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EXPERT INSIGHT | Center for Law & Justice HERE'S WHAT THE NEXT FBI DIRECTOR SHOULD DO ON DAY ONE

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TOPLINE POINTS

- The next FBI director must lead with vision and integrity and must appoint trusted leaders throughout the Bureau who have the same.
- ★ The next FBI director must trim FBI headquarters and return resources and full investigative authority to the 56 field offices nationwide.
- ★ The next director must shift the FBI's culture to meet first the needs of the American people rather than the needs of the organization.

Introduction

In my 12 years as a Federal Bureau of Investigation (FBI) special agent, I quickly learned how important good leadership is to the cultivation and maintenance of an effective workforce. This is especially so in law enforcement. I witnessed a dramatic decline in agent morale during my time at the FBI and a palpable disconnect between the agents on the line and leadership in Washington, D.C. These observations inform my belief that the FBI is currently suffering from a distinct lack of leadership and that the future of the FBI can be directly tied to how the next leader of that organization reacts on day one of that person's tenure.

Public faith in the FBI is dangerously low. An NBC poll conducted in 2023 found that only 37% of registered voters approved of the Bureau (<u>Marquez, 2023</u>). Because the next FBI director must restore the FBI's credibility, it is crucial for this person to have a vision for the organization and be willing and able to make bold changes. The director must convey to employees and the American people that trust and integrity will be restored at

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the Bureau. The director must clearly outline the actions that will be taken to restore the FBI as the premiere law enforcement agency our Nation deserves.

On day one, the next director must begin to do the following: identify and appoint solid leaders with a strong emphasis on core character values rather than on superficial characteristics; spend more meaningful time visiting the field offices to understand their unique needs and concerns better; ensure that power now concentrated at FBI headquarters (HQ) is more fully vested in the field; trim the bloated bureaucracy at HQ; reform the FBI's internal culture; and hold employees accountable for their actions.

Recommendations

The critical issues facing the Bureau should be addressed head-on. The following recommendations seek to do that, proposing that the next director take immediate steps to restore faith in the FBI and ensure its operations align more closely with the principles of justice and fairness, which are central to its mission.

Rebuilding Confidence and Preserving Impartiality in the FBI

From my personal experience, agents in the FBI field offices feel disconnected from leadership in Washington, D.C. This can be attributed, in part, to the lack of meaningful interaction between them. On day one, the next FBI director must begin addressing this lack of engagement. First, the director must establish a new executive team on the seventh floor at HQ in Washington, D.C., where the Bureau's top leaders are located. Leadership changes could include the deputy director, associate deputy director, executive assistant directors, and assistant directors. These roles, each of which directly guides the Bureau's operations, strategy, and mission, are vital to the FBI's effective administration. They must be filled by individuals the director can trust and who have solid performance records. These individuals must be able to raise morale, effect positive change, operate with integrity, and properly represent the FBI.

The new executive team should evaluate each of the assistant directors in charge or special agents in charge (SACs) in all 56 field offices, replacing or reassigning any who are not suited for their positions. The FBI employs more than 35,000 individuals, making it impossible for the director to oversee every move in the organization. Appointing the right leaders in the field where the substantive work is performed is crucial.



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It must also be clear that politicization within the FBI will not be tolerated. The director must remove from leadership positions those who are not performing at an optimal level or who are abusing their law enforcement power to push a political or social agenda.

In my experience, many FBI employees desperately want the FBI director to be a leader, not merely a figurehead. Behind the scenes, field agents know that the director is delegating both leadership and vital decision-making down to the deputy director level and below. For example, the decision for the FBI to raid Mar-a-Lago on August 8, 2022, involved back-and-forth disputes between the Department of Justice (DOJ) officials and FBI field agents or field management. According to a *Washington Post* article dated March 1, 2023, "Garland said he 'personally approved' the search of Trump's property." Ultimately, the DOJ prevailed, and it was Deputy Director Abbate who gave the order to conduct the raid, not Director Wray. "Abbate handed down his instructions a day later: The Washington field office led by D'Antuono would execute the surprise search," the *Washington Post* said (Leoning & Barrett et al., 2023).

Some in senior management roles have demonstrated political biases or potential retaliation against those who may not agree with the FBI's actions on politically charged decisions. For example, the FBI's investigative response to January 6, 2021, was different from its response to the Black Lives Matter and Antifa-inspired riots of 2020. According to a June 22, 2023, statement from Empower Oversight President Tristan Leavitt, an unnamed whistleblower's affidavit referred to an incident when FBI Deputy Director Paul Abbate allegedly told an audience of FBI leaders that anybody who questioned the correctness of the FBI's response to the January 6 incident at the United States Capitol should find another job, implying that they did not belong in the FBI. The affidavit further indicated that Abbate allegedly also said that if anyone disagreed with him, they could call him directly (Empower Oversight, 2023).

