

REPORT OF INVESTIGATION

SUBJECT Michael B. Steinbach (****-**-****), et al. Former Executive Assistant Director National Security Branch Washington, D.C.		CASE NUMBER 2018-003503
OFFICE CONDUCTING INVESTIGATION Washington Field Office		DOJ COMPONENT Federal Bureau of Investigation
DISTRIBUTION <input checked="" type="checkbox"/> Field Office WFO <input checked="" type="checkbox"/> AIGINV <input checked="" type="checkbox"/> Component FBI <input type="checkbox"/> USA <input type="checkbox"/> Other	STATUS <input type="checkbox"/> OPEN <input type="checkbox"/> OPEN PENDING PROSECUTION <input checked="" type="checkbox"/> CLOSED	
	PREVIOUS REPORT SUBMITTED: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO Date of Previous Report:	

SYNOPSIS

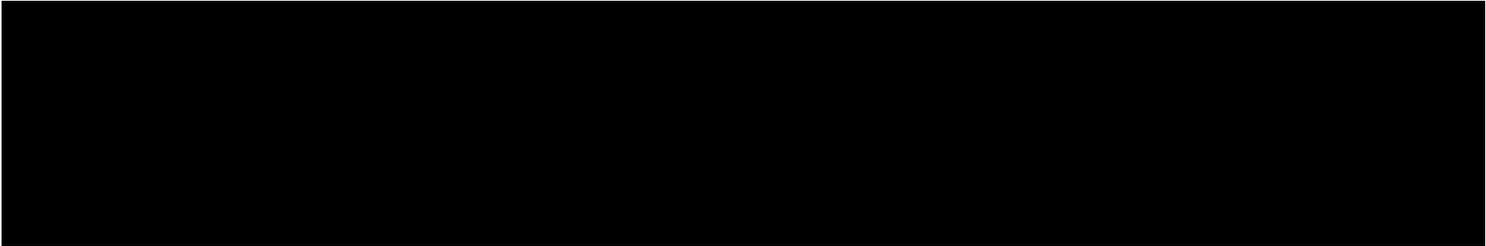
The Department of Justice (DOJ) Office of the Inspector General (OIG) initiated this investigation upon the receipt of records from the Federal Bureau of Investigation (FBI) Insider Threat Unit, alleging that former Executive Assistant Director (EAD), Michael Steinbach, National Security Branch (NSB), had numerous contacts with members of the media between January and November 2016 in violation of FBI policy.

Subsequent to the onset of the investigation, the OIG found indications that Steinbach received items of value from members of the media [REDACTED]

The OIG investigation substantiated the allegation that Steinbach had numerous unauthorized contacts with the media from 2014 through 2016, in violation of the "Public Affairs (PA) Manual," dated June 28, 2006 and the "FBI Media Relations at FBIHQ and in Field Offices Policy Guide," dated October 13, 2015. Evidence gathered from FBI records revealed Steinbach had hundreds of contacts with the media for several years as Assistant Director (AD) for the Counterterrorism Division (CTD) starting in June 2014 and then after his promotion to EAD of NSB in February 2016. This media contact included social engagements outside of FBI Headquarters, without any coordination from the Office of Public Affairs (OPA), involving drinks, lunches, and dinners. The OIG found no indication that Steinbach had a pre-existing personal relationship with any of the media members and his social engagements were not authorized by OPA.

DATE	[REDACTED]	SIGNATURE	[REDACTED]
PREPARED BY SPECIAL AGENT	[REDACTED]		
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Russell W. Cunningham			
APPROVED BY SPECIAL AGENT IN CHARGE			

The OIG also found that Steinbach violated Title 5 of the Code of Federal Regulations (CFR) § 2635.202, the DOJ Ethics Handbook, and the “FBI Ethics and Integrity Program Policy Guide” when he accepted tickets from members of the media to two black tie dinner events, one valued at \$225 and the other valued at \$300, without prior authorization from the Office of Integrity and Compliance (OIC). Steinbach attended the 2015 Radio-Television Correspondents’ Association Dinner as a guest of [REDACTED] reporter and the 2016 White House Correspondents’ Association Dinner with [REDACTED] as a guest of [REDACTED] reporter, both of whom covered the FBI as part of their job responsibilities.



Steinbach retired from the FBI on February 24, 2017, and declined an interview with the OIG. The OIG has the authority to compel testimony from current Department employees upon informing them that their statements will not be used to incriminate them in a criminal proceeding. The OIG does not have the authority to compel or subpoena testimony from former Department employees, including those who retire or resign during the course of an OIG investigation.

Prosecution was declined [REDACTED]

The OIG has completed its investigation and is providing this report to the FBI for its information.

This matter is among the OIG investigations referenced on page 430 of the OIG’s *Review of Various Actions by the Federal Bureau of Investigation and Department of Justice in Advance of the 2016 Election* (June 2018; <https://www.justice.gov/file/1071991/download>).

Unless otherwise noted, the OIG applies the preponderance of the evidence standard in determining whether DOJ personnel have committed misconduct. The Merit Systems Protection Board applies this same standard when reviewing a federal agency’s decision to take adverse action against an employee based on such misconduct. See 5 U.S.C. § 7701(c)(1)(B); 5 C.F.R. § 1201.56(b)(1)(ii).

ADDITIONAL SUBJECTS



DETAILS OF INVESTIGATION

Predication

The Department of Justice (DOJ) Office of the Inspector General (OIG) initiated this investigation upon the receipt of records from the Federal Bureau of Investigation (FBI) Insider Threat Unit, alleging that former Executive Assistant Director (EAD), Michael Steinbach, National Security Branch (NSB), had numerous contacts with members of the media between January and November 2016 in violation of FBI policy. This matter is among the OIG investigations referenced on page 430 of the OIG's *Review of Various Actions by the Federal Bureau of Investigation and Department of Justice in Advance of the 2016 Election* (June 2018; <https://www.justice.gov/file/1071991/download>).

Subsequent to the onset of the investigation, the OIG found indications that Steinbach received items of value from members of the media [REDACTED]

Investigative Process

The OIG's investigative efforts consisted of the following:

Interviews of the following FBI personnel:

- [REDACTED]
- [REDACTED]
- [REDACTED]
- Bryan Paarmann, former DAD, International Operations Division
- [REDACTED]

Review of the following:

- Predicating Materials
- FBI Public Affairs Manual, dated June 28, 2006

- [REDACTED]
- FBI Ethics and Integrity Program Policy Directive and Policy Guide, dated February 2, 2015
 - FBI Media Relations at FBIHQ and in Field Offices Policy Guide, dated October 13, 2015
 - DOJ Ethics Handbook for On and Off-Duty Conduct, dated January 2016
 - FBI-302 interview of Steinbach, dated July 18, 2017
 - Executive Branch Personnel Public Financial Disclosure Reports, OGE Form 278
 - FDP Security Financial Disclosure Forms
 - FBI Office of Integrity and Compliance Notification - Reemployment Negotiations
 - Telephone, e-mail, and messaging content from FBI issued cell phones belonging to Steinbach and [REDACTED]
 - Sent, received, deleted, and/or archived electronic FBI emails of Steinbach and [REDACTED]
 - FBI office telephone records for Steinbach and [REDACTED]

Alleged Violation of the Public Affairs Manual, the FBI Media Relations Policy [REDACTED]

The information provided to the OIG alleged that Steinbach had extensive contacts with members of the media in violation of FBI policy. [REDACTED]

Relevant Authority

Section 2.4 of the Public Affairs (PA) Manual, dated June 28, 2006, titled, Headquarters Entities Outside of OPA, states the following:

Individuals and units engaged in public affairs activities who are not a field office or OPA, such as those Criminal Justice Information Services Division, the Laboratory, the National Security Branch, or any operational division, are considered part of Headquarters and do not have the autonomy afforded to field offices pursuant to these guidelines to conduct liaison with the news media. Accordingly, such entities should maintain close working relationships with OPA and must coordinate all press and news media relations with OPA.

Section 3.1 of the Media Relations at FBIHQ and in Field Offices Policy Guide dated October 13, 2015, titled, Authorization of Federal Bureau of Investigation Personnel to Make and Coordinate Disclosures and Information Releases to the Media, states the following:

At FBIHQ, the Director, deputy director (DD), associate deputy director (ADD), AD for OPA, and OPA personnel designated by the AD are authorized to speak to the media. FBI executives, including executive assistant directors (EAD), ADs, deputy assistant directors (DAD), and SCs are authorized to speak to the media and must do so in coordination with OPA at FBIHQ. Other FBIHQ personnel, such as managers and SMEs, must only speak to the media at OPA's request or following coordination with, and approval by, OPA at FBIHQ.

