



24 February 2016

Mr Liam STONELEY
fyi-request-2421-3cda5f06@requests.fyi.org.nz

Dear Mr STONELEY

Re: OIA Request Concerning Police 'Informants'

Police was notified of your complaint to the Ombudsman on 23 December 2015. This included the comments and modifications you indicated you were prepared to make to your requests.

Your complaint relates to three of your original five requests. Police has reconsidered its response in respect of those numbered 3 and 5, providing the following further response.

1. The number of paid Police informants, broken down by area, not just district

Police is writing to the Ombudsman in respect of its response to you on this request.

3. Average remuneration per interaction

You have clarified to the Office of the Ombudsman that "an indication of the amount or transaction type" would sufficiently meet your request for information. The total remuneration of paid Police informants varies per annum. For the past five years the total amounts paid to informants is as follows:

2011/12	416,114
2012/13	295,336
2013/14	301,772
2014/15	207,159
2015/16	95,396 YTD

5. Policy or manual documents on Informants

You commented to the Ombudsman that you consider providing a copy of the Police manual on managing Police informants, albeit redacted appropriately, is vital in order for the public to hold Government agents, such as Police, to account and to prevent corruption. You consider that informant operations are inherently secretive, making them targets for corrupt and illegal transactions and actions.

Police's use of confidential informants is regulated by internal policy, a formal monitoring framework for the use of informants and other accountability mechanisms. These include the

Police Professional Conduct Unit and the Independent Police Conduct Authority's ability to scrutinise individual incidents. In addition Police informant payments are subject to independent audit where certification of compliance is provided to the Auditor-General's Office.

Police has already explained to you that the manual contains information about capabilities and methodologies i.e. what assets are at the disposal of Police and how Police work in the field of handling informants. Publication of such information would aid criminal activity and adversely affect the ability of Police to solve serious crime. It is imperative that informant activities are fully protected as it is critical in ensuring the safety of both informants and Police staff. In addition to this the value of confidential informants to law enforcement in protecting the public from harm, and investigating and solving criminal activity, is very high.

Having said this, Police is willing to provide you with the first part of the relevant Police Manual chapter entitled 'Summary'. Police considers this section provides, pursuant to section 16(i)(e) of the Official Information Act, sufficient summary information to meet your request. Some information has been redacted pursuant to section 6(c) of the Official Information Act to avoid prejudice to the maintenance of the law. The redacted heading on each page comprises merely the manual's security classification which has been lifted on this redacted version. The un-redacted version (which remains a classified document) will be supplied to the Ombudsman to review.

I trust this satisfies in part your information requests to Police.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Tim Anderson', written over a horizontal line.

Tim Anderson, LLB (Hons)
Detective Superintendent
Acting National Manager
National Criminal Investigations Group

Part 1 - Introduction to Covert Human Intelligence Source (CHIS)

This chapter contains these topics:

Summary

Objectives

Policies

Key roles and responsibilities

Staff safety and training

CHIS management overview

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Summary

[REDACTED]

Introduction

Covert Human Information Sources (CHIS) are one of a number of covert tools essential for intelligence led policing. Properly managed CHIS offer unrivalled access to criminals and criminal enterprises.

What, specifically, is a CHIS?

Any person who consciously and covertly provides information to Police, whether there is an expectation of a reward or not, but where there is a joint understanding that their identity will be protected and/or:

[REDACTED]

- there represents a threat or potential threat, danger or harm to that person as a result of the relationship between the CHIS and the Police and/or
- who supplies information to Police and due to the special circumstances relating to that information or character of that person, [REDACTED] in order to protect that person and or the information.

Note: Witnesses are generally excluded from this definition.

CHIS overview

The ability to infiltrate criminal organisations is key to understanding the way in which individual and organised criminal businesses work and thus, to destroying criminal business capability. Timely and accurate intelligence [REDACTED] allows for informed decision making and effective, risk managed, deployment of investigative resources at all levels [REDACTED]

[REDACTED]

[REDACTED] Misuse of sources, or policy breaches could well result in adverse court decisions that will render the CHIS and their product useless, and could also cause serious injury or death to those involved.

