



U.S. Department of Justice Federal Bureau of Investigation

Publications

A Report to the American People on the Work of the FBI 1993 - 1998

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Chapter 1: Law Enforcement Ethics and Fairness

Nothing is more important to the present and future success of the Federal Bureau of Investigation than the ethics and integrity of its Special Agents and other employees.

If the rule of law is to prevail, law enforcement must be fully supported by the public--and the public will ultimately support only those law enforcement officers who are completely law-abiding.

This is the reason that during the past five years I have placed a top priority on:

- The creation of a "Bright Line" that all FBI employees must follow in their professional and personal conduct.
- Development of a more effective ethics program through creation of an expanded Office of Professional Responsibility to investigate allegations of employee misconduct and provide appropriate sanctions against those who break FBI regulations.
- New, intensive ethics training for Special Agents.

At the same time, the FBI has taken steps to make certain that the disciplinary processes are fair and timely for all employees accused of misconduct. The FBI is dedicated to upholding the law and protecting the rights of all persons being investigated in any type of case. It is only fair and just that the full protections of due process also be extended to FBI employees who are being investigated for alleged wrongdoing.

The FBI also believes in the public's right to know as much about its operations as can be released consistent with the law and security considerations. In view of that, the decision was made to publicly release late in 1998 a report on the disciplinary actions taken by the expanded Office of Professional Responsibility. The report was made available to the news media for nationwide distribution to the public. Annual reports will be made public in the future.

Core Values

To accomplish the FBI's mission, we must identify and follow core values. They all relate to uncompromising integrity. The public expects the FBI to do its utmost to protect the people and their rights. The public also expects, and deserves, total honesty by FBI personnel.

The FBI rejects the false notion that an FBI Agent can have two sets of core moral values--one for on the job and another for his or her personal life.

1 The FBI's core values have been plainly stated to its employees: rigorous obedience to the Constitution of the United States, respect for the dignity of all those we protect, compassion, fairness and uncompromising personal and institutional integrity.

2 As I have told FBI employees, observance of these core values is our guarantee of excellence and propriety in performing the Bureau's national security and criminal investigative functions, which touch the lives of all Americans.

3 Personal and institutional integrity reinforce each other. We must have such integrity. We owe it to the nation in exchange for the sacred trust and great authority conferred upon us.

Bright Line

4 In 1994, I created the "Bright Line" policy, designed to enhance the integrity and independence of the FBI. The "Bright Line" puts all employees on notice as to what is expected of them.

5 The FBI must constantly strive to be a positive force in our society. How the FBI is viewed by Americans--and how FBI employees view themselves--is a crucial factor to succeeding in our many difficult missions.

6 In addition, FBI employees must uphold and revere core values that include integrity, reliability, and trustworthiness. Any employee whose conduct is at odds with those core values forfeits his or her right to FBI employment.

7 While this list is not all-inclusive, there are clear examples of behavior for which employees can expect to be dismissed. They include:

- o Lying under oath.
- o Failure to cooperate during an administrative inquiry when required to do so by law or regulation.
- o Voucher fraud.
- o Theft or other unauthorized taking, using or diversion of government funds or property.
- o Material falsification of investigative activity and/or reporting.
- o Falsification of documentation relating to the disbursement/expenditure of government funds.
- o Unauthorized disclosure of classified, sensitive, Grand Jury, or Title III material.

9 At the same time, there is firm discipline for lesser incidents of misconduct.

10 I have always summed up the "Bright Line" concept in clear, simple terms:

11 I believe in the basic truth that lying, cheating, or stealing is wholly inconsistent with everything the FBI stands for and cannot be tolerated.

12 After creating the original "Bright Line," I later developed other important "Bright Lines" regarding employee conduct--one covering sexual harassment and the other alcohol abuse.

13 Regarding sexual harassment, it is my belief that there is no place in the work environment for discrimination or harassment of any nature. Such conduct will simply not be tolerated in the FBI under any circumstances. Every employee is held to this standard.

