OM - ch. 31.1. Types of Sources and Use Guidelines

Directive Amended: 2012-02-03

For information regarding this policy, contact Covert Operations Br., Federal and International Operations at GroupWise address HQ Organized Crime Branch.

1. General

1. 1. Covert Operations Branch is the policy center for matters relating to human sources, witness protection, the development of course content and all training.

2. Types of Sources

2. 1. The two types of sources recognized by the judicial system are informant sources and agent sources.

2. 1. 1. An **informant source** is a person who provides information gained through criminal activity or association with others involved in criminal activity. This source would generally not become a witness or require protection as a result of his/her investigational involvement. Payments to an informant source are for expenses and awards.

2. 1. 2. An **agent source** is a person tasked by investigators to assist in the development of target operations. Direct involvement and association with a target may result in his/her becoming a material and compellable witness, i.e. a source used to introduce undercover operators, act as a courier for controlled deliveries or act in place of an RCMP undercover operator by obtaining evidence. Use of an agent source is outlined in ch. 31.3., sec. 4.

2. 1. 3. Any individual who provides information which will be documented and kept for immediate and/or future purposes, and where informant privilege is extended must be coded. A source must fall into one of the above noted categories. The RCMP does not recognize the use of casual contacts. See ch. 31.6., sec. 1.1.

2. 2. In addition, human sources may be defined as follows:

2. 2. 1. A **restricted level I source** is deemed to be "restricted level I" when his/her actions have or are adversely affecting or compromising the integrity of the RCMP, its programs, members or an investigation. The source's actions would also be deemed as

restricted level I when his/her actions could jeopardize his/her safety, or that of an RCMP member or the public.

2. 2. 2. A **restricted level II source** is deemed to be "restricted level II" when the source exhibits or has exhibited manipulative and/or controlling behaviour that makes him/her difficult to manage and/or maintain an effective source/handler relationship. This source would only be considered for use under the condition that trained experienced handlers be assigned.

NOTE: For authority for use of restricted level I and II sources, see ch. 31.3., sec. 8.

2. 3. In certain cases, use of a source by the RCMP may be conditional upon existing judicial orders or subject to controls by other agencies, including the following situations:

2. 3. 1. a charged/convicted person in custody;

2. 3. 2. a charged/convicted person not in custody;

2. 3. 3. a person whose status in Canada is subject to any stage of an immigration inquiry, or other quasi-judicial proceeding; or

2. 3. 4. a person subject to parole or probation orders.

2. 4. A source on parole or probation must not be directed in any manner that could constitute a breach of the law or a violation of his/her parole or probation.

2. 5. Any executable warrant for a source must not be ignored or withheld.

2. 6. If a source is seeking concessions from another agency as a condition to assisting the RCMP, a member must obtain written concurrence from a senior official of the agency and approval of the Cr. Ops. Officer/delegate before using the source.

2. 7. Nothing in this section is intended to preclude a peace officer from receiving volunteered information from a source and acting on it in accordance with the responsibilities conferred upon the member by law.

2. 8. Payments to sources and protected persons will be carried out in accordance with Part 32.

2. 9. A young person should not be used as a source. For exceptions, see ch. 39.9.

3. Use of Sources

3. 1. Successful completion of the online Introduction to Human Sources course is mandatory for all RMs before they become informant and/or agent source handlers. See ch. 31.9.

3. 1. 1. RMs on probation must complete the online Introduction to Human Sources course within their first year of service.

3. 2. A source is an asset to the RCMP but an employer-employee relationship does not exist between a source and the RCMP. A source must be handled with sensitivity and discretion and receive ethical direction.

3. 2. 1. When handling sources, RMs are to be cognizant that they hold positions of authority and must at all times ensure their conduct does not compromise the integrity of the RCMP and/or its programs.

3. 2. 2. A source must not be permitted to instigate an offence or act in such a way as to implant intent in others to commit a criminal act.

3. 3. The identity of a source must be protected at all times except when the administration of justice requires otherwise, i.e. a member cannot mislead a court in any proceeding in order to protect a source.

3. 4. A member responsible for reviewing a major investigation involving a source or monitoring source debriefing reports/source assessments must not be directly involved in the supervision/handling of the source.

OM - ch. 31.2. Information Prohibited By Law And Persons Providing Qualified Privileged Information

Directive Amended: 2011-06-22

For information regarding this policy, contact Covert Operations Br., Federal Services Directorate at GroupWise address HQ Organized Crime Branch.

1. Information Prohibited By Law

1. 1. If a member receives information under circumstances prohibited by law, it must be reported to the Cr. Ops. Officer/delegate.

1. 2. The Cr. Ops. Officer/delegate will consult the provincial attorney general's department and notify the appropriate director at National Headquarters. If a federal department is involved, the Director, Covert Operations Branch must also be notified.

2. Persons Providing Qualified Privileged Information

2. 1. Individuals such as doctors, media representatives/reporters and the clergy may receive information under a professional privilege, and it should be respected if raised.

