



# An Overview of the Office of Integrity and Compliance



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# NSLs: Catalyst for FBI I&C Program



## PRIVACY CONCERNS RAISED

# FBI Data Transfers Via Telecoms Questioned

By ELLEN NARASHIMA  
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 company can simply touch a mouse, instantly transfer key data along a computer circuit to an FBI technology office in Quantico.

The circuits — little-known electronic connections between tele-

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. Like other agencies, the FBI must follow guidelines approved by the attorney general or a court, some intercept data gathered by intelligence agencies can be shared with law enforcement agencies.

"When you're building commu-

- **DOJ IG Report – National Security Letter Mismanagement**





# 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 view everything else as “just paperwork.”



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# Creating the Compliance Program



- Looked around the Government to see if other agencies had instituted a program
  - Many agencies have programs that are fiscal in nature
  - We were unable to find a program modeled after the corporate concept of compliance
- Turned to the private sector as a model





# What We Learned: Successful Compliance Program Elements

- Management buy-in
- Organizational structure
- Risk Reduction Methodology
  - Step I: Risk Identification and Analysis
    - ✓ Risk assessment
    - ✓ Policies and procedure review
    - ✓ Training review
    - ✓ Monitoring review
    - ✓ Auditing review
  - Step II: Mitigation Plan and Implementation
    - ✓ Plan Development
    - ✓ Plan Execution
    - ✓ Audit
    - ✓ Adjust as Needed
- Two-way communications / training
- Process for receiving compliance concerns
- HR policies that encourage compliance
- Documentation



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## Management Buy-In / Organizational Structure

- In May, 2007, the Director established an integrity and compliance program:
  - Created the FBI Office of Integrity and Compliance (OIC) within the Director's Office
  - Program scope – address all FBI programs and activities
  - Governance/Structure – includes an Integrity and Compliance Council (ICC) and five Executive Management Committees (EMCs)



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# OIC Responsibilities

OIC establishes policy for:

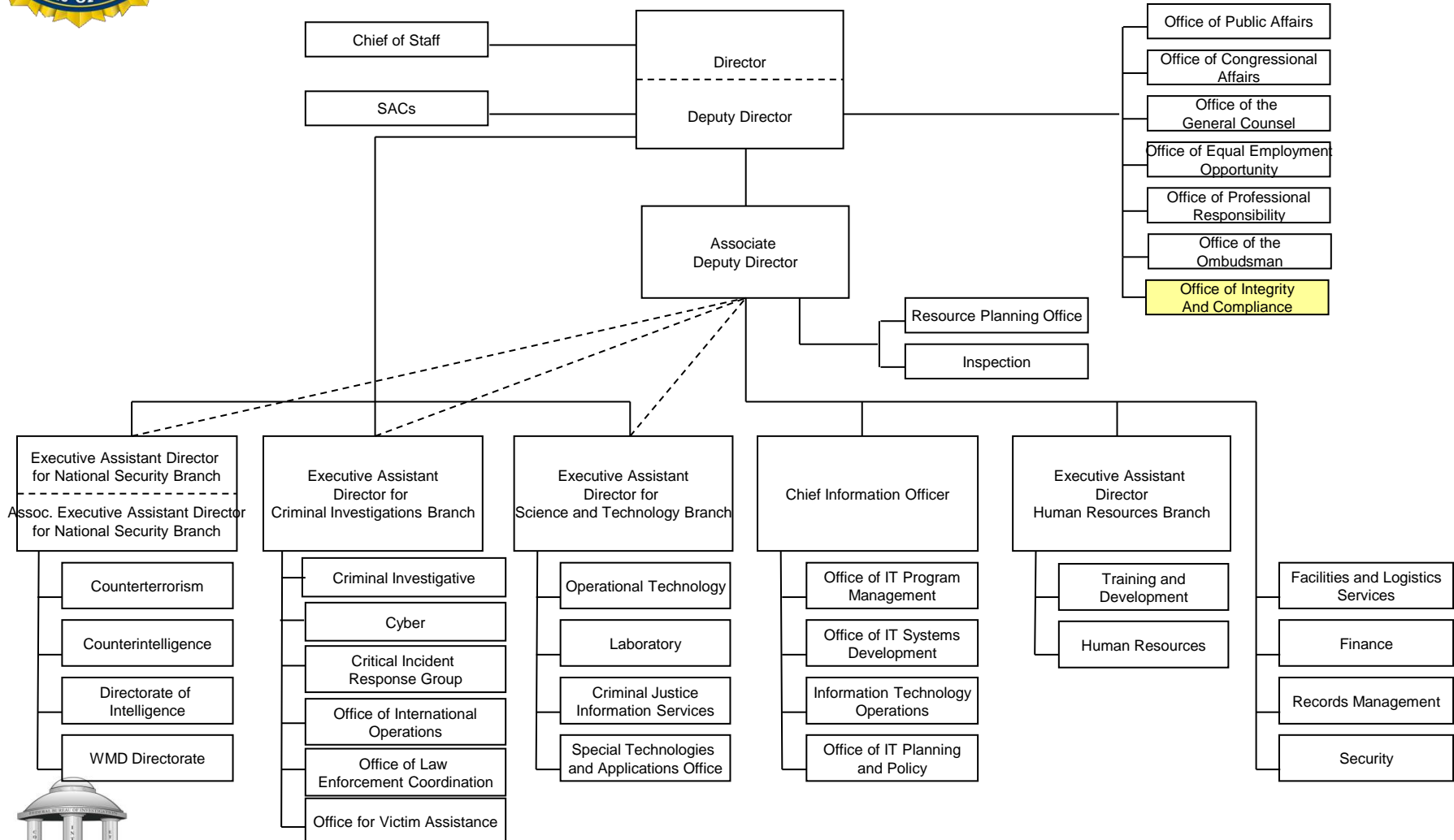
- Compliance risk assessment methodology
  - Compliance standards
  - Workflow (including approval authority)
  - Monitoring and auditing
  - Training
  - Communications
  - Responding to compliance issues
- Support implementation of compliance policy and standards within divisions
  - Review/certify that compliance aspects of policy are in accordance with established standards
  - Support divisions in their ongoing risk assessments
  - Monitor the Bureau's compliance program
  - Ensure that necessary audits are performed
  - Develop and deliver compliance training
  - Create and oversee compliance communications
  - Create and maintain a culture of compliance within FBI
  - Facilitate compliance management and board meetings
  - Deliver an annual report to key stakeholders



