

# Chief Commissioner's Instruction

The following policy and instructions are issued pursuant to the powers of the Chief Commissioner under section 17, *Police Regulation Act 1958* and in the exercise of her Office under the *Public Sector Management and Employment Act 1998*.

It remains in force for a period of 12 months from the date of publication or until earlier cancelled or included in an Update Bulletin to the *Victoria Police Manual*.

## INSTRUCTION 03/05

### Informer Management Policy

**This policy was originally issued as CCI 7/03 and was reissued on 22 September 2004 as CCI 06/04. This CCI has been reissued on 20 September 2005 pending a further review of the effectiveness of the policy. No changes have been made to the CCI.**

#### PURPOSE

1. This policy forms a comprehensive approach to informer management with definitions, roles, and responsibilities clearly outlined for police members. It incorporates all six phases of the informer management process including recruitment, registration, interaction, payment, deactivation, and requests for informer assistance.
2. Key recommendations arising from a review of Victoria Police informer management procedures have been implemented and enhanced throughout this policy. In response to these key recommendations, plus the adoption of interstate and overseas best practice, a number of significant improvements to informer management policy have been implemented. The policy also implements recommendations 59-63, 65, 67(a), 69-71 of the Drug Squad Review.
3. The new policy provides a corporate procedural framework for informer management, which ensures greater transparency and security at all stages. Importantly, duty of care for both police members and informers has been given absolute priority throughout the policy document.
4. Essentially, this policy constitutes a clearly defined policy framework to assist members in the management of informers. By reference to this policy and through the support of the newly established Informer Management Unit (IMU) (within State Intelligence Division, Intelligence & Covert Support) members will develop greater confidence and professionalism in recruiting and handling informers. The policy further addresses informer tasking and the potential for inter-agency cooperation with a view to maximising informers as an investigative tool.

## POLICY

5. It is Victoria Police policy to utilise informers for the purposes of crime investigations in a manner in which the integrity of informers, police members and Victoria Police is protected.

## REFERENCES

6. This policy replaces the instruction in-VPM 111-3 and CCI 7/03.

## DEFINITIONS

7. The following definitions apply to this policy:

**Central Informer Management File (CIMF)** - the informer management file held by the IMU.

**Central Informer Registrar (CIR)** - is the Detective Superintendent, State Intelligence Division (SID), Intelligence & Covert Support.

**Child Informer** - an informer who is a 'child' as defined in the *Child and Young Persons Act 1989*.

**Co-handler** - a police member who does not have day to day responsibility for a particular informer, but who may attend meetings between the Handler and Informer and who is able to assume the role of Handler.

**Controller** - a police member, of sergeant rank or above, who has direct supervision of a Handler.

**Expense Payment** - a consideration in cash, goods, reimbursement or other benefits given to an informer in the course of obtaining information for law enforcement authorities.

**Handler** - a police member who has day to day responsibility for contact with the Informer and for the initial evaluation of information supplied by that Informer.

**Informer** – is an identified person who provides information to Victoria Police which if acted upon could lead to an arrest or a course of action against persons engaged in criminal activity. The identity of an Informer is protected and remains confidential.

**Informer Management File (IMF)** - is held by the Controller and includes the following documents:

- Copies of Parts B-D, Informer Registration/Reactivation Application;
- All original Informer Contact Reports;
- All original Information Reports;
- Activity Log of actions/movements in relation to the file;
- Any other supporting documentation.

(No reference to the informer's true identity is to be kept on the IMF).

**Informer Payments Committee (IPC)** - a standing committee to approve rewards that consists of at least three of the following:

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**Local Informer Management File (LIMF)** - the informer management file held by the LIR including:

- Copies of Parts B-D, Informer Registration/Reactivation Application.
- Activity Log of actions/movements in relation to the file;
- Requests for informer assistance.

(No reference to the informer's true identity is to be kept on the file).

**Local Informer Registrar (LIR)** –

- Divisional Superintendents – Regions and Crime Department
- Superintendents in charge of other areas

**OIC** - a police member who is the immediate supervisor of the Controller.

**Reward** – a consideration in cash, goods or other benefits given to an informer or another with agreement of the Informer, as reward for specific information conveyed by the informer.

**Safe-hand delivery** – hand delivery as described in VPM 206-2.

**Sanitised Information Report** - a sanitised Information Report (IR) is an IR [Form 291A] in which the source of the information has been concealed. In regard to informer-sourced information, the report is sanitised in order to protect the anonymity of the Informer. By sanitising the IR members can disseminate the information more widely without compromising their source.

