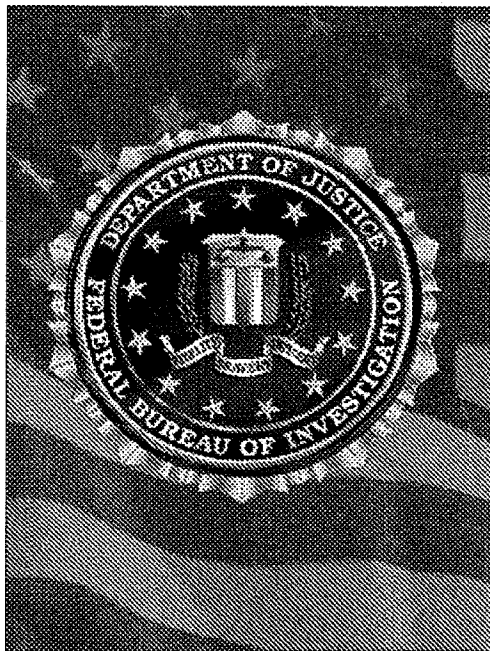


Integrity and Compliance Program Policy Guide



Federal Bureau of Investigation
Office of Integrity and Compliance

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General Information

Questions or comments pertaining to this policy guide can be directed to:
Federal Bureau of Investigation Headquarters, Office of Integrity and Compliance
Division point of contact: Unit Chief,

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Supersession Information

This document supersedes the *FBI Integrity and Compliance Program Directive and Policy Guide*, 0594DPG.

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1. Introduction

This policy guide (PG) describes the Federal Bureau of Investigation (FBI) Integrity and Compliance (I&C) Program, outlines the roles and responsibilities of each participant in the I&C Program, provides a detailed description of the compliance cycle, and sets forth the process by which the I&C Program has been implemented throughout each level of the organization.

1.1. Purpose

The purpose of this PG is to set forth roles, responsibilities, and procedures and consolidate prior policies into a single compliance program resource for all FBI personnel.

1.2. Intended Audience

The I&C Program is Bureau-wide and applies to all FBI personnel, including operational and administrative professional staff, intelligence analysts (IAs), special agents (SAs), detailees, and task force officers, members, and participants.

1.3. Related Policy

For guidance on the standards of ethical conduct for executive branch employees, the FBI Code of Conduct, and related matters, see the *FBI Ethics and Integrity Program Policy Guide (1120PG)*.

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2. Roles and Responsibilities

An effective compliance program requires participation at every level of the organization. This section describes each of the key compliance roles and functions within the FBI and assigns responsibilities to each.

2.1. FBI Director

The FBI Director is the head of the I&C Program. In this capacity, the Director chairs the Integrity and Compliance Council (ICC) and sets priorities for the program.

2.2. Deputy Director (DD)

The DD supports the I&C Program as a member of the ICC by reviewing and approving compliance risk mitigation plans and by aligning and dedicating resources to mitigate prioritized risks.

2.3. Assistant Director (AD), Office of Integrity and Compliance (OIC)

An AD heads the OIC and reports directly to the DD. The AD, OIC must:

- Oversee and provide direction to the I&C Program.
- Engage FBI leadership in integrating the I&C Program into all FBI operations, programs, and activities, thereby promoting a culture of ethical compliance throughout the FBI.
- Administer the I&C Program, as detailed in subsections 4.3 through 4.5.
- Coordinate and manage the FBI Standards of Conduct and Ethics Program, including effecting liaison with the Office of Government Ethics (OGE) and the Department of Justice (DOJ) Departmental Ethics Office; reviewing OGE-required financial disclosure reports; initiating and maintaining ethics education and training programs; and providing ethics advice and counsel to individual officers and personnel. See the *FBI Ethics and Integrity Program Policy Guide (1120PG)*, for additional information on the FBI's standards of conduct and ethics program.

2.4. Office of Integrity and Compliance

The OIC must:

- Develop effective and open channels for receiving reports of noncompliance activity (including anonymous reports), delivering I&C Program communications, and distributing related information.
- Receive, review, and analyze data from a variety of internal and external sources to identify compliance trends, problems, best practices, and issues.
- Support and facilitate the work of the ICC, the branch compliance committees (BCCs), and the division compliance committees (DCCs) at FBI Headquarters (FBIHQ) divisions and field offices (FOs), particularly in analyzing FBI operations, programs, and activities and the governing legal requirements; identifying and prioritizing compliance risk areas; assessing related policies, procedures, and training; developing monitoring procedures and standards; implementing and evaluating risk mitigation measures; addressing potential conflicts and overlaps in risk assessment and mitigation activities among the

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committees; and fully integrating ethics and compliance into all FBI operations, programs, and activities.

- Establish policy and methodology for compliance standards, risk assessment, workflow, monitoring, and auditing.
- Monitor and evaluate the progress of mitigation plans.
- Work with the Inspection Division (INSD) to develop appropriate inspection protocols and procedures, select areas for audits (as needed), analyze audit results, and recommend actions that may be necessary to mitigate identified risks.
- Work with the Training Division (TD) to develop and deliver training on the I&C Program.
- Work with stakeholders and the TD to develop and deliver training targeted at mitigating identified compliance risks associated with FBI operations, programs, or activities.
- Provide additional assistance to stakeholders at each phase of the compliance process, as detailed further in this PG.

2.5. Inspection Division

The INSD must:

- Support the I&C Program by providing results of division and office inspections to OIC for analysis.
- Develop, in conjunction with OIC, audit protocols and procedures designed to examine risk areas identified and mitigated by the BCCs.
- Conduct targeted compliance audits when requested to do so by OIC.

The INSD AD must participate as a member of the ICC.

2.6. Office of the General Counsel (OGC)

The OGC must:

- Support the I&C Program by providing legal advice and counsel to the OIC.
- Assign an attorney at the deputy general counsel (DGC) level or higher to participate in each of the BCCs.
- Assign an attorney to serve on each enterprise-wide analysis team in order to provide legal analysis and assist with risk assessment and identification of risk mitigation strategies and measures.

The general counsel (GC) must participate as a member of the ICC.

2.7. Human Resources Division (HRD)

The HRD must:

- Support the I&C Program by working with the OIC to develop human resource management policies and procedures that recognize and reward compliant and ethical behavior.

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- Develop policies that consider compliance failures in advancement and award determinations.
- Assist in efforts to protect personnel who report compliance lapses or problems from retaliation.

2.8. Training Division

The TD must:

- Support the I&C Program by providing professional technical support to stakeholders in the program to develop and deliver training targeted at mitigating risks associated with operations, programs, or activities that are identified and prioritized through the I&C Program.
- Work with the OIC to develop and deliver training on compliance principles, methodologies, and practices.

2.9. Information and Technology Branch (ITB)

The ITB must work with the stakeholders in the I&C Program to develop technological systems that mitigate risks associated with operations, programs, or activities identified and prioritized through the I&C Program.

The executive assistant director (EAD), ITB must participate as a member of the ICC.

2.10. Resource Planning Office (RPO)

The AD, RPO, must participate as member of the ICC.

2.11. Finance Division (FD)

The AD, FD, must participate as member of the ICC.

2.12. All Offices and Divisions

All FBI divisions and offices must support and implement the I&C Program by incorporating compliance considerations into all programs, operations, and activities described in this PG.

2.13. Integrity and Compliance Council

2.13.1. ICC Chair

The chair of the ICC:

- Weighs the advice, counsel, and recommendations of the ICC membership regarding the effectiveness, direction, and control of the I&C Program.
- Reviews the risk identification and prioritization decisions made by the chairs of the BCCs and reprioritizes as necessary.
- Determines whether the risk mitigation plans set by the chairs of the BCCs are adequate, considering the risks identified by the FBI, and orders adjustments as necessary.
- Directs the application of additional resources to mitigate risks, if warranted.
- Takes other actions to advance the I&C Program throughout the FBI.

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2.13.2. ICC Members

Members of the ICC must:

- Advise the FBI Director regarding the implementation and effectiveness of the I&C Program.
- Be knowledgeable about the content and operation of the I&C Program and ensure that there are processes and procedures in place that promote the FBI core value of institutional integrity and compliance with both the letter and the spirit of all applicable laws, regulations, rules, and policies. Advise the FBI Director of the potential consequences of any risks identified by the BCC chairs on an enterprise-wide basis. Evaluate the plans developed and resources dedicated to mitigate those risks and recommend adjustments as warranted.
- Review and assess the results of audits performed in connection with the I&C Program to determine whether additional corrective measures should be employed and make related recommendations.
- Consider trends, forecasts, and other indicators of risk and advise the FBI Director on the perceived consequences to the FBI.

ICC members who are also BCC chairs (see subsection 2.14.1., below) must report on the I&C Program activities occurring within their committees, including reviews of the most significant compliance risk areas identified and the specific actions taken in connection with those identified risks, including the development of risk mitigation plans.

2.13.3. Assistant Director, Office of Integrity and Compliance

The AD, OIC must:

- Supervise ICC meeting logistics.
- Develop ICC meeting agendas and presentation materials.
- Coordinate timely distribution of the ICC meeting agendas and briefing materials, as well as meeting notes and supplementary materials, to ICC members.
- Complete and report on action items, as requested.

2.14. Branch Compliance Committees

2.14.1. BCC Chair

The BCC chair must:

- Identify and prioritize specific compliance risks applicable to the committee's functional area of responsibility (AOR), with the advice of the committee members.
- After a new risk is identified, ensure that divisions dedicate staff and resources from within the branch to form, in conjunction with OGC and OIC, analysis teams to review applicable law, rules, procedures, policies, training, and monitoring to determine whether mitigation plans are warranted and, if so, to develop such plans.
- Review and approve each analysis red team report and oversee the implementation of related mitigation plans.

