CONTROLLED DELIVERIES

Greg Kitsell – EU Expert
What is a controlled delivery?

- Defined by Article 1 g) of the 1988 UN Convention against illicit Traffic in Narcotic Drugs and Psychotropic Substances as: “(...) the technique of allowing illicit or suspect consignments of (...) drugs (...) or substances substituted for them, to pass out of, through or into the territory of one or more countries, with the knowledge and under the supervision of their competent authorities, with a view to identifying persons involved in the commission of offences (...)

In collaboration with:
On an international level

controlled deliveries are recommended by Article 11 of the 1988 UN Convention against illicit Traffic in Narcotic Drugs and Psychotropic Substances which states in its paragraph 1 that “If permitted by the basic principles of their respective domestic legal systems, the Parties shall take the necessary measures, within their possibilities, to allow for the appropriate use of controlled delivery at the international level, on the basis of agreements or arrangements mutually consented to, with a view to identifying persons involved in offences established in accordance with article 3, paragraph 1, and to taking legal action against them”.

In collaboration with:
Circumstances that might initiate a controlled delivery

- Seizure of controlled drugs, and the driver / courier agrees to cooperate with the authorities.
- Ongoing investigation where intelligence suggests a quantity of controlled drugs are being smuggled by a certain individual / vehicle.
- Undercover operation, where the undercover officer is transporting the controlled drugs.
- Unaccompanied seizure, E.G. in a container, a stash.
CONSIDERATIONS

- Will the drugs be dummied up, or run live?
- What surveillance resources do you have?
- How will you maintain control of the drugs?
- Communications
- Will this be a joint operation?
- Undertake a Risk Assessment.
- If using a cooperating driver / courier, what plausible reason are you going to give for the delay.
- What technical resources can you deploy / utilise?
PLANNING

- A plan must be put in place regarding how the controlled delivery will be undertaken, what resources are going to be utilised.
- Chain of evidence.
- A number of perceived ‘scenarios’ considered, if likely to head to another Country, then an approach needs to be made to see if the controlled delivery can continue in another territory.
- The conditions under which the controlled delivery will be interdicted / aborted.
PLANNING CONT’D

- What measures are in place to deal with anti-surveillance?
- What measures are in place to deal with counter-surveillance?
- If a joint operation, which agency is taking the lead?
- Chain of command outlined.
- What are the objectives of conducting the controlled delivery?
- Are those objectives realistic?

In collaboration with:
PERMISSIONS / AUTHORITY

- The planned operation must be reviewed and agreed at ..... Level, submitted and approved by .......... of which agency.

- If involving additional countries, agreement must be sought in advance of the controlled delivery taking place – otherwise the whole exercise maybe pointless.
A controlled delivery – must be **controlled**!

Law Enforcement assets need to be in control of the delivery, with a defined chain of command, and be prepared to act if they suspect they are about to lose control.
The key to maintaining control is: **Surveillance**

- Static
- Mobile
- Technical
INTERNATIONAL & REGIONAL COOPERATION

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Malaga Spain to Calais France, approximately 2,100 km
Requiring the cooperation of both the Spanish and French competent authorities, and agreement for a British officer to be present in the Spanish and French Surveillance teams, to ensure continuity, command and control and the ‘chain of evidence’.
Approximately 35km by ferry then 110km Dover to East London
You will be divided up into three syndicates.

A scenario will be presented to each syndicate enabling you to commence a joint investigation between the countries present.

Your first task will be to complete the JIT model agreement. This is the document used in the EU, for the purposes of this exercise we will use it. It is something for you to decide whether you want to create your own version of this document for use by yourselves.
After the model agreement has been completed, we will look to commence the ‘controlled delivery’.

The syndicates will then be given periodic injects, to reflect real world conditions, of an investigation progressing over the remainder of today and tomorrow.

Each syndicate (JIT) can then discuss the appropriate action based on the new information.

On Day 4 (Thursday) each syndicate will present their scenario to the other syndicates.
Considerations

- Who can authorise the action?
- Which agency has the requisite powers?
- What could go right?
- What could go wrong?
SYNDICATE ‘A’
SYNDICATE ‘B’
SYNDICATE ‘C’
SYNDICATE ‘D’