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Risk and Resilience: Mitigating Corruption Vulnerability When Managing Informers

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Abstract: Corrupt relationships between investigators and informers can compromise the integrity of the criminal justice system. Supervision of relationships between individual investigators and individual informers is impeded by lack of transparency in the information transactions. Drawing upon behavioural theory and structural theory approaches to corruption mitigation, this paper identifies a *purpose-process-product-people* taxonomy of vulnerabilities in relation to informer management. This framework is applied in arguing that dedicated informer handling units and mechanisms are an improvement of traditional investigator-informer relationship management because of the enhanced opportunities for supervising handlers and the reduced opportunities to exploit vulnerabilities in which corruption might otherwise flourish.

Keywords: Informers; corruption; process; covert investigation management

The use of informers in the conduct of law and regulatory enforcement investigations has a long history, stretching back to biblical times (Gospel of St Matthew, 26.47-49; 27.3).[1] Various legal authority frameworks exist for this tactic, founded upon the different legal philosophies of positive authority, negative liberty, or exemption from liability (Harfield, 2018). In the United States, with its multiple jurisdictions, neither case law nor statute especially regulate the practice, and police have "a relatively free hand" in their deployment of informers (Fernandez & Takei, 2019); sometimes with tragic consequences (Stillman, 2012). In the United Kingdom for the past two hundred years case law has provided authority, recognizing that informers deserve protection because of the service they perform (for example: *Hardy's Case* (1794) 24 St Tr 199; *AG v Bryant* (1846) 15 M&W 169; *D v NSPCC* [1978] AC 171). The public interest in the contribution informers may make to the criminal justice process has been cited:

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> One of the most effective weapons in the hands of the detective is the informer. Once the identity of a suspect can be established, even if he does not confess, it will often be possible to obtain scientific or other evidence to connect the suspect with a crime and so corroborate the informer. It is to the advantage of law abiding citizens that criminals should be encouraged to inform upon their criminal colleagues. *R v King* (1998) 7 Ct App R (S) 227.

Case law subsequently has been reinforced with statute in s 26 and 29 *Regulation of Investigatory Powers Act 2000* (UK). In Australia use of informers generally comes within the scope of 'controlled operation' legislation which provides exemption from criminal liability in certain circumstances (Murphy, 2014, 2021). Following a recent scandal in relation to the registering of a defence lawyer, Nicola Gobbo, as a police informer (Dowsley & Carylon, 2020; McMurdo, 2020), the State of Victoria (Australia) introduced a *Human Source Management Bill* to the state legislature in 2022, although the Bill lapsed at the conclusion of the 59th Parliament (https://www.legislation.vic.gov.au/bills/human-source-management-bill-2022).

Nicola Gobbo was struck off the roll of licenced barristers in 2020 (*Victorian Legal Services Board v Gobbo* [2020] VSC 692), the High Court of Australia having earlier concluded that her actions, and those of Victoria Police, amounted to corruption that "debased fundamental premises of the criminal justice system" (*AB v CD; EF v CD* [2018] HCA 58, at 10: no Victorian Police officer has faced any disciplinary or legal consequence arising from this matter.) This, perhaps extraordinary, example of how the public interest in an efficacious criminal justice system characterized by integrity can be ill-served by the use of informers provides an Antipodean supplement to the U.S.-based evidence and concerns advanced by Natapoff (Natapoff, 2006, 2022). The use of informers is morally problematic, although argument can be made that in prescribed circumstances regulated deployment of an informer is justifiable over and above countervailing interests (Harfield, 2012, 2014). Beneficial to the detection and prosecution of crime though informing undoubtedly is, routinized and unregulated recourse to informers creates the potential for corruption because, to ensure the informer is protected from the risk of exposure leading to retribution, meetings between investigators and informers are generally conducted covertly. In the absence of transparency, corruption may thrive thus compromising the integrity of the criminal justice system, a fundamental social institution in which the community has vested public interest.

The vulnerability of individual corruption in the relationship between individual police officers and the informer(s) being managed is well-documented in multiple jurisdictions. In the United States FBI agent John Connolly was corrupted by his informer James Whitey Bulger (Lehr & O'Neill, 2015). In a striking role-reversal, English

Regional Crime Squad Detective Constable John Donald was 'turned' by criminal Kevin Cressey to become Cressey's informer in exchange for cash (Clark, 2001), and corrupt police-informer relationships are considered to have been instrumental in the still unsolved 1987 murder of private investigator Daniel Morgan (Daniel Morgan Independent Panel, 2021). In Australia, corrupt police-informer relationships were discovered through public enquiry not only in Victoria Police (McMurdo 2020), but also in the New South Wales Police Force (Wood, 1997), and in the Queensland Police Service (Fitzgerald, 1989; Needham, 2009).

A particular example from Australia serves the purpose here for the discussion that follows. Former New South Wales Crime Commission [NSWCC] Assistant Director Mark Standen was convicted in August 2011 of conspiracy to import precursor chemicals for narcotic production and of perverting the course of justice (Miranda, 2012).[2] His co-conspirators included one of Standen's informers, James Kinch (his executive seniority in the NSWCC notwithstanding, Standen insisted on continuing to engage directly in operational matters). Standen's relationship with Kinch was complex and is reported as having been corrupt from the outset. At Standen's trial NSWCC Commissioner Phillip Bradley, Standen's immediate line manager, testified to Standen's lax adherence to informer handling policy and procedure, from which ineffective (if not lax) supervision might be inferred.[3] Standen exploited the opportunity presented by inadequate informer-handler management within his organization to seek personal enrichment by unlawful means.