Such a facility is inevitably subject to searching scrutiny and can only be maintained by an insistence on the very highest standards of professional integrity on the part of those authorising and handling CHIS activity.

This chapter sets out those integrity standards and is founded in a number of 'golden rules', the observance of which, the safe and successful use of CHIS depends.

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Objectives

[REDACTED]

CHIS are a valuable resource and are fundamental to intelligence and the providing of information that enhances evidence collection.

CHIS handling is universally acknowledged as an area of vulnerability for law enforcement agencies. International experiences show this to be one of the highest risk areas for corruption within law enforcement agencies.

Police, therefore, operates according to robust and auditable practices ensuring protection of CHIS, Handlers, the organisation, and community.

Police objectives in establishing standards and protocols regarding CHIS, include:

- one national policy and standards of practice and training
- mitigation of risk at all levels of CHIS management
- [REDACTED]
- effective and ethical system to manage CHIS and resulting information
- increased quality and quantity of information
- [REDACTED]
- improved cost benefits of developing CHIS assets to enhance crime reduction initiatives.

[REDACTED]

Introduction to Covert Human Intelligence Source, Continued...

Policies

[REDACTED]

Key policies on which successful use of CHIS depends are:

- CHIS are a resource [REDACTED] for the benefit of all Police and do not 'belong' to individual constables.
- CHIS product is owned by Police and has application at all levels depending on security issues.
- No constable, or CHIS [REDACTED] may, in their normal course of activity, counsel, incite or procure the commission of an offence.
- CHIS must always be properly briefed and managed, and clear about the legal boundaries to their activity.
- There must be sufficient Handlers and Controllers available before a CHIS is recruited to ensure the CHIS is managed safely. A Co-Handler must be assigned to support all Handlers.
- All CHIS Handlers, Co-Handlers, Controllers and Authorising Officers must be trained to national standards.
- The experience and training of Handlers and Controllers should be commensurate with the seriousness and difficulty of the CHIS activity for which they are responsible.
- Police has a duty of care to all CHIS [REDACTED]
- All constables overseeing CHIS activity have a responsibility to supervise the legality, integrity, and security of operations as closely as the administration.
- All constables involved with CHIS must maintain the highest levels of integrity and act in accordance with the Police Code of Conduct.

Constables must **not**:

- disclose any CHIS information other than in accordance with this chapter
- solicit or accept any reward, gift, benefit or advantage from any CHIS
- become socially, financially, physically, or emotionally involved with the CHIS, their family, or their close associates
- provide any information or intelligence to the CHIS that compromises Police operational activity or responses (avoiding reverse information flow).

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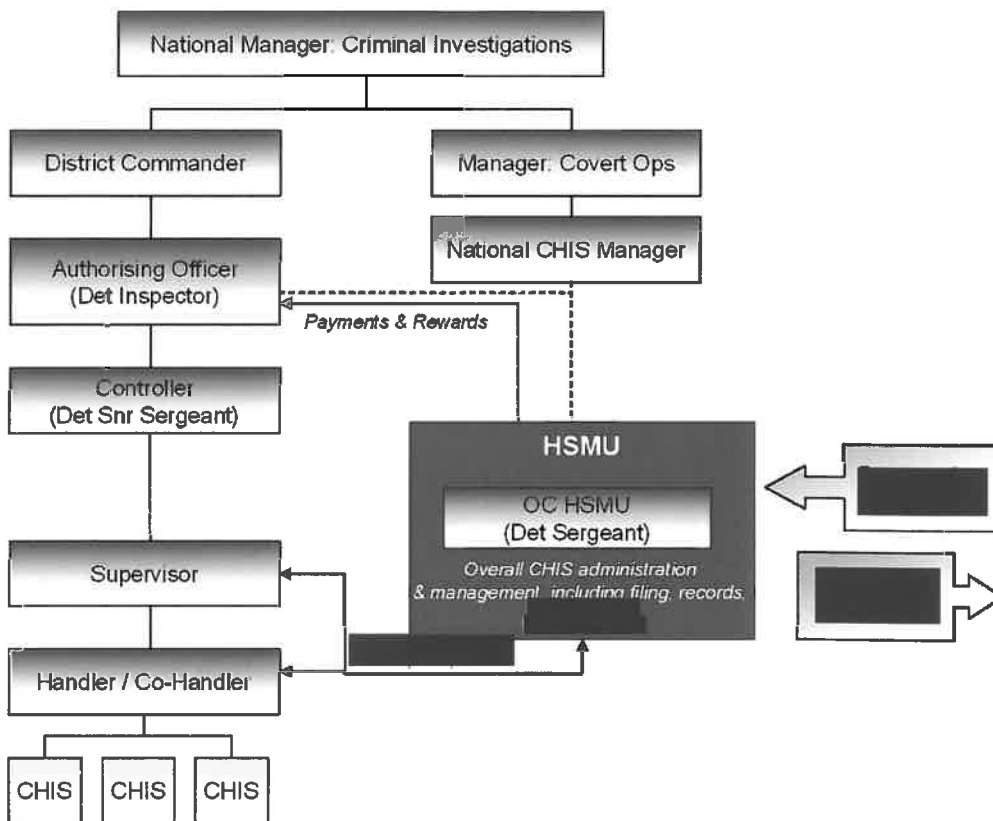
Key roles and responsibilities



