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DOJ OIG Releases Report on the Audit of DOJ Components' Confidential Informant Policies

The Department of Justice (DOJ) Office of the Inspector General (OIG) announced today the release of a report assessing whether the policies of four DOJ law enforcement components—the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF); the Drug Enforcement Administration (DEA); the Federal Bureau of Investigation (FBI); and the U.S. Marshals Service (USMS)—for the use of confidential informants (CI) complied with Attorney General guidance and DOJ's internal control framework. CIs provide valuable and credible information to law enforcement, and DOJ supports their use through established guidance and other internal controls designed to manage associated risks.

The OIG's audit found that ATF, DEA, FBI, and USMS policies largely adhered to DOJ's requirements intended to protect CI identities, mitigate risks associated with CIs linked to criminal organizations, and safeguard taxpayer funds. Our audit also identified opportunities for policy enhancements to further strengthen compliance with DOJ guidance and address emerging risks associated with evolving law enforcement priorities and techniques, including:

1. **Evolving Risks**. DOJ guidance has not adequately addressed significant changes in law enforcement priorities, such as the designation of cartels and other organizations as foreign terrorist organizations and the classification of fentanyl as a weapon of mass destruction, and the transition from cash-based to electronic CI payments at some of the components.

2. **Inconsistent Internal Controls**. We found that the two Attorney General Guidelines that apply to the use of CIs are not entirely consistent in their internal

control requirements, which has led to varying levels of CI oversight among the components. Greater alignment across these guidelines will promote more consistent oversight practices.

3. **Monitoring of Otherwise Illegal Activity**. Improvements are needed in monitoring CIs who are authorized to engage in activity that would otherwise be illegal. For example, ATF, DEA, and USMS policies can better mitigate risks associated with CI operations involving dangerous commodities such as firearms, and that ATF and USMS policies need to be strengthened by requiring that CIs are provided written instructions before they engage in otherwise illegal activities.

The OIG made five recommendations—one to the Office of the Deputy Attorney General, and one to each of the four components—to assist DOJ in addressing emerging risks associated with the use of CIs and enhance their CI-related policies. DOJ and all four components agreed with their individual recommendations.

Report: Today's report is available on the OIG's website.

Please contact us at OIG.Media@usdoj.gov if you have any questions.

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