



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

November 12, 2004

MR RUSS KICK



Subject: FBI'S BETA REPORT

FOIPA No. 0995805- 000

Dear Mr. Kick:

The enclosed documents were reviewed under the Freedom of Information/Privacy Acts (FOIPA), Title 5, United States Code, Section 552/552a. Deletions have been made to protect information which is exempt from disclosure, with the appropriate exemptions noted on the page next to the excision. In addition, a deleted page information sheet was inserted in the file to indicate where pages were withheld entirely. The exemptions used to withhold information are marked below and explained on the enclosed Form OPCA-16a:

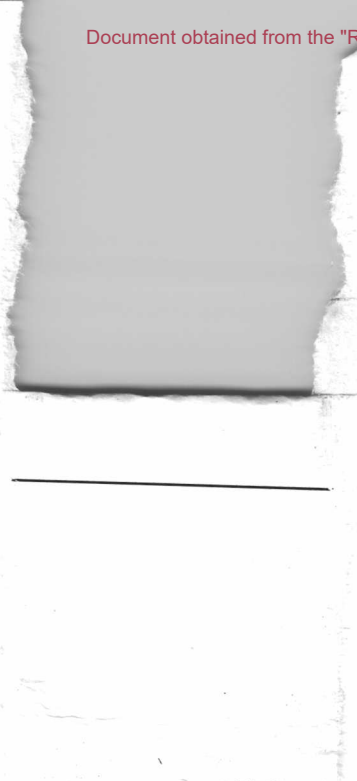
Section 552

Section 552a

- | | | |
|---------------------------------------|------------------------------------|---------------------------------|
| <input type="checkbox"/> (b)(1) | <input type="checkbox"/> (b)(7)(A) | <input type="checkbox"/> (d)(5) |
| <input type="checkbox"/> (b)(2) | <input type="checkbox"/> (b)(7)(B) | <input type="checkbox"/> (j)(2) |
| <input type="checkbox"/> (b)(3) _____ | <input type="checkbox"/> (b)(7)(C) | <input type="checkbox"/> (k)(1) |
| _____ | <input type="checkbox"/> (b)(7)(D) | <input type="checkbox"/> (k)(2) |
| _____ | <input type="checkbox"/> (b)(7)(E) | <input type="checkbox"/> (k)(3) |
| _____ | <input type="checkbox"/> (b)(7)(F) | <input type="checkbox"/> (k)(4) |
| <input type="checkbox"/> (b)(4) | <input type="checkbox"/> (b)(8) | <input type="checkbox"/> (k)(5) |
| <input type="checkbox"/> (b)(5) | <input type="checkbox"/> (b)(9) | <input type="checkbox"/> (k)(6) |
| <input type="checkbox"/> (b)(6) | | <input type="checkbox"/> (k)(7) |

70 page(s) were reviewed and 70 page(s) are being released.

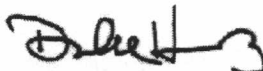
- Document(s) were located which originated with, or contained information concerning other Government agency(ies) [OGA]. This information has been:
 - referred to the OGA for review and direct response to you.
 - referred to the OGA for consultation. The FBI will correspond with you regarding this information when the consultation is finished.
- You have the right to appeal any denials in this release. Appeals should be directed in writing to the Co-Director, Office of Information and Privacy, U.S. Department of Justice, Flag Building, Suite 570, Washington, D.C. 20530-0001 within sixty days from the date of this letter. The envelope and the letter should be clearly marked "Freedom of Information Appeal" or "Information Appeal." Please cite the FOIPA number assigned to your request so that it may be easily identified.



The enclosed material is from the main investigative file(s) in which the subject(s) of your request was the focus of the investigation. Our search located additional references, in files relating to other individuals, or matters, which may or may not be about your subject(s). Our experience has shown, when ident, references usually contain information similar to the information processed in the main file(s). Because of our significant backlog, we have given priority to processing only the main investigative file(s). If you want the references, you must submit a separate request for them in writing, and they will be reviewed at a later date, as time and resources permit.

See additional information which follows.

Sincerely yours,

A handwritten signature in black ink, appearing to read "D. Hardy", with a stylized flourish at the end.

David M. Hardy
Section Chief
Record/Information
Dissemination Section
Records Management Division

Enclosure(1)

EXPLANATION OF EXEMPTIONS**SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552**

- (b) (1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified pursuant to such Executive order;
- (b) (2) related solely to the internal personnel rules and practices of an agency;
- (b) (3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b) (4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b) (5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b) (6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b) (7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of a confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;
- (b) (8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b) (9) geological and geophysical information and data, including maps, concerning wells.

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

- (d) (5) information compiled in reasonable anticipation of a civil action proceeding;
- (j) (2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k) (1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k) (2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k) (3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k) (4) required by statute to be maintained and used solely as statistical records;
- (k) (5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k) (6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;
- (k) (7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.

SPECIAL AGENT
PERSONNEL INCIDENT REVIEW
OFFICE OF PROGRAM EVALUATIONS
AND AUDITS
JANUARY, 1983

TABLE OF CONTENTS

	<u>Page</u>
I. Executive Summary	1
II. Preface	5
A. Purpose	5
B. Background	5
C. Scope	5
D. Methodology	6
III. Perspective	7
IV. Details	8
A. The Incidents	8
1. What and How Often?	8
a. Alcohol	15
b. Bureau Cars	16
c. Sexual Misconduct	17
d. Unauthorized Disclosure	17
2. When?	18
3. Where?	22
a. Field Offices	22
b. Resident Agencies	23
B. The Agents	24
1. Gender	24
2. Former Support Employees	24
3. Veterans	24
4. Marital Status	25
5. Prior Employment	25
6. Office of Assignment	26
7. Recidivism	27
8. Age	28
9. Tenure	30
10. EOD Year	37
11. Type of Work	
a. WCC	40
b. OC	40
c. FCI	41
d. General Criminal	41
e. Applicant	42
f. Supervisor/Management	42
g. UC	42
C. Conclusion	43

I. Executive Summary

The following is a summary of findings pertaining to personnel incidents involving Special Agents during the years 1976 through 1982 which were:

- (a) investigated or monitored by the Office of Professional Responsibility (OPR);
 - (b) substantiated to a degree warranting administrative action.
1. More than half the incidents involved
 - (a) Alcohol abuse
 - (b) Misuse of Bureau cars
 - (c) Sexual misconduct
 - (d) Unauthorized disclosure of information
 2. Fifty-four percent of the incidents resulted from wilful misconduct, while 46 percent resulted from activity which was unintentional (carelessness, poor judgment, incompetence).
 3. Abuse of alcohol was a contributing factor in 21 percent of the incidents and the number of such incidents has remained fairly constant over the years.
 4. While the number of incidents involving misuse of Bureau cars nearly tripled between 1977 and 1980, the trend appears to have been reversed.
 5. The number of incidents involving sexual misconduct has remained fairly constant over the years.
 6. There has been a steady increase in the number of incidents involving unauthorized disclosure, and most of these incidents have resulted from carelessness or poor judgment.

7. The overall number of incidents increased sharply every year 1976 through 1980, but the trend appears to have been reversed.
8. Special Agents assigned to small offices had a much greater tendency to become involved in reported incidents than those assigned to large offices.
9. Special Agents assigned to resident agencies were involved in incidents at a rate proportional to their percentage of the Special Agent population.
10. Male and female Special Agents showed an equal tendency to become involved in an incident.
11. Former support employees were involved in incidents to a degree commensurate with their percentage of the Special Agent population.
12. Veteran status had no observable effect on the tendency for Special Agents to become involved in incidents.
13. Special Agents who were divorced or separated were more than three times as likely to become involved in incidents as those who were married.
14. The average Special Agent involved in an incident was in his third office, had been so assigned for 4.6 years, and was most likely in his office of preference.
15. Seven percent of the Special Agents in the survey were repeat offenders and accounted for 15 percent of the incidents. Nothing in their profile was distinguishable from the rest of the Special Agents in the survey.

16. Unless viewed in relation to tenure, age bore little relation to an SA's tendency to become involved in incidents.
17. There was a clear tendency for Special Agents with 10-16 years of tenure to become involved in incidents at a rate greater than their percentage of the Special Agent population.
18. During about the same period there was a marked tendency for Special Agents to be involved in a proportionally greater number of incidents resulting from carelessness or poor judgment.
19. While Special Agents entering on duty in 1969, 1970, and 1971 were involved in 30 percent of the incidents, this appears to be mainly a result of the large number of individuals coming onto the rolls during that period. The frequency with which this group became involved is in the mid-range and appears to be consistent with what tenure considerations would have dictated.
20. There appears to be a definite relationship between work assignment and the tendency for an SA to become involved in incidents. At a glance:

WCC -	average
OC -	the best record
FCI -	average, but 80 percent of incidents are wilful misconduct
Applicant -	above average number of problems and those almost always misconduct
General Criminal -	22% of SAs, 34% of the problems
Supv./Mgmt -	below average problems and those likely to be judgment-related

21. Between 1983 and 1990 there will be a steady decrease in the number of Special Agents in the 10-16 year tenure range, which may have a downward effect on the number of personnel incidents.

In considering these findings, it is important to maintain perspective by bearing two things in mind:

(a) During the period 1976-1982 the average number of incidents per hundred SAs was less than one per year, suggesting that the magnitude of these problems is not great; and

(b) Although every incident meeting our criteria was reviewed and every SA involved in these incidents subjected to scrutiny, the data base at times defies attempts at logical analysis. Caution must be exercised in trying to predict future behavior based on past performance.

II. Preface

A. Purpose

This study was conducted to determine if there are identifiable patterns or trends in incidents of serious Special Agent (SA) misconduct which, if discerned, might be of assistance in personnel selection and management.

B. Background

Since its creation in September 1976 the Office of Professional Responsibility (OPR) has been investigating or monitoring the investigation of personnel incidents appearing at the outset to involve significant misconduct. During the period 1976 to September 1982 misconduct allegations against SAs have on 384 occasions been substantiated to a degree deemed sufficient to warrant administrative or prosecutive action. As a result of such action since September 1976, 58 SAs have been dismissed or resigned, 19 have been transferred, 13 demoted, and 111 suspended from duty without pay for a total of 1,417 days. While these measures were considered necessary, they clearly represent an expense to the Bureau both in dollars and lost manpower. At the request of Executive Assistant Director (EAD) Lee Colwell, a study was made of the fact situations of the incidents and the records of the SAs involved to determine whether it may be possible to reduce the number of behavior-related problems through changes in selection methods, increased training or improved counselling by supervisors.

C. Scope

This study was confined to personnel incidents occurring between September 1976 and September 1982 which have been investigated or monitored by OPR. It was further confined to incidents involving SAs where the allegations of misconduct

have been substantiated to a degree warranting administrative or prosecutive action.

D. Methodology

At the outset OPR working ledgers dating from 1976 were reviewed in order to determine the identities of SAs involved in incidents meeting the established criteria. Detailed reviews were then conducted of close to 400 personnel files, field office control files, and, where possible and necessary, OPR incident files (which were not maintained as separate files until 1981). The incidents were first catalogued into 27 distinguishable categories and later into two broad groups. The first of these groups was comprised of incidents characterized by wilful misconduct, while the second was comprised of incidents caused by carelessness, exercise of poor judgment or incompetence. Detailed information was also collected regarding the SAs involved in the incidents in order to determine if any meaningful patterns exist with relation to age, background, tenure, work assignment, marital status, etc.

The collected data was tabulated, correlated, and analyzed. Where apparent trends or patterns emerged from this process, they were examined in relation to data pertaining to the entire SA population so as to ensure that they had significance in the context of this study.

III. Perspective

Since the object of this study was to discover any patterns or trends in the nature of personnel incidents, the following questions had to be answered:

- (a) What types of infractions have been committed and with what frequency?
- (b) When did the incidents occur?
- (c) Where have the incidents been occurring?
- (d) Who has been involved in the incidents and how does this group compare to the general SA population?

In the interests of coherency, this report is structured in a fashion to present findings in the above order.

In considering the data it is important to bear in mind that we are dealing with human personalities. Perhaps for this reason and the fact that the data base is rather small, the numbers occasionally refuse to conform to a pattern which would be in line with logical theories. In many cases the trouble is that there probably is no logical explanation for the statistics or, at least, none that we were able to discern. This makes attempts at predicting future behavior based on past performance quite risky.

It is also important to keep the magnitude of these problems in perspective. During the period 1976-1982 the average number of incidents per hundred SAs was less than one per year.

IV. Details

A. The Incidents

1. What and How Often

Since its inception in late 1976, OPR has been charged with the responsibility for investigating or monitoring the investigation of personnel incidents appearing at the outset to involve serious misconduct. The data base for this study was constructed by identifying all incidents occurring between September 1976 and September 1982 where OPR took an official interest and some form of punishment (ranging from censure to dismissal) was meted out. The base thus arrived at consists of 384 incidents.

The incidents were initially catalogued into 27 categories of infraction and then into two broad groups - those judged to have involved wilful personal misconduct and those resulting primarily from carelessness, exercise of poor judgment or incompetence.

Of the 384 incidents examined, over half involve alcohol abuse, misuse of Bureau cars, sexual misconduct or unauthorized release or disclosure of official information.

A list of the infractions with percentage of the total follows. (Total percentage exceeds 100 since some incidents involve a combination of infractions.)

<u>Infraction</u>	<u>Percentage of Total</u>
Alcohol abuse	21%
Misuse of Bureau car	14
Sexual misconduct	8
Unauthorized release of official information	8
Civil disturbance/unprofessional behavior	7
Falsification(records, investigation, etc.)	7
Misuse or loss of government property/services	6
Improper investigation/misuse of techniques	6
Mishandling of evidence	6
Abuse of the SA position	6
Inappropriate relationship(subjects, witnesses, etc.)	5
Criminal activity	4
Firearms-related infractions	4
Personal business on Bureau time	3
Failure to follow established procedures	3
Management-related problems	2
Insubordination	2
Improper reporting/testifying	2
Local infractions	2
Financial irregularities	2
Inappropriate remarks	1
Improper attempts to discredit others	<1
Failure to report infractions	<1
Failure to perform duties	<1
Narcotics-related infractions	<1
Attorney General Guideline infractions	<1
Outside employment	<1

Fifty-four percent of the incidents in the data base were judged to actually have involved wilful personal misconduct and 46 percent were, to a large degree, inadvertent.

A distinction was drawn here in the belief that we are essentially dealing with two different sets of problems. The FBI is a tightly structured, highly disciplined organization with well publicized and widely understood standards of behavior. Even so, examination of the incidents in the survey showed that 54 percent involved calculated risk taking. The SA knew the action he was about to take was in violation of the law, a Bureau regulation or accepted standards of professional behavior. He proceeded nonetheless, probably in the belief that his transgression would go undetected. For one reason or another fate conspired against him and he became a statistic in our data base.

The other type of incident, which represents 46 percent of the data base, resulted from the SA either not knowing what he was doing (incompetence - 4 percent) or not giving sufficient thought to what he was doing (carelessness - 14 percent and poor judgment - 28 percent).

The distinction may be important because it is likely that management's approach to dealing with one variety of incident should differ markedly from the approach to dealing with the other. Specifically, human nature being what it is, the organization may have to live with a certain amount of personal misconduct. If, despite all reasonable efforts to stress the importance of abiding by laws and regulations, a certain percentage of employees chooses to engage in proscribed activity, the appropriate response will normally be confined to punitive action, ranging from censure to dismissal. On the other hand, it should be possible to focus constructive management and supervisory attention on sloppy performance of duty, carelessness, and activity marked by ignorance of requirements.