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- Monitor and assess the success of actions taken under mitigation plans to determine whether the risks targeted by the plan have been successfully mitigated and, if not, take action as necessary to achieve the desired results.
- Report to the ICC on the compliance program activities occurring within the committee's AOR, including a review of the most significant compliance risk areas identified and the specific actions taken in connection with those identified risks, including the development and implementation of risk mitigation plans.

2.14.2. BCC Members

BCC members must:

- Assist the chair with assessing and prioritizing compliance risks in the committee's AOR.
- Be knowledgeable about the content and operation of the I&C Program and ensure that there are processes and procedures in place that promote the FBI core value of institutional integrity and compliance with all applicable laws, regulations, rules, and policies.
- Contribute adequate resources to the red teams and assist with the implementation of risk mitigation plans. Monitor the degree to which implementation of the plans in their areas of responsibility has been successful in mitigating the risks targeted and report the same to the chair.

2.14.3. Assistant Director, Office of Integrity and Compliance

The AD, OIC, must:

- Supervise BCC meeting logistics.
- Develop BCC meeting agendas and presentation materials.
- Coordinate timely distribution of the BCC meeting agendas and briefing materials, as well as meeting notes and ancillary materials, to BCC members.
- Track and report action items, as requested.
- Provide regular refresher trainings on the compliance cycle and OIC functions.

2.15. Division Compliance Committee Responsibilities With Respect to FBIHQ Divisions

2.15.1. DCC Chair

The FBIHQ DCC chair must:

- Identify and prioritize specific compliance risks applicable to the committee's functional AOR, with the advice of the committee members.
- After a new risk is identified, ensure that the division dedicates staff and resources to review applicable law, rules, procedures, policies, training, and monitoring to determine whether mitigation measures are warranted and, if so, to take appropriate action.
- Monitor and assess the success of the actions taken under mitigation plans to determine whether the identified risks have been successfully mitigated and, if not, take action as necessary to achieve the desired results.

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- Report to the BCC on I&C Program activities occurring within the committee's AOR, including a review of the most significant compliance risk areas identified and the specific actions taken in connection with those identified risks, including the development and implementation of any risk mitigation plans.

2.15.2. DCC Members

FBIHQ DCC members must:

- Assist the chair with assessing and prioritizing compliance risks in the committee's AOR.
- Be knowledgeable about the content and operation of the I&C Program and ensure that there are processes and procedures in place that promote the FBI core value of institutional integrity and compliance with all applicable laws, regulations, rules, and policies.
- Contribute adequate resources to analyze or mitigate risks. Monitor the degree to which actions taken are successful in mitigating the risks targeted and report the same to the chair.
- Meet at least twice per fiscal year (FY) to review and identify potential compliance risks to determine whether they constitute actual compliance risks within the division.
- Develop, implement, and track through completion plans issues determined to pose an actual compliance risk within the division to mitigate these issues to the extent possible at the division level.
- Identify and forward to OIC issues of potential enterprise-wide or multiple-office risk that are not otherwise reported through existing means.
- Apprise the AD continuously of compliance risks in the division, the status of measures planned or taken to mitigate those risks, and the activities of the DCC.
- Document in an appropriate 3190-HQ-A1561245 subfile the activities of the committee.

2.15.3. Division Heads

Each division head must:

- Promote within his or her division a culture of compliance through example, diligence, and principled management.
- Appoint a division compliance officer (DCO) for his or her division. The DCO must be at the level of deputy assistant director (DAD) or higher. Assistant DCOs may be appointed, but are not required.
- Report the names of the appointed DCO and his or her successors to OIC within ten workdays of appointment.
- Support the DCO in the fulfillment of his or her duties and responsibilities to act as the focal point for compliance issues on behalf of the division, serve as the point of contact (POC) for the OIC, and otherwise facilitate implementation of the I&C Program in the division.

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- Monitor, through the DCC and other available means, the operations, programs, and activities of his or her division to detect and mitigate compliance risks.
- Communicate to all division personnel the importance of compliance and the management expectation that each individual will know, understand, and comply with the laws, regulations, and policies that govern his or her official activities and will report noncompliance when discovered.
- Protect personnel who report noncompliance from retaliation (see Policy Directive [PD] 0727D, Non-Retaliation for Reporting Compliance Concerns).
- Evaluate, as part of performance appraisals, individual compliance with governing law, regulation, and policy and deal with intentional or willful noncompliant behavior through established channels.

2.15.4. Division Compliance Officer

Each FBIHQ DCO must:

- Serve as the division POC for I&C Program matters.
- Develop and maintain two-way channels of communication to encourage reporting of compliance concerns by, and disseminate information concerning the program to, division personnel.
- Advise the division head on compliance matters and risks identified by personnel in the division or by OIC.
- In consultation with the division head, refer to and coordinate follow-up actions with appropriate division entities or OIC, as appropriate, on compliance concerns surfaced by personnel in the division.
- In consultation with the division head, forward to OIC any other information indicating possible enterprise-wide compliance risks warranting review.
- Review, inquire, and report to OIC on compliance complaints or concerns arising in the division when asked to do so by OIC.
- Participate in OIC-sponsored integrity and compliance DCO training, conferences, and related meetings when requested to do so by OIC.
- Ensure that division personnel participate in OIC-provided training on their obligations under the I&C Program.
- Conduct at least two DCC meetings per FY and report on and summarize the meetings to OIC using the Sentinel template found at the following file path: Bookmarks/Templates (ponies)/Other/HQ Compliance Committee Meeting Reports.
- Perform other compliance duties, as assigned.

2.15.4.1. Role of OIC in Assisting and Developing Division Compliance Officers

OIC must do the following to support DCO efforts:

- Provide guidance, oversight, and program information to DCOs.

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- Develop and provide training materials for use by DCOs.
- Coordinate the resolution of compliance concerns reported by DCOs.
- Refer systemic compliance issues identified by DCOs to pertinent FBIHQ or FO management officials.

2.15.5. Division Personnel

Division personnel must proactively seek to learn what is required by the law, regulations, and policies governing the activities or operations in which they engage; ask questions if they are unsure of the requirements or their application; conform their conduct accordingly; and identify and report noncompliance or potential compliance risks to their management or DCOs.

2.15.6. OIC's Support to the Division Compliance Program

In order to support the division compliance program, OIC must:

- Upon identification of an issue of potential enterprise-wide or multiple-office risk, determine how to address the risk and alert pertinent FBIHQ divisions, programs, or FOs of the nature and source of the risk.
- Assess, through the self-inspection process and other means, as necessary, implementation of the I&C Program at the division level.
- Support and facilitate division management in implementing the I&C Program in their operations, activities, and management.

2.15.7. Assistant Director, Office of Integrity and Compliance

The AD, OIC, must:

- Appoint a dedicated representative to attend the FBIHQ DCC meetings as necessary or appropriate and serve as a resource for division compliance personnel.
- Provide regular refresher training on the compliance cycle and OIC functions.

2.16. Division Compliance Committee Responsibilities With Respect to Field Offices

2.16.1. DCC Chair

The DCC chair must:

- Identify and prioritize specific compliance risks applicable to the committee's functional AOR, with the advice of the committee members.
- After a new risk is identified, ensure that the FO dedicates staff and resources to review applicable law, rules, procedures, policies, training, and monitoring to determine whether mitigation measures are warranted and, if so, to take appropriate action.
- Monitor and assess the success of actions taken under mitigation plans to determine whether the identified risks have been successfully mitigated and, if not, take action as necessary to achieve the desired results.
- Report to the special agent in charge (SAC) on the I&C Program activities occurring within the committee's AOR, including a review of the most significant compliance risk

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areas identified and the specific actions taken in connection with those identified risks, including the development and implementation of any risk mitigation plans.

2.16.2. DCC Members

Field DCC members must:

- Assist the chair with assessing and prioritizing compliance risks in the committee's AOR.
- Be knowledgeable about the content and operation of the I&C Program and ensure that there are processes and procedures in place that promote the FBI core value of institutional integrity and compliance with all applicable laws, regulations, rules, and policies.
- Contribute adequate resources to analyze or mitigate risks. Monitor the degree to which actions taken are successful in mitigating the risks targeted and report the same to the chair.
- Meet at least twice per FY to review and identify potential compliance risks to determine whether they constitute actual compliance risks within the FO.
- Develop, implement, and track through completion plans issues determined to pose an actual compliance risk within the FO to mitigate these issues to the extent possible at the FO level.
- Identify and forward to OIC issues of potential enterprise-wide or multiple-office risk that are not otherwise reported to FBIHQ through existing means.
- Apprise the assistant director in charge (ADIC) or SAC continuously of compliance risks in the FO, the status of measures planned or taken to mitigate such risks, and the activities of the DCC.
- Document in an appropriate 3190-HQ-A1561245 subfile the activities of the committee.

2.16.3. Field Office Heads

Each FO head must:

- Promote within his or her FO a culture of compliance through example, diligence, and principled management.
- Appoint an SAC or an assistant special agent in charge (ASAC) as the DCO. The DCO must be no lower than ASAC level.
- Report the names of the appointed DCO and his or her successors to OIC within ten workdays of appointment.
- Support the DCO in the execution of his or her duties and responsibilities to act as the focal point for compliance issues on behalf the FO, serve as the POC for the OIC, and otherwise facilitate implementation of the I&C Program in the FO.
- Monitor, through the DCC and other available means, the operations, programs, and activities of their FOs to detect and mitigate compliance risks.
- Communicate to all FO personnel the importance of compliance and the management expectation that each individual will know, understand, and comply with the laws,

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regulations, and policies that govern his or her official activities and will report noncompliance when discovered.

