

# EMPOWER OVERSIGHT

*Whistleblowers & Research*



March 29, 2024

## VIA ELECTRONIC PORTAL

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**RE: Request for Records Pursuant to the Freedom of Information Act, 5  
U.S.C. § 552**

Dear FOIA Officer:

## INTRODUCTION

Empower Oversight Whistleblowers & Research (“Empower Oversight”) is a nonpartisan, nonprofit educational organization dedicated to enhancing independent oversight of government and corporate wrongdoing. We work to help insiders safely and legally report waste, fraud, abuse, corruption, and misconduct to the proper authorities, and seek to hold those authorities accountable to act on such reports by, among other means, publishing information concerning the same.

## BACKGROUND

The mission of the Federal Bureau of Investigation (“FBI”) Criminal Justice Information Services (“CJIS”) Division is to “equip [law enforcement], national security, and [intelligence community] partners with the criminal justice information needed to protect the U.S. while preserving civil liberties.”<sup>1</sup> Located in Clarksburg, West Virginia, the FBI describes CJIS as “a high-tech hub in the hills of West Virginia that provides a range of state-of-the-art tools and services to law enforcement, national security and intelligence community partners, and the general public.” CJIS is the FBI’s largest division,<sup>2</sup> and includes the National Crime Information Center (“NCIC”), Uniform Crime Reporting (“UCR”), Fingerprint Identification, the Integrated Automated Fingerprint Identification System, NCIC 2000, and the National Incident-Based Reporting System (“NIBRS”). The services it provides are essential to virtually every police department and law enforcement agency in the U.S.

Despite CJIS’s crucial mission, Empower Oversight has obtained information from whistleblowers that suggests CJIS is suffering from a lack of oversight. Most recently, Assistant Director (“AD”) Michael Christman has allegedly run CJIS as a personal fiefdom to reward those loyal to him. Not only is this an improper use of taxpayer dollars, it also risks undermining CJIS’s many programs and the missions they serve.

AD Christman first served as one of CJIS’s three Deputy Assistant Directors from 2018 until May 2020, when he was appointed as the Special Agent in Charge of the FBI’s Pittsburgh Field Office (the FBI’s nearest field office).<sup>3</sup> Christman returned as AD of CJIS in March 2021.<sup>4</sup>

According to former CJIS employees, AD Christman has promoted multiple women with whom he appears to have engaged in inappropriate relationships. For instance, former employees have reported to Empower Oversight that AD Christman and a female CJIS employee were observed in a state of undress on a Saturday night in the CJIS gymnasium. That female employee has been promoted quickly.

Further, during an all-employee conference, AD Christman reportedly claimed to have nightly phone calls with a female employee who did not report directly to him. This employee was given three awards in a short period of time, with monetary compensation totaling an estimated \$15,000.

Additionally, since the end of the COVID-19 pandemic, CJIS has unevenly given permission to employees to work from home or telework. Former employees report that employees with close ties to AD Christman have been allowed to telework while others without a close relationship to AD Christman have not.

When challenged on his behavior, AD Christman has reportedly responded by retaliating against employees. AD Christman has allegedly moved employees into temporary positions for “cross-training” as a means to retaliate. These allegations are consistent with the experience of Empower Oversight’s client Monica Shillingburg, who had made protected whistleblower disclosures about the FBI’s National Instant Criminal Background Check System while Christman served as a Deputy Assistant Director of CJIS. On returning to CJIS as AD, Christman took retaliatory action against Ms. Shillingburg, transferring her from a Unit Chief

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<sup>1</sup> [https://www.justice.gov/d9/2023-03/fbi\\_narrative\\_-\\_fy\\_2024\\_presidents\\_budget\\_-\\_final\\_3-13-2023\\_omb\\_cleared.pdf](https://www.justice.gov/d9/2023-03/fbi_narrative_-_fy_2024_presidents_budget_-_final_3-13-2023_omb_cleared.pdf), at 49.

<sup>2</sup> <https://www.fbi.gov/services/cjis>.

<sup>3</sup> <https://www.fbi.gov/news/press-releases/michael-a-christman-named-special-agent-in-charge-of-the-pittsburgh-field-office>

<sup>4</sup> <https://www.fbi.gov/news/press-releases/michael-a-christman-named-assistant-director-of-the-criminal-justice-information-services-division>.

position to a non-supervisory position in another section. Empower Oversight has filed a whistleblower reprisal complaint on her behalf with the Department of Justice Inspector General.<sup>5</sup>

Former employees also report that AD Christman has made threats to move CJIS from West Virginia during all-employee or all-hands conferences. Moving an entire FBI division—particularly the FBI’s largest division—to a new state would ostensibly require funding approved by Congress. However, these threats appear to be designed to intimidate employees, many of whom are native West Virginians.

