

The FBI's Integrity and Compliance Program

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Office of Integrity and Compliance





Why a Compliance Program: NSLs!



VS

FBI Chief Confirms Misuse of Subpoenas

Security Letters Used to Get Personal Data

DOJ IG Report – National Security Letter Mismanagement

FBI Director Robert S. Mueller said the agency has not finalized legislation, however, and Mueller sought to assure lawmakers that legal changes will be made. He said new FBI procedures will "minimize the chance of future lapses," including the creation of a compliance office.



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PRIVACY CONCERN RAISED

FBI Data Transfers Via Telecoms Questioned

By ELLEN NAKASHIMA
Washington Post Staff Writer

When FBI investigators probing New York prostitution rings, Boston organized crime or potential terrorist plots anywhere want access to a suspect's telephone contacts, technicians at a telecommunications carrier served with a government order can, with the click of a mouse, instantly transfer key data along a computer circuit to an FBI technology office in Quantico.

rights issues.

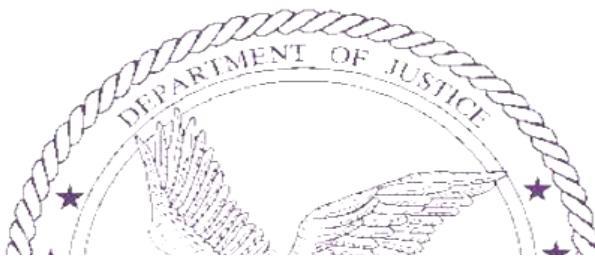
The bureau says its budget for the collection system increased from \$30 million in 2007 to \$40 million in 2008. Information lawfully collected by the FBI from telecom firms can be shared with law enforcement and intelligence-gathering partners, including the National Security Agency and the CIA. Likewise, under guidelines approved by the attorney general or a court, some intercept data gathered by intelligence agencies can be shared with law enforcement agencies.



Consequences of DOJ IG's NSL Report

U. S. Department of Justice
Office of the Inspector General

A Review of the Federal Bureau of
Investigation's Use of National
Security Letters



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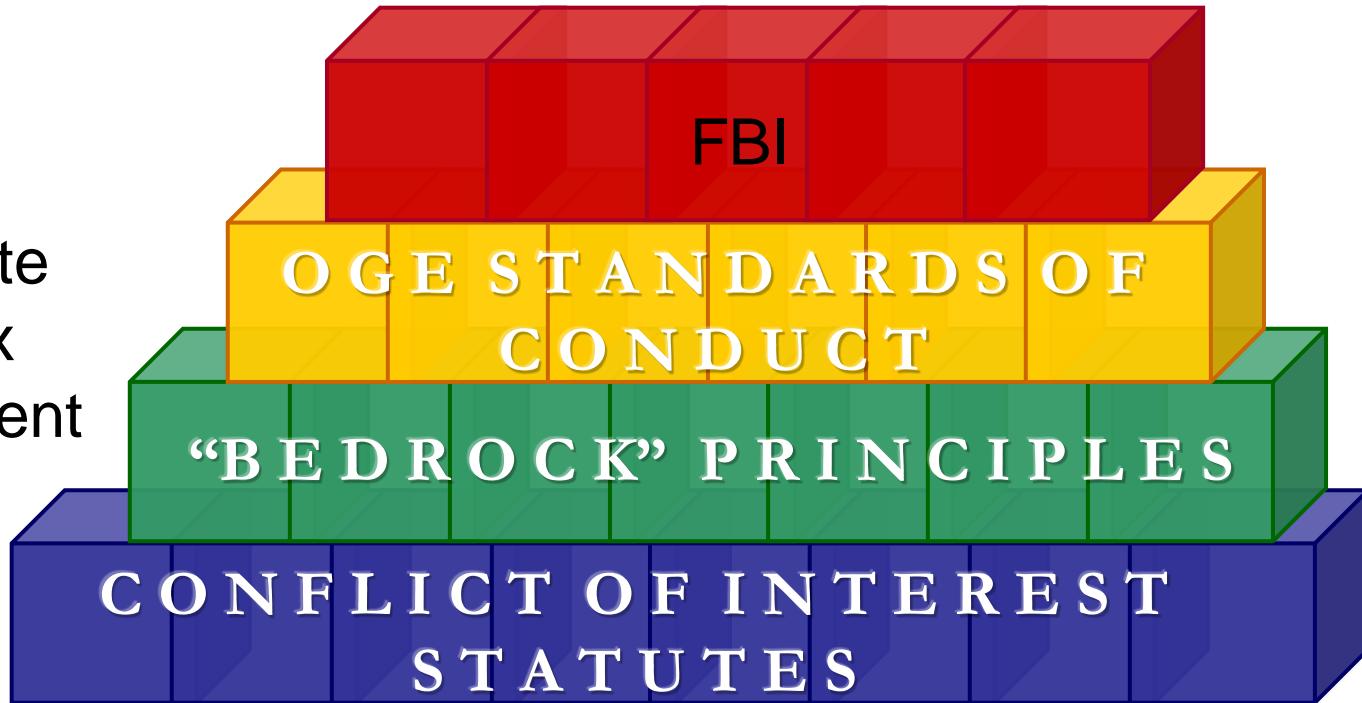
- **Very costly** (time & money) **to fix NSL errors.**
- **Loss of trust** – Congressional hearings, news articles / editorials.
- **Perception** – We care about our mission but everything else is “just paperwork.”