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## FORMS

9. The following new forms have been introduced:

- Informer Registration/Reactivation Application Form (Parts A-D)
- Informer Contact Report
- Acknowledgement of Responsibilities
- Informer Deactivation Form

- Request for Informer Reward (Parts A & B)

These forms are available from the IMU.

## **GENERAL RESPONSIBILITIES & FUNCTIONS**

### **Handlers and Co-Handlers**

10. The Handler and Co-Handler are responsible for the day to day management of the Informer, including to:

- Effectively manage and guide the relationship with the Informer;
- Report and document all contacts with Informer;
- Brief Controller on all incidents/developments associated with Informer;
- Document all incidents/developments associated with Informer; and
- Provide quarterly reports detailing all contacts with Informer and assessment as to the status of Informer (active, inactive, unsuitable).

11. The Co-Handler is responsible for assuming management of the Informer where the Handler is unavailable or requires additional assistance, including to:

- Attend meetings with the Informer where the Handler requires assistance;
- Provide additional management and administrative support as required;
- Document all contacts they have with Informers.

### **Controller**

12. The Controller is responsible for the supervision of the Handler in accordance with this policy, including to:

- Actively supervise the Informer-Handler relationship;
- Ensure effective maintenance of IMF;
- Provide advice and guidance to Handler in relation to Informer management issues;

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- Attend meetings between the Handler and Informer when their presence is deemed appropriate;
- Conduct a monthly review of Handler/Informer relationship;

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### **OIC**

13. The OIC is responsible for supervision of the Handler and Controller, including to:
- Provide advice and guidance to Handler and Controller;
  - Evaluate information to be forwarded to LIR; and
  - Act as point of contact between LIR and Handler and Controller.

### **Local Informer Registrar (LIR)**

14. The LIR is responsible for the maintenance, management, and auditing of the local Informer registration system, including to:

- Manage the Local Informer Registry;
- Allocate (and re-allocate when necessary), Controller functions to an appropriate supervisor within the Division/Region to achieve the purpose of this policy;
- Allocate (and re-allocate when necessary), Handler functions to an appropriate member within the Division/Region to achieve the purpose of this policy;

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- Record and respond to IMU notification of duplications in Informer registration; and
- Provide advice and guidance to members in relation to this policy.

### **Central Informer Registrar (CIR)**

15. The CIR is responsible for the management of the IMU and the effective implementation of the Informer Management Policy, including to:

- Ensure the efficient and secure management of the IMU;
- Ensure the secure storage and authorised access of Informer records;
- Provide advice and guidance to members in relation to the management of Informers and this policy;

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- Participate in IPC meetings as required.

### **Informer Management Unit (IMU)**

16. The IMU is the central Informer registry for Victoria Police. Its functions are to:

- Provide policy and procedural advice to members in relation to the Informer Management Policy;

- Ensure secure receipt, and storage of, informer identity documents;

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- Coordinate the informer reward payment process;
- Notify LIRs of duplications in registration and assist in resolution of same; and

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### **Informer Payment Committee (IPC)**

17. The IPC is responsible for the evaluation and authorisation of all informer reward payment requests:

- Consider all reward requests;
- Conduct meetings to evaluate informer reward requests;
- Approve, modify or reject reward requests; and
- Authorise source of funds for informer rewards.

## **RECRUITMENT**

### **Introduction**

18. Informers represent a valuable resource for attaining information on criminal activity. However, the recruitment of informers also represents a risk, which must be identified and monitored with a view to effective management. A professional and transparent approach to the recruitment of informers can assist members in the penetration of criminal networks and at the same time safeguard members' integrity. The initial risk assessment contained in this section is designed to be built upon during the operational 'life' of the Informer and is used as a gauge in the ongoing assessment of the Informer.

### **Child Informers**

19. Use of a Child Informer has inherent legal, moral and psychological risks. Children should only be used where the circumstances warrant it. If a child is to be used the following applies:

- Authorisation of the Child Informer is limited to one month only and subsequent renewals are restricted to one month;
- The LIR must review the authorisation to register and use the Child Informer within 72 hours;

- The parent and or guardian must be informed of the proposed action or, if not, that the grounds for not doing so must be properly established and reported to the LIR;
- Ensure that the child understands the risks being taken

20. Only in exceptional circumstances and after proper consideration is a child to be used to supply information about members of their immediate families.

