

Victoria Police Manual

The Victoria Police Manual is issued under the authority of the Chief Commissioner in s.60, Victoria Police Act 2013. Non-compliance with or a departure from the Victoria Police Manual may be subject to management or disciplinary action. Employees must use the Code of Conduct – Professional and Ethical Standards to inform the decisions they make to support compliance.

This policy must not be released externally to Victoria Police without the express authority of the Assistant Commissioner, Intelligence & Covert Support Command. The contents of this policy are subject to a claim of Public Interest Immunity (PII)

Human sources

Context

For the purposes of investigating crimes, police use a number of means to obtain information, one of which is the use of confidential human sources. This policy has been developed to:

- protect the integrity and safety of members and human sources
- ensure the management of human sources is within legal and ethical boundaries
- protect Victoria Police's reputation
- protect covert methodology
- support the use of human sources in investigations and information gathering
- assist Victoria Police to support community safety outcomes.

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Scope and Application

This policy applies to all Victoria Police employees with the following exceptions:

- this policy does not apply to information received via Crime Stoppers or to internal sources who are employees of Victoria Police providing information alleging corruption, criminality or serious misconduct. For further guidance on this, see **VPMG Complaint management and investigations** and **VPMG Public interest disclosures**
- in the case of Professional Standards Command (PSC), human sources must be managed internally by PSC in line with the requirements of this policy and utilising Interpose. The Superintendent, Intelligence, Innovation and Risk Division, PSC, performs the role of the CSR for PSC human sources.

Definitions

Human source - a person who:

- volunteers or provides information on a confidential basis to Victoria Police to assist with criminal investigations; and
- has an expectation that their identity will remain confidential; and
- is registered as a human source

This may include circumstances where:

They actively seek out further information at the direction, request or tasking of police

They develop or maintain a relationship with person/s of interest for the purpose of obtaining and providing that information

The registration can be for 'one-off' information, refer to section 14

The term human source can only refer to a person whose registration has been approved

Prospective human source – a person whose registration as a human source has commenced but has not yet been approved (refer to section 4.1)

Handler – the police member who has primary responsibility for contact with the human source and for the initial evaluation of information supplied by that human source

Co-handler - a police member who assists the handler and assumes management of a human source if the handler is unavailable

Controller - a Sergeant or above who has direct supervision of the handler and/or co-handler

Officer in Charge (OIC) – police member in charge of a PSA, squad, unit or workgroup with line control over the human source handling team (with the exception of the LSR)

Local Source Registrar (LSR) - Divisional Superintendent with line control of members who register human sources in that division

Central Source Registrar (CSR) - Detective Superintendent, Covert Services Division (CSD), Intelligence and Covert Support Command (ICSC). The CSR has oversight of all human source registrations and activity

Human Source Management Unit (HSMU) - Is responsible for the governance of the human source register via the Interpose human source module. The HSMU oversees all human source management and ensures compliance with policy

Human Source Advisory Committee (HSAC) - The HSAC provides strategic advice, feedback and guidance in the management of human sources, compliance with policy, its ongoing continuous improvement, service delivery, training, statistical analysis, evaluation, audit and reporting

The HSAC is the conduit between the regions and commands that manage human sources and the CSR and HSMU

Acknowledgement of Responsibilities (AOR) - formal acknowledgment by the human source that they are to be registered as a human source and acknowledgment of the accountabilities in the human source relationship that must be adhered to

Single Source Information - Single source information is information that is believed to be known by only one person or very few people including the human source. Dissemination of such information may inadvertently identify the human source.

Tasking - any assignment or instruction given to a human source by handlers. This includes asking the human source to obtain information, to provide access to information or to otherwise act, incidentally, for the benefit of Victoria Police.

Policy

1. Use of human sources

1.1 *Human sources General Considerations*

- Human sources must only be used for the purposes of information collection and investigative support in a manner that protects the integrity of the human source, the community, police members, the information and Victoria Police.
- Some potential human sources may not be suitable for registration as a human source. Refer to section 8.9
- Prior to approaching or considering receiving information from some potential human sources (Categories 1 – 4) the prior approval of the Human Source Ethics Committee (HSEC) is required. Refer to section 8.3
- A human source must consent to being registered. Completion of the AOR provides confirmation of their consent.
- A human source may be tasked by police to obtain certain information and undertake certain activities or may only be 'eyes and ears', where no tasking is required.
- Human sources must only be used in accordance with the registration status as per section 4 of this policy
- Where a registration process has been commenced but not yet formally approved the human source should be considered a Prospective Human Source.

- Any interaction with a human source whether active, deactivated or proposed must be documented on a SCR as per section 7
- Where incidental or planned contact with a deactivated human source occurs, and there is a requirement to update the human source file with that contact, the HSMU will assist the handling team to upload any SCR and link any IR. If that contact leads to a new relationship, then a new registration is to commence

PII

1.2



1.3 *Human Rights and use of human sources*

- All members of Victoria Police have a legal obligation under the Charter to 'properly consider' and 'act compatibly' with the 20 human rights protected by the Charter (the obligation is in s. 38 of the Charter). Not complying with the Charter is unlawful and may breach a person's human rights
- If there is a proportionate justification that properly considers and balances the impacts on a person's human rights (i.e. the potential human source, family members, persons targeted as a result of the information from the human source) then Victoria Police will lawfully limit that person's human rights. If there is no consideration of human rights, or consideration that is not proportionate and justified in terms of the impacts on a person's human rights, then their rights may be breached unlawfully
- The most common human rights protected by the Charter that may be limited or breached in the context of human source management are:
 - Right to life (section 9)
 - Privacy and reputation (section 13)
 - Freedom of Thought, Conscience, Religion and Belief (section 14)
 - Peaceful assembly and freedom of association (section 16)
 - Protection of families and children (section 17)
 - Cultural rights (section 19)
 - Rights in the criminal process (section 25)
- Where a decision has properly considered the impacts on a person's human rights, and balanced these impacts with countervailing interests, they will have acquitted the legal obligation in section 38
- The elements involved in 'properly considering' human rights are to identify the rights relevant to the decision and whether and how those rights will be interfered with by the decision, and to balance the competing private and public interests involved in the decision.

1.4 *Human sources as witnesses*

- Where it is proposed that a human source (either approved, suspended or deactivated) is or might become a prosecution witnesses, in context of information they have given police confidentially in the human source relationship, then this can only occur with the approval of the Human Source Ethics Committee
- Only in exceptional circumstances would the HSEC approve the transition of a human source to a witness as all their previous activity as a human source may be required to be disclosed to the court, and then subject to a public interest immunity (PII) claim. It should be expected that in such circumstances defence counsel will become aware that the witness was a human source and might be entitled to cross examine the person in relation to their activities as a human source to test their credibility before the court.
- If a handling team becomes aware that investigators are seeking to obtain a witness statement from an active human source on any matter, HSMU must be consulted and the CSR advised in order to provide appropriate advice
- Where the HSEC approves the transition of a human source to a witness, a management plan is to be developed between the handling team, the Witness Protection Unit and the investigation team

- The management plan must document who manages the risk to the human source/witness if they are still being deployed to gather information/evidence to ensure the best outcome for the human source/witness. This management plan must be approved by the HSEC
- The management plan must include:
 - a full risk/threat assessment
 - legal advice on disclosure implications
 - Witness Protection program PII
 - any witness preparation requirements
- Where a member becomes aware that an active or deactivated human source has become a prosecution witness in a matter, then the HSMU must be immediately advised. This includes situations where the matter in which they are a prosecution witness does not relate to the information they provided to police during the human source relationship.

1.5 *Human Sources before compulsory hearings*

- Members must not question an active or deactivated human source as to whether they have been the subject of a compulsory hearing before an agency such as IBAC, ACIC or the OCE
- If a member becomes aware that an active or deactivated human source is to be or has been the subject of a compulsory hearing before an authorised examiner at the IBAC, ACIC or OCE, they must be mindful that the human source is likely to be subject of a confidentiality notice in respect of that examination
- If an active or deactivated human source volunteers to a member that they are or have been the subject of a compulsory hearing the human source must be advised not to further discuss the matter as they are likely to be breaching the confidentiality provisions. In all instances the member must contact the HSMU for advice. PII
- Where a member becomes aware that an active or deactivated human source is to be subject to a compulsory hearing, they must familiarise themselves with the relevant legislation
- Where a member contacts the HSMU for advice relevant to a subpoena, appearance or information volunteered by the human source, the liaison officer of the agency that the information relates to may be contacted by HSMU for advice.