Standards of Conduct Alone Are Not Enough to Ensure Compliance

- ◆ FBI Subject to Same Rules as Rest of the Govt

BUT, We Operate in Very Complex Legal Environment





Solution: Compliance Program

What is a Compliance Program?

A **formal way** for an organization to promote an **organizational** legacy of **ethical conduct** and a commitment to **compliance with the spirit and the letter of the law**.

Translation: A way for employees who want to do the right thing to do it.

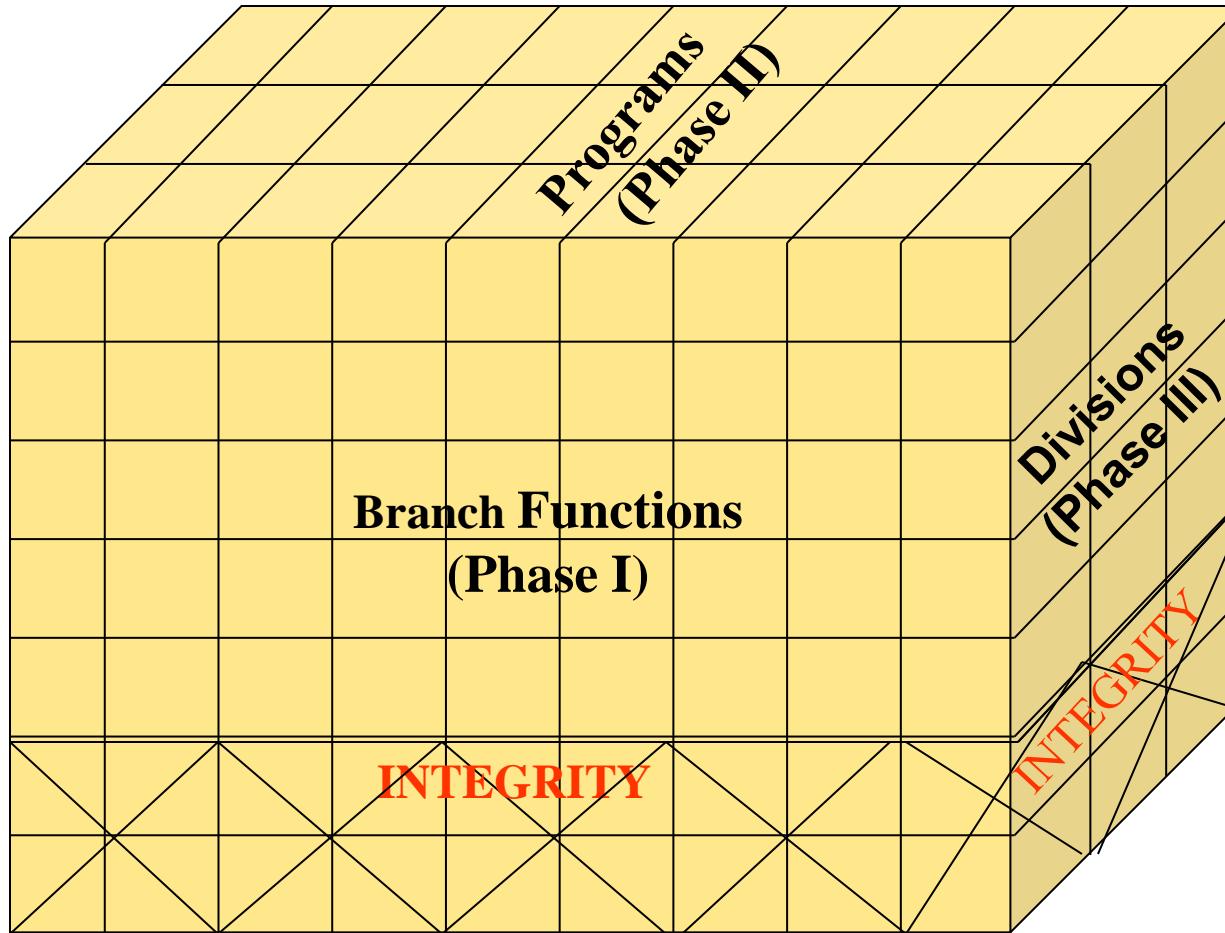


Roots: DOJ Sentencing Guidelines

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Building the FBI Program





Elements of an Effective Compliance Program

1. Ethical Culture
2. Management “Buy-In”
3. Organizational Structure that Promotes Compliance
4. Two-Way Communication
5. HR Policies That Encourage Compliance
6. Auditing
7. Documentation
8. Risk Assessment/Mitigation





Element 1: Ethical Culture/Integrity

Employee Base

- Large Applicant Pool
- Extensive Background Check – updated every 5 years
- Top Secret Clearances

Strong Ethical Culture

- Core Values
- Code of Conduct (includes the OGE Standards of Conduct)

Robust Disciplinary Process





FBI Core Values

We are an organization driven by our Core Values, which embody the principles of compliance and ethical behavior.

- Rigorous obedience to the Constitution of the United States;
- Respect for the dignity of all;
- Compassion;
- Fairness;
- Uncompromising personal and institutional integrity;
- Accountability by accepting responsibility for our actions and decisions and their consequences; and
- Leadership, by example, both personal and professional.





Element 2: Management ‘Buy-In’

Director’s decisions:

- ▲ Create OIC within Director’s Office
- ▲ Program scope – All FBI programs and activities
- ▲ Personally leads Integrity & Compliance Council
 - Meets every 4 months

- ▲ Incorporate Ethics/SOC Program into OIC
- ▲ Incorporate Compliance into Leadership Development & New Employee Training
 - One-on-one meeting with new SES personnel
 - New Employee Orientation
 - New Agent / Analyst Training (includes visit to Holocaust Museum)





Element 3: Organizational Structure

OIC Mission Statement

The mission of the FBI Office of Integrity and Compliance is to develop, implement and oversee a program that ensures that there are processes and procedures in place that promote FBI compliance with both the letter and spirit of all applicable laws, regulations, rules, and policies. The Office of Integrity and Compliance will endeavor to protect and enhance the FBI's reputation for integrity.