It is in the management of this particular corruption vulnerability that this paper seeks to make a contribution, drawing upon behavioural theory and structural theory as they relate to corruption suppression.

Understanding Risk and Vulnerability in Infiltration and Informing

Four general areas of risk can be identified in relation to the use of informers. First, those who provide information covertly are at risk of reprisal from those being informed against. Secondly, the organization or investigator intending to use the information provided covertly runs the risk that the information may be erroneous, false or deliberately misleading: misinformation insinuated to disrupt, divert or frustrate an investigation. A third area of risk to the organization or investigator arises if the informer manipulates the relationship with the authorities for reasons other than simply being rewarded for information provided. Alternatively, the organization is at risk (and potentially also the informer) if the investigator exploits the relationship with the informer for individual rather than organizational ends. These latter two scenarios, if not already a consequence of corruption, potentially give rise to corruption.

Areas of vulnerability in managing informers, the information they provide, and information about the informer can be categorized into a taxonomy according to organizational *purpose*, organizational *process*, organizational *product*, and/or *people* working for an organization: (see Table 1). Corruption in this context is understood to comprise the perversion or subversion of organizational purpose, organizational process, organizational product, and/or people working for an organization.[4]

Table 1: Areas of Corruption Vulnerability Concerning Investigating Agencies, Investigators and Informers

	Purpose of organization (including contributory purposes of organizational sub-units)	*Processes contributing to organizational purpose*	*Product (= information within organizational context of investigating/ regulating authority)*	*People (as contributors to organizational purpose)*
Areas of vulnerability	*[For example: a law enforcement agency within the criminal justice system]* 1 - Obtain reliable information to support investigations leading to prosecutions 2 - Without compromising the organization *NB - post-investigation asset recovery (which can be post conviction or pre-conviction) acts as a secondary organizational purpose for certain investigating agencies*	1 - Identifying/recruiting informer 2 - Identifying/recruiting handler (including self-selection) 3 - Meeting informer in remote location (so as to not to risk exposing informer links to investigating agency; or expose informer identity within investigating agency) 4 - Briefing informer 5 - Debriefing informer 6 - Analysing information provided 7 - Disseminating intelligence derived from such information	1 - Informer identity 2 - Handler identity 3 - Reliability of information provided by informer 4 - Access to raw information supplied by informer 5 - Access to analysed intelligence (knowledge) derived from informer information 4 - Use made of that knowledge product	1 - Informer 2 - Handler 3 - Source management 4 - Departmental command 5 -Law enforcement staff outside the source-handling environment but with access to knowledge product 6 - Law enforcement staff outside source-handling environment doing it for themselves *[NB - these different areas can be extended to include associate vulnerability - family/ friends/ colleagues of the informer or the handler]*

In the arena of the competing knowledge systems of organized crime and policing (Dean et al, 2010:195-6), information is the key value-asset for all protagonists and becomes the currency of corruption in the informer-investigator relationship. The acquisition, security, use and dissemination of information from or about informers, and of information about police methods and the state of police knowledge, create a market for corruption. Within this context, subversion of process by investigators for 'legitimate' ends (the furtherance of an investigation) also constitutes (noble cause) corruption if protections, prohibitions or other restrictions intended to ensure compliance and security have been compromised or evaded. Given that the information-gathering functional stage of the criminal justice system is fundamental to subsequent fact-finding and sanction decision-making functions at trial, any corruption of purpose, process, product or people at the initial stage, perverts and subverts subsequent functional stages of the criminal justice system.

Theoretical Explanations for Corruption

The analytical architecture used to identify vulnerabilities and potential problems can be supplemented for the purpose of strategic planning with Larmour's '*diagnosis-cure*' theoretical framework that explains corruption variously from the perspective of the individual (behavioural theory), the perspective of the organization (structural theory), and/or in the context of relationships (political theory) (2011). The diagnosis-cure paradigm identifies three possible strategic approaches to corruption minimisation. Of these three approaches relevant for consideration here are behavioural theory and structural theory. Applying these paradigms to informer corruption vulnerability facilitates identification of possible avenues of intervention and reduction.

Behavioural theory can itself be broken down into constituent elements: expectancy, equity, and acceptance. These are defined in the shaded rows in Table 2. The unshaded rows present what this means within the informer-management context - the manifestation of corruption symptoms - with italicised text highlighting problematic issues arising.