1.6 *Use of interpreters*

- When an interpreter is required to establish and maintain a relationship with a human source, the handling team must contact the HSMU for advice prior to engaging the interpreter
- The HSMU, after receiving advice from the handling team, will provide guidance on the appropriateness of interpreters external to the organisation.

Responsibilities and Procedures

2. Roles and responsibilities

2.1 Handling team

A handling team must contain a minimum structure as follows:

- Handler
- Co-handler (may be multiple co-handlers)
- Controller
- Officer in Charge (OIC)
- Local Source Registrar (LSR).

2.2 Handler

No member can be assigned as a handler (or to any other handling team role) unless they have completed the PII [REDACTED] as a minimum.

The functions of a handler include:

- initial evaluation of the human source as to suitability in a face-to-face meeting
- assessment if the relationship will be ongoing or not
- creation of the registration on Interpose as soon as it is known that the human source has information that cannot be openly linked to them
- completion of an appropriate risk assessment in consultation with the controller
- ongoing review of risks
- completion of the Mental Health Functioning Screen
- operational management of the human source
- effective management of the human source relationship

PII [REDACTED]

- preparation of Source Contact Reports (SCR's) as per section 7
- preparation of sanitised Information Reports (IR's), as per section 7.6
- briefing of controller prior to and post contact with the human source
- ensuring compliance with Acknowledgement of Responsibilities (AOR) requirements as per section 3.3
- notification to the controller, OIC, LSR and Human Source Management Unit (HSMU) if a human source is harmed or killed
- de-briefing and deactivation of the human source.

2.3 Co-handler

There may be multiple co-handlers within a team and these may include other line managers. In considering multiple co-handlers due consideration must be given to the principle of “need to know” in order to maintain security of the identity of the human source and their relationship with Victoria Police.

2.4 Controller

- A controller must be PII [redacted] qualified, as a minimum, but preferably PII [redacted] qualified
- The controller must oversee the human source Interpose file and ensure the following are completed and maintained as required:
 - the identity details of the human source
 - all management comments and directives
 - risk assessments
 - Mental Health Functioning Screen in accordance with section 3.6
 - AOR's in accordance with section 3.3
 - PII [redacted] of contacts
 - reward applications
 - deactivation requests
 - other documents determined to be relevant to the management of the human source.

2.5 OIC

- The OIC will form part of the handling team and support the controller with advice, analysis of risk and oversight
- The OIC, in consultation with the controller, is required to provide written advice to the LSR and record that advice in the human source Interpose file under the [redacted]

2.6 Local Source Registrar (LSR)

- LSR level access to human source files may be granted to Operations Support Superintendents and Inspectors who have a support function relating to human source management, crime management and intelligence in accordance with divisional or regional needs
- Assistance provided to the LSR by these members does not remove the responsibilities of the LSR as outlined in this policy
- For the avoidance of doubt, where this policy requires that the LSR undertake an action, that function cannot be delegated to another member.

2.7 Central Source Registrar (CSR)

- The Human Source Management Unit can perform the functions of the CSR, under delegation, for low and medium risk human sources in relation to registration approval
- In cases of human sources assessed as Low or Medium risk, the role of CSR, in approving the registration, may be delegated and performed by the HSMU, however the CSR maintains overall authority on all human source governance functions

- The CSR will make final decisions where disputes arise between parties over the management of human sources
- The CSR must authorise all human source identity disclosures prior to any such disclosure. If the LSR disputes the decision of the CSR, then the decision can be reviewed by the Assistant Commissioner, Intelligence & Covert Support Command and/or the Deputy Commissioner, Specialist Operations
- The CSR function may be delegated to an alternate Superintendent within ICSC where the CSR is also the LSR for a high-risk human source
- The CSR will refer matters to the Human Source Ethics Committee in accordance with this policy.

2.8 Human Source Management Unit (HSMU)

The HSMU:

- oversees all human source management and registration processes and ensures compliance with policy
- provides specialist advice and support to Handlers, Controllers, OIC's and LSR's
- is responsible for the governance of the human source register via the Interpose human source module
- is responsible for the coordination of the human source reward payment process and performing the secretariat function for both the Human Source Rewards Committee and the Human Source Ethics Committee
- must conduct checks to ensure that the person recommended for registration is not currently registered. If a current registration is detected the HSMU will:
 - advise the LSR responsible for the current registration; and
 - advise the LSR recommending new registration that the registration is not approved
- coordinates and provides all human source training
- manages all human source management qualifications and has the authority to remove, suspend or re-instate qualifications as required.

2.9 Human Source Advisory Committee (HSAC)

The HSAC:

- provides strategic advice, feedback and guidance in the management of human sources, compliance with policy, its ongoing continuous improvement, service delivery, training, statistical analysis, evaluation, audit and reporting
- is the conduit between the regions and commands that manage human sources and the CSR and HSMU
- comprises representatives of the Regions and Commands involved in human source management
- is chaired by the CSR
- operates under Terms of Reference approved by the Assistant Commissioner, ICSC.

3. The registration process

3.1 Human source registration

- Upon identifying a person to be registered as a human source, the handling team must submit a registration application via the human source module in Interpose to their listed OIC for assessment, unless the member is aware that the potential human source falls within a category as per section 8.3
- The generation by Interpose of a human source registration number only indicates the creation of a human source file as the beginning of the registration process. The registration is not approved until such time as the CSR provides that approval
- The human source must not be tasked until the registration has been approved in Interpose as 'Approved – Tasking may be undertaken'
- No IR's are to be created or information verbally disseminated until the registration has been approved
- No application for a Major Drug Investigation (MDI) or any Controlled Operation Authority (COA) is to occur using the information from a human source until the human source registration is approved
- If immediate actioning of the information is required contact HSMU or after hours – Refer to section 3.4 After Hours Urgent Registration
- The human source registration number is not to be used in any manner until the registration has been approved by the CSR, including warrant applications.

3.2 Registration process

- Upon initiating the registration process, the HSMU will receive a notification via Interpose. The HSMU will immediately contact a handling team if the registration cannot be proceeded with at that time
- The LSR must make a recommendation of approval or non-approval for all human source registrations

Controller responsibilities

- Prior to a human source registration being approved, the controller must ensure the following takes place:
 - the proposed registration is appropriate
 - the AOR is delivered and uploaded to Interpose within PII of commencing the registration process as per section 3.3
 - the risk assessment is completed, including assessment for potential and identified risks, and that sufficient and appropriate mitigation strategies are in place
- Once registration has been approved the controller is to:
 - monitor and review all activities within the human source Interpose file
 - review the SCR's as per section 7
 - review both the risk assessment and revisit the AOR requirements on a monthly basis to ensure they are still appropriate

PII

- complete a monthly review of the human source relationship, risk assessment and value of the continued relationship and record that in the [REDACTED] in Interpose

OIC responsibilities

- Upon the commencement of an Interpose human source registration, the OIC will:
 - ensure that the proposed registration is appropriate including assessing the suitability of the human source and allocated handling team
 - ensure that the risk assessment is uploaded to Interpose within PII [REDACTED] of the first face-to-face meeting
 - ensure that the completed AOR is uploaded to Interpose within PII [REDACTED] of registration commencement
 - where it has not been possible to upload the completed AOR within PII [REDACTED] of registration commencement, the OIC must make appropriate comment in Interpose outlining the situation and detail when the completed AOR will be uploaded to Interpose
 - ensure the Mental Health Functioning Screen has been completed at PII [REDACTED]
 - consider operational priorities and duty-of-care issues
 - update their recommendations in the Interpose human source file for review by the LSR

LSR responsibilities

- On receipt of the Registration, the LSR will:
 - assess the suitability and appropriateness of the human source for registration
 - review the risk assessment, to ensure a comprehensive assessment has been undertaken to evaluate potential and identified risks and ensure sufficient and appropriate mitigation strategies are in place and note this within the Interpose [REDACTED]
 - review the AOR, to ensure that all appropriate accountabilities are addressed make a recommendation regarding approval on the [REDACTED] taking into consideration all factors presented within the human source registration file
- If the LSR does not recommend the application they must record the reason for the non-recommendation and action taken by the handler, controller and OIC in the LSR recommendation field of the Interpose [REDACTED]
- If an application is recommended for approval, the LSR will recommend to the CSR that the human source registration be approved by making an appropriate comment in the [REDACTED] in Interpose

CSR responsibilities

- On receipt of the full Interpose human source file seeking registration, the CSR will:
 - assess the suitability and appropriateness of the human source for registration
 - review the risk assessment, to ensure a comprehensive assessment has been undertaken and appropriate mitigation strategies are in place
 - review the AOR, to ensure that all appropriate accountabilities are addressed
 - review the Mental Health Functioning Screen
 - make a decision on whether to approve the registration.