The incoming FBI director, not the deputy director, should stand at the helm. Those in leadership roles should not retaliate against or make potential threats to whistleblowers. The new director must set the tone and lead proactively with vision, passion, impartiality, and transparency.

In my experience, the FBI is struggling to fill many HQ leadership positions, as well as senior executive service positions in the field. HQ is offering incentives for employees to come to D.C. The director must ensure that promotions are seen as being based on merit and not simply desperation to fill a desk, someone's connections on the career board, or the desire to check a diversity box. The mission of the FBI is too important to promote anyone other than the most qualified.

The director must appoint honest, effective communicators in leadership who will speak the truth rather than tell the director what the director wants to hear. During my time as a



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special agent, I witnessed firsthand and was told in numerous conversations with current and former FBI colleagues that many in managerial roles are unwilling to state things as they truly are out of fear it could tarnish their reputation and prevent future promotions. This prevents the director from having a handle on what is actually occurring throughout the organization. The director needs to foster an atmosphere of transparency and open communication.

The FBI needs leaders, not managers. Some leaders get respect and some affection; the best ones get both from their subordinates. The director needs to identify and promote these types of leaders at the FBI.

Visiting Field Offices

In my experience, the current state of morale at the FBI is dismal. Shortly after assuming the new role, the next director should visit every field office to build a solid foundation of trust with the rank and file. This should include communicating a vision for a healthier dynamic based on transparency and communication between HQ and the field offices.

Going forward, as a regular priority, the next director must invest the time to make inperson visits to all 56 field offices. The director should take the time to meet individuals, as people are the FBI's most valuable asset. They need to believe the director knows and supports them, which will gain their loyalty and respect. Work at the field level is the most important work in the FBI. In the more than 12 years I served as a special agent, the FBI director visited the Miami division only a handful of times for about an hour each time. On August 3, 2017, Director Christopher Wray's first day on the job, he was in town for a memorial service for an agent who had passed away. I met him on that visit, as he was briefly brought to my desk to discuss an investigation I had just completed. The reason for almost all the directors' visits was fallen agents' memorial services or diversity agent recruitment events, not primarily to get better acquainted with the workforce. When the director visits each division only once every few years for a quick two-hour meeting and photo-op, it signals to employees that they are not a priority.

When a director maintains a posture of operating from the D.C. office rather than being intimately involved in the Bureau's day-to-day operations, that director can be blindsided by controversies within the agency. For example, the formulation and approval of a 2023 intel report from the Richmond field office stating that traditional Catholics were potential domestic terrorists was abhorrent. In congressional testimony, Director Wray, in reference to that product, said, "As soon as I found out about it, I was aghast" (<u>NY Post, 2023</u>). Upon further questioning, he did not know the facts or details, nor that it involved three field offices–Richmond, Los Angeles, and Portland. A director who was more fully



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engaged in the field might have been made aware of this development more quickly and not only after a whistleblower brought it to public light.

A letter dated August 9, 2023, from Chairmen Jim Jordan (R-OH) and Mike Johnson (R-LA) of the Subcommittee on the Constitution and Limited Government, addressed to Director Wray, states:

From information recently produced to the Committee, we now know that the FBI relied on information from around the country—including a liaison contact in the FBI's Portland Field Office and reporting from the FBI's Los Angeles Field Office—to develop its assessment. This new information suggests that the FBI's use of its law enforcement capabilities to intrude on Americans' First Amendment rights is more widespread than initially suspected and reveals inconsistencies with your previous testimony before the Committee (Judiciary Committee, 2023).

A director familiar with the field offices would have an opportunity to be more aware and discourage such questionable approaches in the future. In-person visits are more effective than "FBI-ALL" emails in conveying genuine concern for the organization.

Trimming Headquarters

About one-third of the FBI's workforce is based at HQ, which consists predominantly of positions in Washington, D.C., and some ancillary functions in Quantico, Virginia, Clarksville, Virginia, and Huntsville, Alabama. Because HQ is top-heavy, the new director should evaluate whether each program and position at HQ is necessary to the FBI's mission to protect Americans. Those that are not should be eliminated. Many HQ positions are duplicative or unnecessary, such as the Bureau's Office of Diversity, Equity, and Inclusion, which receives tremendous resources. The director should reassign some of the staff within HQ to the 56 field offices, where resources are desperately needed to conduct investigations. Americans do not benefit when HQ is bloated but rather when criminals are charged and placed behind bars.

