

# ISSUE BRIEF | Center for Law & Justice TO IMPACT CULTURE, THE FBI NEEDS TO VALUE INTEGRITY FIRST AND FOREMOST IN THE HIRING PROCESS

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# **TOPLINE POINTS**

- The foundational strength of the Federal Bureau of Investigation (FBI) must reside in a commitment to integrity and the rule of law, which will directly influence its operations and public trust.
- While the move toward promoting diversity within the FBI is understandable, this emphasis should not overshadow the core character values of honesty and the fair and impartial administration of justice.
- ★ For the FBI to regain the public's trust and remove the blot of politicization within its operations, the bureau must instill these cultural changes immediately.

### Introduction

Law enforcement agencies, especially large organizations with diverse responsibilities like the Federal Bureau of Investigation (FBI), can operate efficiently only when they are based upon a foundation of trust, both internally and with the public they serve. At the heart of this trust lies integrity—a steadfast adherence to a strict moral or ethical code. It is integrity that dictates an agent's actions, decisions, and interactions.

The management and organizational culture of a law enforcement agency significantly impact its integrity and operational culture (National Institute of Justice (NIJ), 2016). Individuals bring their own sets of values to an organization when they join and can help shape the institutional culture over time, but the prevailing norms at an institution can also change individuals, either for the better or the worse. This reality necessitates placing integrity at the forefront of the hiring process because who the FBI hires today will affect the bureau's operational culture for decades to come.

The emphasis on integrity, and on creating an organizational culture committed to the fair and impartial administration of justice, should be of particular importance to the FBI. In the past few years alone, questions about individual and collective decision-making on several high-profile investigations have made the bureau susceptible to accusations of politicization (Singman & Laco, 2022). This has diminished public faith in the institution itself (Fleck, 2022).

Given society's omnipresent emphasis on diversity and inclusion, and the FBI's own proclivity toward focusing on these factors in the hiring process, a pressing question emerges: In its quest to adapt to modern challenges, is the FBI maintaining the right balance between core values such as integrity and adherence to the rule of law, on one hand, and its drive toward the promotion of diversity and inclusion on the other?

In the face of growing skepticism, the FBI stands at an inflection point, where regaining the public's confidence in its integrity and impartiality is paramount. To achieve this, it is imperative for the bureau to recalibrate its hiring strategies. While diversity remains a justifiable end goal, the dominant emphasis should pivot toward prioritizing candidates who, first and foremost, exemplify honesty, integrity, and a staunch commitment to the rule of law. Superficial considerations, such as gender or race, while important for representation, should not overshadow foundational qualities of character that will ensure the bureau's operations remain above reproach. By realigning its hiring focus, the FBI can take a decisive step toward restoring public trust in its mission and values.

#### Background

The FBI, as one of the leading law enforcement agencies in the world, has a longestablished set of standard hiring qualifications. These serve as a preliminary filter, ensuring that prospective candidates meet a basic threshold of skills and competencies before entering the hiring process. From background checks to educational requirements, the FBI's hiring process is designed ostensibly to identify individuals who can uphold its reputation, perform the duties required of an agent, and effectively and impartially serve the nation (FBI, n.d.-c). ERICA

Over the past several years, the FBI's hiring priorities have shifted perceptibly. While the core qualifications have remained relatively consistent, a growing emphasis has been placed on promoting diversity within the ranks (McLaren, 2019). This shift is a reflection of the broader societal push toward an emphasis on inclusivity and diversity in hiring (Dong, 2021). In a nation as culturally, ethnically, and socially diverse as the United States, having a law enforcement agency that mirrors this diversity can understandably enhance trust with various communities. That emphasis, however, should not be a singular or preeminent focus. CL / N S2T



It is crucial to ensure that the understandable drive toward a more diverse FBI does not inadvertently overshadow other essential qualities, particularly integrity and a commitment to fairly applying the rule of law. These latter principles drive the culture of an organization such as the FBI and, in the context of a law enforcement organization, ensure that justice is administered in a fair and impartial manner.

