

**THE WINSTON CHURCHILL MEMORIAL TRUST OF AUSTRALIA**

Report by - Drew Morgan - 2002/2 Churchill Fellow

**To undertake a study of specific intelligence gathering programs directed against organized crime in Canada, The UK, France, Ireland and Israel.**

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Dated: 18/11/2003

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## PREFACE

This document is the final report on a Winston Churchill Memorial Trust Fellowship awarded to undertake a study of specific intelligence gathering programs directed against organized crime in Canada, The UK, France, Ireland and Israel. Due to the very nature of the covertness of these programs, specifically the covert law enforcement techniques of human source cultivation, recruitment, handling and management, and the relationship and overlap of organized crime and terrorism/national security, much of the experience that accumulated cannot be made available to the general public due to the need to protect methodology and techniques. In deed much of the information requires an appropriate security clearance for it to be accessed and made available. This understandably has placed restrictions on what I can publicly report on.

Provisos not withstanding, I am committed to ensuring that the Australian community benefits from the Fellowship that was undertaken. The report contains a dissemination and implementation strategy that explains how that will be done.

This report will contain a general overview of the experience and lessons learnt from the fellowship, and will neither comment nor specifically mentioning individuals, units or agencies.

Throughout this report I have used the words covert human source, human source or simply source, this is internationally the generally accepted term to describe what is commonly referred to in Australia as a police informer or just informer. All these terms are used to describe someone who is associated with criminals or criminal activities or has access to information about both that provides this information to law enforcement bodies on a regular basis with an expectation that they will remain anonymous. It does not include anonymous callers to law enforcement or programs such as Crime Stoppers.

Additionally I use the terms source handler, handler, operative and practioners all to describe the law enforcement personnel who's role it is to establish and maintain a professional relationship with a source.

Views expressed in this report are mine and mine alone, they do not purport to represent the views of my employer or any other law enforcement or other related agencies I have worked for, with or visited.

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### ACKNOWLEDGEMENTS

There are many people who deserve acknowledgement for the invaluable assistance they provided, they must remain anonymous due to the security situations in their countries and/or the nature of their work, but to all of them thank you for your frank and honest answers as well as the access you provided. They are all too modest to claim credit for more than doing their job. But they need to be acknowledged for their willingness to share documentation, lessons learnt, experience and time.

The majority of organizations can be named and deserve to be named for they are world leaders in best practice for Human Source utilization. These organizations are listed in the program component of the report. They should also be extremely proud of their corporate knowledge and for the professionalism of the members that I met. To all the agency executives, international relations departments, foreign liaison officers, source units and training teams thank you. I know that we will be in contact and hope to be able to reciprocate in the same way.

To the Winston Churchill Memorial Trust I owe my gratitude for the faith they placed in my project, their encouragement and financial support.

To my peers in the Australian Law Enforcement and Intelligence Community, in particularly members of then National Crime Authority, Victoria Police and the Australian Federal Police, their encouragement, support and training I can only hope to repay in part through the dissemination of the findings in this report and future collaborations.

To my referees, personal and professional, who supported both the Fellowship application and my ability to undertake it, thank you once again.

Finally and not in the least for all the unquestioning encouragement and support, through some difficult times, provided by my family.

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## INTRODUCTION

This report details the findings that can be made public from a 2002/2 Winston Churchill Memorial Trust Fellowship visit to Canada, the UK, France, Ireland and Israel to undertake a study of specific intelligence gathering programs directed against organized crime. The project involves the detailed study and comparison of proactive covert human source cultivation, recruitment, handling and management techniques, methodologies and training.

In early August 2003 I traveled to the U.K for two weeks, then Ireland, France, Israel and Canada for one week each, totaling six weeks. During the Fellowship travel I spent time with members from the respective law enforcement agencies/units who are working in this field.

The opportunity to interact with trainers, practitioners and managers was fundamental to the assessment of the adaptability of these programs against organized crime groups in Australia.

As part of this project I liaised with members of these law enforcement agencies who have dealings with human sources to identifying best practices employed in this field. This extended to identifying: methodologies and techniques used to cultivate recruit, handle and manage human sources; what policies and procedures together with the framework of operation that are used to task the sources as well as integrate their information into the intelligence apparatus and investigations; what legislative support the police and sources have for their covert operations; the level of cooperation and information sharing between the police and security/intelligence services; and finally the degree and type of training police are given with regards to methodology and tradecraft. I also had the opportunity to discuss psychological aspects of informant handling with a number of experienced operatives and psychologists who work in this field.