Evidence of Steinbach's extensive contacts with the media

The OIG's review of Steinbach's communications dating back to October 2014, when he was Acting Director (AD) of the Counterterrorism Division (CTD), revealed that he was aware of and knowingly disregarded the FBI's policy that required any contacts with the media to be coordinated through OPA. For example, on October 8, 2014, Steinbach emailed [REDACTED], instructing [REDACTED] to contact a [REDACTED]

reporter and schedule a meeting (the [REDACTED] reporter previously emailed Steinbach regarding guidance on the FBI's appeal to the public to identify English speaking individuals in ISIS propaganda videos). [REDACTED] replied to Steinbach stating that [REDACTED] was "hoping to put [the [REDACTED] reporter] on the calendar for Friday, but I'm waiting for OPA's concurrence since we're supposed to coordinate all interactions with the media through them. I've reached out to OPA again and hope to have it finalized soon." Steinbach responded to [REDACTED] "Just have us grab a coffee that way we don't have to deal with OPA." Email records confirmed that Steinbach had coffee with the [REDACTED] reporter on [REDACTED] 2014, without OPA's knowledge. Specifically, [REDACTED] emailed Steinbach that day informing him that [REDACTED] from OPA just got back to [REDACTED] with [REDACTED] approval with the caveat that he would like [REDACTED] to sit in the meeting as well. In his response, Steinbach thanked [REDACTED] for the update and told [REDACTED] he was already out for coffee.

Separately, on [REDACTED] 2014, Steinbach texted a [REDACTED] reporter, "I know my deputies gave you their cards. I would ask direct calls go through me. I will make call as to whether we can provide you context or background. In most cases we will opt to go through OPA but in a pinch I can assist."

The OIG identified seven members of the media with whom Steinbach was in regular contact, and an additional 21 reporters with whom Steinbach had limited contact, during the time period from 2014 through February 2017 (the date of Steinbach's retirement). A review of Steinbach's FBI emails and text messages found ongoing communications during this time period between Steinbach and seven reporters from [REDACTED].

For example, text messages indicated that Steinbach was first introduced to a [REDACTED] by [REDACTED]. The reporter texted Steinbach on [REDACTED] 2014, "I feel very grateful [REDACTED] connected me with you and I've been able to learn so much." OIG analysis of Steinbach's FBI emails, phone calls, and text messages indicated that Steinbach and the reporter communicated at least 66 times in 2014, 381 times in 2015, and 160 times in 2016.

Additionally, emails indicated that Steinbach's first contact with a [REDACTED] and [REDACTED] reporter was on [REDACTED] 2014. The reporter emailed Steinbach, "I've now met with two former top FBI guys who say you are definitely worth taking to lunch and picking your brain for idea [sic] about the bureau and how it works." Steinbach responded, "you may not have been given the best advice especially if one of your sources was [REDACTED]." OIG analysis of Steinbach's FBI emails, phone calls, and text messages indicated that Steinbach and this reporter communicated at least 105 times in 2016.

Further, FBI records and OIG interviews found that Steinbach had at least 27 in-person meetings with seven media members outside of FBI Headquarters between April 2014 and the date of his retirement in February 2017:

- [REDACTED] 2014 coffee with [REDACTED] reporter (location unknown)
- [REDACTED], 2014 meeting at Gordon Biersch with [REDACTED] reporter
- [REDACTED] 2014 at Elephant & Castle with [REDACTED] reporter (dinner)
- [REDACTED] 2014 at Capital Grille with [REDACTED] reporter (lunch)
- [REDACTED] 2014 at Del Frisco's Double Eagle Steakhouse with [REDACTED] reporter (lunch)
- [REDACTED] 2015 at Gordon Biersch with [REDACTED] reporter (lunch)
- [REDACTED] 2015 at Gordon Biersch with [REDACTED] reporter (lunch)
- [REDACTED], 2015 at Paul with [REDACTED] reporter (coffee)
- [REDACTED], 2015 at Capital Grille with [REDACTED] reporter (lunch)
- [REDACTED], 2015 at Oyamel Cocina Mexicana with [REDACTED] reporter (lunch)

- [REDACTED] 2015 at RTCA with [REDACTED] reporter (dinner)
- [REDACTED], 2015 at Del Frisco's Double Eagle Steakhouse with [REDACTED] reporter (lunch)
- [REDACTED] 2015 at Central with [REDACTED] reporter (dinner)
- [REDACTED] 2015 at Shelly's Backroom with [REDACTED] reporter (dinner)
- [REDACTED], 2015 at Paul with [REDACTED] reporter (coffee)
- [REDACTED] 2015 at Asia Nine with [REDACTED] reporter (lunch)
- [REDACTED] 2015 at [REDACTED] private residence (house warming party)
- [REDACTED], 2015 lunch with [REDACTED] reporter (location unknown)
- [REDACTED], 2015 at Asia Nine with [REDACTED] reporter (lunch)
- [REDACTED] 2016 drinks with [REDACTED] reporter (location unknown)
- [REDACTED] 2016 at Central with [REDACTED] reporter (drinks)
- [REDACTED], 2016 at Capital Grille with [REDACTED] reporter (lunch)
- [REDACTED] 2016 lunch with [REDACTED] reporter (location unknown)
- [REDACTED], 2016 at Partisan with [REDACTED] reporter (dinner)
- [REDACTED], 2016 at WHCA with [REDACTED] reporter (dinner)
- [REDACTED], 2016 at Plan B with [REDACTED] reporter (drinks)
- [REDACTED], 2017 at Central with [REDACTED] reporter (lunch)

The OIG's analysis of Steinbach's and [REDACTED] FBI records revealed no evidence that Steinbach [REDACTED] coordinated with OPA when Steinbach met with the media members outside of FBI Headquarters on the dates listed above.

The OIG notes that it was unable to determine who paid for the drinks or meals during these social engagements.

The following are examples of communications between Steinbach, [REDACTED] and reporters identified by the OIG based on a review of Steinbach's and [REDACTED] FBI email, text, and phone records. The OIG was not able to confirm the nature of any conversations between Steinbach, [REDACTED] and reporters that were reflected on FBI phone records. Additionally, in conducting this analysis, the OIG received the names, telephone numbers, and emails of all personnel assigned to OPA from 2014 through 2017 and cross-referenced these records with Steinbach and [REDACTED] emails, text, and phone records. The OIG reviewed Steinbach's and [REDACTED] FBI records two days prior to and two days after the contact with the reporter occurred, and included any such communications below.

2014

[REDACTED]

- [REDACTED] That same day, at 11:20 a.m.¹, Steinbach called [REDACTED] reporter from his FBI cell phone; the duration of the call was 09:48 minutes.

[REDACTED]

¹ All times included are Eastern Standard Time (EST) unless otherwise noted.

- [REDACTED]
- [REDACTED] That same day, at 12:11 p.m., a [REDACTED] reporter texted Steinbach on his FBI cell phone, "Hi Mike.... I'm leading the report [REDACTED] Just wanted to touch base w/you [REDACTED] Steinbach responded at 12:25 p.m., [REDACTED] The reporter responded at 12:34 p.m., "THANK YOU! Very helpful."
 - At 1:54 p.m. [REDACTED] reporter texted Steinbach, [REDACTED]. Mind if I give you quick call to run it by you?" No response was found from Steinbach. The reporter texted Steinbach again at 03:18 p.m., "Hi Mike. [REDACTED] Hope it didn't cause any issues/confusion on your end!" The reporter called Steinbach at 4:07 p.m., the duration of the call was 06:50 minutes.
 - [REDACTED] 2014, at 07:39 p.m., Steinbach called [REDACTED] reporter; the duration of the call was 05:21 minutes. [REDACTED] 2014 at 08:04 p.m., the reporter called Steinbach, and the duration of the call was 02:25 minutes. At 09:33 p.m., the reporter texted Steinbach, "Whenever you get a chance. Hey Mike, I know you're busy. Just wanted to circle back on earlier questions. [REDACTED] I just wanted to make sure that that was accurate. Thanks a lot." No response was found from Steinbach.

2015

- [REDACTED]
- [REDACTED] 2015, at 06:35 a.m., Steinbach texted [REDACTED] reporter, "[Reporter's first name] sorry for not calling. I can try to give you a call later today." The reporter responded at 08:02 a.m., "No worries. Sounds good. Thx."
 - [REDACTED] at 09:33 a.m., Steinbach texted [REDACTED] reporter, "Working today?" [REDACTED] The reporter responded to Steinbach's initial text at 12:44 p.m., "No [REDACTED] What's happening" and followed up at 01:05 p.m., [REDACTED] Steinbach responded at 01:22 p.m., "Yes.. [REDACTED]. \n\n[sic]Enjoy [REDACTED] Weather here is cold and lousy." The reporter responded at 02:23 p.m., "I would have appreciated that greatly! Thanks for thinking of me. Next time ;) Will be in touch re: din [sic] as soon as I'm back!"