Table 2: Informer Management Corruption Vulnerability Mapped across a Behavioural Theory Framework

Paradigm/ Model	*Diagnosis*	*Cure*
Behavioural theory: Expectancy	Corruption is a calculated choice Actors will calculate chances of succeeding and benefitting from corrupt conduct	Raise perceived chances of detection; reduce perceived costs of compliance; appeal to alternative altruistic motives

	Lone investigator operating with an informer - if the motivation for corrupt conduct exists then this exclusive relationship offers significant opportunities to be corrupt. (E.g. In Standen's case motivation arose from gambling addiction and severe debt.)	Increased supervision of investigators who report using or who are believed to be using informers. *Issues of feasibility arise: how far does supervision go to demonstrate a non-corrupt relationship (i.e. prove a negative?)* *Both investigator & informer may have strong, if different motivations for engaging in corruption thus demanding bespoke counter-measures.*
Equity	Corruption justified as a means to redress perceived unfairness at work	Reduce, conceal - or better justify - perceived inequalities
	Staff wishing to secure career progression as investigators or increased access to overtime opportunities (perceived to be unfairly distributed) may resort to corrupt use of informers to enhance their own reputation or create investigations that then generate overtime opportunities.	Ensure transparency in investigator selection and overtime allocation. *Equity issues seem less likely to be motivation for corrupt exploitation of an informer relationship.*
Acceptance	Corruption is the way things are done	Improve induction, role modelling, staff turnover
	New investigators, being schooled in 'investigation practice' by longer serving officers where squad/unit socialization is likely to produce an environment of strong peer pressure, may succumb to/ adopt established working practices even if such practices are corrupt.	Training for informer handling to be conducted independently at remote location; mentoring from supervisors rather than 'old hands'. *Issues of operating culture arise: difficult for off-site training and supervisory mentoring to overcome day-to-day peer pressures, especially on investigators trying to prove themselves to colleagues.*

In the Australian example of Mark Standen's corrupt relationship with an informer, Standen's motivation for engaging in criminal enterprise with his informer can be explained in terms of expectancy (Table 2): addicted to gambling, his "debts were huge and his spending lavish" (O'Brien 2011).[5] Standen calculated that the benefit (cash) from the precursor importation and subsequent manufacture and distribution of drugs was greater than the risk of detection.[6] But the 'cure' for this diagnosis (increased detection opportunities; reduced costs of compliance; appeal to altruism) all failed in Standen's case. Supervision by colleagues, provision of a Dictaphone with voice-recognition software enabling dictation-to-screen word-processing (thus easing the 'burden' of report-writing), and coercive appeals to professionalism by withholding of salary, were insufficient to secure procedural compliance and improved record-keeping (Jacobsen 2011a, 2011b).

In this account corruption mitigation is vulnerable to high resistance on the part of the deviant investigator and/or inadequate management of that investigator. In Standen's case both these circumstances prevailed. In the case of John Donald, also explicable in terms of expectancy, robust deviance and skilled evasion prevailed. Consequently, it is necessary to consider whether an alternative theoretical approach would offer a solution less susceptible to resistance (Table 3).

Table 3 illustrates that ***structural theory*** analysis (also comprising three elements: structure, organization, and process) offers more intervention opportunities in the informer-investigator operating environment than does individual behaviour analysis.

Table 3: Informer Management Corruption Vulnerability Mapped Across a Structural theory Framework

Paradigm/Model	*Diagnosis*	*Cure*
Structural theory: Organization structure	Corruption = monopoly + discretion - accountability Risks in outsourcing	Reduce discretion. Limit outsourcing
	Formula accurately describes the potential for corruption when an investigator is working alone with an informer (or perhaps with a co-handler in circumstances of minimal supervision). In this circumstance 'outsourcing' can be said to equate to individual investigators engaging in free-range, unsupervised relationships with informers.	A dedicated source-handling unit [DSU] operating independently of individual investigations in accordance with defined tasking criteria is a means of enhancing accountability whilst reducing monopoly thus rebalancing the equation. Such units remove the outsourcing risks (individual investigators doing it for themselves) but of course present their own vulnerabilities if appropriate checks and accountability frameworks are not imposed.
Internal organization	Confusion and overlap create opportunities for corruption, particularly amongst long-serving role occupants.	Reduce conflicts of interest; separate monitoring from approval and payment; rotate staff; require leave to be taken.
	Wood Royal Commission (NSW) vol 2, para. 7.41: investigators perceived no need to report informer contact if informer was registered to a colleague. Ibid,: para 7.42: some informers registered to more than one investigator.	Central registration and use of DSU removes risk of duplicated registration and the risk that investigators see no need to report contact with informers who are not registered to them (individual investigators under this system will have no contact with informers). Enhances concept of informer as organizational resource to be managed at organizational level, not the personal resource of individual investigators. Can be reinforced by independent Dedicated Source Unit (DSU) tasking mechanism.

Work process	Opportunities for corruption occur at different points in the work process.	Sector-by-sector analysis to identify choke points; provide alternative paths.
	The asset being corrupted when informers and investigators engage in a corrupt relationship is *information and the use to which it is put*: thus corruption prevention in these circumstances can be viewed (from a process perspective) as a knowledge management issue.	Use of a DSU, in conjunction with a tasking and co-ordination process for intelligence resource management that is independent of investigations, ensures that no source handler and no investigator has end-to-end control of all points in the process.

Discussion

The key difference between the behavioural theory approach and the structural theory approach lies in separating the informer from the investigator both in the organizational structure and the organizational process; a strategy that was absent both in the individual cases of Standen and Donald and in systemic vulnerabilities identified in an ACLU study of the use of confidential informers in New Jersey (Jones-Brown & Shane, 2011). In keeping with traditional law enforcement practice, Standen and Donald operated alone with their informers.