The following lists represent the leading categories of Misconduct and Non-Misconduct (for want of a better term) incidents followed by the number of incidents occurring during

the six year period 1976 - 1982 (noting that each case was judged separately and while most categories could be characterized as predominantly misconduct or non-misconduct, individual cases within the categories were often found to be exceptions). The threshold determining inclusion in the lists was 10 incidents.

Personal Misconduct

Alcohol abuse a contributing factor	79
Alcohol abuse the main infraction	51
Misuse of a Bureau car	52
Sexual Misconduct	23
Civil Disturbance/unprofessional behavior	23
Falsification	19
Criminal Activity	13
Firearms-related infractions	11

Non-Misconduct

Unauthorized release or disclosure of information	25
Mishandling of evidence	21
Misuse or loss of government property/services	17
Inappropriate relationships	15
Abuse of the SA position	14
Improper investigations/misuse of techniques	13
Failure to follow established procedures	12

Perusal of the foregoing statistics (as well as those on page 9) show that:

(1) Eighty percent of all the incidents in the data base involve at least one of the top 14 categories of infraction;

(2) Although seven of these 14 categories are classified "misconduct" and seven "non-misconduct," the number of incidents classified "misconduct" represents 50 percent of the data base while the number classified "non-misconduct" represents 30 percent;

(3) This demonstrates that although 54 percent of the incidents involve wilful misconduct, they can for the most part be grouped into seven areas of activity; the non-misconduct

incidents, on the other hand, representing 46 percent of the sample, run a considerably broader gamut of possible infractions. In other words, it is easier to predict the types of personal misconduct agents are liable to become involved in than the types of incident caused by thoughtlessness;

(4) In approximately 40 percent of the misconduct incidents and 21 percent of all incidents, alcohol abuse was, if not the primary offense, at least a contributing factor.

Table 1 depicts the top four infractions (which figure in 51 percent of the incidents) in terms of percentage of the annual total of incidents. Table 2 shows the number of infractions per 1,000 SAs for each year (statistics for 1976 and 1982 are annualized). A few observations are in order.

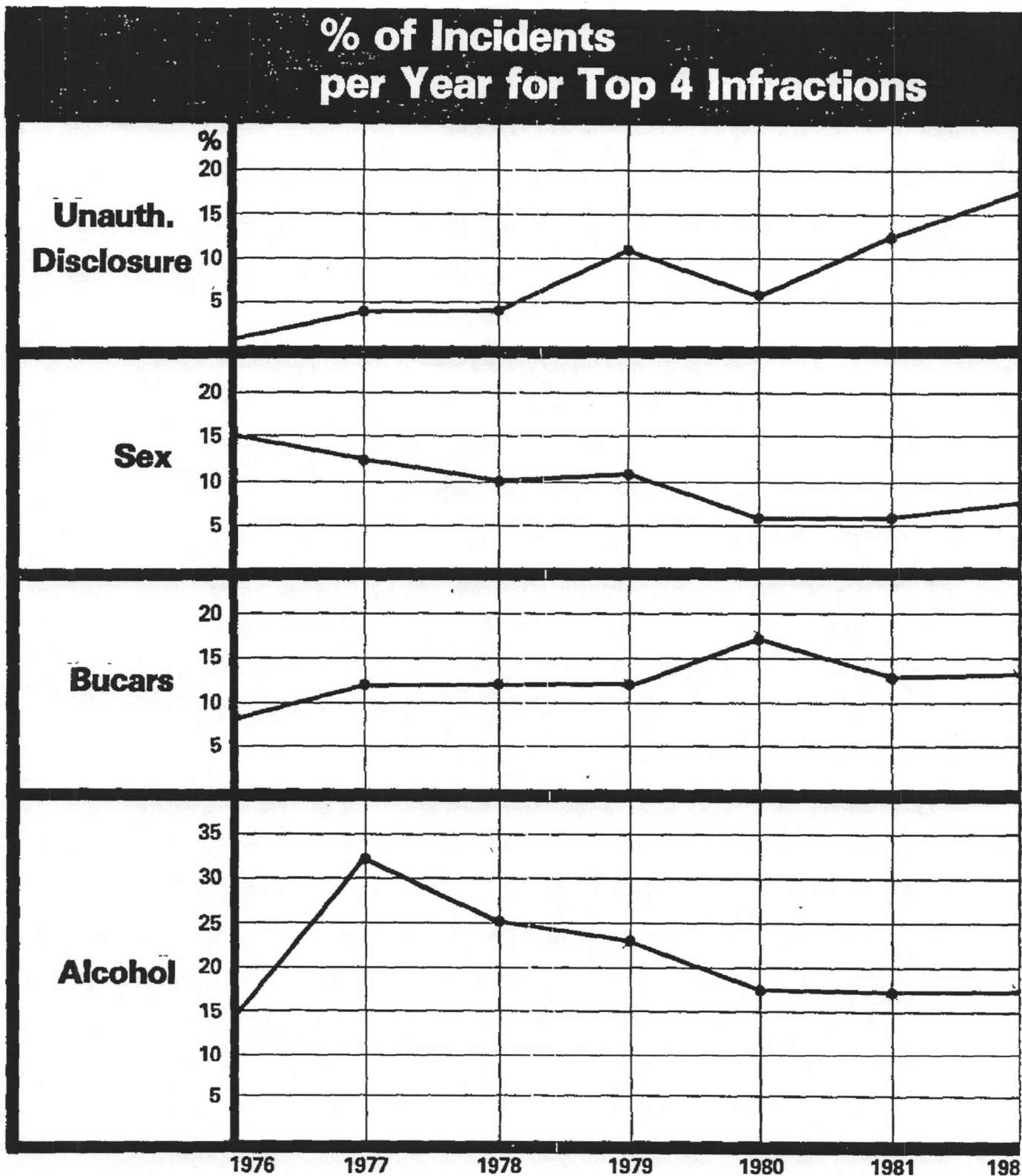


Table 1

Incidents per 1000 SAs per Year for Top 4 Infractions

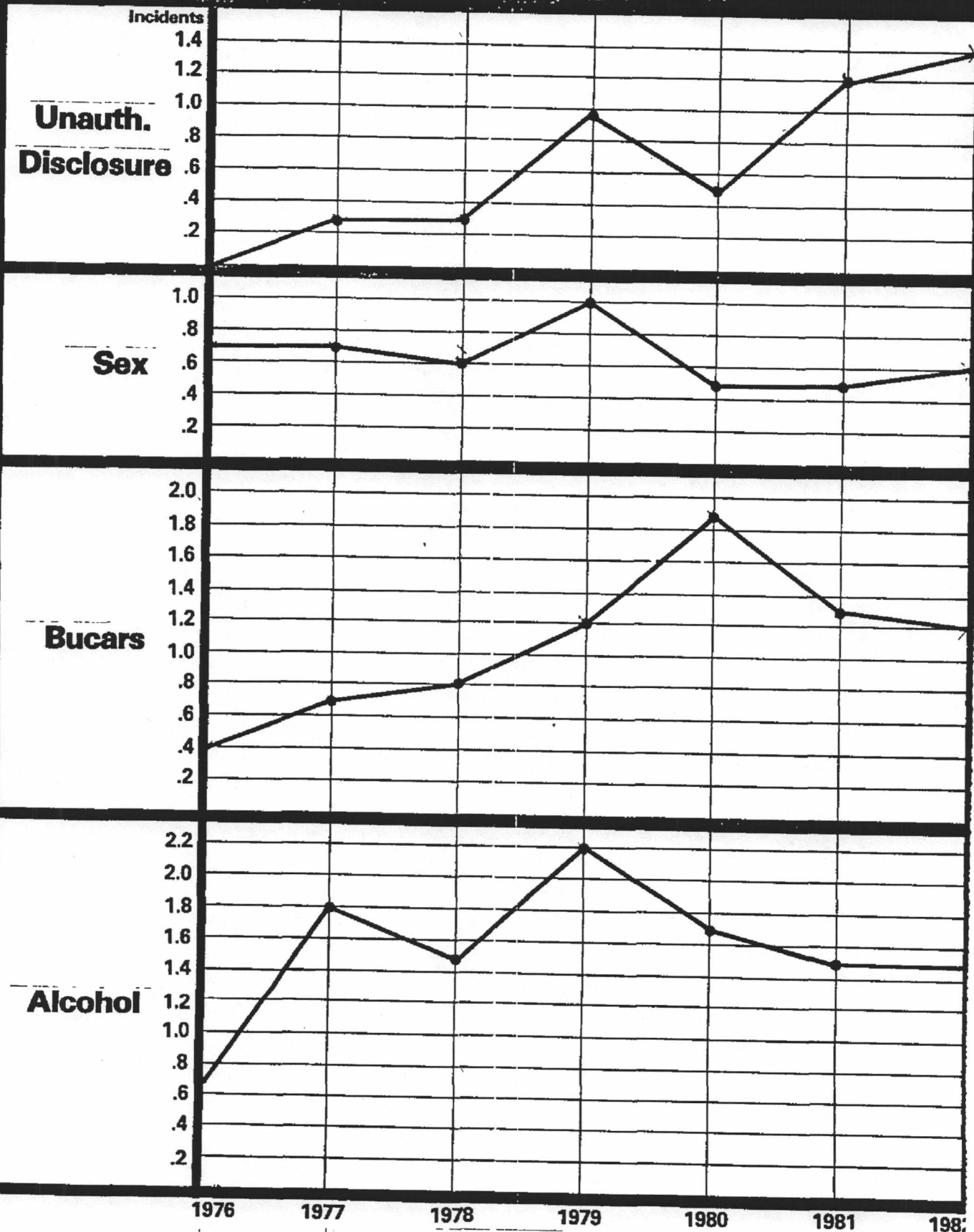


Table 2

a. Alcohol

Alcohol abuse as a factor in personnel incidents has remained relatively constant since 1977.

With the exception of 1979, the number of alcohol-related incidents has hovered around 1.6 per 1,000 SAs. Heightened awareness of alcohol as a medical problem and increased efforts to involve alcohol.c SAs in treatment programs may in the long run reduce the number of alcohol-related incidents, but to date seem to have had little effect. The decrease in the percentage of incidents which were alcohol-related from 1977 through 1980, before leveling out at about 17 percent, is more a function of an increased tendency for SAs to become involved in incidents stemming from thoughtlessness (and thus driving up the total number of incidents) than a decreased tendency to overimbibe.

Age and tenure do not seem to be factors in alcohol abuse. The average age of the SA involved in an alcohol-related incident is 38 and the average tenure is 11 years. This corresponds closely to the age and tenure of the average SA in the general SA population during the years 1976 - 1982.

Type of work engaged in, on the other hand, does appear to have some bearing, as can be seen in the following figures.

<u>Work Specialty</u>	<u>% of SAs</u>	<u>% of Alcohol-Related Incidents</u>
White Collar Crime	18%	13%
Organized Crime	14%	12%
FCI	15%	13%
Applicants	3%	8%
General Criminal	22%	27%
Supervisor/Mgr.	17%	17%
Other (UC,surveillence,admin.)	11%	10%

What these statistics seem to say is that SAs assigned to what has been classified as lower priority work have a greater tendency to become involved in alcohol-related incidents. This could possibly be attributed to lower job satisfaction or less demanding work, which in turn normally result in boredom and frustration.

b. Bureau Cars

While the number of incidents involving Bureau cars nearly tripled between 1977 and 1980, this trend seems to have been reversed.

Expressed as a percentage of overall problems, misuse of Bureau cars has remained at a nearly constant 12-13 percent through the years. The number of incidents, however, did not begin to show a downturn until 1981. This is probably mainly attributable to two factors:

(1) An increased awareness of the seriousness of Bureau car infractions as a result of Bureau communications pertaining to the severity of administrative action; and

(2) A policy implemented in mid-1980 (as a result of a February 1980 All SAC airtel) limiting the number of Headquarters City Bureau cars going home at night to 20 percent. This figure had reached 48 percent.

This second factor is important since it was determined that 72 percent of the Bureau car-related incidents occurred when the agent was off duty and 25 percent occurred while the agent was enroute home from work. Clearly, a reduction in the number of cars being taken home should have a long-term effect of reducing the number of car-related incidents.

Once again, as with alcohol abuse, there is an even distribution of car-related incidents with regard to age and tenure. The average age of 38 corresponds with that of the average agent in the SA population as does the average tenure of 11 years.

c. Sexual Misconduct

With the single exception of 1979, incidents involving sexual misconduct have remained constant at about .6 per 1,000 SAs per year.

Incidents placed in this category included those stemming from sexual harrassment, homosexuality, and illicit affairs impacting unfavorably on the Bureau. All but one or two sex-related cases reviewed fell into one of these categories. The ones that did not came from the period before the Bureau modified its position regarding the conduct of personal affairs on private time, and were disregarded.

The average age of an SA involved in a sex-related incident is once again 38, but the tenure is only nine years, or two years less than the average agent in the SA population.

d. Unauthorized Disclosure

Unauthorized disclosure or release of official information has shown a trend of increase since 1976.

Incidents included in this category included those where, through the fault of an agent, official information was handled in such a way that it came into the possession of unauthorized persons to the possible detriment of the Bureau. Unlike the previous three categories where even if the numbers of incidents were on the rise, the percentage of total annual incidents was remaining fairly constant or even declining,

unauthorized disclosure has shown a general uptrend in both numbers and percentage. In other words, from 1976 through 1980 when total incidents were on the rise, this category generally held its own. In 1981 and 1982 with total incidents apparently in decline, unauthorized disclosure has continued its ascent.

Over 78 percent of the unauthorized disclosure cases resulted from carelessness or poor judgment.

Very infrequently did the SA intentionally violate information-handling procedures. Several factors may be at work here, to include:

(1) A more "open" atmosphere in the FBI where agents feel somewhat less restrained in discussing business with outsiders;

(2) A de facto loosening of restrictions pertaining to contact between agents and representatives of the media;

(3) With demands for disclosure of information pursuant to Freedom of Information Act (FOIA), there has been the unavoidable risk that some protected information would be inadvertently released.

2. When?

The number of incidents per thousand SAs increased steadily from 1976 through 1980, but this trend seems to have been reversed.

Since full year figures were not available for years 1976 (OPR having been formed in September 1976) and 1982 (9/1/82 by necessity used as a cut-off date) incident totals in these

years have been annualized. In our opinion figures for 1976 may be somewhat misleading in certain aspects due to a degree of unsureness (both in the field and at Headquarters) regarding what matters should properly be handled by OPR. Annualized 1982 statistics, however, should prove to be rather accurate since OPR is now an established and widely understood entity. Also, the data sample for the first eight months of 1982 is large enough to allow the making of some relatively safe assumptions.

The foregoing has considerable bearing on our interpretation of the statistics relating to both the annual number of incidents and the percentage of those incidents which involve personal misconduct. Since there is always the possibility in dealing with statistics of having an unexplainable aberration (such as a one-time dip or peak in an otherwise orderly progression), we have chosen to regard annual numbers and percentages as part of a trend only when they seem to conform to a pattern which has prevailed for two years or more. Thus, inspection of Tables 3 and 4 will show the following:

(1.) The number of incidents per 1,000 SAs grew larger every year until 1981. 1981 saw the first decline and this could have been viewed as an aberration but for the fact that 1982 statistics seem to show a continued downturn. What we appear to have is a trend which if continued would mean that the FBI has seen the worst with regard to the volume of personnel incidents; and

(2.) The percentage of incidents which involved wilful personal misconduct decreased steadily in 1977, 1978, and 1979 and seems to have settled at just under 50 percent. The trend here says that we can expect over half of future personnel incidents to stem from incompetence, lack of sufficient forethought or inattention to detail. Granted that there will always be room for human error, these are the very types of incidents that management should have some ability to prevent through training, counselling and reinforcement.