- [REDACTED]
- [REDACTED]

[REDACTED], at 09:59 p.m., [REDACTED]
reporter texted Steinbach, "FYI...."

[REDACTED] Steinbach responded at 10:34 p.m., "You must have good sources." The reporter responded at 10:37 p.m., "Ha. Big day [REDACTED]"

[REDACTED] No email communications were found indicating that OPA was aware of this communication prior to it occurring.

- [REDACTED], 2015, at 07:33 a.m., [REDACTED] reporter texted Steinbach, "Late lunch possible today?" and Steinbach responded at 02:33 p.m., "[Reporter's first name]..I'm in [REDACTED] this week. [REDACTED]. Rain check?" The reporter immediately texted Steinbach, "Wow! [REDACTED]? Any chance you have a couple mins to talk, about something else?" Steinbach responded at 02:36 p.m., "Can you call right now." The reporter called Steinbach at 02:36 p.m.; the duration of the call was 09:36 minutes.
- [REDACTED] 2015, Steinbach and [REDACTED] reporter exchanged five text messages [REDACTED] The reporter texted Steinbach at 11:01 a.m., "Do you have a moment to offer perspective [REDACTED]?" Steinbach responded at 02:35 p.m., "I'm in [REDACTED]. \xce [sic] can talk now or later in the morning." The reporter responded at 02:41 p.m., "Whoa, okay. Isn't it the middle of the night there right now?" Steinbach responded at 02:47 p.m., "No. It's 4:45am. I'm watching tv [sic]." The reporter responded at 02:47 p.m., "That is the middle of the night! I'm calling in 2." Six minutes later, at 02:53 p.m., the reporter called Steinbach and the duration of the call was 30:25 minutes. [REDACTED]
- [REDACTED]
- [REDACTED], 2015 at 06:51 p.m., [REDACTED] reporter texted Steinbach, "Hello! Meant to message you earlier. You told me to reach out to remind about [REDACTED]."² [REDACTED] 2015, at 03:30 p.m., the reporter texted Steinbach again, "Wanted to get lunch or coffee to talk [REDACTED]" Steinbach responded at 03:32 p.m., "I probably can't get out this week but I have not forgot." No emails or phone calls from Steinbach [REDACTED] to OPA were found.

- [REDACTED] 2015, Steinbach and [REDACTED] reporter exchanged 25 text messages. [REDACTED] At 09:43 p.m., the reporter texted Steinbach, "Just curious, from what little u know now, [REDACTED]" [REDACTED] Steinbach responded at 09:47 p.m., "May be worth it." The reporter responded at 10:00 p.m., "Well, so much for having a low key week in DC! Was even gonna [sic] see if you could grab din [sic] this week." Steinbach responded at 10:01 p.m., "You may want to check social media." The reporter responded with two text messages at 10:02 p.m. and 10:04 p.m., "I am. [REDACTED]"

Steinbach responded at 10:06 p.m., [REDACTED] The reporter responded with two text messages at 10:06 and 10:07 p.m., "Yeah I see.. [REDACTED] I'm still learning how to be savvy on social media :)" The next day, [REDACTED], the reporter texted Steinbach attempting to get further information regarding [REDACTED] and asked that he call, but no response was found from Steinbach. [REDACTED] 2015, at 02:23 p.m., Steinbach called [REDACTED] in OPA and the duration of the call was 03:30 minutes. [REDACTED]

- Also on [REDACTED] at 09:51 p.m., [REDACTED] reporter texted Steinbach, "Oh geez. [REDACTED] [REDACTED] responded at 09:52 p.m., Go [sic] early to tell." The reporter responded at 09:52 p.m., "Yikes. [REDACTED] Steinbach responded at 09:56 p.m., "We have seen it. [REDACTED] [REDACTED] The reporter responded at 09:56 p.m., "Cool thanks. Crazy situation."

2015 – Additional Communications

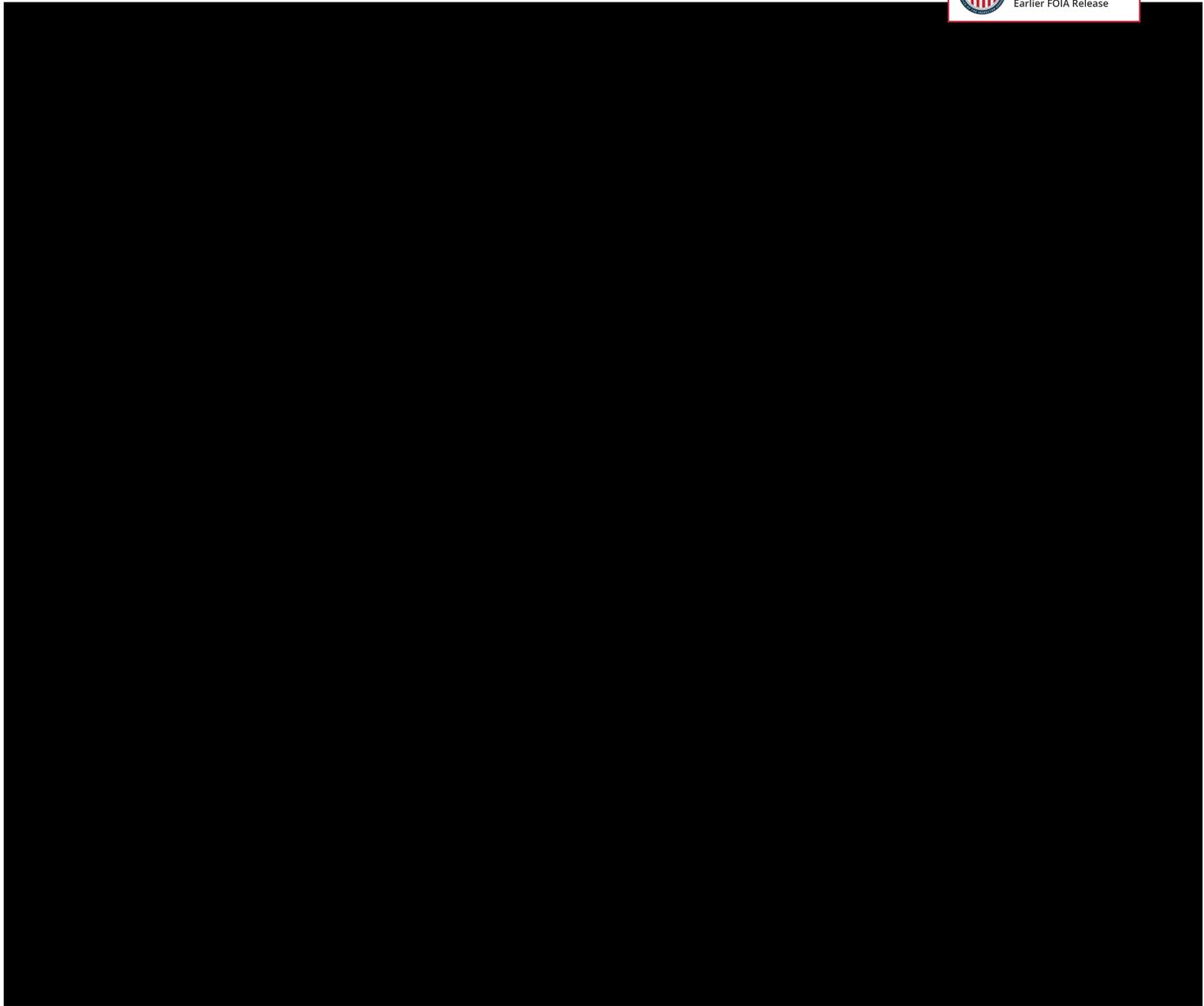
- [REDACTED], 2015, Steinbach and [REDACTED] reporter exchanged ten text messages and two phone calls [REDACTED] The reporter texted Steinbach beginning on [REDACTED] 2015, at 04:45 p.m., "[REDACTED] Do you have any time to talk between now and Sunday morning about it? I know we discussed it over din [sic], but would be good to get a little more insight!" Steinbach responded at 05:28 p.m. and 07:34 p.m., "Yes we can discuss." "Make sure you have a pen and paper to take notes. I want to make sure you understand better than most of media who over simplify or just get it wrong." [REDACTED] 2015, at 11:52 a.m., [REDACTED] called Steinbach and the duration of the call was 05:42 minutes. At 01:29 p.m., the reporter texted Steinbach, "What's a good time for you to talk today?" Steinbach responded at 01:35 p.m., "Now is good" (and they agreed to call each other around 3:00 p.m.). At 03:08 p.m., the reporter called Steinbach and the duration of the call was 08:53 minutes. Steinbach then called the reporter at 03:34 p.m. and the duration of the call was 13:06 minutes. [REDACTED] 2015, at 04:05 p.m., Steinbach texted the reporter, "Outstanding! Well said." The reporter responded, "Thanks Mike! [REDACTED] Steinbach responded, "Yes. Your logic was straightforward and easy to follow." [REDACTED]
- [REDACTED] That same day, Steinbach texted an [REDACTED] reporter at 01:19 p.m., [REDACTED] The reporter responded at 01:20 p.m., "I understand that perspective, Mike, I really do. I want you to know that that was a decision that was not made by me. I conveyed the FBI's concerns to my editors multiple times, and I know [REDACTED] did as well. To the extent that it helps, [REDACTED]"

