



An opportunity lost? The declining role of authorised covert human intelligence sources in combating organised crime

Ian Stanier^{a,1}, Jordan Nunan^{b,*,2}

^a Centre for Security and Intelligence Studies, University of Buckingham, United Kingdom

^b Faculty of Business and Law, University of Northampton, United Kingdom

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ABSTRACT

Combating organised crime, requires Agencies to deploy a range of collection capabilities to identify community threats, to accurately select and prioritise organised crime targets and to inform operational decision-making. Central to this effort is the ability to identify, recruit and deploy Covert Human Intelligence Sources (CHIS). It is therefore paradoxical that the United Kingdom's CHIS authorisations have been in steep decline since the enactment of the bespoke *Regulation of Investigatory Powers Act 2000* (Regulation of Investigatory Powers Scotland Act, 2000). This research seeks to critically discuss as to what are the key factors contributing to this decline. Consequently, this review suggests that the decline in CHIS authorisations are to be found in a complex configuration of factors. Two stand out as significant; i) the impact of resource reduction on CHIS operational capacity and capability, and ii) an emergence of a culture of fear and risk aversion as a constraining factor on CHIS recruitment and use.

1. Introduction

The National Crime Agency's (NCA) Director General stated that "SOC [Serious Organised Crime] continues to threaten our security, our economic prosperity, and the safety of the public we serve: no parts of society are immune to the efforts of organised crime gangs, cyber-criminals, fraudsters, or those who sexually abuse children" (NCA, 2024). The United Kingdom's (UK) Home Secretary, Yvette Cooper has recently espoused the use of covert investigative practice "So in three months, we've set up the Border Security Command, launched new investment in covert operations, high tech investigations to go after the gangs, with proper enforcement and returns" (Cooper, 2024). Combating organised crime, requires Agencies to deploy a range of collection capabilities to identify community threats, to accurately select and prioritise organised crime targets and to inform operational decision-making (Home Office, 2024; NCA, 2024). Central to this effort are the Agencies' ability to identify, recruit, and deploy Covert Human Intelligence Sources (CHIS) within an integrated collection stratagem (UK Gov, 2020). It is therefore paradoxical that the United Kingdom's CHIS authorisations have been in steep decline since the enactment of bespoke (*Regulation of Investigatory Powers Scotland Act, 2000*; see IPCO, 2020; OSC, 2004).

This article raises the concern that Agencies are not fully exploiting the tactic and explores the possible reasons for the decline in CHIS authorisations. Finally, it discusses what could be done to increase CHIS numbers in the context of organised crime. In this article, the term CHIS will encompass both what are traditionally known as informants within Law Enforcement Agencies and agents within Intelligence Agencies. For clarity and consistency, this article will adopt the term 'Agency' to include all law enforcement organisations, intelligence agencies, armed services and other state actors who directly recruit, authorise and utilise CHIS. The term 'Handler' describes those officers responsible for the day-to-day running of the CHIS, which also includes other associated terms (i.e., case officer and agent runner). In addition, the focus of the article is on the use of CHIS Informants / Agents and not other subsets of Human Intelligence (HUMINT) such as undercover operatives, assisting offenders, cooperating witnesses and overt community intelligence sources. The definition of CHIS needs to be understood in the wider legislative framework underpinning UK covert investigative practice.

1.1. The legislative framework for CHIS

In the context of current practices in the use and management of CHIS, the introduction of the UK *Human Rights Act (1998)* proved to be

* Corresponding author.

E-mail addresses: ian.stanier@buckingham.ac.uk (I. Stanier), jordan.nunan@northampton.ac.uk (J. Nunan).