2. 2. Persons in this category may be developed as sources but cannot be paid without the prior approval of the Cr. Ops. Officer/delegate.

OM - ch. 31.3. Developing and Handling Sources

Directive Amended: 2013-04-18

For information regarding this policy, contact Covert Operations Br., Federal and International Operations at GroupWise address HQ Organized Crime Branch.

1. General

1. 1. The Cr. Ops. Officer/delegate must approve the use of a human source. A member cannot make a financial promise or agreement until he/she is authorized to do so.

2. Background Investigation

2. 1. All sources being considered for use must undergo a thorough background investigation

4. Use of Canadian Source in a Foreign Country

4. 1. A member seeking authority to use, contact and develop a source who has legal status in Canada, but resides in a foreign country, must forward a request through the Cr. Ops. Officer/delegate to the Director, Covert Operations Branch.

4. 1. 1. A member may have initial contact with a source who has legal status in Canada and resides in a foreign country, to assess him/her in support of such a request. Notification and follow-up of this initial contact must be submitted to the Director, Covert Operations Branch.

4. 1. 2. The use of a source who has legal status in Canada and resides in a foreign country must be approved by the DG, Drugs and Organized Crime, and must obtain the approval of the appropriate foreign agency in that country.

4. 1. 3. The RCMP must recognize and adhere to applicable legislation and foreign agency policies related to the use of a human source in that country.

4. 1. 3. 1. Notwithstanding sec. 3.2., members handling a source in a foreign country must adhere to the human-source directives outlined in Part 31.

4. 2. For approval of the use of a Canadian source in a foreign country, the member must ensure that a background investigation of the source is conducted. See sec. 2.

NOTE: Before approval, the member must submit documentation from the applicable foreign agency in support of the source use. See sec. 4.1.2.

5. Operational Use of an Agent Source

5. 1. Member

5. 1. 1. Obtain the approval of the Cr. Ops. Officer/delegate before you involve a source in an agent role.

5. 1. 2. Do not make any promises or commitments respecting payment for services or protective measures.

5. 1. 3. Inform the source that he/she may become a compellable witness and determine his/her willingness to testify in criminal proceedings.

5. 1. 4. Before enlisting the services of an agent source, submit a request for approval along with your operational plan, threat assessment and Form 3125.

NOTE: Once completed, Form 3125 is designated Protected C information and must be forwarded to divisional headquarters according to AM App. XI-1-3. Do not save electronically or retain a hard copy on the operational file.

5. 1. 6. Before enlisting the services of any prospective sources/agents, they must be interviewed by the WPPC.

5. 2. Witness Protection Program Coordinator

5. 2. 1. When you receive a request to use an agent source,

5. 3. Cr. Ops. Officer/Delegate

5. 3. 1. If the source reward and protective agreement projected cost exceeds the approval authority for your division, forward the plan and the proposed LOA with your recommendations to the A/Commr., Federal and International Operations, for review and approval.

6. Financial Relationship With a Source

6. 1. If the source requests advice about income tax for money received from the RCMP, inform him/her that payments for information and awards are not taxable income.

7. Restrictions and Controls

7. 1. If a source commits any act that might affect his/her credibility or bring criticism to the RCMP, inform the Cr. Ops. Officer/delegate.

7. 2. If there may be national or international ramifications, immediately notify the DG, Drugs and Organized Crime.

8. Restricted Level I and II Sources

8. 1. Notify the Cr. Ops. Officer/delegate of any use of restricted level I and II sources. See ch. 31.6., sec. 3.2.

8. 2. Authority to reactivate a source classified as restricted level II requires the approval of the Cr. Ops Officer/delegate. See ch. 31.6., sec. 3.5.

OM - ch. 31.4. Commission of Offences By Sources and Use of Incarcerated Sources

Directive Amended: 2011-06-22

For information regarding this policy, contact Covert Operations Br., Federal and International Operations Dir. at GroupWise address HQ Organized Crime Branch.

1. General

1. 1. A source charged with an offence but not in custody, must not be directed in any manner that could constitute a breach of his/her recognizance or provide a defence to the charge he/she is facing.

1. 2. With the approval of the Cr. Ops. Officer/delegate, a source may be used and/or paid for information while charged or in custody, provided the administration of justice is not compromised or put into disrepute, and does not infringe on custodial management practices.

1. 3. A source cannot be guaranteed immunity from prosecution except by the appropriate attorney general or the Department of Justice Canada.

1. 5. Police discretion not to lay charges, but to divert the offender to another agency or to give a warning, is separate and distinct from the action of withholding charges because the offender offers to provide information that may lead to solving or preventing a more serious crime.

1. 5. 1. The withholding of charges is not a police discretion but is a decision to be made in the public interest by the Cr. Ops. Officer/delegate after consultation with the appropriate attorney general or Department of Justice Canada.