- Protect personnel who report noncompliance from retaliation (see Policy Directive [PD] 0727D, Non-Retaliation for Reporting Compliance Concerns).
- Evaluate, as part of performance appraisals, individual compliance with governing law, regulation, and policy and deal with intentional or willful noncompliant behavior through established channels.
- Oversee the performance of the DCC's duties and responsibilities and provide administrative support to the committee as needed.

2.16.4. Division Compliance Officer

Each field DCO must:

- Serve as the FO POC for I&C Program matters.
- Develop and maintain two-way channels of communication to encourage reporting of compliance concerns by, and to disseminate information concerning the program to, FO personnel.
- Advise the FO head on compliance matters and risks identified by personnel in the FO or by OIC.
- Refer to and coordinate follow-up actions (in consultation with the FO head) with appropriate FO entities or OIC, as appropriate, on compliance concerns surfaced by FO personnel.
- Forward to OIC—in consultation with the FO head—any other information indicating possible enterprise-wide compliance risks warranting review.
- Review, inquire, and report to OIC on compliance complaints or concerns arising in the FO when asked to do so by OIC.
- Participate in OIC-sponsored integrity and compliance DCO training, conferences, and related meetings when requested to do so by OIC.
- Chair the DCC (unless the DCO is an SAC and an ASAC has been appointed to chair the DCC meetings) and ensure that the committee performs the functions set forth in subsection 2.16.2.
- Coordinate with the FO ethics counselor (usually, the chief division counsel [CDC]) to train FO personnel on their obligations under the I&C Program (when training is not provided directly by OIC).
- Conduct at least two DCC meetings per FY and report on and summarize the meetings to OIC using the Sentinel template found at the following file path:
- Perform other compliance duties, as assigned.

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2.16.4.1. Role of OIC in Assisting and Developing Division Compliance Officers

OIC must do the following to support DCO efforts:

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- Provide guidance, oversight, and program information to DCOs.
- Develop and provide training materials for use by DCOs.
- Coordinate the resolution of compliance concerns reported by DCOs.
- Refer systemic compliance issues identified by DCOs to pertinent FBIHQ or FO management officials.

2.16.5. Chief Division Counsel

In addition to functioning as a member of the DCC, the CDC must advise FO management, the DCO, and the DCC on pertinent legal issues and may communicate directly with OIC regarding compliance, ethics, and standards of conduct issues.

2.16.6. Field Office Personnel

FO personnel must proactively seek to learn what is required by the law, regulations, and policies governing the activities or operations in which they engage; ask questions if they are unsure of the requirements or their application; conform their conduct accordingly; and identify and report noncompliance or potential compliance risks to their management, CDCs, or DCOs.

2.16.7. OIC's Support to the Field Office Compliance Program

In order to support the FO compliance program, OIC must:

- Upon identification of an issue of potential enterprise-wide or multiple-office risk, determine how to address the risk and alert pertinent FBIHQ divisions, programs, or FOs of the nature and source of the risk.
- Provide, at least twice per FY, a list of potential compliance risks to field DCOs and assist DCOs in identifying, analyzing, and mitigating compliance risks.
- Assess, through the self-inspection process and other means, as necessary, implementation of the I&C Program at the FO level.
- Support and facilitate FO management in implementing the I&C Program in their operations, activities, and management.

2.16.8. Assistant Director, Office of Integrity and Compliance

The AD, OIC must:

- Appoint a dedicated representative to support the FO in compliance matters.
- Provide regular refresher training on the compliance cycle and OIC functions.

2.17. Reporting Compliance Risks and Compliance Risk Referrals

2.17.1. FBIHQ Divisions and Program Managers

Divisions and program managers receiving OIC compliance risk referrals must:

- Review and take mitigating action, develop a plan of action, or provide an explanation as to why no action is necessary within the response time set by OIC.
- Coordinate with appropriate divisions and/or programs regarding resolution of the compliance risk.

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- Work with OIC to resolve any disagreements with the proposed resolution to the referral.

2.17.2. BCC Committee Chairs

Each BCC committee chair must:

- Review compliance risks referred by OIC and prioritize risks for resolution.
- Resolve disagreements between OIC and other FBIHQ divisions and program offices regarding proposed resolutions of particular compliance risks.

2.17.3. DCC Committee Chairs

DCC committee chairs must:

- Review compliance risks referred by staff and prioritize risks for resolution.
- Resolve disagreements between internal elements regarding proposed resolutions of particular compliance risks.

2.17.4. Deputy Director

The DD must resolve any disagreements remaining after EAD-OIC consultation.

2.18. Individual Personnel

All FBI personnel must ascertain the laws and regulations that govern the operations, programs, and activities in which they engage. Personnel must also acquire sufficient knowledge of those laws to understand what is required and what is prohibited, and conform their conduct accordingly. In addition, all personnel must report to the proper authority any known or suspected failures to adhere to the law by the individual or others. This authority can include an individual's chain of command, the OIC staff or helpline, or other office that can assist with the issue in question. Furthermore, FBI personnel are prohibited from retaliating against any individual who reports a compliance risk (see PD 0727D, Non-Retaliation for Reporting Compliance Concerns).

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3. Policies

It is FBI policy that all personnel must comply fully with all laws, regulations, and rules governing the FBI's operations, programs, and activities. In addition, individual FBI officers and personnel must adhere at all times to the highest standards of ethical conduct. The FBI cannot and does not countenance expediency over compliance with laws, regulations, policies, and ethical considerations in anything that it does. The FBI expects its personnel to ascertain the laws and regulations that govern their activities, to acquire sufficient knowledge of those laws to understand what is required and what is prohibited, and to conform their conduct accordingly. Furthermore, the FBI expects personnel to report any known or suspected failures to adhere to the law by themselves or others.

The FBI's I&C Program was established to help achieve these objectives. The mission of OIC (the office that administers the I&C Program) is to develop, implement, and oversee a program that ensures that there are processes and procedures in place that promote FBI compliance with all applicable laws, regulations, rules, and policies. The OIC endeavors to protect and enhance the FBI's reputation for institutional and individual integrity. The OIC also cultivates an environment committed to the principles set forth above, serves as a focal point for the compliance program, and assists all FBI personnel in order to maintain a culture where ethics and compliance are paramount in decisions, programs, and activities throughout the FBI. The procedures outlined in Section 4 of this PG provide a framework for the implementation of the I&C Program across the FBI. Employees are encouraged to call the OIC with questions.

4. Procedures and Processes

4.1. OIC Organizational Structure

OIC is headed by an AD. The staff within the office supports the I&C Program and Standards of Conduct and Ethics Program. For more information on the Standards of Conduct and Ethics Program, see the *FBI Ethics and Integrity Program Policy Guide (1120PG)*.

OIC's staff provides compliance support to the branches, FBIHQ divisions, FOs, and functional areas within the Bureau. Please see OIC's Intranet site for an organizational chart detailing staff support areas.

4.2. OIC's Risk Reduction Methodology: Understanding the Compliance Cycle

The purpose of the I&C Program is to identify and mitigate compliance risks. A compliance risk is a current or prospective harm to the FBI resulting from the organization's failure to comply with laws, regulations, policies, or procedures governing the FBI and its programs, activities, and operations.

Compliance risks arise when FBI policies are vague, confusing, inconsistent with legal requirements, or difficult to locate. A risk of noncompliance can also occur when specific training is required for an activity but is not provided, or performance of a required activity is not monitored. Examples of situations that might be indicative of compliance risks include:

- Similar activities handled differently from unit to unit, squad to squad, or FO to FO.
- Unusually high contact with FBIHQ divisions for information on how to conduct an activity, which may be indicative of an ambiguity in the rules.
- Situations where staff express confusion over how to conduct a certain activity.
- Nonexistent or conflicting policy.
- Nonexistent, inaccurate, or wrongly targeted training.
- Monitoring mechanisms that do not exist or do not test for the necessary information.
- Inadequate audits for compliance.

Risk can be managed through an effective compliance program, in which managers throughout a particular organization (e.g., executive management, DCOs, program managers) periodically monitor activities and the "control environment" to identify potential risks. The control environment consists of the internal policies and procedures, training, and monitoring related to a given activity. In general terms, a control environment consists of the institutional processes in place that govern an activity or a program so that the activity is conducted in compliance with the law. By identifying potential risks, managers may develop courses of action to address or mitigate those risks and prevent them from maturing into actual problems.

It is important that managers distinguish a compliance risk from an operational or mission risk. A compliance risk is based on the failure to comply with laws, regulations, and policies, whereas an operational risk is the harm or consequence that could result if the FBI fails to perform its dual law enforcement and national security responsibilities.

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OIC has developed a compliance cycle to assist in the identification of risk, analysis of the control environment, identification of weaknesses, development and implementation of a mitigation plan, and auditing efforts. The process is depicted in Figure 1, shown below.

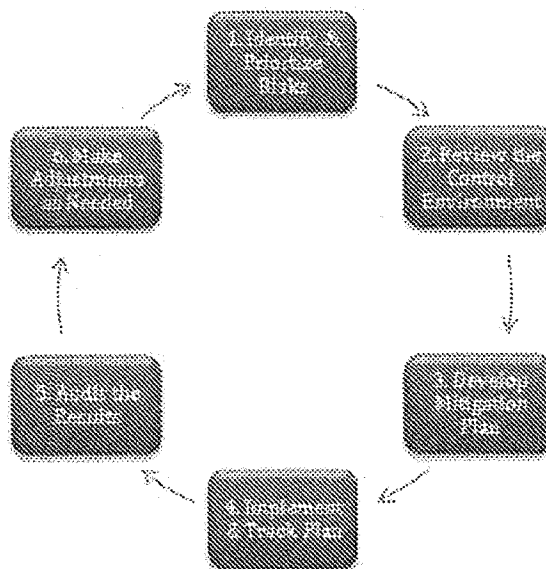


Figure 1. Compliance Cycle

4.2.1. Identify and Prioritize Risks

This first step in the compliance cycle is to identify and prioritize activities or functions that pose the greatest compliance risks. OIC utilizes the following formula as a guide to identification and ranking of potential compliance risks:

$$\text{risk} = \text{probability of noncompliance} \times \text{frequency of activity} \times \text{severity of consequences of noncompliance}$$

While OIC encourages use of this formula, additional factors should be considered. Appendix D of this PG sets out the OIC risk assessment methodology in detail.