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### Fellowship Objective

To undertake a study of specific intelligence gathering programs directed against organized crime. The project involves the detailed study and comparison of proactive covert human source cultivation, recruitment, handling and management techniques, methodologies and training.

### Fellowship Highlights

Being able to gain insight, experience and lessons learnt from the agencies and individuals I visited.

The forging of a network of more experienced peers who were and continue to be supportive, informative and instructional. A detailed list of valuable contacts can be provided to those who request it.

### Dissemination and Implementation Strategy

Due to necessary restrictions on what can be reported on in this document it only forms a small portion of the dissemination strategy for the findings of this Fellowship. Additionally I will be: preparing a series of articles for a number of closed professional journals; providing detailed findings to law enforcement agencies through written reports, oral briefings and presentations.

I am also preparing a compendium of reference readings that will be made available to those who require them.

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## PROGRAMME

### *Weeks one and two – United Kingdom (Mainland)*

New Scotland Yard, The Metropolitan Police Service, London  
National Criminal Intelligence Service, London  
Her Majesties Customs Service

### *Week Three – United Kingdom (Northern Ireland)*

Policing Service Of Northern Ireland

### *Week Four – France*

French National Police Service

### *Week Five – Israel*

Israeli Police Force

### *Week Six – Canada*

Royal Canadian Mounted Police  
Vancouver City Police Department

NB: A detailed list of valuable contacts can be supplied to those who have a need and request it. Generally units that had involvement with human sources were visited and members of those units spoken to a length and where possible observed in training, exercises and operations. Valuable contacts ranged from a former Assistant Commissioner; current department heads and unit leaders of human source, covert policing units to individual operatives and sources. The units these contacts belonged to included human source, drugs and organized crime, security intelligence, terrorism and specialist area policing and uniformed police.

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## MAIN BODY

The idea of having a professional, structured and dedicated training regime, techniques and methodology in regard to human intelligence is new to many in law enforcement. The sites chosen for the Fellowship travel were chosen because I believe that:

The security situation in England and Ireland has meant that these services have had a wealth of time and experience to develop effective human source programs.

The Canadians have developed their own program more recently and can provide insight into the organisational and cultural change process.

The Israeli situation has led to a range of methodologies and techniques being developed in situations where organized crime and terrorism overlap.

Visiting the French enabled a comparison of methodology and techniques in an inquisitorial rather than adversarial system.

For many years throughout the global law enforcement arena, source handling was a skill that was acquired during on the job training. Little guidance in the form of training, doctrine nor legislative support was given. From the experiences acquired from the opportunity that the Fellowship provided I made the following observations.

### Training of personnel

All successful source-utilizing organizations had realized the need to have consistent and professional training and accreditation of those involved in human source operations. The training was an imperative to reduce litigation; complaints and corruption issues as well as to collect and exploit valuable information. The training and its selection process recognize that just as other facets of law enforcement are specialized roles that not all can perform so to is source handling.

Accredited training not only assists in reducing problem issues but also raises the professionalism of the individuals and the organization. The well-trained individual who has guidance (eg Code of practice, policy) and the support of the organization can be a highly motivated and effective collector of information. That support comes from training management.

The more information the organization possess the better its planning and responses are going to be enabling it to be more effective in proactively, and reactively, investigating crime. Specifically, so called victimless crime such as, drug importation and large scale trafficking by organized crime groups as well as people smuggling, arms trafficking and counter terrorist groups.

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The training itself needs to be broken into progressive steps to enable experience to be gained before progressing, if wanted and suitable, to higher risk environments and operations.

International best practice divides the training into various levels from basic awareness for new recruits, to more advanced training for specialist areas and dedicated units, up ward to educating senior management in relation to what can be accomplished, how it can be done and what support is needed, to records management and information systems.