2. Member

2. 1. If a person offers assistance in return for charges being withheld, withdrawn, stayed or reduced, and you wish to have his/her offer considered:

2. 1. 1. make no commitment;

2. 1. 2. report full details to the Cr. Ops. Officer/delegate;

2. 1. 3. continue the investigation, regardless of the offer;

2. 1. 4. seize and safeguard evidence; and

2. 1. 5. if the request is approved, open a source file.

2. 2. If you believe that, while reporting the progress of a crime, a source is participating or intends to participate in an activity that may be unlawful, inform the Cr. Ops. Officer/delegate.

OM - ch. 31.5. Assessment of Sources and Information and Debriefing Reports

Directive Amended: 2012-02-03

For information regarding this policy, contact Covert Operations Br., Federal and International Operations at GroupWise address HQ Organized Crime Branch.

1. Assessment of Sources and Information

1. 1. Reliability assessments of a source and his/her information must be reported as follows:

1. 1. 1. **Reliable (R)** is the proven accuracy of information and proven dependability of the source. The member must corroborate information before grading it **reliable**.

1. 1. 2. **Believed Reliable (BR)** applies if the qualifying conditions of **reliable** are not yet met but existing knowledge of the information is favorable and it is believed the source and the information will eventually prove to be reliable.

1. 1. 3. **Unknown Reliability (UR)** applies if there is insufficient experience with the source for assessment or when information cannot be verified.

1. 1. 4. **Doubtful Reliability (DR)** applies if there is doubt about the source or the information.

1. 2. The source and information do not have to be categorized identically.

1. 3. Information that is assessed as Reliable, Believed Reliable or Unknown Reliability which meets the criteria outlined in sec. 3.1. (identified for entry to ACIIS) must be identified by the notation (ACIIS), e.g. (BR) (ACIIS).

2. Debriefing Reports

2. 1. Member

2. 1. 1. To prepare a debriefing report, see App. 31-5-1.

2. 1. 2. After each contact with a coded source, complete Form 2451. Completed Source Debriefing Reports are Protected "B" (minimum) documents and must be retained on the source operational file.

2. 1. 3. Ensure that the source and information are assessed as outlined in sec. 1.

2. 1. 4. Ensure that criminal information or intelligence contained in the source debriefing that is assessed as Reliable, Believed Reliable and Unknown Reliablity and which meets the criteria for entry to ACIIS as outlined in ch. 51.10., sec. 2.1. has been identified for entry to ACIIS with the notation (ACIIS).

2. 1. 5. Consider source security when setting restrictions for distribution of intelligence.

2. 1. 6. Use Form 5726 when sharing source information with other agencies and departments. A copy of the form must be provided to the requestor and the original Form 5726 put away to the Source Operational file. See ch. 28.7., sec. 4.3.

2. 1. 7. Ensure that the recipient of the information is aware of dissemination retrictions.

2. 1. 8. When possible, identify names, addresses, phone numbers, and vehicles for entry into divisional indexes or a computer intelligence program.

2. 1. 8. 1. Do not write reports in a manner that may reveal the identity of the source.

2. 1. 9. Forward the report, in duplicate, to your commander.

2. 1. 9 .1. Upon approval of the Cr. Ops. Officer, ensure an electronic copy of the debriefing report is forwarded to the division INTELEX Unit or equivalent for entry to ACIIS and NCDB.

2. 2. Commander

2. 2. 1. Link information from a source in one case to other investigations.

2. 2. 2. Identify situations where two sources may be working to the overall detriment of investigations.

2. 2. 3. Identify source handler training requirements or improper handling.

2. 2. 4. Stop the distribution of misleading information.

2. 2. 6. Ensure information is corroborated where necessary.

2. 2. 7. Ensure information is disseminated as outlined in sec. 2.1.4.

2. 2. 8. Add your comments and forward the report to your OC.

2. 3. OC

2. 3. 1. Review and distribute debriefing reports with the concurrence of the handler.

2. 3. 2. Review reports for assistance to the handler and forward the original to the Cr. Ops. Officer/delegate.

2. 4. Cr. Ops. Officer/Delegate

2. 4. 1. Review and place debriefing reports on the source's work file.

2. 4. 2. Correlate the material to provide the handler with relevant material or related file references that may assist the investigation.

2. 4. 3. Upon approval of the CO, ensure an electronic copy of the debriefing report is forwarded to the division INTELEX Unit or equivalent for entry to ACIIS and NCDB.

2. 4. 6. Ensure there is a follow-up investigation of any suggestion, allegation or inference of an illegal act or impropriety by a member.

2. 4. 7. Review source files annually to determine if a source has become inactive.

2. 4. 7. 1. Obtain in writing from the unit commander the reasons for the source becoming inactive and place the written material on the source's work file.

2. 4. 7. 2. Retain inactive source files in accordance with the OSR Index and Tables, footnote 5.

