

# Department of the Interior Departmental Manual

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**Effective Date:** 10/4/00

**Series:** Law Enforcement and Security

**Part 446:** Law Enforcement

**Chapter 2:** Personnel Qualifications and Standards

**Originating Office:** Office of Managing Risk and Public Safety

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## 446 DM 2

**2.1 Purpose.** This chapter establishes the standards, qualifications and procedures for selection, training, performance evaluation, conduct and discipline of its law enforcement personnel.

**2.2 Selection.** It is essential that the selection process utilized throughout the Department of the Interior (Department) be standardized to assure high professional law enforcement standards. Only applicants possessing adequate education and/or experience, aptitude and high moral character shall be employed as law enforcement officers.

A. The Office of Managing Risk and Public Safety (MRPS), in conjunction with the Departmental Office of Personnel and the bureaus/offices involved, shall ensure that minimum acceptable standards and skill levels for all law enforcement personnel are instituted. The Office of Personnel Management (OPM) approved qualification standards for series GS-1811, GS-1812 and GS-083 will be used as a primary basis in developing Departmental standards for all law enforcement officer positions. As appropriate, bureaus/offices are responsible for establishing necessary supplementary standards to comply with laws, regulations and the specific bureau/office mission objectives.

B. Qualification standards for guards shall be used only for those persons hired exclusively to perform guard duties.

C. The following medical, physical and psychological requirements shall be applicable:

(1) Medical standards for all law enforcement positions shall be in compliance with Federal regulations and shall be established by all bureaus/offices. They will be reviewed and approved by the Federal Medical Officer, through coordination with the Office of the Secretary. Bureaus/offices will require all law enforcement officers under 40 years of age to complete a medical examination biennially. All law enforcement officers 40 years of age and older will complete a medical examination annually.

(2) Applicants shall be physically able to perform efficiently the rigorous duties required of a law enforcement officer position. Prior to appointment to a law enforcement position bureaus/offices will require entry level applicants to pass a medical examination, the

Federal Law Enforcement Training Center (FLETC) Physical Efficiency Battery (PEB), and a psychological screen. These procedures will ensure that law enforcement officers are capable of performing strenuous physical training and law enforcement duties. Applicants shall be disqualified for appointment if they fail to meet any physical requirements or fail to obtain final medical clearance.

(3) Bureaus/offices with law enforcement authority will utilize the FLETC PEB to establish minimum physical performance standards. All law enforcement officers will be required to participate in physical training (conditioning). All law enforcement officers will be required to participate in the PEB or an approved wellness program annually. Law enforcement officers assigned to positions deemed by the bureau/office to be sufficiently demanding will be required to meet FLETC minimum scores on the PEB. However, bureaus/offices may require that all law enforcement officers pass the PEB.

D. Applicants who qualify in any required written examination and meet the education and/or experience, medical and physical requirements for law enforcement positions shall be personally interviewed. The number of applicants interviewed will be based upon the number of law enforcement positions to be filled. The Law Enforcement Administrator of each bureau/office will designate qualified law enforcement officials to conduct these interviews.

E. Entrance and grade levels for the Department of the Interior law enforcement officers shall be comparable to similar positions and duties in other Federal law enforcement agencies. Law enforcement personnel who work longer than their standard shift shall be compensated as appropriate. Each bureau/office shall, as appropriate, develop law enforcement career ladders to meet its needs.

**2.3 Position Sensitivity and Investigations.** All positions assigned or having the potential of being assigned national security duties must be designated at national security sensitivity levels to assure appropriate screening under Executive Order 10450. Sensitivity designation is based on an assessment of the degree of damage that an individual, by virtue of the occupancy of a position, could effect to the national security. The required investigation is conducted to provide a basis for insuring that employment of the individual is clearly consistent with the national security interests of the United States. In order to establish uniformity and precision, all permanent and temporary/seasonal law enforcement positions (as defined in 446 DM 1.4E) will be designated, at a minimum, Critical-Sensitive. Individuals in these positions are to be clearable for access to Secret information. Access to Secret information should not be permitted until notified by the bureau/office security officer that the individual possesses the appropriate security clearance.