✉ @BUCSIS2 (I. Stanier), ✉ @Jordan_Nunan (J. Nunan)

¹ <https://orcid.org/0000-0001-6608-5295>

² <https://orcid.org/0000-0002-6187-003X>

a catalyst for placing covert investigatory practices onto a statutory footing (James, 2013). The drive for Human Rights compliance led to the enactment of the *Regulation of Investigatory Powers Act (2000)* and accompanying statutory instruments, and later, the *Covert Human Intelligence Sources (Criminal Conduct) Act (2021)*. Prior to this legislation, the use and management of covert human intelligence sources and most other forms of covert investigatory practice was unregulated, non-statutory (McKay, 2011) and operated outside of formal Agency structures and was a core part of investigatory practice (Audit Commission, 1993; HMIC, 1997). Both of these primary Acts, while intended to ensure greater compliance in protecting an individual's rights (i.e., right to privacy) are actually enabling legislation and neither seek to remove an Agency's ability to deploy CHIS. In the UK, the legal oversight and definition of a CHIS is covered by the *Regulation of Investigatory Powers Act (2000)* (and in Scotland, see *Regulation of Investigation (Scotland) Act 2000*). Section 26(8) *Regulation of Investigatory Powers Scotland Act (2000)* defines a CHIS as an individual who:

- (a) establishes or maintains a personal or other relationship with a person for the covert purpose of facilitating the doing of anything falling within paragraph (b) or (c);
- (b) covertly uses such a relationship to obtain information or to provide access to any information to another person; or
- (c) covertly discloses information obtained by the use of such a relationship, or as a consequence of the existence of such a relationship.

In the context of organised crime and in simplified terms, the CHIS is a person, used by an Agency, to establish or maintain their relationship with associates of an organised crime group, with the intent of *covertly* accessing, collecting and passing on intelligence to an Agency (Billingsley, 2009). The expectation is that the CHIS remains anonymous and is not directly part of the evidential chain (i.e., they will not be required to give evidence). The intelligence gains will be used to develop new investigatory leads and evidential opportunities. While not a legal requirement, it is an embedded practice for all law enforcement agencies to manage their CHIS within Dedicated Source Units (DSUs). Staff employed in a DSU are responsible for identifying, assessing, recruiting and deploying CHIS on behalf of an Agency. The DSU structure, subject to resourcing, may include several different functions, recruitment team, prison team, handling team and an analytical and research desk. In practice, it is not uncommon for the roles to be undertaken by the same Handler.

The aforementioned legislation, in conjunction with ongoing public concern around the tactic (*Privacy International and Ors v Secretary of State for Foreign and Commonwealth Affairs and Ors*, 2021; HM Treasury, 2003; The Guardian, 1999) continues to act as a driver for the professionalisation and interpretation of practice associated with CHIS use and management. The most recent legislative development of the *Covert Human Intelligence Source (Criminal Conduct) Act 2021* limits deployment to serious investigations, which would include organised crime. This legislation permits, within certain conditions, the authorisation of a CHIS to commit criminal conduct as part of an authorised tasking. Such conduct is necessary for CHIS to establish access through security trust or maintaining credibility with those under investigation, especially at the level of serious and organised crime (HMG, 2021, 2023). This is because CHIS can contribute to the escalation of investigative intensity against subjects of interest.

Research on CHIS is limited. What does exist, focuses on the value of CHIS (Home Office, 2021), ethics associated with CHIS use and management (Goldman, 2006; Harfield, 2014; Erskine, 2019) and the elicitation of CHIS intelligence (Marin and Gabbert, 2023; Moffett et al., 2022; Nunan et al., 2022; Stanier and Nunan, 2018). One gap in the research is centred around the decline in CHIS authorisations in the UK. Therefore, this paper aims to address this gap by exploring the factors

that may be impeding CHIS authorisations, namely, the reduction in resources and the perceived culture of fear and risk aversion associated with CHIS use.

2. The value of CHIS in combating organised crime: does the significant reduction in CHIS authorisations matter?

"The lack of HUMINT in intelligence operations leaves analysts staring at pictures, frantically searching through communications, reading newspapers, and measuring emissions to ascertain what is going on. HUMINT gives operations valuable direction by uncovering intentions and capabilities to corroborate what the technical intelligence may, or may not affirm" (Margolis, 2013, p. 50).

