



Department of Justice

STATEMENT OF
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U.S. DEPARTMENT OF JUSTICE

BEFORE THE
COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM
U.S. HOUSE OF REPRESENTATIVES

FOR A HEARING CONCERNING
USE OF CONFIDENTIAL INFORMANTS AT ATF AND DEA

PRESENTED

APRIL 4, 2017

Chairman Chaffetz, Ranking Member Cummings, and Members of the Committee, thank you for inviting me to appear before the Committee today. I welcome the opportunity to discuss the Department of Justice (DOJ) Office of Inspector General's (OIG) report "ATF's Management and Oversight of Confidential Informants" (the OIG Audit Report).

Mr. Chairman and Members of the Committee, ATF Special Agents, Investigators, and professional staff are dedicated to removing the most violent offenders from America's streets and making our communities safer. These violent offenders are often associated with gangs and other criminal organizations. To successfully investigate these cases, ATF must periodically enlist the cooperation and assistance of confidential informants. Cooperating informants often can obtain evidence about the activities of violent offenders, particularly those associated with gangs and other criminal organizations, that is not otherwise available to ATF and its law enforcement partners. Consequently, ATF's confidential informant program is an important tool in the fight against violent crime, and ATF is grateful that the Inspector General conducted a thorough assessment of this program.

ATF has carefully reviewed the OIG audit report, and concurs with all of the report's recommendations. I am pleased to have the opportunity today to provide some additional background to the Committee about ATF's confidential informant

program, and to describe the steps we have already taken to implement the OIG recommendations.

As the OIG report indicates, before the audit was completed, ATF recognized and had begun addressing many of the issues raised in the report's recommendations. In fact, many of the report's findings do not reflect the current status of ATF's confidential informant program.

ATF's administration of this program has evolved over the years. Prior to 2012, we primarily relied on a decentralized, paper-based system, with each ATF field division maintaining those paper files in the field. In 2012, recognizing the need to modernize and centralize this process, ATF developed an interim, headquarters-based electronic database to track basic information regarding all confidential informants. This database was designed to be temporary, acting as a bridge while ATF developed a robust, national computerized system. As early as 2013, ATF began evaluating system requirements and exploring cost-effective means of developing and implementing a new national system.

While the OIG accurately notes that ATF did not enter a final contract with the system vendor until June 2016, development of that contract was the result of a multi-year effort. In October 2016, that multi-year effort came to fruition, and ATF deployed our national confidential informant management system. ATF's new system is robust and adaptable, and its functionality immediately addresses many of

the concerns the OIG raises in its recommendations. We will continue to work with the OIG to ensure that our new confidential informant management system adapts to meet any continuing concerns, and to implement updated policies and procedures for the system's use by agents and managers.

I also want to emphasize that the report reflects the results of an audit of ATF's administrative oversight of its confidential informant program; the report does not identify any deficiencies regarding the manner in which ATF manages the use of confidential informants in its investigations. ATF strictly adheres to Department of Justice guidelines governing the use of confidential informants, and, since 2012, we have continually strengthened our internal orders applicable to the usage of confidential informants to provide safeguards that exceed baseline Department guidelines.

Finally, let me assure the Committee that ATF also takes very seriously the OIG's conclusion that its paper files and legacy database did not provide sufficient safeguards to assure that accurate and complete confidential informant payment information was consistently available to prosecutors. ATF is acutely aware of its obligation to provide accurate and complete information to prosecutors in the criminal discovery process, is fully committed to meeting that obligation in all cases, and is confident that our new system provides the consistency needed to ensure we continue to meet that obligation.

Mr. Chairman and Members of the Committee, I am proud to be here today representing the men and women of ATF; they work conscientiously every day to make America's streets safer. I assure you that ATF's executive staff will continue to identify areas where we can further strengthen our effectiveness; we owe no less to our dedicated employees and our communities. Thank you for this opportunity.