

Agent Running and Participation in Criminality (Official Guidance)

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[REDACTED]

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Introduction

[REDACTED]

[It may sometimes be necessary for an agent to participate in criminality in order to achieve the objectives set out in paragraph 5 of the Guidelines]

[The redacted text refers to the issue raised in paragraph 13 of the Guidelines]

Does RIPA authorise criminality by agents or their handlers?

No. This is a common misunderstanding. Whilst RIPA provides a framework for authorisation for agent-running activities, its provisions do not provide an authorisation process to cover criminal offences committed by agents or their handlers.

[REDACTED]

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It is better to think of RIPA as authorising merely the element of interference with privacy occasioned by the conduct or use of the agent.

If RIPA doesn't authorise criminal participation, then what is the purpose of the form we fill in?

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[As set out in paragraph 9 of the Guidelines, the authorisation of a participating agent has no legal effect and does not confer on either the agent or those involved in the authorisation process and immunity from prosecution]

[As set out in paragraph 9 of the Guidelines, the form documents our explanation of the decision with reference to the factors in paragraphs 7 and 8 of the Guidelines]

[The redacted text refers to the considerations set out in paragraph 9 of the Guidelines]

In November 2012 the Prime Minister asked the Intelligence Services Commissioner retrospectively to review a sample of the authorisations as part of his periodic reviews. As such, the Service will need to collate all of the completed forms about every 6 months for the Commissioner to select those cases he wishes to see.

[REDACTED]

[REDACTED]

[REDACTED]

What should we do to avoid problems?

Always take the Participation form very seriously and understand its purpose. In the event of something going wrong it will probably be the only record of your decision making [REDACTED] and therefore you should take time to get it right. [REDACTED]

[REDACTED]