

Statement of Sir Jonathan Michael Murphy, QPM, DL

1. My name is Sir Jonathan Michael Murphy. I make this statement in response to a request from the Royal Commission into the Management of Police Informants (the Commission).

Personal information

Policing background

2. I joined the Merseyside Police, United Kingdom (UK) as a Cadet in January 1975. I held several uniformed roles, including in Toxteth and the city centre.¹
3. In March 1982, I entered the Criminal Investigation Division (CID). I was promoted through the ranks and worked in CID for almost 18 years. During this period, I led a range of investigations, including relating to homicide, corruption and covert operations.
4. I returned to uniform duties in late 1999 as Force Operations Manager.
5. In 2001, I joined the National Crime Squad as Assistant Chief Constable, Head of Operations. In that role I was responsible for national and international operations and led, for the UK, the establishment of the first European Joint Investigation Team.
6. I returned to Merseyside Police in 2004 as Deputy Chief Constable.
7. In September 2007, I was asked by the then Home Secretary to lead the Ministerial Task Force 'Tackling Gangs Action Programme.'
8. In April 2008, I became National Serious and Organised Crime Coordinator of the then Association of Chief Police Officers (ACPO). Over a 10-year period, I also held national policy responsibility for leading the Surveillance, Telephone Intercept and Anti-Corruption and Serious Organised Crime portfolios.
9. I commenced the role of Chief Constable of Merseyside Police in February 2010, responsible for leading an organisation with seven local policing areas and approximately 6,500 police officers and support staff. I remained in this role until June 2016, when I retired from Merseyside Police.
10. From 2011 to 2016, I was the Chair of the Crime Business Area of the National Police Chiefs Council (NPCC). This role is the overall coordinating lead for all specialist portfolios.
11. I was made Deputy Lieutenant of the County of Merseyside in 2017 and remain an active adviser to the UK government on a range of policing matters.
12. From the time of my entering CID in 1982 until my retirement in 2016, I was closely involved in all aspects of human source management. I handled sources myself as a Detective Constable and Detective Sergeant, at a time when the UK did not have its current well-developed and

¹ UK police ranks are as follows: Constable, Sergeant, Inspector, Chief Inspector, Superintendent, Chief Superintendent, Assistant Chief Constable, Deputy Chief Constable and Chief Constable. The position of Chief Constable in the UK is the equivalent of the Chief Commissioner in Victoria.

well-regulated model. As a Detective Inspector, I was a controller and I established what was then the first dedicated source handling unit in the country. At this time, I wrote a published academic paper, 'Ethical Approaches for Police Officers when working with Informants in the Development of Intelligence in the United Kingdom', in partnership with Dr Paul Cooper, then of Liverpool John Moores University.²

13. As a Detective Superintendent, I was initially Head of Force Intelligence, so had overall responsibility for all aspect of covert policing authorities. I was then seconded from this role to be the Senior Investigating Officer on a covert operation into a corrupt Detective Chief Inspector and a human source.
14. As Assistant Chief Constable in the National Crime Squad, for three years I led national and international serious organised crime operations involving the use of the full range of covert tactics. I was the *Regulation of Investigatory Powers Act 2000* (UK) (RIPA) authorising officer for undercover and participating source activity; I was subsequently responsible for the same disciplines as Deputy Chief Constable of Merseyside Police.³
15. In 2010, as Chief Constable, I was the authorising officer for intrusive surveillance and accountable to the then Office of Surveillance Commissioner (now the Investigatory Powers Commissioner's Office (IPCO)) for ensuring that all covert activities were run in accordance with the law.

