

EXHIBIT 3

Declaration of Michael E. Brown

I, Michael E. Brown, hereby state and declare as follows, pursuant to 28 U.S.C. § 1746:

BACKGROUND

When an FBI employee is suspected of violating the FBI's standards of conduct, the allegation is investigated by either the Department of Justice (DOJ) Office of the Inspector General (OIG) or the FBI.¹

The Inspection Division (ID) of the FBI is charged with the responsibility of conducting internal investigations, reviews of operational performance and use-of-enforcement authorities in all investigative programs, and the conducting of special inquiries.² The results of these investigations are provided to the FBI's Office of Professional Responsibility (FBI OPR) which exists within the Inspection Division. OPR is charged with adjudicating completed investigations of employee misconduct.³

The ID will oftentimes delegate investigations to field office personnel, normally to Supervisory Special Agents. The ID continues to oversee the delegated investigations and provides directives and guidance on how the investigations are to be carried out.

INTERNAL AFFAIRS INVESTIGATIONS:

OPR Rotational Assignments

Stolen Weapon

In April, 2014, I was promoted to the position of Supervisory Special Agent (SSA) and was given the responsibility of overseeing the daily operations of a criminal squad of Special Agents, Task Force Officers and administrative support personnel.

Sometime after my promotion, I was notified by field office executive management that I was being assigned an OPR investigation as a part of an office rotational assignment. The investigation focused on allegations of misconduct by a Special Agent in the Chicago Field Office, specifically the agent's failure to properly secure his bureau issued firearm which was subsequently stolen from his personally owned automobile.

Prior to conducting the investigation, I was provided with specific requirements that were to be obtained and submitted in support of the investigation, such as police reports, verification of the description/serial number of the stolen weapon and documentation of the weapon being assigned to the specific agent. I was also provided specific requirements that I was to follow when I, and another SSA, conducted an interview of the accused agent. This interview was to be conducted under oath and was sworn to upon completion. Lastly, I was provided with a checklist, deadlines for completion and the process to be followed in order to obtain field office approval before submitting the results to FBI Headquarters (FBIHQ).

¹ DOJ Office of the Inspector General Press Release, Sept., 2021

² FBI Press Release re Naming of Assistant Director of the Inspection Division, April, 2024

³ FBI Press Release re Naming of Assistant Director of OPR, Sept., 2019

OPR then evaluated the investigation and made a final determination of discipline based on my investigation, which resulted in a suspension of the agent.

Mishandling of a Confidential Informant

Sometime during the following year, I was assigned another OPR investigation. This matter concerned improper handling of a confidential informant. The allegations centered on the improper reporting of information by the handling agent which had the potential to adversely impact an investigation. I am unable to recall with any specificity the extent of the allegations surrounding the improper handling and/or documentation pertaining to this informant.

As in the previous matter, I was provided with similar guidance from FBIHQ as to how the investigation was to be documented, how interviews were to be conducted and the process required to have the resultant investigation approved and submitted to FBIHQ. Following my investigation, the Special Agent was suspended as a result of his conduct.

Investigation of Personnel Under my Supervision

Firearms Training Facility

In addition to my duties as a squad supervisor, I was also assigned to supervise the FBI's Regional Firearms Training Facility located in Great Lakes, IL. This unit was comprised of five Special Agents whose duties included the training of FBI and task force personnel in the use and proficiency of firearms and defensive tactics. In addition, the Special Agents would also be tasked with evaluating new equipment, such as firearms, ammunition and other tactical items.

During an unauthorized evaluation of a new weapons system, one of the agents assigned to the training facility elected to test fire this weapon, which was not part of the FBI's approved weapons inventory and was normally used only by military personnel. By testing this weapon, the agent endangered the safety of other employees at the facility and the surrounding public. This weapon could have potentially caused significant damage to the facility property.

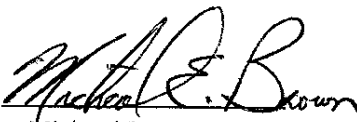
Upon receipt of this accusation, I was tasked by the Special Agent in Charge (SAC) of the Chicago Field Office to conduct an internal investigation of what took place, who was involved and gather any/all evidence of this incident. I reported the results of my investigation directly to the SAC. Prior to the SAC determining what type of discipline was warranted, FBIHQ was consulted and it was determined that this investigation would no longer be handled by the Chicago Division and would be undertaken by the Inspection Division. The results of my investigation were provided to the Inspection Division. Ultimately, the Special Agent received a suspension and was reassigned away from this facility.

Summary

I recall involvement in at least one other disciplinary matter in addition to the foregoing. Upon reviewing Jeffrey Danik's deposition wherein, he highlights his experience in conducting internal investigations while in the FBI, I see no difference in his experiences when compared to mine. Danik was a field supervisor who was presumably tasked with certain "routine" internal investigations that were delegated to the field from FBIHQ.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 20th day of Dec 2024


Michael E. Brown