

Using tasked witnesses and witnesses who assist

This guidance is based on the Regulation of Investigatory Powers Act 2000 (RIPA)

Valid from 29 October 2013

This guidance is based on the Regulation of Investigatory Powers Act 2000 (RIPA)

Using tasked witnesses and witnesses who assist

About this guidance

Definition of a tasked witness
Criteria for using a tasked witness
Use and conduct authority – the process you must follow
Meetings with tasked witnesses
Considering security and other issues
The 'witnesses who assist' process

This guidance tells Home Office staff and officers working in criminal investigation teams in immigration enforcement about tasked witnesses and how to deal with them, about witnesses who assist and the modified process you are sometimes allowed to use.

It gives information on the following:

- definitions of tasked witness and a witness who assists
- about the tasked witness process
- procedures for dealing with tasked witnesses, and
- the modified process for witnesses who assist.

Changes to this guidance – This page tells you what has changed since the previous version of this guidance.

Contacts – This page tells you who to contact for help if your senior caseworker or line manager can't answer your question.

Information owner – This page tells you about this version of the guidance and who owns it.

Safeguard and promote child welfare - This page explains your duty to safeguard and promote the welfare of children and tells you where to find out more information.

In this section

Changes to this quidance

Contact

Information owner

Related links

Links to staff intranet removed

This guidance is based on the Regulation of Investigatory Powers Act 2000 (RIPA)

Using tasked witnesses and witnesses who assist

Changes to this guidance

Changes to this guid			T
About this guidance	This page lists changes to the using tasked witnesses and witnesses who assist guidance,		Related links
Definition of a tasked	with the most recent at the top.		How to use the tasked
<u>witness</u>			witness process
Criteria for using a	Date of the change	Details of the change	
tasked witness	29 October 2013	Six month review by the modernised guidance	First contact, authority
Use and conduct		team:	levels and closure
authority – the process			
you must follow		How to use the tasked witness process:	Tasked witness process
Meetings with tasked		 restricted text changed 	- roles and
<u>witnesses</u>		First contact, authority levels and closure:	<u>responsibilities</u>
Considering security		 restricted text changed 	
and other issues		Tasked witness process - roles and	Considering security
The 'witnesses who		responsibilities:	and other issues
assist' process		 restricted text changed 	
		Considering security and other issues:	See also
		 restricted text changed 	<u>Contact</u>
		Minor housekeeping changes.	
			Information owner
	29 April 2013	Six month review by the modernised guidance	Links to staff interest
		team:	Links to staff intranet
			removed
		How to use the tasked witness process:	
		sub-heading 'Dealing with confidential	
		information' national source unit	
		telephone number changed	
		First contact, authority levels and closure:	
		 sub-heading 'First point of contact' 	
		national source unit telephone number	
		changed	
		Minor housekeeping changes.	
	· -		

For previous changes to this guidance you will find all earlier versions in the archive. See related link: Using tasked witnesses - archive.	



This guidance is based on the Regulation of Investigatory Powers Act 2000 (RIPA)

Using tasked witnesses and witnesses who assist

Definition of a tasked witness

About this guidance
Criteria for using a
tasked witness
Use and conduct
authority – the process
you must follow
Meetings with tasked
witnesses
Considering security
and other issues
The 'witnesses who
assist' process

This section tells you the definition of a tasked witness.

A tasked witness is a person who:

- is likely or expected to give evidence in any forthcoming court case as a witness
- is required to fulfil the role of a covert human intelligence source (CHIS) in connection with the enquiry, and
- will give evidence of their activity as a CHIS.

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For more information and the full definition of a CHIS, see links:

- RIPA 2000, and
- Covert human intelligence sources code of practice.

Related links

Links to staff intranet removed

External links

RIPA 2000

Covert human intelligence sources code of practice

This guidance is based on the Regulation of Investigatory Powers Act 2000 (RIPA)

Using tasked witnesses and witnesses who assist

Criteria for using a tasked witness

About this guidance
Definition of a tasked
witness
Use and conduct
authority – the process
you must follow
Meetings with tasked
witnesses
Considering security
and other issues
The 'witnesses who
assist' process

This page tells you the conditions the investigation must meet before you can apply to use a tasked witness.

You must be satisfied all the criteria have been met before you can consider using a tasked witness.

