

**Sensitive: Legal****Meet with Paul Sheridan – 30/5/12 (commence at 0945 hrs – blue font indicates responses or other offerings from Paul)**

Provided Paul with details of the contemporary English text “*Covert Policing - Law and Practice*” by Simon McKay indicating it may be helpful to him in his role. Also provided by later email a copy of the:

- Home Office Covert Human Intelligence Sources Code of Practice, and
- The Robinson / Hill 2002 case.

■ high-risk sources under control of DSU at present? (confirmed that this was about right – may be a couple fewer at present as some recently deregistered – certainly it would be no more than that) Ongoing focus of DSU handlers will be those real high risk matters – the worst of the worst.

**AOR’s (acknowledgement of responsibility)**

- AOR for 3838 (need to review this)? Still trying to find this one - John is scouring audio recordings as we speak – Will locate and provide to you. Is odd that it cannot be readily located.
- Purpose of AOR other than for reinforcing the bounds of the relationship? – AORs are almost contractual in spelling out the intended relationship and what is actually required, and what won’t be tolerated. - I am surprised to learn that this one for 3838 was verbal.
- Are these always verbal? I am surprised that with 3838 it was verbal but this case was before my time. Perhaps members were intimidated in dealing with a lawyer and felt that if they presented a document offence might be taken or it might be challenged. Will know further when it is found. No reason why a word document for the AOR cannot be created and then attached to the interpose shell for the source to be available and visible to all (Management through to handlers).
- If no document exists how are they consistently and regularly reinforced (particularly if multiple handlers involved)? Good point! You need a document to refer to [REDACTED]
- How does management remain aware of what is within AOR and if it is fit for purpose? Applications for registration come to me with a risk assessment and AOR and I will review them then (await confirmation from Paul Sheridan as to this process)
- Would legal advice ever be sought prior to the compilation of an AOR? – Not my practice to seek legal advice – think we can be overly dependent on getting legal rulings on all we do. Think I have a pretty good sense of what is right and appropriate but would not conclusively rule out seeking legal advice if it was necessary on some particular point.
- Do you believe that the AOR should be a hard copy document that is developed in conjunction with, and to compliment, the risk assessment? (not provided to the HS but perhaps formally adopted by the HS and kept on file? - Views?) Yes this makes sense one should compliment the other and they should sit together. The AOR should almost serve as a contractual undertaking between the parties. Would be helpful if [REDACTED]

PII

**Compilation of Risk Assessments****Sensitive: Legal**

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- Produced by handler and endorsed by controller? Yes then it progresses to the Inspector in charge of the DSU and then to me as the local source registrar for authorisation and then it goes to the Central Source Registrar.
- Involvement of SDU management in process? – As Supt I have a monthly inspection process which entails review of all the high risk human source files with the DSU Inspector. This entails interpose examination, predominately the source management log (and anything else the Inspector draws my attention to) and my then providing comment and/or direction on the file. I do not generally look at the contact reports. In regards to risk assessments there is a reliance on controllers and the ICR process to bring to the Inspector's attention any issues that might warrant generating a fresh risk assessment. If controllers are not alerting the Inspector, or if the ICR's are not being promptly submitted, then this can break down. Anecdotally I have heard that the previous Inspector (Glow) was not well regarded by ██████████ Controllers and did not have a firm understanding of human source operations. This may have been a vulnerability for this historic file.
- R/A process - seems to be addressed in monthly source management logs? Correct, (then discussed the absence of further Risk Assessments for 3838 despite obvious risks emerging – views) Cannot understand how these did not generate further risk assessments. Perhaps the late submission of ICRs' blinded management from the developments.
- What should / would stimulate revision of a full risk assessment? A change in the risk profile meaning further risks emerging or risks escalating or resolving should drive a fresh R/A process.
- Would legal advice ever be sought? Not my custom to do so but would not rule it out if something tricky presented. Had a recent app to register a lawyer and this was denied because I could perceive risks of LPP material being obtained etc. Didn't need legal advice to tell me this.
- Would ██████████ assessments ever be utilised / considered for formulating risk assessments? Might well be helpful if we had internal access to such services however most of our sources can have "issues" but don't discount that there may be some merit in such assistance, perhaps to alert us to danger signs and indicators etc..
- What about a peer review by respected but un-associated case officer? – Think this is a great idea and fresh eyes would be valuable – Would think that a competent ██████████ could do this justice and review three or four files easily. Could check that a file was in order in terms of Risk Assessment / AOR / Contact reports ██████████ cross validation and currency checks. Independent eyes to get a feel for the relationship. Probably three people could check all files in a matter of days. Keeps all honest and accountable.
- If it was put to you to take on a legal practitioner as a human source what types of risks would you perceive may present? – Was recently approached to register a legal practitioner as a human source however given the nature of what we were seeking and the potential for this to breach solicitor client confidentiality issues I declined this application and it would not be further entertained. If there was cause to recruit a lawyer it would have to be for specific purposes that would not infringe on solicitor client confidentiality. Would also have to carefully articulate the no-go areas and means to assure that these were adhered to.

