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**PROJECT**  
**TO STUDY THE METHODS AND SAFE PRACTICES EMPLOYED  
BY OVERSEAS LAW ENFORCEMENT AGENCIES  
PERTAINING TO THE RECRUITMENT,  
MANAGEMENT AND PROTECTION OF  
CONFIDENTIAL INFORMANTS.**

**VISITING: U.S.A. - CANADA - U.K - IRELAND**

1  
WINSTON CHURCHILL FELLOWSHIP REPORT

PAUL WALSH 2/2002

## INDEX

<u>PAGE</u> .....	<u>CONTENT</u>
1.....	COVER PAGE
2.....	INDEX
3.....	PREFACE
4.....	INTRODUCTION
5.....	ACKNOWLEDGMENTS
6.....	EXECUTIVE SUMMARY
7.....	TERMS USED
8.....	THE BASIC PRINCIPLES OF SOURCE USE
9.....	INTEGRITY
10.....	POLICY
10.....	SOURCE AUDITS
11.....	PROTECTING A SOURCE'S IDENTITY
12.....	TYPES AND MOTIVATIONS OF A SOURCE
13-14.....	TRAINING
14.....	SOURCE MANAGEMENT AGREEMENTS
15.....	AREAS NOT COVERED
16 - 17.....	SUMMARY AND RECOMMENDATIONS
18.....	FINAL STATEMENT

## **PREFACE**

THE USE OF CONFIDENTIAL HUMAN SOURCES IS AN ESSENTIAL MEANS FOR POLICE OFFICERS TO EFFECTIVELY DISCHARGE THEIR DUTIES AND RESPONSIBILITIES. THE LEGAL AUTHORITY TO USE SOURCES HAS LONG BEEN RECOGNISED BY LAW, HOWEVER THE EXPERIENCE HAS NOT COME WITHOUT RISKS OR COMPLICATIONS TO BOTH THE POLICE OFFICER AS WELL AS THE POLICE INFORMANT.

***Dan Paradis (R.C.M.P.)***

## **INTRODUCTION**

The views expressed in this report are that of my own and do not purport to represent the views of the Australian Crime Commission, The Victoria Police Force or any other Law Enforcement Agency within Australia or overseas. They are purely a view that I have formed as a result of the discussions regarding various policies and procedures, as well as observations of operational practices first hand, that I have gained collectively through this project in the countries I visited.

I would like to point out a number of things pertaining to this project that should be understood before reading any further. The very nature of "Police Informants" is obviously a covert and highly protected area of Policing that is not, and should not be for the public domain.

I completely understand that this report will, and should be put on the website of the Winston Churchill Memorial Trust to be accessible to all members of the Australian Community, from both a Law Enforcement and public background. It is with this in mind that certain areas of information obtained by me cannot be included in this report.

I am able to meet with people in person where information is required to provide a more detailed account of the information obtained as part of this project. I have amassed a library of various policies and procedural guidelines from agencies around the world in this field that would be of assistance to the relevant people. I have also prepared a formal presentation outlining the results of the project. Please contact me regarding any further information required as part of this project.

More and more often the term "Police Informant" is becoming obsolete. The more accepted term locally and around the world is that of a "Police SOURCE", or simply "SOURCE". Therefore for the purpose of this report the word SOURCE will be used.

It is often asked how important SOURCES are to law enforcement and are they really needed. I consider them to be a "necessary evil" as part of effective policing. It has been proven many times that SOURCES expose crimes or information that would otherwise go undetected or unknown, as well as preventing certain incidents ever occurring. This can range from matters of National Security, terrorism as well as law enforcement at the most local of levels.

## **ACKNOWLEDGEMENTS**

Firstly, I would like to thank the members of the Winston Churchill Memorial Trust for providing me with the opportunity of a lifetime to pursue this project that I feel very strongly about. In particular I would like to thank, Ms Pam Oakes and, Ms Meg Martin for their continual patience and assistance with my long list of questions and enquiries throughout the entire process.