Academic qualifications and commendations

16. I hold a Bachelor of Law (Hons) from Liverpool University and a postgraduate Criminology Diploma from the University of Cambridge.
17. I was awarded a Fulbright Fellowship at the University of California in 1995 and worked with the Federal Bureau of Investigations (FBI) and other policing agencies researching covert policing methods.
18. Commendations awarded to me over the course of my career include:
 - Queen's Police Medal in 2007
 - Merseyside Public Sector Leader of the Year in 2013
 - Lifetime Achievement Award by the Police Federation National Detective Forum in 2013
 - Knights Bachelor in 2014 for services to policing.
19. I was awarded an Honorary Fellowship by Liverpool John Moores University in November 2014 and an Honorary Doctor of Laws by the University of Liverpool in 2016.
20. In July 2016, I took up the position of Professor of Advanced Policing Studies at Liverpool John Moores University, joining a specialist unit tasked with working in partnership with UK police forces and developing strategies and tactics to support forces to detect and prevent terrorism, human trafficking and cybercrime. I continue to hold this role.
21. I am an Advanced Fellow of the Royal United Services Institute and a Visiting Fellow of Hope University.

² Paul Cooper and Jon Murphy, 'Ethical Approaches for Police Officers when Working with Informants in the Development of Criminal Intelligence in the United Kingdom' (1997) 26(1) *Journal of Social Policing* 1.

³ *Regulation of Investigatory Powers Act 2000* (UK) (RIPA) s 29.

UK framework for the use of human sources

Legislative framework and Code of Practice

22. The RIPA was introduced in response to a number of high-profile human rights cases. These cases identified that because the UK guidelines on the use of covert powers were not part of a legislative framework, they could not be used to justify reasonable interference with an individual's right to privacy. Consequently, the use and management of human sources, including those with legal obligations of confidentiality or privilege, is now governed by the RIPA, associated Orders⁴ and Covert Human Intelligence Sources Code of Practice (Code of Practice).⁵
23. The introduction of the RIPA, which adopted a rights-based approach to decision making in respect of covert investigatory powers, was a welcome piece of legislation. Forces recognised that, until that time, they were operating in the absence of rules and a clear legal basis for the use of covert surveillance and other covert powers. The RIPA established principles of necessity and proportionality, requiring appointed authorised officers within policing and other agencies to be satisfied that any proposed use of a human source met these thresholds.⁶
24. The assessment proportionality involves balancing the seriousness and scope of the activity and intrusion into the subject's private life against the gravity and extent of the suspected criminality or harm. The seriousness of criminality of itself is insufficient; an interference will not be proportionate if the desired operational objective could be obtained by alternative, less intrusive means.⁷ For example, the deployment of a human source to obtain a suspect's telephone number would not be proportionate if the objective could be achieved through the sourcing of billing data.
25. The judgement is a subjective one and there will always be some who are prepared to push boundaries further than others. For this reason, proper articulation of the balance should be contained in a RIPA application and authorising officers need to pay close attention to detail in order to satisfy themselves of necessity and proportionality.
26. Proper consideration of proportionality, necessity and justification relates to the human source's registration as well as an assessment of the operational activity and tactics emanating from the information the source may provide. All human sources come with risk and properly constructed risk assessments are a requirement of the Code of Practice.⁸ A risk assessment is a living document and requires updating when new risks become apparent, as well as regular review. In my experience, there have been instances where the risk assessment has been seen as a form that needs to be completed but in reality 'lip service' has been paid. I have also seen instances where the handler has documented intelligence that clearly demonstrates a new

⁴ See the *Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010* (UK) SI 2010/521 (2010 Order), the *Regulation of Investigatory Powers (Covert Human Intelligence Sources: Matters Subject to Legal Privilege) Order 2010* (UK) SI 2010/123 (2010 Legal Privilege Order) and the *Regulation of Investigatory Powers (Covert Human Intelligence Sources: Relevant Sources) Order 2013* (UK) SI 2013/2788 (2013 Relevant Sources Order).

⁵ Home Office (UK) Covert Human Intelligence Sources Revised Code of Practice (August 2018) (Code of Practice). Issued pursuant to the RIPA s 71.

⁶ RIPA ss 29(2)-(3).

⁷ Code of Practice, 15.

⁸ Code of Practice, 33.

risk being present though not necessarily articulated in that language and consequently there has been no updating of the risk assessment.