Once management identifies and selects a potential compliance risk, an analysis of the control environment in which the activity is performed must be conducted to determine whether an actual risk exists. The following subsections provide guidance on how best to conduct this analysis.

4.2.2. Review of the Control Environment

A thorough analysis of the control environment provides the information necessary to determine whether the potential risk is an actual risk and what needs to be done to strengthen the control environment. For example, should existing policies and procedures be revised or new policies created? Are existing training and monitoring mechanisms sufficient? Identified weaknesses in the control environment are addressed through the creation of a mitigation plan (see subsection 4.2.3.).

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Analyzing a control environment requires a review of all relevant laws, regulations, and external policies related to the activity. This includes identification of federal and state laws, regulations found in the Code of Federal Regulations (CFR), in Executive Orders (EO), and in policies issued by the Office of Management and Budget (OMB), the DOJ, the Office of the Director of National Intelligence (ODNI), the General Services Administration (GSA), and other federal agencies that might have policies relevant to the FBI program under review. Once relevant laws, regulations, and external policies are identified, stakeholders should proceed to review the following three elements of the control environment: FBI policies and procedures, training, and monitoring.

4.2.2.1. Policies and Procedures

After identifying all applicable laws, regulations, and external policies, the next step is to gather and evaluate internal FBI policies and procedures. The purpose of gathering and evaluating internal policies and procedures is to determine whether they satisfy and are consistent with current legal requirements and to ensure that they provide adequate guidance and direction for individuals to adhere to the applicable laws, regulations, and policies. Individuals evaluating applicable policies should identify ambiguous language and any conflicts among policies so that the policies may be clarified and deconflicted.

4.2.2.2. Training

Training is vital to achieving success in any program, not only from the perspective of doing one's job well, but also to avoid legal errors. When evaluating the control environment, the analysis team should thoroughly review all training materials to ensure that personnel are receiving the information they need to perform job responsibilities. This includes reviewing Virtual Academy and other Web-based training courses, materials used in program seminars or in-services, and any external training used.

4.2.2.3. Monitoring

Monitoring requires that managers proactively review how personnel are performing the activity in question to ensure that the work is executed according to the policies and procedures that govern program activities. To assess program compliance, stakeholders must determine whether any such monitoring is already performed and then evaluate the effectiveness of the monitoring mechanisms in place. Examples of monitoring include random sampling, annual self-audits, and quality control initiatives.

4.2.3. Mitigation Plans

Risk mitigation plans describe how the control environment will be enhanced to minimize legal risk and should include information that answers the following:

- What action should be taken?
- Who is responsible for taking action?
- When should action be taken?

Corrective actions for risk mitigation often include:

- Writing new policy, procedures, or both.

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- Developing a method and materials to educate personnel on the new policy and procedures, along with guidance on how to apply them to one's work.
- Monitoring personnel to ensure that they understand and are correctly implementing the revisions.

Once a risk mitigation plan has been developed, stakeholders must work to complete the items set forth in the plan.

4.2.4. Auditing

After the mitigation plan has been implemented (i.e., policies revised, training provided, and monitoring integrated into the program), stakeholders should look back at the identified risk of noncompliance to determine if the mitigation activities were successful. Audits are one way to determine whether the control environment is robust enough to foster compliance with legal requirements. Audits also identify problematic areas and whether additional adjustments are necessary. The audit function is performed, preferably, by an independent third party, such as INSD.

INSD plays a critical role in the Bureau's compliance program by providing independent, evaluative oversight for all FBI investigative and administrative operations. INSD supports the compliance program by providing information from inspections and audits to support compliance risk assessment and analysis and mitigation efforts, and by conducting audits of compliance risks as needed. The compliance program supports INSD by identifying high compliance risk areas and contributing to the development of inspection protocols to include assessment of these areas.

4.2.5. Adjustments

After risk mitigation is complete, stakeholders have an ongoing responsibility to make adjustments as needed to ensure that the reviewed risk area remains compliant with applicable laws, regulations, and policies. This requires vigilance to ensure that policy and guidance are periodically reviewed and updated to reflect any legislative or regulatory changes that occur. Also, it is crucial that any relevant existing training is evaluated periodically to make sure that any policies and regulatory changes are reflected in that training, and that management continues to monitor program activities for compliance.

4.3. Application of the I&C Program to FBI Enterprise and FBI Divisions

4.3.1. Integrity and Compliance Council

The formal structure created to support the I&C Program starts at the highest level of the FBI with the ICC, a group that advises the Director and determines the focus of compliance efforts across the enterprise. The ICC receives input from the BCCs (see subsection 4.3.2.) as they identify, analyze, and mitigate risks. BCCs, in turn, receive input from each FBIHQ DCC (see subsection 4.3.3.), which is used to identify potential areas of risk. The Director receives this information and uses it to set priorities for the compliance program and the Bureau.

The ICC provides a mechanism for OIC and FBI executive management to brief the Director on the status of compliance efforts throughout the Bureau and to obtain input and direction for the program.

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4.3.1.1. Administration of the Integrity and Compliance Council Meeting

ICC meetings must occur at least two times per FY. The Director is the chair of the council and may call additional meetings as warranted.

In addition to the Chair, the ICC must be comprised of the following members:

- DD
- Associate deputy director (ADD)
- EAD, National Security Branch (NSB)
- EAD, Criminal, Cyber, Response, and Services Branch (CCRSB)
- EAD, Science and Technology Branch (STB)
- EAD, ITB
- EAD, Human Resources Branch (HRB)
- EAD, Intelligence Branch (IB)
- AD, OIC
- AD, RPO
- AD, INSD
- Chief financial officer (CFO)
- GC

All members must attend ICC meetings whenever possible. In the event that an ICC member is unable to attend, an alternate (no lower than the AD level) may be designated by the absent member to attend. The chair may permit or direct attendance by other interested parties.

OIC must take the minutes. Review and approval of the minutes of the previous meeting is the first order of business of the ICC at its next scheduled meeting.

The roles and responsibilities associated with the ICC are described in subsection 2.13.

4.3.2. Branch Compliance Committees

To implement the I&C Program, BCCs have been established to support compliance within the seven primary functional areas of the Bureau:

- National security
- Criminal, cyber, response, and services
- Science and technology
- Information and technology
- Human resources
- Intelligence
- Infrastructure

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The “human resources” functional area consists of HRD, Security Division (SecD), and TD. The “infrastructure” functional area includes the Facilities and Logistics Services Division (FLSD), FD, Records Management Division (RMD), RPO, INSD, Office of Public Affairs (OPA), Office of Congressional Affairs (OCA), Office of Equal Employment Opportunity Affairs (OEEOA), Office of Professional Responsibility (OPR), Office of the Ombudsman, and OGC.

4.3.2.1. Administration of the Branch Compliance Committee Meetings

The EAD of each respective branch chairs the BCCs (with the exception of the Infrastructure BCC, which is chaired by the AD, FD). In the EAD’s absence, an AD selected by the EAD may act as chair. Meetings must be held at least twice per FY. The chair of each committee may call additional meetings as warranted.

In addition to the chair, each BCC must be comprised of the following members:

- AD for each office or division within the respective branch
- A DGC or higher representing the legal office associated with the respective branch
- AD, OIC

Minutes must be taken at each meeting; OIC publishes the minutes. Review and approval of the minutes of the previous meeting is the first order of business of each BCC at its next scheduled meeting.

The roles and responsibilities associated with BCCs are described in subsection 2.14.

4.3.3. FBIHQ Division Compliance Committees

To implement the I&C Program, FBIHQ DCCs have been established to support compliance within the FBIHQ divisions.

4.3.3.1. Administration of the FBIHQ Division Compliance Committee Meetings

The AD, or a DAD appointed by the AD, chairs each FBIHQ DCC. Meetings must be held at least twice per FY. The AD must ensure that reports of each meeting are sent to OIC using the template found in Sentinel at [REDACTED]

[REDACTED] The chair of each committee may call additional meetings as warranted. In addition to the chair, OIC recommends that incumbents of the following positions be appointed as members:

- DCO (if not DAD)
- Other DADs
- Some or all section chiefs (SCs)
- Rotation of unit chiefs (UCs)
- Division policy officer (DPO)
- Division training officer
- Chief security officer (CSO)
- Division OGC advisors, if applicable

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- ♦ Any other participants who the AD believes are appropriate, such as the division financial manager or auditor.

Each committee must fix the quorum requirements at its initial meeting. Minutes must be taken at each meeting. Review and approval of the minutes of the previous meeting is the first order of business of each DCC at its next scheduled meeting.

The roles and responsibilities associated with FBIHQ DCCs are described in subsection 2.15.

4.3.3.2. FBIHQ Division Compliance Officers

To support the I&C Program, each FBIHQ division must appoint a DCO to serve as the division's POC for I&C Program matters and to fulfill the duties and responsibilities set forth below. A qualified DCO is one who:

- Has a sound working knowledge of the division's mission, organization, work, and personnel structure.
- Has direct access to the division head and principal deputy concerning compliance issues.
- Is able to represent the division on all matters relating to integrity and compliance.

