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### Day One:

# Obtaining, Using and Sharing Evidence Lawfully

- Weaving RIPA procedure into law enforcement culture
- Overseeing a self-regulatory process
- Breaking down the wall of legal privilege
- Enabling intrusive surveillance and property interference when you want it
- Turning covert intelligence into evidence
- Testing, probing and finding procedural fault-line: defence tactics in court

Simon Watkin, Home Office  
Sam Lincoln, Office of Surveillance Commissioners  
David Corker, Corker Biring  
Dr Clive Harfield, London Metropolitan University  
Denis Clark, Former DCI Metropolitan Police  
Richard Furlong, 25 Bedford Row  
John Buckley, Serving Police Officer  
DCI Frankie Flood, Metropolitan Police  
DCI Mark Hambling, West Midlands Police

### Day Two:

# Controlling & Handling Covert Human Intelligence Sources

- Linking internal procedures and the demands of covert operations
- Picking over informer/handler relationship for signs of weakness
- Protecting your source when his identity becomes known
- Juggling source safety with the need to convict
- Defence tactics to destroy source credibility
- Stopping covert culture from becoming rotten

Det Supt Roger Critchell, Metropolitan Police  
Roger Billingsley, Head of Covert Operations, Metropolitan Police  
Denis Clark, Former DCI Metropolitan Police  
Dr Tom Williamson, Portsmouth University  
Jonathan Lennon, 23 Essex Street  
Roy Clark, HM Customs & Revenue  
John Buckley, Serving Police Officer  
Sam Lincoln, Office of Surveillance Commissioners

Tuesday 18 July - Wednesday 19 July 2006  
Carlton Tower, London, SW1

## Obtaining, Using and Sharing Evidence Lawfully

0930

### Registration and coffee

1000

#### Weaving RIPA procedure into law enforcement culture

- Latest thinking and guidance
- Internalising new ethical standards
- Operational independence and responsibility
- Accountability - a community and rights based approach
- Being reckless vs being decisive

Simon Watkin

Covert Investigation Policy Team, Home Office

1035

#### Overseeing a Self-Regulatory Process - Stick or Carrot?

The freedoms and obligations of self-regulation should not be under-estimated. The OSC has a responsibility to oversee the conduct of all authorities given this awesome power. Its need for independence often conflicts with the authorities' desire for clarity. Maintaining a balance between the 'stick' and the 'carrot' is challenging. The presentation will examine the responsibilities and relationships of all state participants.

Sam Lincoln

Chief Surveillance Inspector, Office of Surveillance Commissioners

1110

### Questions and discussion

1120

### Morning coffee

1135

#### Breaking down the wall of legal privilege

- Circumstances when privilege can be claimed and by whom
- Fraud-Crime exception: the legal test needed to establish it
- Expert evidence and information sources: when is privilege waived?
- Lawyers and criminal investigations: how to avoid an abuse of process

David Corker

Founding Partner, Corker Binning  
Specialises in fraud and business crime. He is author of two books on Disclosure and Abuse of Process. Described in Chambers & Partners as having a "pedigree which stands out by itself" and as "tremendously bright". He served with the Metropolitan police for three years.

1210

#### Enabling intrusive surveillance and property interference when you want it

- Need for intrusive surveillance and resource implications
- Testing the criteria for deciding what counts as being serious
- Does interference with unlawful property require a warrant?
- Level of collateral intrusion and third party rights
- Is the authorization requirement too burdensome?

Dr Clive Harfield

Deputy Director, John Grieve Centre for Policing and Community Safety, London Metropolitan University

Served as an officer for 18 years in the National Crime Squad and National Hi-Tech Crime Unit as well as three local police forces and has a career background in uniform operations, CID, intelligence and covert policing

1245

### Questions and discussion

1300

### Lunch

1400

#### Turning covert intelligence into evidence and disseminating it to other agencies

- Tactical concerns - evidential value vs disclosure of sensitive material
- Burden of reasonable grounds vs reasonable suspicion, ie Forest Gate
- High risk operations and implications of playing fast and loose
- Securing evidence in culturally sensitive operations

Denis Clark

Formerly served as a Detective Chief Inspector with the Metropolitan Police. Advised PSNI on Human Rights and Covert Policing Law. Current research includes surveying CID officers on the working practices of informant handling after RIPA and the admissibility of evidence gained through covert techniques.

1435

#### Testing, probing and finding your procedural fault-line: Defence tactics in court

- Behind closed doors culture facilitates police corruption
- Proportionality of errors made and impact on the case
- Redressing the arms imbalance between prosecution and defence

- Not the function of criminal courts to discipline law enforcement agencies
- Time moves on - what was good yesterday is forbidden today

Richard Furlong

Barrister, 25 Bedford Row

Has a specialist and highly rated criminal defence practice with a particular interest in fraud and money laundering and all areas of serious crime

1510

### Afternoon Tea

1525

#### What if... scenarios?

Drawing on his extensive experience of serious crime, John Buckley will put 10 tricky scenarios to the panel - and he'll be looking for answers.

