

# The FBI's Integrity and Compliance Program

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*Office of Integrity and Compliance*



# Why a Compliance Program: NSLs!

**NATIONAL NEWS**  
**FBI Found to Misuse Security Letters**  
2003-06 Audit Cites Probes of Citizens  
By DAN EGGEN  
Washington Post Staff Writer  
The FBI has increasingly used administrative subpoenas to obtain the personal records of



## 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 new administrative subpoena to obtain personal data about Americans until internal reforms were enacted

### PRIVACY CONCERNS 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

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



- **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.”

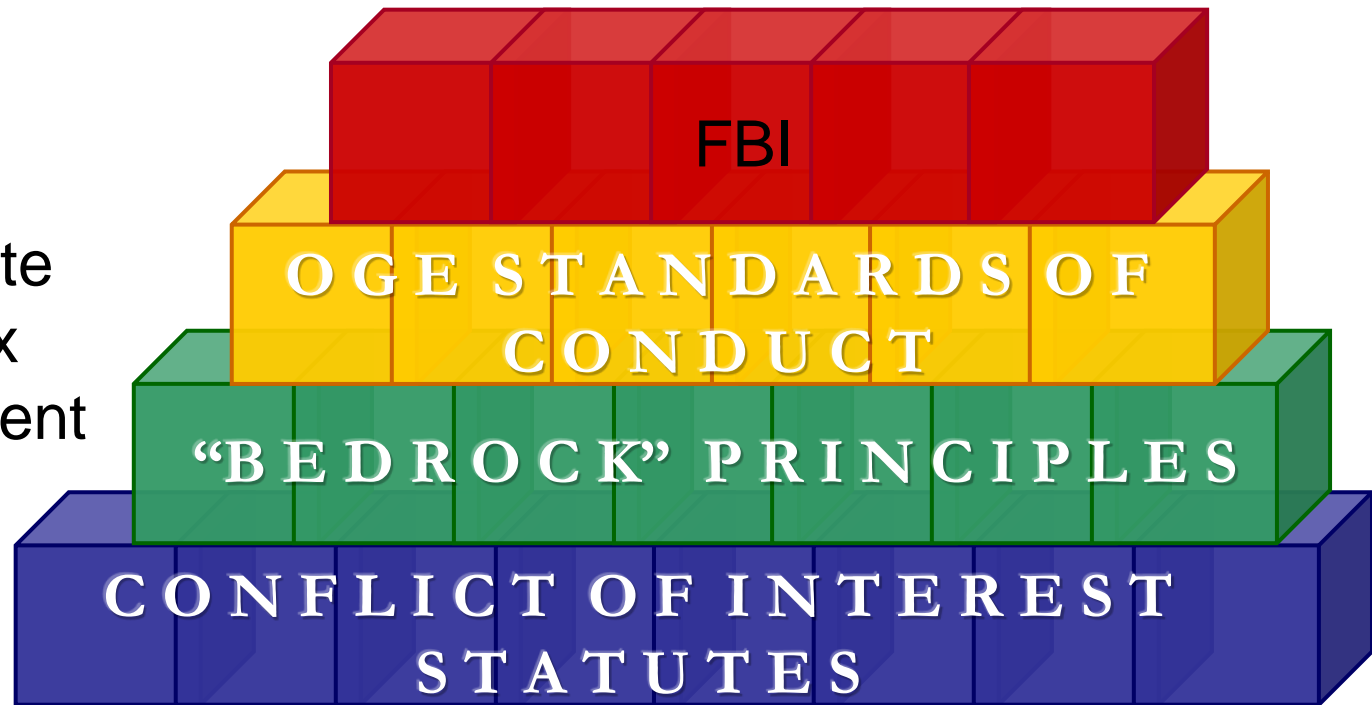




# Standards of Conduct Alone Are Not Enough to Ensure Compliance

- ◆ 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.