Margolis (2013) highlights the risks to Agency's who fail to invest in or effectively deploy CHIS in sufficient numbers. Analysts are used to working with incomplete and inconsistent information to support decision-makers. However, the lack of CHIS reporting poses a particular difficulty for their work as will become apparent later in this article. CHIS form a key role within the strategic and tactical response to criminality (Stanier and Nunan, 2018). CHIS deployments have contributed vital intelligence against an array of criminality, stretching across both the virtual and the real-world environments, so much so that CHIS are deemed a critical tactic for securing intelligence to assist with proactive and reactive investigations (Emsley and Shpayer-Makov, 2006). Authorised CHIS can identify organised crime networks, their intent, vulnerabilities and operational spaces (Chappell, 2015). The tactic can illuminate previously inaccessible operational areas (Moffett et al., 2022) and may provide access to prioritised subjects of interest, access otherwise denied to undercover infiltration or technical attacks. Demographics, temporal considerations, closed venue and the diversity of the offending group may prove challenging in identifying and exploiting a link of commonality, required prior to a decision to deploy undercover officers. It is CHIS reporting that can underpin administrative applications for the use of further *high policing techniques* (Brodeur, 2007) to support an investigation.

2.1. CHIS use in organised crime

At the high end of criminality, CHIS provide valuable insight into murder enquiries and threats to life (Home Office, 2021). Murder investigations, in particular gang-related incidents, are often supported by intelligence provided by CHIS, significantly reducing investigation costs, preventing, and bringing offenders to justice. National guidance on murder investigations stated, "*Covert Human Intelligence Sources (CHIS) can provide material of considerable value to homicide investigations, particularly in organised crime cases and where unplanned homicide is committed in the course of another crime*" (ACPO, 2006, p. 280). Sadly, homicide also occurs amongst juvenile gangs. Crimes against and by children are some of the most difficult to investigate, but CHIS have a valuable role to play. Their deployments can, and have, assisted with the identification of victims, offenders and the development of new investigative leads into organised crime (Chappell, 2015). In addition to homicide investigations, CHIS have helped investigate serious and organised Child Sexual Exploitation (CSE) gangs (Northumbria PCC, 2017). This is still an embryonic reporting area although earlier failures by organisations to protect vulnerable people from CSE gangs are an added impetus to exploring how and when CHIS and other covert techniques can be deployed. One failure to recruit and use CHIS was noted by the HMIC in its report on South Yorkshire Police's effort to protect 1400 child victims from Rotherham based CSE gangs. In its report it stated:

"There were no covert human intelligence sources (CHIS) specifically recruited to gather intelligence in relation to child sexual exploitation, although some of the existing sources had provided this kind of detail. Intelligence managers had not deployed CHIS handlers to debrief child sexual exploitation suspects in order to identify potential intelligence opportunities." (HMIC, 2013, p. 15).

Other areas where CHIS contributions have been valued include human trafficking (IPCO, 2019) and the use and possession of firearms (Duquet, 2018). Criminality committed within and directed from prison establishments, may be successfully monitored by prison-based CHIS (Useem and Clayton, 2009). The use of CHIS to support the maintenance of good order and discipline and tackling external criminality was recognised by *Her Majesty's Prison and Probation Service (HMPPS, 2012)* with the establishment of Prison DSUs and investing in its CHIS capacity and capability (IPCO, 2019). The value of enhanced prison CHIS use, deployed alongside other intelligence collection methodology, was acknowledged in the United States, an example being *Operation Hades* in New York (Dunleavy, 2011) which sought to identify radicalisation within the prison system. It led to the identification of ISIS sympathisers amongst the criminal population of the prison and subsequent arrests for attack planning and possession of illegal firearms (US Department of Justice, 2018).