The discussion will be open to the floor at all times.

#### 1. Over-riding strict procedure for the sake of the investigation - can you do it?

#### 2. Interfering with unlawful goods without a proper warrant - is it worth the risk?

#### 3. Intercepting messages when you hold the phones

#### 4. Subjective reading of information: personal, sensitive, business or professional?

#### 5. Deciding what counts as serious crime when it's on the margin

John Buckley

Serving Police Officer

Sam Lincoln

Chief Surveillance Inspector, Office of Surveillance Commissioners

Frankie Flood

Detective Chief Inspector, Metropolitan Police

Mark Hambling

Detective Chief Inspector, West Midlands Police

1645

### Questions and discussion and chair's closing remarks

1700

### Close of conference

# Controlling and Handling Covert Human Intelligence Sources

0930

## Registration and coffee

1000

### Chair's opening address

#### Linking internal procedures and the demands of covert operations

- Shedding political interference and allowing operational autonomy
- Swift, cooperative and decisive procedural backup
- Removing ineffective and incompetent officers at an early stage
- Avoiding cliques of long serving officers subverting organisational culture
- Covert techniques for internal investigations - impact on morale

#### Roger Critchell

Detective Superintendent  
Metropolitan Police

Responsible for ensuring that all aspects of covert policing are properly managed and RIPA compliant and developing covert policing doctrine and practice

1035

#### Picking over informer/handler relationships for signs of weakness

- Going covert when there's no other reasonable option or as a matter of course
- Potential for negligence claims against the police
- Factors influencing the police informer relationship
- Assessing the circumstances when officers can be given 'discretion'
- Lifting the veil of secrecy behind covert operations
- Differences between our attitudes to informers and other countries
- Consequence of not maintaining an effective covert capability

#### Roger Billingsley

Head of Covert Operations Unit, Metropolitan Police Service

Former Superintendent with the Lincolnshire police. Was responsible for setting up one of the first dedicated informer units in mainland UK. He was an active member of the ACPO Working Group on Informers, and chaired a sub-group on participating informers. Sat on the Informer Steering Group for the National Crime Squad. He is the principal editor of "Informers: Policing, Policy, Practice".

1110

## Questions and discussion

1120

## Morning Coffee

1135

#### Protecting your source when his identity becomes known

- Never ending duty of care vis a vis your resources
- Offenders assisting investigations in SOCPA
- The impact of the Inquiries Act and Freedom of Information
- Evidential issues on credibility and exclusion

#### Denis Clark

Formerly served as a Detective Chief Inspector with the Metropolitan Police. Advised PSNI on Human Rights and Covert Policing Law. Current research includes surveying CID officers on the working practices of informant handling and the admissibility of evidence gained through covert techniques.

1210

#### Juggling your source's safety with your need to convict

- Difference between ethics and morals
- Developing personalised, subjective perceptions of conscience
- Political interference and pressure to act against your conscience
- Considerations for juvenile CHIS
- Making judgments about whether CHIS types deserve a sliding scale of protection
- Viewing your CHIS as expendable
- Asking your CHIS accomplish tasks requiring a greater degree of danger than they are aware of

#### Dr Tom Williamson

Senior Research Fellow, Institute of Criminal Justice Studies, University of Portsmouth  
Formerly Deputy Chief Constable of Nottinghamshire Police and author of "The Ethics of Informer Handling"

1245

## Questions and discussion

1300

## Lunch

1400

#### Defence tactics to destroy source credibility and evidence

- Not a witness of truth
- Disclosure of all background material
- Evidence of an inducement or reward
- Creating maximum disruption
- Following RvH to the letter

#### Jonathan Lennon

Barrister, 23 Essex Street  
Specialist in Criminal defence work involving large scale police surveillance operations and human rights arguments

1435

#### Stopping covert culture from becoming rotten and spreading out

- Noble cause corruption
- Temptation to cross the line and create an offence
- A ripe area for Human Rights abuses
- Requiring covert operatives to lie, hide information and protect their cover
- Recruiting by deception and coercion
- Management interference and a result driven environment

#### Roy Clark

Director of Criminal Investigation, HM Customs & Revenue. As Deputy Assistant Commissioner he created the PSU at Scotland Yard and headed the ACPO group that introduced them to all forces. He was responsible for the internal investigation of complaints and allegations of misconduct, unethical behaviour, crime and corruption in London for four years.

1510

## Afternoon Tea

1535

### What if... scenarios?

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#### 1. Making deals with known criminals

#### 2. Knowing your source has committed a crime when you're handling him

#### 3. Telling false information to your source

#### 4. Using CHIS to investigate fellow officers

#### 5. Dropping your case or compromising your source

#### 6. When your CHIS controls his handler

#### John Buckley

Serving Police Officer

#### Sam Lincoln

Chief Surveillance Inspector, Office of Surveillance Commissioners

#### Detective Chief Inspector Frankie Flood Metropolitan Police

#### Detective Chief Inspector Mark Hambling West Midlands Police

1700

## Close of conference