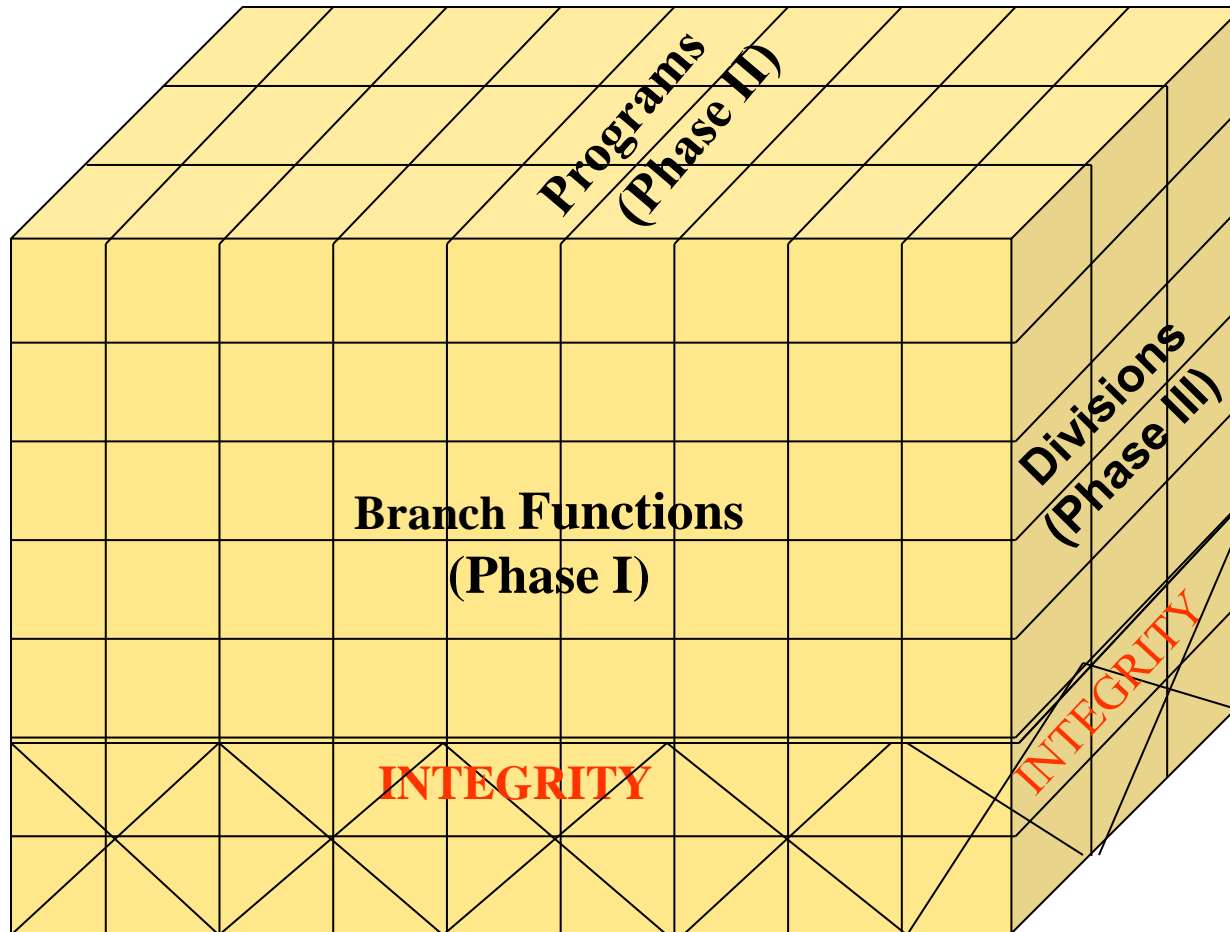


Roots: DOJ Sentencing Guidelines

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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.