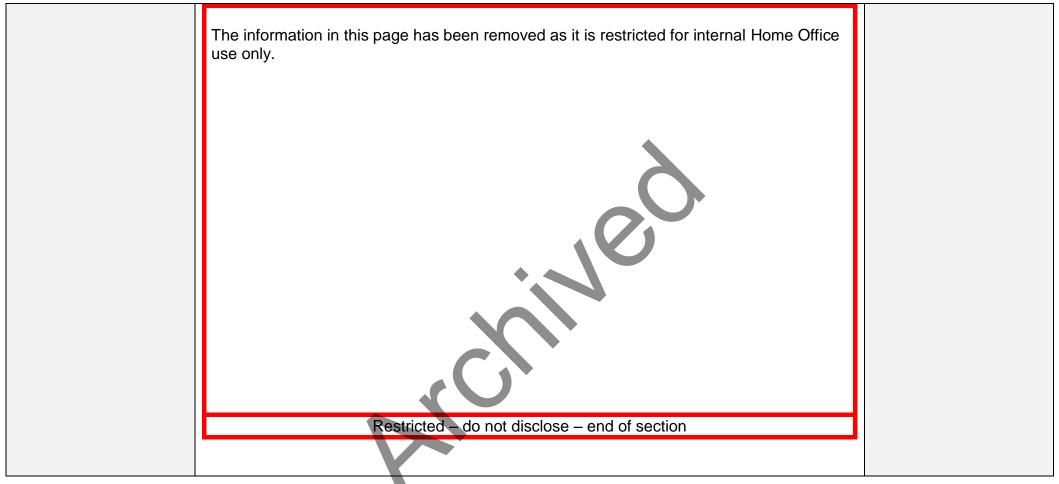
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Related links

First contact, authority levels and closure

Links to staff intranet removed



This guidance is based on the Regulation of Investigatory Powers Act 2000 (RIPA)

Using tasked witnesses and witnesses who assist

Use and conduct authority – the process you must follow

About this guidance
Definition of a tasked
witness
Criteria for using a
tasked witness
Meetings with tasked
witnesses
Considering security
and other issues
The 'witnesses who
assist' process

This section tells you about the benefits of using the tasked witness process, who to contact and the roles and responsibilities of the process.

The use and conduct of a tasked witness process provides:

- a transparent, documented process:
 - o that gives a witness 'use and conduct' authority, and
 - o without the need to disclose sensitive documentation or methods used.

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By following the tasked witness process you can meet:

- all of the guidelines, and
- the requirements for using a tasked witness.

In this section

How to use the tasked witness process

First contact and authority levels and closure

Tasked witness process

- roles and responsibilities

External links RIPA 2000

Covert human intelligence sources code of practice

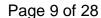
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For more information see related links:

- RIPA 2000, and
- RIPA code of practice for the use of human intelligence sources.

Dedicated source units (DSU)

You may come across the term 'dedicated source unit' when using a tasked witness. Dedicated source units are used for handling CHIS rather than tasked witnesses.



This guidance is based on the Regulation of Investigatory Powers Act 2000 (RIPA)

Using tasked witnesses and witnesses who assist

How to use the tasked witness process

About this guidance
Definition of a tasked
witness
Criteria for using a
tasked witness
Use and conduct
authority – the process
you must follow
Meetings with tasked
witnesses
Considering security
and other issues
The 'witnesses who
assist' process

This page tells you about the tasked witness process and risks you need to think about when you are considering applying to use this process.

Applications

If you are dealing with a covert human intelligence source (CHIS) and you want to apply to use a tasked witness, you must be aware of and comply with:

- all relevant Home Office policy and associated procedures, including:
 - o Regulation of Investigatory Powers Act 2000 (RIPA), and
 - o the Association of Chief Police Officers (ACPO) guidelines.

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For more information, see related links:

- RIPA 2000
- Covert human intelligence sources code of practice
- Application/renewal for the use and conduct of a tasked witness.