### **Initial Process Where Potential Informer Identified**

21. Where a member has identified a person they believe meets the requirements of registration as an Informer, the member must:

- If the potential Informer is an employee of the Victoria Police who has or will provide information on their own volition, alleging corruption, criminality or serious misconduct - treat them as an Internal Source (see VPM 210-3). The Informer must not be registered under this policy;
- Conduct an initial assessment (see Part C, Informer Registration/Reactivation Application) maintaining the confidentiality of the source and the timeliness of information. Include information relevant to the following –
  - **Risk to Informer** – including history, criminal or otherwise, which may lead to risk of compromise.
  - **Risk to Information** – including content, intended use, subsequent dissemination, relevance.
  - **Risk to Handler(s)/Controller** – experience and ability of member to fulfil role, adequate training, personal knowledge relating to informer.
  - **Risk to Victoria Police** – embarrassment to Victoria Police, loss of credibility, exposure of methodology, cost effectiveness.
  - **Risk to Public** – impact on community, harm to public, confidence issues.
- Complete the Informer Registration/Reactivation Application;
- Submit the Informer Registration/Reactivation Application to the OIC, accompanied by:
  - Adequate document security classification;
  - The initial risk assessment;
  - Any other supporting documents such as photographs; and
  - Confirm Informer's identity and provide available identity documents.

### **Responsibilities of IMU**

22. Upon receipt of the files the IMU will make the necessary notations in the Central Informer Registry and securely file the identity documentation. Informer information storage and access must comply with the Information Security Policy (VPM 206-1).

## **REGISTRATION**

### **Introduction**

23. The registration of Informers protects both the Informer and Handler and enables the organisation-wide utilisation of Informer-sourced information. Importantly, registration also prevents duplication of registration and therefore reduces the risk of informers manipulating police members. Registration of Informers also clearly defines the parameters of the relationship between the Handler and Informer and provides transparency for auditing purposes.

### **When an Informer Must be Registered**

24. An Informer must be registered if, at any time one or more of the following criteria are met. If an Informer:

- Makes a practice of providing information;
- Receives a financial reward;
- Is to receive any benefit;
- Is to receive any reimbursement;
- Presents an organisational/personal risk (i.e. risk to Victoria Police or police members); or
- Is to be operationally tasked.

### **Responsibilities of OIC**

25. On receipt of the Informer Registration/Reactivation Application:

- Assess the suitability of the Informer;
- Evaluate any identified risks;
- Consider potential risks;
- Consider risk management strategies;
- Ensure that the member has complied with relevant policy and procedures;
- Consider operational priorities;
- Consider Duty of Care issues; and
- Ensure all relevant official notebook and or diary entries have been made.

26. Once the OIC is satisfied that the Informer is to be registered, they must deliver the following documents, in accordance with the relevant security classification, to the LIR:

- The Informer Registration/Reactivation Application;
- Identity documents; and
- Any other supporting documents

27. If the OIC is not satisfied that the registration of the Informer should proceed, those reasons are to be documented and together with the documentation forwarded to the IMU for secure storage.



### **Responsibilities of Local Informer Registrar (LIR)**

28. On receipt of the Informer Registration/Reactivation Application form the LIR must:
- Assess the suitability of the informer;
  - Evaluate any identified risks;
  - Consider potential risks;
  - Consider risk management strategies;
  - Ensure that both the member and OIC have complied with relevant policy and guidelines;
  - Ensure that there has been adequate consideration of Duty of Care issues;
  - Ensure all relevant diary/notebook entries have been made;
29. If the application registration is approved the LIR must:
- Authorise the Informer Registration/Reactivation Application;
  - Create a computer-generated code unique to the Informer and as soon as possible -
    - Endorse this code on the Informer Registration form;
    - Advise the OIC and IMU of the code; and
    - Note the code in the Local Informer Registry and on the LIMF.
  - Acknowledge receipt of the application;
  - Make notation in the Local Informer Registry;
  - Authorise the allocation of the recommended Handler, Co-handler and Controller and make the necessary notations within the Local Informer Registry;
  - Authorise the creation of the IMF;
  - Create a LIMF, including:
    - Activity log
    - copy of Informer Registration/Reactivation Application (Parts B-D).
    - copy of initial risk assessment
    - copy of any anticipated action to be taken in regard to minimising risk
    - any correspondence relating to the management of the Informer
    - copy of the policy relating to the management of the Informer
    - Copy of any handling instructions relevant and created specifically for the management of the Informer
  - Forward to IMU:
    - Original Informer Registration/Reactivation Application form
    - Original risk assessment
    - Acknowledgment of Responsibilities form

- Copy of all other documents required for the CIMF

30. If the application is rejected advise the CIR. The LIR is to continue with the creation of the LIMF, noting on that file the reasons for rejection and the course of action taken by the Handler, Controller and OIC. Advice of the application and subsequent rejection is to be forwarded to the IMU for the advice of the CIR.

