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DOJ OIG Releases Report on ATF's Management and Oversight of Confidential Informants

The Department of Justice (DOJ) Office of the Inspector General (OIG) announced today the release of a report examining the Bureau of Alcohol, Tobacco, Firearms and Explosives' (ATF) management and oversight of its confidential informants (CI). The DOJ OIG's review found that while ATF's CI policies were generally aligned with the Attorney General's Guidelines Regarding the Use of Confidential Informants (AG Guidelines), its oversight of its CI Program required significant improvement. Because of the deficiencies we identified, we concluded that ATF was not able to administer its CI Program in a manner that is reflective of the importance of the program, or its risks.

Specifically, we found that ATF maintained information that is fundamental to the management of its CI Program in a compartmentalized manner that depended heavily on hard-copy files and an unsophisticated automated system. This insufficient information environment made it difficult for ATF to determine the value that individual CIs brought to ATF investigations, and it impeded ATF's ability to manage and oversee its CI Program as a whole.

Of particular concern, ATF could not efficiently identify and track total payments made to individual CIs, as doing so required ATF to locate and review numerous hard-copy documents in multiple, separate files and systems. Consequently, while we did not examine whether ATF provided incorrect CI payment information during any criminal proceedings and we are not aware of any such instances, we nevertheless concluded that ATF's information environment did not provide sufficient safeguards to ensure that complete and accurate information was consistently available to prosecutors for use during criminal proceedings.

We further found that ATF headquarters officials did not have an adequate method to verify that CIs for whom the AG Guidelines require additional oversight, such as long-term CIs who have been used for more than 6 consecutive years and CIs who hold a high-level position in a criminal enterprise, in fact received that oversight. Moreover, the committee responsible for conducting such reviews had not always met as scheduled, had not always reviewed and opined on all of the CI files provided by ATF for review, and had postponed decisions to a later date on numerous occasions. As a result, we believe that ATF's review process for these CIs had not provided the enhanced oversight required by the AG Guidelines.

Finally, we found that while ATF can sponsor foreign national CIs for temporary legal status when it believes the CI will provide valuable information and assistance to its investigation, ATF officials did not completely and accurately track information related to these foreign national CIs. As a result, we were unable to determine the total number of ATF-sponsored foreign national CIs. This lack of reliable information prohibited ATF headquarters from properly managing the CIs, and from ensuring appropriate coordination with the Department of Homeland Security. We were similarly unable to obtain from ATF an accurate and complete picture of other categories of higher-risk CIs, such as CIs who are also Federal Firearms Licensees and CIs who were used by international ATF offices.

ATF is developing and has begun implementing a new automated system that it believes will address many of the findings in our report. We have not assessed the new system, but based on a demonstration provided to us after we had completed our fieldwork, we believe the system improves ATF's information environment. However, the system is still in its infancy and several enhancements are necessary to address the relevant findings in our report.

Today's report makes five recommendations to ATF to improve the policies and management of its Confidential Informant Program. ATF agreed with all of the recommendations.

Report: Today's report can be found on the OIG's website at the following link: <https://oig.justice.gov/reports/2017/a1717.pdf>.

Video: To accompany today's report, the OIG has released an 3-minute video featuring the Inspector General discussing the report's findings. The video and a downloadable transcript are available at the following link: <https://oig.justice.gov/multimedia/>.