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INTER-AMERICAN DRUG ABUSE
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Secretariat for Multidimensional Security

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**REPORT ON THE OUTCOMES OF THE SURVEY REGARDING THE SAFETY OF MEMBERS OF THE AML / CTF
SYSTEM, PARTICULARLY MEMBERS OF THE FINANCIAL INTELLIGENCE UNITS (FIU), LAW ENFORCEMENT
AGENCIES (LEA) AND ASSET RECOVERY OFFICES (ARO)
XXXIX GROUP OF EXPERTS FOR THE CONTROL OF MONEY LAUNDERING
MONTEVIDEO, URUGUAY**



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**XXXIX GROUP OF EXPERTS FOR THE CONTROL OF MONEY LAUNDERING
SEPTEMBER 25-26, 2014
MONTEVIDEO, URUGUAY**

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**REPORT ON THE OUTCOMES OF THE SURVEY REGARDING THE SAFETY OF MEMBERS OF THE AML / CTF
SYSTEM, PARTICULARLY MEMBERS OF THE FINANCIAL INTELLIGENCE UNITS (FIU), LAW ENFORCEMENT
AGENCIES (LEA) AND ASSET RECOVERY OFFICES (ARO)**

Report on the Outcomes of the Survey regarding the safety of members of the AML / CTF system, particularly members of the Financial intelligence Units (FIU), Law Enforcement Agencies (LEA) and Asset Recovery Offices (ARO).

Number of questionnaires received: 15

	Question	Answers	General Comments	Comments from the Subgroup's Coordination	Proposals
1	Within your AML / CTF system are there special rules concerning the protection of officials of the FIU / LEA/ARO?	7 countries have acknowledged special provisions concerning the protection of staff, within which they have different levels of regulation. These same countries have implemented internal regulations on each of the respective agencies. The other countries reported not having such standards.	Although more than half of the countries that responded to the survey reported not having rules in this area, most of them highlighted the importance of this kind of regulations. Generally, countries provide standards for the protection of victims and witnesses who will testify at trial, but there are no clear standards for protection officials from FIU / LEA / ARO.	Apparently, in some cases it tends to minimize the risks Public Servants involved in ML investigations could be exposed, since in some cases they are seen as risks inherent to their duties.	It is proposed to review in depth the experience of countries like Mexico, Canada, Costa Rica and USA, in order to determine the rules that allow protection of staff, identifying measures which are usually taken for their protection.
2	Does it have protocols or procedures for preventive security of FIU, LEA and ARO officers?	10 countries have acknowledged internal protection protocols.	Preferably within the countries answered yes, most responses were made by the FIU. We do not have clarity on the case of LEA, only 4 countries made reference to this kind of organisms.	In reviewing the responses we should agree in what we understand by preventive safety procedures since the question was focused on preventive measures related to the safety of members of the various agencies and not with security measures for information or facilities.	It is proposed to jointly review the concepts used in order to unify criteria.
3	Are there protocols or reactive security procedures in the event that there is a threat to a FIU / LEA/ARO officer?	The vast majority of countries recognize the possibility of implementing security measures to mitigate the risk to officers.	In a number of cases there are not procedures established, but concurs in court to enact protective measures.	As a general rule, most countries by applying different statutes or regulations are able to face a threatening situation concerning one of its officials.	[The Group] should work on standard protocols and good practices in this area in order to avoid improvisation and be clear in how to react in front of certain threats.
4	Does your country have transparency rules requiring publishing of information on FIU / LEA/ARO officials?	8 countries recognize that there are transparency laws requiring making public certain information regarding officials.	In some cases, countries recognize the possibility of excluding certain information that can be used by criminal organizations.	Is required to generate mechanisms that allow countries weigh their transparency obligations to security standards for public servants with duties related to the prosecution of	It is suggested to stablish as a good practice the possibility of excluding certain information about public servants for security reasons.