Restricted – do not disclose – start of section

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In this section

First contact and authority levels and closure

<u>Tasked witness process</u> - roles and responsibilities

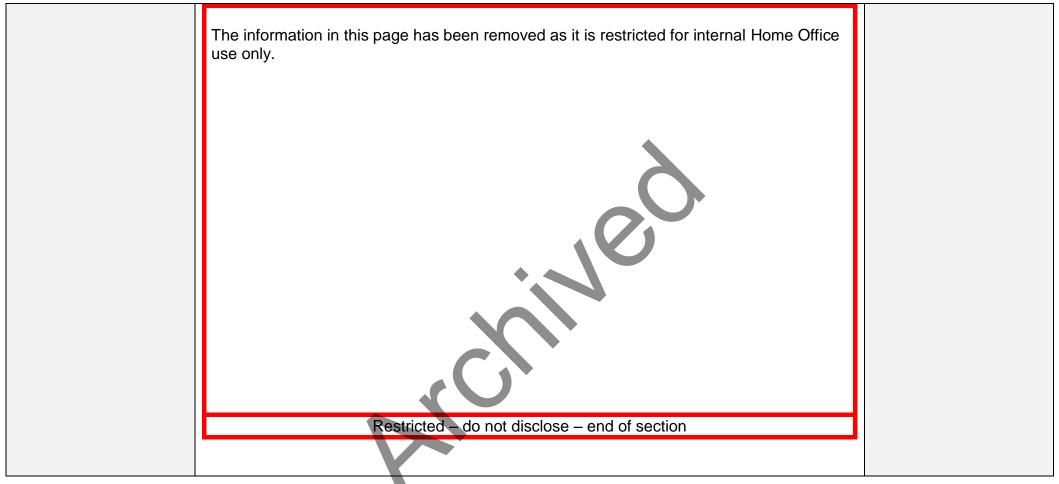
Related links

Links to staff intranet removed

External links

RIPA 2000

Covert human intelligence sources code of practice



This guidance is based on the Regulation of Investigatory Powers Act 2000 (RIPA)

Using tasked witnesses and witnesses who assist

First contact, authority levels and closure

About this guidance
Definition of a tasked
witness
Criteria for using a
tasked witness
Use and conduct
authority – the process
you must follow
Meetings with tasked
witnesses
Considering security
and other issues
The 'witnesses who
assist' process

This page tells you who to contact before you apply to use a tasked witness, what level of authority you must have to use one and closing the authority.

Restricted – do not disclose – start of section

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In this section

How to use the tasked witness process

<u>Tasked witness process</u>
- roles and
responsibilities

Related links

Considering security and other issues

Links to staff intranet removed

External links

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Restricted - do not disclose - end of section

This guidance is based on the Regulation of Investigatory Powers Act 2000 (RIPA)

Using tasked witnesses and witnesses who assist

Tasked witness process - roles and responsibilities

About this guidance
Definition of a tasked
witness
Criteria for using a
tasked witness
Use and conduct
authority – the process
you must follow
Meetings with tasked
witnesses
Considering security
and other issues
The 'witnesses who
assist' process

This page tells you about the roles and responsibilities you will have, depending on your part in an investigation, which involves using a covert human intelligence source (CHIS) or tasked witness.

Due to the complexities involved in many covert operations, the investigation must be overseen by an officer of at least:

- Her Majesty's inspector (HMI)
- senior investigations officer (SIO), or
- detective inspector rank.

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In this section

How to use the tasked witness process

First contact and authority levels and closure

Related links

Links to staff intranet removed

External links



This guidance is based on the Regulation of Investigatory Powers Act 2000 (RIPA)

Using tasked witnesses and witnesses who assist

Meetings with tasked witnesses

About this guidance This page tells you how to handle a meeting with a tasked witness and what records you **External links** Definition of a tasked must keep of the meeting. R v Bryce witness Criteria for using a Restricted – do not disclose – start of section tasked witness Use and conduct The information in this page has been removed as it is restricted for internal Home Office authority – the process use only. you must follow Considering security and other issues The 'witnesses who assist' process Restricted – do not disclose – end of section

This guidance is based on the Regulation of Investigatory Powers Act 2000 (RIPA)

Using tasked witnesses and witnesses who assist

Considering security and other issues

About this guidance
Definition of a tasked
witness
Criteria for using a
tasked witness
Use and conduct
authority – the process
you must follow
Meetings with tasked
witnesses
The 'witnesses who
assist' process

This page tells you about the security matters and issues you need to be aware of when dealing with a tasked witness, and what to do if they arise.