3. Notes

3. 1. General

3. 1. 1. All contacts with human sources, whether solicited or unsolicited, will be recorded and retained on the informant file.

3. 1. 2. When completing handler's notes in the handler's notebook, note the date, time and location of the meeting as well as the name of the co-handler(s) present.

3. 1. 3. All written notations will be secured in the handler's notebook and stored in the operational folder on the source file.

3. 1. 4. All electronically or digitally received and/or transmitted information will be retained in the appropriate folder on the source file.

3. 1. 5. Include only criminal information received from the source in the Form 2451, Source Debriefing Report. Do not embellish the criminal information received from the source.

3. 1. 6. Each source file (informant, agent, or witness protection) will have ONE source notebook that will be maintained on the source's administrative file for its entirety. In this legacy notebook, all meetings with the source and all unvetted information given by the source will be recorded. This legacy notebook will be used to prepare the Source Debriefing Reports as outlined in this chapter.

3. 1. 7. Use original notes to draft the source debriefing reports.

3. 1. 8. Notes and debriefing reports may be subject to disclosure, and must be vetted before judicial disclosure.

3. 2. Security of Notes

3. 2. 1. All notes must be accurate, detailed and physically secured in the unit's source administrative file folder after each meeting.

3. 2. 2. When not in use, the source file and notes must be secured in the unit vault/locker. See ch. 25.2.

OM - ch. 31.6. Source Records

Directive Amended: 2012-02-03

For information regarding this policy, contact Covert Operations Br., Federal and International Operations at GroupWise address HQ Organized Crime Branch.

1. General

1. 1. All sources must be assigned a code number and have an assessment Form 2174 submitted before receiving any payments.

1. 2. Any individual who provides information on a confidential basis, which will be documented and kept for immediate and/or future purposes, must be coded.

1. 3. Form 2174 must be stored in accordance with AM ch. XI.4., sec. L.3.a.4.

1. 4. All personal information related to a source will be classified as Protected-C.

2. Commander

2. 1. Effective 2009-11-01, successful completion of the online Introduction to Human Sources course or the Human Source Management course will be mandatory for all supervisors of informant and/or agent source handlers.

2. 2. Ensure that all probationary members under your supervision complete the online Introduction to Human Sources course within their first year of service.

2. 3. Ensure that all regular members under your supervision who have not completed the online Introduction to Human Sources course and the Human Source Management Course include them on their annual individual learning plan.

2. 4. If you have secure storage facilities, open two source files as outlined in sec. 3. All 2174 forms will be held by the divisional Human Source Coordinator.

2. 5. If you do not have secure storage facilities, retain the source files at subdivisional headquarters. Do not keep duplicate files.

3. Cr. Ops. Officer/Delegate

3. 1. Upon receipt of Form 2174, check [redacted] For each source whose use is not prohibited due to a classification of **restricted level I** or **restricted level II**, have Records Section open a restricted sequential case file for all the source and debriefing reports, and a restricted administrative file within the case file for all material relative to the assessment, payment and general handling of the source.

3. 2. Recommend entry of sources defined as **restricted level I** [redacted] Entries are to be approved by National Headquarters, Covert Operations Branch.

3. 3. Recommend entry of sources defined as **restricted level II** [redacted]

3. 4. Because authority to reactivate a source classified as **restricted level I** requires approval of the A/Commr., Federal and International Operations, ensure requests are submitted to the Director, Covert Operations Branch.

3. 5. Authority to reactivate a source classified as **restricted level II** requires your approval.

3. 6. Provide pertinent details of the intended use of the reactivated source and list the conditions you plan to place on the use.

3. 7. [redacted] prohibits the use of the source, advise the member that the source is not to be used.

[redacted]

3. 9. Retain master files at your level and inform the commander [redacted]

3. 10. Enter [redacted] pertinent details of all coded sources by number, name and alias.

3. 11. Advise the Director, Covert Operations Branch regarding all sources that are:

3. 11. 1. expected to receive payment exceeding the division authority;

3. 11. 2. likely to be considered for protection/relocation;

3. 11. 3. identified as **restricted level I** or **restricted level II**;

3. 11. 4. required to travel nationally or internationally;

3. 11. 5. working or have worked for other domestic or foreign law-enforcement agencies; or

3. 11. 6. involved in or could become involved in politically sensitive, embarrassing or contentious situations.

3. 12. If a source relocates permanently to another division:

3. 12. 1. consolidate the division, subdivision and unit files; and

3. 12. 2. retain payment receipts for audit purposes.

3. 13. If a source is not to be used or is a **restricted level I** or **restricted level II**,

OM - ch. 31.7. Source Travel

Directive Amended: 2012-02-03

For information regarding this policy, contact Covert Operations Br., Federal and International Operations at GroupWise address HQ Organized Crime Branch.

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1. Travel Within Canada

1. 1. If it is necessary to dispatch a source outside your division or area of command for operational purposes, obtain approval through your Cr. Ops. Officer/delegate.

