

Chapter V

Summary of Observations

SUMMARY OBSERVATIONS

This presents the BSU's analysis of the available data regarding Agents who were dismissed from the rolls of the FBI between 1986 and 1999. The following summary observations are listed below:

1. The BETA project serves as a foundation for future studies. Compilation of statistics regarding dismissals should be tracked on an annual basis to identify trends in egregious behavior resulting in dismissals.
2. The BETA project, an original research project in the FBI, serves to enhance available knowledge regarding Agents who were involved in egregious behavior and the types of misconduct in which they were involved. It was the researchers' perception that many FBI employees are unaware of the seriousness of the final category of misconduct demonstrated by their co-workers. Research interviews revealed that employee knowledge of a co-worker(s) egregious behavior is often limited to what the employee chose to disclose. Due to the apparent and general lack of accurate information regarding employee egregious and related consequences, it may be useful to increase employee awareness of Agent misconduct while respecting confidences.
3. All FBI employees, at all levels, should be afforded the opportunity for ethics instruction. Serious misconduct is evident at all grades/positions. Senior Executive Service (SES) employees appeared to receive fewer suspensions/dismissals despite indications that they, too, engaged in egregious behavior, similar to non-SES employees. The apparent differential adjudication of these offenses may be attributed to differing disciplinary and punitive behavior; nonetheless, the apparent variance is elusive and beyond the scope of the current study.
4. Some Agents in the BETA population, who were dismissed, were determined to have been hired as a result of substandard background history of the applicant or even hiring of the employee after the background had revealed negative information regarding them. Despite a negative recommendation or "no hire" from employers, the individual was hired. In addition, some cases involved New Agent Trainees at the FBI Academy or probationary Agents in the Field Divisions. Through extensive file reviews, it was determined that the employee was retained despite exhibiting egregious behavior. In most of these cases, the employee engaged in serious misconduct until their dismissal.
5. There were some "markers" identified in dismissed FBI Agents that included Agents hired with a checkered past, Agents with an established history of long-term misconduct, FBI Agents receiving inadequate or ineffective supervision, Agents with a history of severe emotional, psychological, family problems, substance abuse problems, or clear indicators of such.

APPENDICES

APPENDIX A

Acknowledgments

SSA _____ wishes to acknowledge SSA _____ for her experiences, insights and contributions that were invaluable. Agent _____ contributed significantly in the early stages of this research from September of 1996 thru December of 1998. The Behavioral Science Unit is deeply appreciative of her commitment and efforts on this project until her transfer in February of 1999.

Special appreciation is especially recognized in the following OPR employees who worked from July of 1999 to October 1999 in a vault in the Behavioral Science Unit at the FBI Academy. _____ worked tirelessly and assisted in refining the instruments, reviewing thousands of documents, collecting data, and performing an unenviable, yet invaluable service. _____ and _____ continued to provide assistance on numerous cases until the completion of the research.

I wish to express my gratitude and acknowledge the efforts of _____ Ph.D., Research Coordinator, Behavioral Science Unit, who provided the necessary research guidance and expertise throughout the years from the 1996-1999.

The following individuals contributed at different times and in different ways during the course of this research project. Appreciation is expressed to each for their efforts:

APPENDIX B

BETA RESEARCH CHRONOLOGY

On September 13, 1996, a meeting was held between members of the BSU and LEEU to discuss a research project examining egregious and criminal misconduct.

SSAs _____ and _____ reviewed past FBI research and drafted a research proposal. Dr. John Patrick Jarvis, BSU, is the project research coordinator.

The first year SSAs _____ and _____ researched prior law enforcement studies of misconduct and corruption. SSA _____ consulted with two physicians (Dr. Fyfe and Dr. Greene) from Temple University, Pennsylvania, who were leading experts in the field of police ethics and corruption.

Deputy Director approved BETA in January 1998, with the Office of General Council's (OGC) concurrence.

Project funding was approved in 1998

FBI Institutional Review Board (IRB) held all research in abeyance until December 1998, when informed Research Consent Forms were drafted. _____ of OGC and the Chair of IRB completed three Research Consent Forms pertinent to BETA.

Funding was again delayed by FBIHQ in the fall of 1998.

In April 1999, the Beta research was given final approval.

Beginning in July 1999, and concluding in October 1999, OPR's Employee Relations Specialists _____ and _____ were assigned temporary duty status at the FBI Academy to assist with the BETA project.

