



*"With the support of the Prevention of and Fight against Crime Programme
European Commission – Directorate-General Justice, Freedom and Security"*

International Specialist Law Enforcement



Introduction

The Council of the European Union (EU) is the principal decision-making institution of the EU alongside the European Parliament. It is a fundamental principle of the EU that Member States (MS) work together to establish common values. These values are established by treaty between MS, giving them authority of law. In 2007, the Council introduced the specific program Prevention of and Fight against Crime.

The European Commission (EC) is an executive body of the EU with responsibility for implementing EU decisions. In 2009, the EC awarded the Serious Organised Crime Agency (SOCA) in the United Kingdom (UK) funds for the establishment of a project called 'International Specialist Law Enforcement' (ISLE).

1. PURPOSE

1.1 The purpose of this document is to establish Terms of Reference that will form the basis of all activity pursuant to the Project.

1.2 The purpose of Project ISLE is to build a network of MS Organisations that may develop co-ordination, co-operation and mutual understanding amongst law enforcement agencies using 'Specialist Techniques'.

1.3 'Specialist Techniques' are skills employed to facilitate the lawful gathering of information in an intrusive but covert manner. These skills are strictly controlled by EU legislation relating to the protection of human rights and include methods of covert entry into premises or vehicles and the facilitation of covert searches of property, covert forensic capabilities and covertly installed technical devices.

1.4 This project seeks to identify common practices and develop opportunities between MS using 'Specialist Techniques'. It will focus effort on expanding existing partnerships and building others, including developing MS where appropriate. It will cultivate the flow of knowledge and expertise between 'Specialist Technique' practitioners and achieve a long-term program for education and development between MS.

2. BACKGROUND

2.1 A pilot seminar consisting of twenty-six 'Specialist Technique' practitioners from four MS was held in London in 2006. Discussions to develop a long-term program were held and some remedial work has since been achieved, including multi-agency workshops, the sharing of knowledge and development of skills between MS. The intention is to maximise these efforts and advance capability by building a similar workgroup of practitioners in 'Specialist Techniques' throughout the EU. This workgroup will exchange knowledge on a regular basis, maximising efforts to enhance capability in 'Specialist Techniques'.

2.2 This project will focus effort on building partnerships, cultivating the flow of knowledge and expertise between 'Specialist Technique' practitioners and achieving a long-term program for education and development of their skills.

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3. OBJECTIVES

3.1 The project objectives should contribute to the achievement of the over-all objectives of the EC specific program '*Prevention of and Fight against Crime*'.

To this end the objectives will be to –

- Expand on existing partnerships and create new ones, including developing MS, to promote and develop co-ordination, co-operation and mutual understanding of 'Specialist Techniques' used by law enforcement agencies and other related bodies in the EU;
- Broaden the range of 'Specialist Techniques' used by MS by sharing knowledge on capability, identifying common standards and jointly developing new technologies to gather information; and
- Implement an agreed control strategy with shared responsibility and engagement in achieving a long-term program of activity toward the development of 'Specialist Techniques'.

4. SCOPE

4.1 The Project Partners and Steering Group are SOCA (UK), Commissioner General's Office - Directorate of Special Units (CGSU) in Belgium (BE) and Bundeskriminalamt (BKA) in Germany (DE).

4.2 The Project Manager and Administration will be provided by SOCA.

4.3 The Steering Group will create a larger Working Group consisting of 'Specialist Technique' practitioners.

4.4 In creating the workgroup, the Steering Group will consult collectively prior to engaging with new participants, using an agreed Decision Matrix to ensure inclusion benefits both the prospective new participant and overall project objectives.

4.5 The workgroup should consist of full-time practitioners from organisations where their countries legislation supports 'Specialist Techniques'.

4.6 Workgroup participants and their organisation must meet agreed security criteria to assure confidentiality of information exchanges.

4.7 Participants and their organisations must be prepared to promote and encourage international, inter-agency co-operation in 'Specialist Techniques' and contribute to the establishment of a long-term program. Organisations with diplomatic/political responsibilities may find it difficult to participate openly during information exchanges and due consideration should be given to their role in the project.

4.8 When an organisation is identified as a workgroup participant, a recognised 'Specialist Techniques' practitioner within that organisation will be identified as Lead Representative.

4.9 Workgroup exchanges of information will be made without commercial presence except in cases where prior agreement has been reached between participants.



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4.10 Information exchanges will always be subject to compliance with existing confidentiality agreements which, where appropriate, should be notified to the Project Manager. Other information exchanges will be made in accordance with Europol rules on handling confidential information.

5. CONSTRAINTS

5.1 The project will start on the 9th November 2009 and will take no more than 36 months, including three months for the production and submission of the final report. It is intended to expand the workgroup over this period to include as many MS as possible.

5.2 Participants will generally be English speaking and contribute to the project by way of hosting and attending project meetings in their own and other MS.

5.3 Staff costs will be met by each participants own organisation. This will be their contribution to the Project Fund. Other eligible costs will be met by the Project Fund only if they have been agreed by the Project Manager prior to being incurred and must be recorded in a verifiable manner.