The roles and responsibilities of FBIHQ DCOs are listed in subsection 2.15.4.

4.4. Application of the I&C Program to Field Offices

To further promote FBI compliance with all applicable laws, regulations, rules, and policies, the I&C Program extended compliance precepts to all FBI FOs. FO managers must implement the I&C Program within their AORs and authority, perform the related responsibilities detailed in subsection 2.16., and ensure that ethics and compliance with governing law are paramount in the administration and operation of their respective FOs.

To advance the I&C Program, the head of each FO must establish a DCC. The DCC must be chaired by the DCO (for FO DCO roles and responsibilities, see subsection 2.16.4.) and be composed of the following individuals:

- ASACs with responsibility for administration, criminal matters, and national security matters
- CDC
- DPO
- CSO
- Administrative officer
- Division financial manager
- Confidential human source coordinator (CHSC)
- One or more supervisory special agents (SSAs) and supervisory intelligence analysts (SIAs) chosen by the head of the office on an at-large basis
- Any other participants who the DCO believes are appropriate, such as the division auditor.

The FO DCC must perform the duties and responsibilities set forth in subsection 2.16.

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4.5. Reporting Compliance Risks and Compliance Risk Referrals

An essential element of the I&C Program is the two-way communication between the OIC and FBI personnel. In order for the I&C Program to succeed, it is important that FBI personnel raise concerns and ask questions about potential or actual violations of law, regulations, and policies, so that these issues can be examined and resolved.

Individuals and management are encouraged to have an open dialogue regarding compliance matters. However, when conventional channels are unavailable or unacceptable, or otherwise do not satisfactorily resolve the issue, individuals should contact OIC with compliance concerns. The FBI has established the Integrity and Compliance Helpline [redacted] to receive reports of noncompliance. The helpline provides a capability for anonymous reporting.

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All compliance risk reports are taken seriously. OIC refers identified risks to the appropriate division or program office for review and action as warranted. If OIC receives a compliance risk report that identifies an alleged violation of law or the Constitution, OIC refers it to OGC.

Divisions and program offices must provide required responses to OIC within the timeframe specified by OIC, or request an extension. Compliance risks that cross divisional or programmatic boundaries are also referred by OIC to the responsible BCC. There will be times when compliance issues overlap with other issues, such as personnel misconduct or performance issues. The OIC works with INSD, the Ombudsman's Office, HRD, and DOJ's Office of the Inspector General (OIG) to ensure that each issue is referred to the appropriate entity for handling.

Specific roles and responsibilities in the compliance risk referral process are described in detail in subsection 2.17.

4.5.1. Office of Integrity and Compliance

Upon receipt of a report of a compliance risk, OIC must evaluate the reported risk and do the following:

- If the reported compliance risk pertains to an individual grievance or personnel issue, refer it to the Ombudsman's Office or HRD, as appropriate, for consideration.
- If the reported compliance risk alleges individual misconduct, waste, fraud, or abuse, refer it to the INSD or the DOJ, OIG for consideration.
- If the reported risk is particular to one or a limited number of divisions, refer it to that division(s).
- If the reported risk is particular to a specific program, refer it to that program manager.
- If the reported risk is common to several divisions or programs, refer it to the appropriate division(s) or program(s) and to the responsible BCC for consideration at its next regularly scheduled meeting, or sooner if the BCC chair so requests.
- Inform sources raising compliance risks of the OIC course of action and advise them on the final resolution of the risk.
- Determine the timeframe within which a responsible division or program office must respond to an OIC referral. The standard response time is 30 calendar days; shorter or longer response times are handled on a case-by-case basis, as circumstances warrant.

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- Refer unresolved issues to the chair of the responsible BCC or the DD, as warranted.

4.6. Prohibition on Retaliation

Retaliation against individuals who come forward with compliance risks is strictly prohibited. See PD 0727D, Non-Retaliation for Reporting Compliance Concerns.

4.6.1. Integrity and Compliance Performance Standards

All performance plans include explicit criteria relating to compliance and the importance of the FBI's core values. These criteria make it clear that individuals should not be evaluated solely on what they do but also on how they do it. Performance that disregards controlling law, regulation, or policy should not and will not be considered successful in a law enforcement or intelligence agency even if it achieves results. Results are essential, but so is compliance; both are critical components of every individual's performance evaluation. Please see the Performance Appraisal System Policy Guide, 0489PG, for additional information on performance plans.

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5. Summary of Legal Authorities

- Electronic Communication (EC) [REDACTED] "Establishment of New FBIHQ Divisions," Director's Office (DO) (June 5, 2007)
- EC [REDACTED] "Administrative Policy; Integrity and Compliance Program," DO (June 4, 2007)
- DOJ Order 1000.2A, *Department of Justice Policy for Organizational Management*
- The Ethics in Government Act of 1978, as amended
- EO 12674 and EO 12731, and Title 5 CFR Chapter XVI, Subchapter B, "Government Ethics"

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6. Recordkeeping Requirements

The main file for compliance matters is 3190-HQ-A1561245, "Internal Compliance Matters." Each FO and FBIHQ division has a subfile for internal compliance matters. In addition to memorializing meetings to their own files, FOs and FBIHQ divisions must summarize their DCC meetings to OIC as follows:

- FBIHQ divisions must use the Sentinel template found at the following file path:
- FOs must use the Sentinel template found at the following file path:

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In accordance with National Archives and Records Administration (NARA) disposition authority N1-065-09-12, records related to the assessment of Bureau compliance with applicable laws, regulations, policies, and procedures—including risk assessments, reviews, audits, mitigation plans, and other related records—and the reporting and documentation of noncompliance matters must be appropriately filed.

UNCLASSIFIED**FBI Integrity and Compliance Program Policy Guide****Appendix A: Final Approvals**

POLICY TITLE: <i>FBI Integrity and Compliance Program Policy Guide</i>	
Date of Last Renewal	N/A
Publish Date	2015-11-02
Effective Date	2015-11-02
EXEMPTIONS	
None	
REFERENCES	
See <u>Section 5</u> .	
APPROVALS	
Sponsoring Executive Approval	Patrick W. Kelley Assistant Director Office of Integrity and Compliance
Final Approval	Mark F. Giuliano Deputy Director

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Appendix B: Contact Information

Director's Office	<input type="text"/>
Office of Integrity and Compliance	J. Edgar Hoover Building 935 Pennsylvania Avenue, NW Washington, DC 20535 (202) 324-7330
Unit Chief	<input type="text"/>

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Appendix C: Acronyms

AD	assistant director
ADD	associate deputy director
ADIC	assistant director in charge
AGG	Attorney General Guidelines
AOR	area of responsibility
ASAC	assistant special agent in charge
BCC	branch compliance committee
CCRSB	Criminal, Cyber, Response, and Services Branch
CDC	chief division counsel
CFO	chief financial officer
CFR	Code of Federal Regulations
CHSC	confidential human source coordinator
CSO	chief security officer
DAD	deputy assistant director
DCC	division compliance committee
DCO	division compliance officer
DD	deputy director
DGC	deputy general counsel
DO	Director's Office
DOJ	Department of Justice
DPO	division policy officer
EAD	executive assistant director
EO	Executive Orders

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FBI	Federal Bureau of Investigation
FBIHQ	Federal Bureau of Investigation Headquarters
FD	Finance Division
FLSD	Facilities and Logistics Services Division
FO	field office
FY	fiscal year
GAO	Government Accountability Office
GC	general counsel
GSA	General Services Administration
HRB	Human Resources Branch
HRD	Human Resources Division
I&C	Integrity and Compliance
IA	intelligence analyst
IB	Intelligence Branch
ICC	Integrity and Compliance Council
INSD	Inspection Division
IOB	Intelligence Oversight Board
ITB	Information and Technology Branch
NARA	National Archives and Records Administration
NSB	National Security Branch
OCA	Office of Congressional Affairs
ODNI	Office of the Director of National Intelligence
OEEOA	Office of Equal Employment Opportunity Affairs
OGC	Office of the General Counsel

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OGE	Office of Government Ethics
OI	Office of Intelligence
OIC	Office of Integrity and Compliance
OIG	Office of the Inspector General
OMB	Office of Management and Budget
OPA	Office of Public Affairs
OPR	Office of Professional Responsibility
PD	policy directive
PG	policy guide
PII	personally identifiable information
POC	point of contact
RMD	Records Management Division
RPO	Resource Planning Office
SA	special agent
SAC	special agent in charge
SC	section chief
SecD	Security Division
SIA	supervisory intelligence analyst
SSA	supervisory special agent
STB	Science and Technology Branch
TD	Training Division
U.S.	United States
UC	unit chief

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Appendix D: Compliance Risk Assessment Methodology

The OIC developed a risk assessment methodology¹ to serve as a principled framework for assessing the legal compliance risks posed by activities the FBI conducts and prioritizing the order in which they will be addressed. When an FBI stakeholder utilizes this methodology, additional factors may and should be considered as relevant and appropriate.

I. Formula

The methodology is based on the following definition of legal compliance risk:

The total legal risk posed to the FBI by any given activity is the product of 1) certain factors that may increase the likelihood of legal compliance failure, 2) the number of times the activity is conducted, and 3) the severity of the negative consequences that could result should the activity lead to compliance failure. Thus,

$$\text{Risk} = \text{Probability} \times \text{Frequency} \times \text{Consequence}$$

II. Overview of Procedures

The procedures for conducting the legal risk assessment are described below. Each formula element (e.g., probability), as well as the scales that must be used to assess each activity's probability factors, frequency, and consequences, are described in greater detail in the next section.

Step 1:

Step 2:

Step 3:

Step 4:

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¹ This methodology was adapted from the "Ethics and Compliance Risk Assessment" presentation by E.I. du Pont Nemours and Company at the Ethics Officer Association's Annual Business Ethics and Compliance Conference, 2005.