				organized crime.	
5	Does a particular institution exist that would assign a level of risk to a threat?	Only three countries say they have an established institution responsible for assessing the risk level.	It is possible to notice a complex situation in certain countries in which is not identified the institution should measure this level of risk, it may imply that in front of a particular threat, to measures to be taken would not be implemented in a timely manner.	Clearly, the idea is that the measurement or assessment to be made based on objective parameters and that is unrelated to the official who is threatened.	Is necessary to establish as a good practice, to have clarity on the institution responsible to measure the level of risk of a particular threat.
6	Is there an institution that is responsible for canceling certain security measures if there is not a certain level of risk?	Four countries mentioned do not have clarity regarding the institution must revoke this type of measure. When compared to the previous question, we can realize that sometimes it is possible to know who may enact measures, but there is no clarity on who is responsible for revoke them.	Although the institutions are noted, none information is provided on which parameters should be taken into consideration to measure and assess the risk level.	This is one of the most complex issues to address in developing a security protocol, because it requires someone to make the decision in that there is no risk to the officer.	We consider the good practice is that all staff have clarity about the institution that is in charge of security protocols and that based on a process can be determined that there is no risk to the safety of the officer.
7	Is there a self-care policy for officials of the AML / CTF system that would prevent dangerous situations?	6 countries recognize the existence of self-care policies.	No country indicates the existence of a self-care policy for the officers part of the anti-money laundering system, there's only internal polices recognized in the institutions.	From our perspective, [the group] should work on a self-care policy that allows officials to dimension the importance of their duties.	It is suggested to review the standards of countries with this kind of policies (Venezuela, Canada, Argentina, Costa Rica) in order to establish a good practice no this matter.
8	Have cooperation mechanisms been created between the different actors of the AML / CTF system in order to comprehensively address a threat?	Four countries indicated having mechanisms for cooperation between the different actors.	In a number of countries it has commissioned an agency to take charge security issues, but it has not established an obligation to generate instances for coordinating the different actors within the system.	We find serious the lack of rules for internal coordination between different agencies in order to face such situations, necessarily it is required an adequate interagency coordination.	It is suggested to review the standards of countries with this kind of regulations (Venezuela, USA, Canada and Argentina) in order to establish a good practice on this matter.
9	Do the different institutions buy insurance for officials working in this kind of investigations?	Only one country recognizes having specific insurance policies for this kind of risk. Two countries recognized having general insurance policies for public employees.	Apparently it is complex to identify the risks for which an insure policy could cover. Generally speaking life insurance. Generally, some countries generate security measures for its officials (armored cars, bulletproof vests, patent license plates that cannot be related with an institution, bodyguards, etc.)	From our perspective, would seem ideal that institutions could deliver to their officers insurance policies related to the risks to which they might be exposed.	It should be analyzed whether it can be considered good practice the purchase of an insurance policy, identifying the risks that could eventually be necessary to insure.
10	Do the various actors in the system give precedence to the protection of officials	Protection officials are always favored.	Undoubtedly, research can be affected by certain security measures, but in assessing or weighing the legal interests at stake the	Although formally the security of the officers is preferred, we consider it is necessary to set obligations on officials	On this logic, we find the good practice is sought to recognize that the safety of the officers is above the

	over the results of a particular investigation?		safety of the officials is preferred.	who are being threatened, which should have to be mandatory.	purposes of criminal prosecution, adding that in the case that protection should be granted to an officer, he shall be bound to follow certain instructions implemented by the protection agency.
11	In the event of any imminent threat to any member of the FIU, LEA or ARO, do security measures tend to distance him from the case, or on the contrary, is it preferred that the same officer remain on the case?	In most countries it is preferred to distance the officer providing security measures that are appropriate to the risk level.	Generally, protection mechanisms are focused on victims and witnesses, but not regarding officers in charge of an investigation (even when receiving a threat they should be classified as victims).	In certain cases it may not be the most effective signal to separate the official in charge of the case as it can generate the incentive where it suits us takes an official out of an investigation, the thing to do is threaten him or his family. Obviously, this must be assessed case by case and will always be first security of the official, but countries should have mechanisms to give security to the official in order to let him continue with the investigation.	It is suggested to review the experience of the countries in order to adopt good practice which could be providing the necessary security measures, and only in in extreme circumstances severe cases separate the officer. It has also been noted that in the investigation of complex cases, work in teams allows to depersonalize the investigations.
12	Are there protocols to provide legal protection for your officers?	Only 4 countries acknowledge that can provide this type of protection	Some countries report that can assist to defend its officials in possible accusations.	From our perspective, most countries recognize that in case of organized crime investigations, the most likely situation is that teams will receive various types of attacks, including what might be called a legal attack (filing lawsuits, complaints, etc.) against the officials. In these cases we consider is not only sufficient the defense of the official, but also to pursue malicious criminal or civil charges or claims.	It is suggested to review the standards of countries with this kind of protection schemes (Venezuela, USA, Canada and Peru) in order to establish a good practice on this matter.