I would also like The Victoria Police Force and The Australian Crime Commission, for their support of both myself and the project. This extends to thanking my three sponsors who each believed in the project and that I was the person to complete it. Many people know how passionate I am about this subject, and the level of support I received was truly gratifying and will not be forgotten.

I would also like to thank the large number of colleagues locally and around the world from the various Law Enforcement and Intelligence Agencies that I either met with or whom facilitated meetings for me to further this project. Without naming specific people, numerous individuals went to a lot of trouble for me 'on and off the record' by obtaining documents and ensuring I was properly informed and accommodated. To these people, and they know who they are, I am in your debt and look forward to reciprocating.

Finally and most importantly I would like to thank my wife and two sons who were extremely encouraging of me through the application process, as well as ultimately supporting me for the time away to complete the project. Without their support this project would never have been realised.

## **EXECUTIVE SUMMARY**

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### **Fellowship Objective**

To undertake a study of the methods and safe practices employed by overseas law enforcement agencies pertaining to the recruitment, management and protection of confidential informants to enhance investigations into organised crime.

### **Fellowship Highlights:**

To have the opportunity to liaise with many different agencies to discuss and research an area of common interest. All persons in the various agencies were extremely courteous and welcoming in meetings and discussions that were had on this topic. I met with over 40 Law Enforcement and Intelligence agencies that were all extremely accommodating, both during and after work.

The amount of personal contacts I made that will last, as well as the camaraderie around the globe was truly inspiring. All this linked by virtue of a similar occupation and pursuit of improving a specific area of Policing.

### **Dissemination and Implementation:**

This report focuses on the lessons I have learned throughout all facets of this fellowship. Not only will the report be circulated through my current employer The Victoria Police and The Australian Crime Commission, but I will make it available to all Law Enforcement or Intelligence Agencies within Australia as it is requested. I have also prepared a presentation that I am able to provide expanding on certain areas of the Fellowship and the benefits and insights gained from it.

## **TERMS USED**

SOURCE:	Information provider of some sort whether it is confidential or otherwise
Handler:	A person who is having direct contact with the SOURCE as the relationship requires.
Co-Handler:	A person assisting the handler
Controller:	A person at a higher level than the handler that oversees the relationship between the handler/co-handler and the SOURCE.
Authorising Officer:	A person at a higher level than the controller, who can provide authorisation for various courses of action involving a SOURCE
Agency/Police:	Includes any type of Law Enforcement, Intelligence Agency or other organisation involved in the collection of information through the use of human SOURCES.

## **THE BASIC PRINCIPLES OF SOURCE USE**

The basic principles that are paramount for the effective management of any SOURCE handling and management system, are the twin pillars of **SUPERVISION and CONTROL**. Working with SOURCES involves risk, not only to the Police and SOURCE, but also to the wider community, therefore the following of well established basic principles will always apply.

A clear reason for why a SOURCE is to be used in the first place must always be established. What is the identified intelligence requirement that this SOURCE can service on behalf of Law Enforcement? The professional management of SOURCES is time consuming and resource intensive, when done properly. With only finite resources available it is absolutely essential that the most effective SOURCES are recruited and that these are kept tightly focused upon identified policing priorities. SOURCES that distract Police attention away from identified objectives may have a prejudicial effect.

The SOURCE is **ALWAYS** a resource of the police service and never the property of an individual officer. This overarching principle is the foundation upon which all SOURCE use is based.

### **CONTROLLERS MUST INTRUSIVELY SUPERVISE AND MANAGE RELATIONSHIPS BETWEEN SOURCES AND HANDLERS.**

Limitations on the length of relationships between Police Officers and SOURCES should be applied to all officers engaged in the handling of SOURCES. The SOURCES themselves must be prepared to be introduced to new handlers from time to time as directed.

All SOURCES must be registered within a central registration system and must have current and appropriate authority for 'use and conduct'. That is not to say that a SOURCE cannot be registered yet marked inactive (not elaborated on in this report).

