



# OFFICE OF THE INSPECTOR GENERAL

## U.S. Department of Justice

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### **DOJ OIG Releases Procedural Reform Recommendation for the FBI to Strengthen its Training for Supervisors and Managers Regarding Statutory Whistleblower Protections**

Department of Justice (DOJ) Inspector General Michael E. Horowitz announced today the release of a Procedural Reform Recommendation (PRR) for the Federal Bureau of Investigation (FBI). The DOJ Office of the Inspector General (OIG) releases PRRs when, through its investigative work, it identifies a systematic weakness in Justice Department operations, programs, policies, procedures, or practices, and has a recommendation to address the identified problem.

In today's PRR, the OIG concluded that the training provided by the FBI to its supervisors and managers does not contain sufficient information concerning identifying protected disclosures under 5 U.S.C. § 2303 and responding appropriately to those disclosures from a management perspective. Accordingly, the OIG recommended that the FBI take steps to strengthen this training to ensure that management employees recognize that: (1) communications by FBI employees to offices or officials outside of the "chain of command" may be protected disclosures under 5 U.S.C. § 2303; and (2) penalizing FBI employees for violating the "chain of command" when they are engaged in protected activity may be a violation of the law.

Today's PRR arose out of an investigation into allegations from an FBI technician that he was threatened with reprisal for making a protected disclosure under the FBI Whistleblower Regulations to a Special Agent in Charge (SAC) of an FBI Division where the technician served a Temporary Duty (TDY) assignment. At the time the FBI technician made the disclosure, the SAC was not in the technician's "chain of command." In direct response to the disclosure, a supervisor in the technician's home office — after being counseled by a second supervisor and the Administrative Officer (AO) for that office — threatened to lower the technician's annual performance appraisal rating and deny future requests for TDY opportunities. The OIG concluded that there were reasonable grounds to believe that the technician suffered reprisals as a result of his protected disclosures.

As a result of the OIG's investigative findings, on March 8, 2018, the OIG separately recommended that DOJ's Office of Attorney Recruitment and Management (OARM) order corrective action instructing the FBI to formally withdraw or otherwise eliminate the threats by the technician's supervisors and the AO to downgrade the technician's performance appraisal rating and deprive him of TDY opportunities.

Today's PRR is available under "Recent Reports" on the OIG's website and at the following link:  
<https://oig.justice.gov/reports/2018/o1801.pdf>.

The Investigative Summary for the investigation that led to today's PRR is also available under "Recent Reports" on the OIG's website and at the following link:  
<https://oig.justice.gov/reports/2018/f180314.pdf>.

The OIG's Memorandum to OARM, dated March 8, 2018, is available under "Recent Reports" on the OIG's website and at the following link: <https://oig.justice.gov/reports/2018/memo-180308.pdf>.

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