Former employees report that various complaints have been filed against AD Christman, including with the FBI’s Inspection Division and U.S. Department of Justice’s Office of the Inspector General.

AD Christman’s troubling behavior raises concerns about the FBI’s decision to keep him in that position after his mandatory retirement age. Based upon AD Christman’s LinkedIn page, he began attending college in 1983, suggesting that he was born in 1965 or 1966. That would make him about 58- or 59-years old today.<sup>6</sup> Yet under 5 U.S.C. § 8335(b)(1), a federal law enforcement officer “shall be separated from the service on the last day of the month in which that officer...becomes 57 years of age or completes 20 years of service if then over that age.” Since AD Christman joined the FBI as a special agent in 1992, he had more than 20 years of service when he turned 57 years old and was supposed to be separated from the FBI.

Although § 8335(b)(1) allows the head of an agency to exempt an employee from mandatory separation until they turn 60 years old, the FBI’s decision to keep a senior executive in a position despite several complaints of him engaging in misconduct begs the question of what justification the FBI gave for allowing AD Christman to remain in service.

Under 5 U.S.C. § 3598(a), the FBI Director may provide for an FBI Reserve Service “for temporary reemployment of employees in the Bureau during periods of emergency....” The statute allows a retiree to continue receiving their retirement annuity payments while employed as part of the FBI’s reserve service. 5 U.S.C. § 3598(c). While it is unclear what statutory authority was used to continue AD Christman’s employment past retirement age, if the Director used the FBI Reserve Service to do so, it begs the question of what “emergency” justified it.

Furthermore, it has been alleged that AD Christman was allowed to retire but continue acting in his position as a contractor. If true, this raises the issue of whether the FBI is paying AD Christman for a contract *while* he collects a federal retirement.

## **RECORDS REQUEST**

In order to shed light on possible FBI wrongdoing as well as law enforcement policy, specifically sexual harassment, threats and intimidation against employees, and the FBI exempting high-level executives from mandatory retirement when those executives have allegedly engaged in misconduct, Empower Oversight requests the following records pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552:

1. For the period from March 12, 2021 to March 12, 2023, records reflecting all entries into and exits from CJIS or any of its buildings or rooms on weekends and federal

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<sup>5</sup> <https://empowr.us/wp-content/uploads/2024/01/2024-1-16-TL-to-DOJ-OPR-OIG-MS-WB-Retaliatio-n-w-Exhibits.pdf>.

<sup>6</sup> <https://www.linkedin.com/in/michael-christman-123568b1/> (last visited Mar. 26, 2024).

holidays by Michael Christman, any senior executive service (“SES”) personnel assigned to CJIS, or any GS-15 personnel assigned to CJIS.

2. For the period from March 12, 2021 to the present, records of all career boards, promotion boards, or any such proceeding to promote or assign an individual to an SES position at CJIS.

3. For the period from March 12, 2021 to the present, records of all monetary awards paid to CJIS employees.

4. Records of any communications, during the period from March 12, 2021 through the present, by or with Michael Christman and any SES personnel at CJIS, including all deputy assistant directors and section chiefs, with any of the following terms: “cross-training”, “crosstraining”, “cross training”, “relocation”, “transfer”, “acting”, “telework”, “work from home”, “work-from-home”.

5. Recordings and transcriptions (if available) of Michael Christman speaking at CJIS All Employees Conferences, All Hands Conferences, and Town Halls from March 12, 2021 to the present.

6. Records of all CJIS telework or work-from-home policies from March 12, 2021 through the present.

7. Records of any complaints about Mr. Christman or investigations of Mr. Christman that were received or conducted by the FBI Inspection Division, FBI Office of Equal Employment Opportunity Affairs, FBI Office of the Ombudsman, Department of Justice (“DOJ”) Office of the Inspector General, and/or DOJ Office of Professional Responsibility.

8. FBI Office of Professional Responsibility and/or FBI Office of Disciplinary Appeals records of any adjudications of misconduct allegedly committed by Michael Christman.

9. Records of Michael Christman’s retirement from the FBI.

10. The FBI’s policy on exemptions to mandatory retirement under 5 U.S.C. § 8335(b)(1).

11. Records of any decisions to exempt Michael Christman, currently the AD of CJIS, from mandatory retirement.

12. Records of any communications, during the period from October 31, 2020 through the present, by or with Michael Christman, Director Christopher Wray, Deputy Director Paul Abbate, former Deputy Director Mark Bowdich, Associate Deputy Director Brian Turner, former Associate Deputy Director Jeffrey Sallet, Executive Assistant Director Timothy Dunham, Executive Assistant Director Larissa Knapp, and/or former Executive Assistant Director Jennifer L. Moore, regarding Michael Christman and exemption from mandatory retirement.

