



OFFICE OF THE INSPECTOR GENERAL

U.S. Department of Justice

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FOR IMMEDIATE RELEASE
September 26, 2017

DOJ OIG Releases a Management Advisory Memorandum on the FBI's Referral of Allegations of Employee Misconduct to the FBI Inspection Division and the DOJ OIG

U.S. Department of Justice (DOJ) Inspector General Michael E. Horowitz announced today the release of a management advisory memorandum to the Director of the Federal Bureau of Investigation (FBI) identifying potential systemic issues with the FBI's Analysis and Investigations Unit (AIU) appropriately reporting all allegations of employee misconduct of which it is aware to the FBI's Inspection Division (INSD) and to the DOJ Office of the Inspector General (OIG).

The OIG observed these potential systemic issues during its [review, which is currently ongoing](#), of the FBI's investigation and adjudication of unfavorable results from personnel security polygraph examinations of FBI employees. Despite requirements in Department policy, federal regulations, and FBI policy, the latter of which instructs the AIU to refer to the INSD any FBI employee misconduct allegation that involves "high-risk security concerns," we found several instances in which the FBI could not demonstrate that the AIU — the unit that investigates and makes adjudicative recommendations on employee polygraph results — had referred all allegations of employee misconduct to the INSD or the OIG so that the INSD and the OIG could determine whether to investigate the allegation.

Our management advisory memorandum provides two example cases in which neither the INSD nor the OIG have any record of having received allegations of potential employee misconduct that were known to the AIU. These allegations include misuse of government equipment to view and print inappropriate photographs and a relationship between an FBI Special Agent and a former FBI criminal source whom the Special Agent had previously managed.

The OIG believes that inconsistent reporting of misconduct allegations to the INSD and the OIG may hinder the FBI and the OIG from thoroughly and promptly investigating allegations of employee misconduct. Further, all FBI employees have security clearances that allow them to access classified — and sometimes particularly sensitive — information when relevant to their work. Independent investigations by the INSD or the OIG of allegations against these

employees are particularly important given the potential risks to U.S. national security. The OIG requested that the FBI describe what actions the FBI has taken or intends to take with regard to these issues.

The OIG is issuing this management advisory memorandum publicly in accordance with the *Inspector General Empowerment Act of 2016* (P.L. 114-317), which requires the OIG to post to its website documents containing a recommendation for corrective action within 3 days of submitting the document in final form to the Department. The OIG issued the memorandum to the FBI on September 25, 2017.

Management Advisory Memorandum: The OIG's management advisory memorandum is available on the OIG's website under "Recent Reports," and at the following link: <https://oig.justice.gov/reports/2017/09-26-17-memo.pdf>.