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Related links

First contact, authority levels and closure

Links to staff intranet removed

External links



This guidance is based on the Regulation of Investigatory Powers Act 2000 (RIPA)

Using tasked witnesses and witnesses who assist

The 'witnesses who assist' process

About this guidance
Definition of a tasked
witness
Criteria for using a
tasked witness
Use and conduct
authority – the process
you must follow
Meetings with tasked
witnesses
Considering security
and other issues

This section tells you what the process is if you want to use a 'witness who assists' and which witnesses are eligible to be considered as a 'witness who assists'.

The process for 'witnesses who assist' is one you can use when you have a witness who:

- is willing to 'assist' your investigation, but
- who will not be tasked with any covert activity.

Restricted – do not disclose – start of section

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In this section

'Witnesses who assist' process - roles

Documents used in the 'witnesses who assist' process

Closing a case in the witnesses who assist process

External links RIPA 2000

Covert human intelligence sources code of practice

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For general information on humint (human intelligence) and covert human intelligence sources (CHIS), see related links:

- RIPA 2000, and
- Covert human intelligence sources code of practice

This guidance is based on the Regulation of Investigatory Powers Act 2000 (RIPA)

Using tasked witnesses and witnesses who assist

'Witnesses who assist' process - roles

About this guidance
Definition of a tasked
witness
Criteria for using a
tasked witness
Use and conduct
authority – the process
you must follow
Meetings with tasked
witnesses
Considering security
and other issues
The 'witnesses who
assist' process

This page tells you about the roles and responsibilities of using the 'witnesses who assist' process.

Restricted – do not disclose – start of section

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In this section

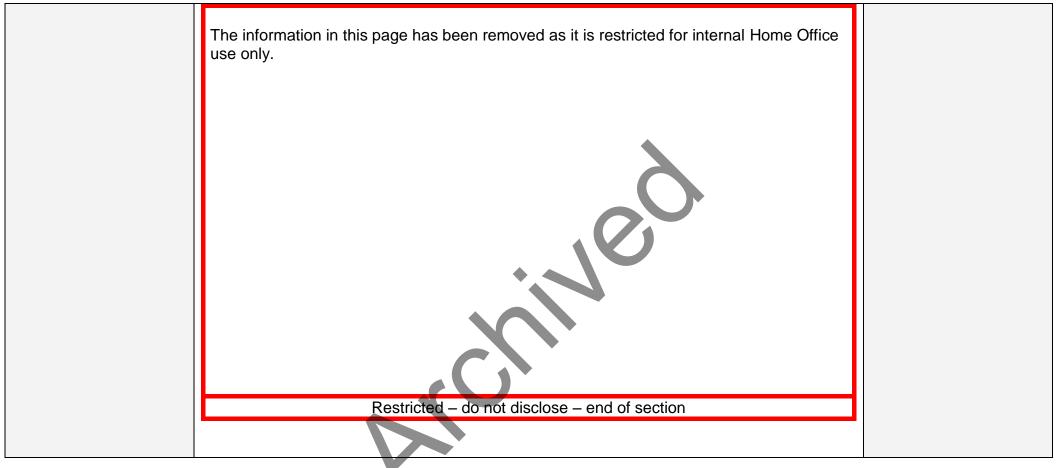
<u>Documents used in the 'witnesses who assist'</u> <u>process</u>

Closing a case in the 'witnesses who assist' process

Related links

Considering security and other issues

Links to staff intranet removed



This guidance is based on the Regulation of Investigatory Powers Act 2000 (RIPA)

Using tasked witnesses and witnesses who assist

Documents used in the 'witnesses who assist' process

About this guidance
Definition of a tasked
witness
Criteria for using a
tasked witness
Use and conduct
authority – the process
you must follow
Meetings with tasked
witnesses
Considering security
and other issues
The 'witnesses who
assist' process

This page tells you about the documents you must complete when using the 'witnesses who assist' process.