The effective management of CHIS depends on a partnership of integrity and support between the Authorising Officer, Controllers, CHIS Supervisors and CHIS Handlers.

Organisation structure

This diagram details the CHIS management relationships.



Key CHIS roles

The Authorising Officer and Controller are responsible for overseeing all CHIS management in their district.

The Handlers have a duty to be open with the CHIS Supervisor and Controller and have a right to expect their support for all their authorised activity. Without this fundamental open and supportive relationship the system will not work.

Authorising Officers appoint Controllers who are responsible for the general oversight and use made of the CHIS, including aspects of integrity, efficiency, administration of product, rewards and overview of the supervision of the Handlers.

Ideally Controllers are of the rank of Detective Senior Sergeant or higher (or the senior CIB Officer in the area). In any event, Controllers must be at least one rank higher than

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the Supervisor for whom they are responsible, and Supervisors must be one rank above the Handler/Co-Handler.

Controllers designate CHIS Supervisors, who are ideally at the rank of Detective Sergeant.

Role descriptions

This table details specific role descriptions.

Role	Description
Handler and Co-Handler	A CHIS Handler or Co-Handler is a Police employee who has completed CHIS handling accreditation training [REDACTED] [REDACTED] A CHIS Co-Handler assists the primary Handler or assumes the Handler's role and responsibilities when required.
Supervisor	A CHIS Supervisor is designated by the Controller to supervise the CHIS Handler and ideally holds the rank of Detective Sergeant. This is not necessarily the Handler's immediate supervisor (although the line supervisor should be made aware of the relationship).
Controller	The Controller is responsible for the general oversight of CHIS management within their area of responsibility. Controllers should be at the rank and designation of Detective Senior Sergeant or higher, or the senior CIB officer in the area.
Officer in Charge (OC) HSMU	The HSMU administers all CHIS intelligence including receipt, processing and secure storage, risk assessment, dissemination of [REDACTED] intelligence, [REDACTED] and database intelligence checks. The OC HSMU reports to the Authorising Officer.
Authorising Officer	The Authorising Officer is the inspector (or above) responsible for the HSMU in their area. The Authorising Officer may delegate duties and responsibilities to other Police constables as required. Note: In many cases the District Crime Manager will be the Authorising Officer.
District Crime Manager / District Commander	The District Crime Manager and District Commanders provide ongoing support and resources for the management and implementation of the HSMU [REDACTED] The district is a key client of the CHIS process, and is reliant on the information gained from an immediate operational perspective, as well as being a customer of the resulting NIC intelligence product.
National CHIS Manager	The National CHIS Manager: <ul style="list-style-type: none"> provides national oversight and coordination between HSMU and [REDACTED] verses standards and quality control.
National Manager: Criminal Investigations	The National Manager: Criminal Investigations owns the CHIS policy and is responsible for: <ul style="list-style-type: none"> implementation, review and revision of CHIS policy [REDACTED] [REDACTED]