1. 2. Inform the receiving commander or OC if in the same division, or the Cr. Ops. Officer/delegate of the receiving division.

2. Travel to the U.S.

2. 1. General

2. 1. 1. For a criminal operation under the direction of the RCMP,

2. 2. Commander

2. 2. 1. Provide the Cr. Ops. Officer/delegate with

2. 3. Cr. Ops. Officer/Delegate

2. 3. 2. If the source will be acting in an agent role, send the request with your recommendation to the DG, Drugs and Organized Crime for approval.

3. Foreign Travel

3. 1. If it is necessary to dispatch a source outside Canada, other than the U.S., obtain approval from the DG, Drugs and Organized Crime.

4. Bringing Sources Into Canada

4. 1. Approval of the DG, Drugs and Organized Crime is required to bring a foreign source into Canada.

4. 2. Approval of the DG, Drugs and Organized Crime is required to bring a foreign national into Canada who is providing assistance to a foreign law enforcement agency being sponsored/arranged by

5. Temporary Resident Permits

OM - ch. 31.9. Training

Directive Amended: 2012-02-03

For information regarding this policy, contact Covert Operations Br., Federal and International Operations at GroupWise address HQ Organized Crime Branch.

1. General

1. 1. Training initiatives, lecture material and presentations pertaining to human sources and witness protection matters must be approved by the DG, Drugs and Organized Crime including requests to engage the services of foreign or non-RCMP subject matter experts.

1. 2. Participation in non-RCMP training (foreign and domestic), relative to human sources and witness protection requires the approval of the DG, Drugs and Organized Crime.

2. Human Source Handler

2. 1. Training for handlers of human sources must be coordinated by the National Headquarters Human Source Program Development Unit, Covert Operations Branch.

2. 2. The Human Source Management Course must be be delivered in accordance with the Course Training Standard set by the Program Development Unit. The Course Training Standard includes all mandatory principle topics, teaching points and scenario based training required for course accreditation.

2. 3. The online Introduction to Human Source course must be completed before a member can participate in the Human Source Management Course.

2. 4. Successful completion of the online Introduction to Human Sources course is mandatory for all RMs before they become informant and/or agent source handlers.

2. 5. RMs on probation must complete the online Introduction to Human Sources course within their first year of service.

2. 6. The Human Resource Handler must ensure that all RMs under his/her supervision who handle sources have completed the online Introduction to Human Sources course.

3. Source Development Unit

3. 1. Training for Source Development Unit members must be coordinated by the National Headquarters Source Development Support Unit, Covert Operations Branch.

3. 2. A member who wishes to be considered as candidate for the Specialized National Investigations Course (Course Code 000134) must first successfully complete the Level I and Level II entry processes.

3. 3. To be assigned to a Source Development Unit, a member must have successfully completed the Specialized National Investigations Course.

OM - ch. 30.1. Law Enforcement Justification Provisions

30. General - Related Link

Policy Amended: 2018-10-12

For information regarding this policy, contact Covert Operations, Federal Policing Specialized Services.

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1. General

1. 1. Nothing in this directive or in section 25.1., CC, justifies:

1. 1. 1. intentional or criminal negligence causing death or bodily harm to another person;

1. 1. 2. the willful attempt in any manner to obstruct, pervert, or defeat the course of justice; or

1. 1. 3. conduct that would violate the sexual integrity of an individual.

NOTES:

1. Acts or omissions that would otherwise constitute offences under Part 1, *Controlled Drugs and Substances Act* (CDSA), or the regulations made under it are excluded from the law enforcement justification provisions of the CC and remain governed by the relevant provisions of the CDSA.

2. Section 25.1., CC, does not justify the failure of a member to comply with any requirements that govern the collection of evidence.

1. 2. In accordance with the requirements of section 25.1., CC, a designated member or person under his/her direction may be justified in committing an act or omission that would otherwise constitute an offence, other than those outlined in sec. 1.1.

1. 2. 1. Section 25.1., CC only applies when the designated member is engaged in the investigation of an offence under, or the enforcement of the CC or any other act of Parliament, or investigating criminal activity.

1. 3. A senior member of the RCMP may be designated as a senior official by the Minister, Public Safety Canada, pursuant to subsection 25.1.(5), CC, for the purpose of the law enforcement justification provisions, section 25.1. to 25.4., CC.

1. 4. Five senior members of the RCMP have been designated as senior officials:

1. 4. 1. the person (by name) occupying the position of Deputy Commissioner, Federal Policing;

1. 4. 2. the person (by name) occupying the position of A/Commr., Federal Policing Specialized Services;

1. 4. 3. the person (by name) occupying the position of A/Commr., Federal Policing National Security and Protective Policing;

1. 4. 4. the person (by name) occupying the position of A/Commr., Federal Policing Intelligence and International Policing.

1. 4. 5. the person (by name) occupying the position of A/Commr., Federal Policing Criminal Operations.