Restricted – do not disclose – start of section

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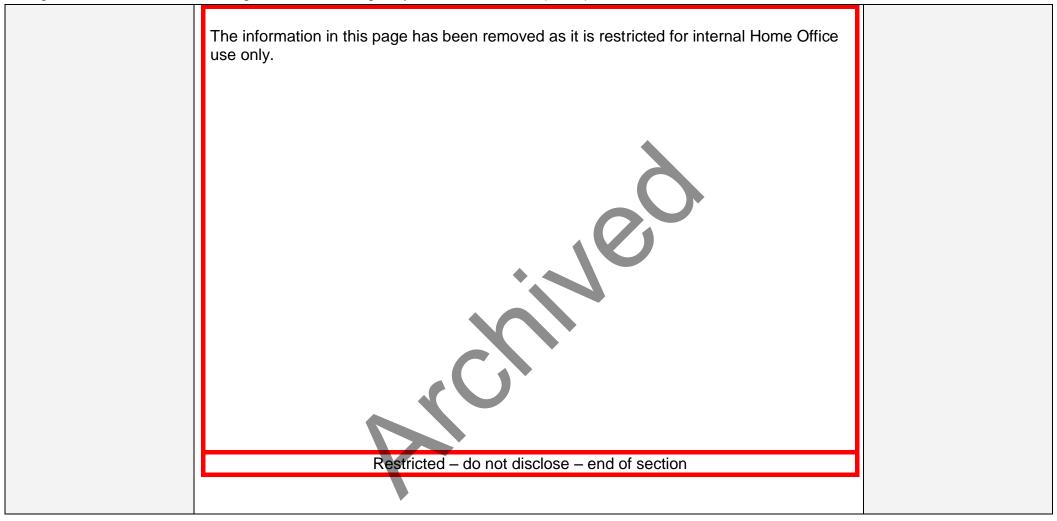
In this section

'Witnesses who assist' process - roles

Closing a case in the 'witnesses who assist' process

Related links

Links to staff intranet removed



This guidance is based on the Regulation of Investigatory Powers Act 2000 (RIPA)

Using tasked witnesses and witnesses who assist

Closing a case in the 'witnesses who assist' process

About this guidance
Definition of a tasked
witness
Criteria for using a
tasked witness
Use and conduct
authority – the process
you must follow
Meetings with tasked
witnesses
Considering security
and other issues
The 'witnesses who
assist' process

This page tells you about the steps you must take when you stop using the 'witnesses who assist' process.

Once the operation has finished there are various actions you need to take, depending on your role:

Restricted – do not disclose – start of section

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In this section

'Witnesses who assist' process - roles

Documents used in the witnesses who assist process

This guidance is based on the Regulation of Investigatory Powers Act 2000 (RIPA)

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Restricted – do not disclose – end of section

This guidance is based on the Regulation of Investigatory Powers Act 2000 (RIPA)

Using tasked witnesses and witnesses who assist

Contact

About this guidance
Definition of a tasked
witness
Criteria for using a
tasked witness
Use and conduct
authority – the process
you must follow
Meetings with tasked
witnesses
Considering security
and other issues
The 'witnesses who
assist' process

This page tells you who to contact if you need more help with a question about using tasked witnesses and the modified process for witnesses who assist.

If you have read this guidance and still need more help, you must first ask your line manager.

If you need further help you may contact:

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Changes to this guidance can only be made by the modernised guidance team (MGT). If you think the policy content needs amending you must contact the criminal investigation operational guidance team, using the related link, who will ask the MGT to update the guidance, if appropriate.

The MGT will accept direct feedback on broken links, missing information or the format, style and navigability of this guidance. You can send these using the link: Email: Modernised guidance team.

In this section Changes to this quidance

Information owner

External links
Links to staff intranet removed

This guidance is based on the Regulation of Investigatory Powers Act 2000 (RIPA)

Using tasked witnesses and witnesses who assist

Information owner

About this guidance
Definition of a tasked
witness
Criteria for using a
tasked witness
Use and conduct
authority – the process
you must follow
Meetings with tasked
witnesses
Considering security
and other issues
The 'witnesses who
assist' process

This page tells you about this version of the guidance on the use of tasked witnesses and witnesses who assist and who owns it.

Version	3.0
Valid from date	29 October 2013
Guidance owner	Official – sensitive: information removed
Cleared by director	Official – sensitive: information removed
Director's role	Official – sensitive: information removed
Clearance date	11 October 2012
This version approved for	Official – sensitive: information removed
publication by	
Approver's role	Official – sensitive: information removed
Approval date	8 October 2013

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In this section Changes to this quidance

Contact

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