To be certain, diversity and integrity are not mutually exclusive; in fact, they can and should complement each other. However, a hiring process that becomes too skewed toward any single criterion beyond core values of character creates a risk of diluting the eminence of those values throughout the organization. An overemphasis on diversity, without adequate attention to integrity, fairness, or humility could lead to an organizational culture more susceptible to ethical lapses or deviations from the bureau's foundational principles.

Evidence of the FBI's almost myopic emphasis on diversity within its ranks can be found on its own website, where an entire comprehensive section is devoted to data on the demographic breakdown of their workforce. This includes an outline of the many diversity-centric programs and initiatives within the FBI, including their Diversity Agent Recruitment (DAR) Initiative, which hosts a series of information sessions designed to encourage minority and female candidates to join the FBI, and the Beacon Project, which aims to "foster a genuine, long-lasting relationship between Historically Black Colleges and Universities (HBCUs) and the FBI" (FBI, n.d.-b).

The FBI's Office of Diversity, Equity, and Inclusion (DEI) is also prominently highlighted, including the internal opportunities to participate in a Diversity Advisory Committee; join an Employee Resource Group, which acts to "connect employees with shared interests to network and support one another" and to "bring awareness to barriers and issues impacting their members"; become a DEI coordinator; or participate in the Cross-Cultural Mentoring and Sponsorship program (FBI, n.d.-b).

Undoubtedly, no single program or initiative outlined above is in and of itself incompatible with a workforce that emphasizes a pervasive culture of integrity. The outsized emphasis on diversity and inclusion, however, brings into question which values  $\mathbb{C}_{\mathcal{A}}$ the FBI holds most important to the cultivation and maintenance of its operational and cultural ethos, particularly as viewed through the values the bureau emphasizes throughout the hiring process. In fact, a basic search of the FBI's primary recruiting webpage on culture and commitment indicates the prevalence of certain words and values over others. "Diversity" is mentioned 25 times, "inclusion" 15 times, and "equity" five times, while the words "integrity" and "honesty" are entirely absent from the section (FBI, n.d.-b). CL / N SJT



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Another area where the preeminent focus on diversity and inclusion may cause unintended friction is with workforce morale and internal perceptions of worthiness and competence. Nicole Parker, a former FBI special agent and now a senior advisor at the America First Policy Institute's Center for Law and Justice, felt this throughout her career. "Because of the bureau's overemphasis on the hiring of women and minorities, I knew some of my male counterparts initially saw me as a 'diversity hire' and not as an equal. I was frustrated, but I understood and, frankly, did not blame them. When diversity is shoved down your throat as the primary emphasis in recruitment efforts, it is impossible not to assume that," Parker said.

That perception can even be reinforced through more subtle means. In a 2019 *Wall Street Journal* article on the FBI's movement toward emphasizing women and minority hires, while relaxing some of their eligibility requirements in the face of recruiting and retention struggles (Viswanatha & Tau, 2019), the article prominently featured a picture of Ms. Parker under its headline. "I was disappointed and humiliated when I learned that my picture was used for this article, implying that I was some token female hire," Parker said. "I earned my position as an FBI special agent based on my qualifications, not my gender."

She continued, "Unfortunately, in recent years, the FBI has dropped their hiring standards. Many believe it was in order to check diversity boxes for those who would not have been eligible otherwise. That is dangerous. And that is wrong. The work at the FBI is too important and crucial to Americans' safety to hire anyone other than the most qualified."

One area where the FBI has relaxed its hiring standards has been in the realm of past drug use among candidates seeking employment at the bureau. Whereas marijuana use within three years of a candidate's application was once considered a disqualifier, those standards were dropped in 2021 to past use within just one year of application (Londono, 2023). Lowering hiring standards to allow candidates with recent marijuana use is controversial and elicits a variety of opinions (Bottema & Telep, 2020). Nonetheless, it raises questions about the candidates' judgment and commitment to the law. This is especially relevant because marijuana is still illegal federally and among the many laws that a prospective FBI special agent may be expected to enforce.