The value of CHIS in tackling cyber-crime can be significant, as well as posing as insiders to bridge 'airgaps' between the external space and secure internal networks, they can also add value by providing the security information and system entry routes to permit access by more advanced technical intelligence collection capabilities. There is also a symbiotic operational relationship between communications and electronic data collection and CHIS that brings with it further benefits. In addition to the rise in cyber-crime, fraud is currently at an epidemic scale, costing the UK billions each year. CHIS are able to continue their presence in the workplace in question, in order to provide opportunities for the evidential seizure of fraudulent produce or continue reporting on organised crime groups using fraud as their modus operandi (HMG, 2021). The use of CHIS to collect information on economic crime may initiate and sustain investigations, by responding to proactive taskings, developing intelligence and generating evidential lines of enquiries (Financial Action Task Force, 2012). Economic crime, including falsification of financial information, insider trading, misuse of corporate property for personal gain, intellectual property theft and money laundering lends itself to the use of human sources. This provides Agencies with the opportunity to deploy CHIS into such networks (Financial Action Task Force, 2012).

Across the spectrum of organised crime, CHIS use in tackling drug offences is repeatedly claimed by practitioners and academics (Dorn, Murji, and South, 1992; Grieve, 1987; Home Office, 2021; May et al., 2000; Williams and Guess, 1981). To some, tackling drugs-related crime, including supply, would be virtually impossible without the use of CHIS (Bean and Billingsley, 2001; Dorn et al., 1992) and that the usefulness of such tactic is even recognised by drug dealers (May et al., 2000). When UK police forces were asked what elements of their drug strategy were considered the most important, the increased use of CHIS was considered by 84 % as *very important* and 13 % stated it was *fairly important* (Newburn and Elliott, 1998). Moreover, the principal reason for arrest and/or detections for armed robberies in London was given as the contribution made by a CHIS (Matthews, 2002) and he concluded that "*when the quality of information provided was good, the system of informers appeared to be an extremely useful strategy for detecting robberies*" (Matthews, 2002, p 118). In response to a spike in armed robberies around London, police recruited a single source, *Bertie Smalls*. His cooperation and the subsequent intelligence-led arrests contributed to an approximate 60 % fall in armed robberies in the 1970's (Matthews, 2002).

2.2. The rise and fall of CHIS use

The zenith for authorised CHIS numbers in the UK was during the 1990's. The momentum for increased recruitment of CHIS was in part due the Audit Commission's report, *Helping with Enquiries: Tackling Crime Effectively* (Audit Commission, 1993). This significantly reframed law enforcement's approach to intelligence, accelerating the introduction of the intelligence-led policing model, and in doing so, supporting

the mainstreaming of covert tactics across UK law enforcement. The report called for the adoption of a proactive approach to tackling rising criminality including the greater use of surveillance and CHIS in both volume and serious crime investigations. The encouragement to use the tactic was not simply limited to the passive use of a CHIS, it was also how they were to be deployed and in what role. Her Majesty's Inspectorate of Constabulary (HMIC) encouraged more complex, proactive and innovative use of the tactic by recognising the value of CHIS undertaking criminal conduct as part of their tasking in the investigation of serious and organised crime, describing the tactic as a "*vital resource*" (HMIC, 1997, p. 18).