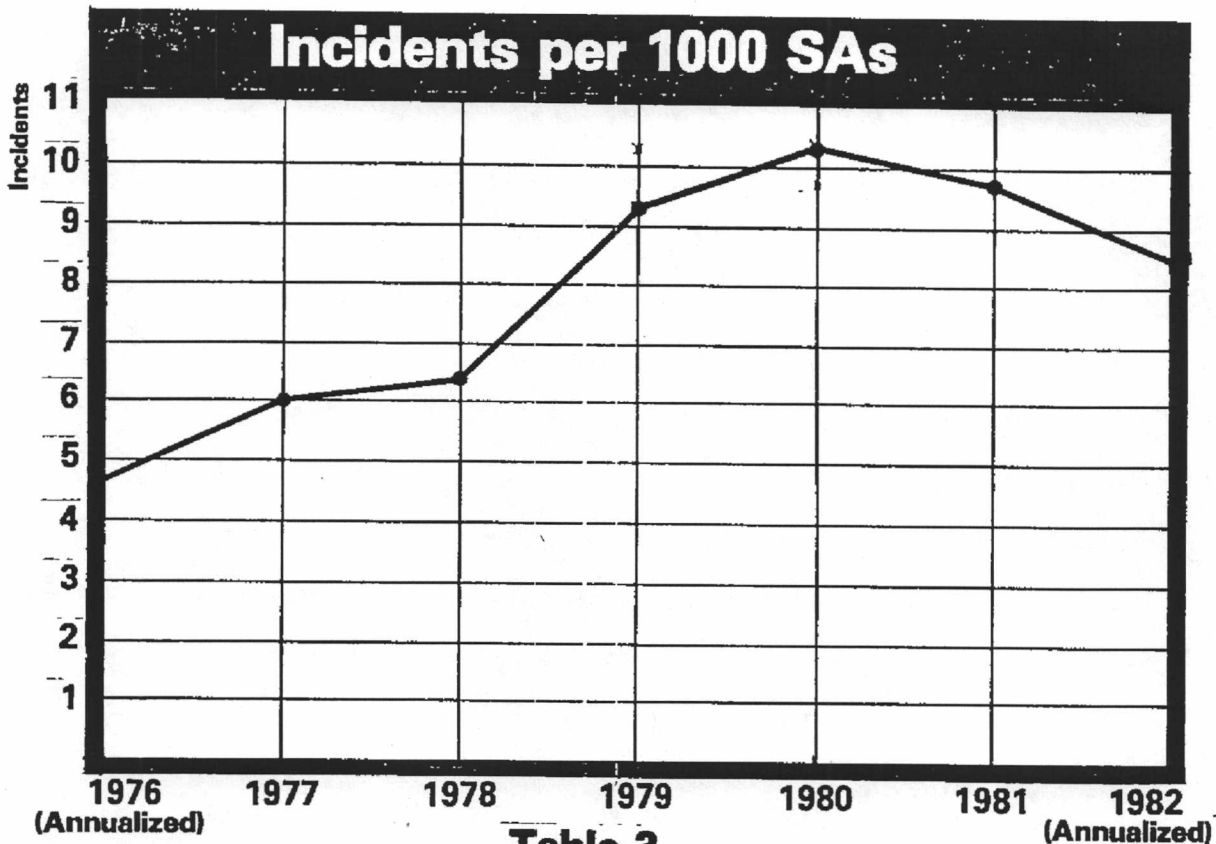


Table 3

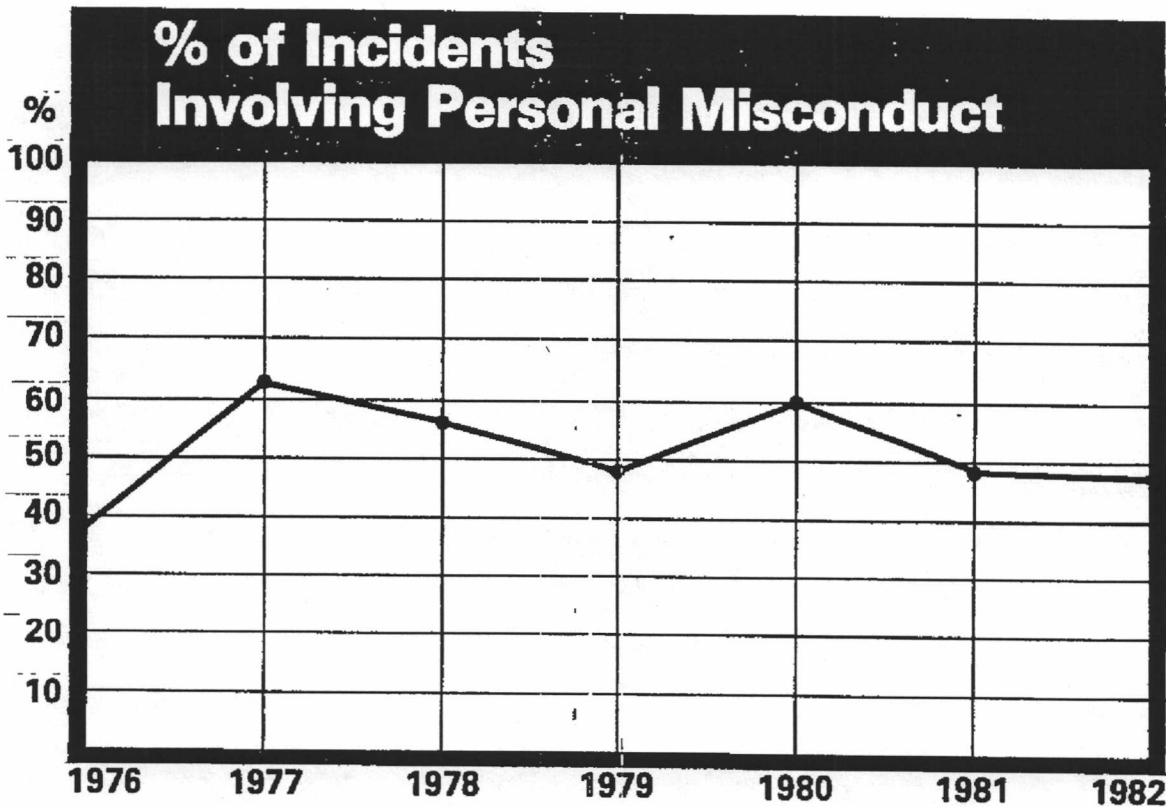


Table 4

3. Where?

a. Field Offices

Taking Target Staffing Level into account, SAs assigned to small field offices have been involved in a highly disproportionate number of personnel incidents.

While many variables may be at work here (an SA in a small office is more "visible" than one in a large office, a large office may tend to "take care of its own problems," what is viewed as a serious infraction in a small office may occur with such frequency in a large office that it is disregarded, etc.), it is impossible to effectively consider them. By necessity, we have chosen to view the statistics as they stand as representative of what has actually occurred.

During the six year period addressed by this study a total of five incidents occurred for every 100 SAs. This rate was double or more for the following offices:

<u>Office</u>	<u>Incidents per 100 SA</u>
Jackson	23
Alexandria	16
Norfolk	14
Albuquerque	13
New Haven	13
New Orleans	13
Salt Lake City	13
San Juan	13
Birmingham	11
Minneapolis	10

The only large offices which experienced problems at a rate greater than five per hundred SAs are:

<u>Office</u>	<u>Incidents per 100 SA</u>
Detroit	9
Miami	7
Baltimore	6

The breakdown by personal misconduct and non-misconduct type incidents follows. Offices which doubled the overall rate per 100 SAs are listed.

Misconduct

Salt Lake City
 Alexandria
 Jackson
 San Juan
 New Haven
 Butte
 Birmingham
 El Paso
 New Orleans
 Sacramento

Non-Misconduct

Jackson
 Norfolk
 Albuquerque
 New Orleans
 Buffalo
 Minneapolis
 Phoenix
 Portland
 Albany
 Alexandria
 Atlanta
 Jacksonville
 Memphis
 Springfield

What the data indicates is that while the total volume of incidents is greatest from the large offices (WFO, Detroit, New York, New Orleans, Miami, San Francisco, and Los Angeles were all well ahead of the pack and in that order for the six year period), an individual SA is less likely to become involved in a personnel incident if he is assigned to a large office.

b. Resident Agencies

Agents assigned to Resident Agencies have been involved in personnel incidents at a rate proportional to their numbers.

Twenty-seven percent of the SAs in the FBI are assigned to Resident Agencies (RAs). During the period 1976 - 1982 they were involved in 25 percent of the incidents.

B. The Agents

1. Gender

Both females and males have been involved in personnel incidents to a degree commensurate with their percentage of the SA population.

For the period 1976 through 1982 3 percent of the SAs were female. During this same period 3 percent of the personnel incidents involved female SAs.

2. Former Support Employees

Former support employees were involved in incidents to a degree commensurate with their percentage of the SA population.

Former support employees represent 24 percent of the SA population and were involved in 23 percent of the incidents.

3. Veterans

Veteran status has no bearing on the tendency to become involved in personnel incidents.

Fifty-eight percent of the SAs involved in personnel incidents are veterans. Fifty-eight percent of the general SA population from 1976 through 1982 was made up of veterans.

Of the veterans involved in incidents, 57 percent were former enlisted men and 43 percent officers. While these percentages may have some significance, it was not possible to obtain similar data regarding the general veteran SA population.

4. Marital Status

Agents who are separated or divorced are more than three times as likely to become involved in a personnel incident as those who are married or single.

Agents who are separated or divorced represent 5 percent of the general SA population, but were involved in 15 percent of the incidents. Those who are married make up 86 percent of the population and were in 78 percent of the incidents. Single agents account for 9 percent of the population and were in 7 percent of the incidents.

5. Prior Employment

While no information is available regarding pre-Bureau employment for the general SA population, such data was compiled pertaining to the SAs in this survey. Using a definition of managerial experience as that in which the individual occupied a decision-making position where he had duties involving supervision of other employees, the following percentages apply:

SAs involved in incidents who had <u>prior managerial experience</u>	29%
SAs involved in incidents who had <u>no prior non-Bureau employment</u>	16%
SAs involved in incidents who had <u>prior non-managerial experience</u>	55%

Should information regarding prior employment be someday computerized regarding the general SA population, the above figures may be of more value in proving or disproving the theory

that the holding of a management position is a maturing factor which should tend to keep an individual out of many of the type situations which turn into incidents.

7. Office of Assignment

(1) The average SA involved in an incident was in his third office and had been so assigned for 4.6 years.

(2) Of the SAs involved in incidents 19 percent were first office agents (FOAs) and of these 21 percent were serving in the office where they were recruited.

Displeasure with office of assignment was evidently not a major factor in influencing SAs to misbehave. Since FBI transfer policy during the period 1976 - 1982 generally ensured that a third transfer was voluntary, it is safe to assume that the average SA in our survey was assigned where he was because he wanted to be.

During the years 1976 - 1982 28 percent of the general SA population had five years or less tenure in the Bureau. This approximates the percentage of SAs who were First Office Agents (FOAs) during this period of time (the actual percentage is closer to 30 percent) and yet only 19 percent of the SAs involved in incidents were FOAs. A statistic which may be a bit surprising, however, is that over 65 percent of the incidents involving FOAs were of the personal misconduct type. As will be recalled, this figure for the overall group averaged 54 percent and in the past two years has been something under 50 percent.

The combination of a low percentage of incidents in relation to percentage of the SA population and the high percentage of incidents which fall into the misconduct category may be reflective of the relatively closer supervision generally

given to FOAs. In recognition of the fact that an FOA is less experienced than the "veteran agent," his work is often given more scrutiny, he is advised and counseled more often (by both supervisor and colleagues), and caution is constantly encouraged. Perhaps partly as a result of this (doubtless other factors enter in as well), the FOA gets involved in fewer incidents and the ones he does get involved in are considerably less likely to be the result of ignorance or carelessness.

We were stymied in our attempt to determine whether or not the assignment of an FOA to the office where he was recruited is a factor influencing behavior since statistics regarding this for the general SA population during the period 1976 - 1982 are not readily available. The most we can say is that 21 percent of the FOAs in our survey were in the office where they were recruited when they experienced their problem. No comparisons are possible at this time.

7. Recidivism

Of the SAs in the survey 27, or 7 percent, were repeat offenders and were involved in 15 percent of the incidents.

Nothing special stands out about the group of repeat offenders or their infractions. Alcohol abuse accounted for 22 percent of these incidents (about the same as the percentage for the overall group) and 56 percent were of the misconduct variety (a bit higher than the percentage for the overall group). Each incident appeared to have been viewed independently with regard to punitive action. Only one SA was dismissed. Two resigned and one was given a disability retirement. Three of the four SAs who were three time offenders are still on the rolls. The SAs rarely became involved in the same type of incident twice.

8. Age

Age is not an important determining factor with regard to an SA's tendency to become involved in a personnel incident unless viewed in relation to tenure.

Reference to Table 5 will show that there is a fairly even distribution of SAs involved in incidents by age. There does not seem to be any pattern which would allow for the drawing of meaningful conclusions. The most that can be said is that during the period 1977 through 1982 there was a slightly greater tendency for SAs 39 or younger (39 being the age of the average SA at the midpoint of his career) to be involved in an incident than later on in life. During this six year period 65 percent of the SAs were 39 or younger and accounted for 69 percent of the incidents.

The fact that there is no distinct relationship between age and the frequency of incidents was somewhat of an unexpected development. A hypothesis developed at the outset of this study was that stress is in some way related to misbehavior. A school of current psychological thought holds that during the years 35-45 (and for men especially the years 38-45), an individual is subjected to an unusually high level of stress, which in many cases has the effect of altering normal behavior. This is the so-called "mid-life crisis" period. The data displayed in Table 5 seems to indicate that during this portion of an SA's life he either does not experience stress to any unusual degree or, if he does, it is not related to a tendency for him to misbehave.

