Agent Participation in Criminality

At your visit earlier in the summer, we briefed you on the origins of our processes for authorisation of agent participation in criminality. I agreed at the time that I would write with our updated guidelines (which I’ve attached to this letter) along with a little of their background.

2. The basic premise is that agents recruited and run by the Service, may need to engage in criminality (for instance membership of a proscribed organisation, in order to accomplish some of the purposes set out in paragraph 5 of the Guidelines). Our ability to run agents who are participating in crime is vital to the success of our work. The guidelines set out the circumstances in which an agent’s authorisation may be given and carries no immunity from prosecution. This authorisation, for this reason, we are duty cautious when applying the guidelines to ensure that we only authorise conduct that is clearly in the overall public interest.

3. The guidelines have been in place since the early 1990s and incoming Home Secretaries have been briefed on them. The guidelines have in our view been highly effective in enabling us to reach sustainable, practical decisions, in what can be very difficult cases. However, my predecessors and I have always been conscious that the guidelines, whilst enabling us to manage some very difficult risks, That said, the guidelines give us the flexibility we need to run these agent cases to the best effect and, perhaps above all, a better alternative that is practical and deliverable has yet to be identified.

Andrew Parker