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**FEDERAL BUREAU OF INVESTIGATION**

**Electronic Communication**

Title: (U) Protocol regarding Potential Conflicts of Interest

Date: 04/29/2015

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From: WASHINGTON FIELD  
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Contact:

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Case ID #: 333-WF-235579-E (U) ETHICS

*Section 128*

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**DOCUMENT RESTRICTED TO CASE PARTICIPANTS**

This document contains information that is restricted to case participants.

Synopsis: (U) Documents protocol to be followed for matters in which the ADIC has a potential conflict of interest due to his wife's State Senate campaign.

**Details:**

In March 2015, Dr. Jill McCabe announced her candidacy for Virginia State Senate. Dr. McCabe is the wife of Washington Field Office ADIC Andrew McCabe. Prior to Dr. McCabe's official announcement, the ADIC consulted with individuals within WFO and FBIHQ to identify limitations on his participation in her campaign and to identify areas where Dr.

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McCabe's campaign may present potential conflicts of interest for the ADIC in WFO investigations and operations. WFO has a robust public corruption program which seeks to identify, investigate and prosecute individuals and entities involved in public corruption within WFO's area of responsibility, to include the area of northern Virginia Dr. McCabe seeks to represent.

Specifically, on 03/11/2015, ADIC McCabe and A/CDC [redacted] met with AD Patrick Kelly, Office of Integrity and Compliance, and General Counsel James Baker. AD Kelly and GC Baker reviewed with the ADIC provisions of the Hatch Act and provided specific parameters under which the ADIC may be involved in Dr. McCabe's campaign. The ADIC and A/CDC [redacted] also addressed with AD Kelly and GC Baker the potential for conflicts of interest that may arise in WFO operations and investigations. A/CDC [redacted] provided the ADIC with a copy of the Hatch Act as well as relevant portions of the FBI Ethics and Integrity Program Policy Guide for his review and reference.

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With regard to potential conflicts of interest presented by the ADIC's position in the Washington Field Office and the work done by WFO, Criminal Division A/SAC Jennifer Leonard and A/CDC [redacted] have identified several areas where the ADIC's disassociation would be appropriate. Specifically, all public corruption investigations arising out of or otherwise connected to the Commonwealth of Virginia present potential conflicts, as Dr. McCabe is running for state office and is supported by the Governor of Virginia. Therefore, out of an abundance of caution, the ADIC will be excluded from any involvement in all such cases.

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Additionally, A/SAC Leonard, with A/ASAC [redacted] SSA [redacted] and SSA [redacted] conducted an initial review of pending investigations in the WFO Criminal Division to identify cases that present a potential conflict of interest. These cases have been identified to A/CDC [redacted] and will be included in the matters in which the ADIC may take no part, either by being briefed or in the decision-making process.

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Recognizing conflicts of interest may arise in any investigative classification, WFO will assess all other matters on a case-by-case basis and adopts the following protocol for review of such cases:

- ⊗ Prior to opening any investigation that may present an actual or perceived conflict of interest, the matter will first be reviewed by the WFO CDC.
- ⊗ Upon determination by the CDC that no potential conflict of interest is present, the case may be briefed to the ADIC as necessary, and he may be involved in all matters related to the investigation regularly requiring his review and/or approval.
- ⊗ Should the CDC determine a potential conflict of interest exists, the case agent and appropriate ASAC and SAC will be notified and the ADIC will be excluded from all aspects of that case to include, but not limited to, briefings, case updates, operations, intelligence, and any matter related to the investigation. All communications in such cases will carry an administrative note stating the matter is restricted per this serial (333-WF-235579-E, serial 128).
- ⊗ If at any time during the course of an investigation a concern arises as to whether or not an actual or perceived conflict of interest exists, the investigation will be immediately reviewed by the CDC before any further briefing to or other involvement by the ADIC, following the same protocol described above.
- ⊗ The CDC will maintain a list of cases from which the ADIC is excluded, and may review these cases with the case agent as necessary to determine if the potential conflict continues to exist.

All WFO SACs are included in this communication for situational awareness should any matter arise within their division that presents a potential conflict of interest. In such instances, the same protocol described above will be followed.

This protocol will be reassessed and adjusted as necessary and at the conclusion of Dr. McCabe's campaign in November, 2015.

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