The choices made during the hiring process and the level of commitment to hiring prospective agents based primarily on matters of character will have long-term implications for the FBI's ability to cultivate and maintain an organizational culture of integrity. If candidates with a strong commitment to the rule of law are overlooked in favor of other considerations, it could set a precedent that impacts the bureau's operations and reputation for years to come. A balanced approach, which values diversity but never compromises its commitment to unwavering integrity within its ranks, would help the



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FBI regain a culture of trust, effectiveness, and justice in the eyes of the public and its own personnel.

#### A Path Forward: Reorienting the Bureau's Approach to Recruiting

The FBI can affirm its unwavering commitment to integrity within its ranks by reorienting its recruiting strategy to emphasize the core values that can truly affect its operational and cultural ethos. First, the bureau should amend its basic hiring qualifications to include a prohibition on drug use of at least three years prior to applying. Reducing those standards has only sent the message that certain personal activities, regardless of their legality, will be tolerated. An allowance for past transgressions, particularly committed by people in their youth and if the intervening time has shown them to mature, is understandable; however, it is difficult for the bureau to emphasize a commitment to integrity and the rule of law when they are explicitly allowing recent law violators to apply to join their ranks.

Second, once a candidate enters the hiring process, the candidate should be subjected to an even greater number of enhanced evaluations that include situational judgment tests focusing on myriad ethical dilemmas. These should occur at various points within the hiring process. The FBI also should foster partnerships with educational institutions that emphasize the significance of integrity, both within the workforce and beyond, and that could prepare future candidates for the rigorous ethical standards that the bureau must demand.

On an internal level, after agents are employed, their supervisors should incorporate integrity evaluations into every performance review. This would further ensure that these values remained at the forefront of operations.

Equally important is how the bureau publicly amplifies its foremost commitment to integrity. This not only would affect the public's perception of the values the bureau holds in highest regard but would communicate those values to potential applicants. To achieve this, the FBI's hiring website should prominently display a mission statement that emphasizes integrity and a commitment to the rule of law alongside any other characteristics. A webpage dedicated to the importance of integrity can delve deeper into the bureau's unwavering commitment to this principle. By weaving personal testimonials from agents, real-world case studies, and compelling visuals throughout the site, the essence of integrity could be tangibly felt.

Additionally, integrating discussions of integrity within the sections focused on diversity and inclusion could underscore how a diverse and inclusive environment inherently upholds the FBI's integrity standards. Offering interactive content and ensuring



downloadable materials reflect this balanced perspective would further ingrain the FBI's dual commitment in the minds of potential applicants and the public.

Finally, although the bureau may feel that its internal commitment to values such as integrity and honesty are so intrinsic and deeply ingrained within its culture that they need not be explicitly emphasized, they still must be consistently mirrored in their external communications to effectively shape public perception. Numerous scandals that have impacted the public's perception of the FBI's commitment to fairness and integrity have highlighted potential discrepancies between perceived and actual organizational values. These perceptions should serve as a bellwether for the public's broader sentiment and underscore the importance of aligning internal convictions with external affirmations. Failing to articulate core foundational values clearly and consistently risks inadvertently creating a perception gap, regardless of the bureau's genuine internal priorities.

#### **Mistakes Revisited: Paving the Way for Progress**

The FBI has faced its share of past controversies that have called into question its integrity and commitment to the fair and impartial administration of justice. Recognizing these moments is crucial to ensuring that the bureau continually refines its practices and prioritizes the highest standards of conduct.

One of the most glaring episodes that cast a shadow on the FBI's commitment to integrity was known as the Counterintelligence Program, or COINTELPRO, which took place from 1956 to 1971. This covert operation was initially aimed at surveilling, infiltrating, and disrupting the activities of the Communist Party in the United States, although it eventually grew to encompass other areas of civic life, with civil rights leaders like Martin Luther King Jr. finding themselves the subject of scrutiny. The operation's oftenillegal activities contrasted with the bureau's outward mission of upholding the law, revealing a disturbing willingness to bypass legal and ethical boundaries (FBI, n.d.-a).