3.3 Acknowledgment of Responsibility

- The AOR is the formal acknowledgment by the human source that they are to be registered as a human source and acknowledgment of the accountabilities in the human source relationship that must be adhered to
- General and human source specific accountabilities may be included in the AOR, as required by the controller, OIC, LSR, HSMU, CSR or HSEC
- PII [REDACTED] must deliver the AOR to the human source in a face-to-face meeting within PII [REDACTED] of the registration process commencing. The only exception to AOR requirements is where the information is being provided by a person on a strictly one-off basis. Refer to section 14
- In circumstances where it has not been possible to deliver the AOR within PII [REDACTED] of the registration process commencing, it must be delivered at the first available opportunity and the PII [REDACTED] updated with an explanation
- If instructions are to be given to the human source to mitigate any risk identified in the risk assessment, these instructions must be included in the AOR. If any new risks arise during the human source relationship that require further mitigating instructions to be given to the human source, then a new AOR must be delivered including all mitigation instructions

Example 2:

The handling team are aware that a potential human source does not have a driver's licence and has prior convictions for driving unlicensed. A condition on the AOR should be added that the potential source is not to drive a motor vehicle. This provides clarity to the potential human source that no breaches of the law will be tolerated.

- The AOR must be the subject of constant evaluation regarding its sufficiency. At a minimum, the AOR must be reviewed by the controller on a monthly basis. The outcome of that review must be endorsed in the Interpose [REDACTED] by the controller

PII [REDACTED]

- An AOR must be delivered to all prospective human sources with the only exception being where the contact with the human source is one-off. This may relate to when an offender is being processed and provides confidential information and no ongoing human source relationship is envisaged. In such circumstances the Interpose [REDACTED] should clearly outline that it was one-off contact. Refer to section 14

- If a human source who originally only provided one-off information continues to provide any further confidential information, then an AOR must be completed and delivered.

3.4 After hours urgent registration

- In cases where members receive information outside normal business hours which necessitates the commencement of a human source registration and the immediate actioning of the information, contact must be made with the on-call HSMU Senior Sergeant for approval for registration on PII
- This approval process is in addition to any approval sought under **VPMP Searches of properties**
- If the after-hours approval relates to a high-risk human source, the CSR must be contacted for approval
- HSMU will conduct a thorough assessment in respect of the appropriateness of the proposed registration and the need for after-hours authorisation. If after-hours registration is deemed appropriate a risk assessment must be completed that includes any proposed information dissemination or imminent tasking e.g. Controlled conduct
- Completion and delivery of an AOR is required in accordance with section 3.3 prior to approval
- Completion of the Mental Health Functioning Screen is required
- The LSR, or in their absence, the Duty Superintendent of the Region/Command will be contacted and briefed in relation to the registration, intelligence received and intended action by the handling team or controller
- If approval is granted, the HSMU will record the approval in the Interpose and forward an Interpose link to the relevant LSR or Duty Superintendent.

3.5 Serious mental health condition

- A serious mental health condition is one which may affect the ability of a human source to make sound judgments, including but not limited to their ability to understand the AOR.
- A serious mental health condition may be present where the person:
 - Scores a positive response on the Human Source Mental Functioning Screen to one or more of the critical items
 - Has previously been escalated to the HSMU and/or psychologist and has not received clearances
- All registrations involving a person with a serious mental health condition must be approved by the HSEC.

3.6 Mental Health Functioning Screen

- The mental health functioning screen is a tool that must be completed by the handling team in the course of undertaking an assessment for possible registration of a human source

- The mental health functioning screen must be completed for all human source registrations; [REDACTED] PII [REDACTED]
- The purpose of the screen is not to diagnose a serious mental health condition, but to identify potential indicators, based on observable behaviour and human source self-reporting. Critical items are those which signal highly unusual behaviour or experiences currently attributable to a human source which warrant further investigation or careful management to ensure ethical and effective risk management.
- Positive responses to the critical items in the screen will require consultation with the HSMU, who may:
 - Consult with a psychologist regarding manageability of symptoms
 - Work with the handling team to formulate a plan to monitor condition(s) and manage risk
 - Provide advice about suitability for registration and tasking.

3.7 Serious medical health condition

- A serious medical health condition is one which may affect the ability of a human source to make sound judgments, including but not limited to their ability to understand the AOR.
- A serious medical health condition will be considered to be present where the person:
 - Is receiving ongoing inpatient care
 - Has a critical illness or injury diagnosed as terminal or which poses an imminent danger of death
 - Has a permanent or long-term incapacity due to a condition for which treatment may not be effective, such as Alzheimer's disease, a severe stroke, or terminal stages of disease
- All registrations involving a person with a serious medical health condition must be approved by the HSEC.

4. Status of human source registration

Human sources will be designated with the following statuses:

4.1 Draft

The registration is considered a draft throughout the following stages:

Action	Responsibility
Registration shell commenced (prospective human source)	Handler
Initial SCR completed	Handler
Personnel roles allocated	Handler
Risk Assessment completed	Handler
Mental Health Functioning Screen completed	Handler

AOR drafted	Handler
File, risk assessment and mental health screen reviewed	Controller
File, risk assessment and mental health screen reviewed	OIC
PII	
AOR uploaded	Handler
Initial review	HSMU

During the draft stage the following must be observed:

- No tasking is to occur of the prospective human source
- No IR's are to be created
- No information is to be verbally disseminated without HSMU approval
- No information is to be used in an MDI or COA application
- No use of the human source registration number is to occur (eg affidavits)

4.2 Review

Prior to approval, the draft is to be reviewed as follows:

Action	Responsibility
The file is reviewed	OIC
The risk assessment is reviewed	OIC
The mental health functioning screen is reviewed	OIC
The AOR is reviewed	OIC
A recommendation is made to the LSR	OIC
The file, including the risk assessment, mental health screen and AOR is reviewed	LSR
A recommendation is made via the [REDACTED]	LSR
The file is reviewed (including Risk Assessment, AOR and mental health screen)	HSMU
A recommendation is made via the [REDACTED]	HSMU
The file, Risk Assessment, AOR and mental health screen is reviewed, if required	CSR (or HSMU on CSR's behalf)

Registration is approved or not approved	CSR (or HSMU on CSR's behalf) HSEC/DC (if required)
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4.3 *Approved*

Approval can occur at two levels:

- Level 1: 'Approved – Tasking may be undertaken'
- Level 2: 'Approved – With special conditions'
- Upon approval:
 - HSMU is to update the file to show the approval level
 - HSMU is to advise the handling team of the approval level and any special conditions that apply
 - IR's can be created and disseminated
 - Registration number can be used on documents such as affidavits
 - Information may be used in an MDI or COA application
 - Level 1 approved human sources may be tasked
- Level 2 approved human sources can only be tasked in accordance with any special condition of approval.

4.4 *Not Approved*

Where the registration is not approved:

- HSMU is to:
 - update the file to show non-approval
 - provide advice to the handling team as to the reasons for non-approval and actions required to be taken
 - advise the handling team to commence the deactivation process
- No information reports can be created and disseminated
- No use of the registration number on documents such as affidavits
- The handling team are to advise the human source that police will not be engaging with them to receive and use their information
- The handling team are to cease their relationship with the person they attempted to register. Where this is not possible, they are to ensure that the person knows that any further information supplied cannot be treated confidentially. In these circumstances, the member receiving the information must complete an IR naming the person as the source of the information
- If the person who was not approved for registration continues to contact the handling team, the handling team must request the person to cease contact
- Evidence of a continued relationship where a member is receiving information from a non-approved human source will result in a referral to PSC. This applies in situations where:
 - a registration has not been approved
 - there has been no attempt to register the person; or
 - a human source has been deactivated.

4.5 *Suspended*

Where the HSMU assess that the management of an approved registration becomes non-compliant with this policy, the registration will be suspended until it becomes compliant. When a registration is suspended the following applies

- HSMU must:
 - update the file to show it is suspended
 - advise the handling team, controller and OIC
 - provide advice on the reasons for suspension and actions required to be taken
 - If the file remains non-compliant for seven days, then notify the LSR
 - notify the handling team to commence deactivation where a file has been suspended for a continuous period of three months
- Handling team must:
 - notify the HSMU if it is proposed to leave a file in suspended status deliberately for any period and record those reasons in the [REDACTED]
 - not disseminate any IR's
 - not verbally disseminate any information
 - not task the human source
 - ensure no controlled conduct occurs, even if the human source was approved when the initial authority for controlled conduct was provided
- Handling teams may proactively request suspension of a human source registration if they know that the file cannot be maintained in compliance with policy for a known time period, such as overseas travel by the human source.