5.4 Where there are expenses incurred by participating organisations, they shall only be eligible within the Project Fund provided that they have been re-invoiced to the project administration and appear in the administration accounts. Participating organisations shall agree by signing these Terms of Reference that, in case the EC requests the audited accounts of the project, the signed participants provide the requested documents relating to claims made from the Project Fund.

6. ROLES & RESPONSIBILITIES

6.1 Project Partners – SOCA (UK), CGSU (BE) and BKA (DE). The Project Partners will establish a Steering Group and ensure activity according to the project objectives is implemented.

6.2 Administration – The administration of the project will be held by SOCA. It will be the responsibility of the administration to appoint the Project Manager and inform the Project Partners. The administration will make payment of all authorised eligible costs.

6.3 Project Manager – The Project Manager will co-ordinate the Steering Group and Workgroup activity; and authorise eligible costs. The Project Manager will produce the final report and budget report to be submitted to the EC. Two workgroup seminars will be hosted by the Project Manager in the UK.

6.4 Lead Representatives - Lead Representatives will be expected to communicate between the workgroup and their own organisation at senior level. The organisation will designate their Lead Representative. Leaders will be full-time 'Specialist Technique' Practitioners. They will also be responsible for co-ordinating 'in-own-country' liaison on behalf of the workgroup.



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6.5 Practitioners - Practitioners will be trained in 'Specialist Techniques' and employed full-time by their organisation to use these skills. The organisation to which each practitioner belongs must have national / international responsibilities and meet agreed security criteria to assure confidentiality of information exchange between participants.

7. REPORTING

7.1 The administration will co-ordinate and circulate copies of reports between the workgroup. Lead Representatives will be responsible for reporting outcomes of project activity to their own organisation.

7.2 The Project Manager will produce the final report and budget information to the EC within ninety days of the end of the Project period.

8. METHODS

8.1 The primary purpose of this project is to create a workgroup that may establish a long term program of activity toward the development of 'Specialist Techniques'. It is expected that as a result of this project, the co-ordination between participants will have a substantial effect on the development of 'Specialist Techniques' between MS. Careful selection of participants, with the right skills will ensure the project workgroup will be able to improve EU capability over-all.

8.2 During the project period regular liaison between participating organisations to develop and discuss capability will be encouraged. It will be necessary to agree a control strategy with responsibility shared in achieving the project objectives. This will ensure action is taken to extend the communication between participants that may lead to the establishment of a long term programme of activity.

8.3 The Steering Group will identify key organisations within the EU that are legislatively able to engage in common practices. Prospective participants will meet agreed criteria to ensure appropriate levels of security and capability are matched. Those organisations participating will become stakeholders to the project with a view to establishing long term partnerships focused on the development of 'Specialist Techniques'.

8.4 The workgroup will ensure continued liaison between participants on a regular basis. The culmination will be a seminar in London in 2011. This will mark the conclusion of the project and the establishment of a long term program involving those MS organisations that have participated in the Project. Subsequent annual seminars will be administered by a different MS each year.

9. DELIVERABLES

9.1 The Project Manager will co-ordinate all project activity including regular 'in-own-country' consultancy between MS, agreeing eligible costs, hosting UK seminars in 2010 and 2011, and producing the final reports to be submitted to the EC.

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9.2 Lead Representatives will be responsible for reporting outcomes to their organisation on behalf of the Project Manager.

9.3 At the Project seminar in the UK in 2011, Terms of Reference for the establishment of a long-term program and its administration will be agreed. At that time the next two MS that will take the administration for 2012 and 2013 will be announced. This will enable appropriate planning periods for the continued success of a long-term program.

10. ASSUMPTIONS

10.1 It is assumed that -

- Key individuals are appointed and not removed during the project period;
- Delivery dates will not change during the project period;
- Resource requirements will not change during the project period;
- Resources identified will be available as required;
- Delegate numbers will be fixed during Seminars;
- Participants will generally be English speaking to aid communication;
- Participant organisations will pay their own staff costs; and
- Travel and subsistence costs that are eligible from the Project Fund will have prior approval from the Project Manager and not exceed 'in-own-country' or published EU rates.

11. COSTS

11.1 Where prior agreement is given, travel and subsistence (inc. accommodation) costs during 'out-of-country' consultancy and seminars will be met by the Project Fund within EU published rates.

11.2 Costs will be calculated in Euro. Other currency exchanges will be calculated using rates set by the project administration on the date of incurring the cost.

11.3 With the exception of agreed interpretation, translation, travel and subsistence costs, it is assumed that all staff cost will be met by each participants own organisation as part of the project contribution.

11.4 Staff costs may be calculated within the Project Fund, as long as they are notified to the project administration, that they are specifically incurred on the project and agreed by the Project Manager.

11.5 The end of the project will see the publication of actual costs against which future forecasts may be made. This information will be used to calculate the future long-term administration of the workgroup.