SOURCES should not be recruited if there are insufficient handlers or controllers available to manage and control them safely and professionally. SOURCES must not be placed in jeopardy as a result of a lack of police resources. If there are insufficient staff to enable the source to be properly handled and controlled, then the SOURCE must not be recruited just for the sake of having more SOURCES "on the books".

### **THIS IS A PRIMARY REASON WHY DEDICATED SOURCE MANAGEMENT UNITS MUST BE CREATED, PROPERLY STAFFED AND RESOURCED.**



## **INTEGRITY**

It is imperative that principled policing is the dominant ethos within the minimum standards of persons working with SOURCES. It has been suggested that in the context of a lack of integrity, the use of SOURCES is possibly the highest risk area in the work of any modern police service. Any loss of public or judicial confidence in this sensitive and controversial area may well undermine its future effectiveness in criminal investigations.

Duty of care issues must be considered at all stages of SOURCE use. Law enforcement agencies no longer have a blanket public immunity from negligence claims and a duty of care is owed by police to SOURCES of information. Furthermore, legislation gives further effect to this requirement.

It is important to stress that duty of care issues also apply to handling agencies, the public, and the SOURCE.

There are a large number of “do’s” and “don’ts” that would also be covered internally and will not be elaborated on in this report.

## **POLICY**

It is important for every Police and intelligence agency within Australia to have a strong and definitive policy when it comes to dealing with SOURCES. However this policy must not be so strict that it inhibits the very nature of the work to be undertaken through the use of a SOURCE.

As well as individual agencies having their own policy within Australia, it is also important that each individual policy has regard for another. As organised crime knows no borders, nor should the capability of law enforcement in the area of multi jurisdictional SOURCE management. Therefore it is my opinion that any policy that one jurisdiction has, it should lend itself to a memorandum of understanding being easily created with another jurisdiction in order to effectively manage the SOURCE, information and hence, the investigation across any state, territory or country it may travel.

This policy should include the ability to simply and effectively disseminate information, as well as a SOURCE, to another agency in agreed circumstances. As stated, a SOURCE, and the information provided by that SOURCE, is an asset of the organisation not an individual section or person and the ability for the sharing of these assets is paramount in the future of intelligence led policing around the world.

## **SOURCE AUDITS**

Not only should the files relating to SOURCES be audited and reviewed no less than every six months, so should the SOURCE themselves. Higher level managers are required make for time to physically speak with a SOURCE in a confidential and secure environment. I see this as the only way that the full transparency of a SOURCE / handler relationship can be maintained. This would need to be done in a very strict manner with a definite list of objectives outlined.

## **PROTECTING THE IDENTITY OF A SOURCE**

Only those with a genuine 'need to know' should be advised of the identity of a SOURCE. In practical terms, this means investigators and their alternates who work closely with the SOURCE. The unit supervisor or first line manager should be encouraged to meet the SOURCE, so that the SOURCE knows there are people in authority who support the relationship, and so that the manager has a general 'feel' for the SOURCE. The person who controls the SOURCE file area must also know the SOURCES identity in order to handle the filing and other paperwork effectively. These employees should be the only people who routinely handle SOURCE information, and these are the only people who need to know the SOURCES identity.

To ensure secrecy, SOURCES should have a code number and code name assigned to them at the earliest opportunity rather than identify the SOURCE un-necessarily. These take the place of the SOURCES real name on all documents and reports and also in personal conversations. Any information provided by the SOURCE must be documented using the code number or code name only.

The files created must be maintained in secure rooms and access to them must be strictly controlled. Only the SOURCES handler, or alternate handler, and an immediate supervisor should be allowed to examine those files routinely, and only then in a secure area. Senior management should have access to them, but only when absolutely necessary. A daily record that lists everyone who enters the secure file room must also be maintained, including a record of what files are accessed. This control is not implemented to create a bureaucratic roadblock, but to protect SOURCES by limiting the number of people who know their identities. Institutionally, it also reinforces the importance of protecting informants' identities.

SOURCE's are to be advised that it is not the organisation's policy to reveal their identity. If the identity of the informant is about to be breached in Court, and his/her safety, or the public interest is in jeopardy, the handler must;

- ensure that an adjournment is requested , in order to consult with a Crown Counsel AND,
- notify the SOURCE control officer of the circumstances, AND
- if possible notify the SOURCE.