Nothing in this chapter precludes a bureau from requiring their personnel to complete a Single Scope Background Investigation, if they deem a more comprehensive investigation is required. It is strongly recommended that Special Agents, Criminal Investigators and management level law enforcement officers be designated Critical-Sensitive, clearable for access to Top Secret classified information and receive a Single Scope Background Investigation (SBI).

Bureau Law Enforcement Administrators shall ensure that the following specific investigative

requirements for employment and/or continued employment in a "Critical-Sensitive" position are met:

A. Permanent Law Enforcement Positions. A Background Investigation (BI) will be completed and favorably adjudicated prior to placement, unless a "Request for Waiver of Preappointment Investigative Requirement For A Critical-Sensitive Position," Form DI 1912, is approved by the head of the bureau or office (see paragraph 2.3E of this chapter). A Periodic Reinvestigation with Residence Coverage (PRIR) will be conducted each succeeding five years.

B. Temporary/Seasonal Law Enforcement Positions. The Office of Personnel Management has granted the Department the authority to utilize a Limited Background Investigation (LBI) for all Critical-Sensitive positions which are occupied by persons in temporary/seasonal law enforcement positions, provided the LBI is upgraded to a BI when employees convert to full-time permanent status. The upgrade from LBI to BI must precede the personnel action. The LBI is conducted to determine suitability. The LBI will be completed and favorably adjudicated prior to placing an employee in that position, unless a "Request for Waiver of Preappointment Investigative Requirement for a Critical-Sensitive Position," DI 1912, is approved by the head of the bureau or office (see paragraph 2.3E of this chapter). Until such time when the LBI is completed, a waiver will be required each time the person is reinstated in a temporary/seasonal law enforcement position. Each year, prior to commissioning, a returning temporary law enforcement officer must have a National Agency Check (NAC). The NAC shall be conducted by OPM at the request of the employing bureau/office.

C. Investigations of Incumbents and Other Agency Employees Experiencing a Change in Position Sensitivity.

(1) All employees of the Department or from another agency selected for, or moving to, a position at the employing or gaining bureau/office which is at a higher sensitivity designation than the position previously occupied must meet the investigative requirements of the new sensitivity level.

(2) If the sensitivity of the position itself is changed, the incumbent may remain in the position, but the investigation required by the new sensitivity designation must be initiated within 14 working days after redesignation is final.

(3) If an employee under circumstances outlined in (1) or (2) above has received the required investigation for placement in the new position or in the new sensitivity category, no reinvestigation is required unless updating is necessary because of the time elapsed since the previous investigation or because of other special circumstances which justify additional investigations.

D. Investigations of Former and Other Departmental/Agency Employees. The investigation required by the sensitivity level of the position applied for, or appointed to, must be conducted unless the break in service is 12 months or less and the required investigation was conducted no more than 36 months before the date of the new appointment.

E     Waiver of Preappointment Investigative Requirement. The interest of the Federal service dictates that individuals should not be appointed or assigned to sensitive positions until the appropriate investigation has been completed. Waiving a preappointment investigation carries the risk of an unsuitable person being placed in a sensitive position exposing the Federal service to damage and embarrassment. Executive Order 10450 requires that waiver of the preappointment investigative requirement for employment in a "sensitive" position may only be made "in case of emergency" provided that such action is necessary in the national interest.

A "Request for Waiver of Preappointment Investigative Requirement for a Critical-Sensitive Position," Form DI 1912 (see Illustration 1), will be completed and approved before appointing or assigning an individual to a Critical-Sensitive position, unless the required background investigation has been completed. Granting a waiver does not provide authorization for access to classified national security information or delegation of law enforcement authority.

A waiver of the preappointment investigative requirement will be required for each new employee and every temporary/seasonal employee unless the appropriate level of background investigation has been completed.