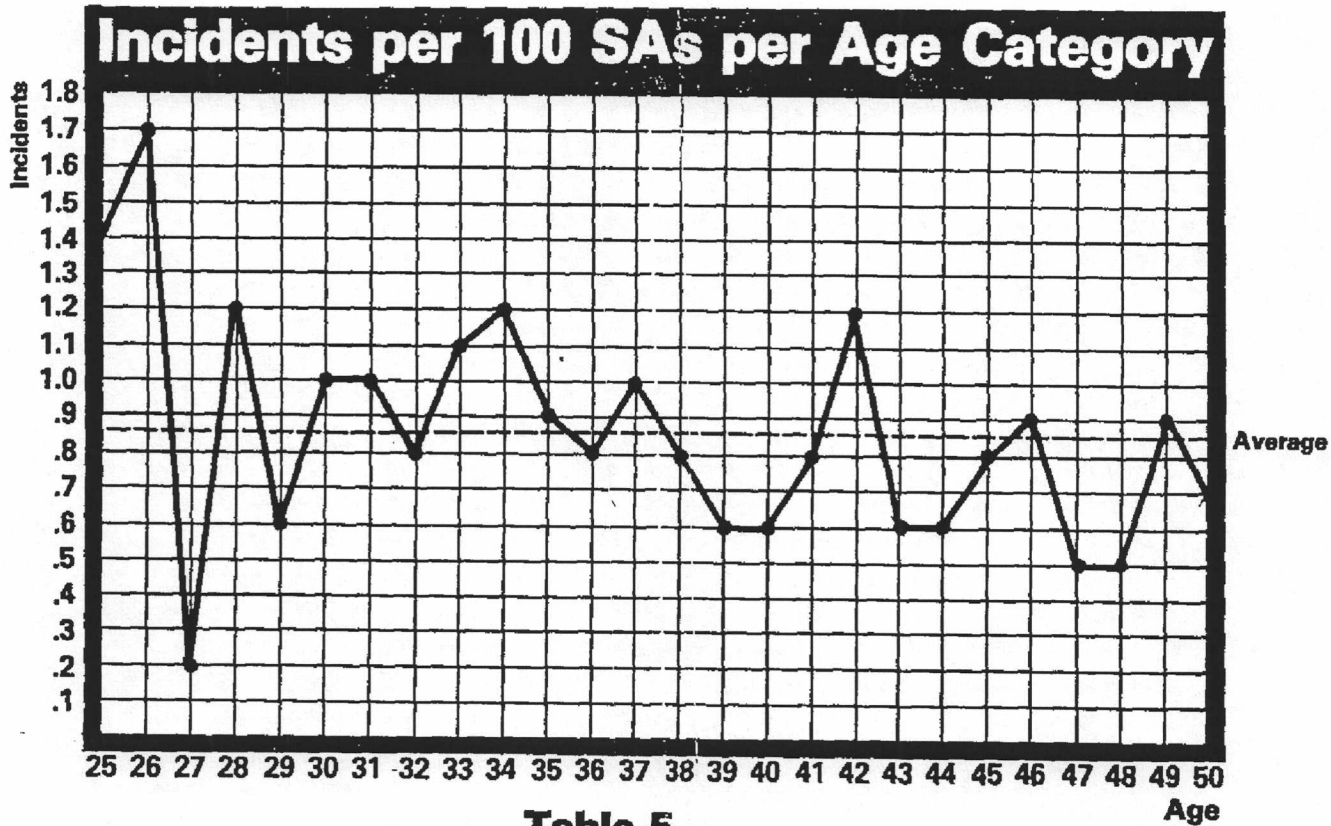


Table 5

9. Tenure

There has been a tendency for SAs between 10 and 16 years of agent tenure to become involved in personnel incidents at a rate greater than the percentage of their representation in the general SA population.

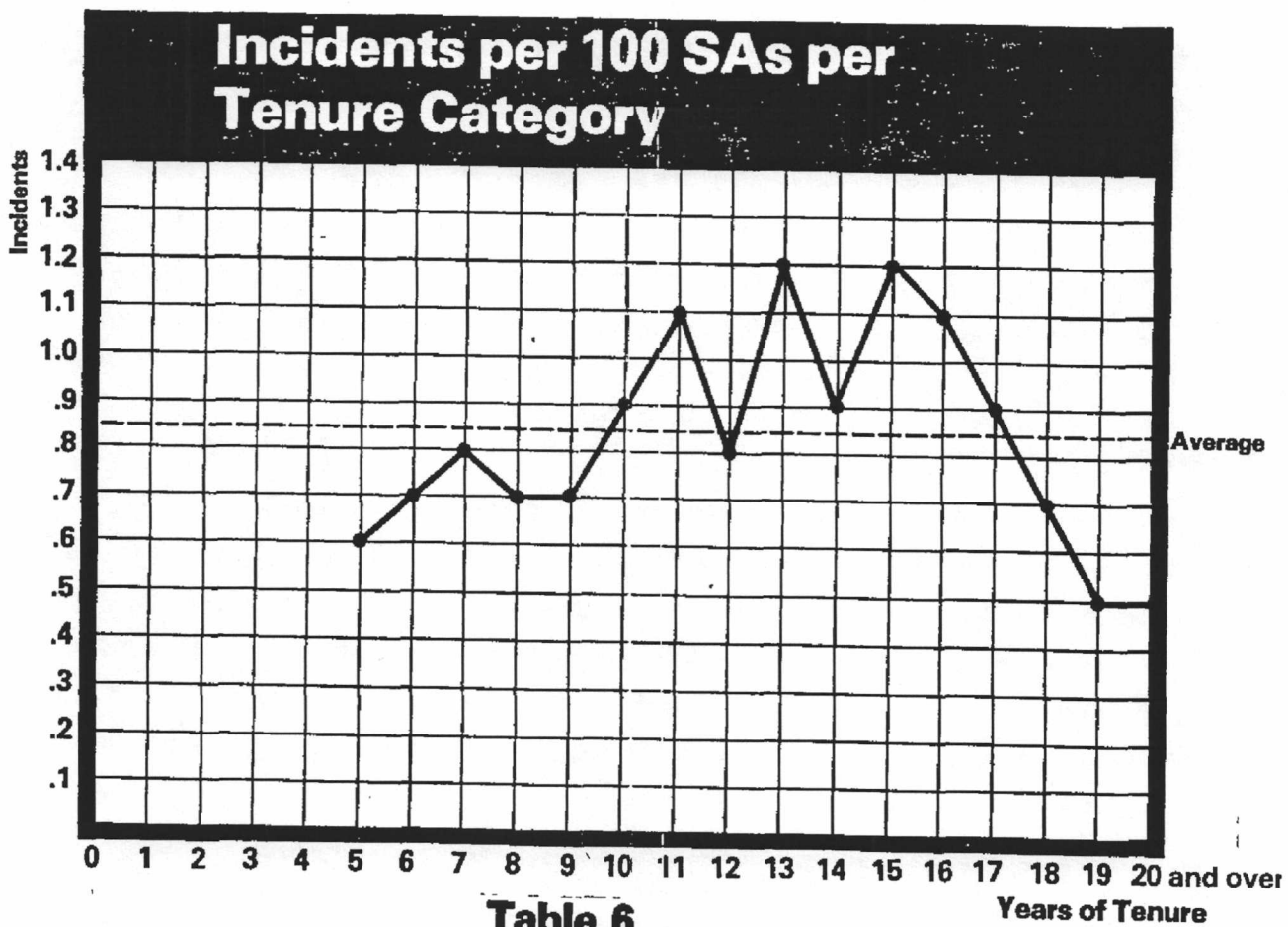


Table 6

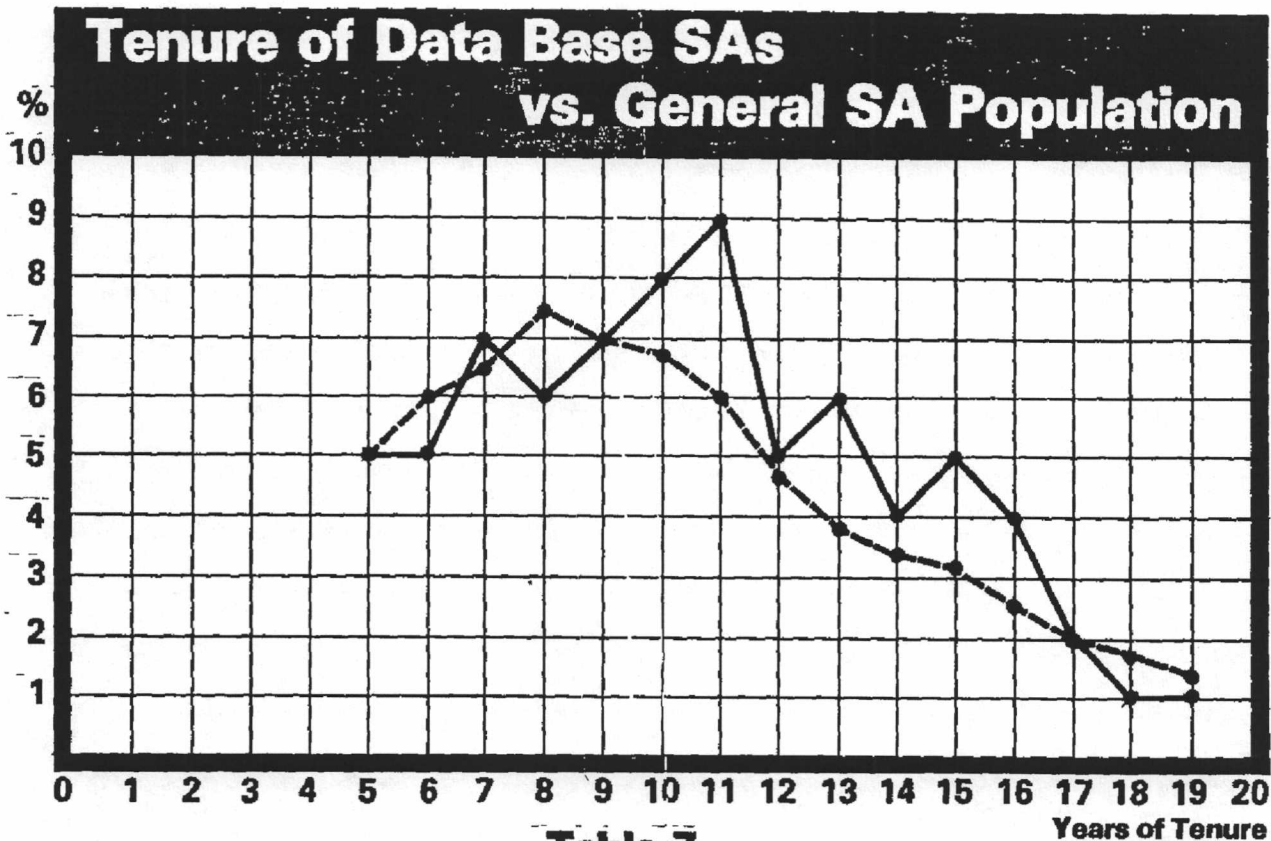


Table 7

———— % of incidents involving each tenure group noted for period 1977-1982.
 - - - - - % of SAs in each tenure group shown for period 1977-1982.

NOTE:

Tenure group 1 - 5 years represented 23% of the SA population 1977 - 1982, but was involved in 23% of incidents.

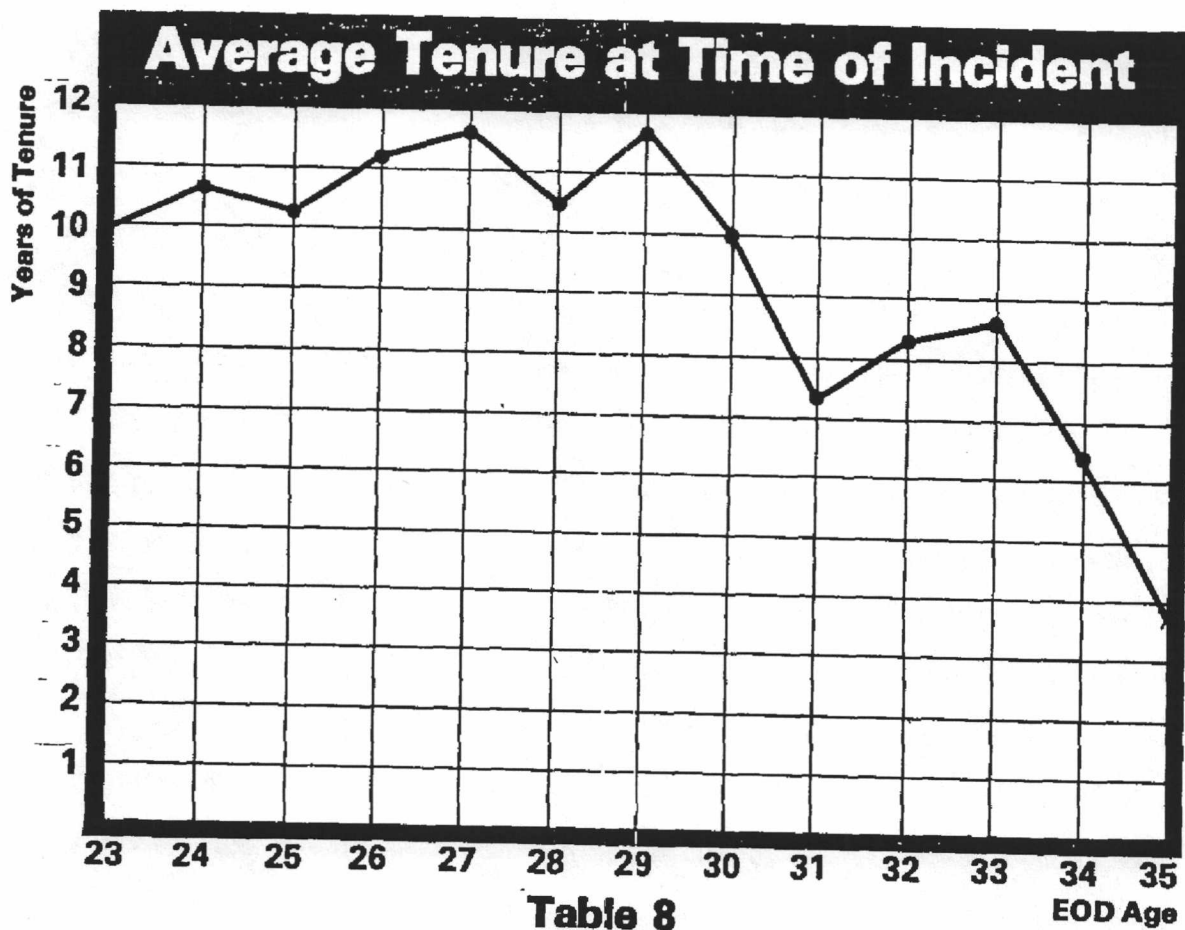
Tenure group 20 years and over represented 9.7% of the SA population 1977 - 1982, but was involved in 7% of the incidents.

Reference to Table 6 (which displays the number of incidents involving members of each tenure group per 100 SAs passing through that tenure group 1977 -1982) and Table 7 (which displays this data in terms of the percentage of incidents involving members of each tenure group compared to the percentage of the overall SA population which has passed through that tenure group 1977 - 1982) will show that during the years 10 through 16 in an Agent's career he has been the most vulnerable to becoming involved in an incident. In fact from 1977 through 1982 30 percent of the SA population fell into this tenure bracket, but accounted for 41 percent of the incidents.

What may be happening here is that agents are experiencing unusual stress at mid-career as opposed to mid-life. While the vast majority of men in the workforce face a career spanning 35 years or more, FBI retirement policies have resulted in a 20 - 27 year career (depending on age at EOD) for most agents. This means that the average agent, who enters on duty at 28, begins down the rear slope of his career at age 39. Since the statistics indicate that he will be most vulnerable to involvement in an incident from years 10 through 16, his "danger years" are between 38 and 44 or a period corresponding closely to that associated with "mid-life crisis." But, as we have seen, the age statistics in the previous section do not seem to bear this out. This is where tenure assumes its importance.

Agents enter on duty at any age between 23 and 35, a 13 year spread. For each EOD age of 23 through 30 (over 80 percent of all SAs in the survey) the amount of tenure at the time of incident averaged between 10 and 11.6 years (see Table 8). For EOD ages 31 through 35, age apparently exercised a stronger influence on behavior and exerted a downward pressure on tenure.

(See Tables 8 and 9.) Thus these two factors (age difference at EOD and influence of tenure) render age useless as a predictor unless viewed together with time of service and tend to hasten the onset (age-wise) of the problem years for agents who EOD before age 27.