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# Where We Fit Within the FBI Organization



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# A Phased Approach

## Phase I

- Executive Management Identification of Risks
- Enterprise-wide Analysis and Mitigation of Risk
- Structure: ICC, EMCs, Red Team Process

## Phase II

- Program Level
- Program Managers Identify and Mitigate Risks and Report on Progress
- Structure: Semi-Annual Program Manager's Report

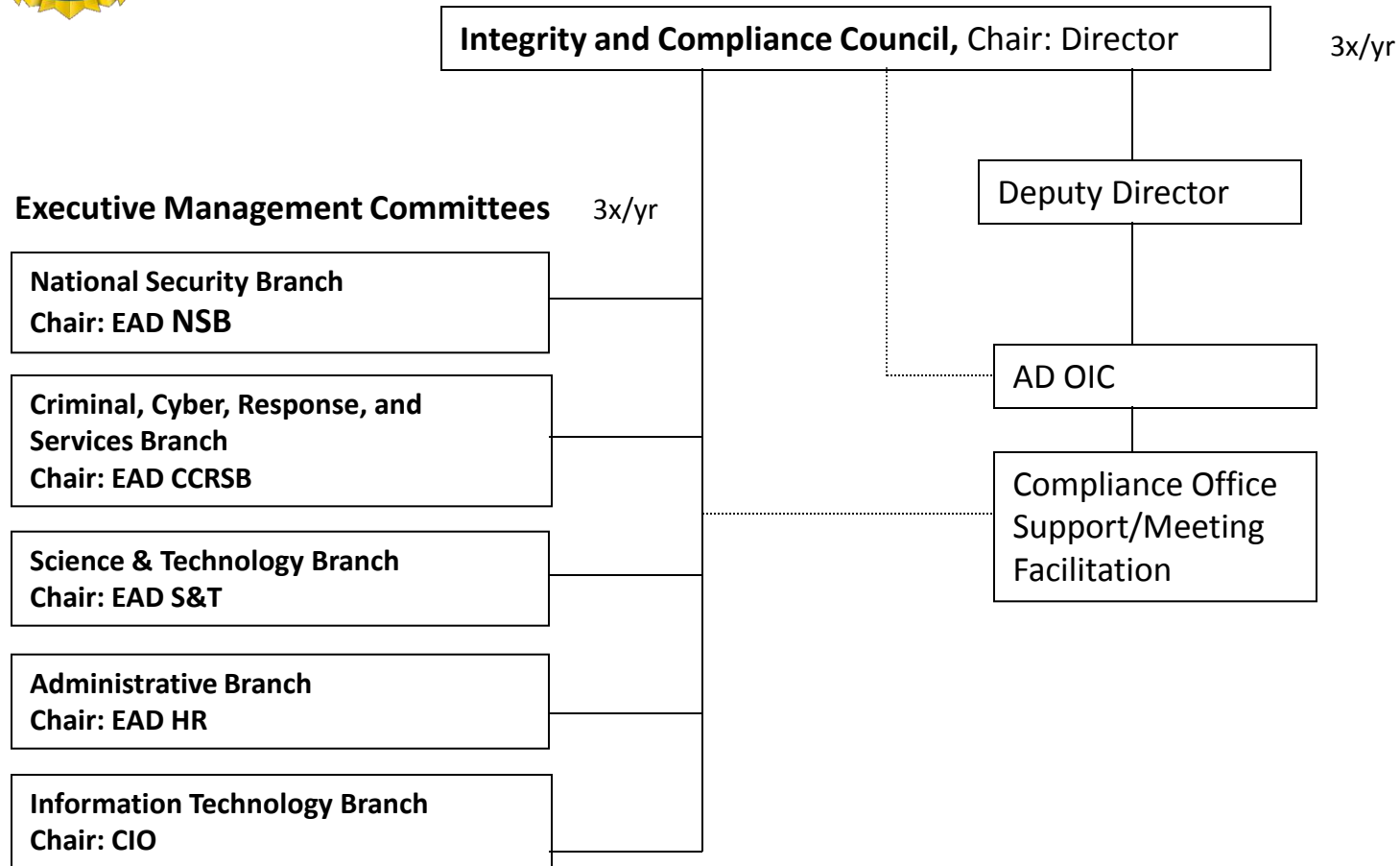
## Phase III

- I&C Program in the Field
- OIC facilitates sharing of enterprise-wide risks with Field Offices
- Field Offices identify risks and provide feedback on enterprise-wide risks





# Phase I: Organizational Structure



# Integrity and Compliance Council (ICC)



- Advise Director, through a formal process, about the implementation and effectiveness of the program
  