Thorough training requires the development of flexible models to guide participants through realistic scenarios. The training should contain elements of the following topics (not a detailed or comprehensive list):

- Types of sources
- Source motivations
- Psychological aspects of source management
- Security
- Occupational Health and Safety
- Cognitive Interviewing
- Intelligence Process
- Note taking and report writing
- Legislation, legal process and guidelines/policy
- Risk Management
- Operational scenarios and utilization
- Roles and responsibilities of law enforcement personnel
- Source contracts or agreements
- Interagency operations

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### Information systems

With the move of policing away from reactive incident driven style to a proactive intelligence led style of policing there is a need for a model to guide and systems to manage and process the information. The collection of information from human sources is only one, but a real-time sensitive and enormously valuable, part of the intelligence process. This information needs to subsequently be collated, analysed, and disseminated. Human source information needs to be combined with mainstream non-confidential information to develop a true intelligence product that can be acted on effectively. The difficulty is in having a process where the information obtained from sources can be feed into mainstream intelligence.

A common theme amongst all of the places visited was that of having a model, or doctrine, with which to guide the use of source information.

There are a number of agencies that utilize the services of human sources and to fully utilize the sources information and to realize their full potential, whilst ensuring their confidentiality and security, there has been the introduction of a centralized repository of information and information sources.

The introduction of these models and systems on a national basis has been able to assist in:

- Planning and operationalising collaborative resources
- Ensuring full risk assessments are facilitated
- Setting of minimum standards
- Enabling a synchronistic holistic approach to intelligence gathering
- Accounting for budgets
- Strategic Planning/futures forecasting

### Codes of practice

Detailed codes of practice, doctrine, guidelines and policy, that are flexible to accommodate changing trends and the human element of these types of operations have proved to be a valuable tool for the law enforcement personnel required to utilize sources.

These guides not only serve as a reference for the operational end of the investigation but also serve as a tool for management. With a well-constructed guide that has been trialed and that withstands rigorous scrutiny from peers without being overly dictatorial law enforcement knows that it is supported by a sound and rational document. They also understand where the boundaries are for their operations. Something that legislation does not detail and should not provide. With the managements support of the guidelines operational members will feel confident in their utilization of human sources.

### *Dedicated Source Units*

I concur with the often argued point that all police should be collectors of information and that they should all look for potential human sources. Identifying a potential source and recruiting a source are different skills. However being able to appropriately recruit handle and manage a quality human source to obtain their full potential is a potentially time consuming ongoing process that not all law enforcement personnel are able or willing to do due to other pressing duties, resource requirements and time constraints.

Acknowledging the need for training is one thing then allowing for the trained personnel to put the training into practice is another. Personnel or units dedicated to source handling operations are imperative to building a core of quality taskable sources that can serve the organization. The highly trained unit is imperative to a true intelligence led policing organisation.

The units form the core of the organizations corporate knowledge in relation to human source issues. The unit can act as a central clearing house for source information and documentation enabling it to assist in ensuring compliance with guidelines. The unit also acts as a mentor and reference point for non-unit members seeking advice and training.

The unit is also in the best position to see the overall picture and to utilize sources strategically. The unit is also taskable by serious and major crime units to develop information and sources in support of operations.

Dedicated units that have similar training and guidelines act as a trusted and known focal point/liaison for transnational and international requests or operations.

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### *Operational Observations*

These observations could form part of the training on source use, they would serve particularly well law enforcement personnel new to source operations.

When unprofessional, inattentive or ill informed conduct is engaged in by law enforcement involved with human sources there is a risk not only to the physical wellbeing of the source and the operative (this topic is not addressed in this report) but also to the reputation of the source, operative, the agency and even the government. The potential damage to this reputation can lead to loss of income, litigation and loss of public confidence.

In addition to professionalism brought about through training and guidelines there is a necessity to build a relationship with the source. This human element is often the major risk factor, but the relationship is critical to obtaining of information. The following observations are of safeguards against this risk.

Never promise anything that you cannot deliver. Sources can ask for the world from the operative that they have contact with. If the operative, in a naive attempt to appease the source and gain information, promises things that are not within that persons power to do then the relationship will suffer. If the promise is not kept then the source will loose trust in the operative and the information will not be forthcoming – it can also lead to allegations of corruption, failed prosecution, litigation and criticism in the media.

Tell the truth. Not keeping promises inflicts a wound on the relationship between a source and the agency they provide information to, but not telling the truth will kill it. By telling the truth, even if it is not what the source wants to hear, it at least builds a relationship of trust. Even advising a source that you cannot supply that information because they do not need to know it can also help build this trust, by making the source feel secure that you will not provide information about them to anyone who does not need to know it.