An alternative to the investigators "doing it for themselves" model lies in the use of dedicated informer-handling units, organizationally set apart from investigation teams and ideally operating from locations physically removed from investigation teams. This structural innovation is supplemented through organizational process innovation. Through an independent resource management process investigators present defined intelligence gap requests that may be amenable to (partial) resolution through informer utilization. Such a process ensures that those interacting directly with the informers have no vested interest - indeed no wider knowledge beyond the specific intelligence gap request - in the investigation. It also ensures that no investigator with a vested interest in the investigation outcome has unsupervised access to an informer with whom a corrupt relationship might be established. This arrangement is promulgated as good practice for law enforcement and regulatory organizations in England and Wales, and is contributive to the modern iteration of intelligence-led policing. The informer-handling units are generally termed Dedicated Source Units [DSU] and the process by which competing demands for intelligence and surveillance resources are managed is the UK's National Intelligence Model, which all UK police organizations are expected to adopt and in the use of which partner agencies are encouraged to participate (ACPO/NCPE 2005; ACPO and NPIA 2007).

An investigator's professional reputation amongst peers is often established because of results arising from the investigator's access to informers who provide actionable information (Dunninghan & Norris, 1999). Because of this, any prohibition

on investigators recruiting their own informers is unlikely to be universally welcomed, and may well encounter strong organizational cultural resistance based on traditional policing role identities (Hunt, 2021; Kaye, 1991; Loftus, 2010; Workman-Stark, 2020). To counter such resistance, changing the structural environment within which employees work can provide a strategic framework that makes it easier to manage and influence the behaviour of groups and individuals, and modify the organizational culture so as to render it more corruption-resistant (Sanders et al., 2015).

In relation to building mechanisms to enhance corruption resistance in the investigator-informer relationship, the issues and proposed solution can be illustrated in process flow-diagrams.

Figure 1 illustrates how in the traditional operating model an investigator managing his or her own informer effectively controls all points of the process and thus operates in an opaque environment in which corruption can emerge and flourish unexposed and undetected. This is the scenario in which Standen and Donald operated and which may be inferred from the New Jersey study as being common in that jurisdiction also.

Figure 2 illustrates the separation of roles and tactical operating and decision-making arena intrinsic to the DSU model in which the investigation, the management of the DSU team, and the encounters with individual informers operate in parallel dimensions enabling a variety of control mechanisms to be applied to prevent/inhibit/reduce corruption. This model could not, in and of itself, prevent an investigator cultivating private informers outside the DSU regime - but in such circumstances the investigator is denied organizational resources to reward the informer and thus a key incentive for the informer to co-operate is removed.

The creation of a specialist unit is not, however, necessarily a guarantee against corruption. Specialist units can develop deviant sub-cultures of their own (Kaye 1991 offering a case in point). And in the case of DSUs ideal manifestation of the operating model necessarily involves separation from normal investigating agency premises with informer-handler meetings usually taking place in locations remote from the immediate area of the investigation, the prime consideration being protecting the identities (organizational key knowledge assets) of informers and handlers. Off-site meetings are counter-intuitive to anti-corruption methods based on exposure and amenability to scrutiny. To counter-balance this weakness the DSU model offers alternative management intervention opportunities. External scrutiny by independent oversight agencies (such as an ombudsman, or – in the U.K. – the Investigatory Powers Commissioner's Office [IPCO] and the Independent Office for Police Conduct [IOPC]) as a mechanism of accountability becomes more feasible, for example. In terms of control, there is increased potential for intrusive supervision when interaction with informers is confined to a small team rather than extended to every investigator in