Before forwarding the waiver request, the following mandatory checks/forms are to be completed and results attached to Form DI 1912:

- (1) A Preappointment Background Check, Form DI 1990 (see Illustration 2),
- (2) the Questionnaire for National Security Positions, Form SF 86,
- (3) a resume, the Optional Application for Federal Employment (OF 612) or any other written format of application as described in OF 510, Applying for a Federal Job and the Application for Federal Employment (Form SF 171), and
- (4) a justification requesting a waiver of the preappointment investigative requirement will:
  - (a) be written and state the necessity;
  - (b) include a statement that the employee will not have access to classified national security information;
  - (c) include a statement that the employee will not receive delegation of law enforcement authority until notification is received from the bureau/office security officer advising that the background investigation is complete and has been favorably adjudicated.

The "Request for Waiver of Preappointment Investigative Requirement for a Critical-Sensitive Position" will be forwarded to the bureau/office security officer according to the sequence designated on the form. The bureau/office security officer will notify the submitting office of the action taken on the request.

**2.4 Training and Qualifications.** All entry-level law enforcement personnel and all criminal investigators shall successfully complete the prescribed training courses at the Federal Law Enforcement Training Center (FLETC) or any other approved Federal law enforcement training program. Approval of the Director, Office of Managing Risk and Public Safety, is required for training programs not conducted by the FLETC. Each law enforcement officer shall thereafter receive a minimum of 40 hours of "in-service" law enforcement training each year, which may include up to 8 hours of firearms training.

All entry-level law enforcement officers and all entry-level criminal investigators, who are required to carry firearms, shall successfully complete the prescribed firearms training courses at the FLETC or other law enforcement training school, which has been approved in writing by the Director of Managing Risk and Public Safety.

A. **Initial Firearms Qualifications.** Prior to initial firearms proficiency certification by a qualified instructor, all Departmental employees authorized to carry firearms will be required to receive a minimum of 4 hours classroom training in safety, handling, firing, and legal/moral aspects of the use of weapons.

B. **Semiannual Firearms Qualifications.** All law enforcement officers required to carry handguns shall fire, a minimum of twice a year, for record, on an approved firearms course of fire using the government-issued and/or personally owned firearms, which he/she is authorized to carry by the bureau/office head. A proficiency test meeting the standards of the FLETC qualification course for shotguns and rifles shall be conducted a minimum of twice a year for those officers authorized to use and/or carry such weapons. The shotguns or rifles fired during the course should be similar to those issued by the bureau/office. Departmental law enforcement officers must attain a score of 70 percent or better for each firearm they are authorized to carry.

**2.5 Performance Evaluation.** Each bureau/office shall establish a professional law enforcement inspection and evaluation capability to assure compliance with Departmental and bureau/office law enforcement policies, standards, procedures and to assure professional conduct. Bureaus/offices will ensure that appropriate critical elements are developed for use in law enforcement officers' performance standards. Performance standards must be communicated to law enforcement officers in accordance with bureau/office guidelines.

**2.6 Conduct.** Each bureau/office shall require adherence to the Departmental Law Enforcement Code of Conduct and shall promulgate additional code provisions to meet specific needs (see Appendix 1). Departmental law enforcement officers are Federal employees and must adhere to the regulations and rules that govern all Federal employees. However, due to the nature of their position, duties and responsibilities, it is deemed necessary to provide more specificity in directing their conduct. All law enforcement officers shall:

A. Be punctual in reporting for duty at the time and place designated by superior officers.

B. At all times and under all circumstances be mindful of their responsibility to be

courteous, considerate, patient and not use harsh, violent, profane or insolent language.

C. Familiarize themselves with all pertinent provisions of statutes, ordinances, regulations and Departmental, bureau/office rules, regulations and policies.

D. Make required reports of appropriate incidents coming to their attention.

E. When in uniform and requested to do so, provide their name and identification/badge number in a courteous and noncontroversial manner.