1. 5. A member may be designated by the Minister, Public Safety Canada, for the purpose of committing an act or omission or directing another person to commit an act or omission that would otherwise constitute an offence. The designation will be for a maximum of five years.

1. 6. A senior official may, on the recommendation of the Cr. Ops. Officer, designate a member for the purpose of the law enforcement justification provisions, for a period of no more than 48 hours, if the senior official is of the opinion that:

1. 6. 1. by reason of exigent circumstances, it is not feasible for the Minister, Public Safety Canada, to designate the member; and

1. 6. 2. under the circumstances of the case, the member would be justified in committing an act or omission that would otherwise constitute an offence.

1. 7. A designated member is only justified in committing or directing an act or omission that would otherwise constitute an offence if he/she believes, on reasonable and probable grounds, that the act or omission is reasonable and proportional in the circumstances.

1. 8. An agent, who is being directed by a designated member to commit an act or omission which would otherwise constitute an offence, must be made aware of paragraph 25.1.(10)(a), (b), CC, before undertaking any act or omission. The agent must be informed that the designated member has the authority to give that direction and that the act or omission will assist the designated member's law enforcement duties as outlined in sec. 2.2.

1. 8. 1. A Letter of Acknowledgement must reflect the provisions of the law enforcement justification.

1. 9. Where a senior official authorization is not required, the Cr. Ops Officer must approve the application to conduct an act or omission on operations where the law enforcement justification provisions of the CC are being considered.

1. 9. 1. The A/Commr., Federal Policing Specialized Services, must approve any delegation of this authority, which may only be exercised in the Cr. Ops Officer's absence.

2. Senior Official Authorization

2. 1. An undercover operation, whether major or minor, that requires the approval of the law enforcement justification provisions of the CC by a senior official must be forwarded to National Headquarters for approval.

2. 2. A designated member must be personally authorized, in writing, by a senior official before:

2. 2. 1. committing an act or omission that would otherwise constitute an offence and that would likely result in loss of, or serious damage to property; and

2. 2. 2. directing a person, including a foreign police officer, to commit an act or omission that would otherwise constitute an offence.

3. Exigent Circumstances

3. 1. A designated member is justified in committing an act or omission that would otherwise constitute an offence where he/she believes, on reasonable grounds, that the grounds for obtaining an authorization exists, but it is not feasible under the circumstances to obtain it, and it is necessary to:

3. 1. 1. preserve life or safety of a person,

3. 1. 2. prevent the compromise of the identity of a public officer acting in an undercover capacity or a human source, or

3. 1. 3. prevent the imminent loss or destruction of evidence of an indictable offence.

3. 2. Every act or omission that would otherwise constitute an offence committed under sec. 1.9. must be reported, in writing, to the senior official as soon as possible.

4. Approval

4. 1. Member

4. 1. 1. If the law enforcement justification provisions of the CC are required, complete and submit Form 4101, Application for Authorization for the Purpose of the Law Enforcement Justification, to the divisional undercover coordinator, requesting authorization with detailed information to determine if the authorization resides with the Cr. Ops. Officer or the senior official.

4. 2. Undercover Coordinator

4. 2. 1. Upon review of Form 4101:

4. 2. 1. 1. confirm that the member listed on Form 4101 has a valid designation; and

4. 2. 1. 2. forward Form 4101 to the Cr. Ops Officer for his/her authorization or recommendation to National Headquarters, ATTN: Director, Covert Operations, when senior official authorization is required.

4. 3. Cr. Ops Officer

4. 3. 1. If senior official authorization is required, complete, recommend, and forward Form 4101 to National Headquarters, Covert Operations, ATTN: Director, Covert Operations/Law Enforcement Justification Provisions.

5. Reporting

5. 1. The member or cover person will complete Form 4101-1, Law Enforcement Justification Provisions' Reporting, to report acts or omissions committed and/or not committed that were included in the approved Form 4101, and to submit these documents to the divisional undercover coordinator.

5. 2. The divisional undercover coordinator will forward the completed Form 4101-1 to the Cr. Ops Officer, or when senior authorization is required, to National Headquarters, ATTN: Director, Covert Operations.

6. Roles and Responsibilities

6. 1. Divisional Undercover Coordinator

6. 1. 1. Submit a request to National Headquarters, ATTN: Director, Covert Operations, for the designation of members who have received training.

6. 1. 2. Maintain a divisional list of designated members.

NOTE: A member should have a valid designation when used in an operation.

6. 1. 3. Twice annually, in December and June, forward all Form 4101, Form 4101-1, and Form 5716, Law Enforcement Justification Provision, on concluded investigations and investigations before the courts.

6. 1. 4. Provide updates on previously reported investigations for the Ministerial report to National Headquarters, ATTN: Covert Operations/Law Enforcement Justification Provisions.

6. 2 Cr. Ops Officer/Delegate

6. 2. 1. Successfully complete the Law Enforcement Justification Provisions, section 25.1., CC, exam.