- [REDACTED] beginning at 04:50 p.m., Steinbach and [REDACTED] reporter exchanged six text messages. The reporter texted Steinbach, [REDACTED] Do you have a moment today? The reporter texted Steinbach at 06:06 p.m., "Calling u [sic] from [REDACTED] work phone" and followed up at 08:10 p.m., "Thx for talking. As we were getting off phone [. . .] reported that apparently so I had to handle it quickly. It's taken care of!" Steinbach responded at 08:11 p.m., "Did [sic] you prevent from getting on the air?" The reporter responded at 08:19 p.m., "Literally as we were getting off phone she went on [. . .] show. I didn't hear what she said, [REDACTED] , but just know I handled it after that!!!"
- From [REDACTED] 2015, Steinbach and [REDACTED] reporter exchanged two phone calls; the duration of the calls were 06:23 minutes and 12:48 minutes. During this timeframe, no communication was found between OPA, [REDACTED] or Steinbach.

- That day, a [REDACTED] reporter texted Steinbach five times asking him to call [REDACTED] Steinbach responded that he was [REDACTED] , and did not respond to any of the texts.
- Also [REDACTED] , at 04:47 p.m., [REDACTED] reporter texted Steinbach, "Hey Mike, I'm sure you are getting crushed right now. I'm [REDACTED] on vacation but getting asked to check on this. [REDACTED] Steinbach responded, "[Reporter's first name] I just [REDACTED] so I have no information."

- [REDACTED] , at 10:01 a.m., Steinbach texted [REDACTED] reporter, "should have called me before [REDACTED] ." The reporter responded, [REDACTED] The OIG did not find any response from Steinbach.

- [REDACTED] 07:16 p.m., [REDACTED] reporter called Steinbach and the duration of the call was 25:18 minutes. During this conversation, Steinbach received a phone call from [REDACTED] at 07:31 p.m. and the duration of the call was 04:56 minutes. [REDACTED]



- [REDACTED] 2015, Steinbach called [REDACTED], the duration of the calls were 30 seconds and 38 seconds, respectively.
- [REDACTED], 2015, Steinbach called [REDACTED] reporter at 02:14 p.m., the duration of the call was 45:21 minutes. That same day, Steinbach and [REDACTED] exchanged three phone calls and the durations of the calls were 29 seconds; 01:53 minutes; and 34 seconds.
- [REDACTED] 2015, at 07:50 p.m., Steinbach received a call from [REDACTED]; the duration of the call was 01:42 minutes.
- [REDACTED], 2015, Steinbach received a call from a [REDACTED] reporter at 06:41 a.m., the duration of the call was 02:31 minutes. [REDACTED]

[REDACTED]

- [REDACTED], 2015, [REDACTED] called Steinbach; the duration of the call was 02:06 minutes.
- [REDACTED], 2015, at 01:50 p.m., [REDACTED] reporter called Steinbach; the duration of the call was 09:19 minutes. [REDACTED]
[REDACTED] No OPA correspondence was found from Steinbach or [REDACTED] to OPA.

[REDACTED]

2016

[REDACTED]

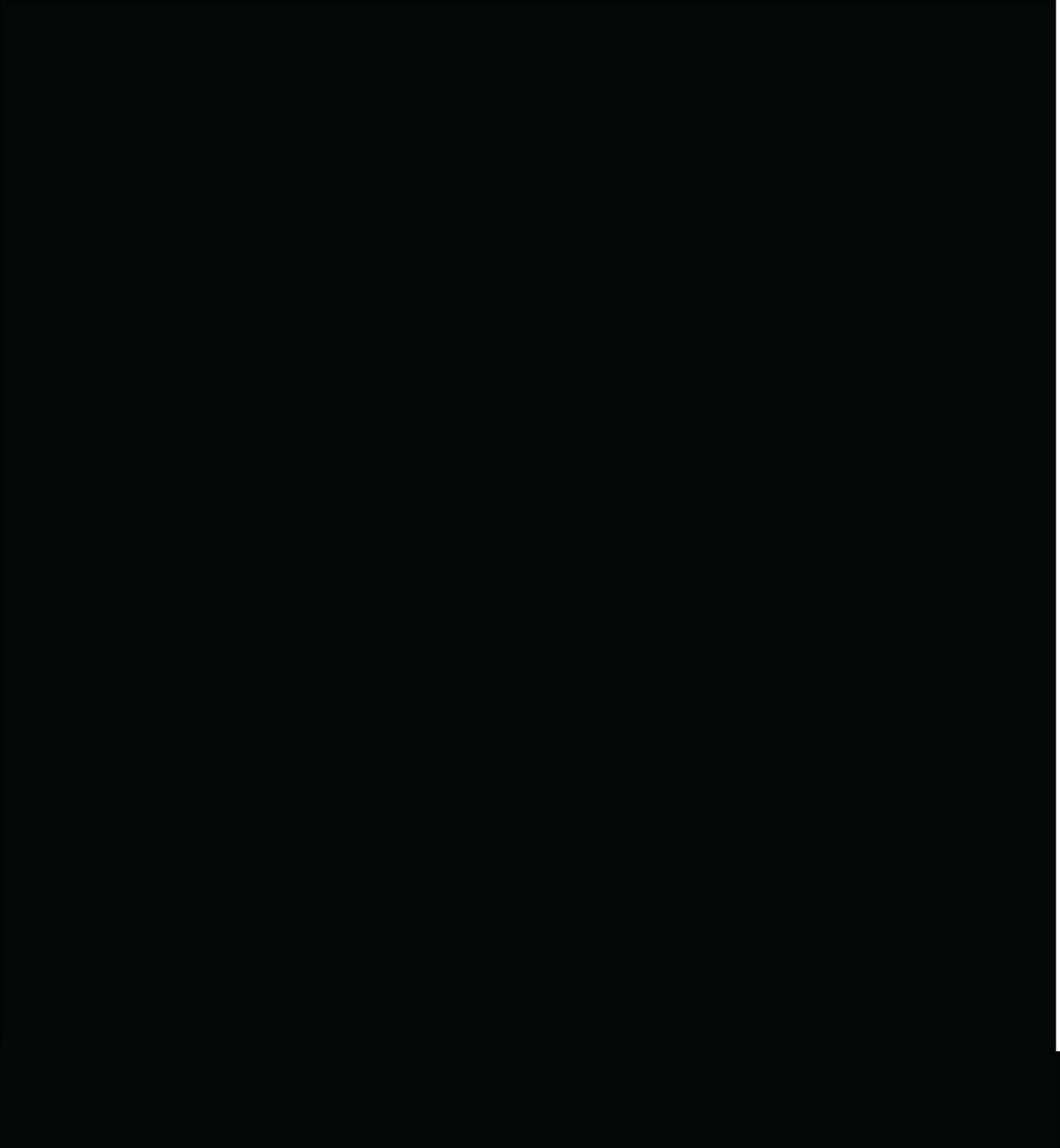
- [REDACTED] 2016, at 08:28 a.m., [REDACTED] reporter texted Steinbach, "Mike! How have you been? Feel like it's been a while. Lunch soon? ... Anyway, if you have a couple mins today, can I pick your brain about something? [REDACTED]
[REDACTED] Steinbach responded at 08:30 a.m., "Nice hearing from you. Yes we can grab lunch sometime. [REDACTED]"

[REDACTED] .” The reporter responded at 08:31 a.m., “Gotcha. Thanks... How's later this week looking for lunch?” [REDACTED]

- [REDACTED]
- [REDACTED] 2016 at 04:55 p.m., Steinbach carbon copied [REDACTED] on an email to a [REDACTED] reporter in response to a request for information [REDACTED]. [REDACTED] Steinbach requested that the reporter email [REDACTED] directly regarding the request.