Even after all precautions are taken for the security of a SOURCES identity, there still remains a risk of an inadvertent incident where he or she may be exposed. If the information of a SOURCE is being used by law enforcement, then the liabilities attached to the SOURCE are a law enforcement responsibility.

## **TYPES AND MOTIVATIONS OF A SOURCE**

Naturally there can never be a definitive list of types of SOURCES or what motivated an individual to become a SOURCE. Outlined below is the common types of SOURCES:

- Participant
- Criminal Associate
- Listening Post
- Politically Sensitive
- Private Detective
- Concerned Citizen
- Double Agent

The various motivations that can go along with any one of these types of SOURCES can be categorised, but not limited to the following:

- Revenge,
- Elimination of competitors,
- Money,
- Police Assistance,
- Fear of arrest or prison,
- Fear of social stigma,
- Fear of retribution,
- Gratitude,
- Reform,
- Collect Intelligence,
- Ego, and Fraudulent Intentions

Once again this is not a definitive list, and those working within this field should always be mindful of the type of SOURCE they are dealing with and the most important factor in assessing a source is motivation. The question should always be asked, either of the handler to himself or the SOURCE directly, "Why does this person want to provide me with information??"

If a SOURCE is underestimated or over estimated the results can end up the same, this can involve personal danger to the handler, the SOURCE, members of the public, as well as damage to the organization the handler represents.

## TRAINING

In my opinion training in this area of Law Enforcement should be for specialized personnel only.

This area is a very personality specific area, and there are many that do not possess the personality style that is conducive to handling SOURCES. With this in mind, any organization that embarks on a training program in this area should take into account the types of people that are to be trained, and how they got to that position. Any training course should also be a pass or fail result and not simply attendance. If it is viewed from the position of what is potentially at stake, failing an unsuitable candidate, rendering them unable to be a handler, is a small price to pay compared to the consequences of poor handling.

It is important that training be given to all persons that have an influence in the decision making process that may affect the way in which a SOURCE is handled or a decision relating to a SOURCE is made. This therefore encompasses not only the handler, but also extends all the way up the chain of command to the highest of levels of management. The possible ramifications of any decision at any level that is made must never be overlooked concerning SOURCE related matters. Therefore this supports the argument for training at all levels.

One of the most important things that must be considered when developing appropriate training programs is the fact that training costs money. Wages and logistics all cost money no matter what level of training. The old adage of "You get what you pay for" and "You work as you train" are most important in this field. If the practitioners of this tradecraft are not given adequate training it will ultimately show in the end result. Which may cost a lot more than the original budget allocated for training.

The areas of training that should be covered are: (but not limited to)

- Ethics
- Contacts and SOURCES
- Criminal informants
- Records and documentation
- Dissemination of information
- Daily informant maintenance
- SOURCE involved operation planning
- Personality profiling
- In Custody informants

- Lawful justifications
- Funding
- Case Law
- Operational scenarios
- Policy guidelines
- Interaction with covert units
- Witness protection
- Motivating factors
- Cover stories.

## **SOURCE MANAGEMENT AGREEMENTS**

It is my opinion from what I have observed that when a SOURCE is to become registered following a short assessment period a SOURCE management agreement should be signed by all parties concerned. This document should also be re-signed at a minimum of every 12 months or sooner if deemed necessary.

A SOURCE management agreement sets out what the obligations on the officer are, as well as the obligations and restrictions set down on the SOURCE. If a formal contract such as this is completed as a matter of course and properly explained to the SOURCE at the time, there can be no confusion as to the position of each person, as well as the responsibilities upon that person, whether it is the handler, co-handler, controller, authorising officer or the SOURCE.