Based on my experiences and conversations with other agents, it is widely believed that many agents go to HQ to "get a desk" and be promoted. Others go to take a break from investigations because they are burned out. For many, an 18-month promotion to HQ means they can "hide out" without much heavy lifting. Others go for the per diem that accompanies a temporary duty station (TDY) deployment. In the meantime, field offices are starving for investigators, and squads are consistently understaffed. There are never enough agents to fight the federal crimes occurring nationwide.

Having more agents in the field offices, rather than parked at HQ, would reduce agent burnout. More investigators on each squad would lighten the load for each squad



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member. For instance, workloads are not comparable for agents in the field who are working violent crime cases around the clock every day, on constant callouts, and an agent working behind a desk at HQ overseeing a program.

To illustrate this point, one of my responsibilities as a member of FBI Miami's South Florida Violent Crime Fugitive Task Force was serving as the Crimes on the High Seas coordinator. I was charged with overseeing all allegations of kidnappings, sexual assault, suspicious deaths, homicides, and other crimes for all cruises leaving the Port of Miami and Port Everglades, the largest and third-largest ports in the world, respectively. I was taking calls all hours of the day and night, seven days a week. I understood the nuances of the complex violations because I was on the field level conducting investigations. The violations were reported to the International Violent Crimes Unit (IVCU) at HQ. On a couple of occasions, the IVCU program manager from HQ came to Miami allegedly to conduct training but, due to a lack of experience, had no idea how to do so. This person was on an 18-month TDY at HQ as a program manager so that that person could come to Miami to conduct the training. I suggested that I would conduct the training myself to make it easier.

Many roles at FBI HQ exist because directors have not prioritized reallocating resources to the field offices. When Louis Freeh assumed the role of FBI director in 1993, he downsized headquarters significantly, citing the need to streamline operations, improve productivity, and save money (Deseret News, 1993). He sent agents back to the fields to work cases. Robert Mueller, Freeh's successor, assumed the role of FBI director just days before the 9/11 terrorist attacks in 2001. In the aftermath, FBI HQ became bloated again, and more than 20 years later, it needs to be trimmed down.

Many of the FBI's politicization problems stem from investigations being operated out of HQ. Investigating the cases at the field level creates checks and balances. Those in the field are less persuaded by the political pressures of D.C.

Reforming the FBI's Internal Culture

Internally, a well-known mantra at the FBI is "needs of the Bureau." It generally means that employees must be prepared to do whatever the Bureau asks of them. On face value, it is a respectable motto. It promotes the notion of being a loyal team player. But it has created a flawed culture where many employees' allegiance is to the FBI as an entity, rather than to the mission. The new director must remind employees that the sole reason the FBI exists is to protect Americans, not to support the needs of a bureaucracy.



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The new director must shift the mantra to the "needs of the American people" and "needs of the victims." The Bureau is the vehicle created to serve the people, and meeting the needs of those the FBI is sworn to protect must be the top priority.

Unfortunately, sometimes, the "needs of the Bureau" also translate to the needs of a supervisor, furthering a personal agenda that may be incongruent with the needs of victims and the American people. For instance, some supervisors may promote working cases that will drum up media attention to make themselves or the field office look good when resources could be better allocated to less flashy cases that better serve the community. Other times, a supervisor who does not want to get involved in a political crossfire may turn a blind eye to a case that should be investigated.

The Bureau also has an emphasis on accumulating "statistical accomplishments" because they contribute to one's performance rating. SACs want their field offices to receive a "gold star," as that factors into their year-end bonuses. It is not uncommon for investigators to avoid working the more highly complex, drawn-out cases because they may not generate as many stats as the simple, quick-hit cases. Employees feel pressure to "feed the machine" with stats, and unfortunately, this sometimes leads to the work being compromised. The director must foster a culture focused on quality, not quantity. Americans need the FBI to work those complex cases. Statistics do not necessarily equate to safer communities.

Even worse, valuable FBI resources are used inefficiently to conduct voluminous politically driven investigations (such as the January 6 "Capitol Siege") that result in misdemeanor charges. These investigations may rack up stats and please those in leadership roles who are using the FBI to push their political agendas, but they are not necessarily best serving the American people.

It can be detrimental when employees blindly conform to the instructions of compromised managers to fulfill the "needs of the Bureau." The director must instill a culture whereby agents and staff exercise sound judgment, always upholding the Constitution and abiding by FBI policy. Employees must be permitted to speak freely, without retaliation, when they observe malfeasance.