- [REDACTED], at 06:24 a.m., [REDACTED] reporter texted Steinbach, “Hey Mike, sorry to bug. Any chance you're up, and following this [REDACTED]?” Steinbach responded at 06:52 a.m., “Nothing to add right now.” The reporter responds, “Ok, thanks.” [REDACTED], 2016, at 10:36 a.m., the reporter texted Steinbach, [REDACTED]. Starting to get a lot of attention, and I'd like to make sure [REDACTED] understands where we are on all this. Apparently [REDACTED] is going to do a whole segment on it today. Trying to make sure they understand the broader context.” Steinbach responded at 11:22 a.m., “Lots of smoke. Still looking for fire.”
- Also [REDACTED], 2016, a [REDACTED] reporter texted Steinbach twice at 08:26 a.m., and 06:09 p.m., [REDACTED]?” “You have two mins?” On [REDACTED] 2016, Steinbach called the reporter at 04:35 p.m. and the duration of the call was 07:00 minutes. That same day, the reporter called Steinbach at 04:44 p.m. and the duration of the call was 04:00 minutes. The reporter texted Steinbach again at 06:34 p.m., [REDACTED]. [REDACTED] 2016, the reporter texted Steinbach at 11:11 a.m., “You have two mins? [phone number].” Steinbach called the reporter at 04:59 p.m., the duration of the call was 07:00 minutes. Later that evening around 08:00 p.m., the reporter texted Steinbach two more times, “you [sic] have two mins this evening?” “just [sic] want to run something by you for accuracy sake.” [REDACTED], 2016, the reporter texted Steinbach at 09:02 p.m., [REDACTED]. [REDACTED], 2016, the reporter called Steinbach twice at 12:49 p.m. and 12:58 p.m. and the duration of the calls were 06:00 minutes and 03:00 minutes. Steinbach texted the reporter at 04:46 p.m., “Tried to call. Call keeps dropping.” The reporter responded, “Ok. I will try you back.” At 08:42 p.m., the reporter

texted Steinbach, [REDACTED] #3
The reporter texted Steinbach again on [REDACTED] 2016, at 10:39 a.m., "you around today to answer two quick questions?" On [REDACTED], 2016, Steinbach called the reporter at 11:03 a.m., the duration of the call was 02:00 minutes. Steinbach texted the reporter again at 03:06 p.m., "I'll call you back when I get to my office." The reporter responded, "Cool. Sorry. [phone number]."



[REDACTED]

[REDACTED]

[REDACTED]

- On [REDACTED] 2016, 11:38 a.m., emails were found between Steinbach, [REDACTED] and [REDACTED] [REDACTED] to coordinate a phone call with a [REDACTED] reporter. [REDACTED] 2016, at 07:49 a.m., Steinbach texted the reporter, [REDACTED] [REDACTED] Like I said yesterday we cannot attain perfection but we are pretty good." The reporter responded at 03:48 p.m., "call [*sic*] please" On [REDACTED] 2016, beginning at 09:12 a.m., the reporter called Steinbach three times; the duration of the calls were 02:34 minutes, 04:02 minutes, and 08:41 minutes. No further OPA contact was found from Steinbach [REDACTED]. [REDACTED] [REDACTED]
- [REDACTED] 2016, at 06:02 p.m., [REDACTED] reporter emailed Steinbach [REDACTED] [REDACTED] [REDACTED]. Steinbach responded, "Thanks. Crazy week." [REDACTED]

2016 – Additional Communications

- On [REDACTED], 2016, at 04:12 p.m., [REDACTED] reporter texted Steinbach, "Hey Mike...Do you have a couple of minutes to talk by chance?" At 04:23 p.m., Steinbach called the reporter, the duration of the call was 15:00 minutes. No OPA contact was found from Steinbach [REDACTED]. [REDACTED] [REDACTED]
- On [REDACTED] 2016, OPA and Steinbach discussed setting up an interview with a [REDACTED] reporter. On [REDACTED] 2016, at 11:57 a.m., the reporter texted Steinbach, "You have two mins today? I want to make sure I phrased something correctly and it is easier to deal with you directly than go they [*sic*] [REDACTED]. Also, I can be more liberal with what I share with you (you background than I can with [REDACTED])"

them. [phone number]" and "Do you have one last minute? Very sorry. A question about social media...[phone number]." [REDACTED]

- [REDACTED], 2016, at 02:31p.m., a [REDACTED] reporter texted Steinbach, "You have 5 mins to walk me thru [sic] a [REDACTED] [sic] issue? Maybe 10? Off the record. On your drive home?" Steinbach called the reporter at 02:52 p.m.; the duration of the call was 07:11 minutes. At 3:05 p.m., Steinbach called [REDACTED] and the duration of the call was 11 seconds.

- [REDACTED] reporter texted Steinbach "Hey man, you around for a call?" [REDACTED] Steinbach responded at 12:33 p.m., "Not much I can comment on [reporter's first name] sorry." The reporter responded at 12:35 p.m., "No worries. I get it. Just think there are things FBlers [sic] can talk about that will add some much-needed context. It's incredible to watch how this is being spun by some."

- [REDACTED]

- On [REDACTED] 2016, at 07:17 a.m., [REDACTED] reporter emailed Steinbach [REDACTED] Steinbach responded at 09:08 a.m., that "I'll try to call in a little bit." The reporter emailed Steinbach at 02:12 p.m., "Thanks." [REDACTED]

Steinbach retired from the FBI on February 24, 2017.

Interview of FBI OPA Senior Officials concerning the FBI media contacts policy

[REDACTED] told the OIG that an FBI employee developing social relationships with reporters absent coordination with OPA would be violating FBI policy. [REDACTED] said there was no meeting "with any executive

or anybody in the FBI where we instructed somebody to go out or gave them blanket authorization to go out and establish social relationships with members of the media independent of OPA.”

█████ further stated that when reporters initiate contact with FBI employees, the employees should contact OPA, and that there should not be any instances where FBI executives or FBI personnel initiate contact with a member of the press. █████ told the OIG that “just because somebody would notify us of that after the fact or that they may see somebody, you know, that notification isn’t authorization. It isn’t license to engage. I don’t recall any license to engage. Certainly proactively and certainly in a social setting.” █████ noted that strictly social events with the media where no FBI information was discussed would still give rise to the appearance of impropriety. █████ said, “you have FBI socializing with a media person. Regardless of the level of the person, [Executive Assistant Director], or █████ I just don’t think it’s advisable to do that. It sounds to me almost like they’re assuming the role of the Office of Public Affairs in dealing with reporters. And I think that’s dangerous.”

█████ told the OIG that he did not recall being informed about multiple dinners between any FBI employee and the media. █████ stated, “That stuff certainly wasn’t run by me. And if it’s a, if it was a preplanned thing, you know, it, something was initiated by any executive, that’s definitely a no-no. I’m sorry, our executives were going out to have lunches and dinners and stuff like that with reporters independent of OPA. For me it’s just both from the policy and the customs standpoint that I alluded to yesterday. That, you’re putting people into positions that are untenable. You know, nobody from OPA is there to chaperone. Nobody there to set the ground rules. You never know what can be said. You don’t know under what conditions it can be said. So it can lead to a lot of problems.”

█████ told the OIG that, while it may have been a philosophy that the FBI wanted to have open channels with the media to separate fact from fiction and mitigate inaccurate or damaging information, it was not OPA’s policy or practice to encourage anyone to engage in unilateral interaction (dinners, drinks, golf outings) without OPA presence. █████ stated that the practice of an FBI employee, outside of OPA, reaching out to a member of media directly was not a practice that he would ever encourage or support.

The OIG asked █████ if he or his deputy, █████, instructed Steinbach to develop friendly, cordial relations with the media. █████ said, “I mean, that practice is generally applicable throughout the FBI. I mean, we don’t do it all the time. But if new reporters come on the beat, or if a new, uh, someone in a leadership position comes into a new position, it was not uncommon to maybe have a, um, kind of, non-crisis conversation about their mission, and their priorities, and that kind of thing. You know, consistent with the kinds of information that could be disclosed at any time. So, I won’t say -- I mean, that was done in conjunction with Public Affairs, with management of that, whatever division it was, in this case Counterterrorism, if it was done. I seem to think we probably did it. I’m sure we did it with them, because the terrorism portfolio was quite busy and, um, you know, we wanted to make sure we had open channels of communication.”