27. The risk assessment should reflect why the individual is considered to be of value as a source of intelligence and importantly how they have come to be in a position to provide intelligence of value and any risks that may flow from that. An example might be an accountant providing intelligence about money laundering within his firm—risks associated with collateral intrusion into legitimate customers' private affairs and how this will be managed should be documented. Sources do not always report what they have seen or heard directly; they may, in good faith, pass on information they have received from a third party that is not in fact true. This risk may be more apparent in some instances than others and corroboration control measures might be put in place.
28. Effective management of risk requires robust mitigating control measures; if this is not possible, registration should be refused. Once the source is registered, tasking and deployment should always take account of a contemporary risk assessment.
29. Under the RIPA, the Secretary of State can make Orders and the UK Home Office can publish Codes of Practice relating to the authorisation, use and management of human sources by police, which supplement the requirements set out in the legislation.⁹ The Code of Practice is a publicly available document that has had several iterations since it was first published in 2002. The legislation requires public consultation on draft Codes before tabling in Parliament.¹⁰
30. The College of Policing also has a role in developing and disseminating practice standards in relation to the use of covert investigation powers.
31. UK police forces are expected to meet the standards set out in the Code of Practice and the College of Policing's guidance and to develop local policies for the management of human sources that are consistent with these standards.
32. Under the Code of Practice, each force is also required to appoint a senior responsible officer (Assistant Chief Constable or higher) to hold responsibility for the integrity of processes in place for the management of human sources, compliance with the RIPA and the Code of Practice, ensuring all authorising officers are of an appropriate standard, and addressing the recommendations and issues identified in inspections by IPCO, the external oversight body.¹¹
33. The IPCO is a key feature of the UK framework, tasked with providing independent external oversight and authorisation of the use of investigatory powers by intelligence agencies, police agencies and other public authorities.
34. The IPCO's functions extend to the use of human sources. Its role is to oversee the use of human sources by public authorities, taking into account the public interest and ensuring that powers are used in accordance with the law. It has the power to conduct inspections and make recommendations to authorities on measures to address non-compliance or to improve practice.

⁹ RIPA s 71(1).

¹⁰ RIPA ss 71(3)-(4).

¹¹ Code of Practice, 55.

35. IPCO also has specific functions and powers where the use of a human source may involve the acquisition or use of privileged or confidential information (see further detail below).
36. I consider the establishment of IPCO to be a welcome development and its role a key safeguard in the UK framework for the use and conduct of human sources. Merseyside Police was subject to robust annual inspections, which always involved a personal examination of myself and a face-to-face, frank and open de-brief with the IPCO Judicial Commissioner at its conclusion. In my experience, IPCO adopts a constructive approach and seeks to promote and spread best practice principles and knowledge across police agencies and other public authorities.
37. While no model is perfect, in my view, the key benefits of the UK's framework are as follows:
- A clear and consistent framework governs all law enforcement agencies, within which difficult operational and ethical decisions can be made, offering protection to forces and their officers.
 - There is sufficient flexibility within this framework to allow for local differences. While the legislation and the Code set the parameters of relevant powers and the use of those powers, police forces can establish local guidelines and procedures that reflect their operating environment. Further, because the Code is not law, it can be altered to respond to emerging issues and changes in the operating environment.
 - The risk controls and decision-making processes required by the framework reduce the potential for corruption to go unnoticed and facilitate rigorous consideration as to whether the use and authorisation of a human source is necessary and proportionate.
 - The external governance and oversight provided by IPCO provides independent scrutiny along with a mechanism to improve practice and compliance with legislation and policy.
38. Given the covert nature of human source management, I appreciate the apprehension that some forces may feel towards creating a legislative framework and publicly available guidelines for the use of human sources. The use of human sources is essential to the ability of the police to investigate and solve serious crime. Protecting the identity of human sources is critical, as is the need to protect against public exposure that may compromise the effectiveness of police methodology. In my view, the UK framework enables this while also establishing clear parameters for the lawful use of covert powers.
39. Prior to the enactment of RIPA, covert policing guidance was not publicly available. In my experience, the publication of the Codes of Practice provides public assurance that the police are operating within a fair and regulated set of rules. This does not appear to have caused a problem for policing methodology.
40. People who become human sources inevitably place themselves at risk. The Code of Practice emphasises the responsibility of law enforcement agencies to protect the identity of sources.¹² In all cases it should be borne in mind that the risks to a source are unlikely to decline and could magnify with time; this continues to be the case following de-registration and likely for many years beyond. The Code of Practice makes clear that a handler is responsible for bringing to the attention of the controller any concerns that require amendment to the risk assessment, as to the conduct of the human source or their welfare.¹³

¹² Code of Practice, 43.