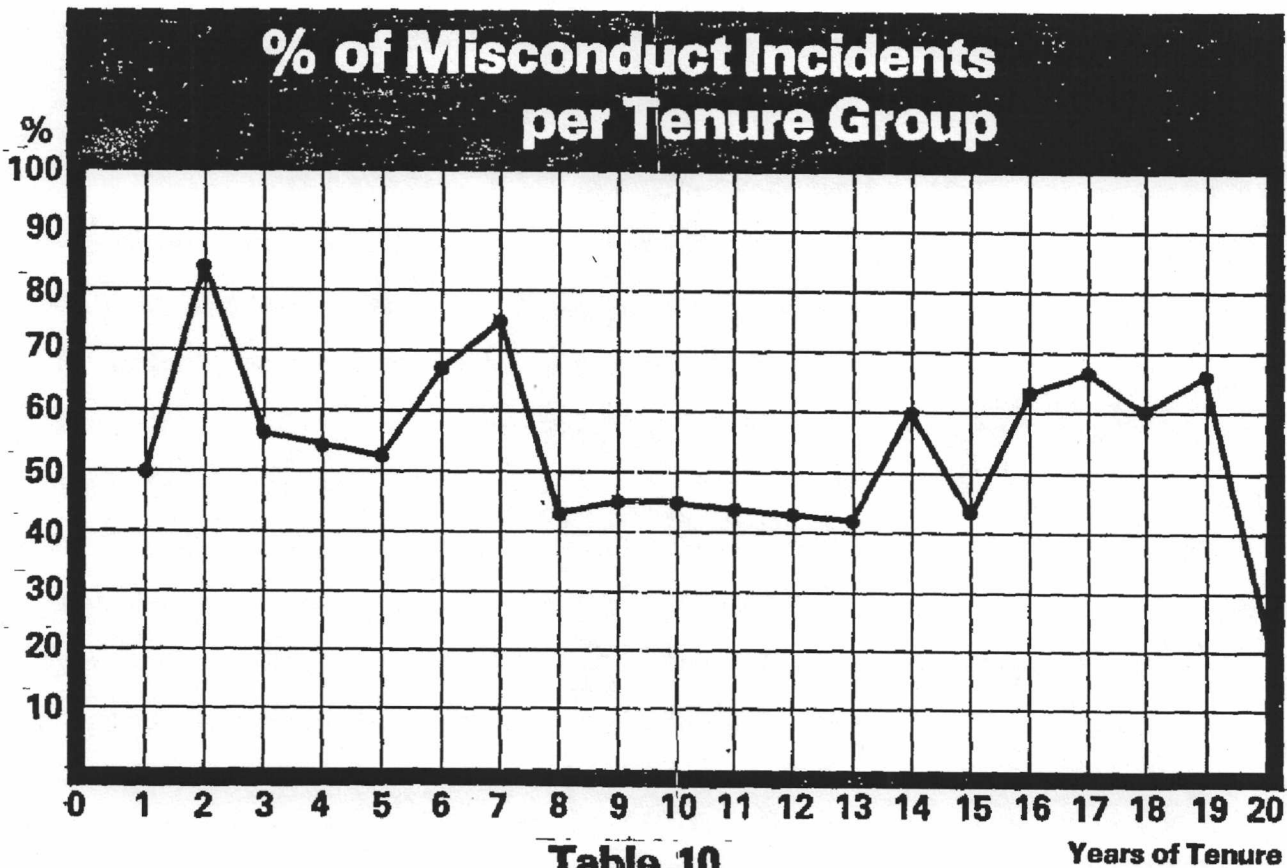
In conclusion, it appears certain that agents entering on duty at age 30 or younger assume an "organizational age" which tends to be of primary importance in determining vulnerability to incidents. This period can range from 32 - 38 to 39 - 45 depending on age at EOD.

The fact that an agent who entered on duty at age 23 is not halfway through his career after 10 or 11 years is not particularly significant since the organization as a whole is geared to the individual who is at mid-career at this point. Thus this individual, who is only 33 or 34, has most likely already made his major career decisions or they have been made for him. If he has not elected to enter the administrative advancement program there will be no more promotions for him and the likelihood is that he will no longer be moving or learning

new job skills. He is probably feeling the very same types of frustration that his colleague of 38 (who entered on duty at 28) is experiencing. Options which only yesterday were unlimited now suddenly appear to be rather limited indeed. If he entered the advancement program, his position on the ladder has been determined almost entirely by tenure (as opposed to age) and he is being subjected to the same pressures as an older individual in a similar job.

Another aspect of tenure which is quite interesting is that from year 8 through year 15 (starting a little earlier and ending a little earlier than the "organizational mid-life crisis") an individual showed a marked tendency to become involved in incidents marked by thoughtlessness. He is not paying attention to what he is doing. What may be happening here is that "burnout" is at work, stress is making itself felt, and the agent is no longer focusing his attention on the job the way he should. (See Table 10.)

Whatever has occurred between years 10 and 16, the agent seems to have regained equilibrium by year 17 or shortly thereafter and returned to the "normal" range of vulnerability.



10. EOD Year

Although 30 percent of the incidents involved SAs who entered on duty in the years 1969, 1970, and 1971, this is mainly a function of the large numbers of individuals coming onto the rolls during that period.

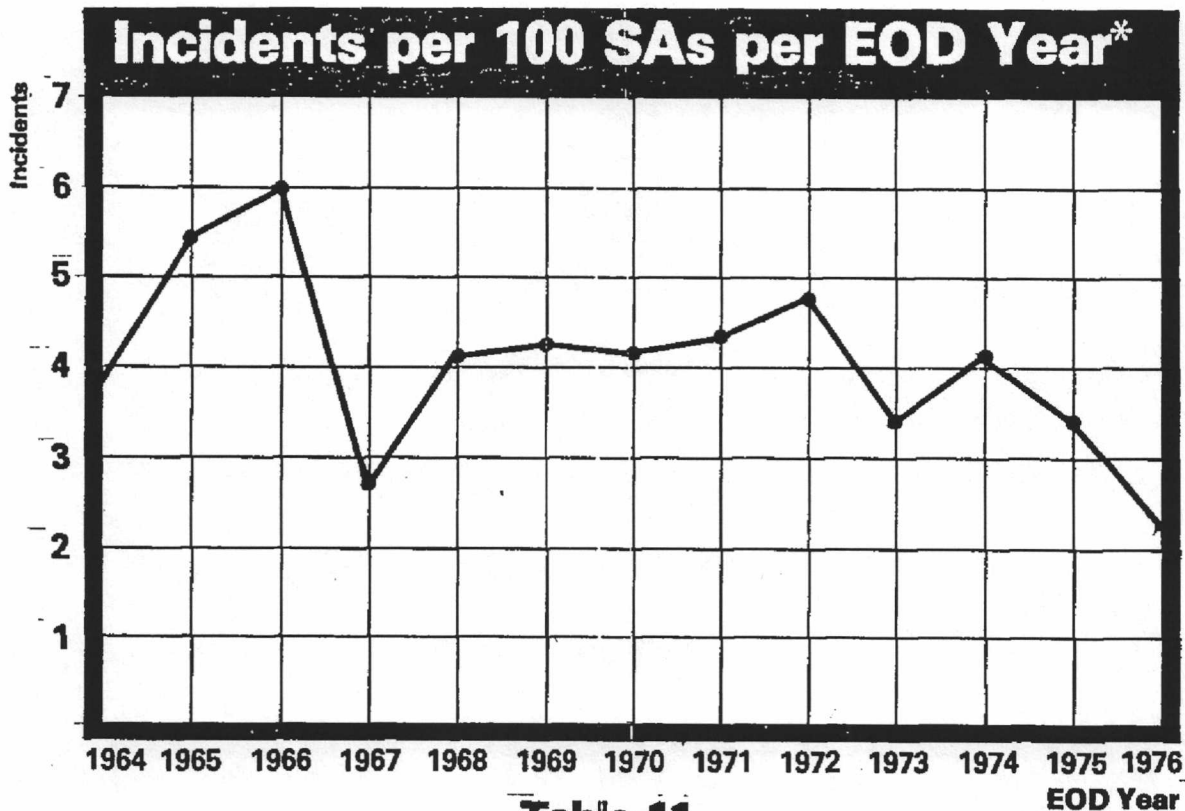


Table 11

***Adjusted for repeat offenders**

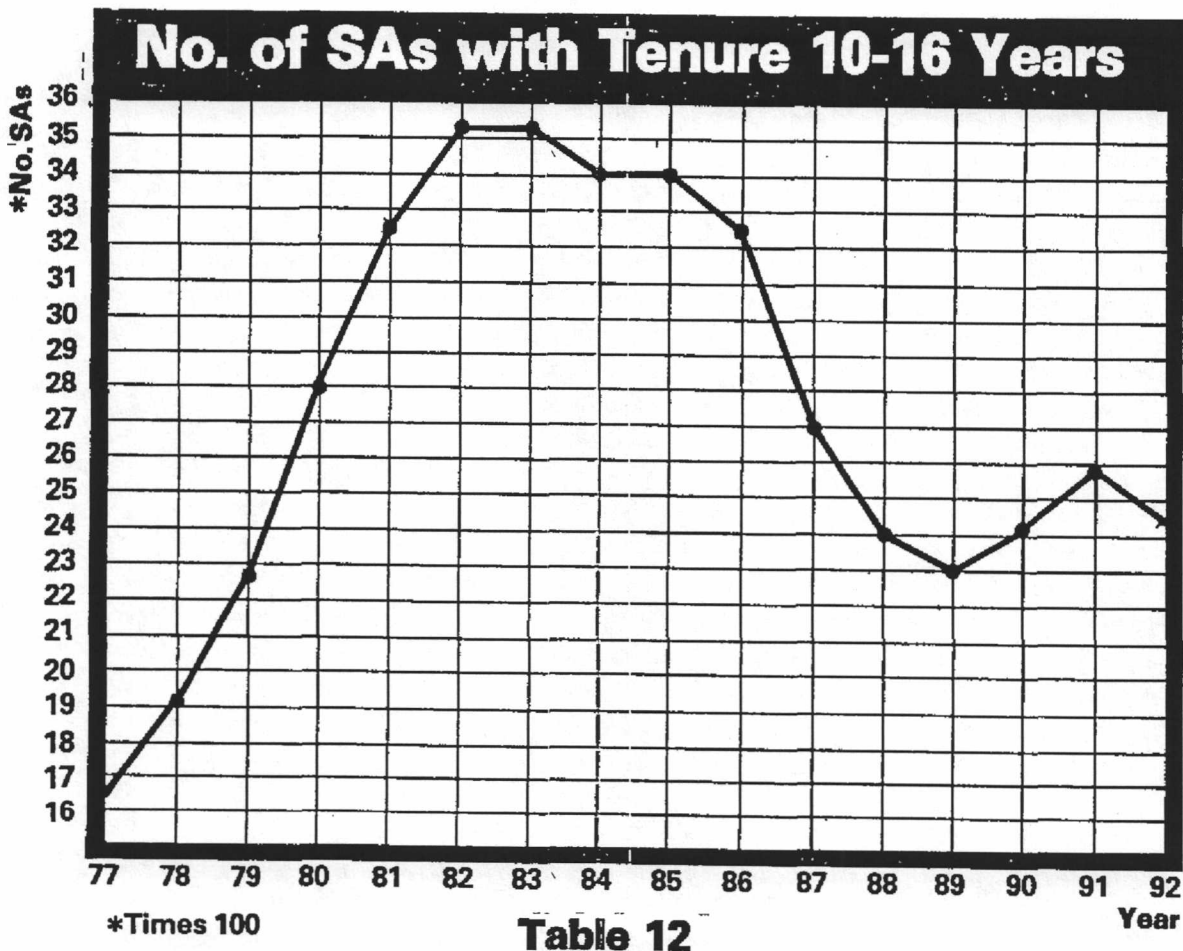
Reference to Table 11 will show that there are only two clear patterns to the incident-related activity of individuals entering on duty in specific years:

(a) For EOD classes 1968 through 1971, during which time large numbers of new agents were hired, the tendency to become involved in an incident, per individual SA, remained constant, and at a mid-range level. This should be an indication that hiring practices during that period had little to do with future behavior.

(b) While EOD classes 1965 and 1966 showed a greater involvement in incidents, it must be noted that members of these two EOD groups were in the "vulnerable" 10 - 16 year bracket during the entire survey period (1976 - 1982). On the other hand, representatives of EOD groups 1973 onward show better on the scale, but have not even entered the 10 - 16 year tenure period yet. The likelihood is that should a study similar to this be done in another five years, the incident-related performance of most EOD year groups would appear rather similar (always taking into account statistical anomalies such as the marked difference between EOD years 1966 and 1967 seen in Table 11). In any event, nothing could be detected in the backgrounds of the SAs in any particular EOD group which would explain their behavior. The data seems to yield no information which would be useful in making future hiring decisions.

There is one more interesting point which is related both to EOD and tenure. If we accept the theory that the 10 - 16 year tenure bracket is the most difficult behavior-related period for SAs, then there should be some correlation between the number of SAs in that bracket in any given year and the number of incidents which have occurred or can be expected. There are obviously many other factors at work here (most of which cannot be competently explored in this study), but tenure has at least been identified as a probable influence. Reference to Table 12 will show that the number of SAs with 10 - 16 years tenure rose sharply from 1977 before essentially leveling off in 1982. Beginning in 1984 the number will decline steadily before bottoming out in 1989.

Reference to Table 3 will show that the number of incidents per SA seems to have peaked in 1980, anticipating by two years the high point in the number of SAs in the 10 - 16 year tenure bracket. This is encouraging because looking at the tenure issue alone, we should be able to expect a continued decline in the number of incidents through at least 1989. We hasten to add that this is not a prediction since too many other unknown influences are at work. But at least the data we have analyzed gives some room for optimism.



11. Type of Work In Which Engaged

There is a definite relationship between an SA's work specialty and both his tendency to misbehave and the type of incident in which he is likely to become involved.