After this national encouragement of the use of CHIS in the 1990's the subsequent reduction in the number of authorised CHIS since the enactment of the *Regulation of Investigatory Powers Act (2000)* has been dramatic. To place this in some historical context, the number of authorised CHIS in 1995 (pre-*Regulation of Investigatory Powers Scotland Act, 2000*) was 43,000 (Billingsley et al., 2001). The figures warrant further explanation. The 43,000 registered informants pre-*Regulation of Investigatory Powers Scotland Act (2000)* would have in practice included inactive or yet to be deregistered CHIS, with the CHIS-Handler relationship falling into a hiatus for a number of reasons; the CHIS being imprisoned, the Handler moving to a different Agency area on promotion or career development, and the absence of any effective succession planning in terms of handing over CHIS to new Handlers. However, Billingsley's figure may well be an underestimate. The figure only included police forces in England and Wales and not the then 8 police forces in Scotland (Now Police Scotland) or the then Royal Ulster Constabulary (Now the Police Service of Northern Ireland). Nor did the figure include CHIS numbers from the 500 plus public authorities now permitted to authorise CHIS or CHIS who, in a pre-RIPA regime, were referred to as *confidential sources*, a term used to represent a source who was not a *formally* authorised and registered CHIS but would most likely be so if their role was assessed again *Regulation of Investigatory Powers Scotland Act (2000)* requirements today.

In its Annual Report to the Prime Minister in 2003, the Office of Surveillance Commissioners (OSC) published a post-*Regulation of Investigatory Powers Scotland Act (2000)* authorisation figure for 2001 of 5900 which included all law enforcement agencies (OSC, 2004), a figure representing an 86.28 % fall from the last pre-RIPA recorded total offered by Billingsley. This corresponds with the introduction of DSUs across the United Kingdom. The decline has also been noted by others. In James' (2016) research into police use of intelligence, it disclosed that one force had seen a reduction in the number of authorised CHIS from 120 to 10 CHIS and in another force from 110 to 7 CHIS. In its annual report covering, 2018, the first full year of the newly codified oversight body had been in operation, the Investigatory Powers Commissioner's Office (IPCO) noted that 1958 law enforcement authorised CHIS had been authorised as informants across public authorities with a further 124 authorised by other public and local authorities (IPCO, 2020). The report noted that the use of a CHIS had "*broadly declined over the last decade for law enforcement, public authorities and local authorities*" although it noted it had not kept comparable statistics for prisons or the UK Intelligence Community (IPCO, 2020, p, 115).

3. Accounting for the decline in CHIS authorisations

No single factor accounts for the decline in CHIS authorisations across public authorities in the United Kingdom. The answer lies within a complex configuration of interdependent variables, some visible and all nuanced. This includes an absence of a strategic leadership priority to reverse the decline, a failure by Agencies to recognise the consequences of declining CHIS authorisations, poor staff diversity within DSUs impacting on recruiting hard-to-reach groups, the availability of alternative intelligence collection methodologies that negate the need for CHIS deployment, and a disconnect between DSU management and the wider National Intelligence Model processes. This is not an

exhaustive list, but it is added here to illustrate the complexity of the reasoning underpinning the reductions of CHIS authorisations. This article focuses on two key variables that are significant in accounting for the decline of CHIS authorisations: (i) the impact of austerity and resource reduction on operational capacity and capability, and (ii), a pervasive culture of fear and risk aversion in Agencies.

3.1. The impact of resource reduction on CHIS operational capacity and capability

The 2010 Conservative-Liberal coalition programme of austerity across Government departments impacted directly on Agency capacity. One of many consequences was the reduction in 20,700 police officers (14.3%) which were more severe in already high-crime areas (Draca and Langella, 2020). In addition, over 18,000 police support staff were lost. As Agencies adapted to the cuts, resources were withdrawn across its functions. Specialist Units responsible for the use and management of Covert Human Intelligence Sources were not immune from these restrictions. CHIS reward budgets were reduced (MPS, 2023a), and Handler and Controller staffing numbers were lowered alongside accompanying reductions in logistical support. This impacted on funding to recruit analysts, a role used to inform CHIS targeting and recruitment. Funding also impacted on resourcing the structuring of specialist functions within a DSU, targeting teams, recruitment teams, prison CHIS teams and cyber-CHIS support. The cumulative effect was its negative impact on both existing capabilities and capacity to recruit, maintain, and deploy CHIS. A further unintended consequence of the reduction of CHIS authorisation meant less coverage and subsequently, less reporting on organised crime. This is of grave concern, especially when the NCA (2020) announced that more than 4700 organised crime groups are operating in the UK, with 59,000 individuals involved in organised crime (Haenlein and Evans, 2023), and a further 680,000–830,000 UK-based adults assessed to pose a risk to children (NCA, 2024). Ultimately, less intelligence potentially means fewer opportunities to investigate organised crime, identify emerging threats to life, and horizon scan for future trends on serious organised offending.