## **AREAS NOT COVERED**

There are a number of sensitive areas that are not covered in this report, these include:

- SOURCE payments
- High risk SOURCES
- Police methodology
- Police procedures
- Various Police authorisations
- Covert capabilities and responsibilities
- Police and community risks and considerations
- SOURCE risks and considerations
- Specific means of SOURCE protection (ID & Person)
- Specific SOURCE policy

## **SUMMARY & RECOMMENDATIONS**

In total I travelled to 4 different countries and met with in excess of 40 Law Enforcement and Intelligence Agencies. These agencies ranged from a Federal level with responsibility for National Security, to regional and suburban Police Services.

In the many conversations I had with each of the people I met at the different agencies a number of conclusions were reached. Listed below are my conclusions in no particular order of importance:

**1. The need for strict policy to govern the use of SOURCES.**

Once a strict policy is promulgated and all persons working under that policy are made aware of it and trained in its application, there can be no error. As stated with a policy that is strict enough yet workable. The practitioners in this field will be better supported by the policy and will strive to work within it to be afforded its protection. Likewise Senior Management will also embrace a strict policy because it provides a clear direction on where things are, and where they ought to be.

**2. The need for full time SOURCE handling units operating within each organisation recognising the needs and policies of neighbouring jurisdictions.**

Only once a full time properly trained unit is established, all matters pertaining to SOURCE handling and recruiting will step up to a higher level. Not only will the SOURCE Handling unit themselves perform at a high level but they will also provide a single point of contact for other members regarding tradecraft and policy enquiries. This will therefore lift the standard of performance and integrity for an entire organisation.

**3. The need for high level training of all personnel involved in decision making or handling of SOURCES, from "Street handler level" to the most senior of management.**

If personnel from the handler up to the most Senior of Managers involved in the field of SOURCE management are trained to a similar level, there can be no confusion regarding roles and responsibilities. It is important for the Managers to have a good understanding of the tradecraft being practiced by the handlers to have an appreciation of what the handlers are doing and why it is being done a certain way. Just as important is the need for the handlers to have a complete understanding of what type of decisions the Managers are responsible for in both a policy and operational situation.



**4. The need for a dedicated section in each Law Enforcement Agency that can access all SOURCE related matters, to ensure compliance with policy, integrity of files, oversee training and act as a central point of liaison.**

This area would be responsible for almost all things that are SOURCE related in the administrative sense. Can access any SOURCE file to oversee the management of that file at all levels, not only to ensure that policy is being complied with as well as the integrity of the file is being maintained through audits conducted at appropriate times as well as to prevent against dual registration of a SOURCE. This area would also ensure that any training being conducted was kept up to date with other agencies both Nationally and Internationally. One very important function that this area would be responsible for is that of a central liaison point for internal and external enquiries regarding all things SOURCE related.

**5. Handlers to have a full understanding of Legal privilege and a full understanding of the “need to know” principle ensuring confidentiality of a SOURCES identity is maintained.**

It is important for all handlers to have a full understanding of the Legal field that they are operating in by dealing with SOURCES as a core function. Failure to have a full understanding of this could render the handler liable for the disclosure of certain information that should not be disclosed. At the same time the handler should be aware of the protection that the law offers handlers to enable them to properly protect a SOURCE including a SOURCES identity.

The “Need to Know” principle is an area that too many times is either forgotten or not given sufficient regard. It is a principle that is quite self explanatory. It is designed to protect the identity of a SOURCE and the integrity of any investigation the SOURCE may be contributing to.

**6. Annual formal contact (Conferences / Workshops) between all Australian Law Enforcement Agencies regarding SOURCE management.**

This would ensure that an open liaison is maintained by the people working in the specific field of SOURCE management in the various agencies. These conferences would ensure the needs and requirements of other Agencies are understood and met. This would make certain that best practice concerning the recruitment, management and protection of confidential human SOURCES is employed. Therefore ensuring the most effective use of SOURCES nationally, to enhance investigations into Organised Crime.

**The cultivation, recruitment and running of Covert Human Intelligence SOURCES is a skilled business demanding the highest standards of integrity.**

**It should be conducted by experienced, properly trained officers, working in a secure environment to the clear requirements of an informed and supportive management.**

*P.S.N.I.*