The early 1990s saw two significant events that further strained public trust in the FBI. The Ruby Ridge incident in 1992 in Idaho resulted in a deadly confrontation between  $C_{\mathcal{A}}$ Randy Weaver's family and federal agents, leading to the deaths of Weaver's wife and son (Lardner Jr. & Lei, 1995). The following year, the Waco siege in Texas, which involved personnel from both the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) and the FBI (Childress, 2018), ended in a tragic fire, ultimately claiming the lives of 86 people, including four ATF agents (McGovern, 2023). Both incidents were marred by questionable decision-making, prompting widespread criticism and calls for accountability, with the siege at Waco ultimately resulting in the appointment of an independent counsel to investigate (ABC, 2000). -CL / N SET



In more recent times, the bureau's role in the 2016 U.S. presidential election came under scrutiny because of then-FBI Director James Comey's decision to publicly announce the reopening of an investigation into Hillary Clinton's emails days before the election. Comey's actions raised eyebrows and sparked debates about the FBI's impartiality. Subsequent reports looking into the matter, such as the 2018 Inspector General's report, further highlighted concerns about potential biases within the bureau (DOJ Inspector General, 2018).

Equally disturbing have been revelations surrounding the Hunter Biden laptop incident in 2020 that have further underscored the troubling appearance of FBI malfeasance and political bias. Congressional testimony by Laura Dehmlow, Section Chief of the FBI's Foreign Influence Task Force, suggested that FBI personnel had warned social media outlets about Russian disinformation even though they knew that the laptop was authentic (House Judiciary Committee, 2023).

The bureau's reticence to dispel notions of a Russian disinformation campaign, despite possessing knowledge about the laptop's authenticity, facilitated a misleading public narrative and hinted at deeper politicization within its ranks. Such a pattern not only erodes public trust but also calls into question the integrity of the bureau's actions amidst pivotal national events.

These incidents, among others, underscore the importance of maintaining a rigorous commitment to integrity within the FBI. While the bureau has undoubtedly played a pivotal role in U.S. law enforcement and national security, it is essential to acknowledge past missteps. Recognizing these challenges is the first step in ensuring that the FBI remains an institution where the fair administration of justice is placed above all else and where its workforce is continually reminded of the profound responsibility they carry.

#### Conclusion

In more recent years, the FBI has again faced mounting public scrutiny of its commitment to integrity and impartiality. Allegations and concerns of politicization have crept into the public discourse, casting shadows on the bureau's reputation and cultural ethos. A recent example includes a widely criticized FBI memo that assessed traditional Catholics as potential domestic terrorists. The memo, first thought to have been the product of a single field office in Richmond, VA, was later found to have been developed through coordination with multiple field offices. The nature and coordination of the memo has prompted a congressional inquiry (House Judiciary Committee, 2023).

Such perceptions underscore the critical importance of the FBI's hiring practices in setting and maintaining an organizational culture committed to the fair and impartial



application of the law. Biased investigations, or the appearance thereof, cast public doubt upon all the bureau's work, and actively undermine its ability to carry out its duties effectively.

Today, it is essential for the bureau to prioritize the recruitment of only the most qualified individuals—those who not only possess the requisite skills but also embody the unwavering principles of humility, integrity, and commitment to the fair and equal administration of justice. As the FBI navigates these turbulent waters of public perception, its hiring decisions will play a pivotal role in ensuring an integrity-focused workforce that can uphold the bureau's reputation both now and for generations to come.

To emphasize, this does not mean sidelining diversity or other valuable metrics, but it means ensuring that these considerations are not allowed to overshadow the fundamental qualities of a candidate's character. Diversity and inclusion may seem laudable on its face but the modern push to emphasize DEI within the fundamental institutions of our Nation has often been shrouded in the tenets of critical race theory, which rejects meritocracy in favor of discriminatory practices that benefit favored groups (Pidluzny, 2023).

The decisions made in hiring today will shape the FBI's culture into the future. As such, it is crucial to ensure that the legacy left behind is one for which integrity is not just a trite throwaway line but a deeply ingrained principle that guides every action and decision of the bureau and all its members.





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