Guidelines on the use of Agents who participate in Criminality
(Official Guidance)

Policy Lead: LA
Policy Authority: DDG
Policy Issue: March 2011

Policy Aim
The aim of this policy is to provide guidance to agent-running sections on the use of agents who participate in criminality.

Audience
Agent handlers and their managers.

Principles
The guidance explains the circumstances in which agent-running sections may use agents who participate in criminality.

Summary
These Guidelines are intended to provide guidance to agent-running sections on the use of agents who participate in criminality.

Table of Contents
* Introduction
• Authorisation of use of participating agent
• Effect of an authorisation
• Agent handlers

Introduction

1. These Guidelines are intended to provide guidance to agent-running sections on the use of agents who participate in criminality.

2. Part II of the Regulation of Investigatory Powers Act 2000 ("RIPA") creates a regime for authorising the conduct and use of Covert Human Intelligence Sources ("CHISs"). This regime applies to the Service's use of agents, and the Service conducts its agent operations in accordance with RIPA, its subordinate legislation and the CHS Code of Practice issued under it.

3. RIPA does not provide any immunity from prosecution for agents or others who participate in crime. Section 27 of RIPA provides that conduct specifically authorised under a CHIS authorisation is "lawful for all purposes".

4. Subject to this, neither RIPA nor the Code of Practice provides for CHISs to be authorised to participate in criminality.


11. It is vital that full and accurate records are made of everything said to an agent on the subject of participation and of his response. It should be clearly explained to the agent that the authorization process does not bestow on them any immunity from prosecution.

Agent handlers

12. No member of the Service shall encourage, counsel or procure the commission by an agent of a criminal offence, save and to the extent that the offence is covered by an authorisation issued under these Guidelines.