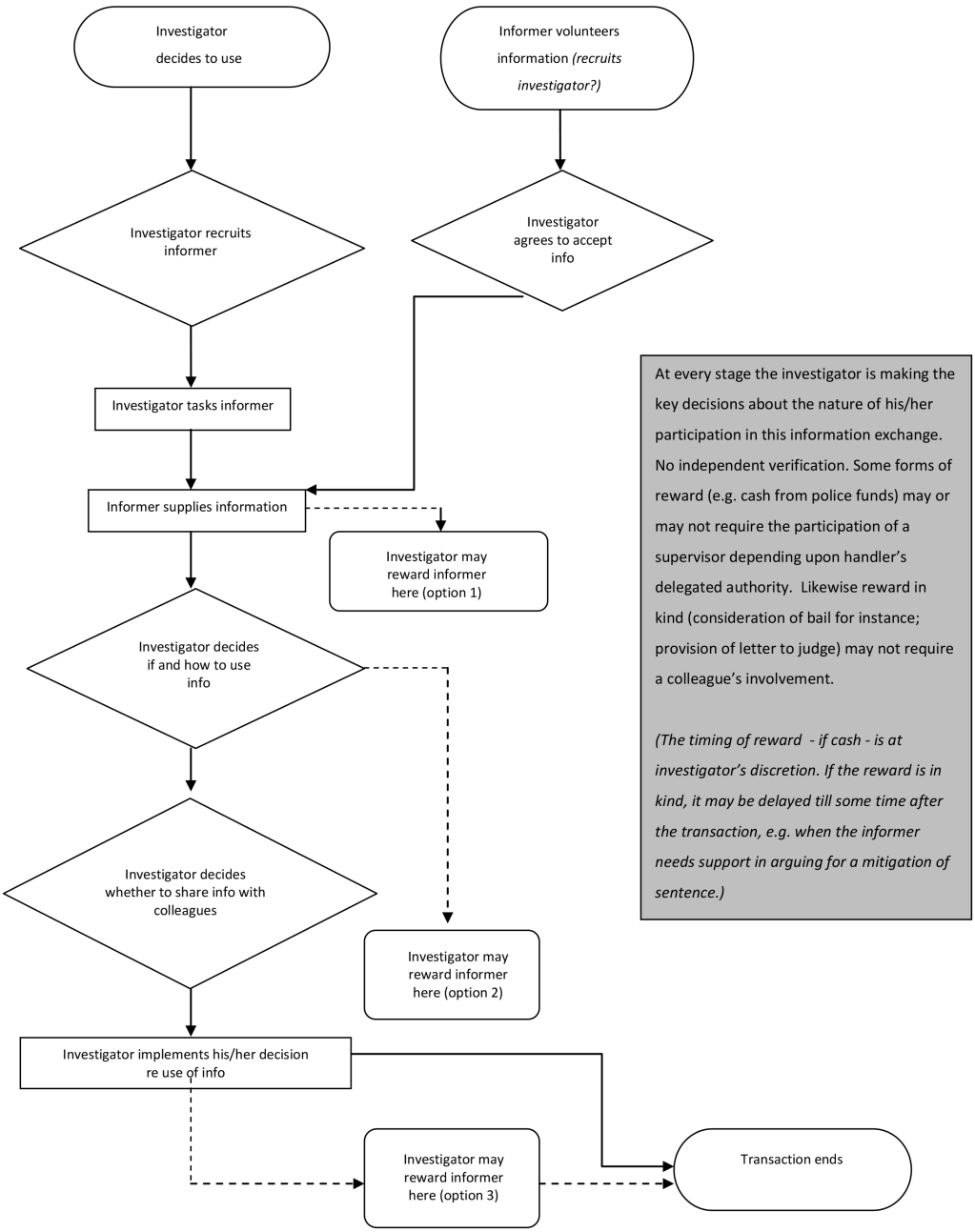
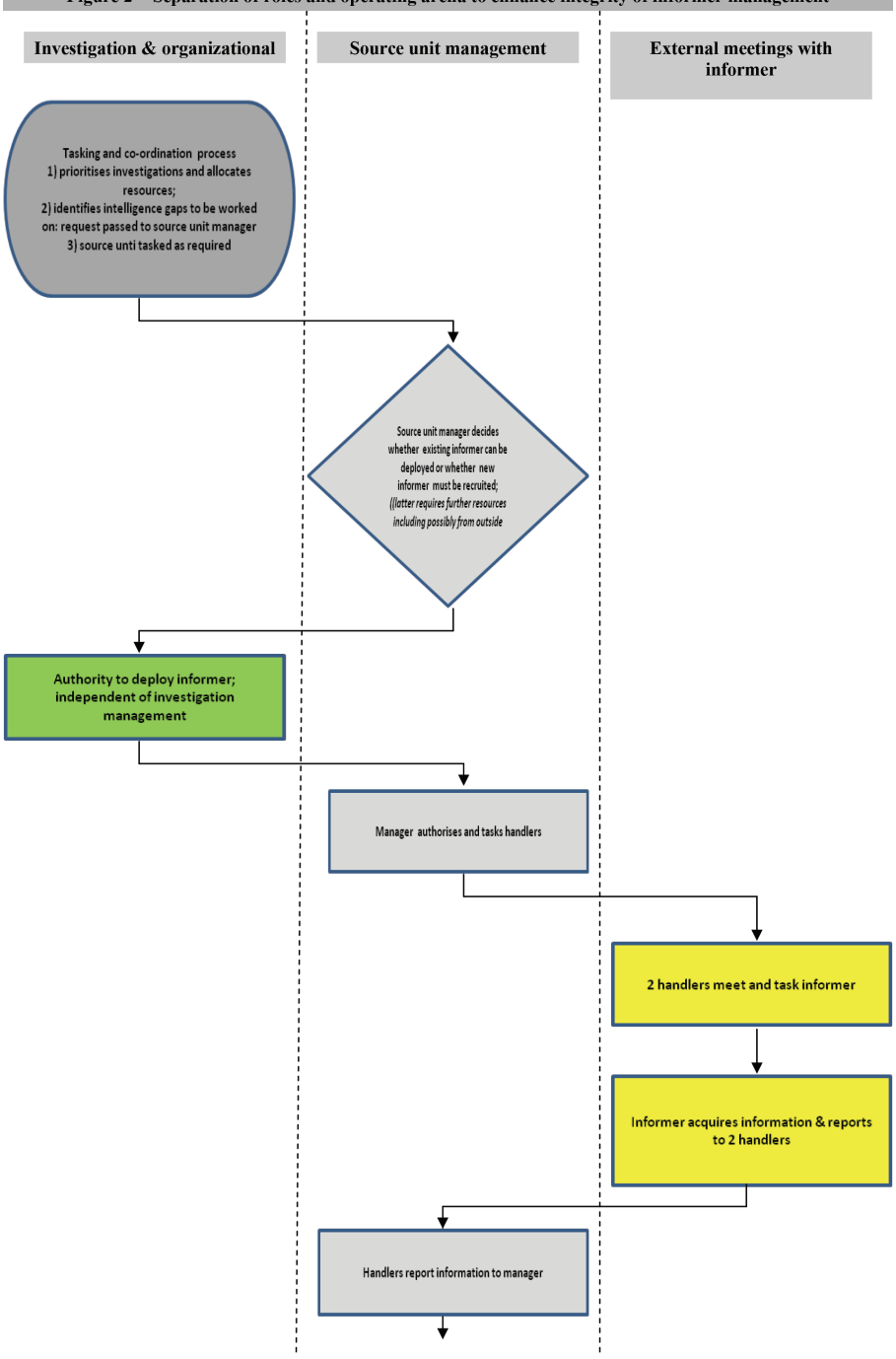