4.6 *Deactivated*

The human source file is no longer in use and all material relating to the management of the human source is either within the human source Interpose file or secured at the HSMU (e.g. Letters of Assistance).

5. Risk assessment

- Risk assessment is the process of identifying risks, taking steps to mitigate the risks to an acceptable level and monitoring the level of risk. The CSR will make final recommendations for all human source registrations identified as high-risk
- There are three types of risk assessment tools used with human sources:
 - Human Source Risk Assessment (HSRA) (used only at the point of initial registration where it is not a one-off registration)
 - Human Source Dynamic Risk Assessment (HSDRA) (used subsequent to the HSRA through the life of the human source relationship)
 - One-off Registration Risk Assessment (refer to section 14)
- All fields within the risk assessment tools must be completed as well as any human source specific risks. The registration of the human source must indicate the reason and purpose at the time of registration
- The HSRA must be completed and uploaded to Interpose for review within PII [REDACTED] of the first face-to-face meeting. Handlers must subsequently complete the Human Source Dynamic Risk Assessment every PII [REDACTED] or when a change in risk profile occurs (whichever occurs sooner) e.g. Application for controlled conduct

- Controllers must review the risk assessment monthly
- OICs must review the risk assessment every three months
- Where the risk assessment is rated as Low or Medium the HSMU may approve the registration on behalf of the CSR
- Where the HSMU consider that the risk rating for a human source should be different than determined by the handling team, then the matter must be referred to the CSR to determine the level of risk
- Where the risk assessment is rated as high and this is endorsed by HSMU, only the CSR can approve the registration. This cannot be delegated to members of the HSMU.

5.1 Risk categories

- All human sources must be the subject of a human source risk assessment which will identify risks in following five categories:
 - risk to the human source of compromise
 - risk to the handling team
 - risk to the information/investigation
 - risk to the public
 - risk to Victoria Police
- Risks must be identified, analysed and a rating provided. Mitigation strategies are then to be listed and a residual rating applied. The overall human source risk rating will be at the same level as the highest risk remaining, once mitigation strategies are in place
- Risk cannot be assessed against one category alone and cannot be outweighed by the imperative of an operational objective. Risk is to be calculated against what is known, what is unknown, what is planned and what may occur in the future
- The risk assessment process is not designed to prevent human source relationships but to provide a framework for evidence-based decision making regarding registration
- The risk assessment must clearly articulate the purpose for engagement of the human source and if there is any change in that purpose, or any movement from the original intent, then a new risk assessment must be undertaken.

5.2 High risk human sources


- Where CSR approval to manage a high-risk human source is granted the only work unit that is to handle that high-risk human source is PII unless exceptional circumstances exist and approval by the Human Source Ethics Committee is granted in accordance with section 8.12. All high-risk human sources must be managed in a sterile corridor (Refer to section 6.6)
- A human source identified as high-risk following a risk assessment must be managed by handlers and controllers with a PII PII qualification or a higher training qualification
- Whenever a human source is assessed as being high-risk the HSMU must be notified for advice. The HSMU, on behalf of the CSR, will assist work units in determining their suitability to manage high risk human sources

- The LSR responsible for any high-risk human source, must endorse that the current risk assessment remains fit for the purpose on a monthly basis. The LSR must also record in Interpose the checks and inquiries undertaken in order to make such a determination

PII



5.3 *Legal privilege and confidentiality considerations*

- Members must be mindful that some human sources as result of their occupations, may have legal obligations of privilege or confidentiality, e.g. lawyers, doctors, parliamentarians, court officials, journalists or priests
- Prior to receiving information from or considering approaching a person to whom an obligation of legal privilege or confidentiality might apply, the HSMU must be contacted who will refer the matter directly to the CSR. The CSR will consider the matter and if supported, then the matter will be referred to the HSEC for consideration
- Where a potential human source has a connection to a lawyer, doctor, parliamentarian, court official, journalist or priests and information may be obtained that would breach a legal obligation of privilege or confidentiality, then section 8.5 must be followed
- Where an active human source who is not subject to a legal obligation of privilege or confidentiality provides information which appears to be subject to a legal obligation of privilege or confidentiality, then section 8.5 must be followed. The human source file must be suspended until such time as a decision is made by the HSEC
- The human source Interpose file must accurately reflect the planning and methodology to be followed in managing such a human source. HSEC and HSMU advice is binding and may include the quarantine of information transmitted that may breach a legal obligation of privilege or confidentiality
- Where a human source, who is in a position to which legal obligations of privilege or confidentiality apply, has been approved and subsequently volunteers information that is or appears to be in breach of that obligation then the following must occur at the earliest opportunity:
 - the information must be recorded on a SCR within Interpose
 - the  must be updated with a notation that the information appears to be in breach of a legal obligation of privilege or confidentiality and quote the SCR number
 - the information received must not be acted upon or disseminated further (including verbal dissemination)
 - the HSMU must be immediately advised
 - the HSMU must advise the CSR, who will refer the matter to the HSEC
 - the HSEC will review the information and decide on how the information and the human source will be treated
 - If the HSEC support the use of the information, then approval for such use can only be provided by the Deputy Commissioner, Specialist Operations, in accordance with section 8.6

- The strict adherence to this policy seeks to manage the risk in circumstances where the HSEC has approved the registration.

5.4 *Human sources under the age of 18 years*

The following applies for a human source under the age of 18 years:

- the Human Source Ethics Committee (HSEC) must approve the registration of a human source under the age of 18 years
- prior to considering receiving confidential information from or considering approaching a potential human source under the age of 18 years seeking to commence a human source relationship, the HSMU must be contacted who will refer the matter directly to the CSR. The CSR will consider the matter and if supported, then the matter will be referred to the HSEC for consideration
- risk assessments must always address the vulnerability specific to the age and maturity of the potential human source
- authorisation for human sources under the age of 18 years will be for a specific purpose and limited time period as approved by the HSEC
- The HSEC must review the matter prior to the expiration of the approved time period
- a further time period may be considered and approved by the HSEC upon application
- the Local Source Registrar (LSR) must review the initial registration application to register and use a human source under the age of 18 years within 72 hours of the registration process commencing
- a parent and/or legal guardian (includes persons who are under State care) must give consent unless exceptional circumstances exist. If consent is not obtained, the grounds for not doing so must be properly established and considered by the HSEC
- an approved human source under the age of 18 years must not be used to supply information about members of their immediate family, except in exceptional circumstances and where approved by the HSEC.

6. Managing human sources

6.1 *Requirements for managing*

- Appropriately trained members must be appointed to manage human sources. All members of a human source handling team must have completed the PII [REDACTED] as a minimum requirement to be on a handling team. This includes the OIC, LSR and members delegated any functions of the LSR
- If the risk assessment determines that the human source is a Medium risk then the handler and the controller need to be PII [REDACTED] qualified
- All members of a handling team where no tasking is required, must have completed the PII [REDACTED] as a minimum
- The controller over a human source where tasking of a human source is required, should have completed the PII [REDACTED]

- Whether a source is approved for tasking or for 'eyes and ears' only with no tasking, the Central Source Registrar (CSR) may determine that some or all handling team members require higher training levels. This decision will be made considering factors including:
 - the level of overall risk involved in the management of the human source, and/or
 - the work group/team managing the human source, and/or
 - any other relevant factors considered necessary in determining if higher training is required
- Where a human source is approved for tasking, the approval will state 'Approved – Tasking may be undertaken'
- Where a human source is approved as 'eyes and ears' only with no tasking or other special condition is required, the approval will state 'Approved – With Special Conditions'
- The CSR may place any special condition on any approved registration, including a condition that no tasking occur
- Where possible the human source must be managed within a sterile corridor.
- Where it is intended to task a human source in circumstances where they would be criminally responsible for their conduct, authority must be first obtained under the *Crimes (Controlled Operations) Act 2004* prior to such tasking see [REDACTED] PII [REDACTED]
- Upon receipt of a new registration the HSMU will consider the various training competencies of the handling team and assess that against the human source relationship. The CSR may direct that handling teams include members with higher training levels to manage identified risks
- [REDACTED]
- [REDACTED]

6.2 Reassigning handlers, controllers or OIC

- Circumstances may arise where it is necessary to re-assign the handler, co-handler, controller or OIC. This may include instances where:
 - Advice to re-assign the handler, co-handler, controller or OIC has been received from the CSR
 - A member is:
 - on leave
 - no longer a member of Victoria Police
 - found to be unsuitable
 - transferred or seconded to another work location
 - upgraded within their own office (i.e. handler cannot become controller)
 - suspended from duty.