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Step 5: Multiply each activity's total probability, frequency, and consequence scores to calculate its total risk.

Step 6:

III. Step 1: Activity Identification

The stakeholder should try to identify at least activities falling within his or her AOR that the stakeholder believes may be putting the FBI at legal compliance risk. For the purposes of this exercise, an activity can also be a program or an operation.

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IV. Step 2a: Probability

Certain indicators have been identified that may point to an increased likelihood, or probability, of a legal requirement not being fulfilled during the conduct of an activity. By extension, the more indicators associated with an activity, the higher the odds of a compliance failure occurring during the execution of that activity.

Indicators that point to a higher probability of legal compliance failure have been grouped into five categories: complexity, historical performance, external environment, internal environment, and work processes. For each category, the stakeholder will be asked to select the response that best describes the extent to which the activity under discussion matches a category's description. Then, all five scores are added together to calculate a total probability score for the activity under discussion.

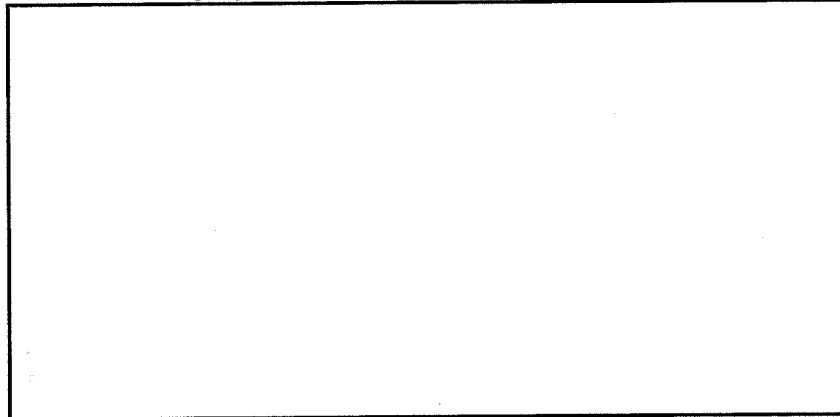
Complexity

Intricate or complex activities—such as those involving numerous steps or personnel to perform them—may be more likely to occur with errors. The same applies to activities that must meet several legal requirements.

A complex activity is one that is:

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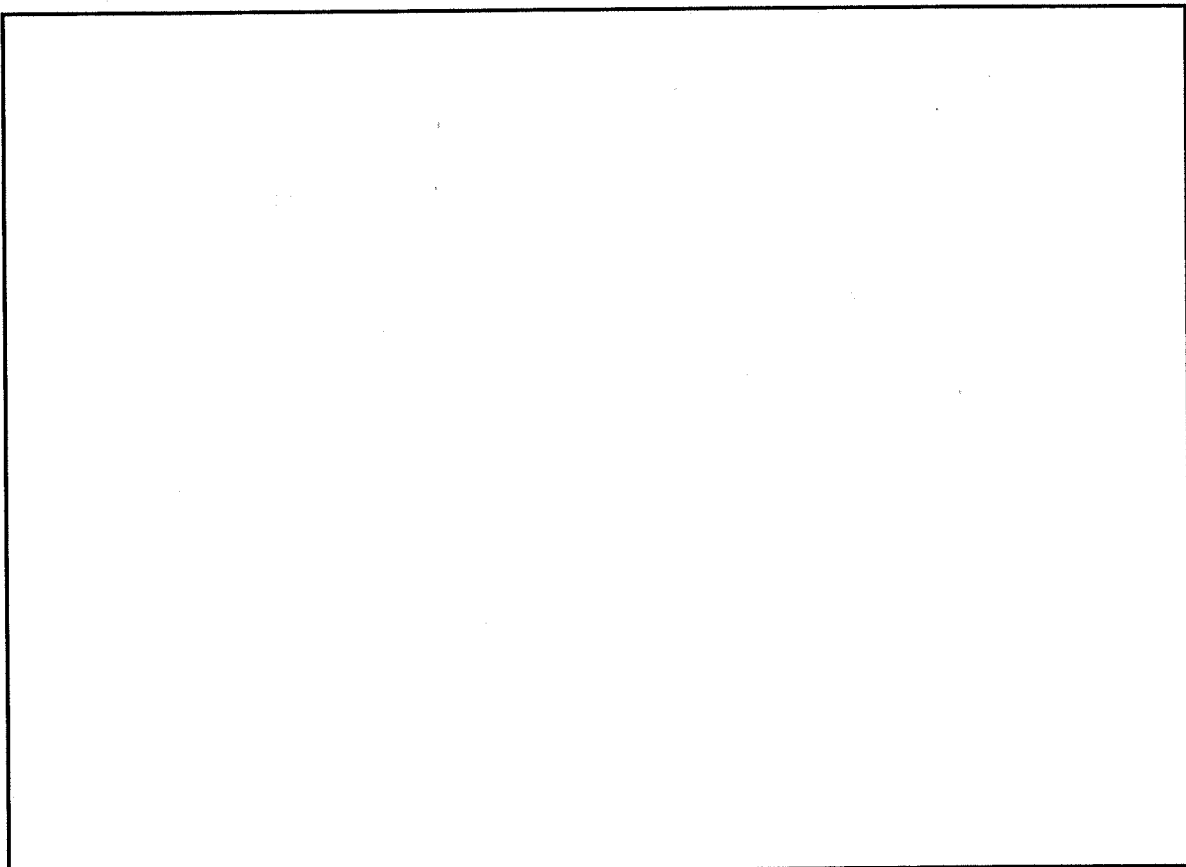


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Historical Performance

How an activity was performed in the past can be a key indicator of how that activity is conducted today. Thus, activities with a history of recurrent compliance concerns raised by individuals or found by oversight entities may be more likely to lead to compliance failures resulting from the execution of those activities than activities without such a history.

Indicators of historical compliance concerns include:



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External Environment

Events external to the FBI can be indicative of the need to review an activity's legal control environment. For example,

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Key external environmental indicators include:

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Internal Environment

Indicators from within the FBI may point to the possibility of an activity posing a legal compliance risk. For example,

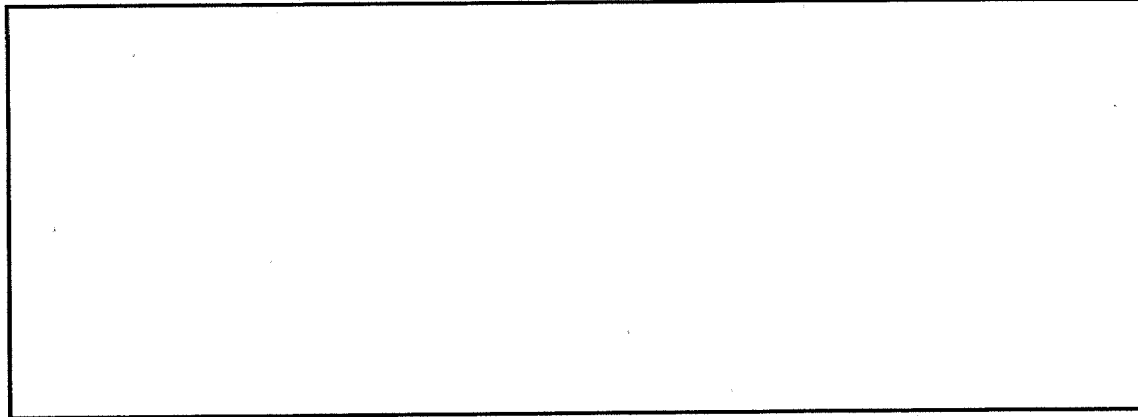
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Key internal environmental indicators include:

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Work Processes

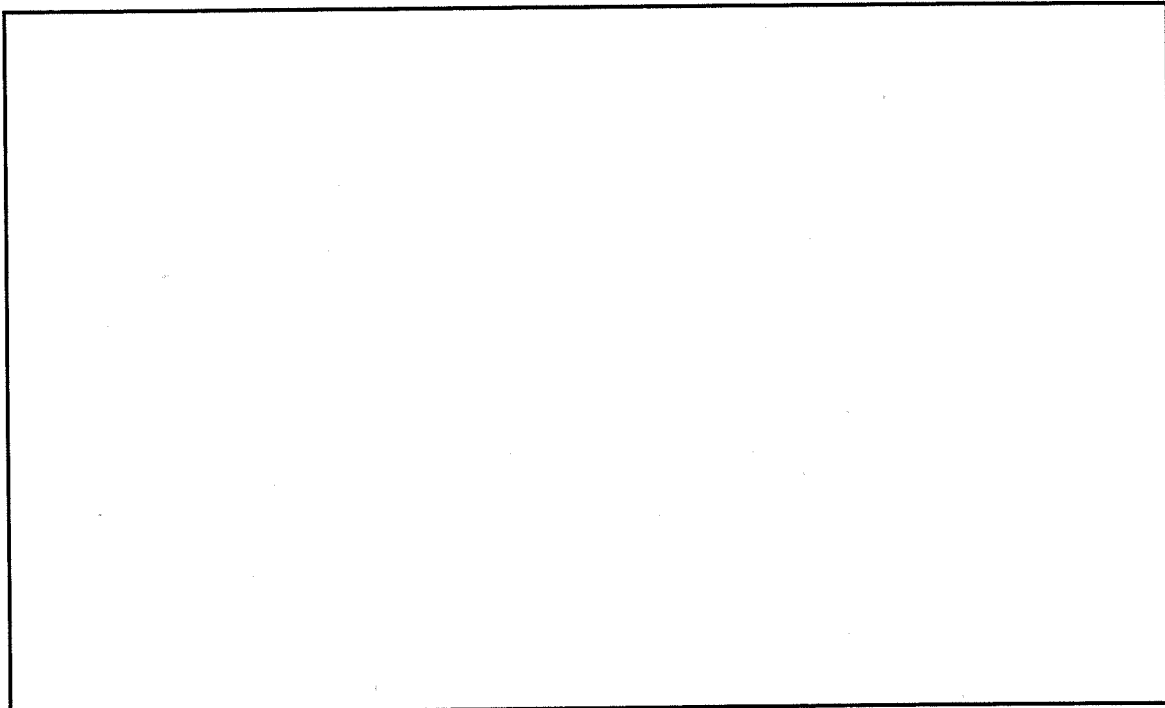
How a given activity is conducted and the degree to which variability is allowed may increase the probability of that activity being out of compliance with its legal requirements. For example,