The OIG asked █████ about FBI employees reaching out to the media without OPA coordination, and █████ stated, “I mean, people would, I mean, generally, and I can’t think of any exceptions, if an employee is concerned about something -- employee is, say, you know, a Deputy Assistant Director, or Assistant Director, or Section Chief, or somebody, Unit Chief, is concerned about something they feel needs to be corrected or conveyed to a reporter in some way, they would come to us and have a discussion about, you know, the wisdom of that, the best way of approaching, and, you know, have a discussion prior. They would not take it upon themselves, unilaterally, to do that.”

Interview of FBI Senior Official concerning contacts with the media

██████████ along with Bryan Paarmann under AD Steinbach and wanted to provide context to the OIG for the way things were handled by the FBI in late 2014. ██████████ recalled that during his first couple of months, Steinbach told them that Director Comey was trying to change the way the FBI dealt with the media. ██████████ explained that Comey's approach entailed proactively trying to find media sources that the FBI could trust to get stories right and to protect the brand of the FBI. ██████████ stated, "I think Director Comey, more than any director I ever heard, fully understood the concept that we're only as good as our ability to listen to information with people. And when you take your credentials out, it needs to mean something. And the only way to do that is to have the trust. And the only way to get the trust is to have good will and the media is part of that, right?"

██████████ noted that during big investigations, there would be constant media leaks possibly coming from local or state partners, command posts, or possibly Joint Terrorism Task Forces, so there was a focus on trying to have accurate information coming from executives at headquarters. ██████████ told the OIG that OPA had only two executives, ██████████, who could not keep up with the volume of media contacts, and they were well aware CTD was targeting and meeting with the media to build trusted relationships and they never voiced any concerns or attempted to halt the practice. ██████████ stated that, in some cases, CTD was trying to fix the relationships because OPA did not have a good relationship with a reporter. ██████████ could not verify if every media call or meeting was coordinated with OPA, but noted that the definition of coordination was never delineated.

██████████ noted the FBI media policy allowed for these communication and coordination problems to exist because the policy was not clear on what was required or considered approved and that "coordination with OPA" was completely undefined. ██████████ stated that he believed it could have been a phone call, an email, or see you in the hallway type of coordination with OPA and that it was not clear whether coordination was required ahead of time or afterwards, occasionally or when it was something more than routine. ██████████ noted, "like at the end of the day, I kind of wished it had all been formal. Because then we would not be having this issue, right? Because we'd say, you know what, we filled out this form and that's bad on the Bureau but that's bad on OPA's policy. You read that policy? It was bullshit."

Steinbach's refusal to sit for an OIG interview and comments to the FBI

As noted above, Steinbach retired from the FBI in February 2017 and subsequently refused to be voluntarily interviewed by the OIG on this matter. The OIG has the authority to compel testimony from current Department employees upon informing them that their statements will not be used to incriminate them in a criminal proceeding. The OIG does not have the authority to compel or subpoena testimony from former Department employees, including those who retire or resign during the course of an OIG investigation.

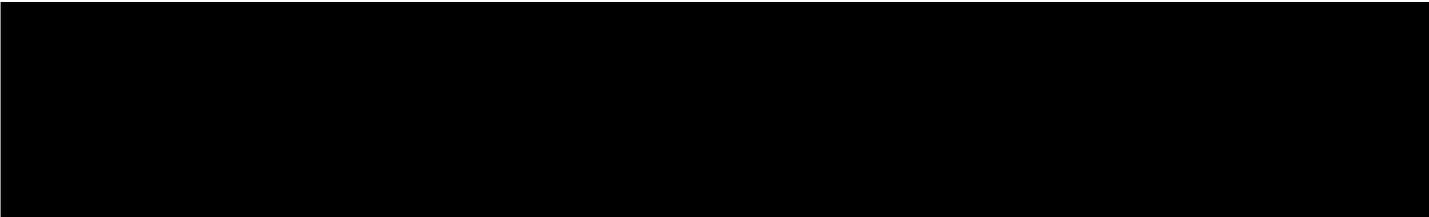
On July 18, 2017, Steinbach was interviewed by the FBI, after his retirement, on a separate matter but his communication with the media was discussed. According to the FBI report of that interview, Steinbach stated that he was authorized, while EAD of NSB, to provide non-case related information to the media as background, ██████████. Steinbach said he was frequently contacted by the media for comment and questions relative to a variety of national security issues and the media was "relentless" and "aggressive" in their attempts to get a story. Steinbach related that his general response to media inquiries was to direct reporters to OPA ██████████ who would in turn assess the request and then coordinate the interview(s) as appropriate in the best interest of the FBI.

Steinbach added that [REDACTED] also coordinated with Steinbach post-retirement to be interviewed on at least three separate occasions by different media outlets.

OIG's Conclusion

The OIG investigation determined that Steinbach violated the FBI Public Affairs Manual, dated June 28, 2006, and the Media Relations at FBIHQ and in Field Offices Policy Guide, dated October 13, 2015, when he socialized with members of the media outside FBI headquarters without OPA coordination. As an EAD and AD during the relevant time period, Steinbach was required to coordinate all his interactions with the media with OPA. The OIG found that Steinbach was aware of the FBI policy relating to interaction with the media and that his social engagements were not authorized by OPA.

Additionally the OIG concluded that the preponderance of the evidence supported a finding that Steinbach also violated on multiple occasions the FBI Public Affairs Manual and the FBI Media Relations at FBIHQ and in Field Offices Policy Guide when he had contact with member of the media without OPA coordination. While FBI records reflected that on limited occasions, Steinbach had approval from, or coordinated with, OPA in connection with his media communications, the volume of Steinbach's interactions and the nature of his communications with certain members of the media supported the finding that many of those interactions were in violation of FBI policy. The fact that OPA authorized or were aware of some of the contacts, did not provide Steinbach with a blanket authorization to contact members of the media without OPA coordination.



Acceptance of Gifts from a Prohibited Source

Subsequent to the onset of the investigation related to Steinbach's extensive contacts with the media, the OIG found indications that Steinbach received items of value from members of the media.

Relevant Authority

Title 5 CFR § 2635.202 states that a federal employee may not, directly or indirectly, accept a gift given because of the employee's official position. Title 5 CFR § 2635.203(b) defines a gift as any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. It includes services as well as gifts of training, transportation, local travel, lodgings and meals, whether provided in-kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred. Under Title 5 CFR § 2635.203(d), a prohibited source includes any person who does business or seeks to do business with the employee's agency or has interests that may be substantially affected by the performance or nonperformance of the employee's official duties.

Title 5 CFR § 2635.204 states that exceptions can be made to the prohibition for the acceptance of certain gifts when the gift is valued at \$20 or less. An employee may accept unsolicited gifts having an aggregate market value of \$20 or less per source per occasion, provided that the aggregate market value of individual gifts received from any one person under the authority of this paragraph (a) does not exceed \$50 in a calendar year.

The financial disclosure provisions of the Ethics in Government Act imposes detailed requirements for public financial disclosure by senior United States Government officials. Executive Branch Personnel are required to file an OGE Form 278e annually for the preceding calendar year. Section 9 of the 278e form is titled, Gifts and Travel Reimbursement, and the 2016 and 2017 form discloses, "Gifts totaling more than \$390 that the filer, the filer's spouse, and dependent children received from any one source during the reporting period. Travel reimbursements totaling more than \$390 that the filer, the filer's spouse, and dependent children received from any one source during the reporting period. For purposes of this section, the filer need not aggregate any gift or travel reimbursement with a value of \$156 or less. Regardless of the value, this section does not include the following items: (1) anything received from relatives; (2) anything received from the United States Government or from the District of Columbia, state, or local governments; (3) bequests and other forms of inheritance; (4) gifts and travel reimbursements given to the filer's agency in connection with the filer's official travel; (5) gifts of hospitality (food, lodging, entertainment) at the donor's residence or personal premises; and (6) anything received by the filer's spouse or dependent children totally independent of their relationship to the filer. Additional exceptions apply."

The FBI Ethics and Integrity Program Policy Guide, dated February 2, 2015, Section 3.2, regarding Executive Order 12674 "Principles of Ethical Conduct for Government Officers and Employees" states in Part 1(d): An employee shall not, except pursuant to such reasonable exceptions as are provided by regulation, solicit or accept any gift or other item of monetary value from any person or entity seeking official action from doing business with, or conducting activities regulated by the employee's agency, or whose interests may be substantially affected by the performance or nonperformance of the employee's duties.