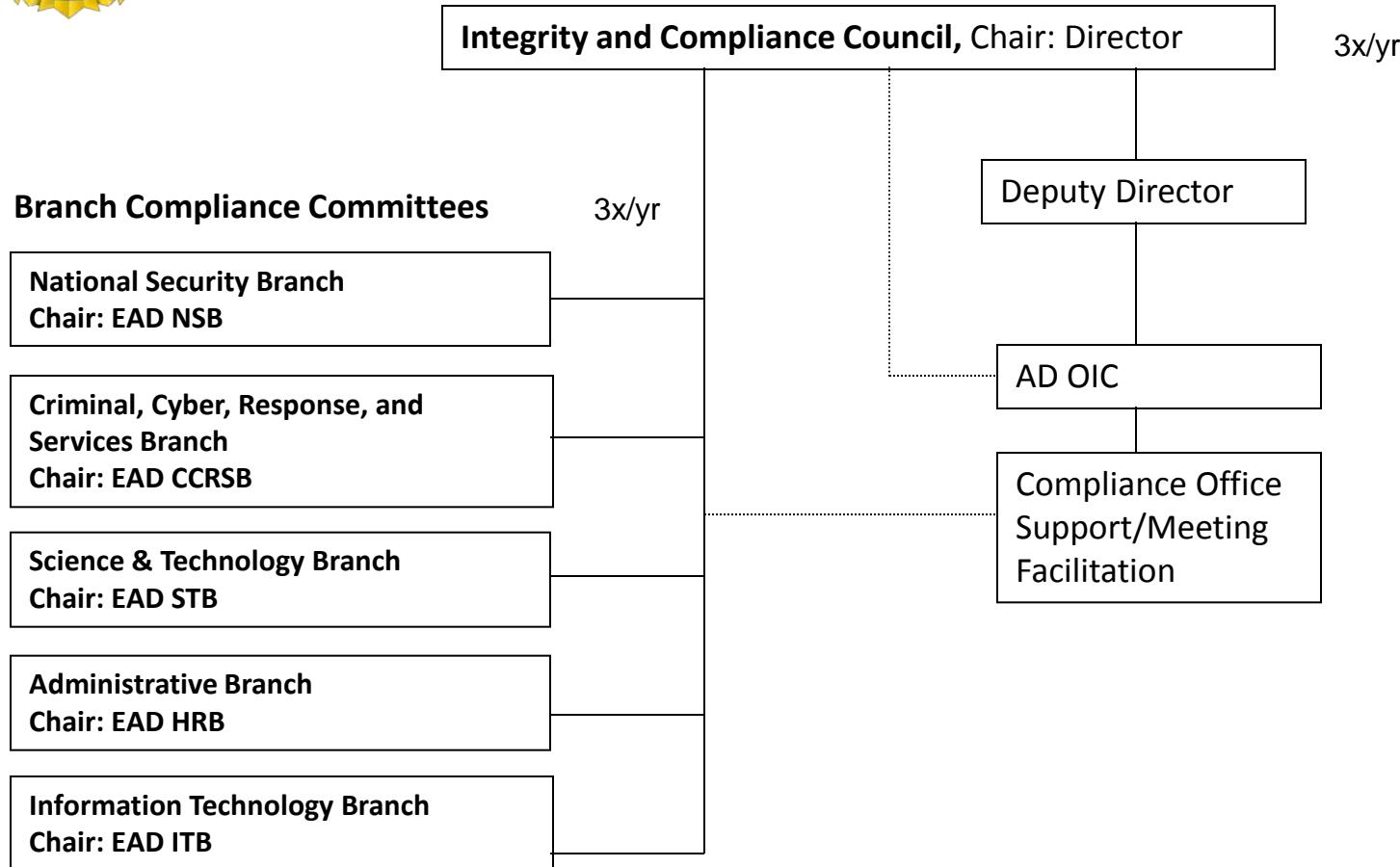
The Office of Integrity and Compliance will cultivate an environment committed to these principles, serve as a focal point for the compliance program, and assist FBI management at all levels in maintaining a culture where ethics and compliance are emphasized as paramount considerations in decisions throughout the FBI.





