

# United States Senate

WASHINGTON, DC 20510

September 5, 2024

## VIA ELECTRONIC TRANSMISSION

The Honorable Christopher A. Wray  
Director  
Federal Bureau of Investigation  
935 Pennsylvania Ave., N.W.  
Washington, D.C. 20535

Dear Director Wray:

When you appeared before the Senate Judiciary Committee at a hearing inspecting the Federal Bureau of Investigation's (FBI) failings in its investigation of Larry Nassar, you assured members and survivors the FBI was "doing everything in [its] power to make sure [these failings] never happen[ed] again."<sup>1</sup> However, years later, your agency still has not followed through on its commitment to implement meaningful change.<sup>2</sup>

In 2021, the Department of Justice Office of Inspector General (OIG) conducted a detailed review of FBI misconduct during the Nassar investigation (hereinafter, "the OIG Nassar Review").<sup>3</sup> The FBI accepted all of the review's findings and promised significant reforms.<sup>4</sup> As a follow-up to the OIG Nassar Review, the OIG released an August 2024 audit of the FBI's handling of reports of sex offenses against children (hereinafter, "the 2024 Audit"). The 2024 Audit revealed the FBI not only failed to implement a host of promised changes responsive to the OIG Nassar Review, but also overstated its reforms to Congress or the OIG on at least three occasions.

*First*, the FBI did not issue promised policy guidelines directing employees to report child sex abuse to State, Local, Tribal, and Territorial (SLTT) authorities irrespective of whether

---

<sup>1</sup> Dereliction of Duty: Examining the Inspector General's Report on the FBI's Handling of the Larry Nassar Investigation 117<sup>th</sup> Cong (Sept. 15, 2021) Testimony of Director Wray

<sup>2</sup> Sadie Gurman & Louise Radnofsky, *FBI falls Short in Child Sex-Abuse Probes, Watchdog Says*, The Wall Street Journal (Aug. 29, 2024), <https://www.msn.com/en-us/news/us/fbi-falls-short-in-child-sex-abuse-probes-watchdog-says/ar-AA1pEWRC?ocid=BingNewsVerp>.

<sup>3</sup> Department of Justice Office of the Inspector General, "Investigation and Review of the Federal Bureau of Investigation's Handling of Allegations of Sexual Abuse by Former USA Gymnastics Physician Lawrence Gerard Nassar" (July 2021), available at <https://oig.justice.gov/sites/default/files/reports/21-093.pdf> [hereinafter, the "OIG Nassar Review"]

<sup>4</sup> *Id.* at 109-09; Letter from Assistant Director Jull C. Tyson to Senator Chuck Grassley (Jan. 28, 2022), available at [https://www.grassley.senate.gov/imo/media/doc/fbi\\_to\\_grassley\\_-\\_nassar\\_case.pdf](https://www.grassley.senate.gov/imo/media/doc/fbi_to_grassley_-_nassar_case.pdf);

the allegation fell within the FBI's jurisdiction.<sup>5</sup> During the Nassar investigation, the FBI's failure to inform local authorities about Nassar's abuse caused a three-month delay in SLTT enforcement's execution of a search warrant, before ultimately leading to Nassar's arrest.<sup>6</sup> As a result, the OIG recommended the FBI clarify its policy to eliminate carve-outs to SLTT reporting, and the FBI agreed to this recommendation. In response to the OIG Nassar Review, the FBI described its revisions to the OIG stating, "There is no carve-out in the policy to permit FBI personnel to choose not to report suspected abuse, even when the allegations also potentially fall within the FBI's jurisdiction."<sup>7</sup> The FBI reiterated the same to me in a letter, writing, "The policy is mandatory and does not permit employees to choose not to report suspected abuse, including when the allegations potentially fall within the FBI's jurisdiction."<sup>8</sup> Despite these repeated assurances to the OIG and to Congress, in actuality, the FBI's revised guidelines instructed the opposite.

The 2024 Audit highlighted the contradictory language in the FBI's revised guidelines, which states, "If a mandatory reporter definitively knows that suspected abuse is the subject of an FBI investigation, the suspected abuse does not need to be reported to other (i.e. SLTT) law enforcement agencies." These new guidelines—and, by extension, the FBI personnel who followed them—failed to comply with mandatory reporting obligations of suspected child abuse to SLTT within 24 hours. According to the 2024 Audit, fewer than half of suspected child abuse cases were *ever* reported to the proper law enforcement agency.<sup>9</sup> Further, the OIG found no evidence the FBI complied with mandatory reporting requirements in 47% of cases reviewed.<sup>10</sup> When reports were made, they were made within 24 hours only 43% of the time.<sup>11</sup>

*Second*, the FBI overstated that its updated Guardian system—which consolidates case data in a central location and issues time sensitivity and 30 day review alerts—had entirely replaced the outdated Sentinel system used during the Nassar investigation.<sup>12</sup> By touting Guardian as "utilized enterprise-wide for all programs," the FBI led both Congress and the OIG to believe that vast improvements has been made in its ability to manage investigative action in its field offices.<sup>13</sup> In reality, agents often document information in the less-regulated Sentinel system.<sup>14</sup> The Sentinel system does not contain controls to ensure time sensitive incidents are acted on within 24 hours.<sup>15</sup>

---

<sup>5</sup> Department of Justice Office of Inspector General, *Audit of the Federal Bureau of Investigation's Handling of Tip of Hands-on Sex Offenses Against Children*, at 14 (Aug. 2024), available at <https://oig.justice.gov/sites/default/files/reports/24-096.pdf>. [hereinafter the "2024 Audit"]

<sup>6</sup> *Id.* at 14-15.