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Work process attributes that may lead to legal noncompliance include:

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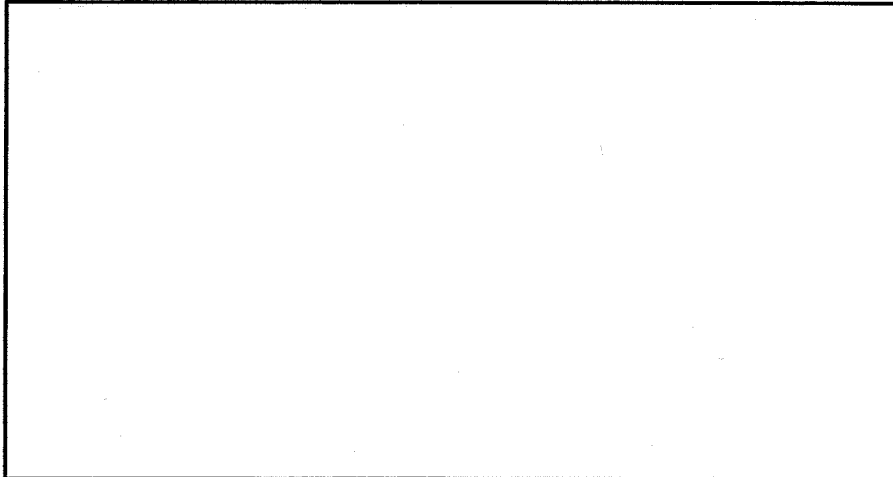


V. Step 2B: Total Probability

After assigning a score to a given activity's complexity, historical performance, external environment, internal environment, and work processes, the stakeholder adds the scores to arrive at the total probability score.

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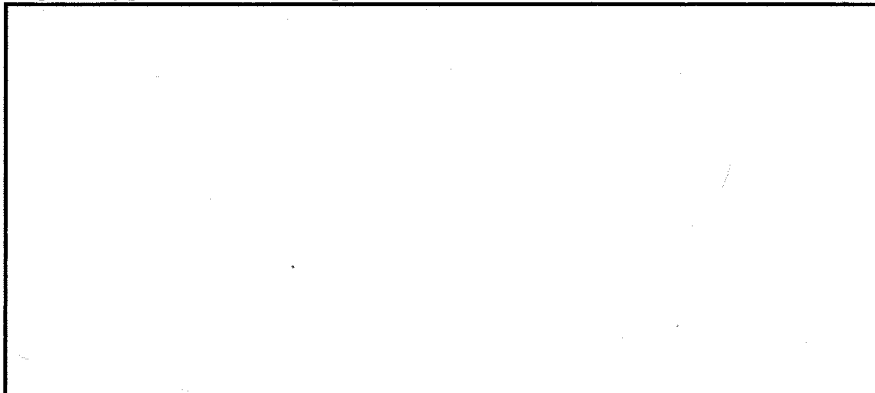


VI. Step 3: Frequency

The frequency of a given activity is the number of times that the activity is performed. As the rate at which the activity is performed increases, the magnitude of a compliance failure also increases.

The stakeholder selects the response that best describes how often the activity under discussion is performed during the typical course of operations.

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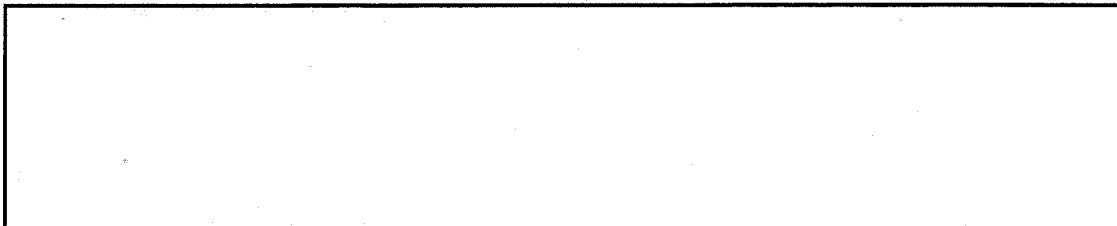


VII. Step 4: Consequences

Whenever the FBI is given the authority to conduct an activity, it must do so in a manner that adheres to the laws, EOs, regulations, and policies that govern that activity. Failure to conduct an authorized activity in the manner prescribed by law may result in significant negative consequences.

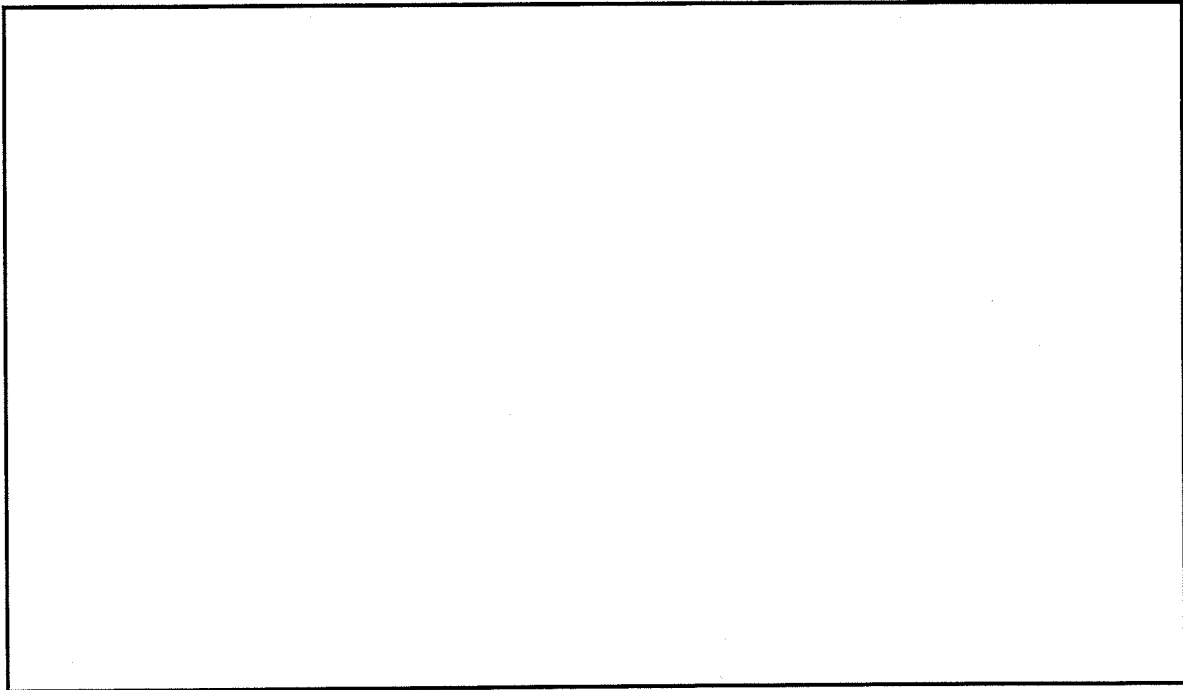
For each activity under discussion, the stakeholder selects the response that best describes the consequences that would result from legal noncompliance. Examples of consequences include:

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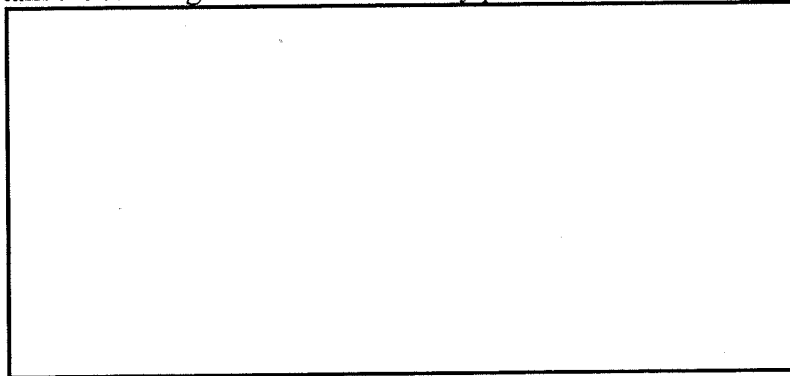
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VIII. Step 5: Total Legal Risk

After assigning a score based on the potential consequences of noncompliance, the stakeholder multiplies the total probability, frequency, and consequence scores of the activity under discussion to obtain the total legal risk that the activity poses to the FBI.

