

# Agent Running and Participation in Criminality (Official Guidance)

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## 5. Agent Running ops and Participation in Criminality

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### Introduction

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*[ 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 text]

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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?**

[ 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 ]

[Redacted text]

[Redacted text]

[ 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 ]

[Redacted text]

[Redacted text]

[ 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 text]

[Redacted text]

[Redacted text]

**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 text]