While reviewing the incidents, one of the variables considered was the work in which the SA was primarily involved. By placing each SA in the survey into one of seven categories and then determining the type of incidents in which each group was involved, certain observations become possible. The following represents, numerically, the more salient findings:

<u>Type of Work</u>	<u>% of SAs In Survey</u>	<u>% of SAs In General SA Population</u>	<u>% of Incidents Misconduct</u>	<u>% Of Incidents Alcohol Related</u>	<u>% of Total Alcohol-Related Incidents</u>
WCC	16%	18%	49%	19%	13%
OC	9%	14%	55%	31%	12%
FCI	12%	15%	80%	25%	13%
Applicant	4%	3%	93%	40%	8%
Gen.Criminal	34%	22%	53%	17%	27%
Supv/Mgmt.	13%	17%	38%	29%	17%
UC	5%		65%	24%	5%
Other	7%	>11%	43%	17%	5%

a. White Collar Crime

This group comes closest to the average in every respect with regard to incidents. They are just slightly under represented in each category except percentage of total alcohol-related incidents where their frequency of involvement is considerably less than their percentage of the SA population.

b. Organized Crime

The members of this group do not become involved in incidents anywhere near as often as their percentage of the SA population would indicate, but when they do, their problems are

more likely to be alcohol-related. This does not seem to be a major problem, however, since they still account for a smaller percentage of the total alcohol-related incidents than their percentage of the SA population. All-in-all, this group perhaps came out looking the best of the lot.

c. Foreign Counterintelligence

This group was close to the average in every respect but one. When they experienced trouble, 80 percent of the time it was due to wilful misconduct. Perhaps this percentage reflects the fact that FCI has always been a relatively regimented field with more guidelines, more centralized control, a greater stress on security, etc. It is at least arguable that there has been less room for exercise of poor judgment in a program where the centralized authority has reserved the right to make many important decisions. This very regimentation, however, very well may have resulted in more wilful misconduct because of boredom, frustration, or any number of other reasons. (FCI SAs accounted for 17 percent of all misconduct incidents, while comprising only 15 percent of the SA population.)

d. General Criminal

The people in this group are found largely in resident agencies and on criminal squads handling non-priority work. This has been a problem group, for while it accounts for 22 percent of the SA population, its members were involved in 34 percent of the incidents. They also accounted for more than their share of alcohol-related incidents. One factor which may be at work here (as well as with Applicants) is that there seems to be a general tendency to assign the less motivated, more trouble-prone agents to the lowest priority work. While we have no data to support this as fact, it is a widely held belief and would help explain why this group is so heavily over-represented in the incident survey.

e. Applicant

This has been a problem group across the board. Their involvement in total incidents has been greater than their percentage of the population, their involvement in alcohol-related incidents was almost triple their percentage of the population, and almost all of their trouble has resulted from wilful misconduct. They may be bored, unchallenged by their work, and resentful of being assigned to these matters.

f. Supervisors and Managers

They do not have problems as frequently as their percentage of the SA population would indicate and when they do have problems they are most likely to involve errors in judgment. Considering the nature of the job and the conflicting pressures brought to bear (on the one hand an enforcer of policy and the other a protector of the interests of subordinate agents), it is probably to be expected that there will be a certain number of missteps. When the supervisor or manager was actually involved in wilful misconduct, alcohol abuse was a contributing factor over 75 percent of the time.

g. Undercover

Undercover assignments vary from light cover situations involving minimal stress to long-term operations resulting in alterations of entire life-styles. In attempting to arrive at a conclusion as to whether undercover assignments influence an agent's tendency to misbehave, it would be necessary to differentiate between the two types of assignment. This was not always possible to do by a review of the available files. Such an attempt would also require that accurate and complete data be available from the two operational divisions (Intelligence and Criminal Investigative Divisions) for the period 1976 - 1982 regarding all SAs who have been involved in this type of

activity. This data is not readily retrievable. In the final analysis, all we can say is that 5 percent of the incidents involved SAs who worked in some undercover capacity during the period of involvement.

C. Conclusion

This concludes our analysis of the available data. If value is attached to this exercise, it will probably be for two main reasons:

1. It may serve to correct some misperceptions held by managers and, therefore, lead to adjustments in personnel supervision techniques and the degree of attention given to certain segments of the agent population; and

2. It will serve as a foundation upon which any future studies can be built. Further, 1982 will likely prove to be a watershed year for the FBI with regard to many things, including personnel incidents, due to the assumption of concurrent jurisdiction in narcotics matters. A future study similar to this could profitably seek to identify deviations from 1976 - 1982 patterns so as to determine the effects of these added responsibilities.

Mr. Colwell

7/8/85

John D. Glover

SPECIAL AGENT PERSONNEL INCIDENT REVIEW UPDATE
OFFICE OF PROGRAM EVALUATIONS AND AUDITS

PURPOSE: This update was conducted to determine if trends/patterns established in the January, 1983, report, captioned "Special Agent Personnel Incident Review, Office of Program Evaluations and Audits, January, 1983," continue. A subsequent update pertaining to calendar year 1984 is forthcoming.

BACKGROUND: During the period from October 1, 1982, through December, 1983, 312 misconduct allegations against 409 Agents were received. After investigation, 109 Agents (27 percent) in 95 allegations (30 percent) received disciplinary action ranging from censure to dismissal. Eleven Agents either resigned or retired during the course of administrative inquiry and two received a reduction in grade. Two Agents were dismissed and 37 were suspended without pay for a total of 622 days. This update involves only those incidents which resulted in some disciplinary action which occurred during October, November and December, 1982 (not included in the initial report) and those incidents with administrative action occurring during calendar year 1983. A significant portion of 1984 matters had not been adjudicated at this writing and will be the subject of another update.

This update involved the review of Office of Professional Responsibility (OPR) working ledgers and detailed reviews of approximately 100 personnel files, and a like number of OPR incident files. Efforts were made to review available material in the context of the previous report; however, where the initial report detailed 27 categories, this update recognized only 22 categories of misconduct. Additionally, where the initial report distinguished the categories into two broad groups (willful misconduct and non-misconduct), this update revealed that many of the 22 categories could be considered either Willful Misconduct or Negligence (incompetence, thoughtlessness,

1 - Mr. Colwell
1 - Mr. Otto
1 - Mr. Glover
1 - Mr. Flanders
1 - Mr. Sonnichsen
1 - Mr. Schick
1 - Mr. Mallett
PEM/amt (8)

Memorandum John D. Glover to Mr. Colwell
 RE: SPECIAL AGENT PERSONNEL INCIDENT REVIEW UPDATE

carelessness, poor judgment) depending upon the circumstances. Information was also collected about the Agents involved in the incidents to determine if a pattern existed with relation to age, background (Bureau clerk), tenure, marital status, etc. The data collected was examined in relation to the entire Agent population to ensure that assigned significance was appropriate.

Care should be exercised while comparing this update with the initial report.

The initial report dealt with information collected from 1976 through three-fourths of 1982. The early portion of this time period was the "formative years" for the Office of Professional Responsibility (OPR). Since that time and currently there is no hard and fast rule regarding what is brought to the attention of OPR.

All allegations of employee misconduct must be reported to the Administrative Services Division (ASD). Allegations of criminality or serious misconduct must be reported simultaneously to the FBI Office of Professional Responsibility (OPR).*

*Part I, Section 13-2, Page 153, MAOP

The interpretation of "serious misconduct" is at the discretion of the SAC of each FBI field office.

The initial report created 27 categories of infractions. These categories were arbitrarily created to illustrate areas with a high incidence of occurrence (at that time). The categories are general in nature and occasionally are inclusive of other categories, e.g., unauthorized disclosure is also failure to follow established procedures and narcotics-related problems are also criminal activities, etc.

Therefore, the review of available data is conducted subjectively and interpretation by different evaluators/analysts will vary.

If trends are to be tracked with any degree of comparability from year to year, a set of definitions for various categories of offenses should be developed. For instance, it seems reasonable to assume the number of incidents which are

Memorandum John D. Glover to Mr. Colwell
 RE: SPECIAL AGENT PERSONNEL INCIDENT REVIEW UPDATE

alcohol related would be of interest. However, lacking clear guidelines as to what constitutes "alcohol related," one auditor might include any incident where alcohol appeared to be a contributing factor, while another might choose to include only incidents where alcohol was an integral part of the offense, such as DWI. Such subjective differences in interpretation would render year to year comparisons virtually useless. It seems appropriate to OPEA that, should sufficient interest exist to warrant yearly analyses of OPR incidents, OPR should develop categories of offenses and define what attributes will place an offense in a particular category.

SYNOPSIS:

Misuse of Bureau cars, sexual misconduct, and the unauthorized release of information continue to surface as frequent infractions coming to OPR's attention. Alcohol abuse (in and of itself), which amounted to 13 percent of the total number of infractions reported to OPR in the initial report, has declined in the updated study to approximately 6 percent of the number of infractions reported. Narcotics abuse seems to have increased, but insufficient information is available at this time to indicate a trend or tendency.

Both the initial report and the update standardized the trends by determining the number of infractions per 1,000 Agents or per 100 Agents where appropriate. The update indicates that infractions involving unauthorized disclosures, misuse of Bureau cars and abuse of alcohol are in a downward trend while infractions involving sexual misconduct continues in a slight three year upward trend. After a two year decline, the total number of incidents/1,000 Agents has returned to the 1980 level of approximately 10.3 incidents per 1,000 Special Agents.

Both the initial report and this 1983 update reflect that the greatest number of incidents coming to OPR's attention are committed in the larger offices with Detroit and Miami again receiving much of OPR's attention. Alexandria, New Orleans, and San Juan were the smaller offices which had a disproportionate number of incidents in the initial report and in the update. Incidents examined by Gender, Resident Agency assignment, Former Support status, and Veteran status were generally in proportion to their population. Agents who are divorced or separated are twice as likely to become involved in an incident as those who are married or single. Fifty-two percent of the incidents occurred while the Agent had five years or less in that office of assignment. This update indicates that a 7 percent recidivism

Memorandum John D. Glover to Mr. Colwell
RE: SPECIAL AGENT PERSONNEL INCIDENT REVIEW UPDATE

factor continues. It appears age ("mid-life crises"), tenure ("mid-career crises"), and date of entry on duty (broader acceptance standards) are related to problem behavior.

RECOMMENDATION: That OPR develop standard categories of infractions and define what attributes will place an infraction in a particular category.

Memorandum John D. Glover to Mr. Colwell
 RE: SPECIAL AGENT PERSONNEL INCIDENT REVIEW UPDATE

DETAILS:

In the initial report (January, 1983), of the 384 incidents examined, over half involved alcohol abuse, misuse of Bureau cars, sexual misconduct or the unauthorized release of information. This 1983 update examined 108 incidents and found that over 50 percent of the incidents involved falsification of records or investigation, abuse of the SA position, inappropriate relationship, misuse of Bureau cars (involved in 12 percent of the incidents), sexual misconduct (7 percent), or unauthorized release of information (9 percent of the incidents). Alcohol abuse was the infraction in only 6 percent of the incidents acted upon.

An updated list of infractions follows (percentages exceed 100 since many incidents involve more than one infraction):

Infraction	Percentage of Total Infraction	
	Initial Report	1982/1983 Update
Alcohol Abuse (in and of itself)	13	6
Misuse of Bureau Car	14	12
Sexual Misconduct	8	7
Unauthorized Release of Official Information	8	9
Civil Disturbance -and- Unprofessional Behavior (in and of itself)	7	0
falsification (records, investigation, etc.)	7	2
Misuse/Loss of Gov't Property/Services	7	11
Improper Investigation/Technique	6	6
Mishandling of Evidence	6	3
Abuse of SA Position	6	6
Inappropriate Relationship	6	10
Criminal Activity	5	9
Firearms-related problem	4	0
Personal Business on Official Duty	4	3
Failure to Follow Established Procedure (in and of itself)	3	2
Management-Related Problem	3	8
Insubordination	2	3
Improper Reporting/Testifying	2	2
Local Infraction	2	0
Financial Irregularity	2	6
Inappropriate Remark	2	0
	1	0

Memorandum John D. Glover to Mr. Colwell
 RE: SPECIAL AGENT PERSONNEL INCIDENT REVIEW UPDATE

Infraction	Percentage of Total Infraction	
	Initial Report	1982/1983 Update
Improper Attempt to Discredit Others	<1	*
Failure to Report Infraction	<1	2
Failure to Perform Duties (in and of itself)	<1	2
Narcotics-related Problem	<1	6
Attorney General Guidelines Problem	<1	0
Outside Employment	<1	<1

In the initial report, 54 percent of the incidents in the data base were judged to have involved willful misconduct and 46 percent were judged to be "non-misconduct." This update considered 42 percent of the incidents to be willful misconduct and 58 percent to be negligence ("non-misconduct").

Frequent Infractions

The initial study indicated a two year upward trend of unauthorized disclosures from a low of about 6 percent occurrence in 1980 to about 18 percent occurrence in 1982. The 1983 update indicates a downward trend to about 9 percent occurrence frequency.

Sexual misconduct in the initial report showed a four year downward trend (from 1976 to 1980) leveling off at approximately 6 percent occurrence frequency during 1980 and 1981. In 1982 and the update 1983 information indicates a slight increase to approximately 7 percent occurrence frequency.

The initial study indicated an overall increase in the percentage of occurrences involving the misuse of Bureau cars. The initial report (1981 and 1982) and the update indicate a general leveling off from 1981, 1982, and 1983 at approximately 12 percent occurrence frequency.

The percentage of alcohol abuse infractions (alcohol as well as alcohol related) has had a downward trend from a high in 1977 of about 32 percent occurrence frequency to a 6 percent frequency in 1983 (update).

While the initial report found a high frequency of occurrence for the preceding infractions, the update found that infractions such as inappropriate relationships (informants,

114 000 01

Memorandum John D. Glover to Mr. Colwell
 RE: SPECIAL AGENT PERSONNEL INCIDENT REVIEW UPDATE

subjects, witnesses), unauthorized release of information, misuse of Bureau cars, falsification of records, etc., and abuse of the SA position occurred with the greatest frequency. The percentage of total infractions is provided in the previous table for future comparison purposes.

Narcotics was not considered to be a frequent infraction as it amounted to only 6 percent of the total number (6 incidents during the period). However, because of its rise from a less than 1 percent occurrence rate in the initial report to a 6 percent occurrence rate, narcotics related infractions deserve brief mention. Five of the 6 incidents were considered to be willful misconduct; they involved two Agents dealing in illicit drugs, and three Agents possessing and using controlled substances. The single incident that was considered to be negligence involved an Agent who failed to indicate experimental illicit drug use on the application. This limited information is not sufficient to suggest a trend or that drug abuse is supplementing alcohol abuse. This issue will have to be resolved through future studies.

To normalize/standardize the trends, both the initial report and this update determined the number of infractions per one thousand Agents. The updated information (annualized) indicates that unauthorized disclosure infractions for 1983 are .9/1000 SAs, down from a high of 1.4/1000 SAs in 1982. Abuse of alcohol too is continuing down from a high of 2.2/1000 SAs in 1979 to .7/1000 SAs in 1983. Sexual misconduct has increased in 1983 to .8/1000 SAs from .5 and .6/1000 SAs in 1981 and 1982. Misuse of Bureau cars continued in an upward trend from 1976 to 1980 to a high frequency of 1.9/1000 SAs; this update indicates a frequency of 1.2/1000 SAs.

The annualized update figures (1983) indicate that the following infractions occurred with the greatest frequency:

Misuse of Bureau cars	1.2/1000 SAs
Falsification of records, etc.	1.1/1000 SAs
Abuse of SA position	1.0/1000 SAs
Unauthorized release of information	.9/1000 SAs
Inappropriate relationship	.9/1000 SAs

Willful Misconduct

This update is at variance with the initial report regarding the trend of total incidents (per 1000 SAs) and the trend of percentage of willful misconduct. The initial report

Memorandum John D. Glover to Mr. Colwell
 RE: SPECIAL AGENT PERSONNEL INCIDENT REVIEW UPDATE

indicated a decline in the total incidents/1000 SAs in years 1982 and 1983. However, annualized 1983 update figures indicate 10.3 incidents/1000 SAs which is a return to the level of 1980 (a 7 year high). Additionally, the initial report indicated that willful misconduct incidents have settled at approximately 50 percent of all incidents. Research for this update indicates that only 42 percent of the incidents were as a result of willful misconduct, a decline of 8%.

Field Office Factor

As indicated in the initial study, those offices with the greatest occurrence of infractions in 1983 are among the largest:

Office	1983 SA Complement	# of Incidents	Incidents Per 100 SAs
New York	935	8	.9
Detroit	233	7	3.0
Newark	223	7	3.1
Miami	243	6	2.5
Boston	220	5	2.3
Philadelphia	301	5	1.7

Those offices where incidents were disproportionate to size are:

Office	1983 SA Complement	# of Incidents	Incidents Per 100 SAs
Alexandria (S)	68	3	4.4
Milwaukee (M)	72	4	5.6
San Antonio (M)	73	4	5.5
Houston (M)	112	3	2.7
Kansas City (M)	115	3	2.6
Las Vegas (M)	79	3	3.8
New Orleans (M)	124	3	2.4
Oklahoma City (M)	91	3	3.3
San Juan (M)	71	3	4.2

This update coupled with the initial report indicates that Alexandria, New Orleans, and San Juan continue to display an inordinate amount of incidents, as does Detroit and Miami. (In comparing the number of incidents per 100 SAs, it must be noted that the initial report is cumulative over six years whereas this update deals essentially with 1983.)