<sup>7</sup> *Id.* at 15.

<sup>8</sup> Letter from Assistant Director Jull C. Tyson to Senator Chuck Grassley (Jan. 28, 2022), available at [https://www.grassley.senate.gov/imo/media/doc/fbi\\_to\\_grassley\\_-\\_nassar\\_case.pdf](https://www.grassley.senate.gov/imo/media/doc/fbi_to_grassley_-_nassar_case.pdf);

<sup>9</sup> *Id.* at 19.

<sup>10</sup> The 2024 Audit at 19.

<sup>11</sup> *Id.* at 19.

<sup>12</sup> *Id.* at 22-24; Letter from Assistant Director Jull C. Tyson to Senator Chuck Grassley at 2.

<sup>13</sup> *Id.*

<sup>14</sup> The 2024 Audit at 24.

<sup>15</sup> *Id.*

Unsurprisingly, leads continued to languish without investigative action. The OIG was so concerned during its review that it forwarded 42 cases of hands-on sex offenses against children to FBI Headquarters because the abuse required, but had not yet received, immediate attention.<sup>16</sup> In one shocking instance, an allegation that a two-year-old child was being sexually abused remained virtually uninvestigated for a 21-month period, with no efforts made to safeguard the victim during that time.<sup>17</sup> In another case, a 15-month investigative delay allowed a predator to victimize another minor.<sup>18</sup>

Ultimately, the FBI promised swift action in 83% of the 42 cases the OIG flagged in the 2024 Audit as requiring an immediate response, and again failed to deliver.<sup>19</sup> Over three months after the OIG alerted the FBI to these incidents, the FBI had not taken all of its promised actions in 40% of the cases.<sup>20</sup>

The 2024 Audit is littered with examples of *no action* **and** *delayed action*. While the FBI highlighted the troubling rise of cases coupled with workload and resource concerns, in 2023, FBI Headquarters balked when fifteen field offices tried restructuring to ensure they were better equipped to handle investigations. The field offices sought to realign funded staffing levels between programs to increase the number of special agents dedicated to investigating child abuses.<sup>21</sup> Seven of these offices cited being “overburned.”<sup>22</sup> FBI Headquarters denied all but one request and encouraged the remaining offices to “leverage other available resources” like state and local partners.<sup>23</sup> That same year, the FBI transmitted a budget requesting only 15 additional agents for its violent crime initiatives, which it split between investigating crimes against children and addressing increases in firearm background checks.<sup>24</sup>

The chasm between the FBI’s promises and performance undermines trust, raises sincere doubts about the FBI’s handling of child sex abuse cases, and makes it difficult to take the FBI’s acceptance of recent OIG recommendations seriously.

Please provide a briefing on the *Audit of the Federal Bureau of Investigation’s Handling of Tip of Hands-on Sex Offenses Against Children*. In addition, please answer the following by September 26, 2024.

1. Please explain each of the three inconsistencies identified above.
2. Please provide the status of the 42 cases referred to FBI Headquarters by the OIG during its review.

---

<sup>16</sup> Department of Justice Office of Inspector General, *Audit of the Federal Bureau of Investigation’s Handling of Tip of Hands-on Sex Offenses Against Children*, at 10 (Aug. 2024), <https://oig.justice.gov/sites/default/files/reports/24-096.pdf>.

<sup>17</sup> *Id.* at 8.

<sup>18</sup> *Id.* at 11.

<sup>19</sup> *Id.* at 14.

<sup>20</sup> *Id.*

<sup>21</sup> *Id.* at 37.

<sup>22</sup> *Id.*

<sup>23</sup> *Id.*

<sup>24</sup> Federal Bureau of Investigation FY 2024 Budget Request At A Glance at 2, available at [https://www.justice.gov/d9/2023-03/fbi\\_fy\\_24\\_pb\\_bud\\_sum\\_ii\\_omb\\_cleared\\_3-08-23.pdf](https://www.justice.gov/d9/2023-03/fbi_fy_24_pb_bud_sum_ii_omb_cleared_3-08-23.pdf)

3. Please explain why Sentinel is still in operation, and any plans to phase-out or improve Sentinel.
4. Please explain why FBI Headquarters denied the reallocation request for 14 of the 15 field offices who requested to realign funded staffing levels between programs.
5. Please detail plans to correct the FBI's staffing shortfall.
6. Please provide a timeline and plan of action for each of the policy updates and improvements the FBI has promised in response to the 2024 Audit.

Sincerely,

A handwritten signature in blue ink that reads "Chuck Grassley". The signature is written in a cursive, flowing style.

Charles E. Grassley