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**Contact Report Process**

- Does the process involve the handler [REDACTED] during contact and then later compiling a summary narrative of the contact in the ICR? To be confirmed – later advice from John O'Connor is that phone calls [REDACTED] and that the ICR is therefore compiled from the recollection of the handler who fields the call. Meetings [REDACTED] handlers would later prepare a typed ICR summarising the contact.
- From a management perspective how are you able to:
  - ensure that the summary narrative accurately depicts the conversations had? ([REDACTED] and if so by whom? – is this possible?) This is a problem. The vulnerability is the [REDACTED] to what is submitted in ICRs. Don't routinely [REDACTED] meetings to ICR content and telephone conversations [REDACTED] so cannot be [REDACTED] validated. For phone conversations I am totally reliant on the handler depicting it correctly in the ICR as no other record will exist to validate.
  - Ensure that ICR submission and checking by controllers is kept up to date? – Rely on the monthly inspection process to give me confidence in the integrity of the file and that things are not falling behind. I have a trawl through records to see if currency is an issue but I largely depend on the Inspector to assure me that the ICRs are up to date. Flaw in system – need an [REDACTED] when things falling behind.
- Do you ever get time to review the ICRs? Not really no.
- Are there any interpose applications that enable you to [REDACTED] (for example, those with [REDACTED]) Not that I am aware of, but this might be indicative of my limited interpose capabilities.
- Would such a capability, if it does not exist, be welcomed? Absolutely, anything that may make my job a little easier and provide greater accountability.
- What are your views on end of shift [REDACTED] reporting [REDACTED] to bring to management's immediate attention after contact any significant issues that may require action? Would strongly support this - a bit like operational; members submitting a running sheet at end of shift and brief cover sheet for briefs to be submitted - a simple end of shift [REDACTED] would be valuable.
- What about a [REDACTED] within the [REDACTED] high risk issues? (at present you can read pages of insignificant material and then stumble across a high risk issue in the narrative – [REDACTED] to these as to ensure they don't escape attention?) Like this idea so that I can be drawn to the key issues (even by way of [REDACTED] and that sending me and the Inspector an [REDACTED] Perhaps [REDACTED] as per suggestions of Chris Corbell.