¹³ Code of Practice, 33-34.

41. The courts have well-established legal procedures under public interest immunity arrangements that enable judges to reconcile the conflicting public interests of protecting the identity of a source and the fair administration of justice. Relevant guidance materials contain detailed explanation of the procedure.
42. I have seen no evidence to indicate that a legislative framework deters the use of human sources. In my opinion, such a view is outdated and the UK legislative framework is effective and workable. Provided the Codes of Practice and guidance are followed, it is the legislative framework that gives the prosecution the opportunity to present the best case. At the same time, no legislative framework can fully protect against human error, inexperience or deliberate misconduct. The protections afforded by the legislation and the Code of Practice need to be supported by strong leadership and culture that encourages adherence to the highest ethical standards and welcomes external oversight.

Use of sources with obligations of confidentiality and privilege

43. The degree of information and guidance in the Code of Practice relating to privileged and confidential information is surprising. It is likely a response to specific incidents and problems that may have arisen in the UK, particularly in relation to the use of surveillance powers.
44. While the Code of Practice does not expressly state this, it does appear to anticipate that in exceptional circumstances, a human source may be a person subject to professional obligations of confidentiality or privilege. In my opinion, these exceptional circumstances are limited to circumstances of the highest order, such as an imminent threat to life, an arranged contract killing yet to take place, etc. Separately, I understand that this accords with the law relating to privilege, which makes exceptions for what might otherwise be breaches of privilege in relation to such information.
45. In order to manage circumstances where it is intended to acquire or where legally privileged material from a human source may be obtained, the *Regulation of Investigatory Powers (Covert Human Intelligence Sources: Matters Subject to Legal Privilege) Order 2010* (UK) (2010 Legal Privilege Order) operates to require enhanced authorisation processes. The use of such a human source must be authorised at the most senior level within police forces (Chief Constable) and approved by a Judicial Commissioner from IPCO.
46. The Code of Practice contains other safeguards related to the use and dissemination of legally privileged material, confidential personal information, confidential constituent information and confidential journalistic material obtained from a human source. I understand authorisations of such human sources are for a reduced period, which reflects the heightened risk associated with their use. I understand authorities are also required to consult with internal legal advisers about the acquisition and use of privileged material.¹⁴
47. My own view is that while any use of a criminal barrister as a human source is undesirable and to be avoided, it is not possible to dismiss the prospect altogether. In such a case, prior to the authorisation of such a source, I would expect a thorough risk assessment, the development of associated mitigating measures and a full analysis of whether the desired outcome could be achieved by other means. I would also anticipate that any registration would be a 'one-off' and strictly time and issue-restricted scenario to manage the set of extreme circumstances and the human source should be de-registered after the relevant event.

¹⁴ Code of Practice, 43-54.

48. Noting the above, in all my experience, I have never come across a lawyer (barrister or solicitor) registered as a human source. I have asked the question of former senior and experienced colleagues, a former Leader of the Bar and a retired High Court Judge and I can find no one who has been involved in such a scenario. I have found a similar vacuum of experience relating to doctors and journalists. This, of course, does not mean that it has not happened in the UK or indeed, that it is not currently happening.