Protocols were refined, OPR and personnel files were reviewed, organized, and research data extracted. (BETA research primarily focused on OPR and personnel files.)

Research was coded, loaded, and analyzed. BETA was officially completed in June 2000.

May 24, 2000, SSA _____ briefed Training Division's Assistant Director (AD), Jeffrey Higginbotham, regarding BETA project results.

June 23, 2000, SSA _____ briefed AD Michael A. DeFeo, Deputy Assistant Director John Paul O'Connor, Unit Chiefs, LEEU, and other employees from OPR at the Strategic Information Operations Center, FBI Headquarters.

PREVIOUS STUDIES

There were three (3) prior Bureau studies conducted regarding SA misconduct dated January 1983, July 1985, and March 1990. Review and evaluation revealed that those studies served as a skeletal framework from which BETA investigators could draw subtle comparisons. Those studies were conducted by the Office of Planning, Evaluation, and Audits (OPEA); and, their goal was to review incidents involving SAs to determine if any trends existed that might be of assistance in providing guidance to management in the area of reducing or avoiding similar problems in the future.

BETA is distinct from these aforementioned studies in that:

No empirical research effort has attempted to identify behaviors or characteristics of SA's who engage in egregious behavior resulting in removal. (Previous studies only listed final categories of incidents.)

Behavioral Assessment was unique.

Time span studied.

Number and types of documents reviewed.

Interviews conducted.

Notable Conclusions From Previous Studies

Overall indication from this trend analysis is that there is no apparent single factor or set of factors that earmark a particular group of SAs as prone to be involved.

No previous study established any identifiable patterns that were suitable for assisting in personnel selection.

There appeared to be an age (mid-life crisis) and a tenure (mid career crisis) trend for apparent misconduct.

The previous studies reported a rate of 9-10 incidents per 1000 Agents.

Summary conclusions, on previous studies reviewed, have been implemented, particularly, in the area of an increased block of instruction on ethics training with New Agents.

Although the researchers are aware that OPR has numerous categories and subcategories of infractions, this research categorized the misconduct in 10 areas. Those major areas are:

1. Drugs/Alcohol Violations.
2. Theft.
3. Sexual Offenses.
4. Security Infractions.
5. Unprofessional Conduct.
6. Violence Toward Others.
7. Lack of Candor/Lying Under Oath.
8. Misuse of Bureau Property.
9. Misuse of Position.
10. Fraud.

APPENDIX C

METHODOLOGY

This project was designed to study FBI Agents who have been dismissed, resigned under inquiry (proposed), or retired due to substantiated acts of criminal and serious misconduct.

INCLUSION CRITERIA

The following criteria was established for the former SAs included in this study:

- 1 They are no longer employed by the FBI.
- 2 They were dismissed, resigned, or retired under inquiry for egregious acts between the years of 1986 through 1999. Former SAs who retired, resigned upon receipt of a proposed dismissal letter, or were summarily dismissed from the rolls of the FBI, or those former Agents who were indicted/formally charged with a criminal offense while employed by the FBI.
- 3 Initially planned were interviews to be conducted of co-workers of the former SAs. These employees were identified in the investigative and OPR files. In addition, any current employee that is not identified in that manner, but meets the criteria, will be included. For inclusion into the Supervisory SA Protocol interview group, Squad Supervisors of the former SAs were eligible.

EXCLUSION CRITERIA

If any of the former SAs subjects did not meet the aforementioned criteria, they were excluded from the project. The exclusion criteria was significant because it decreased the subject population considerably. In most cases, without a proposed dismissal scenario, it would be impossible to determine if misconduct occurred and if proposed dismissals or actual dismissals would have been warranted.

2. This also included former SAs meeting requirements for inclusion but are involved in litigation. In addition, researchers would exclude interviews of subjects whom they knew to have attempted suicide, expressed suicide ideation, and/or were involved in treatment, as the subject may be adversely impacted by being interviewed.

Subject Population

One-hundred and seven (107) former SAs (total population) were included in this BETA research.

Nineteen (19) cases were excluded due to pending litigation. OGC, Office of Equal Employment Opportunity Affairs, and the Appellate Unit reviewed the list to omit individuals involved in litigation or appeal of disciplinary action.

(20.33%)

Eighty-eight (88) cases were available for data collection and analysis, and form the basis for the findings, herein.