6.3 *Responsibilities of the LSR in reassignment*

In deciding to re-assign a member or on receiving advice from the CSR to do so, the LSR is to:

- Ensure a new handler, co-handler, controller or OIC is appointed as soon as practicable
- Inform the existing controller, handler or co-handler and new controller, handler or co-handler of the re-assignment
- Notify HSMU of the change

Where the reason for the re-assignment relates to deficiencies in the member's skills, the LSR is to inform the HSMU, who may assist with remedial training to correct the deficiencies.

6.4 *Transfer of human sources*

- Where the transfer of a human source from one handling team to another team outside of the originating workgroup is being contemplated, the HSMU must be consulted. In any such instance an appropriate management plan must be formulated
- The management plan must clearly articulate roles, responsibilities and management arrangements
- A new Interpose registration process must be initiated by the receiving workgroup with a new AOR and new risk assessment undertaken, unless a member of the previous handling team is transitioning with the human source.

6.5 *Intrusive supervision*

Supervisors, particularly human source controllers, must practice intrusive supervision. Intrusive supervision includes:

- Understanding the expectations of Victoria Police in managing the inherent risks in human source relationships
- PII or situational awareness of, tactical deployments of human sources
- Knowing how, where and when handlers are meeting with human sources
- Verbally briefing and debriefing handling teams following face-to-face contacts and other contacts (e.g. phone contact) where significant information is obtained or changes to risk are identified

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- Regularly reviewing all Source Contact Reports (SCR's) and human source documentation and directing activity to produce value and re-assess risk

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- Ensuring the AOR has been delivered, is appropriate, is being reinforced, remains appropriate and compliance is monitored.

6.6 Sterile corridor

- The purpose of a sterile corridor is to ensure that the safety of the human source is not compromised in order to achieve investigative outcomes
- Sterile corridor refers to a situation where a handling team has responsibility for the management of a human source but not for the investigation of offences where information from a human source is utilised
- Where possible, human sources should be managed in either a partial or full sterile corridor
- A partial sterile corridor is the situation where investigators are aware that an unknown human source is providing information or where the identity of the human source providing information relevant to an investigation is known but the safety and risks to the human source are managed by a handling team who are not involved in the investigation
- A full sterile corridor refers to a situation where investigators are unaware of the existence of the human source who is providing information into an investigation
- Where the handling team for a human source are also responsible for investigating the information obtained from the human source, no sterile corridor will exist
- The identity of a human source cannot be disclosed outside of the handling team, even where a partial sterile corridor is employed. Refer to section 20
- A partial or full sterile corridor must be employed in the management of all high-risk human sources.

6.7 Document security

- Documents identifying a human source must not be stored outside of the Interpose human source module other than by the HSMU
- Members must not include any information in an email that identifies a person as a human source, a prospective human source or a deactivated human source (including bio-data that may lead to their identification)
- All hardcopy or electronic human source documentation should be scanned and/or uploaded to Interpose. No human source related documents are to be stored on LAN drives, C:/Drives or portable media drives without the express permission of the CSR. PII
- Once a human source document is scanned and/or uploaded to Interpose, all other drives and portable media must be cleansed to comply with information security protocols. Hard copy documents no longer required after scanning must be shredded with a cross-cut shredder
- Members must not print documents from a human source Interpose file that identify a human source without approval from the HSMU. Where a non-identifying document is printed then a record must be made on the [REDACTED] [REDACTED] outlining what was printed. The movement of any hard copy human source documents must be recorded in a classified document register. Hardcopy documents must be stored in a safe of the minimum classification of C class
- All human source documents must be classified at a minimum level of 'Protected'. Allocation of a higher classification may be warranted according to the individual

circumstances. For further guidance refer to **VPM Information categorisation, collection and recording**.

6.8 *Affidavits for warrants*

- Where a member is applying for a search warrant or a warrant to obtain electronic surveillance that includes information from a human source, the affidavit must contain the registered number of that human source. The human source number can only be used once the human source registration is approved by the CSR



- An Officer must not approve a search warrant application where human source information is contained in the affidavit, but the human source registration number has not been included. (VP Form 707)
- If the source of information is not a registered and approved human source, then their identity must be included in the affidavit.

6.9 *Interpose investigation shells*

- Members must not identify the existence of a human source in any part of an Interpose investigation shell.
- This extends to identifying the existence, involvement, name and role of a human source as well as their identifying number.
- Notation referring to the existence of a human source within Interpose (external to the human source Interpose file) must only occur within the **Controlled Operations** section of Interpose where only the human source registration number is to be used.

7. Contact with human sources

7.1 *Operational security*

- Members responsible for handling any information from a human source must ensure that the identity of the human source is not compromised
- The human source must not have any knowledge of, or contact with the home address or any aspect of the private life of any member involved in the handling or managing of the human source
- Members must not provide their personal mobile telephone number to a human source, nor use such a phone to communicate with a human source.

7.2 *Planned meetings*

Approval

The controller must approve any planned meeting between a handler and a human source. Where the controller is unable to be contacted the nominated OIC of the handling team is to provide that approval

PII



7.3 **Recording and reporting contact**

- As soon as practicable following any contact with a human source the handler or co-handler must complete a SCR:
 - this period must not exceed 72 hours for a high-risk human source
 - this period must not exceed 5 days for any other human source
- If a chance meeting with an active or deactivated human source occurs, on or off duty, the handler or co-handler must advise the controller as soon as practicable and submit a SCR
- Following contact with a human source and on completion of the SCR for that contact, the handler or co-handler must brief the controller
- If the contact with the human source involved the receipt of significant information the handler must immediately inform the controller after the meeting and prior to the completion of an SCR
- IR's can only be created and disseminated upon review by the controller and where the registration is approved and not currently suspended
- After reviewing an IR linked to the SCR the controller is to arrange dissemination of the IR
- Any details recorded in diaries, notebooks, and Patrol Duty Returns by handlers relating to a human source should refer to the either the human source registration number or code name, as recorded in Interpose. Such records should not link the human source to any named police operations
- Where a diary, notebook, Patrol Duty Return or any other document that contains a human source registration number or code name is required to be disclosed to defence counsel, then advice regarding redaction and any PII claim must be obtained from the HSMU prior to such disclosure

- Where a human source provides information that relates to police corruption or misconduct, refer to section 21.

7.4 Source Contact Report (SCR)

- A SCR must be completed with all relevant information about any contact with a human source, whether by phone, face-to-face or other means. The report is to contain a detailed account of the meeting and also detail any information that is to be disseminated via an IR. The detailed account should include appropriate commentary in each of the recommended headings in the SCR template. Sample contact reports can be accessed on the HSMU intranet site
- SCR's must be completed as soon as practicable or at the latest
 - Within 72 hours of the contact for high-risk human sources
 - within 5 days of the contact for all other human sources
- SCR's must be reviewed by the controller as soon as practicable or at the latest within 7 days of completion
- When advised there is information of significance within a SCR the controller must review the report as soon as possible
- Controllers must review any draft IR generated from a SCR to ensure that it is appropriately sanitised and does not contain any information that could identify the human source or otherwise put them at risk
- In exceptional circumstances a controller may create the SCR; however, when this occurs the OIC is to perform the function normally completed by the controller.

7.5 Single Source Information

- Dissemination of single source information carries significant risk to a human source
- Single source information supplied by human sources should be corroborated by other means before dissemination. This includes urgent situations where the use of that information could cause significant harm to a human source. All available means to conceal the role of a human source in providing information to police or third parties must be explored if corroboration is not immediately available
- Where there is a clear need to pass on single source information to investigators (e.g. reasons of safety, inclusion in a telephone interception warrant, etc) the disclosure obligation of the investigators and Victoria Police needs to be carefully considered. When this occurs, the investigator must be made aware that the information is single source and ensure that it is treated in a manner that will ensure the safety of the human source
- If single source information is verbally disseminated to an investigator, then an IR containing an accurate account of the information verbally provided must be submitted to the HSMU [REDACTED]. At the commencement of the IR the following words must be included: "THIS IR IS SUBJECT TO A PUBLIC INTEREST IMMUNITY CLAIM". Advice from HSMU must be obtained prior to disclosure of such IR's.