Authorising officers

49. Under the 2010 Order, there is a requirement that all forces appoint authorising officers of at least the Superintendent rank to approve the use of human sources.
50. The 2010 Legal Privilege Order requires enhanced authorisation and external approval processes for the use of certain human sources, such as those who may provide privileged or confidential information. In these circumstances, the authorising officer role is performed at the Chief Constable level, who under the 2010 Legal Privilege Order, must give notice to and seek approval from the relevant external 'approving officer'. In the case of law enforcement agencies, the relevant approving officer is a Judicial Commissioner within IPCO.
51. In my time at Merseyside Police, the role of authorising officer was a dedicated role. This was also the case in other large forces (London, Liverpool, Manchester, etc.) though I note not every force has a dedicated Superintendent authorising officer. Organised crime challenges have tended to be centralised to the larger metropolitan forces, which demands a dedicated and coordinated response. These same considerations may not be as relevant in smaller, rural forces and geography and logistics may be a relevant consideration in deciding whether centralised decision-making is appropriate. Noting this, the force I ran was one of the largest in the UK and services a very busy and metropolitan area with a high crime rate.
52. There are other benefits in having a dedicated authorising officer. The role facilitates intrusive supervision, where authorising officers actively challenge controllers and handlers in how they propose to use and manage a source and to manage the attendant risks. When considering an overall human source strategy, quality is better than quantity and quality comes with effective intrusive supervision, such as is exercised by authorising officers.
53. In my view, there are real risks in diluting the role of authorising officers in larger forces. Some years ago, Her Majesty's Inspectorate of Constabulary undertook a review into police forces' organised crime capabilities. The review emphasised the problems arising from 'double hatting' – officers performing multiple high-risk specialised roles simultaneously. This was not specific to authorisation of the use of human sources, but there are relevant parallels. Where officers are managing a number of high-risk operational areas or through a pressured and resource scarce environment, the risk that key considerations and concerns go unnoticed is greater. Having a dedicated authorised officer to consider proposed decisions to use human sources guards against this risk.

54. The concept that a source is 'owned' by the agency and not the handler is crucial. The mind-set that supervisors of handlers don't 'need to know' has existed in UK law enforcement historically; that said, in my own case, my supervisors always knew the identity of my sources; I regarded that as protection for me. Under current arrangements, supervisors and handlers are part of the dedicated source unit model in which all staff are subject to extended positive vetting. In any event, supervisors are 'exposed' to a source's true identity as they are present when monetary rewards are paid.
55. One of the primary benefits of the dedicated source unit model (discussed further below) is that supervisors have the ability to oversee and direct source coverage, identify opportunities and avoid inappropriate tasking. Somebody must have the ability to 'join the dots'. This also helps to prevent 'blue on blue' (i.e. the tasking of sources into undercover officers and vice versa). It is important to draw the distinction between the handler's supervising officer, who should know the identity, and the senior investigating officer in receipt of the intelligence, who generally does not.

Dedicated source units

56. In the UK, human sources are managed by dedicated source units as required by national guidance.
57. A dedicated source unit, with a single source registrar managing human sources brings many benefits; decisions to task sources are informed by centrally held intelligence and the dedicated unit has a holistic understanding of the overall picture. As a result, the unit can ensure sources are run according to handler experience and capability. Centrally held records, intelligence and risk assessments also enable the earlier identification of and limitation of operational risks.
58. There are many myths surrounding the use of human sources, with a common myth being the view among some handlers that a source 'will only talk to me'. In my opinion, a source will speak to anyone who understands them and their motivations; operating procedures should reflect this. In my experience in the police force, when identifying an individual for potential human source recruitment, if the authorising officer considered that person to be suitable, a trained recruiter would then be put in contact with the person. By dispersing key activities across a number of people and through the decision making of the authorising officer, the prospect that individual officers view that they 'own' a human source is reduced, and there is more likely to be a force-wide attitude that sources are organisational resources. In doing so, the risk of inappropriate relationships forming with a human source is reduced. The alternative – that officers view human sources as connected to them – is often true and operates as a key risk in decentralised models.
59. As well as requiring trained and experienced individuals, the staffing of dedicated source units demands a range of individuals that reflects the diversity of the operational environment and the source pool. The longer an individual works in a source environment, the greater the risks of over familiarity—as such, a tenure policy should be in place. At the same time, it is a skilled business that demands sound judgement borne of experience. A balance in the length of tenure needs to be achieved and supervisors must be alive to the risks.