13. Records of any contracts or extensions of contracts with Michael Christman after his retirement from the FBI.

14. Records of any communications, during the period from October 31, 2020 through the present, by or with Michael Christman, Director Christopher Wray, Deputy Director Paul Abbate, former Deputy Director Mark Bowdich, Associate Deputy Director Brian Turner, former Associate Deputy Director Jeffrey Sallet, Executive Assistant Director Timothy Dunham,

Executive Assistant Director Larissa Knapp, and/or former Executive Assistant Director Jennifer L. Moore, regarding Michael Christman's contract(s) or extensions of contracts with the FBI.

15. Records of Michael Christman's membership in the FBI Reserve Service, including any documentation of the decision to include him in that service, records of any payments received while in that service, and records indicating whether he was allowed to collect retirement payments while being paid for FBI Reserve Service.

## **DEFINITIONS**

"COMMUNICATION(S)" means every manner or method of disclosure, exchange of information, statement, or discussion between or among two or more persons, including but not limited to, face-to-face and telephone conversations, correspondence, memoranda, telegrams, telexes, email messages, voice-mail messages, text messages, Slack messages, meeting minutes, discussions, releases, statements, reports, publications, and any recordings or reproductions thereof.

"DOCUMENT(S)" or "RECORD(S)" mean any kind of written, graphic, or recorded matter, however produced or reproduced, of any kind or description, whether sent, received, or neither, including drafts, originals, non-identical copies, and information stored magnetically, electronically, photographically or otherwise. As used herein, the terms "DOCUMENT(S)" or "RECORD(S)" include, but are not limited to, studies, papers, books, accounts, letters, diagrams, pictures, drawings, photographs, correspondence, telegrams, cables, text messages, emails, memoranda, notes, notations, work papers, intra-office and inter-office communications, communications to, between and among employees, contracts, financial agreements, grants, proposals, transcripts, minutes, orders, reports, recordings, or other documentation of telephone or other conversations, interviews, affidavits, slides, statement summaries, opinions, indices, analyses, publications, questionnaires, answers to questionnaires, statistical records, ledgers, journals, lists, logs, tabulations, charts, graphs, maps, surveys, sound recordings, data sheets, computer printouts, tapes, discs, microfilm, and all other records kept, regardless of the title, author, or origin.

"PERSON" means individuals, entities, firms, organizations, groups, committees, regulatory agencies, governmental entities, business entities, corporations, partnerships, trusts, and estates.

"REFERS," "REFERRING TO," "REGARDS," "REGARDING," "RELATES," "RELATING TO," "CONCERNS," "BEARS UPON," or "PERTAINS TO" mean containing, alluding to, responding to, commenting upon, discussing, showing, disclosing, explaining, mentioning, analyzing, constituting, comprising, evidencing, setting forth, summarizing, or characterizing, either directly or indirectly, in whole or in part.

"INCLUDING" means comprising part of, but not being limited to, the whole.

## **INSTRUCTIONS**

The words "and" and "or" shall be construed in the conjunctive or disjunctive, whichever is most inclusive.

The singular form shall include the plural form and vice versa.

The present tense shall include the past tense and vice versa.

In producing the records described above, you shall segregate them by reference to each of the numbered items of this FOIA request.

If you have any questions about this request, please contact Mike Zummer by e-mail at [mzummer@empowr.us](mailto:mzummer@empowr.us).

### **FEE WAIVER REQUEST**

Empower Oversight agrees to pay up to \$25.00 in applicable fees, but notes that it qualifies as a “representative of the news media” and requests a waiver of any fees that may be associated with processing this request, in keeping with 5 U.S.C. § 552 (a)(4)(A)(iii).

Empower Oversight is a non-profit educational organization as defined under Section 501(c)(3) of the Internal Revenue Code, which helps insiders safely and legally report waste, fraud, abuse, corruption, and misconduct to the proper authorities, and seeks to hold those authorities accountable to act on such reports by, among other means, publishing information concerning the same.

Further, the information that Empower Oversight seeks is in the public interest because it is likely to contribute significantly to the public’s understanding of the Department’s handling of allegations that it or its employees was negligent or engaged in wrongdoing.

Empower Oversight is committed to government accountability, public integrity, and transparency. In the latter regard, the information that that Empower Oversight receives that tends to explain the subject matter of this FOIA request will be disclosed publicly via its website, and copies will be shared with other news media for public dissemination.

For ease of administration and to conserve resources, we ask that documents be produced in a readily accessible electronic format. Thank you for your time and consideration. Please do not hesitate to contact me with any questions.

Cordially,

[/Tristan Leavitt/](#)  
Tristan Leavitt  
President