7.6 Dissemination of information from a human source

- IR's can only be created, disseminated or actioned upon approval of the human source registration and while the registration remains in an approved state (i.e. not suspended)
- The handler and controller must ensure that the identity of the human source cannot be deduced from the information disseminated. IR's must be sanitised to avoid an objective reader being able to readily identify the source of information as a human source
- Information from a human source should only ever be disseminated verbally in cases where there is an operational imperative
- Prior to verbal dissemination the controller must review the information to be disseminated to ensure it is sanitised to protect human source involvement prior to dissemination
- All verbal disseminations must be recorded in the relevant SCR and then reduced to an IR and disseminated at the first available opportunity. If the information is not safe to put into an IR then it should not be provided verbally. The HSMU should be contacted for advice in such circumstances. Where the information is provided verbally then the SCR needs to accurately record exactly what information was provided to the investigators and if possible, the exact words used
- In all circumstances where a verbal dissemination has been made to investigators, then an IR containing an accurate account of the information verbally provided must be submitted to the HSMU [REDACTED]. At the commencement of the IR the following words must be included: "THIS IR IS SUBJECT TO A PUBLIC INTEREST IMMUNITY CLAIM". Advice from HSMU must be obtained prior to disclosure of such IR's
- In circumstances in which disclosure for the purpose of investigation might cause an elevated risk to the human source, a record of the decision whether or not to disseminate the information and a clear outline of the reasons for that decision must be recorded on the SCR. If there is any dispute over the dissemination of information from a human source the CSR will make the final decision. This includes providing approval for dissemination of an IR for a human source whose registration has not yet been approved or for a human source file that is currently suspended. (NOTE: the CSR cannot approve the dissemination of an IR if the registration of the human source requires approval by the HSEC)
- The HSMU must be notified immediately if a court has made a request for human source related documents or legal process is served to produce any record that may directly or indirectly identify a human source. The HSMU may then co-ordinate the involvement of other bodies such as the VGSO and OPP. Costs for engaging counsel to represent Victoria Police will be met by the Region/Command of the unit responsible for charging the offender
- Employees who are requested to provide information in response to an FOI application or subpoena or any other legal or administrative proceeding and who become aware that such information may contain material tending to confirm or deny the existence or use of a human source, must only release such documents with the approval of the CSR. This approval process will be facilitated by the HSMU
- Members being asked or directed to confirm or deny the existence of a human source in a court or tribunal, irrespective of whether being directed to do so from

the judicial officer or whether under oath, are not to disclose such information. If directed to answer, an immediate adjournment is to be requested for the purpose of seeking independent legal advice and the HSMU contacted immediately. The OPP is not responsible for representing Victoria Police in any public interest immunity (PII) claim. Members must not confirm or deny if a person is a human source

- Members must ensure any disclosure they make does not breach their obligations under ss.226-228 *Victoria Police Act 2013* (access, use or disclosure of police information).

8. Human Source Ethics Committee (HSEC)

The HSEC provides ethical governance and decision-making over certain human sources or certain potential human sources.

8.1 *Mandatory matters to be decided by the HSEC*

- Whether certain potential human sources will be approached and/or registered and if so under what terms and conditions
- Whether an active or deactivated human source should be transitioned into a witness in context of information provided to police in the human source relationship
- Whether a potential human source in categories 1 to 4 will be registered in accordance with this policy (refer to section 8.3 – 8.9)
- Whether to permit any departure from a technical requirement of this policy in relation to the management of a human source (refer to section 8.11).

8.2 *Membership of the HSEC*

- The HSEC is comprised of the following core members:
 - Assistant Commissioner ICSC (Chair)
 - Assistant Commissioner, Professional Standards Command
 - 2 Assistant Commissioners or Commanders, (other Command or Region than a matter under consideration in that meeting)
 - Executive Director, Legal Services Department, or legally qualified representative (must be present for there to be a quorum)
- In addition to the core members, the HSEC is supported by the CSR in an advisory capacity, and the Inspector HSMU as secretariat
- In the event that a member of the committee cannot attend a particular meeting, they can nominate a proxy to attend on their behalf. The HSEC may invite a suitably qualified external person to advise the HSEC on any particular issue.

Example 3:

The HSEC is considering whether to permit a member to approach a lawyer who may be able to give information to the Police about other lawyers alleged to be involved in money laundering. The HSEC decides to seek advice from a senior barrister from interstate to advise it in its decision making about whether to recruit the person and, if it does, under what conditions

8.3 *Certain potential human sources must be referred to the HSEC for decision*

The decision to approach or register any potential human source who falls into any of the following categories can only be made by the HSEC:

Category 1 – Lawyer, Doctor, Parliamentarian, Court Official, Journalist or Priest

Category 2 – A person under the age of 18 years

Category 3 – A person with a serious mental health or serious medical health condition

Category 4 – A person whose risk would not normally permit registration

8.4 *Category 1: Lawyer, Doctor, Parliamentarian, Court Official, Journalist, Priest*

- Where a potential human source falls into Category 1 any member who realises that the person falls within Category 1 must refer the matter to the CSR (via HSMU) who in turn will refer it to the HSEC for registration consideration. No steps are to be taken in relation to that potential human source until advice is provided by the HSEC
- For the avoidance of doubt, it does not matter whether the information that the person can or may be able to give appears to be information that has been received in connection with their professional duties or which might engage their legal obligations of confidentiality or privilege. That is, any potential human source that falls into Category 1 must be referred to the CSR (via HSMU) and the HSEC for decision
- For the avoidance of doubt, even where the CSR does not support the registration process continuing, a report should be tabled before the HSEC explaining the circumstances and the fact that the CSR does not support progression of the registration
- Before considering approving a Category 1 person, the HSEC must obtain appropriate legal advice as to the legal implications of registering and using that potential human source and as to any conditions or safeguards that should be put in place in the event that the HSEC provides approval to register the potential human source
- Where a Category 1 person is approved for registration, section 5.3 sets out the minimum conditions that apply to the handling and management of that person
- Where a Category 1 person is approved for registration, approval must relate to a specific purpose and for a specific time period as approved by the HSEC
- Where a Category 1 person is approved for registration they will be treated as a high risk human source and must be managed in accordance with section 5.2.

Example 4:

A member is approached by a person who wants to give information to Victoria Police on a confidential basis about friends of hers who she says are committing offences. During the course of an initial conversation the person reveals that she is a Doctor. In this circumstance the matter must be referred to the CSR with sufficient information to allow the CSR to make an assessment. If either the member or the CSR wished to pursue a potential registration then no further step can be taken – including the dissemination of any Information Reports based on the initial conversation – until the HSEC decides that it can be taken

8.5 Human source with a connection to a Category 1 occupation

- Where a potential human source does not fall within a Category 1 occupation but they are:
 - A person who previously worked in a Category 1 occupation; or
 - Likely to receive privileged or confidential information from a person who is in a Category 1 occupation; or
 - They are in a similar occupation or role where they are likely to receive legally privileged or confidential information, then
- The member who becomes aware of that circumstance must refer the matter to the CSR (via HSMU), who in turn must refer it to the HSEC for decision. No steps are to be taken in relation to that potential human source until the HSEC makes its decision in relation to the potential human source
- The requirements of section 8.4 must be followed by the HSEC in such a decision.

Example 5:

A member is approached by a legal secretary from a law firm who wants to give information to Victoria Police on a confidential basis about drug trafficking being undertaken by a client of the law firm. Whilst the legal secretary is not in a Category 1 occupation, the information which they wish to provide is likely to be subject of a legal obligation of privilege or confidentiality. In this circumstance, the matter must be referred to the HSEC for a decision.

Example 6:

The spouse of person charged with a criminal offence attends a legal conference with their partner and the lawyer handling the matter. The spouse subsequently contacts police and wants to inform police, on a confidential basis, of the contents of the conversation between their partner and the lawyer, such as a confession made by the partner to the lawyer. Whilst the spouse is not in a Category 1 occupation, the information which they wish to provide is likely to be subject of a legal obligation of privilege or confidentiality. In this circumstance, the matter must be referred to the HSEC for a decision.

Example 7:

The domestic partner of a lawyer approaches police with information about their partner's conversations with known criminals that they have overheard, and which discuss criminal activity. Because of the risk that the information could be legally privileged or confidential, the potential human source must be referred via the CSR to the HSEC for a decision about whether or not it should be the decision maker. The information indicates that the known criminals are school friends of the lawyer and the lawyer only practices in wills and estates. Even so, out of an abundance of caution, the HSEC will be the decision maker.

Example 8:

The domestic partner of a lawyer approaches police with information about their daughter's boyfriend dealing in amphetamine. The partner wishes to provide information to police on a confidential basis about the boyfriend, and how often they deal drugs and to whom. The daughter's boyfriend is not a client of the lawyer. As the information does not involve a legal obligation of privilege or confidentiality, the CSR can review the file and approve the human source without referring the matter to the HSEC. In this circumstance the CSR will require the AOR to contain a specific requirement that the human source must not provide any information to police that she learns or gains in respect of her partner's occupation as a lawyer.

