11 What issues should Service officers be aware of when hunting or fishing? We do not discourage Service officers from hunting and fishing, but we do ask them to be aware of the serious ramifications that may result from imprudent or careless judgment when involved in these activities. Service officers:

A. Should not hunt or fish on private or public lands if that activity will in any way involve or imply favoritism or preferential treatment by virtue of their official position.

B. Must not accept free hunting or fishing licenses from State governments for personal use.

1.12 What responsibilities govern badges, credentials, and firearms?

A. General Requirements. Service officers:

(1) Are responsible for the security of their Service credentials, badges, and firearms (also see 442 FW 1).

(2) Should keep these items under their control at all times and display them only for official purposes.

(3) Must report the loss or theft of credentials, badges (including belt badges), or firearms immediately to their supervisor. Service officers also must report the loss or theft to the Chief/OLE and Assistant Director – National Wildlife Refuge System (NWRS) using the format established for reporting serious incidents (see 054 FW 1 and 442 FW 1).

(4) Will receive new law enforcement credentials following each appointment of a new Service Director.

B. Reproduction of badges and credentials. We only authorize the use of badges and credentials that OLE and the NWRS issue. Service officers must not reproduce, purchase, or distribute badges and credentials in any manner without approval from the Chief/OLE or the Assistant Director/NWRS.

C. Return of Badges and Credentials to Service Officers. Service officers may keep their badges and cancelled credentials if they:

(1) Leave in good standing,

(2) Have worked for a minimum of 3 years,

(3) Get approval from their immediate supervisor, and

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(4) Pay to have their badge sealed in Lucite. The supervisor coordinates this process with HQ/OLE or the Assistant Director/NWRS, as appropriate.

D. Issuing Retirement Badges and Credentials to Service Officers. Service officers may request retirement badges and credentials when they retire from active law enforcement duties. If we approve issuing retirement badges and credentials, the retired officer must pay the associated costs. Service officers who leave the Service for reasons other than retirement are not eligible to receive retirement badges and credentials. Service officers must meet the requirements for the issuance of retirement badges and credentials found in the Law Enforcement Memorandum Series.


ACTING DEPUTY DIRECTOR

Date: November 28, 2006