



Department of Justice

TESTIMONY OF

**KEVIN L. PERKINS
ASSOCIATE DEPUTY DIRECTOR
FEDERAL BUREAU OF INVESTIGATION**

BEFORE THE

**COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM
U.S. HOUSE OF REPRESENTATIVES**

FOR A HEARING EXAMINING

**THE OFFICE OF INSPECTOR GENERAL'S REPORT, "THE HANDLING
OF SEXUAL HARASSMENT AND MISCONDUCT ALLEGATIONS BY
THE DEPARTMENT'S LAW ENFORCEMENT COMPONENTS"**

PRESENTED ON

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Testimony of Associate Deputy Director Kevin L. Perkins
Federal Bureau of Investigation
Before the
U.S. House of Representatives
Committee on Oversight and Government Reform
Tuesday, April 14, 2015
Washington, D.C.

Good morning Chairman Chaffetz, Ranking Member Cummings, and Members of the committee. Thank you for the opportunity to appear before you today to discuss the issues raised in the Inspector General's audit entitled, "The Handling of Sexual Harassment and Misconduct Allegations by the Department's Law Enforcement Components."

The Federal Bureau of Investigation's (FBI) policy on sexual harassment and sexual misconduct is simple. The FBI does not tolerate sexual harassment or sexual misconduct. We are a law enforcement organization charged with enforcing federal law and protecting the rights of all Americans. Our employees are expected to make the workplace a respectful, professional environment free from offensive behavior. A copy of the FBI's policy on sexual harassment is provided to every employee and is displayed in every field office and division.

The FBI has a robust disciplinary process guided by well-established policies, procedures and practices. It consists of trained Special Agents in the Inspection Division's Internal Investigations Section who conduct thorough investigations of employee misconduct. When the investigation is completed, a team of experienced lawyers in the FBI's Office of Professional Responsibility (OPR) take over, reviewing the investigative materials to determine whether applicable policies, rules, regulations, laws or other legal standards were violated, and, if so, what penalty should be imposed on the employee in question – up to and including dismissal.

In addition, the Office of Inspector General (OIG) reviews all allegations of misconduct at the FBI prior to any investigation being initiated and is given the opportunity to conduct their own independent investigation of any misconduct allegations, including all allegations of sexual misconduct or sexual harassment. Similarly, all final adjudications of misconduct by the FBI are reported to the OIG. As a result, there is independent oversight of our disciplinary process and its determinations regarding all allegations of misconduct.

OIG Audit Findings and FBI Responses

We are pleased that the Office of the Inspector General (OIG) found "relatively few reported allegations of sexual harassment and sexual misconduct in the Department's law enforcement components for fiscal years 2009 through 2012." Regarding the FBI, the OIG found that the "FBI had the lowest rate of this type of misconduct" across the components. While we strive to have no cases of sexual harassment or misconduct, we have and will continue to implement measures to better address these types of allegations.

We are also pleased that the OIG's audit recognizes the FBI's coordination between our Internal Investigations Section and our Security Division as a "best practice" to ensure that

misconduct allegations are evaluated for potential security concerns, including continued eligibility to hold a security clearance. We are also appreciative that the OIG noted the FBI has established criteria to determine when an investigation involving allegations of sexual misconduct or sexual harassment should be opened at Headquarters. We are further gratified that the OIG found that the FBI has the largest number of offense codes among the various components at the Department of Justice in order to address the many factual scenarios that may present themselves when addressing sexual misconduct and sexual harassment (including not just offense codes for sexual misconduct and sexual harassment, but also offense codes for improper personal sexual relationships with sources, witnesses, subjects, and subordinates). We are also pleased that the OIG found that the FBI's offense table can serve as a model for the other components in that it clearly addresses allegations of sexual misconduct and sexual harassment.

Notwithstanding these findings, there are improvements to be made. We must always look to improve and evolve as an organization, and we appreciate the OIG's recommendations for making our process better. As a result, the FBI concurs with the recommendations in the OIG's report.

- First, we will remind all supervisors and managers that they must report allegations of sexual misconduct and sexual harassment to Headquarters. To ensure compliance, the FBI is considering whether such reporting will be made a performance standard in annual evaluations.
- Second, the FBI agrees that we must follow our established criteria for determining when alleged misconduct will be investigated at Headquarters. To that end, the FBI will remind all employees within the Internal Investigations Section that the FBI's criteria must be adhered to when evaluating whether an allegation should be investigated at headquarters or referred back to the originating office to be handled as a management matter.
- Third, we agree that we should use the offense categories specifically designed to best address the misconduct present in each instance.

Finally, we concur with the commitment made by the Office of the Deputy Attorney General as it relates to the preservation of electronic communications, especially when such communications implicate legal discovery obligations, and to implement technology to be able to, when appropriate in the circumstances, proactively monitor text message and image data for potential misconduct.

Access to Materials by the OIG

The FBI takes very seriously our obligation to enable Congress and the OIG to conduct effective oversight of all of our activities. We work closely with the OIG staff to ensure that we are responsive to their requests and that issues are identified and promptly resolved.

To that end, our senior leadership has met personally with the Inspector General to discuss his concerns. Senior leadership has also directed that our internal business process

consulting group rigorously evaluate our processes to make sure that we are as effective and efficient as possible in providing the Inspector General with requested documents in a timely fashion, consistent with the law. We are confident that we provided the OIG all information relevant to this review.

Conclusion

Chairman Chaffetz, Ranking Member Cummings, and Members of the Committee, I thank you for this opportunity to testify concerning our commitment to ensuring allegations of sexual harassment and misconduct are addressed in a prompt, thorough, and equitable manner. We take our responsibilities on this issue very seriously and appreciate your interest in these matters. I am happy to answer any questions you might have.



Kevin L. Perkins **Associate Deputy Director**

Kevin L. Perkins was appointed Associate Deputy Director of the FBI in June 2012. In this position, he oversees the management of all FBI personnel, budget, administration, and infrastructure.

During his more than 25 years as a Special Agent in the FBI, Mr. Perkins has held a wide range of operational and leadership positions. Prior to his current assignment, he was Assistant Director of the FBI's Criminal Investigative Division, where he served since 2009, and had executive oversight of all FBI criminal investigations.



From April 2007 to July 2009, Mr. Perkins was Assistant Director of the FBI's Inspection Division, with responsibility for the FBI's compliance to both internal and external regulations affecting FBI operations. Prior to that, he served as Chief Financial Officer, beginning in March 2006.

Mr. Perkins also served from January 2004 to February 2006 as Special Agent in Charge of the Baltimore Field Office, where he was responsible for FBI operations within Maryland and Delaware.

In addition to managing criminal investigations and programs in the Philadelphia and Baltimore field offices, Mr. Perkins served in operational and investigative positions in the Kansas City and Baltimore field offices, focusing extensively on White Collar Crime and Public Corruption.

Mr. Perkins began his career as an FBI Special Agent in 1986 in Kansas City. Before joining the FBI, he was a public accountant with an international accounting firm. He earned a Bachelor's degree in Business Administration from Baylor University in 1982. Mr. Perkins is a Certified Public Accountant and a member of the American Institute of Certified Public Accountants.