



U.S. Department of Justice Federal Bureau of Investigation

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[Director's Message to all Employees]

[Transmittal letter and formal report]

Washington D.C.

FBI National Press Office

FBI DIRECTOR ROBERT S. MUELLER, III RESPONDS TO STUDY OF THE FBI'S DISCIPLINARY PROCESS BY FORMER ATTORNEY GENERAL GRIFFIN BELL AND FORMER FBI ASSOCIATE DIRECTOR DR. LEE COLWELL

WASHINGTON, D.C. -- FBI Director Robert S. Mueller, III, responded today to the submission of the report of former Attorney General Griffin Bell and Dr. Lee Colwell regarding the FBI's disciplinary procedures and process. A study of the disciplinary system was commissioned at the request of Director Mueller on May 23, 2003 and was directed by Judge Bell and Dr. Colwell. Judge Bell, Dr. Colwell, and their staff conducted a number of interviews of on-board employees, former employees and individuals from other government agencies, and reviewed thousands of documents associated with the FBI's policies, procedures, investigations, and adjudications in the disciplinary process. The purpose of the project was to develop practical recommendations for improvements to the FBI's internal disciplinary process.

The Office of Professional Responsibility (OPR) in the FBI was established in 1976 to ensure that FBI employees conduct themselves with the highest level of integrity and professionalism, and to address any allegations of employee misconduct or criminality. OPR plays a crucial role in ensuring that allegations of wrongdoing are thoroughly investigated and that discipline is appropriate and fair regardless of the assignment or seniority of the employee involved. Over the years, OPR and the disciplinary process have been modified in order to promote efficiency and effectiveness. Most recently, the disciplinary process came under review by the Department of Justice, Office of the Inspector General, following allegations of double standards.

The following is a statement issued by FBI Director Mueller:

"Today I am announcing the completion of the study of the FBI's Office of Professional Responsibility by former Attorney General Griffin Bell and former FBI Associate Director Dr. Lee Colwell. I asked Judge Bell and Dr. Colwell to undertake a review of OPR policies and process, and to provide me practical recommendations for improving OPR and strengthening institutional and public confidence in our process for investigating and adjudicating allegations of employee misconduct. I announced the commissioning of this project to all employees in an e-mail on May 23, 2003. The final report was delivered to me today.

"I am extremely grateful to Judge Bell, Dr. Colwell, and the law firm of King & Spalding who worked on this project. The report is very thorough and sets forth a number of solid practical recommendations. The FBI fully cooperated with Judge Bell, Dr. Colwell, and their staff, providing all the input they requested. To help provide a full range of unvarnished information to the study team, I sent an e-mail to all FBI employees on

September 25, 2003, urging anyone with relevant information to provide input for the study and instructing them that they could do so by directly contacting the study team. I was grateful to see in the final report that over 50 in-person interviews were conducted and more than 100 people accepted my invitation and provided information directly to the study team, thus ensuring that Judge Bell and Dr. Colwell had the benefit of the full range of employee concerns. The study team also had access to a full range of relevant documents and statistical information to aid them in their review.

"I am impressed with the thoughtfulness and care with which the recommendations were developed. Based upon my initial review of the report, I intend to adopt most of the recommendations and have directed the Inspection Division to implement specific changes in an expedited manner. Some of these recommendations will require the establishment of working groups to develop the specific products or changes called for in the recommendations. These groups will have representatives from all relevant divisions of the FBI, as well as from the various employee ranks, and will begin their work in the very near future. I will assign an Inspector in Charge to oversee the implementation of each major recommendation to ensure that we make swift progress towards implementing the improvements suggested by the study."

Director Mueller received the report from Judge Bell and Dr. Colwell with a transmittal letter which may be reviewed on the FBI's website www.fbi.gov. The report contains 32 major recommendations, some of which can be quickly implemented and others for which working groups will be formed to review and address the recommendations. The Report identifies a number of deficiencies in the current OPR process. In addition to problems with the structure of OPR, the Report found that cases move far too slowly through the system, that offenses were vague and often ill-defined, and that precedent base used to determine the level of punishment was seriously flawed and provided little guidance to the adjudicative process. The Report also found that technical automation within OPR was seriously lacking, which contributed to an overall lack of efficiency.

Key Recommendations Presented by Judge Bell and Dr. Colwell

- **Recommendation:** The report recommends that incentives be created for high-caliber employees to want assignments in the OPR field.
 - **Action:** Assignments to work on OPR matters will be made career enhancing and will be included as a means to complete certain requirements in the FBI's management development process required for promotion to Assistant Special Agent in Charge (ASAC). The Director also supports the recommendation of term limits which would rotate employees through these positions at regular intervals to bring OPR experience into the field and management structures and to prevent employee burn-out from this demanding work.
- **Recommendation:** The report recommends that working groups be created to develop model offense and guidelines for punishment.
 - **Action:** A working group will be tasked to develop model offenses and guidelines for punishments that will be published to all employees and will provide greater clarity and transparency to the disciplinary process.
- **Recommendation:** The report recommends the separation of the investigative and adjudicative functions in OPR.
 - **Action:** As noted in the Bell/Colwell report, this recommendation would address the perception that investigators and adjudicators in the current

system act in an agent-prosecutor relationship. To be credible to employees, the adjudicator positions must be professionalized and be structured in a way that ensures they can be fair and impartial in all instances.

Still a Joke

*The only way to
for DOJ OPR
to resume
the Role*

To implement this recommendation, the investigative function will be moved to the Inspection Division. Adjudications, however, will be retained in OPR, which will continue to be led by an Assistant Director who reports to the Deputy Director and Director. We intend to retain the OPR to reflect the importance of the OPR function. We will need the leadership of an Assistant Director to manage the adjudication process, to maintain the model offense and punishment guidelines, to conduct outreach and education to the field, and to constantly reinforce the importance of maintaining the highest standards of conduct and ethics.

- **Recommendation:** The report recommends that OPR's technology be improved.
 - **Action:** An information technology project manager has been assigned to assess and implement necessary upgrades to OPR's case management and statistical technology.

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