OM - ch. 30.6. Approval

Directive Amended: 2016-08-09

For information regarding this policy, contact Covert Operations, Federal Policing Special Services.

1. General

1. 1. The authority for a minor undercover operation is the Cr. Ops. Officer/delegate.

1. 1. 1. For information purposes, forward approved operational plans and progress reports on minor undercover operations in relation to investigations of public order, to National Headquarters, ATTN: Director, Covert Operations.

1. 2. The authority for a major undercover operation as defined in ch. 30.2., sec. 3.1.1., through sec. 3.1.10. is the DG, Federal Policing Criminal Operations.

EXCEPTION: The authority for a major undercover operation involving the national security of Canada, as outlined in ch. 30.2., sec. 3.1.3., is the A/Commr, Federal Policing Operations.

1. 3. The authority for a major undercover operation as defined in ch. 30.2., sec. 3.1.11., and ch. 30.2., sec. 3.1.12., is the Director, Covert Operations.

1. 4. The authority of a reverse undercover operation as outlined in ch. 30.2., sec. 3.1.1., is the DG, Federal Policing Criminal Operations. The authority for the creation, use, movement, and destruction of a drug stockpile is the A/Commr, Federal Policing Special Services.

1. 5. Before involving an agent in an operation, the terms and conditions must be documented in a letter of acknowledgment. See ch. 31.3.

2. Member

2. 1. To request approval for an undercover operation, submit a classified/designated memo with an Investigational Planning and Report, Form 2350, to your Cr. Ops. Officer/delegate. Include:

2. 1. 1. major or minor operation and type, e.g. drugs, customs;

2. 1. 2. the objective or goal;

2. 1. 3. the start date and length;

2. 1. 4. the target's name, birthdate, FPS number, and criminal history;

2. 1. 9. the anticipated cost of the operation, itemized by the type of expenditure;

2. 1. 10. any other investigational methods already used and results obtained;

2. 1. 11. the name of the member who will supervise coincidental investigations with planned actions;

2. 1. 12. any operational support services needed; and

2. 2. If you intend to use an agent, submit your request to your divisional human source coordinator as outlined in ch. 31.3.

2. 3. If you intend to use an agent, have the agent interviewed by your divisional human source coordinator and include the topics outlined in ch. 31.3.

NOTE: The use of a protectee or former protectee as an agent is subject to the approval of the A/Commr, Federal Policing Special Services. See ch. 23.3.

2. 4. If you require the law enforcement justification provisions of sec. 25.1., *CC*, see ch. 30.1.

3. Cr. Ops. Officer/Delegate

3. 1. If a National Headquarters numbered operator is not available within your division, conduct a national database search on the If further assistance is required to identify an undercover operator, contact National Headquarters, Covert Operations.

3. 1. 1. Submit a request to National Headquarters, ATTN: Director, Covert Operations, giving a brief outline of the operational plan and particulars required in sec. 2.1.1., 2.1.3., 2.1.4., 2.1.6., and 2.1.7.

3. 2. 1. name, rank, regimental number, experience, and special qualifications;

3. 2. 3. a brief outline of the operational plan, and the operator's role; and

3. 4. For a major undercover operation, if you concur with the operational plan, submit the request with your recommendations simultaneously to National Headquarters, ATTN: DG, Federal Policing Criminal Operations, and the Director, Covert Operations, who will follow sec. 1. for the approval process, and to the Director, Operational Information Management.

3. 4. 1. If an agent is not involved and you must start an operation before you obtain National Headquarters approval, do not commit the RCMP beyond your level of financial authority.

3. 4. 1. 1. Report the operation to the appropriate National Headquarters directors at the earliest opportunity.

3. 4. 1. 2. If an operation involves an agent, see ch. 31.3.

3. 6. 1. Include major and minor operations in one sequential numbering system.

3. 7. Appoint an officer to monitor the progress of all undercover operations. Provide copies of all requests for undercover operation approval and operational reports to your divisional undercover coordinator.

OM - ch. 32.4. Payments and Gratuities to Sources

Moved from II.13.: 2011-01-28

For information regarding this policy, contact Organized Crime Br., Federal and International Operations, at GroupWise address Organized_Crime_Branch_HQ.

1. General

1. 1. Operational use of sources is managed and defined in accordance with Part 31.

1. 2. Payments to sources must be approved in accordance with Matrix E - Delegation of Sensitive Expenditures.

1. 3. Professionalism and integrity must be evident respecting the use, control and payment of sources.

1. 4. For agent sources, approved fees and expenses must be documented in a letter of acknowledgment to be signed by a source before he/she is used as an agent source. See Part 31.

1. 5. Payments to sources may occur once or several times during an investigation including termination payment at the end of the source's involvement in an investigation.

1. 6. Source specimen cards are required to verify the receipt of funds by sources.

1. 7. Audit procedures for source payments are outlined in ch. 31.3., sec. 8.