One perspective, is that the decline in CHIS authorisations may in part, be due to a determination to terminate the authorities of ineffective CHIS and focus more on retained productive sources. However, if one follows this reasoning, one perhaps, would expect a year-on-year increase in reward payments, as more and better intelligence is collected and rewarded accordingly. While there are no national statistics on CHIS reward budgets, Force level disclosures show declines in payouts in Greater Manchester Police from £167,983 to £155,265 (Keeling, 2015) and in London's Metropolitan Police Service from a post RIPA peak of £2131,786 in 2008, to £795,830 in 2017, and to £1041,442 in 2022 (MPS, 2023a). From a financial perspective, while savings were made in the day-to-day costs of the DSU (i.e., staffing and reward payments of CHIS), the wider and increasing social-economic costs of organised crime are of concern. The cost of organised crime to the UK is estimated to be at least £47 billion a year, which is likely to be an underestimation and a figure that will increase year on year (HMG, 2023). This figure is especially underestimated with regards to fraud, which is estimated to have cost the UK £219 billion in 2023 (AFI, 2023). While it is acknowledged that measuring crime prevention or disruption is difficult to measure (Ludwig et al., 2017), a lack of spending in the CHIS tactic is reducing the Agencies' ability to proactively prevent organised criminality as well as reactively solve crime. By way of financial example, preventing a homicide could save millions, with the estimated single unit being £3.2 million (Home Office, 2018).

3.1.1. The unintended consequence of professionalisation

Austerity may only account for some of the reduced capacity to run CHIS. The number of authorised CHIS had been falling between 2001 and 2008 a period where policing numbers in England and Wales

actually increased (Statista, 2024). The establishment of Dedicated Source Units (DSUs) was a recognition that the role was a specialist function and was one that was challenging for officers who had other investigative responsibilities. Its introduction had the effect of removing any CHIS Handling responsibilities from any Agency personnel who were not assigned to the DSU. The functions of a DSU vary depending on the resources an Agency is prepared to invest in the specialist unit, but it can include a CHIS recruitment team, CHIS Handlers, Prison Handling Unit, Targeting and Analysis Unit and a Cyber CHIS Unit. Although commonplace across the UK, the DSU structure is not required by legislation nor are there statutory requirements for its design and operation. It was a concept introduced in response to concerns highlighted over the Metropolitan Police Services' handling of CHIS targeting organised crime in London (The Guardian, 1999) and the association of Handler-CHIS relationships to police corruption investigations (Clark, 2001). The DSU structures, introduced prior to the enactment of the Regulation of Investigatory Powers Act (2000) has contributed to the reduction in CHIS-Handler corruption investigations, the enhancement of specialist knowledge, better legal and policy compliance and increasing handling skills. The downside is that the specialism has now moved to the margins of policing, severing large numbers of the workforce's connection to CHIS recruitment and handling and as a consequence, a large reduction in CHIS authorisations. Prior to the DSU structure, over 57% of all Detectives ran authorised CHIS with 17% running 5 or more (Audit Commission, 1993). By 2022, the Metropolitan Police Service alone stated it had 8134 Detectives (MPS, 2023b). As most of these sat outside of a DSU it is unlikely that anymore than 5% of these handle CHIS. It may be inferred that the remaining 5% may be involved in DSU related activity.