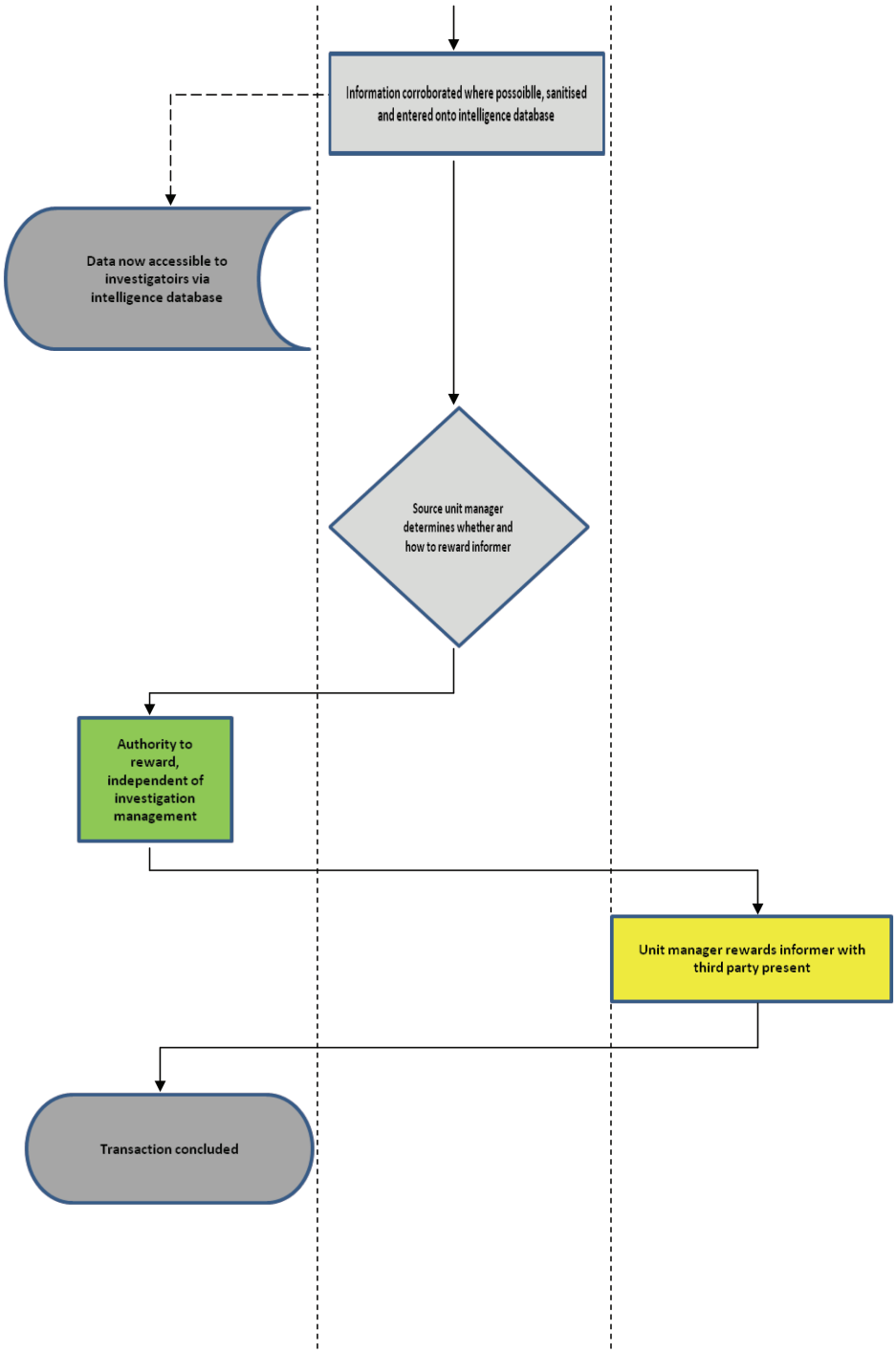
Figure 1: Investigator acting alone in handling informer

Figure 2 - Separation of roles and operating arena to enhance integrity of informer management



(continued)

(continued)


Information corroborated where possoiblle, sanitised and entered onto intelligence database
Data now accessible to investigatoirs via intelligence database
Source unit manager determines whether and how to reward informer
Authority to reward, independent of investigation management
Unit manager rewards informer with third party present
Transaction concluded

the organization. Likewise, the professionalism of informer-management staff can be promoted through bespoke selection procedures and through specialist training, each a process that can enhance anti-corruption as the over-arching professional work ethic. [7]