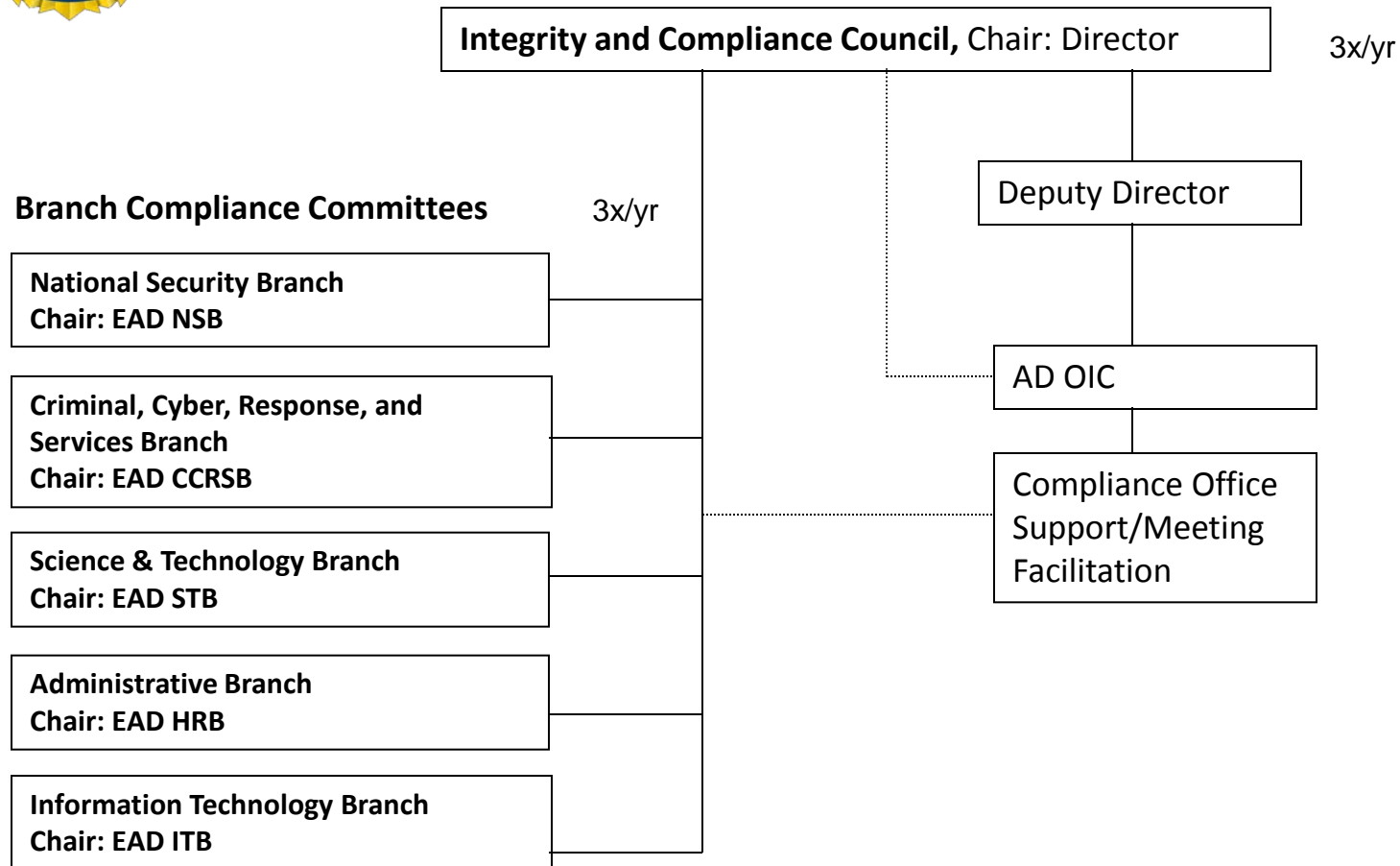
The Office of Integrity and Compliance will cultivate an environment committed to these principles, serve as a focal point for the compliance program, and assist FBI management at all levels in maintaining a culture where ethics and compliance are emphasized as paramount considerations in decisions throughout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

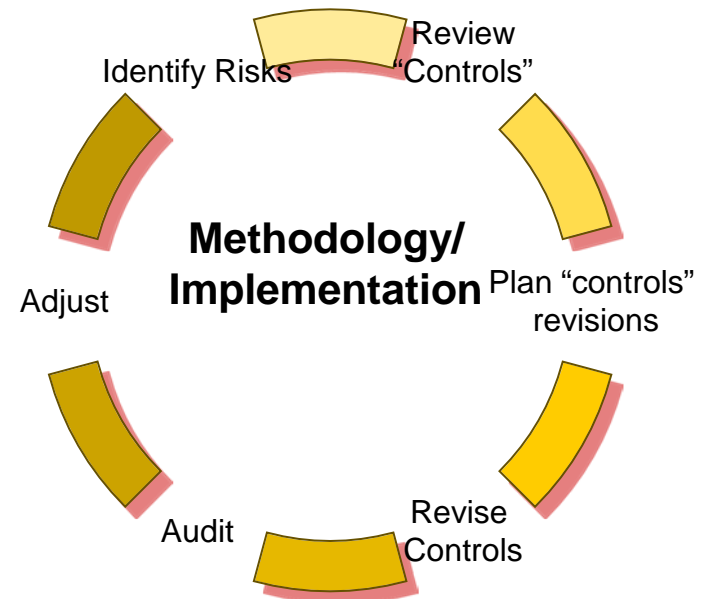




# Element 8: Risk Identification, Assessment & Mitigation

## 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.**

