

[REDACTED]

SECURITY SERVICE POLICY ON RUNNING AGENTS IN SERIOUS CRIME

1. The Security Service Act 1996 gives the Service the function of acting in support of the police and other law enforcement agencies in the prevention and detection of serious crime. This note sets out the principles to be adopted by the Service in employing and running as an agent a person who is to obtain intelligence to assist the Service in performing that function.

2. The Service's remit in the prevention and detection of serious crime is distinct from and designed to "add value" to the work of the law enforcement agencies. In order for its contribution to be fully effective, the Service will deploy the full range of techniques it has developed in other areas of its work, including counter-terrorism. These techniques include the recruitment and tasking of agents for the purpose of gathering intelligence; this raises the issue of participation in criminality. Home Office Circular 97/1969 contains guidelines issued by the Home Office to police forces on the use of informants who take part in crime. The ACPO Guidelines on the Management and Use of Informants dated 25 January 1995, adopt and expand the Home Office guidelines. Both sets of guidelines were specifically formulated to guide police forces in obtaining information from informants.

3. [REDACTED]

[REDACTED] Whilst running informants or agents may involve balancing competing public interests, the balance will be different depending on the nature of the investigation in which the person is providing information. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

4. In judging where the balance of public interests should be drawn in running agents who will assist the Service in support of the prevention and detection of serious crime, the Service will primarily take account of the guidance given by the courts on the appropriate use of informants involved in criminal activity. In addition the Service will have regard to the principles contained in the Home Office and ACPO guidelines and to police and other relevant practice under those guidelines. However the Director General is responsible for the operations of the Security Service. He retains at all times, control of and responsibility for Security Service staff and [REDACTED] in supporting a law enforcement agency.

5. The balance of public interests may favour an agent being allowed, under proper control by the Service, to continue his participation in criminal activity in order to maintain a flow and development of intelligence. [REDACTED]

[REDACTED] In particular attention should be paid to the following:

- (i) Before any person is employed as an agent in order to obtain information on serious crime, approval must be given [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

(ii) The agent must be clearly instructed that his employment or continued employment as an agent does not carry with it immunity from prosecution.

[REDACTED]

6. The Service will of course be judging the balance of the competing public interests in the context of its role to act in support of law enforcement agencies which may themselves be subject to the Home Office or ACPO guidelines. This fact, and the working arrangements which develop between the Service and the agencies concerned, will clearly influence the judgements that are made in particular cases.