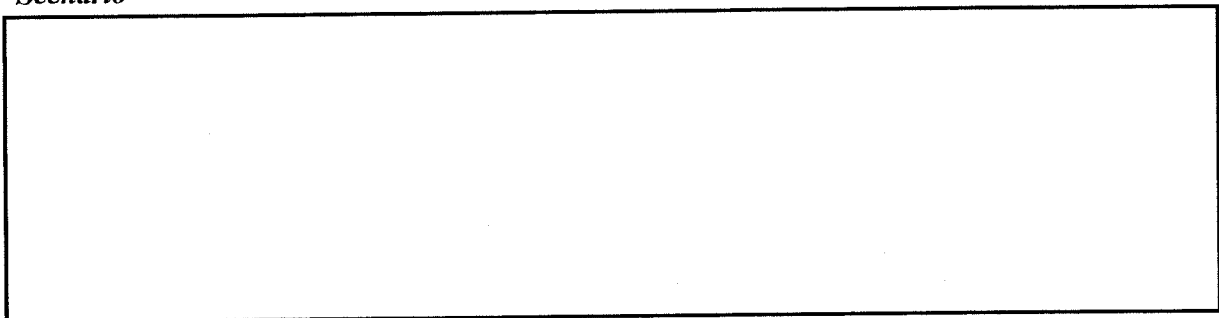
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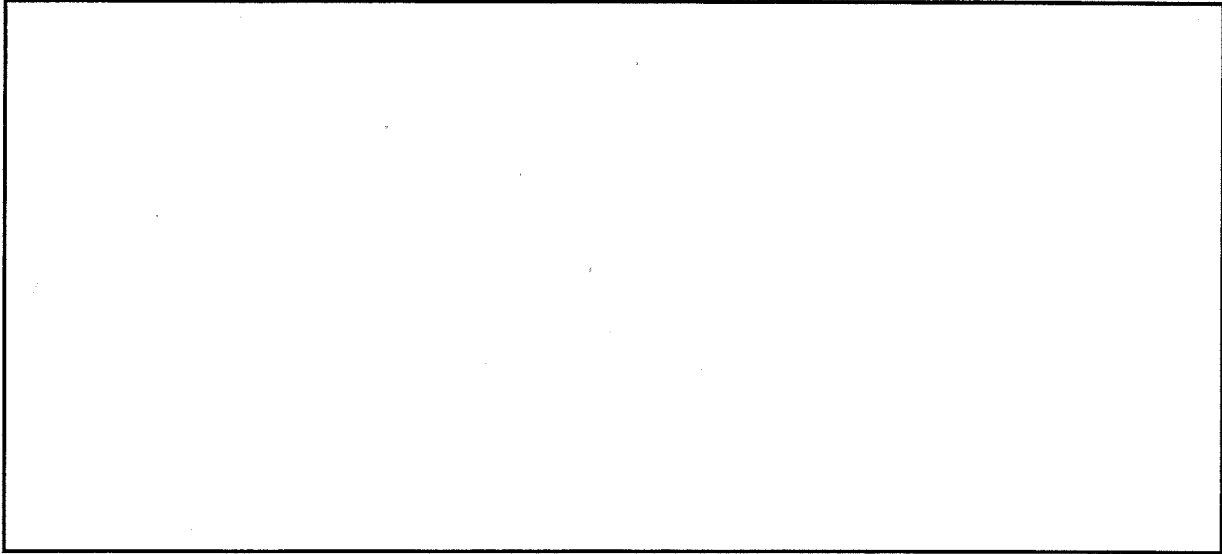
IX. Example

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Scenario

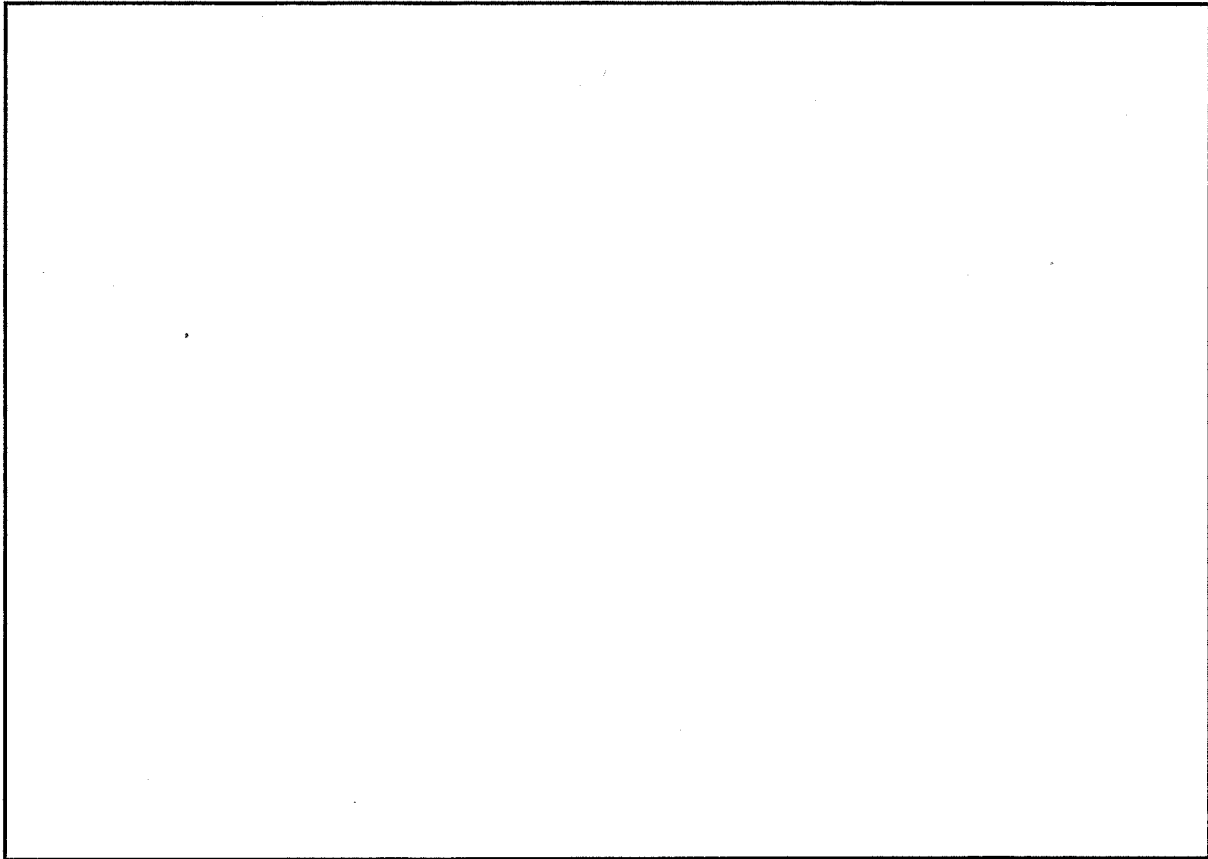


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Probability



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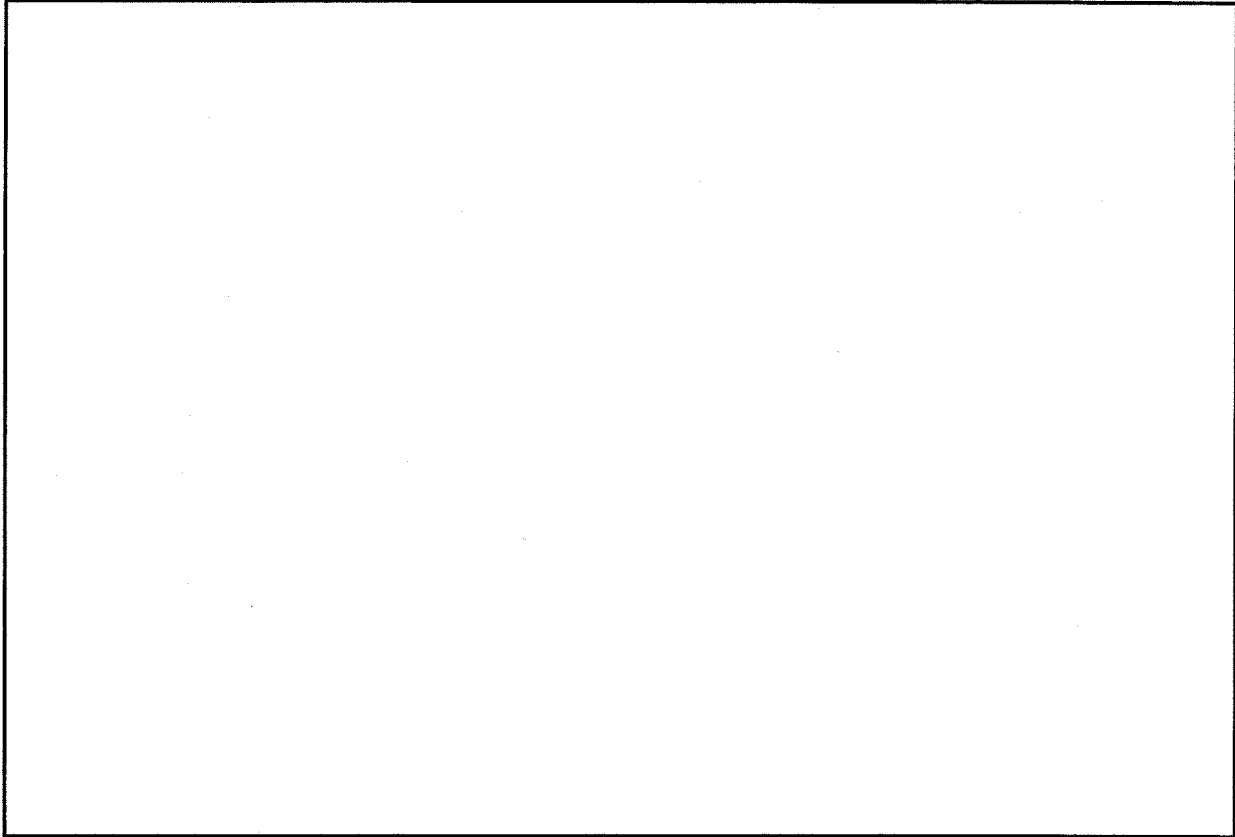
Frequency



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Consequences



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