8.6 **Proposed registration of a human source to obtain information, or use information, subject to legal obligations of privilege or confidentiality**

If either:

- The purpose of a proposed relationship with, or tasking of, a human source (category 1 human source or otherwise) is to obtain information subject to a legal obligation of privilege or confidentiality; or
- It is proposed to use information that is or appears to be in breach of a human source's legal obligation of privilege or confidentiality (as to which see s. 5.3)

then this must only be approved if there are exceptional and compelling reasons to authorise obtaining or use of the information

- In the interests of national security; or
- For the purpose of preventing a serious threat to life or serious injury - and
- There is no other reasonable means of obtaining the information.

In either set of circumstances, the approach and/or registration or use must be first approved by:

- The HSEC; and if approved then
- The Deputy Commissioner, Specialist Operations.

8.7 **Category 2: A person under the age of 18 years**

- Where a potential human source falls into Category 2 any member who realises that the person falls within Category 2 must refer the matter to the CSR (via HSMU), who in turn must refer it to the HSEC for decision. No steps are to be taken in relation to that potential human source until the HSEC makes its decision in relation to the potential human source
- The requirements in section 5.4 apply to the assessment and management of potential human sources who fall into this category.

8.8 **Category 3: Serious mental health or serious medical health condition**

- Where a potential human source falls into Category 3 any member who realises that the person falls within Category 3 must refer the matter to the CSR (via HSMU), who in turn must refer it to the HSEC for decision. No steps are to be taken in relation to that potential human source until the HSEC makes its decision in relation to the potential human source
- Where a handler, controller, member of the HSMU or another person involved in the management of a human source considers that the human source has developed or manifested a serious mental health or serious medical health condition since registration and proposes that the person continues to be a human source, that continued use must be authorised by the HSEC. Pending the HSEC decision, no information is to be sought from the human source, the human source is not to be tasked and any information received from the human source is not to be disseminated without the written approval of the Assistant Commissioner, Intelligence and Covert Support Command
- The HSEC must obtain advice from a suitably qualified medical practitioner (i.e medical doctor, psychiatrist or psychologist) before deciding about a potential human source in this category
- The requirements in section 3.5 and 3.7 apply to the assessment and management of potential human sources who fall into this category.

8.9 **Category 4: Human Sources where the risks would not usually permit registration**

- Where a potential human source would not ordinarily be registered but a member, the HSMU or the CSR wishes to register that person because the information that the person has is of extraordinarily high value, no such registration can occur without the approval of the HSEC

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8.10 *Steps the HSEC can take*

- On receiving a referral in relation to any of the above categories, the HSEC can do any or all of the following depending on the stage at which matters are at:
 - Decide whether to permit an approach to a potential human source to allow the assessment phase to proceed and if so on what conditions
 - Decide whether the potential human source should be registered and if so on what conditions (including any special conditions in the Acknowledgment of Responsibilities (AOR))
- Where it decides to permit either assessment or registration to proceed, the HSEC must put in place conditions for reporting back to the HSEC.

8.11 *Approval to depart from technical requirements of the policy*

- Where a handling team seeks to dispense with a technical requirement of this policy, then they must make application to the HSEC via the HSMU. Only the HSEC can approve such an application
- A technical requirement may include:
 - face-to-face meetings at a minimum of every PII
 - deactivation of a human source if they have not provided information for a period of three months
- For the avoidance of doubt, it is recognised that policy cannot be complied with for reasons outside of the control of handlers and controllers, for example, where a human source travels overseas without prior notice
- A requirement under section 8.3 cannot be dispensed with.

8.12 Decision to transition a human source to a witness

- Where it is proposed that an active or deactivated human source will become a witness in context of the information they have provided to police in the human source relationship, that decision can only be made by the HSEC
- The requirements of section 1.4 apply to the process.

8.13 Referral of other questions to the HSEC

Where a member who is dealing with a potential human source or a registered human source considers that a complex or difficult question arises in relation to the human source, the member must raise the issue with the CSR (via HSMU) who may refer the case to the HSEC for advice, guidance or direction.

8.14 Situations of critical urgency and imminent threat

- Nothing in this policy is intended to limit the capacity of Victoria Police to receive and use confidential information in a situation that is time critical and where there is an imminent threat to the life or safety of a person or the community
- Where information is received and used in such a situation, then the following applies:
 - the handling team must commence the registration process on Interpose at the first available opportunity
 - the registration must be referred to the HSEC (via HSMU and CSR) as soon as practicable and the HSEC will give directions as to the further use, recording, dissemination and management of the information and the person from whom it was received.

8.15 Human Rights considerations

- All decisions of the HSEC will be informed and guided by the Charter of Human Rights and Responsibilities Act 2004 (Vic) and must be formally documented.

9. Disclosure obligations in the context of human sources

- Whenever a person is charged with a criminal offence, Victoria Police has an obligation to disclose relevant material to the person charged. The direct responsibility for ensuring that relevant material is disclosed to an accused person is on the police informant. It is particularly important that any material that could possibly assist an accused person in his or her defence is disclosed
- In addition, in a criminal prosecution the defence may issue subpoenas which seek information, including material that may be held on a human source file. Unless there is a legal basis to decline to provide the material, it must be provided
- There will be times when disclosable material is held on a human source file. This creates challenges because such material is, for good reason, highly confidential and is kept secure and is considered protected information. Informants and other investigators may well not know of the existence of the material or even of the existence of the particular human source. This means that it is critical that members involved in the handling and management of human sources and human source information are proactive about identifying and considering potentially disclosable material

- Simply because material is, on the face of it, relevant does not mean that it will ultimately be disclosed to the accused. Where disclosing material may lead to the identification of a human source or may reveal confidential police methodology Victoria Police may claim Public Interest Immunity (PII) over part or all of that material. The existence of that material must generally be disclosed to the prosecuting agency and then to the Court which will ultimately rule on the claim and determine which part, if any, of the material must be disclosed to the accused. If the court rules that material must be disclosed, it remains an option for Victoria Police to recommend to the DPP, to withdraw charges rather than make disclosure.
- Where a member becomes aware of human source related material that is or may be disclosable either directly or due to a subpoena, the HSMU must be immediately advised. If the material is potentially disclosable, then the HSMU will advise the CSR and the matter must then referred to the Legal Services Department and the VGSO (Police Branch) for advice.

Example 11:

A former human source becomes a witness in relation to a matter about which they have previously given information to their handler. The information that they have previously given is inconsistent with what they have put in their witness statement. The prior inconsistent statement is, on the face of it, disclosable

Example 12:

A current human source gives credible information to the police which suggests that person A is responsible for a murder whereas person B has been charged. This information which might suggest a different suspect is, on the face of it, disclosable

Example 13:

A human source gives information to the police that they have acquired illegally by breaking into a colleague's office. This information was used as the basis for a search warrant which uncovered illegal drugs and firearms. The unlawful way in which the information was obtained in order to seek the search warrant may well be disclosable

10. Rewards

10.1 PII



PII

10.2 Reward Process

- Members must never give any undertaking to a human source about a potential reward
- A reward can be cash, Letter of Assistance or other like benefit given to a human source as reward for information provided to police
- Rewards must only be given to a human source that has been registered and approved
- The HSRC must approve all rewards
- A Human Source Reward Application form must be completed to have a reward considered by the HSRC. This form can be obtained from the HSMU Intranet site
- The HSMU will assess the application and where required seek additional information. Once the application is ready it will be management reviewed prior to being added to the agenda for the next HSRC meeting

PII

PII

10.5 *Court Subpoena*

- If a member receives a subpoena in relation to giving evidence to a court about assistance provided to police by an accused person, the HSMU must be contacted immediately and prior to the giving of any such evidence
- The HSMU will provide advice as to how to proceed in such circumstances.

10.6 *Cash Rewards*

- Members must never estimate to a human source the level of a cash reward that they may receive
- Members must never pay a human source from any non-approved funding source in advance of a reward approved by the HSRC.

10.7 *Reward payments*

- All reward payments must be made as directed by the HSRC

PII



- A SCR must be submitted when a reward payment is made.

11. Human Source Rewards Committee (HSRC)

- The payment of cash or provision of any benefit to a human source as reward for information given to Victoria Police must be approved by the HSRC. This includes Human Source Confidential Letters of Assistance (LOA's) to courts and other agencies
- This does not include reimbursement of human source expenses incurred as a result of interaction with and tasking by police. These expenses will be paid in accordance with section 13. Any reward payment to a human source will be in accordance with the instructions of the HSRC and documented within the human source Interpose Reward tab.