F. Immediately report in writing to his/her immediate supervisor any injury to his/her person or any loss, damage or theft of government property in his/her charge. In most instances, an oral report will precede the written report. The written report shall be in detail and will include names and addresses of all witnesses. When a law enforcement officer is injured to such an extent that he/she is physically unable to prepare such a report, concurrently with the injury, the report shall be prepared by his/her immediate supervisor. Any officer who loses his/her equipment or issued property of any type through carelessness is subject to disciplinary action.

G. Be responsible for the proper performance of the duties assigned and for strict adherence to the rules and regulations adopted for governing bureau/office law enforcement programs.

H. Not engage in any business or employment for compensation of any type nor engage in any other activity where such employment, activity, or business will in any manner directly or indirectly interfere with the proper and efficient performance of their duties, bring disrepute upon the Department or any of its bureaus/offices, or result in or create the appearance of conflicts of interest.

I. Be responsible for adherence to the Departmental Law Enforcement Code of Conduct (see Appendix 1).

**2.7 Discipline.** It is not possible to enumerate all types of misconduct for which disciplinary action may be taken. In cases where there is no rule to cover a specific situation, the matter should be handled as conditions and circumstances warrant. Each bureau/office shall establish procedures/actions for discipline to include suspension and/or removal of employees.

Departmental law enforcement officers who are guilty of any of the following may be subject to immediate disciplinary action:

A. Performing or reporting for duty under the influence of drugs or an intoxicating agent. Performing or reporting for duty in a state of being considered physically or psychologically unfit.

B. Using controlled substances, except as provided for by law or regulation.

- C. Malingering or feigning illness or injury in order to evade the performance of duty.
- D. Insubordination, disobedience, or failure to obey a lawful order of a superior officer or order issued by authorized personnel.
- E. Willfully, knowingly, and/or negligently making an untruthful statement of any kind in any oral or written report pertaining to their official duties or making any untruthful statement before any court or to any authorized government official.
- F. Inefficiency as evidenced by sustained, repeated, and documented complaints from superiors or others concerning the performance of duties or neglect of duty.
- G. Receiving money, gratuities or other valuable consideration contrary to Departmental rules and regulations.
- H. Absence from duty without leave.
- I. Willfully mistreating or using unnecessary force toward a prisoner or other person.
- J. Neglect of any duty to which assigned or otherwise required to perform.
- K. Conviction in any court of competent jurisdiction of any crime or offense, including an offense that has a tendency to bring discredit upon the Department, bureau and/or office as determined by an appropriate investigative body.
- L. Any conduct not specifically set forth herein which is prejudicial to the reputation and good order of the Department, bureau and/or office, or involving failure to obey or observe any regulation or order relating to the discipline of the law enforcement agency.

LAW ENFORCEMENT CODE OF CONDUCT

1. I will faithfully strive to abide by all laws, rules, regulations, and customs governing the performance of my duties.
2. In my personal and official activities, I will never knowingly violate any local, State or Federal laws or regulations, recognizing that I hold a unique position of traditional high public trust which carries an inherent personal commitment to uphold laws and the 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.
3. I will not knowingly commit any act in the conduct of official business or in my personal life that subjects the Department of the Interior to public censure or adverse criticism.
4. While a law enforcement officer, I will not accept outside employment that will in any way conflict with the law enforcement interests or jeopardize the activities or mission of the Department or gives the appearance of conflict.
5. As a law enforcement officer and representative of the Department, I will conduct all investigations and law enforcement functions assigned to me impartially and thoroughly and report the results thereof fully, objectively, and accurately.
6. In investigative process, I will be judicious at all times and I will release information pertaining to my official duties, orally or in writing, only in accordance with law and policy.
7. I will accept nothing, even of the slightest value, including favored treatment of any kind, from anyone on my own behalf or behalf of another person, recognizing that acceptance may result in a conflict or give the appearance of a conflict with my official duties or in my effectiveness as a law enforcement officer.
8. I will abide by all rules, practices and regulations of the Department including those relating to health, safety, and technical expertise requirements of my position.
- . I will not use any force greater than necessary to accomplish the mission of the Department.
10. I understand that this Code of Conduct is in addition to requirements imposed on me and applicable to all Department of the Interior employees as cited in Department regulations governing responsibilities and conduct of employees (43 CFR 20), which I have reviewed, and that a violation of this Code or provisions of the aforementioned regulations may be cause for disciplinary action or removal from the Department.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Date