14 Clear procedures have been created to process complaints and FBI management officials will promptly investigate such incidents. Disciplinary action

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1 will be taken against such misconduct, and the discipline can range from an oral reprimand to dismissal. FBI employees are assured they can seek redress without fear of reprisal from anyone.

2 Alcohol abuse is also a serious problem that must be met in two ways--FBI-sponsored treatment programs to aid those who abuse alcohol and discipline for those who violate FBI regulations.

3 FBI policy forbids use of alcohol for employees while on duty. Since Special Agents must be available for duty on a 24-hour basis, they must take affirmative steps to make certain they are fit for duty at all times. There is severe administrative action for alcohol-related misconduct. I take a particularly serious view of those who drive while under the influence of alcohol or while intoxicated, whether on or off-duty, and termination of employment may result.

Office of Professional Responsibility

4 To implement the new ethical standards most effectively, the FBI's disciplinary structure and procedures have been reorganized, streamlined, and expanded.

5 Previously, key functions on ethics matters were in different FBI divisions. It made sense to consolidate them, and in 1997 the disciplinary investigations program and the adjudications program were combined in a new and separate Office of Professional Responsibility (OPR). OPR was further upgraded by my appointment of an Assistant Director of the FBI as its head. To fill this important position, I went outside of the FBI and selected a distinguished career prosecutor and senior official of the Department of Justice. At the Department, he had extensive experience in extremely sensitive internal integrity investigations and achieved a national reputation for landmark achievements in the prosecution of organized crime cases.

6 With its resources doubled, the new OPR was able to significantly improve performance in all of its responsibilities and to create enhanced procedures for dealing with allegations of employee misconduct.

7 This consolidation trend continues, and I have placed staff and responsibilities of the Office of Law Enforcement Ethics in OPR. Among other things, the office conducts the ethics training program for the FBI's Special Agent Trainees. This change will ensure that the entire OPR program is strengthened. The OLEE training program complements the FBI's standards-of-conduct training program, which is administered by the FBI's Office of the General Counsel (OGC). Together, the two programs ensure that all FBI Agents and support personnel are well versed in both the standards-of-conduct and the broader ethical precepts that govern law enforcement. OGC and OPR coordinate the OLEE ethics curriculum.

8 The OPR framework now provides great efficiency for all aspects of this complex area of allegations of misconduct by FBI employees and increases the attention given to both internal ethics and discipline. It provides the logistics and mechanisms to ensure application of the most forward-looking policies.

9 At the same time, OPR brings greater rights and transparency to the important process of increasing objectivity and fairness for all employees, which are essential in any government dedicated to the rule of law.

10 For example, employees are now permitted counsel during disciplinary interviews. In addition, they have greater discovery and hearing rights as well as the right to appeal to a neutral board.

My goal is for the American public, as well as all employees, to have total confidence that the disciplinary system is fair and promptly identifies and punishes misconduct, without fear or favor. I am proud of the men and women of the FBI who carry out their work with total honesty and integrity. By erecting

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rigorous safeguards, we can reduce impropriety to the absolute minimum.

The only way to maintain the consistent excellence which has made the FBI a world-wide law enforcement model is to insist upon, to merit, and to relentlessly execute the responsibility to police ourselves.

A new public OPR report shows that, in Fiscal Year 1997, 212 FBI employees out of a work force of 28,000 persons, or 0.8 percent of the total staff, were fired or disciplined for serious misconduct. Three Special Agents and 16 support personnel were discharged, and 96 Special Agents and 97 support employees were disciplined for improper behavior. In addition, 38 employees were terminated during probationary employment, resigned, or retired while they were the subjects of pending OPR investigations. Such separations, however, may occur for nondisciplinary reasons.

The FBI must have uncompromising integrity, and I will do everything within my power to achieve that goal

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