Safeguard the sources confidentiality. Both the source and their law enforcement contact need to reinforce the aspect of confidentiality, not only of the source but the relationship and the information. This entails the operative reinforcing the need for the source not to disclose their relationship with anyone, and that the operative be conversant with documentation processes, dissemination and case law as it relates to public interest immunity.

Unauthorised disclosure of the source can lead to physical injury, litigation, intimidation and failed investigation/prosecution. This is to be avoided as the loss of confidence in the organisation can adversely affect source recruitment.

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Avoid circumstances leading to problem relationships. By allowing circumstances to develop that may cause relationship problems the operative jeopardises everyone's reputation and more.

Using the special skills or knowledge that a source may possess for profit or by entering business relationships with the source can lead to situations where the source can end up controlling the operative. This can lead to issues of corruption.

Acceptance of gifts or loaning/borrowing money should not be done. There may be circumstances where gifts may be accepted so as to not be culturally insensitive. Loaning or borrowing of money and other property should not be considered. These offers may be genuine or they may be attempts to subvert the operative, by making allegations or manipulation and corruption. All such offers should be documented appropriately.

Unprofessional comments. Although this would appear to be common sense many people need to be reminded to or educated in the inappropriate use of language. Remarks as to race, sex or sexual orientation or containing other defamatory, insulting or upsetting words can not only reduce the source confidence in the operative but also undermine the credibility of the law enforcement personnel if revealed in court.

Give feedback. Within the constraints of the principle of "need to know" sources should be given honest feedback. People like to be appreciated and knowing that the information that they supplied was of value or assistance (the details need not be supplied) has a great effect on furthering the relationship between the source and the operative.

A force resource. The recruitment and handling of a source is a relationship building exercise but the personnel conducting this type of operation must be mindful that they work for an organisation. The personnel conduct their duties in accordance to the organizations mandate and mission, to this end the source is a corporate resource in that they supply information for the organizations use.

Personnel need to be mindful, through training, guidelines and supervision, that they are the interface for the organisation not the owner of the source or the information. This knowledge can serve as a way of maintaining a professional relationship that will help avoid circumstances leading to inappropriate relationships being formed.

Documentation. All contacts planned or in advertent personal or other wise and the appropriate approvals should be documented together with the information supplied. This as with other types of documentation should be corroborated. This serves to preserve the information and negate false allegations.

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## CONCLUSIONS and RECOMMENDATIONS

From observation of what I consider to be best practice in the area of human sources, from a vast number of agencies and individuals, there are a number of things that can be considered for adoption in Australia. Some of those will be discussed here and others will be distributed according to the dissemination strategy. The following are not ranked in any particular level or order of importance.

### *Information management systems*

A model to guide and systems to manage and process the information obtained, not only from human sources, but from all sources, that is time, resource and cost efficient as well as being readily accessible by those who have a need to know is the key to effective information management. A streamlined national system has many benefits to offer the broader law enforcement community.

### *Code of Practice*

A nationally agreed to and supported guideline on the use of sources would add the combined weight of the support of all law enforcement bodies to the constituent members. Cross border and transnational use of sources would be more readily facilitated through a mutual understanding of processes and restrictions.

### *Professionalism through Training*

Training programs that involve training of law enforcement personnel need to encompass a range of inputs and activities that include but are not limited to:

This Nationally Accredited Qualification would assist in increasing the professionalism of the organization and with that comes the potential for reduction of negative impacts. National Accreditation, like national guidelines ensures fluidity in transnational and in many cases international operations. Counterpart agencies and operatives feel more confident in contacting and liaising with one another when they share common ground such as high standards in training. There can also be a sense of continuity, rather than disjointedness, in these types of operations resulting from the same skills brought about by common training. This has proven to be beneficial in a cost benefits analysis of training versus litigation and corruption issues

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Linked to training is the issue of dedicated units to perform source operations.

### *Dedicated Source Units*

Establishment of Dedicated Source Units along with nationally accredited training and guidelines is an imperative if intelligence led proactive policing is going to have the timely, relevant and accurate information it requires for investigators and managers to make decisions for action.

### *Reference Group*

Law enforcement is striving to improve its professionalism. This can be done in part by training and guidelines. Another component of professionalism is belonging to a group that can act as a reference for its members. In my experience the most operationally effective groups are those for the “coal face” practioners.

The establishment of a reference group linking domestic and foreign practioners in an open and frank forum that enables exchange of ideas, methodology and techniques has immense potential for new comers and the expert alike.