

## How does abmpegasus help manage Confidential Informants?

### Introduction

Confidential Informants (CIs) provide valuable information that would otherwise be impossible to collect or be prohibitively expensive or time consuming to achieve through other covert surveillance techniques. However, dealing with CIs is an inherently risky activity where the dangers of mismanagement can be highly damaging to the reputation of law enforcement agencies and threatening to the welfare of the people involved.

### The Attorney General's Guidelines

#### i. Scope

*The Attorney General's Guidelines Regarding The Use Of Confidential Informants* (2001) applies to Justice Law Enforcement Agencies (JLEAs) including;

- Drug Enforcement Administration
- FBI
- Immigration of Naturalization Service
- U.S. Marshals Service
- DOJ Office of the Inspector General

## ii. How abmpegasus helps

abmpegasus can help JLEAs to follow a number of the Attorney General's guidelines in the following ways:

### i. Maintaining Confidentiality

*A JLEA agent must take the utmost care to avoid conveying any confidential investigative information to a CI*

abmpegasus makes it easier to ensure that confidential information about informants is only accessible to those that need to know it. Advanced security features mean that only authorized personnel can access the system and officers can only see the records that are relevant to their activity.

### ii. Determining Suitability

*Prior to utilizing a person as a CI, a case agent of a JLEA shall complete and sign a written Initial Suitability Report and Recommendation, which shall be forwarded to a Field Manager for his or her written approval*

abmpegasus guides the agent through the Initial Suitability Report, ensuring that he or she considers all appropriate criteria, including age, alien status, employment status, relevance to the investigation, relationship with the subject of investigation, motivation for providing assistance and risk of adversely affecting the investigation. The electronic form is then automatically sent to the Field Manager for approval, significantly reducing the time taken to authorize applications.

iii. Continuing Suitability Review

*Each CI's file shall be reviewed by the case agent at least annually*

Following approval of a CI's deployment, abmpegasus automatically generates review dates to ensure that the suitability of the CI is evaluated on a regular basis. The case agent is alerted by the system when a review date is approaching eliminating the chance of a review being overlooked, reducing the potential for accusations of negligence against the JLEA.

iv. Registration of CIs

*After a Field Manager has approved an individual suitable to be a CI, the individual shall be registered with that JLEA as a CI..*

abmpegasus allows the electronic recording of all required information for CI registration, including photographs, criminal history, initial suitability reports and terms and conditions of any promises or benefits offered to the CI. This information is then easily accessible for those agents that need access to information, whilst remaining secure and inaccessible to others.

v. Reviewing Instructions with the CI

*At least one agent of the JLEA, along with one additional agent or other law enforcement official present as a witness, shall review with the CI written instructions*

abmpegasus can remind the agent to complete the review meeting with the CI and record that the CI had accepted the terms of his/her involvement as a CI. This further reduces the opportunity for proper procedure to be overlooked.

vi. Special Approval

*Prior to utilizing an individual as a High Level Confidential Informant, a case agent of a JLEA shall first obtain written approval of the Confidential Informant Review Committee (CIRC).*

A High Level Confidential Informant as someone who is in a senior leadership role of an enterprise that has national or international activities or will be engaging in violence, corrupt conduct, dealing with controlled substances or providing items or services to facilitate illegal activity. Due to the heightened risk involved, it is particularly important that High Level CIs are properly authorized. abmpegasus allows requests for High Level CIs to be automatically escalated for approval by the CIRC.

vii. Transactions and Relationships

*A JLEA agent shall not: (i) exchange gifts with a CI; (ii) provide the CI with any thing of more than nominal value; (iii) receive any thing of more than nominal value from a CI; or (iv) engage in any business or financial transactions with a CI.*

A number of high profile examples of inappropriate transactions and relationships between police officers and CIs have been reported in the media over the last few years. abmpegasus reduces the opportunity for such activity by providing a repository to store all details of meetings and transactions between agents and CIs. This makes it easier for the JLEA to identify and correct anomalous behavior.

viii. Managing Monetary payments

*The payment of any moneys to a CI shall be witnessed by at least two law enforcement representatives... The documentation of payment shall specify whether the payment is for information, services, or expenses.*

abmegasus allows accurate recording of all monetary payments to CIs, including details of what the payment was is for and any prior approval for such payments.

ii. Controlling the Process from Start to Finish



abmegasus facilitates the control and management of CIs right from initial consideration through to daily management and termination. By storing all information in one secure system, the risks of revealing CIs' identities is significantly reduced and the ability of JLEAs to properly manage CIs in a professional and legally compliant way is greatly improved.

## Beyond Federal Level

The Attorney General's guidelines apply to federal JLEAs but there is a need for local law enforcement agencies to improve their management processes. Florida is the first US state to have introduced legislation that requires improved management oversight of CIs – Rachel's Law (Florida Statute 914.28) sets out a number of training and management requirements.

Even where specific legislation and guidance is not in place, law enforcement agencies are obliged to ensure the safety of all people. The nature of CIs' activity means that highly effective management processes and oversight is needed to protect both the CIs' welfare and the law enforcement agency's reputation.

### References

Florida Department of Law Enforcement, 2009. *Guidelines For Florida State And Local Law Enforcement Agencies In Dealing With Confidential Informants*. Florida Department of Law Enforcement. Available online at <http://www.fdle.state.fl.us/Content/getdoc/6bf82b10-54db-4c2a-b0e9-973f98901c9e/CIGuidelinesMARCH-final.aspx> [Accessed 23 July 2010]

Florida Statutes, 2009. Title XLVII Ch. 914.28 (*Rachel's Law*). Available online at [http://www.flsenate.gov/statutes/index.cfm?App\\_mode=Display\\_Statute&Search\\_String=&URL=Ch0914/SEC28.HTM&Title=->2009->Ch0914->Section%2028#0914.28](http://www.flsenate.gov/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=Ch0914/SEC28.HTM&Title=->2009->Ch0914->Section%2028#0914.28) [Accessed 23 July 2010]

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