It is not a zero-sum game; the design philosophy for anti-corruption in the field of informer management should not rely on structural theory approaches to the exclusion of behavioural theory. There exists potential for the two theoretical approaches to complement and reinforce each other. Understanding behavioural explanations for corruption helps identify concern-triggers that can be tested in the recruitment of handlers, and that can be monitored in training and daily operational management. [8] Likewise, behavioural theory can help identify corruption-triggers amongst individuals being considered for recruitment as informers bearing in mind, of course, that it is usually the criminal activities and associations of an individual that render them attractive for recruitment as an informer. Thus, in the field of informer management, behavioural theory approaches to understanding individual corruption can inform the design of structural theory responses minimising organizational corruption vulnerabilities. It is responses based on structural theory that control environmental factors conducive to, or inhibitive of, corruption, thus limiting the scope of behavioural factors to generate corrupt conduct.

This is envisaged in Table 4 which revisits the areas of corruption vulnerability concerning investigating agencies, investigators and informers identified above, this time incorporating suggested solutions within the analytical framework. It is a solution model that can be applied irrespective of agency but which does have resource implications.

Table 4: Areas of Corruption Vulnerability Concerning Investigating Agencies, Investigators and Informers, Incorporating Suggested Solutions

	Purpose of organization (including contributory purposes of organizational sub-units)	*Processes contributing to organization purpose*	*Product (within organizational context)*	*People (as contributors to organizational purpose)*
Areas of vulnerability	*Law enforcement agency within criminal justice system* 1 - Obtain reliable intelligence 2 - Without compromising organization 3 - influence of asset recovery strategy?	1 - Identifying/recruiting informer 2 - Identifying/recruiting handler (including self-selection) 3 - Meeting informer in remote location (so as to not to risk exposing informer links to investigating agency) 4 - Briefing informer 5 - Debriefing informer 6 - Analysing information 7 - Disseminating intelligence	1 - Informer identity 2 - Handler identity 3 - Information provided by informer (reliability) 4 - Access to raw information 5 - Access to analysed intelligence 4 - Use made of that knowledge product	1 - Informer 2 - Handler 3 - Source management 4 - Departmental command 5 -Law enforcement staff outside the source-handling environment but with access to knowledge product 6 - Law enforcement staff outside source-handling environment "doing it for themselves" *[associate vulnerability - family/friends/ colleagues of handler]*

	Purpose of organization (including contributory purposes of organizational sub-units)	*Processes contributing to organization purpose*	*Product (within organizational context)*	*People (as contributors to organizational purpose)*
Response to vulnerability	Organizational structure: minimise staff exposure to informers by having specialist units rather than general access Recruitment and training strategy for handlers Recruitment and risk management strategies for informers Accountable processes for tasking, deployment and dissemination to ensure alignment with organizational purpose and to ensure informer serves organizational purpose and not vice versa Articulated principles in relation to use of informers and derived product to foster professionalism Independent oversight	Appropriate identification of intelligence need Tasking according to intelligence gap Authorization of deployment Record of decision-making and rationale Two handlers at every meet: electronic corroboration if feasible Proper record of meeting Accountable rewards Proper pre-dissemination analysis and sanitisation Appropriate dissemination flows	Protected identities (informers and handlers) Corroboration of product Geographic location security Building/office physical security IT security Review of potential evidential use of product No dissemination of/acting on product likely to expose source	Continuous risk assessment of informer (including through covert surveillance if necessary) No dissemination of/acting on product likely to expose source Use of specialist source-handling staff, remotely located, subject to rigorous selection processes Regular vetting & training of handlers - including corruption vulnerability training Regular vetting & training of handler managers - including corruption vulnerability training Continuous risk assessment of source management Corruption vulnerability training for senior investigators (explaining prohibition on direct contact with informers) Risk-assessed dissemination
Diagnosis-cure paradigm	Structural theory			Behavioural theory

This discussion is founded upon the following premises, namely that:

- minimising corruption within public authorities is essential in achieving and sustaining democracy and the institutions of democracy, which include the criminal justice system, its agencies and actors (see Sawer et al, 2009: chapter 9); [9]
- information, particularly information about individuals, has illicit as well as legitimate economic currency in the modern information age;

- public authorities whose specialist and core functions include the collation of individual information in turn generate through the accumulation of such raw data new knowledge on the basis of that which can be deduced or inferred from the aggregated information (such knowledge and aggregated information thus becoming an asset likely to be targeted by hostile elements seeking to infiltrate the organization of compromise its operation);
- political and economic pressure to achieve more results from fewer resources will continue to encourage relevant public authorities to utilise informers whenever feasible;
- organizations that utilise informers owe informers (as well as their handlers) a duty of care (Billingsley, 2005);
- the public have a significant interest in public authorities operating to high levels of integrity and effectiveness, particularly in relation to information acquisition, collation, management and dissemination (particularly when the latter enables power relationships that facilitate enforcement or other forms of lawful coercion);
- the duty of care and legitimate public interest both individually and in combination warrant organizational investment in information integrity (in terms of process, product and people); and
- informers are an organizational asset to be nurtured, managed and appropriately protected pursuant to organizational purpose and that the potential inherent in the use of informers will not be maximised if informers are regarded and treated as single-use and disposable.[10]

If these premises are correct, then it becomes essential to put in place in relation to informers an administrative architecture that addresses the co-existing and interrelated vulnerabilities that potentially compromise the system's *purpose, process, product* and *people*.