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- How is it ensured that issues worthy of attention / action within the ICRs are actually identified as requiring attention and then actually addressed? Would some form of [REDACTED] to ensure things didn't slip through the cracks? (See above) There is the potential for issues that may be parked to fall through the cracks so some form of [REDACTED] would be valuable if this could be provided for within the interpose shell for source management. .
- What are the likely consequences of ICR submission and verification falling behind? Supervisory and managerial intervention to put things right. May mean that further contact is prohibited until appropriate records are in existence or if it is a critical job I might introduce another handler so things can be put in order but it would certainly be acted upon. Depend on criticality of the job
- How would you manage a source/handler/controller relationship where ICR processes were not kept up to date? Would be performance managed accordingly

**Source Management Log Process**

- How are the SMLs compiled? (by whom / when / and what purpose do they provide)? Was a different process initially (for 3838) – Now the Log [REDACTED] and it is possible to cut and paste relevant pieces from the contact report to the management log so they are in effect linked. Not so back then. The big issue is though that the Contact Report has to promptly be compiled and submitted in order for it to inform the management log.
- Is a SML prepared as a separate document to the ICR? Was back then (3838) [REDACTED] and cut and pasted.
- If the SML relies on the ICR then it follows that the ICR would have to be promptly submitted to underpin the compilation of the SML? - Correct and this is where the vulnerability lies and creates the need for effective management and supervision
- Would it be possible for the SML to be generated from [REDACTED] [REDACTED]? (as to ensure identical material is utilised and to make for single data entry)? In essence it is cut and pasted now.
- Have you ever sought legal advice during the management of a source / handler relationship? Would you feel it appropriate do so if thought necessary? Where would you go for this? No need as yet but would consider it if something was requiring it. Never rule it out but don't routinely do it. Would start within Vicpol.

**The CMRD review**

- Various recommendations s made about audit and Q/A capabilities. What is the capacity within DSU at present to do this and is this thought sufficient? Some capacity issues in DSU to fulfil such functions and to that regard would welcome the independent case officer review proposal and the interpose enhancements to provide greater managerial oversight. We need the most robust processes possible to ensure things are kept up to date. Were issues with the distrust of, and capabilities of, Inspector Glow who at that time was running both the DSU and the undercover unit. Now (since May 2010) have dedicated inspector position at the DSU and this provides enhanced management capability.

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- What about the audit / oversight Q/A capabilities of the HSMU in particular for DSU high- risk files? Aware that this capacity has been bolstered recently but unsure of actual capabilities.

Other Issues / comments offered by Paul: & questions without notice I have raised.

Question – Where is the purpose of engagement specified?

- Possibly in the [REDACTED] – **need to check this for the 3838 record.** This should also be clearly articulated in the Risk Assessment. This would then make it necessary to revisit the Risk Assessment if the purpose of engagement morphs into another reason altogether. **(A recommendation to make)**
- Seems odd to learn that 3838 was getting advice from DSU handlers not to provide too many clues to Petra. Am troubled by that.
- [REDACTED] being openly discussed with source by handlers troubles me also – members should be aware of the [REDACTED] [REDACTED] attaching to these and they are not able to discuss. This points to poor management and supervision and handlers / controllers not being briefing upwards and of monitoring process failures also. Delays in timely submission and verification of ICR's seem to be a major failing here.
- Storage of associated [REDACTED] for sources [REDACTED] of meetings etc)? DSU unable to keep this [REDACTED] concerns – My view is that it should all be available in the one place in [REDACTED] on interpose. Our DSU stuff is downloaded onto a server at [REDACTED] Agreè that all should be in the one place but the systems don't allow for this as I understand.

Alerted to historic indications of a level of distrust between HSMU and DSU – Advised that no such issues exist now and relationship is good.

- Aware that there have been issues of late submission of IR's and this must be addressed by good supervision and leadership.
- Some cultural issues also exist and these are being tackled. Some have been poorly focussed on maintaining admin functions and this approach has the capacity to rub off on others and become endemic.
- File management must form a greater focus on effectiveness and it is not just about how well you can control a source or handler.

Some form of interpose application and appropriate training to enable managers to monitor productivity of handlers /controllers so that it is readily apparent what the work output is and what files are being visited / neglected (from Chris Corbell, managers in SOCA Units use this to monitor workload and file productivity - can this be constructed for Source management purposes – Chris mentioned the name of John Kearney (Hume CIU) as one who did this particularly well. To await further advice from Corbell.