- Chair: Director
  
- Members: Senior Leadership
  - Executive Assistant Directors
  - General Counsel
  - Chief Financial Officer
  - Assistant Director, Resource Policy Office
  - Assistant Director, Inspection Division
  - Assistant Director, Office of Integrity and Compliance



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## Executive Management Committees (EMCs)

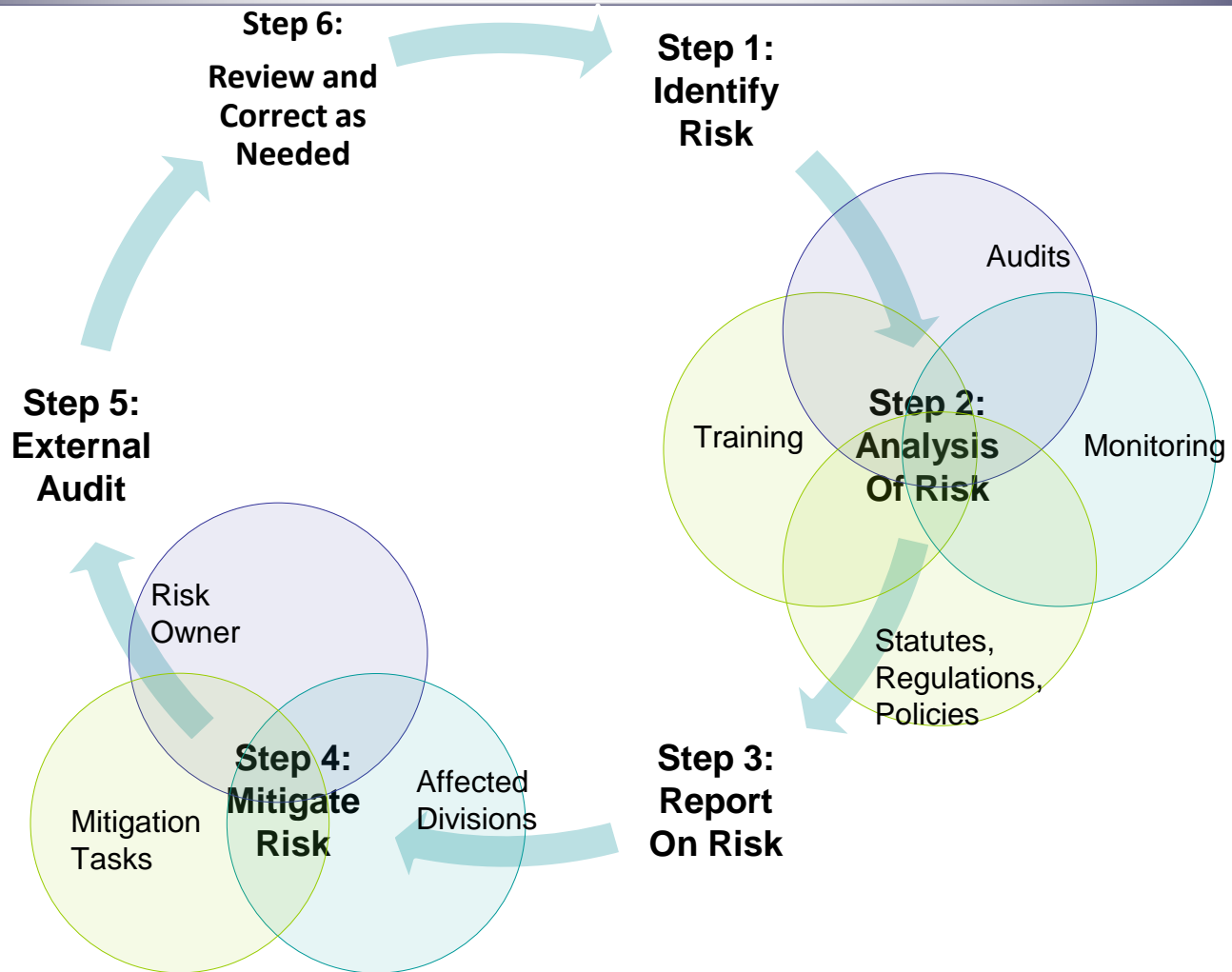
- Five Executive Management Committees (EMCs) established along the functional “business lines” of FBI:
  - 1. National Security
  - 2. Criminal, Cyber, Response, and Services
  - 3. Science & Technology
  - 4. Information Technology
  - 5. Administrative Support
- Task: Implement the Integrity and Compliance Program throughout the FBI in accordance with the OIC methodology.
- Chair: Branch Head
- Members: Division Heads (Assistant Directors)