Conclusion

Informers are an important resource in the detection and investigation of crimes and regulatory offending, especially when the circumstances of the offending – serious, organized crime, for example – are not amenable to more conventional forms of intelligence and types of evidence. Informer management remains an organizational operating environment vulnerable to corruption regardless of whether the agency utilising such covertly provided information is a police service, an intelligence agency, a branch of the military, a regulatory body or some other central or local government authority.[11] This risk of corruption can be mitigated (it is unlikely ever to be entirely eradicated). Structuring organizational use of informers around a specialist unit and

tasking processes that separate investigator and informer offers enhanced management of this risk through minimising opportunities for corruption to take hold. As such it is an improvement on circumstances in which investigators cultivate and recruit their own informers largely out of sight from supervision. The structural responses identified in Table 4 also increase the transparency of different elements within the overall process, whilst at the same time minimising risk of compromise through unauthorized disclosure of information.

The *purpose-process-product-people* (P4) analytical framework proposed here offers a functional basis for immediate problem-identification as an initial step in problem-solving. Larmour's theoretical framework of *causation* identifies possible strategies that can then be employed in a targeted manner to achieve longer-term resolution. Potential benefits are both direct and indirect: the governance structure considered above offers a mechanism for reducing corruption vulnerability. It can also foster a culture of professionalism within the organization; it reinforces personal safety of both informer and handler; and it contributes to the overall administrative well-being of public authorities and the criminal justice system. It is a concept that has broad applicability and can be implemented irrespective of jurisdiction and whether the over-arching legal philosophy is one of positive authority, negative liberty, or exemption from liability.

Acknowledgement

Permission from Oxford University Press to reproduce Table 4 from Harfield, C. & Harfield, K. (2023). Covert Investigation (6th edition) pp.55-56 is gratefully acknowledged.

Notes

1. An informer is understood to be a person who, usually in expectation of reward in cash or kind, covertly betrays the trust of another by providing information to the authorities thus enabling the authorities to investigate and prosecute the subject of the information. Informers are thus distinguished here from informants. Informants are individuals who volunteer information, motivated by civic duty with no expectation of reward: for instance, a member of the public contacting police to alert them to a road traffic collision, or a citizen who anonymously leaves information on a "crimestoppers" hotline message system. Notwithstanding the distinction drawn here, it should be noted that the terms are often used interchangeably in academic literature and journalism.
2. The NSW Crime Commission is a specialist non-police agency established originally as the State Drug Crime Commission in 1985, to investigate serious organized crime, https://www.crimecommission.nsw.gov.au/@siteinfo.
3. I am grateful to the NSW Supreme Court for releasing the relevant portion of the trial transcript to me for research purposes.
4. The concept of corruption exists along a continuum of harm ranging from mere incompetence (at the least harmful end of the continuum) through misconduct to

corruption for personal profit and/or power at the most harmful end (I am grateful to Professor John Kleinig for sharing his insights into incompetence and corruption with me in numerous conversations). Within this context, 'corruption' is used here in two senses. First, in the sense in which it is used by Transparency International, for example, to convey the dishonest or fraudulent "abuse of entrusted power for private gain" (which can in turn be categorized as Grand Corruption; Petty Corruption; and Political Corruption: see *http://www.transparency.org/whoweare/organisation/faqs_on_corruption/2/*. Secondly, in the sense of debasement: in the context of covert policing governance non-compliance with required protocols and procedures (either through ignorance, negligence or deliberate evasion, without necessarily seeking to acquire material private gain). If it is accepted that the establishment of policies and procedures to give effect to statutory obligations and good management practice can be seen as an expression of values to be upheld in the service of the public, then mere failure to uphold the required standards is a form of 'corruption' even if there is no "private gain" that would constitute 'Corruption'.

5. An addiction of which the NSWCC was reportedly aware but is not reported as having attempted to address, (McKenna and O'Brien 2011).
6. Standen's career was punctuated with allegations of corruption both at the federal Narcotics Bureau and then subsequently at the Australian Federal Police. The NSWCC claims not to have been told anything adverse about his career history when recruiting Standen from the AFP (Jacobsen 2011b).
7. In the UK DSU staff in different organizations are trained to nationally accredited standards to promote consistency of management approach between different organizations empowered to utilise informers.
8. A staff member's gambling addiction, for instance, would be one such concern-trigger.
9. Of equal importance, although beyond the scope of this paper, is a corruption-free private enterprise in underpinning a free and open market economy as complementary to a liberal democratic society.
10. That such an attitude towards informers exists in some jurisdictions can be inferred from the studies undertaken by the Centre for Wrongful Convictions (2005) and by Jones-Brown and Shane (2011).
11. Schedule 1, Regulation of Investigatory Powers Act 2000 (UK) establishes all these categories as agencies empowered under s 26 and 29 to register and use informers (termed Covert Human Intelligence Sources in the legislation).

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