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<p>Director of Intelligence</p>	<p>The Director of Intelligence is a key client of the CHIS process, using the information gained in development of intelligence product. The National Intelligence Centre (NIC) [REDACTED]</p> <p>[REDACTED]</p> <ul style="list-style-type: none"> collects, analyses, and disseminates resulting information.
<p>[REDACTED]</p>	<p>[REDACTED]</p>
<p>OFCANZ</p>	<p>The Organised and Financial Crime Agency New Zealand (OFCANZ) has been established to target high level organised crime. [REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED] Operational matters relating to CHIS will be subject to discussion between OFCANZ management and the National CHIS Manager.</p>

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Governance and oversight

Governance occurs at both a national and district/area level.

The National CHIS Manager, Authorising Officers, and/or District Crime Managers monitor and review HSMU [REDACTED] reporting annually to the National Managers: Criminal Investigations via the District Commander.

All financial records are monitored and reported annually.

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Staff safety and training

[Redacted]

Police employees involved in CHIS handling and management are subject to additional vetting, including professional standards, to ensure suitability prior to acceptance and attendance at any CHIS Handler training seminars. This is due to the potential risk of vulnerability around corrupt practices and ensuring the appropriate levels of protection for Police employees involved in this covert activity.

All CHIS Handlers must be authorised by the Controller and the OC HSMU to manage CHIS, and receive the appropriate level of training [Redacted]

Any constable conducting training in CHIS management must be trained [Redacted] or be authorised by the National CHIS Manager.

[Redacted]

[Redacted]	[Redacted]
[Redacted]	[Redacted]
[Redacted]	[Redacted]
[Redacted]	[Redacted]
[Redacted]	[Redacted]
[Redacted]	[Redacted]
[Redacted]	[Redacted]
[Redacted]	[Redacted]
[Redacted]	[Redacted]
[Redacted]	[Redacted]

Introduction to Covert Human Intelligence Source, Continued...

CHIS management overview

[REDACTED]

Recruitment

Recruiting and managing CHIS is a skill demanding the highest standards of integrity, professionalism, accountability, and rigorous evaluation.

[REDACTED]

CHIS may originate from a variety of backgrounds, and their motives to provide information will vary accordingly.

[REDACTED]

Constables engaged in the management and use of CHIS must examine the motivation of the potential CHIS as part of the assessment of risks during the recruitment stage.

[REDACTED]

The assessment process provides information for the OC HSMU, Controller, and the Supervisor to consider [REDACTED]. The assessment process is a prerequisite [REDACTED].

[REDACTED]

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[REDACTED]

All CHIS [REDACTED] includes a risk assessment, which considers the following and identifies any associated control measures to be applied during the relationship:

- ethical risks
- personal risk to the CHIS
- risks to Police
- physical risk to Handler
- risks to the community.

If the risk assessment indicates the CHIS [REDACTED] the OC HSMU will inform the Controller. A CHIS [REDACTED] should be notified to other HSMU. The Authorising Officer is the arbiter on any decision [REDACTED] CHIS. When this decision is in conflict, that matter should be escalated to the National Manager: Criminal Investigations.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

Managing a CHIS

Ethical management of CHIS depends on:

- the identity, anonymity and security of the CHIS being strictly controlled

[REDACTED]

- no contact with a CHIS jeopardising the health and safety of any Police employee, the community, or the CHIS

[REDACTED]

CHIS Handlers and Co-Handlers must advise a Supervisor or Controller of all proposed CHIS contact meetings before the meeting takes place. The Supervisor or Controller must authorise all contact meetings and set appropriate conditions for each meeting according to the level of risk.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

Rewards

Consideration of a reward to a CHIS is based on results [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Requests for payments or rewards must be submitted to the Controller for authorisation and payment.

A record of all payments to a CHIS or CHIS Handler must be kept in the approved format and be available for internal audit.