As in the initial report, this data indicates that, while the overall volume of matters is greater in the larger

Memorandum John D. Glover to Mr. Colwell
 RE: SPECIAL AGENT PERSONNEL INCIDENT REVIEW UPDATE

offices, an individual Agent is less likely to become involved in an OPR investigation if assigned to a large office.

Resident Agency

Approximately 28 percent of the SAs in the FBI were assigned to Resident Agencies (RAs) in 1983. Approximately 28 percent of the incidents during that year involved RA personnel. This compares to 27 percent in RAs with a 25 percent incident rate in the initial study. The incident rate for RA personnel continues to be proportional to their population.

Gender

For 1983, 2 percent of the personnel incidents involved females. During this year 6 percent of the Agents were females.

Former Support

Former support employees represent approximately 24 percent of the SA population and 20 percent of the incidents involved Agents who were former support employees.

Veterans

Forty-eight percent of the SAs involved in personnel incidents were veterans. Approximately 52 percent of the Agent population is made up of veterans.

Marital Status

Agents who are separated or divorced represent approximately 6 percent of the Agent population, but were involved in 12 percent of the incidents. Those who are married make up 83 percent of the population and were in 79 percent of the incidents. Single Agents account for 11 percent of the population and were involved in 9 percent of the incidents. Separated or divorced Agents are more likely to become involved in personnel incidents than are married or single Agents.

Office of Assignment

Of the incidents involving Agents, 52 percent occurred while the Agent had five or less years in that office.

5

-

-

11/18/83

Memorandum John D. Glover to Mr. Colwell
 RE: SPECIAL AGENT PERSONNEL INCIDENT REVIEW UPDATE

Recidivism

As in the initial report, of the Agents in the update, 7 percent were repeat offenders.

Type of Work

Incidents occurring in the seven years covered in the initial report indicated a relationship between the Agent's work and his tendency to become involved in an incident. It was observed that, due to new performance appraisal techniques and the similarity of critical elements, it is becoming increasingly difficult to determine the work assignment of Agents involved in OPR incidents. Since the documentation available for review at FBIHQ is somewhat limited (personnel files/incident files) OPR should make appropriate records regarding work assignments to facilitate future trend analysis.

Polygraph

The polygraph was used on nine percent of the incidents and resulted in one dismissal, one resignation, one retirement, one reduction in grade, and three suspensions for 58 days. Censures and probations also resulted from incidents wherein the polygraph was utilized.

Age, Tenure, Entry on Duty, and Population

The initial report suggested that "mid-life crisis" had less influence on the behavior of an Agent than job tenure. That is, Agents began to experience "mid-career stress" (between 10-16 years tenure) that manifested itself in the form of abnormal behavior. The initial study indicated a fairly even distribution of incidents of Agents by age. The update shows a wide distribution of incidents by age. For example, the information reviewed indicated a rate of 1.9 incidents per 100 Agents who were 31 years old, while those who were 32 years old were involved in only .3 incidents per 100 Agents. Agents who were 37 years old were involved in 2.7 incidents per 100 Agents while those who were 38 years old were involved at a rate of only .9 incidents per 100 Agents. Regarding tenure, Agents with 15 years of service in 1983 were involved in 2.3 incidents per 100 Agents while those with 14 years of service were involved in .8 incidents per 100 Agents. Those Agents with 4 years of tenure were involved at a rate of 1.2 incidents per 100 Agents compared to 1.3 incidents per 100 Agents for those with 12 years of experience. These disparate figures and the small population

Memorandum John D. Glover to Mr. Colwell
 RE: SPECIAL AGENT PERSONNEL INCIDENT REVIEW UPDATE

serve to frustrate efforts to draw meaningful conclusions. In this regard (i.e., Age and Tenure) this update could neither support nor refute the initial study.

The number of Agents entering on duty and the resultant Agent population could not be shown to be related to the number of incidents coming to OPR attention. To illustrate this point, in 1971 approximately 850 Agents entered on duty; these Agents were involved in 1.3 incidents per 100 SAs in 1983. In 1969 almost 800 Agents entered on duty but were involved in only .8 incidents per 100 Agents in 1983 compared to 2.3 incidents per 100 Agents of the 400 who entered on duty in 1968. The following charts are set out to provide a more complete illustration:

EOD	# of SAs EOD'd	Tenure in 1983	% of 1983 SA Pop. (8488)	# of Incidents	Incidents Per 100 SAs by Tenure
1952	199	31	2.3	2	1.0
1961	136	22	1.6	1	.7
1962	273	21	3.2	2	.7
1963	219	20	2.6	4	1.8
1964	233	19	2.7	2	.9
1965	334	18	3.9	5	1.5
1966	333	17	3.9	5	1.5
1967	258	16	3.0	4	1.6
1968	400	15	4.7	9	2.3
1969	786	14	9.3	6	.8
1970	727	13	8.6	8	1.1
1971	849	12	10.0	11	1.3
1972	485	11	5.7	8	1.6
1973	345	10	4.1	5	1.4
1975	448	8	5.3	5	1.1
1976	614	7	7.2	11	1.8
1977	188	6	2.2	2	1.1
1978	515	5	6.1	5	1.0
1979	422	4	5.0	5	1.2
1980	449	3	5.3	3	.7
1981	208	2	2.5	2	1.0
1982	330	1	3.9	2	.6
1983	819	<1	9.6	1	.1

(missing EODs had no degree of occurrences)

Memorandum John D. Glover to Mr. Colwell
 RE: SPECIAL AGENT PERSONNEL INCIDENT REVIEW UPDATE

Age	No. of SAs	% of SAs	Incidents	Incidents Per OO SA by Age
27	131	1.5	1	.8
28	175	2.1	2	1.1
30	264	3.1	2	.8
31	311	3.7	6	1.9
32	353	4.2	1	.3
33	411	4.9	4	1.0
34	454	5.4	7	1.5
35	396	4.7	2	.5
36	450	5.3	5	1.1
37	445	5.3	12	2.7
38	465	5.5	4	.9
39	553	6.5	7	1.3
40	589	7.0	7	1.2
41	521	6.2	7	1.3
42	420	5.0	6	1.4
43	392	4.6	9	2.3
44	313	3.7	2	.6
45	281	3.3	6	2.1
46	271	3.2	4	1.5
47	197	2.3	3	1.5
48	161	1.4	3	1.9
50	107	1.3	2	1.9
51	91	1.1	2	2.2
52	34	.6	2	3.7
53	35	.4	2	5.7

(missing ages had no degree of occurrences)

SUMMATION:

Any conclusions drawn from this update and the previous report should be made with the understanding that review of documentation is highly subjective without fairly rigid criteria by which to categorize those incidents referred to OPR. In order for this update and the previous study to provide a foundation for trends and future comparisons, efforts should be made to categorize willful misconduct and negligent behavior in a format compatible for computer entry and retrieval. Such a system would serve to eliminate duplicative and subjective review of voluminous documentation and also provide an expedient means of trend analysis.

The Director

3/15/90

Delbert C. Toohay

1988 SPECIAL AGENT INCIDENT REVIEW
TREND ANALYSIS
OFFICE OF PLANNING, EVALUATION AND
AUDITS (OPEA)
INSPECTION DIVISION

PURPOSE: To provide the results of the trend analysis of the incidents involving Special Agents as reported in the 1988 Special Agent Incident Review (SAIR) provided by the Office of Professional Responsibility (OPR) on 6/26/89.

SYNOPSIS: Upon receipt of the SAIR for Calendar Year (CY) 1988, Director Sessions requested that the Office of Planning, Evaluation and Audits (OPEA) conduct a detailed review of the actual incidents involving Special Agents (SAs) to determine if any identifiable trends exist which might be of assistance in providing guidance to management to reduce or avoid similar problems in the future.

Two similar efforts at trend analysis were conducted previously by OPEA, neither of which provided any significant findings suitable for assistance in personnel selection, however they did identify some useful considerations in the area of personnel management. Both studies recognized the limitations of a subjective review of a multitude of very individual types of personnel incidents, resulting in the recommendation that OPR attempt to establish a computerized data base for capturing specific personnel and background data with respect to the actual incidents investigated and the employees involved. This

62 - 122668

1 - The Director
1 - Mr. Clarke
1 - Mr. Otto
1 - Mr. Revell
1 - Mr. Daniels
1 - Mr. Kennedy
1 - Mr. Toohay
1 - Mr. Flanders
1 - Mr. Sonnichsen
1 - Mr. Burton
1 - Mr. Regalbuto
1 - Ms. Farrar
1 - OPEA Tickler File
SAF (14)

Memorandum from Mr. Toohey to The Director
RE: 1988 SPECIAL AGENT INCIDENT REVIEW TREND ANALYSIS

recommendation was based on the need to standardize and categorize, wherever possible, the personnel incidents investigated to remove as much subjectivity as possible from future trend analysis, and to provide a mechanism for retrieving this information without the need for time-consuming file reviews. While this data base was established by OPR, certain deficiencies with the computerized system, discussed at length in the details of this memorandum, necessitated that OPEA conduct reviews of the actual OPR files rather than relying solely on the data in the system.

Due, in part, to the need to conduct lengthy file reviews, but also because of the limitation in the usefulness of the findings of the two earlier analyses, which looked at all of the substantiated incidents, OPEA elected to conduct a detailed examination of those incidents which have, since the origination of OPR, had the most frequent incidence of occurrence. Those instances fell into a single category which includes abuse of the SA position, conflict of interest and unprofessional conduct. Seventy-five (75) cases falling into this category were reviewed and information concerning the SA involved and the details of the incident compiled. Analysis of this categorical information revealed that, with two exceptions, there do not seem to be any identifiable patterns of behavior which can be attributed to particular types or groups of SAs.

The two exceptions identified in the analysis phase deal with marital status and time in service. Single, divorced or separated SAs were involved in the category of infractions reviewed at a rate almost twice that of their representation in the average SA population. Secondly, those SAs with five years or less of tenure were involved in personnel incidents at a rate significantly greater than their proportional representation. While this latter set of circumstances might be somewhat attributable to lack of experience, over half of the incidents, when reviewed, appeared to be deliberate acts of misconduct as opposed to inexperience, carelessness or negligence.

With exception of these findings, all other factors analyzed, including sex, race, age, office of assignment, etc., were found to be representative of the average SA population during 1988. It was also determined there have been no increases in the numbers of substantiated incidents involving SAs that are not representative of overall increases in the total agent population. While ideally the FBI would prefer to see decreases in the number of incidents, particularly among the SA population, the number and diversity of the incidents remain low enough to preclude any meaningful trend analysis.

Memorandum from Mr. Toohy to The Director
RE: 1988 SPECIAL AGENT INCIDENT REVIEW TREND ANALYSIS

RECOMMENDATIONS: 1. That the New Agents Training Unit, Training Division (TD), in coordination with OPR and the Administrative Summary Unit (ASU) of the Administrative Services Division (ASD) review the current ethics training to ensure that it provides sufficient instruction to New Agents and includes sufficient participation by ASU and OPR.

2. That OPR establish and staff a support position for a computer analyst to review, revise and maintain the unit's automated data base to ensure the system can be suitably utilized for future trend analysis including those incidents involving support personnel.

3. That ASD include language in the Quarterly Summary of Disciplinary Matters that directs all SACs and FBIHQ Division/Office management to review the Quarterly Summary of Disciplinary Matters with their employees, to include emphasizing the seriousness of these actions.

Memorandum from Mr. Toohy to The Director
RE: 1988 SPECIAL AGENT INCIDENT REVIEW TREND ANALYSIS

DETAILS: The annual Special Agent Incident Review report (SAIR) prepared by the Office of Professional Responsibility (OPR) for Calendar Year (CY) 1988 was issued on 6/26/89. Pursuant to that report, the Office of Planning, Evaluation and Audits (OPEA) was requested to conduct a detailed review of those incidents to determine if there were any trends, lessons to be learned, or advice that could be provided to employees to reduce or avoid similar problems in the future.

By way of background, OPEA conducted two prior analyses of incidents involving SAs in an effort to determine if trends existed that could be of value to FBI management. The first analysis was conducted in 1982 (report dated January, 1983) covering personnel incidents involving SAs from the inception of OPR in 1976 through September, 1982. The second analysis covered incidents from October, 1982 through December, 1983. Both reviews limited the scope of the analysis to those incidents which were substantiated to the degree warranting administrative action (censure to dismissal). In each study, the infractions were categorized based on the actual conduct occurring, then further subdivided based on a determination as to whether the conduct was due to willful misconduct or negligence/carelessness/incompetence (nonwillful misconduct) on the part of the employee. The two studies did not, however, use the same number of categories of incidents, nor did they judge willful versus nonwillful exactly the same; therefore, comparison of the results of the two studies is somewhat limited.

The first study resulted in establishing some general trends, a few of which were also identified in the second study. The first study found that the most frequent infractions involved alcohol abuse (13%), misuse of the Bureau car (14%), sexual misconduct (8%) and unauthorized disclosure of information (8%), and over half of the infractions (54%) resulted from willful misconduct. The study also revealed that SAs who were separated or divorced were more than three times as likely to be involved in incidents as married SAs, and there appeared to be a tendency for SAs in the range of 10-16 years of tenure to be involved in incidents at a rate greater than their percentage of the SA population. This study also showed a sharp increase in incidents every year from 1976 to 1980, followed by a gradual decrease.

The second study determined the most frequent infractions still included misuse of the Bureau car (12%), sexual misconduct (7%), and unauthorized release of information (9%), however, there were more frequent occurrences of falsification of records (11%), abuse of the SA position (10%) and inappropriate

Memorandum from Mr. Toohey to The Director
RE: 1988 SPECIAL AGENT INCIDENT REVIEW TREND ANALYSIS

relationships (9%). In this review, over half (58%) of the incidents were deemed to be due to negligence rather than willful misconduct. While the initial study did not find gender to be a factor, the second study indicated females were involved in incidents at a lower proportion than their representation in the SA population. The second study supported the indication that divorced/single SAs are more likely to be involved in personnel incidents, but did not show a similar finding as the first study suggesting a relationship between tenure and the propensity to be involved in personnel incidents.

Neither study established any identifiable patterns that were suitable for assisting in personnel selection, but rather provided management with some factors to be cognizant of in the area of personnel management. Due to a lack of computerized data, these studies required lengthy and arduous personnel and OPR investigative file reviews to gather statistical/descriptive data for use in the analysis. As a result, the second study stressed the limitations of the subjective review of files by different evaluators, leading to a recommendation that OPR establish a computerized data base with standardized categories of infractions, designed to capture relevant background and descriptive data concerning the incidents and the personnel involved.

OPR did establish a computerized system which was implemented in 1986. The data base has twenty-four different categories of infractions, some further subdivided. It does not, however, include any delineation for willful versus nonwillful conduct, based on OPR's opinion that the cases cannot be so specifically designated as one or the other. The data base is also designed to allow entry of data relevant to each infraction including descriptive/background information concerning the personnel involved. Once the system was implemented, OPR was also tasked with providing a yearly update of trends in OPR matters pertaining to SAs based on that computerized data.