Training

60. Training of officers involved in human source management is critical at all levels. Effective and ethical handlers are those who have a sound record of investigating with integrity and an unblemished discipline record. They will also have a deep and nuanced understanding of the relevant legislative, policy and guidance frameworks they are working in and be able to apply these with discretion to relevant circumstances. To do this, officers need to be provided with the requisite training to support them in navigating challenging operational and ethical situations. This is true for all officers involved in human source management, at all levels.
61. Before the enactment of RIPA, all too often, senior officers responsible for authorising the use of human sources lacked the relevant experience or did not receive the essential training to equip them with the skills and knowledge to critically assess risks and actively challenge handlers and controllers. Without such training, it is difficult for supervising officers to identify the integrity and corruption risks that accompany the use of human sources and to clearly and consistently reinforce the principles of proportionality and necessity and appropriate and ethical conduct in the use of sources.
62. The historical absence of training for chief officers responsible for authorising the use of certain human sources created significant risks. It is essential that such officers are equipped with the knowledge and skills to challenge the 'experts' (handlers and controllers) to create an effective system of checks and balances.
63. I understand that under national guidance, UK forces are required to implement training programs that demonstrate national standards are being achieved, including requirements that:
 - All those who deal with human sources must undertake initial awareness training that provides them with the knowledge and ability to identify and deal with human sources and potential human sources.
 - Authorising officers must undertake a specific training plan designed for those responsible for considering applications for authorisation of sources and overseeing law enforcement agency source systems.
 - Those directly responsible for handling human sources must complete a core skills training program. They will then go on to complete an enhanced skills training program.
 - Forces establish a dedicated source unit.
64. Scenario-based training is important for all officers involved in the authorisation, management and oversight of the use of human sources. This type of training provides officers the opportunity to apply their techniques in a safe and risk-controlled environment and develop a comprehensive and sophisticated understanding of the principles of proportionality and necessity that they must satisfy. Such training should convey the duty of care that officers owe to the source and others and the complexity of determining risks and rewards in different scenarios. The impacts of intrusive powers on the human rights of sources and any other individuals need to be considered and balanced against the impacts of *not* using those powers (for example, the duty of care that officers owe to potential future victims of crime should also be considered).

65. I understand such training is now delivered to all potential Chief Officers attending the national Strategic Command Course (a requirement for Chief Officer rank in the UK), and as noted above, the officers responsible for authorising the use of high risk human sources.

Disclosure obligations of police

66. In my opinion, proposed decisions to register a human source should include consideration of whether the registration has, should be, or will need to be discussed with a Crown Prosecutor. When considering RIPA applications for a human source to participate in crime or any undercover operation, I would ask for a personal briefing from the officers prior to any authorisation and would seek confirmation that this engagement with the Crown Prosecutor had occurred. If this hadn't been done or considered and was needed, I would not authorise the registration until it occurred. Consultation with the Crown Prosecutor is necessary in these circumstances to avoid resources being unintentionally wasted on pursuing a prosecution that falls over in court or obtaining a conviction that does not withstand judicial scrutiny.
67. Disclosure is an onerous responsibility but necessary to protect the integrity of prosecutions and to secure convictions. In the UK, disclosure officers are operational police members, but they work closely with the Crown Prosecution Service from the outset.
68. The current disclosure regime has been in place since the enactment of the *Criminal Investigation Procedures Act 1996* (UK) (CIP Act). It is fair to say that it took investigators some time to come to terms with the full requirements of the Act and there have been some high-profile unsuccessful prosecutions due to failure to comply with the CIP Act.
69. I accept that compliance with disclosure obligations is very time-consuming. Investigations involving organised crime syndicates are very complex and can involve two to three-year operations. It is critical that from day one, an exhibits officer and disclosure officer are appointed and hold responsibility for recording evidence as they go. It cannot be an afterthought. This is the way that covert operations are run now in the UK.
70. I was recently involved in the review of an investigation at the request of the UK Government. On review, it became apparent that the investigation failed due to poor disclosure practices—up to 100 disclosure officers had been nominated at various points and a disclosure schedule had not been developed and adhered to from day one. The 100 figure relates to the number of officers the agency had designated as disclosure officers but provided no training.
71. Typically, disclosure officers and exhibits officers are not dedicated roles. Unlike authorising officers, it is not necessary for them to be dedicated roles because the workload varies, and it is possible to simultaneously undertake other duties. However, experience and training in disclosure is critical—the officers need to become experts in what they do. It is just as important that officers involved in human source management and investigators receive training on disclosure obligations as it is that they receive training on human source management.
72. The Liverpool John Moores University runs disclosure training and utilises retired Crown Prosecution Service lawyers, including those involved in developing the nation's disclosure manual. Training arrangements associated with disclosure obligations differ from force to force. In Merseyside, detectives ran training with some involvement of Crown Prosecution Service lawyers.

