School of Law and Social Justice | University of Chester

Does covert intelligence gathering assist in law enforcement?

Advantages:

- Pace act 1984- evidence must not be inadmissible and collected with abuse which cause proceedings to be stopped, and prosecution will not continue as this would not be fair and gives them a framework to work at which causes more efficient evidence.
- Builds stronger case- first hand evidence in real time
- Tackling bigger cases prevents crime.
- Officers must pass and attend the national cover course as they should be fully conversant with the law which improves safety, trust and efficiency.

Undercover Policing:

- Role- Gather intelligence and evidence covertly.
- By building relationships with the suspects to help maintain cover, searching areas and people and working efficiently with other undercover officers to always ensure safety.
- Very demanding Job due to having to work under pressure which has its toll
- Helps legal proceedings by collecting intelligence with clarity and integrity.
- Takes place with serious and organised crimes such as trafficking and murder.

Home office logo shows that their stats of CHIS is an advantage

Covert intelligence Gathering in law enforcement + CHIS:

- UCO's work under the direction with an authorised investigation as a CHIS.
- Regulation of the investigatory powers act 2000 (RIPA)- Defines a CHIS if they create a personal relationship with a subject for covert reasons to collect intelligence. This can help find evidence and provide access to information of the subject.
- CHIS also includes informants gathering intelligence covertly.
- CHIS 2021 act- Allows criminal activity taking place without prosecution . Which are usually minor crimes to help gain trust from the subject to find intelligence for a more serious crime.
- This has caused scrutiny and debates as there is potential for abuse and ethical issues.
- Such as use on minors and vulnerable individuals and how these activities are managed.
- Officers have the potential to abuse this as they might excuse their actions saying that is was necessary when it wasn't.
- CHIS have been successful as home office 2018 report mentions that operations by the Met police have led to 3500 arrest and 400kg of Class A drugs recovered.

Operation Finberry (2016):

- Merseyside- infiltrated a drug gang and successfully bought a large amount of Class A drugs from the gang.
- 9 convictions
- Officers went under cover and purchased drugs from gang members which surveillance was also used to find specific locations and key members.
- Recovered £21,000 of cocaine, £98,000 of heroin and £200,000 in cannabis.
- Results demonstrates effectiveness of covert police methods.

Cheshire Constabulary

HMICFRS

ETHICS

Issues:

- Blackstone's (2026)- Due to HMIC 2012 report need more supervision of police practices as it criticised a CHIS of defying instructions when working with a group of environmental campaigners and trial was collapsed. Can cause people to lose trust in police in decision making and using tactics.
- Investigatory power's tribunal- undercover operatives gaining intelligence about political activists and public disorder violated the HRA 1998 such as article 3, 10 and 14. Involved deception of a woman by a CHIS who engaged in a long-term sexual relationship and continued to gain intelligence. This was a lack of oversight of his activities and flawed authorisations under RIPA.
- Mental health has its toll as it can lead to officers making more mistakes as they see horrific things.

Human Rights Act

TAKE CARE OF YOUR MENTAL HEALTH

Conclusion:

Undercover policing can assist in law enforcement a they must pass the national cover course which makes them more trusted. They must follow legislation such as CHIS 2021 act, HRA and RIPA which helps them ethically collect admissible and reliable evidence as they know what's right and wrong which leads to more arrests. There have been cases where undercover policing did assist in law enforcement such as in operation Finberry and the home office 2018 statistics. However, there have been instances where this had issues in assisting law enforcements due to not following legislation such as the Colin Stagg case. This work is very demanding which takes its toll on officer's mental health as they witness horrific things which impacts the efficiency of their work making mistakes an going against legislation whilst collecting intelligence. Officers able to commit crimes can impact vulnerable and innocent individuals. Overall, undercover policing can assist in law enforcement however, there are many issues that follow it and need to be improved on.

Undercover policing

Colin Stagg:

- Miscarriage of justice
- Accused of the murder of Rachel Nickell.
- Police focused on his past convictions of violence.
- Female undercover operative "Lizzy James" created a romantic relationship with him for a confession which went against article 8 as they did not have the right to create a relationship due to lack of DNA evidence.
- Worked on him in an excessive manner which caused the case to be dropped after years in prison.

References:

- Baldwin T, barrister at garden court chambers (2021, May 21). The covert human intelligence sources (Criminal conduct) Act 2021 (CHIS Act). Many more 'spying cops' without proper controls. https://ials.sas.ac.uk/ials-blog/browse-past-posts/covert-human-intelligence-sources-criminal-conduct-act-2021-chis-acthttps://ials.sas.ac.uk/ials-blog/browse-past-posts/covert-human-intelligence-sources-criminal-conduct-act-2021-chis-act
- BBC NEWS (2010, June 3). 'Police errors' led to Rachel Nickell killing. BBC. https://www.bbc.co.uk/news/1021632
- College of policing (2021, February) Undercover policing- Authorised professional practice. College of policing. https://library.college.police.uk/docs/college-of-policing/APP-Undercover-policing-February-2021v2.pdf
- Docking, N. (2016, July 08). Gang caught after selling cocaine and heroin to undercover officers jailed for total of 55 years. Liverpool Echo. https://www.liverpoolecho.co.uk/news/liverpool-news/gang-caught-after-selling-cocaine-11589696
- Exchange Chambers. (2016, July 26). Steve McNally successfully prosecutes cocaine and heroin gang case. https://www.exchangechambers.co.uk/steve-mcnally-successfully-prosecutes-cocaine-heroin-gang-case/#:~:text=Steve%20McNally%20successfully%20prosecutes%20cocaine,judge%20passed%20the%20following%20sentences:
- Home office (N/A) CHIS factsheet. GOV.UK. https://assets.publishing.service.gov.uk/media/5f0b468bd3bf7f723862311f/CHIS_Factsheet.pdf
- Rachel Nickell | Forensic cold case murder investigation. (N/A). forensic Access. https://www.forensic-access.co.uk/cold-cases/rachel-nickell/#:~:text=For%20several%20months%20an%20undercover,was%20arrested%20in%20August%201993.
- The Sun. (1993, August 18). Rachel Nickell: a case history. The Sun's front page 18 August 1993. The guardian. https://www.theguardian.com/news/blog/2008/dec/17/rachel-nickell-case-history
- Tudor, S, House of Lords. (2021, September 30). Covert human intelligence sources: criminal conduct. House of Lords Library. https://lordslibrary.parliament.uk/covert-human-intelligence-sources-criminal-conduct/
- Undercover operative | Join the police. (N/A). Join the police. https://www.jointhepolice.co.uk/training-progression/career-progression/role-spotlights/undercover-operative
- Wood, D., Bradshaw, S., Dickens, T., Parker- McLeod, J., Davis, C. (Eds.).(2025). Blackstone's Handbook for policing students 2026. New York, NY: Oxford University press.https://www.blackstonespoliceservice.com/view/10.1093/law/9780198972150.001.0001/law-9780198972150-chapter-12.