The reduction of resources takes many forms. As a wider consequence of government austerity there was a reduction in law enforcement staffing. Agencies efforts to cut costs led to reductions in CHIS monetary rewards. It led to the reduction in DSU staff numbers which in turn reduced recruitment and CHIS authorisation numbers. Additionally, the decision by Agencies to restrict the handling of CHIS to a very small number of personnel, who operate within a DSU model, reduced the capacity and capability to handle CHIS. At a stroke, this disenfranchised thousands of detectives who previously handled informants as part of their core business (see Audit Commission, 1993). Alongside the reduction in resources, an Agency's culture and behaviour significantly impacted on CHIS numbers,

3.2. A culture of fear and risk aversion

The second driver for reduced CHIS authorisations is the pervasive sense of organisational fear and a culture of risk aversion. Fear and risk are acknowledged by risk theorists as closely related (Furedi, 2007), thus it is worth stating what is meant by risk. Garland defines risk as "A measure of exposure to danger, of the likelihood and the extent of loss" (Garland, 2003, p. 50). Heaton (2010, p. 76) described risk as "risks in policing include physical risks to officers, together with individual and corporate legal liability as formal outcomes of service failures". However, these factors are not unique to policing but are experienced in the wider society and the security sector with. Schneier stating that "intelligence organisations are highly risk- and publicity averse" (Schneier, 2003, p. 68). Furedi (2006) holds that contemporary Western societies have become preoccupied with risk, so much so that this permeates everyday policy, social behaviour and culture, leading to a culture of fear. He holds that "The usage or even over-usage of the term indicates that fear is not simply a reaction to a specific danger, but a cultural metaphor for interpreting life" (Furedi, 2006, p. vii). Furedi's concept of a risk society was an echo of Beck (1992) who argued that society was primarily concerned with managing risks and hazards created by modernisation itself. To Beck, these risks are manufactured, a product of human activity and in practice are invisible and complex, making them harder to control or predict. His concept of individualization views the management of

these risks falling to individuals which, in turn, leads to a sense of uncertainty. In a CHIS management context, it is the Authorising officers, Controllers and Handlers who feel this burden, all of whom are keen to avoid allegations of unlawful behaviour, judicial and IPCO oversight criticism, disciplinary conventions, and reputational (both personal and organisation) criticism. In response, as Heaton states, law enforcement has adopted a “proactive, safety-first behaviour” (Heaton, 2010, p. 83).

This culture of fear is present more widely in law enforcement. Heaton held that there is now a significant body of evidence that risk aversion is present, as a result of police fear of complaints and disciplinaries, which distorts and hampers service delivery (Heaton, 2022). When this is applied to CHIS management, it is noticeable that practices continue to be shaped by organisational fear of judicial, media and IPCO oversight, no more so in the perceived risks associated with recruitment (i.e., juveniles or active organised criminals; Chappell, 2015), operating arenas (i.e., prisons or against organised crime) and deployments (i.e., those whose tasking require CHIS criminal conduct authority). Guidance on CHIS use is drafted and viewed through the prism of perceived risk rather than potential operational opportunity. Policymakers, leaders, and trainers unwittingly reinforce concerns by acting, in a role described by Furedi as fear entrepreneurs (Furedi, 2006). Furthermore, management strategies remain disproportionately focused on delivering legal compliance if compared to any organisational energy expended in enhancing the reporting coverage of CHIS and upskilling Handler capabilities. This approach to risk manifests itself in the unintended organic proliferation of accompanying policy that has seen pre-RIPA guidance grow from an inadequately low 3 pages³ to a prescriptive 600 plus pages of guidance, when one includes all the confidential supplements, internal standing operating procedures and official documents. New policy entries, added to address risks may have had the unintended consequence of incrementally stifling innovation, agility, and reducing organisation confidence in adopting lawfully audacious deployments. Incremental policy additions may have inadvertently changed the personality of policy from enabling too prescriptive. In fairness, risk aversion is not unique to CHIS management (Flanagan, 2008), and “risk-averse behaviour puts resources into bureaucratic procedures designed to avoid litigation and safeguard reputations, at the expense of entrepreneurial, proactive work aimed at fulfilling core functions” (Heaton, 2010, p. 75). However, the impact of a reluctant authorising officer or Controller may have a disproportionate effect on the ability to develop an effective and optimal DSU and relevant CHIS stable aligned to reporting requirements (see Stanier and Nunan (2021) in the context of the Covid-19 pandemic).