31. Under no circumstances should the true identity of the informer be disclosed in the Informer management file.

### **Responsibilities of Controller/Handler on Approval of Registration**

32. Upon receipt of the computer-generated code, from the OIC, the Controller/Handler must create the IMF and record the computer-generated code on the IMF.

33. Care must be taken to avoid associating the true identity of the Informer with the code in the member's diary and/or notebook.

### **Responsibilities of IMU**

34. Upon receipt of the computer-generated code the IMU must:

- Record that code in the Central Informer Registry;
- Compile a CIMF consisting of the following information -
  - computer-generated code;
  - date and time of registration;
  - Region where registration occurred;
  - requesting member's name, service number and station;
  - OIC recommending registration;
  - The LIR authorising registration;
  - The LIR issuing registration; and
  - How and when the Informer Registration/Reactivation Application, identity documents and any other supporting documents were forwarded to IMU.
- Check for possible informer duplication and record result on CIMF;

35. When duplication is not detected or confirmed the IMU is required to:

- Advise the relevant LIR accordingly;
- Make the appropriate notations within the CIMF of each Informer

36. When duplication is detected or confirmed the IMU must:

- Check identity against biographical data;
- Advise the first registered LIR of the duplication and the contact details of the LIR attempting to register;
- Make the appropriate notations within the CIMF relating to both registrations;

- Provide written confirmation to the first registered LIR.

37. The first registered LIR is to assess the situation surrounding the attempted registration; liaise with the LIR of the Region attempting to register the Informer; and advise the IMU of the outcome and appropriate course of action.

## **INTERACTION**

### **Introduction**

38. Clearly defined procedures for interaction between police members and Informers protect members against allegations of impropriety. These procedures ensure that all contacts between members and Informers are authorised and that the information and details surrounding the contact are documented. The security of members is ensured by the attendance of a Co-Handler or Controller at every meeting and where possible at 'chance' meetings. Prompt documentation of information obtained from contacts ensures the timely dissemination of informer-sourced intelligence.

### **Informer Contact**

39. Contact with an Informer is any method of interaction between a police member and an Informer including telephone, email, fax, face to face meeting (either planned or unplanned), or mail.

### **Contact Between Informer and Handler**

40. Where there is contact between a Handler and Informer, planned or by chance, an Informer Contact Report must be completed as soon as practicable.

41. In the case of a 'chance' meeting the Controller and/or OIC must be advised as soon as practicable after the contact.

42. When planning contact with an Informer the Handler, in consultation with the Controller and/or OIC, must consider the following:

- Purpose of the contact (operational or personal);
- Persons present at the contact;
- Risks associated with the contact;
- Risks associated with the location of the contact (including travel to and from location by all parties);
- Anticipated outcomes of the contact;

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- Suspected motivation of the Informer;
- Security measures are taken in relation to the contact

43. As soon as practicable after the contact and completion of the Informer Contact Report the Handler must brief the Controller and OIC on the content of the report. After briefing supervisors the Handler must:

- Attach the original Informer Contact Report to the IMF and make notation on the Activity Log;
- Forward a copy of the Informer Contact Report to the IMU;
- Make appropriate notebook and or diary entries;
- Disseminate the sanitised IR in the usual manner ensuring a copy is forwarded to the IMU. No reference is to be made which could reveal the true identity of the Informer.

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## **STATUS OF INFORMERS & DEACTIVATION**

### **Informer Status**

54. Informers fall into one of three classifications:
- Active - currently providing reliable operational information.
  - Inactive - currently not providing reliable operational information, however is able to resume doing so at any given point in time.
  - Unsuitable - has in the past provided operational information, however, the Informer has been deemed unusable.

### **When an Informer Must be Deactivated**

55. An Informer should be de-activated if they are no longer providing useful information or are deemed unsuitable to continue as a registered Informer. De-activation clarifies the current status of an Informer for operational and/or intelligence purposes and documents detailed reasons for the deactivation. Upon de-activation the Informer's file is retained at the IMU for future reference.

56. An informer should be de-activated:

- To the status of 'inactive' due to:
  - personal choice of the Informer;
  - Informer having no current operational requirements;
  - Informer moving out of the jurisdiction; or
  - Informer not providing operationally reliable information for a period of at least 6 months
- To the status of 'unsuitable' where Informer has become:
  - dangerous;
  - an unacceptable high risk to themselves, Victoria Police or the public (see para. 21 regarding risks); or
  - Unreliable

57. The information leading to the decision to de-activate an Informer must be verified. If the source of information is not the Handler/Co-handler, Controller or OIC an assessment of the source and how they came to be in possession of such information needs to be made.