Element 3: Organizational Structure

Phase I: Branch Implementation





Element 4: Two-Way Communication

- **Non-Retaliation** Policy
- Division Compliance Officers
- Compliance Concern helpline & Risk Referrals
- Communications
 - ◆ Core Values Campaign
 - ◆ E-Briefs
 - ◆ SharePoint/Intranet Site
 - ◆ Videos & Training Sessions





Element 4: Two-Way Communication

Role of Division Compliance Officers:

- Serve as division's "**point of contact**".
- **Refer compliance concerns** brought by division personnel to OIC & **coordinate follow-up** action.
- Forward possible compliance risks to OIC for further review.
- Coordinate training with Division Ethics Counselors.





Element 5: HR Policies To Encourage Compliance

- Traditional, rigorous FBI hiring practices
- SES Performance Rating
- Compliance critical element added to PARs
- **Non-Retaliation Policy**
- Ethics & Compliance Awards





Element 6: Audit

Audit capability: Inspection Division

- ***Inspection supports Compliance***
 - ◆ Conduct audits as needed
 - ◆ Provide audit data in support of compliance monitoring
- ***Compliance supports Inspections***
 - ◆ Identify high-risk areas
 - ◆ Align policies/risks/inspections





Element 7: Documentation

Risks:

- * FOIA
- * IG

Benefits:

- * IG
- * Sustains Management Buy-In

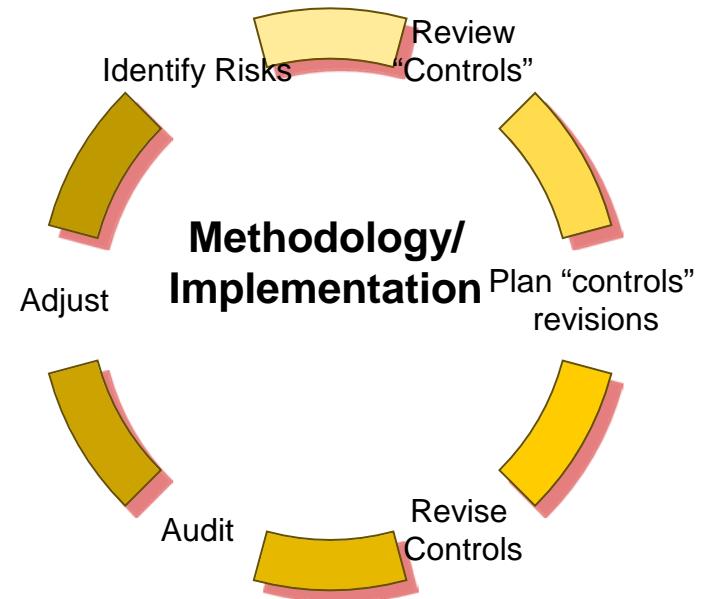




Element 8: Risk Identification, Assessment & Mitigation

Compliance Cycle consists of a Five Step Process:

- Step 1: Identify and prioritize activities that pose potential risks
- Step 2: Evaluate the Control Environment to determine whether actual risk exists
- Step 3: Develop and Execute Mitigation Plan
- Step 4: Audit to assess efficacy
- Step 5: Adjust as necessary





Compliance Begins and Ends with Personnel

Compliance & the Individual Employee

- **All employees** responsible for:
- **Knowing the rules/laws/policies** for their jobs.
- **Complying with those rules.**
- **Raising issues** of concern regarding compliance.

Compliance & the Supervisory Employee

- Additionally, **Supervisors must:**
- **Instruct** employees on **rules/laws/policies** governing their jobs.
- Monitor employee activity to **ensure employees know/are applying rules.**
- **Encourage employees** to raise compliance **concerns.**
- **React appropriately** when issues are raised:
 - ◆ **Document** issue & action taken
 - ◆ **No retaliation.**
- **Manage** compliance risks; mitigate them **before they become problems.**