In addition, the FBI Ethics and Integrity Policy Guide discusses the FBI Policy and Processing of Widely Attended Gatherings (WAG) Requests (a) states that all WAG requests must be sent to the FBI Deputy Designated Agency Ethics Official (DDAEO) (send requests to the Office of Integrity and Compliance in HQ) through the requesting employee's supervisor. To forward a request, the supervisor must have made a determination that the employee's attendance is in the interest of the FBI (e.g., making a finding that attendance will further FBI programs and operations). The FBI DDAEO will determine whether any appearance of impropriety created by acceptance of the gift would be outweighed by the benefit to the FBI mission and the taxpayer.

The OIG learned from FBI emails and from former FBI DAD Bryan Paarmann that Steinbach and Paarmann attended the Radio-Television Correspondents' Association (RTCA) black tie dinner on March 25, 2015, in Washington D.C. as guests of [REDACTED] reporter. Steinbach was the AD of CTD at this time. The dinner is an annual event held in Washington D.C. for credentialed RTCA members and is not open to the public. The RTCA valued the 2015 ticket at approximately \$225.

On March 20, 2015, Steinbach and his deputy Paarmann received an email from the reporter to their FBI email accounts stating, "Hey guys, ready for a little Washington party? (Or is "Washington party" an oxymoron?) Anyway, I should be getting formal invitations on Monday that I'll get to you..." The email chain further included the reporter's description of the 2015 RTCA dinner and indicated that the reporter would drop off the tickets for Paarmann at FBI Headquarters.

During this same time period, the OIG found that Steinbach was soliciting a [REDACTED] reporter for tickets to the White House Correspondents' Association (WHCA) black tie dinner, which was scheduled for April 25, 2015. Steinbach and the reporter began a text on March 25, 2015, the same evening of the RTCA dinner:

[REDACTED] reporter: "Who did you go with?"

Steinbach: "[reporter's first and last name] [REDACTED]"

[REDACTED] reporter: "Oh please. ;)"

Steinbach: "You didn't invite me"

██████ reporter: "And I was going to invite you to White House correspondents [sic] dinner but couldn't get plus one. Does that count?"

Steinbach: "Lots of ██████ reporters here. May have to branch out!"

██████ reporter: "Absolutely not!!!! But curious to know who you've met so far?"

Steinbach: "Have to keep my sources confidential but they want to interview me."

██████ reporter: "Well, they will never be as good as me! And don't you get the big head! ;)"

Steinbach: "But they are promising the WH Correspondents dinner."

██████ 2015, Steinbach texted the ██████ reporter the following:

Steinbach: "You are funny. Just remember next year WH Correspondents for me and ██████

██████ reporter: "Haha. I'm on it!"

The OIG discovered from FBI email records and text messages that as EAD of NSB, Steinbach and ██████ attended the 2016 WHCA dinner and the ██████ reception party on April 30, 2016, as a guest of a ██████ reporter. The WHCA Executive Director valued the dinner ticket at approximately \$300 per plate. Emails indicated that both Steinbach and ██████ joined the ██████ reporter after the event and received transportation from the reporter.

██████ 2016, Steinbach texted the ██████ reporter, "Do I ned [sic] to meet up with [sic] today for tickets or do we just get them Sat?" The reporter responded to Steinbach "Wherever is good for u [sic]" and Steinbach responded, "██████ coffee work?" The reporter responded "Yep."

The day before, on ██████, 2016, the ██████ reporter and Steinbach exchanged texts regarding the WHCA dinner:

CNN reporter: "I put you on the map and now you're cheating on me with [reporter's first and last name]?"

Steinbach: "I kept waiting for my invite from you."

██████, 2016, Steinbach texted the ██████ reporter, "We are at the hotel." The reporter texted Steinbach, "On my way. Have fun people watching! I will try to find you around 6-ish. You can get to the terrace level and get free drinks I think. Play a celebrity drinking game. Joke [sic]" Steinbach texted the reporter, "I already started." The reporter then texted Steinbach, ██████: everything after the first drink is off the record at the ██████ [sic]. Steinbach texted, "Haha" and the reporter responded, "Where u [sic] at? Terrace?"

██████ 2016, Steinbach sent an email to the ██████ reporter with the subject line "Great Night" and included an attached picture of ██████ and the reporter standing together in front of the WHCA banner. The email read, "[reporter's first name] Thanks for hanging out with us last night ██████ and I had a great time. And also thank you for giving us a lift. That was nice. I know it has been [sic] very busy year but when it slows down and as the weather gets nicer, we would love to grab [sic] or drinks with you and ██████ either in the city somewhere or at our house. I'm out next week but the following week let me know a good time to grab coffee or a drink after work. Definitely punching above my weight hanging out with the ██████ pictured in the photo."

The ██████ reporter responded, "Love this!!! ██████
██████ :) haha... I'm so glad I was able to hang out with you all a bit last night. It was fun! ██████

██████████ and I would love to join you all for drinks or dinner once the weather gets nicer. ██████████
██████████ but back after that and we'll set something up! Best, [reporter's initials]"

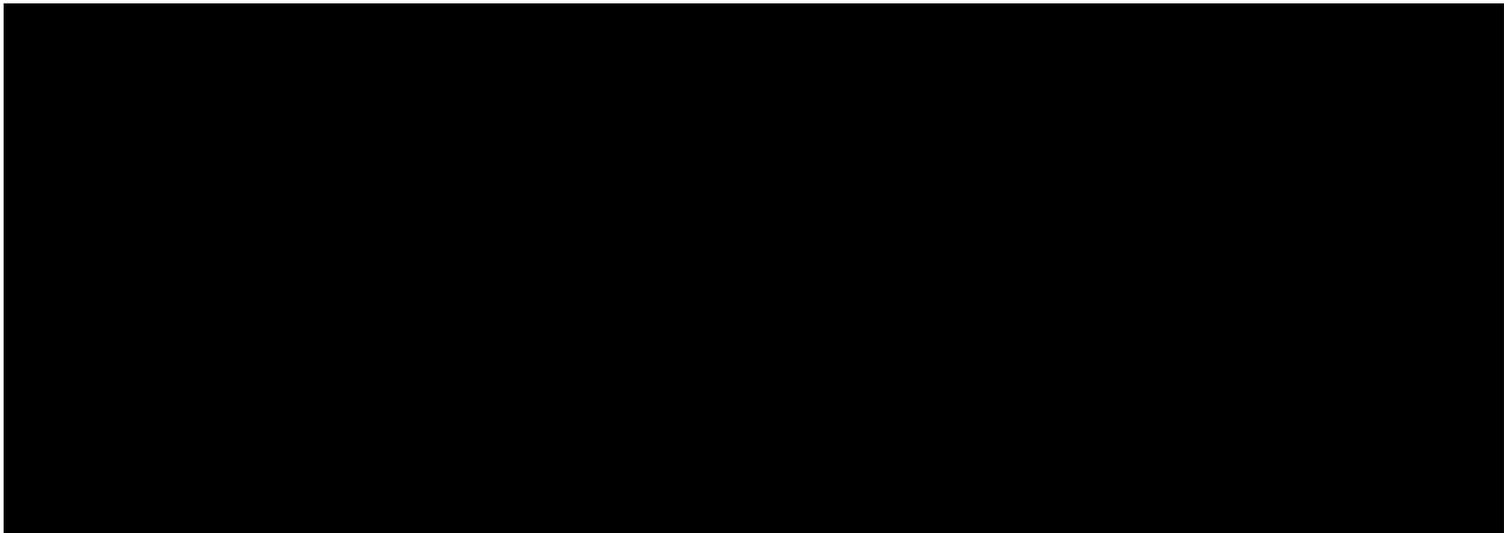
The following day on ██████████, 2016, Steinbach emailed ██████████, "We went to the ██████████ reception party before with [reporter's first name] and then hung out with [a second reporter's first name] afterward for a bit but no party. Very funny how when I tried to take a picture of [the second reporter's first name] and ██████████ in front of the WHCD banner. The papparazi [*sic*] swarmed us. It was surprisingly alot [*sic*] of fun. President was hilarious."