OPR has issued three yearly SAIRs covering CYs 1986, 1987 and 1988. While these reports have provided a breakdown of the number of substantiated allegations by type of infraction, as well as information concerning the final disciplinary action, only the first two reports attempted to provide trend analysis with respect to the profile of the SAs involved. The overall result of this review showed that the typical SA involved in these infractions was identical to the average profile of the SA population, i.e., a white male, married, between 29 and 44 years of age. The 1988 SAIR did not provide any breakdown by personal characteristics due to problems with the completeness of

Memorandum from Mr. Toohey to The Director
RE: 1988 SPECIAL AGENT INCIDENT REVIEW TREND ANALYSIS

information in the data base. The Unit Chief preparing the report advised he did not have confidence that the information entered into the data base was complete and accurate, therefore manually counted the cases using the monthly reports as opposed to retrieving the data from the computer. None of the three SAIRS provided any comparison of the data from year to year.

In all of the prior efforts at trend analysis, the same limitations have continuously been noted; those limitations include the ability to draw any valid conclusions from the limited number of cases available for analysis, and the manner in which the cases were categorized. While the OPR data base was designed with specific infraction codes to allow each case to be categorized according to the type of infraction, the fact remains that each case involves unique circumstances, and may involve more than one category of infraction; furthermore, the decision as to which infraction code to use is not always made by the same OPR personnel. All of these factors contribute to a tracking system impacted by a great deal of subjectivity.

The previously mentioned problem relative to the adequacy of the OPR data base was an additional factor in OPEA's decision about how best to conduct this analysis. The data base lacks complete information concerning each employee involved in an OPR investigation. This is due, in part, to a loss of data which occurred when the data base was transferred to the newer ADP equipment, and further impacted by a lack of personnel in OPR with the necessary computer skills to maintain the data base in a manner sufficient to allow retrieval of pertinent data. After attempts to retrieve information from the data base, it was apparent that any trend analysis would require manual review of OPR files to compile the descriptive information concerning the SAs involved.

Because the earlier analysis already had surfaced the limitations of this type of review on such small numbers of cases, OPEA chose, instead, to take a different approach. In reviewing the three SAIRS, it was found that the same category of infraction had the highest number of substantiated incidents for all three years. This category is defined in the OPR data base as "unprofessional conduct/misuse of the SA position/conflict of interest." This category accounted for over 19% of the substantiated allegations against SAs in 1986, rising to 25.1% in 1987 and 27.6% in 1988. While these infractions were not considered as a single category in the two prior studies, if merged into a group, accounted for 24% in the first review and 27% in the second analysis. A cursory review of the types of behavior that fall into this category revealed they are

Memorandum from Mr. Toohy to The Director
RE: 1988 SPECIAL AGENT INCIDENT REVIEW TREND ANALYSIS

potentially the more serious incidents because of the likelihood they involve individuals outside the organization. The incidents include such activities as accessing computerized criminal history information for personal use, making traffic stops, inappropriately involving local law enforcement agencies in domestic disputes, or being arrested for criminal sex offenses. In 72% of the cases in this category in 1988, OPR or the field office SAC received the initial complaint from an individual other than an FBI employee. It is noteworthy that twelve (16%) of the complaints came from local police departments. The cases, on their face, appear to be those that could be most damaging publicly, resulting in a negative impact on the overall image of the organization.

One explanation for the high percentage of occurrence in this category is that it has become a catch-all or miscellaneous category to capture those incidents that do not fall clearly into one of the other infraction codes. However, this explanation does not diminish the seriousness of these infractions, and the potential for serious repercussions for the FBI make the infractions worthy of careful scrutiny. For this reason, OPEA elected to look closely at these specific infractions as opposed to a broad review of all allegations substantiated against SAs in 1988.

Before looking at the findings of this review, some general information gleaned from an overall review of the three SAIRs is beneficial. While the number of allegations against SAs has increased each year, their percentage of the overall SA population has remained steady at 3.6% to 3.8%. In addition, the number of substantiated allegations has remained at 1.8% of the SA population, slightly under half of the total number of allegations. The number of resignations or dismissals of SAs based on OPR investigations has also remained fairly stable. The increase in the volume of disciplinary cases has been largely a result of increases in allegations against support personnel. According to a five calendar year summary by the Administrative Summary Unit (ASU), in 1985, 54.8% of all disciplinary inquiries were against SAs versus 45.2% for support personnel. These ratios have gradually reversed until 1988 when 61.1% of the inquiries were against support personnel while 38.7% were against SAs. In addition, allegations against support personnel have a higher rate of substantiation than SAs. In 1988, 71.2% of the allegations against support personnel were substantiated to the degree warranting disciplinary action while 46.8% of SAs who had an inquiry made against them were disciplined. In other words, support personnel are almost two-thirds as likely to be involved in a disciplinary inquiry than

Memorandum from Mr. Toohy to The Director
 RE: 1988 SPECIAL AGENT INCIDENT REVIEW TREND ANALYSIS

SAs, and if an inquiry is initiated, it is more likely to be substantiated. To date, no analysis of support personnel infractions has been completed.

The category of unprofessional conduct/misuse of the SA position/conflict of interest is broken into other more distinct categories to include: unprofessional conduct, misuse of the SA position/conflict of interest, homosexual acts, misuse of firearms (nonshooting), improper management techniques, civil disturbances, and improper relationship with the criminal element. The 1988 SAIR advised this category included 47 substantiated allegations against SAs. To determine the identity of these cases, OPEA searched the OPR computerized data base, but because of the problems associated with many cases being entered into the computer under one infraction code when, in fact, there were other allegations which were substantiated that fell within the category being reviewed in this analysis, this search was supplemented with a manual review of the monthly reports prepared for Department of Justice/OPR. Also, unlike the earlier reviews, OPEA reviewed those allegations that were substantiated to the degree that any disciplinary action, including oral admonishment or reprimand, was warranted. Through these steps, OPEA identified seventy-five (75) cases for review. To obtain information concerning the details of each case, as well as background and descriptive data about the SAs involved, each OPR investigative file was reviewed with other needed data being obtained from the Personnel Information Center System (PICS).

Information relative to the date of Entry on Duty (EOD), date of birth (DOB), race, sex, marital status and field office (FO) involved was compiled and reviewed. That analysis provided the following findings:

Neither sex nor race appear to be a factor in predicting which SAs may become involved in personnel incidents as their representation in those cases reviewed are generally equal to their representation in the total SA population. Males were involved in 92% of the incidents reviewed compared to 8% females. The SA population in 1988, on average, was comprised of 91.1% males and 8.9% women. The breakdown of incidents by race indicate 89% were White, 5.3% Black, 2.7% Hispanic and 2.7% Asian while their representation in the 1988 average total population is 89.4% White, 4.3% Black, 4.6% Hispanic and 1.2% Asian. While Hispanics were involved in slightly fewer infractions as compared to their total population and Blacks and Asians were slightly higher, given the small numbers involved, there is no significant difference.

Memorandum from Mr. Toohey to The Director
RE: 1988 SPECIAL AGENT INCIDENT REVIEW TREND ANALYSIS

The average age of SAs in 1988 was approximately 37.7 years while the average age of those involved in the incidents reviewed was 38.4 years, therefore the average age of the population involved in the infractions is fairly representative of the population. The same is true for tenure. The average time in service for SAs in 1988 was 10.8 years as compared to 10.6 years for the SAs involved in the incidents reviewed.

One finding of this review which supported the two original OPEA studies was that marital status continues to appear to be a factor. Single/divorced/separated SAs continue to be involved in incidents greater than their representation in the total SA population. During 1988, on average, 80.9% of the SA population were married, 12.9% were single, and 6.1% divorced or separated. Of those agents involved in the personnel incidents reviewed, 58.7% were married, 24% single and 17.3% were divorced or separated.

The two earlier studies showed that SAs assigned to Resident Agencies (RAs) were involved in personnel incidents at a rate generally proportional to their population, however this recent analysis shows they are less likely to be involved in incidents than their counterparts assigned to the headquarters' locations of field offices. Only 17.3% of the SAs involved in the OPR incidents reviewed were assigned to RAs as compared to 22.8%, the average percentage of SAs assigned to RAs during 1988.

Other than the statistics concerning RAs, an analysis of the field offices where the SAs were assigned revealed no pertinent data. As might be expected, the largest number was in the New York Office which accounted for seven (7) incidents, followed by the Washington Metropolitan Field Office with four (4). While some smaller offices had as many as three (3) SAs involved in incidents which was equal to some of the other major field offices, in many cases the data revealed all of the SAs of a particular small office were involved in the same or related incidents.

As can be seen, there is little evidence, other than with respect to marital status, gleaned as a result of statistical comparison, to suggest that any particular factors influence whether or not SAs will become involved in personnel incidents. Additional review was conducted, however, by examining the actual details of each incident. An effort was made to classify the cases into more succinct or definitive groups for purposes of further analysis. The incidents were reviewed to determine if the misconduct was deliberate or appeared to be more inadvertent in nature due to negligence or

Memorandum from Mr. Toohey to The Director
RE: 1988 SPECIAL AGENT INCIDENT REVIEW TREND ANALYSIS

poor judgement (similar to the willful versus nonwillful designations in the earlier studies). As was the case in the earlier reviews, these designations were found to be fairly evenly divided with 38 cases appearing to be deliberate acts of misconduct and 37 seeming to be more inadvertent.

The cases were also further subdivided into five-year blocks based on both age and tenure of the SA involved. As was previously stated, the resulting finding was that the SAs involved were fairly close to mirroring the overall population with two exceptions, one such exception which may be the only significant finding in this trend analysis. The SAs with tenure ranging from 11-15 years make up 13.9% of the total SA population, however unlike the original OPEA study, were involved in only 6.7% of the cases reviewed. Newer SAs (those with five years or less), on the other hand, make up 32.3% of the SA population but account for 41.3% of the cases reviewed. This may be explained by the fact that new SAs may be more likely to inadvertently become involved in a personnel incident through lack of training/experience. This explanation does not hold true, however, in light of the fact that over half (54.8%) of these newer SAs were responsible for deliberate acts of misconduct. In 32% of the cases, the SAs either displayed their credentials, identified their positions, or utilized information available to them as a result of their position to assist them in handling personal matters. In almost 65% of the cases, the complaint originated from an individual outside the FBI, of which half were other law enforcement agencies.

The seriousness of the infractions in this category is underscored by the fact that in 1988, according to OPR's SAIR, 20 SAs resigned while under inquiry and six were dismissed. Of this total, 11 (55%) of the resignations and four (66.7%) of the dismissals were for infractions falling within this category. When looking at the resignations and dismissals as they fall within the five year blocks of tenure, the greatest percentage, 47% (2 dismissals and 5 resignations) were SAs who had five years or less of FBI service. It should be noted that three resignations were from New Agents Training, two for alleged involvement in homosexual acts and one for cheating on academic examinations.

During the review of the 75 cases, OPEA determined that alcohol was a contributing factor in approximately 10% of the cases, although the information necessary to make that determination was not always available in the file. The OPR data base has a separate infraction code for "alcohol related", but no

Memorandum from Mr. Toohey to The Director
RE: 1988 SPECIAL AGENT INCIDENT REVIEW TREND ANALYSIS

way to capture whether or not other types of infractions may also have alcohol as a contributing factor.

Recidivism was also considered. Seventy-six percent (76%) of the SAs in the cases reviewed were "first-time offenders", while 21% had one prior infraction and one SA had two prior administrative actions taken against him. It is interesting to note that three of the four dismissals were SAs with prior disciplinary actions while four of the resignations involved those with prior cases. Since the 1988 cases were adjudicated and closed, four of the SAs have retired and one has resigned. Of the remaining SAs (totalling 55) who were not dismissed or who have not resigned as a result of the 1988 OPR inquiry, fourteen (14) or 25% have been the subject of at least one more recent allegation while two SAs have each been the subject of two additional inquiries. Of these sixteen allegations, six were determined to be substantiated, and resulted in some administrative action; six are determined to be unfounded, and the other four have not yet been resolved.

The 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 in these types of personnel incidents. Admittedly, these findings cannot be generalized to all of the OPR cases in 1988 or the total SA population; however, given the results of earlier attempts at trend analysis, the fact that there have been no increases in incidents not in line with changes in the overall SA population, nor any changes in the types of incidents most frequently substantiated, there is no reason to suspect hidden trends do exist.

In addition to the review of the most frequent category of infractions, due to the current focus on drug and alcohol abuse, the substantiated incidents regarding these matters, as they are reported in the yearly SAIRS, were also reviewed. In 1986 there were seven cases, five of which were arrests for Driving While Intoxicated (DWI) and two for drug involvement. In 1987 there was no delineation between drug/alcohol cases; however, there were ten for the year. In 1988 there were five drug/alcohol matters, four of which were drug cases, as well as an additional eight DWI cases. While each year has shown an increase of three cases per year of drug/alcohol related infractions, the highest percentage of cases overall are DWI cases. It should be remembered, however, that, since the FBI has not yet instituted random drug testing, the discovery of these cases, as in all OPR matters, usually requires that someone report the allegations, therefore it may be premature to assume

Memorandum from Mr. Toohy to The Director
RE: 1988 SPECIAL AGENT INCIDENT REVIEW TREND ANALYSIS

from these numbers that the FBI is not impacted by the Nation's increasing drug problems.

The Deputy Assistant Director, Unit Chief and one former Unit Chief of OPR, as well as the Unit Chief of ASU were interviewed with respect to any trends or patterns they have detected in the personnel incidents coming under their review. All those contacted indicated that they had not observed any significant changes in the cases being reported and investigated that would provide an indication of any real trends or predictors of behavior they deemed appropriate for impacting management decisions with respect to personnel matters. Both ASU and OPR were advised of the findings of OPEA's analysis with respect to the newer SAs being involved in abuse/misconduct/conflict of interest infractions at a rate greater than their representation in the SA population, and questioned about the need for greater participation by their units in New Agents Training. While the New Agent Training Unit does provide a four-hour block of training on ethics, neither OPR nor ASU are involved in the instruction. ASU is allotted one hour with each New Agents Class, but it is not scheduled in conjunction with the ethics training and, in fact, until just recently, ASU was finding that their hour was often partially used up by other New Agent training matters, requiring them to abbreviate their presentation. While ASU believes, with proper time allotment and in sequence with the ethics training, they could present adequate information on behalf of both ASU and OPR in approximately two hours, OPR would prefer to have their own allotted training time. Although they once had an assigned training responsibility with the New Agent Classes, at the present time OPR provides no instruction to any of the New Agent Classes.

Based on the findings of this analysis with respect to the increase in personnel incidents involving newer SAs, OPEA concludes that the New Agent Training Unit, OPR and ASU should work together to develop a block of training which concentrates heavily on providing New Agents with a clearer understanding of the powers, parameters and limitations of the position of Special Agent of the FBI.

OPEA also recommends that OPR reassess the structure and design of their existing computerized data base to provide for easy retrieval of significant statistical information. The first step in implementation of this recommendation is for OPR to hire a qualified computer analyst to redesign, implement, and maintain the system.

Memorandum from Mr. Toohy to The Director
RE: 1988 SPECIAL AGENT INCIDENT REVIEW TREND ANALYSIS

Finally, there is perhaps a need for greater communication with FBI personnel concerning the types of infractions which occur and the consequences of those actions. The Quarterly Summary of Disciplinary Matters is disseminated by ASU four times a year and, while field office and FBIHQ management are encouraged to discuss this summary with their employees, there is no requirement that it be done at any specific time, i.e. file reviews, squad conferences, yearly all-Agents conference, etc.

Considering the selectiveness of the FBI's recruitment and hiring policies, particularly with regard to Special Agent positions, the number of personnel incidents should be very small. While there has been no overall decrease in the number of incidents involving SAs, there has not been an increase in the ratio of personnel incidents per total SA population. The numbers still remain so small that any real trend analysis generalizable to the total SA population and suitable for use by management continues to be of limited value.