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# Compliance Cycle of Events



# Risk Identification and Analysis



- Committees identify issues
- Chair sets priority
- “Red Team” formed to analyze “Control Environment”:
  - Law
  - Policies & Procedures Review
  - Training Review
  - Monitoring Review
  - Audits Review



# Mitigation Plan and Implementation



- Mitigation Team develops Mitigation Plan
  - What
  - Who
  - When
- Mitigation Plan Executed & Tracked
- Audit
- Adjust as Necessary





## Phase II: Programs

- Established Corporate Policy Directive Requiring Program Managers to:
  - Manage programs in full compliance with governing laws, regulations, and rules.
  - In coordination with DCO, develop channels for receiving reports of compliance risks; act on the same; and ensure non-retaliation for submitting such reports.
  - Consult with entities/individuals affected by administration of the program, and review/analyze other relevant data in order to identify compliance risks.
  - Assess and prioritize compliance issues.
  - Conduct analysis to determine whether actual risk exists. (Evaluate control environment.)
  - Develop and implement mitigation plans to address risk.
- Top 50 Programs are called upon to provide a Semi-Annual Program Managers Report



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## Phase III: Compliance in the Field

- Division Compliance Council (DCC) is Chaired by the Division Compliance Officer (DCO)
- Composed of:
  - Assistant Special Agents in Charge (ASACs) with responsibility for Administration, Criminal matters, and National Security matters
  - Chief Division Counsel (CDC)
  - Division Policy Officer (DPO)
  - Chief Security Officer (CSO)
  - Administrative Officer (AO)
  - Division Financial Manager
  - Confidential Human Source Coordinator
  - One or more Supervisory Special Agents and Supervising Intelligence Analysts chosen by the head of the office on an at-large basis.



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# OIC Ethics Program Overview

- Provide Formal Ethics Advice to FBI Employees
  - AD Patrick W. Kelley, FBI Deputy Designated Ethics Official
  - Ethics-law Waivers coordination with DOJ
  - Day to Day Ethics Advice (often in the form of phone calls and emails with Field “Chief Division Counsels” or HQ Division POC’s)
  - Provide formal and Informal Post-FBI Employment Advice
- Manage Financial Disclosure Program
  - Advise on over 2500 OGE 450 Forms
  - Manage, review and store OGE 278 Forms for Senior Level employees
  - Respond to Field Office Queries regarding Financial Disclosure
- Provide Ethics Training to FBI Employees



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# OIC Ethics Program - Training



- Provide Ethics and Compliance Training
  - < 7000 Employees annually
  - Lectures, Movies and WebCast formats
- Mission-Specific Training
  - Annual Filer Training
  - EOD Training
  - New Agent & Foreign Officials
  - “All Hands” Conferences





# Ethics Advice

## Common Ethics Advice Topics:

- Gifts (Personal Gifts, Gifts of Travel, Gifts to FBI)
- Use of Government Property/Time
- Conflicts of Interest
- Financial Disclosure
- Awards
- Outside Employment
- Involvement in Non-Federal entities
- Political Activities
- Misuse of Position
- Endorsement and preferential treatment
- Fundraising in the Federal Workplace

## Frequently-applied Conflict Laws:

- 18 USC 208: Personal Conflict
- 18 USC 201: Bribery of officials
- 18 USC 203 & 205: Representing another before Government - paid/free
- 18 USC 207: Post-FBI Employment
- 18 USC 209: Salary Supplement



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