The current director maintains a posture that polls that rate the Bureau's performance do not matter. In fact, Americans' opinions of the FBI's performance matter greatly. If the needs of the American people are not being met, then the FBI is failing. Of course, the FBI should never make decisions based solely on the public's perceptions, but the new director must shift the culture of the FBI from arrogance to humility. Americans do not expect the FBI to be perfect, but when the Bureau makes a mistake, the director, rather than doubling down, needs to acknowledge it with full transparency and ensure it does not happen again. The director must remind employees that it is the citizens' taxpayer



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dollars that pay their salaries. At the end of the day, the American people are the FBI's boss.

The next FBI director must also meet the needs of the American people by hiring the strongest, most qualified workforce possible. The recruiting culture must be focused entirely on merit rather than on diversity hiring initiatives. Of course, diversity is welcome, but never at the expense of diminishing standards. In recent years, the FBI has relaxed its once-strict standards on prior drug use to allow prospective recruits to have used some drugs within a year of hire. This is dangerous and raises "questions about the candidates' judgment and commitment to the law" (Erickson, 2023).

The FBI director needs to focus more on creating a culture of unity rather than diversity. Focusing on what divides employees rather than what unites them is detrimental to the mission of the FBI. The Bureau should be one body united to protect the American people and uphold the Constitution. The FBI's ancillary, superfluous clubs promoting diversity programs should be eliminated. They are an inappropriate use of taxpayer dollars and an inefficient use of employees' time and the FBI's resources. Anyone who desires to participate in social and diversity clubs should do so outside of work hours.

A woke culture now predominates at the FBI. Toward the end of my time at the FBI, it felt like the top priority was to awaken the employees of the Bureau to progressive movements rather than to enforce the laws of the United States. For example, emails are regularly sent to the entire FBI workforce promoting various social diversity clubs. LGBTQ flags have been hung outside FBI HQ. In June 2021, FBI Miami created a well-intended rainbow bridge in the office using various colors of construction paper, with posters on display around the office discussing the meaning of certain gay-focused terms. Some employees were offended by the language on the posters. The SAC ended up having to send out a division-wide email explaining and apologizing. It was an unnecessary distraction, and the talk of that day was certainly not the mission of the FBI.

These internal programs do not further the mission of protecting those in the communities the FBI serves. The director needs to establish a culture focused entirely on conducting investigations to serve the American people by enforcing the law with strict adherence to the Constitution. Anything distracting from that sacred responsibility must be purged.

Holding Employees Accountable

The FBI director must hold employees accountable for violating FBI policies or the law, regardless of the employee's position. Poor performance or abuse of power should result in consequences. Americans are disenchanted by observing some FBI employees' detrimental mistakes, carelessness, or flagrant disregard for policies and procedures with



no consequences. Repeatedly, certain individuals, up to executive roles at the Bureau, have clearly violated FBI policy without apparent consequences.

Some of the most severe examples are the botched tips before the Parkland School shooting, the lack of timely investigation into Larry Nasser, the U.S. women's gymnastics coach who sexually assaulted more than 250 females, and the creation of the Catholic domestic terrorist intel report. What were the consequences for those who allowed these missteps to occur?

In practice, the FBI's Office of Professional Responsibility unit conducts internal investigations of employees accused of violating laws or FBI policies. At a minimum, any employee not strictly adhering to the Constitution, the law, or FBI policies should be dismissed.

The FBI has a known history of sexual assault complaints and allegations. A report on Senator Chuck Grassley's (R-IA) website says that at least 665 employees left the FBI and avoided penalties after investigations into sexual misconduct between 2004 and 2020 (Grassley, 2022). It is inexcusable that anyone undergoing an internal investigation alleging sexual assault or who is found guilty of sexual assault should be allowed to retire with a full pension and benefits. The FBI director can establish a zero-tolerance policy for sexual harassment, but without accountability, words are meaningless.

A small percentage of bad apples in the FBI have severely tarnished the reputation of the entire organization. The next director must send a clear message that strict adherence to the FBI policies, laws, and the Constitution is required and that those in violation will be dismissed.

Conclusion

The FBI is not damaged beyond repair. Amid the political and social weaponization currently at the agency, good employees are holding the line. It will be up to the new FBI director to step in and rescue the Bureau during the most crucial moment in its history.

On day one, the next FBI director should begin implementing a plan to restore integrity within the agency. The first, most crucial task is to appoint solid leaders on the executive team and throughout the FBI. The director must visit field offices to rally the troops and continue doing so to foster those relationships. The administrative HQ in Washington, D.C., should be trimmed, and the power to select and investigate cases should be returned to the field. The Bureau also needs a shift in its culture to focus solely on best serving the American people. Those who choose not to uphold their oaths should be held accountable. If the next director does these things on day one, the FBI's best days may well lie ahead. CL / N ST



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