Use and management of human sources – final comments

73. The risks in engaging human sources, including those with obligations of confidentiality and privilege, are complex and many – both strategically and tactically. The nature of human source management is such that no matter how effective an agency's policies are, they simply cannot account for all circumstances.
74. The integrity of policing is impacted where:
- Leadership does not welcome transparency and accountability. It is crucial that leaders approach external governance and oversight with openness and are willing to undergo critical evaluation and scrutiny that will ultimately serve to strengthen police practices. Policing activities that are conducted in secret and without supervision and oversight create corruption and misconduct risks. The same can be said for controllers who become too close to the handler so that their objectivity and effectiveness is impaired.
 - Organisations rarely question an individual's success. In circumstances where police corruption is revealed, I have often heard statements like, 'he was always a good cop – he produced great results.' Too often, successes go unquestioned by senior officers leaders, creating a breeding ground for conduct that blurs criminal and ethical boundaries.
 - Senior officers responsible for authorising the use of human sources lack relevant experience or do not receive the training necessary to equip them with the skills and knowledge to critically assess risks and actively challenge handlers and controllers.
 - Officers involved in human source management fail to understand or interrogate the stated motives of human sources, creating opportunities for human sources to obtain and misuse police information and inappropriately influence policing tactics.
 - Organisations do not appreciate that those selected to recruit human sources are not necessarily skilled to manage the ongoing relationship, leading to poor risk control. Officers managing the relationship need to be able to identify, consider and appropriately balance ethical considerations. Just because guidelines do not preclude a course of action, does not necessarily mean that it is a sensible course of action—I would put the use of human sources subject to obligations of privilege or confidentiality firmly in this category.
 - Officers fail to sufficiently identify and weigh up all relevant risks, explain the rationale for proposing the use of the human source or consider the full range of consequences for doing so, including potential impacts on the administration of justice and public perceptions of and confidence in police.
75. It should be recognised that the recruitment and handling of human sources creates the additional risk of providing an opportunity for criminals to recruit police officers. While the officer may believe that he or she is in control of the relationship, the converse may be true. The question '*who is running who*' should consistently be at the forefront of the minds of all concerned. This was a critical question raised during corruption inquiries and reviews in which I was involved, which considered the flow of information from handlers to sources. I often observed that the handler compromised themselves and in doing so, enabled the source to dictate policing tactics.
76. Any framework of strategies and their effective implementation should be capable of identifying existing and emerging risks. Documented risk assessments are a requirement of UK legislation. Provided that they are regularly reviewed and updated and that relevant mitigating strategies are put in place, they are a critical path to the successful management of

human sources. Risk versus reward, and the necessity and proportionality of a course of action, need to be carefully and comprehensively assessed before deploying any intrusive powers, including the use of human sources. The officers responsible for conducting and authorising such activity ought to be thinking through at the outset whether they can reasonably justify the activity in the face of any future scrutiny.

77. I recall a senior officer saying to me when I was a young detective, *'you don't find informants in church'*. I have also often heard, *'they are a necessary evil'*. There is a great deal of truth in both assertions and consequently, it is not possible to run a risk-free human source system. In considering the risks of a course of action, officers ought to ask themselves, *'If all of this unravels, how comfortable am I with the thought of explaining and defending what I am authorising before the Courts, a Parliamentary Committee or Public Inquiry or the public at large?'*



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Sir Jonathan Michael Murphy, QPM, DL

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