58. All members involved with the operational management of the Informer are able to put forward a recommendation for de-activation. When considering de-activation all risks to the Victoria Police, the member, the Informer and the public must be addressed and necessary action developed to minimise that risk.

### **Requesting Deactivation**

59. Once the need for de-activation has been identified the member requesting the de-activation must:

- Document and record the reasons;
- Consult with the Handler, Controller and OIC; and
- Complete an Informer Deactivation Form.

60. The Informer Deactivation Form must be forwarded to the LIR for their approval.

### **On Approval of Deactivation**

61. On approval of the deactivation:

- The Controller must ensure that the Informer De-activation Form and the IMF is safe hand delivered to the LIR.
- Where possible the Controller must advise the Informer of the following -
  - That they are no longer an active informer; and
  - That they are no longer entitled to any reward
- The Handler, Controller and OIC must ensure that appropriate notations are made in their official notebooks and or diaries (this should be tape recorded where practical by the Controller)

### **Updating of Records & Filing of Documentation**

62. On receipt of the IMF and the Informer De-activation Form the LIR must:

- Update the Local Informer Registry; and
- Ensure the delivery of the IMF, LIMF and any other documents relating to the management of the Informer to the IMU

63. No copies of any documents relating to the management of the Informer are to be retained outside of the IMU.

64. Upon receipt of the IMF, LIMF and any other documents relating to the management of the informer, the IMU must update the Central Informer Registry and securely store all documents.

### **PAYMENTS**

#### **Introduction**

65. A payment to an Informer, either for a reward for information or an expense payment, may only be approved to Informers who are registered at both the Local Informer Registry and the Central Informer Registry and only in instances where they provide important information or assistance beneficial to an investigation.

66. To organise payment of a reward to an Informer a Request for Informer Reward must be completed and referred to the IPC.

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68. Members should consider alternative sources of funds and schemes available to them from external organisations, which are approachable for rewards. See VPM 111-2 in relation to Government and private rewards. IPC approval is required for such payments.

69. No undertaking is to be given to an Informer about a proposed payment before the IPC has granted approval.

#### **Responsibilities of Handler/Controller**

70. The Request for Informer Reward must be completed by the Handler and submitted to the Controller. The Controller must update the IMF and forward the request to the OIC.

#### **Responsibilities of OIC**

71. Upon receipt of the Request for Informer Reward form the OIC must assess the request and provide a written recommendation. The OIC must:

- Update the IMF;
- Forward all documentation regarding requests for payment to the LIR;
- Where it is a request for an Informer expense payment, the OIC must comply with imprest account policy.

#### **Responsibilities of Local Informer Registrar**

72. The Local Informer Registrar must forward all documentation supporting requests for rewards to the IMU for consideration by the IPC

73. The Local Informer Registrar must follow the instructions of the IPC.

#### **Responsibilities of IMU**

74. The IMU is responsible for coordinating all requests to the IPC. The IMU will update the CIMF with all activities in relation to reward or expense payments.

#### **Responsibilities of IPC**

75. The IPC will consider reward requests and when authorising a reward nominate the source of the funds and the payment method. PII

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#### AUDIT & COMPLIANCE

82. The following applies in relation to auditing of the Informer management process:
- The Informer Registration form containing the true identity of the informer will be kept separate from the Informer file to allow for compliance audits without the need to know the true identity of the Informer.
  - A monthly review of the Informer relationship and information provided must be conducted by the designated Controller, such a review to ensure all IRs are attached to the file – such review and any recommendations to be endorsed on the IMF.
  - The Handler must provide a quarterly report detailing all contacts with the Informer and an assessment as to the continuance of the registration.
  - The LIR must conduct quarterly inspections/reviews of all IMFs.
  - Regional Assistant Commissioners must ensure that IMFs are subject to yearly audit by the Regional Audit Team.
  - Within the Crime Department the Commander (Crime) must ensure that IMFs are subject to yearly audit by the Crime Department Audit and Compliance Team.
  - The LIR will be responsible for procedural, ethical and value for money audits in respect of active Informers for which they have registration responsibility.
  - The LIR must conduct an annual audit of Informers and deactivate any Informers that have been inactive for 6 months or more.
83. Refer to the *Workplace Inspections Manual* for further details about conducting inspections and audits.

#### FURTHER INFORMATION

84. For further information or advice in relation to this policy please contact Informer Management Unit on 9865 2546 or 2548. (Force File 030233/02)