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Illustration 1

<b>U.S. DEPARTMENT OF THE INTERIOR</b> <b>REQUEST FOR WAIVER OF PREAPPOINTMENT INVESTIGATIVE REQUIREMENT</b> <b>FOR A CRITICAL-SENSITIVE POSITION</b>	
<b>ORIGINATING OFFICE</b>	
NAME POSITION TITLE	PROPOSED
ORGANIZATION (DATE)	PROPOSED EOD
<p>A waiver of preappointment investigative requirement is being requested for emergency reasons and such action is necessary in the national interest. A justification for this request is attached. If approved, I will ensure that the individual will not have access to any classified national security information prior to the granting of a national security clearance (if a requirement of the position). Forms required for the investigation were submitted to the bureau/office security officer on _____(date).</p>	
IMMEDIATE SUPERVISOR SIGNATURE & DATE	PRINTED NAME
HIGHER LEVEL SUPERVISOR SIGNATURE & DATE	PRINTED NAME
<b>BUREAU/OFFICE PERSONNEL OFFICER</b>	
<p>Based on my review of the individual's previous employment record and knowledge of this candidate's background, there appears to be no derogatory information which would preclude employment in a Critical-Sensitive position pending completion of the required investigation.</p>	
SIGNATURE & DATE	PRINTED NAME
<b>BUREAU/OFFICE SECURITY OFFICER</b>	
<p>The results of the <u>mandatory</u> checks listed in 441 DM 5, or for law enforcement positions the results of the <u>mandatory</u> Preappointment Background Check in 446 DM 2, are attached.</p>	
SIGNATURE & DATE	PRINTED NAME
<b>HEAD OF BUREAU/OFFICE - APPROVAL</b>	
SIGNATURE & DATE	PRINTED NAME
ATTACHMENTS: (1) JUSTIFICATION FOR THIS REQUEST, AND (2) RESULTS OF MANDATORY CHECKS	
ORIGINAL: EMPLOYEE'S OPF cc: EMPLOYEE'S SECURITY FILE - 1	

Illustration 2

U.S. Department of the Interior  
Preappointment Background Check

Report Number: \_\_\_\_\_

Subject: \_\_\_\_\_ Preemployment Screening \_\_\_\_\_

Name: \_\_\_\_\_ DOB: \_\_\_\_\_ SSN: \_\_\_\_\_

Address: \_\_\_\_\_

Marital Status: \_\_\_\_\_

Position Applied For: \_\_\_\_\_

CHECKS

- \* Drivers License (Verification of Record): Yes\_\_\_ No\_\_\_
- \* OPM/Security Investigation Index (SII): Yes\_\_\_ No\_\_\_
- \* Military Records: Yes\_\_\_ No\_\_\_
- \* National Crime Information Center: (NCIC) Yes\_\_\_ No\_\_\_  
(Law Enforcement Applicants only)
- \* Local Law Enforcement Agencies Yes\_\_\_ No\_\_\_
- \* Credit History Yes\_\_\_ No\_\_\_
- \* Employment History Yes\_\_\_ No\_\_\_
- \* Residence History Yes\_\_\_ No\_\_\_
- \* Education/Training Yes\_\_\_ No\_\_\_
- \* References: Yes\_\_\_ No\_\_\_
- \* Other Checks/Information: Yes\_\_\_ No\_\_\_

Subject Interview (narrative): \_\_\_\_\_

Report Conducted By: \_\_\_\_\_

Report Concurred By: \_\_\_\_\_

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Print Name & Signature

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Personnel or Security Officer

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Date & Office Telephone Number

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Date & Office Telephone Number

Note:

\*ATTACHMENTS: List all pertinent reference material (including results of interviews, record checks, vouchers, etc.) and attach a copy of all available documents.

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