11.1 *Membership of the HSRC*

Core Group

- Assistant Commissioner, Intelligence and Covert Support Command (Chairperson)
- Two (2) Assistant Commissioners or Commanders (other Command or Region than rewards under consideration in that meeting)

Advisory Group

- CSR
- Inspector, HSMU
- Senior Sergeant, HSMU
- Sergeant, HSMU (secretariat)

When a monetary reward is authorised the HSMU will arrange for the funding to be delivered to the relevant LSR for payment. Refer to section 10.

12. Deactivation of a human source

A human source must be de-activated if:

- the level of risk to the human source is no longer acceptable and can no longer be mitigated
- the human source deliberately breaches a condition in an AOR that was approved by the HSEC
- the human source transitions to a witness (either in context of the information they provided as a human source or in context of similar information)
- there is no current operational need for the human source
- the human source has not provided any information for a period of at least three months (unless approval obtained to continue registration by HSEC under section 8.10)
- the human source has deliberately provided false or misleading information to police
- Any member involved in the operational management of a human source may recommend the de-activation of a human source to the LSR.

12.1 *Members of handling team requesting de-activation*

Handlers are to:

- consult with the controller and OIC
- complete the Interpose human source [REDACTED]
- Upload the human source Deactivation Report in the [REDACTED]

12.2 *Responsibilities of controller*

The controller is to:

- ensure that all PII [REDACTED] are uploaded to the human source file within Interpose

PII [REDACTED]

- ensure all SCR's are uploaded and reviewed, including the deactivation debrief
- ensure PII [REDACTED] are uploaded into interpose.

12.3 *LSR responsibilities*

On receipt of the Interpose human source file with the completed [REDACTED]

the LSR is to:

- Review the human source file and add comments in the LSR section of the [REDACTED]
- Confirm that no PII [REDACTED] relating to the management of the human source are retained outside of Interpose
- Forward the Interpose human source file link to the HSMU PBEA for CSR consideration.



14. One-off human source registrations

- Where it is clear that a potential human source wishes to provide confidential information on a one-off basis the following applies:
 - The members handling the potential human source be PII [REDACTED] PII [REDACTED] qualified, at a minimum
 - The [REDACTED] of the Interpose file are to be completed as normal
 - The [REDACTED] must have an entry indicating that the registration is for one-off information only
 - A Consent for One-off Registration form must be completed

- a One-off Registration Risk Assessment form must be completed and if it indicates that disseminating and/or acting on the information being provided would put the human source at risk then the HSMU must be contacted
- the delivery of the Consent for One-off registration must be done by a sergeant PII (the sergeant will preferably be PII qualified)
- PII
- PII
- PII
- a SCR must be completed as normal, including any proposed information reports and checked as appropriate by the controller
- no LSR approval is required
- the HSMU must approve the file (as delegate of the CSR) prior to the IR being disseminated
- once the IR is disseminated, deactivation of the file will occur automatically by the HSMU and no debrief of the human source is required.
- For the avoidance of doubt, the one-off information registration does not apply to a human source who is required to be referred to the HSEC for a decision in context of section 8
- One off registration does not apply to a human source who is rated as high-risk
- A human source who has been registered for one-off information is eligible for a reward as per section 10
- If the potential human source was in police custody when the offer of providing one-off confidential information was made, they must not be held in custody for the purpose of receiving the information. The potential human source is to be released on bail, summons or unconditionally and then must be told they are free to leave if they wish or they can stay to discuss the information they wish to supply to police. If the potential human source is to be remanded, then the information can be received whilst waiting for the remand application to be heard
- Where a human source who has been registered for one-off information seeks to provide police with further information on a confidential basis within 12 months of the one-off registration being approved, then the handling team must commence the usual registration process outlined in section 3.

PII

PII

16. Death or serious harm caused to human sources

- When a handling team becomes aware of the death of an active human source the LSR and HSMU must be notified immediately and the circumstances of the death noted within the human source's Interpose file (such notification being in addition to any required notification to the Coroner)
- Where the circumstances surrounding the death of a deactivated human source is the result of murder/manslaughter, suicide or other suspicious circumstances, the handling team upon becoming aware must inform the HSMU. The HSMU will advise on appropriate action including any information to be recorded on the human source's Interpose file
- Similarly, if a human source is physically harmed through circumstances which could reasonably be linked to their relationship with Victoria Police, the HSMU must be advised immediately
- Where it is suspected the death of, or harm to, a human source occurred as a result of an unauthorised or inadvertent disclosure of their status as a human source, the HSMU must immediately notify PSC
- Where the HSMU becomes aware of the death of a human source (active or deactivated) by means other than natural causes PSC must be immediately notified.

17. Applications for Controlled Operations involving human sources

- Where it is proposed to seek a controlled operations authority for an approved human source the HSMU must be notified prior to an application being submitted
- The HSMU may provide advice relevant to the nature of the proposed deployment

- The human source risk assessment must be updated to outline the risks associated with the proposed controlled conduct [REDACTED] and the mitigation strategies



- Where it is proposed to seek an urgent controlled operations authority or an out-of-sessions authority for an approved human source (including urgent approval applications) the HSMU is to be immediately notified. This notification can be made on a 24/7 basis. Contact the HSMU on PII [REDACTED] for urgent assistance
- This process and approval must precede the application for a controlled operation (Refer VPM Controlled operations)
- Where the request also involves after hours urgent registration, compliance with section 3.4 is required.

PII

19. Interstate human source deployments

- Human sources are not to be deployed in another jurisdiction without prior approval of the CSR unless the handling team are sworn in as special constables in that jurisdiction
- Handling teams who are likely to require cross-border deployment (e.g. Wodonga, Echuca, Mildura) must include this in their risk assessments along with appropriate mitigation strategies
- Where a work group intends to use or is aware of the potential to use a human source registered outside of Victoria (excludes human sources registered with Commonwealth Government agencies), the HSMU must be consulted for advice
- Members must comply with legislation in the state of deployment relevant to the use of human sources (e.g. Telephone Intercept, Controlled Operations, Surveillance Device).

20. Disclosure of human source identity

- Maintaining the confidentiality of a human source is a duty of care that rests with all members of Victoria Police. The identity or status of a human source must never be divulged to a person outside the handling team, OIC and LSR without the approval of the CSR. Such disclosure should be recorded in the [REDACTED] in Interpose. When a member becomes aware that the confidentiality of a human source's identity or status has been or may be compromised, the HSMU is to be notified immediately
- Where it is intended to transfer the relationship with a human source from Victoria Police to another law enforcement or intelligence agency, the HSMU is to be consulted prior to the disclosure of the human source's identity.

21. Reporting inappropriate behaviour

- Where a police member reasonably forms the view that another police member involved in a human source relationship has, in the context of that relationship, acted in a manner that calls into question their professional integrity, the member must act in accordance with their obligations under s.168, Victoria Police Act. Further guidance can be found in the Victoria Police Code of Conduct
- Where a human source supplies information to a member of a handling team alleging corruption or misconduct by a police member, the handling team must immediately contact the HSMU before taking further action. The HSMU will facilitate notification and information dissemination to PSC. Further guidance can be found in **VPMP Complaints and discipline** and **VMPG Protected disclosures**.

22. Audit and compliance

- Non-compliance with or a departure from this policy may result in management or disciplinary action
- Controllers must complete a monthly review of the human source relationship, risk assessment and value of the continued relationship and record that in the [REDACTED] in Interpose
- OIC's must review active registrations every three months, including the generation of a HSMU Compliance Report
- In cases of high-risk human sources the LSR, on a monthly basis, must endorse current risk assessments to reflect that the current risk assessment remains fit for the purpose. The LSR must also document the checks and inquiries undertaken in order to make such a determination
- The HSMU is to notify the LSR of:
 - human source files that are inactive longer than the review periods stipulated in this policy
 - risk assessments or AORs that are not completed or updated when required in accordance with this policy
 - an incident where a human source is harmed as a result of their relationship with Victoria Police
 - any high-risk human sources that require monthly review and endorsement of the risk assessment
 - any issues identified in the human source file at the time of deactivation
 - other management issues which should be brought to their attention

- The LSR must review active registrations every three months, subsequent to the OIC review, including the generation of a HSMU Compliance Report
- Refer to the Workplace Standards and Inspections Manual for further details about conducting inspections and audits.

Related documents

Human Source Practice Guide (available from HSMU)

PII

VPM Controlled operations

VPMP Complaints and discipline

VPMG Complaints management and investigations

VMPG Public interest disclosures

Further advice and information

For further advice and assistance regarding this policy, contact the HSMU.