2. Definitions

2. 1. **Letter of Acknowledgement** means a document used to record the terms and conditions of the engagement of sources, including services and information to be rendered, associated payments for fees and expenses with reference to a future assessment of proposed protective measures, if applicable.

2. 2. **Termination payment** means a one-time, lump sum payment to a source whose services have been terminated and who deserves remuneration for his/her productive or exceptional service.

3. Payments to Sources

3. 1. Approval

3. 1. 1. Approval of payments to sources must be obtained and granted as outlined in ch. 32.1.

3. 2. Source Specimen Cards

3. 2. 1. Before initiation of payment, all sources must sign Form 4212.

3. 2. 2. A source must use a code name or pen name.

3. 2. 3. The Unit Commander must designate two members to witness the source's signature and sign Form 4212.

3. 2. 4. The Unit Commander/delegate is responsible for retaining source signature cards in the unit source file and at the divisional sensitive expenditure coordinator's office.

3. 3. Payment

3. 3. 1. For all payments to sources, two members, one as the witness, must be present and must each sign the receipt indicating that the payment has been made.

3. 3. 2. Sources must use the same name and signature used on Form 4212 when signing the receipt for source payment.

3. 3. 3. Details of the transaction must be recorded in Form 2451 and in each member’s notebook, indicating the source’s code number.

3. 4. Reimbursement

3 .4. 1. All original receipts must be submitted by the requester to the delegated authority who authorized the original payment with the previously approved Form 1454 and Form 1393.

NOTE: Form 1393 must not include sensitive information related to the operation, i.e. include only dollar values and no descriptors.

3. 4. 2. Before reimbursement requests are approved, according to sec. 34, FAA, they will be reviewed by the delegated authority to ensure that:

3. 4. 2. 1. all payments have been witnessed by two members: the designated payer and the designated witness;

3. 4. 2. 2. all payments were within the budget amount committed and within the approved transaction authority; and

3. 4. 2. 3. the source signature matches the signature on the source specimen card.

3. 4. 3. Approved reimbursement requests will be forwarded to the divisional sensitive expenditure coordinator for review against the verification checklist. He/she will:

3. 4. 3. 1. if it is non-compliant or incomplete, return it to the sec. 34, FAA signatory for further action indicating omissions or discrepancies to be addressed before resubmitting the request.

3. 4. 3. 2. if it is compliant and complete, endorse the request and forward it to the appropriate Regional Accounting Operations Office for processing.

NOTE: Form 1393 forwarded to the Regional Accounting Operations Office must not include sensitive information related to the operation, i.e. include only dollar values and no descriptors.

3. 4. 4. The Regional Accounting Operations Office will issue the reimbursement cheque to the requester.

4. Dispute Resolution

4. 1. Where the sensitive expenditure coordinator and the sec. 34, FAA signatory/delegated authority disagree regarding compliance and completeness of approval documents, the matter will be referred to the DG Corporate Accounting, Policy and Control who will consult with the appropriate DG in Federal and International Operations for resolution.

5. Costs for Witness Protection

5. 1. If protective measures are required, see ch. 31.8.

5. 2. To obtain financial and delegated authority approval for witness protection agreements, the directives outlined in ch. 32.1. must be followed.

6. Non-Cash Gratuities

6. 1. A non-cash gratuity may be given to a person who provided assistance, when it would be inappropriate to make a cash payment, and this action does not constitute a CC violation.

NOTE: In some instances, sec. 120, 121, 123 and 426 CC may have bearing on a non-cash gratuity to federal, provincial, or municipal government employees. Care must be exercised to ensure these sections are not violated when any form of gratuity is given to individuals in these categories. A non-cash gratuity includes, but are not limited to, flowers, tickets to events and meals.

6. 2. In the following situations, it may be more appropriate to offer a non-cash gratuity:

6. 2. 1. to an individual for the use of an observation post in a private residence, or

6. 2. 2. to an individual who volunteers one-time information regarding the movement and/or activities of a person or group of persons of interest to the police.

6. 3. To obtain or grant approval, the directives outlined in ch. 32.1. must be followed.

6. 4. The value of the non-cash gratuity must be approved by the appropriate delegated authority.

6. 5. To obtain reimbursement for costs incurred, the directives outlined in ch. 32.5. must be followed.

7. Taxes for Source Payments

7. 1. Source payments are not considered to be taxable income by the Canada Revenue Agency (CRA).

7. 2. Unless made to a non-resident for services outside Canada, payments to agents, e.g. award, termination, and lump sum are taxable.

7. 3. Agents are responsible for all tax implications of payments received. The CRA has confirmed that the RCMP is not required to issue T4 slips for these purposes. Guidance can be sought from the divisional source and witness protection coordinators.

7. 4. Expenditures or payments made for protective measures are not awards and are not taxable benefits.

7. 5. The RCMP is exempt from remitting T4 slips to recipients of award payments under the *Witness Protection Program Act*.