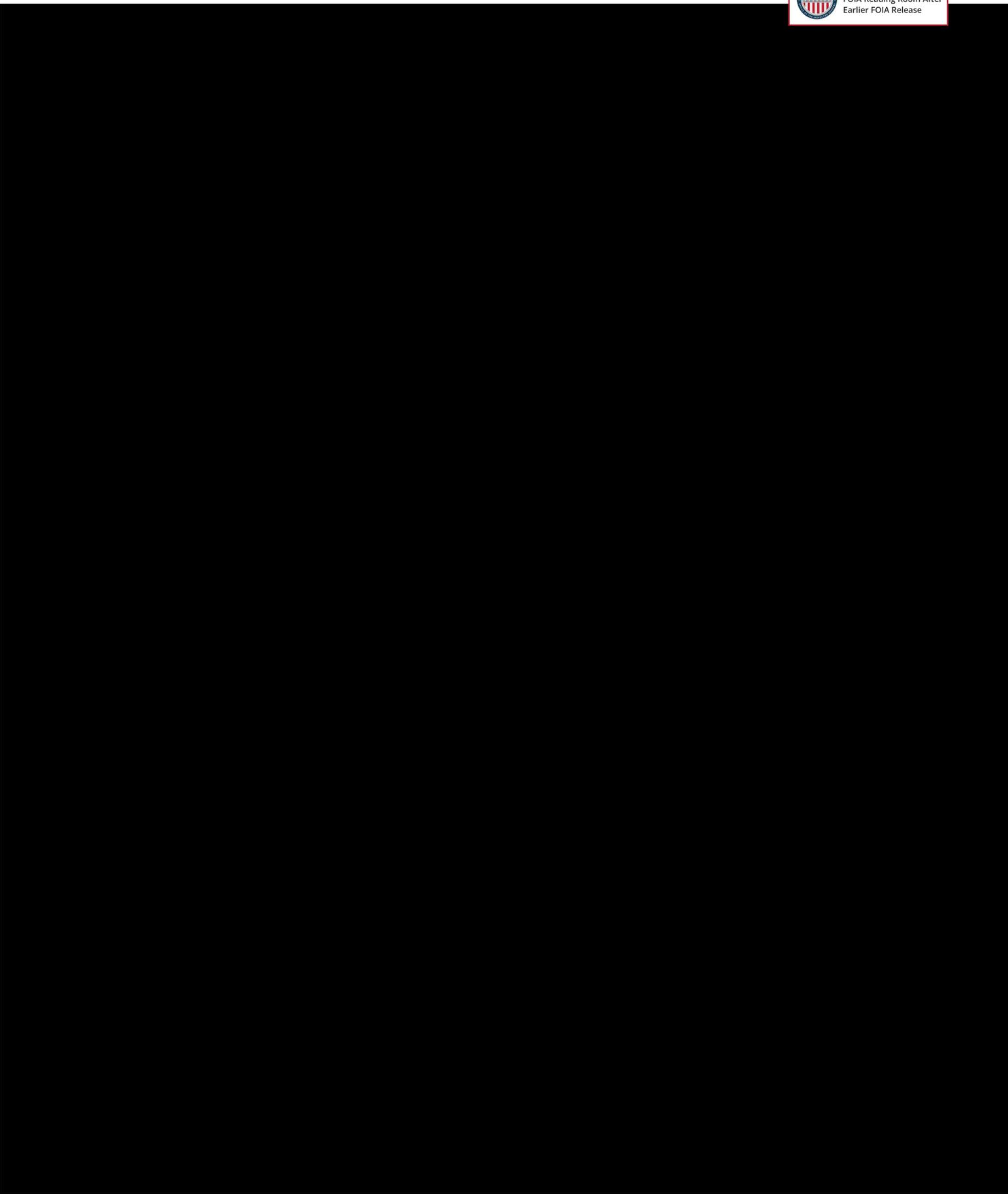
The OIG did not find any evidence that Steinbach submitted a request or received prior written authorization from the FBI OIC Ethics and Integrity unit (OIC) or the DDAEO per the FBI policy before attending either the RTCA or WHCA dinners. The purpose of the FBI OIC review is to allow it to make a determination if attendance is in the best interest of the FBI and whether any appearance of impropriety created by acceptance of the gift would be outweighed by the benefit to the FBI mission and the taxpayer. The OIC completed extensive searches, and found no documents (emails or Widely Attended Gathering forms) regarding Steinbach, or anyone else on his behalf, requesting to attend these events. Their search included archived emails, as well as OIC's shared drive and Ethics Tracker (SharePoint database which dates from 2014 to present) pertaining to Steinbach, those events, and related key words.

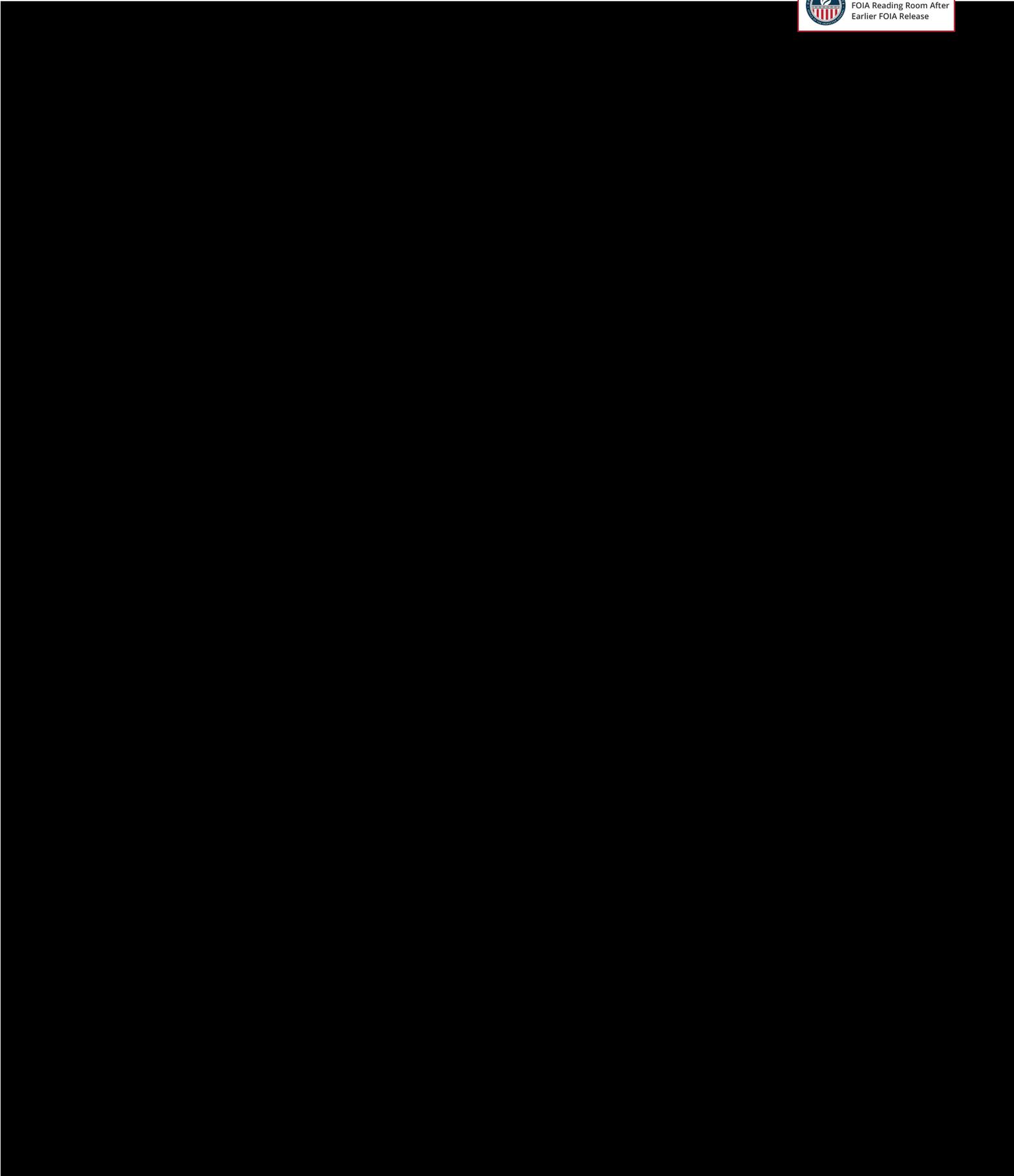
The OIG also reviewed the 2015 and 2016 public financial disclosures forms that Steinbach filed pursuant to Office of Government Ethics regulations and determined that Steinbach did not include in his reports the gifts from the ██████████ reporter and the ██████████ reporter for the tickets to the 2015 RTCA and 2016 WHCA dinners.

OIG's Conclusion

The OIG investigation concluded that Steinbach violated Title 5 Code of Federal Regulations (CFR) § 2635.202, the DOJ Ethics Handbook, and the FBI Ethics and Integrity Program Policy Guide when he accepted tickets from the media to attend two black tie dinner events, one valued at \$225 and the other valued at \$300, and failed to notify the Office of Integrity and Compliance. Steinbach was invited to attend both events as guests of the journalists because of his official positions with the FBI and failed to report having accepted the gifts. The OIG did not locate any communication records reflecting that Steinbach personally paid for the tickets to either event.







The OIG has completed its investigation and is providing this report to the FBI for its information.