The narrative around CHIS use can be negative (See Dunnighan and Norris, 1999) and this introduces a reluctance on some practitioners to become significantly involved in their investigatory use. One Inspectorate report noted:

“Many officers employed in law enforcement were clearly reluctant to have any involvement with CHIS as an aid to intelligence gathering and said categorically, they would avoid CHIS deployments in any of their operations. This was due to a variety of reasons relating to HMCE’s [Her Majesty’s Customs and Excise] a use of CHIS, including concerns over failed prosecutions, knowledge of internal investigations and warnings by some senior managers over potential adverse effects the mismanagement of CHIS could have on their careers” (HMIC, 2006, p. 35).

This reluctance is understandable when one considers senior officers’ lack of prior experience of CHIS management. First, the majority of Superintendents (or equivalent authorisation level) do not authorise CHIS at any point in their career. The Home Office (2022) CHIS Codes of Practice advises that that an Agency limits the authorisation of CHIS

to Superintendents (or equivalent authorisation level) undertaking a dedicated role (i.e., Authorising Officer), which, where possible, are independent of the investigation. Second, from a series of 6 cohorts on senior officer covert investigatory training, approximately 95 % of 120 senior officers had never previously handled or controlled a CHIS prior to taking up the role of an Authorising officer.⁴ Thirdly, those that do, remain within CHIS RIPA authorising roles for less than two years, and therefore have little opportunity to build up a corpus of knowledge around decision-making and uncertainty in this area. This absence of experience is not a reflection on these officers’ potential capabilities, but rather evidence of what Furedi (2006) called the infantilization of society. Here, society constantly emphasises the potential dangers and the need for risk mitigation, and it treats adults as incapable of managing their own lives, which in turn, leads to a decline in individual autonomy.

Furedi (2009) connects fixation of risk with a continuing decline in trust within organisations and even with its individual workers. If not checked, this may lead to further erosion of trust as people become more fearful and suspicious of risk. Applying this concept to the current operational activity, the failure to allow non-DSU staff to be permitted to handle CHIS outside of a DSU structure may be one example of this infantilization of the workforce which, in essence, disenfranchises the Detective from what has been for centuries a core investigatory function (Allason, 1983; Emsley and Shpayer-Makov, 2006). Linked to this concept is Furedi’s (2009) precautionary principle which has been described as the culture of fear or as precautionary culture encourages society to approach human experience as a potential risk to our safety. Agencies prefer certainty in its outcomes, a concept first espoused by Neumann Von and Morgenstern (1944) who, borrowing from game theory, introduced the expected utility theory. This offered a formal framework to understand decision-making under uncertainty and their work ultimately concluded that individuals prefer certain outcomes over uncertain ones with the same expected value (Neumann Von and Morgenstern, 1944). Law enforcement has acknowledged the negative impact of risk aversion on decision-making and operational activity:

“Although the majority of risk decisions that police personnel make are successful, terms such as ‘risk’ and ‘risk taking’ have negative connotations. The media and public tend to focus on decisions that result in poor outcomes and this has led to the police service becoming risk averse with some officers and staff afraid to make decisions in case things go wrong” (College of Policing, 2013).

In response to concerns regarding risk adversity, the current Authorised Professional Practice from the College of Policing offers guidance in the form of the *Ten Principles Related to Taking and Reviewing Risk* and the publication of a national decision model (College of Policing, 2013). However, key to creating more trust and great willingness to take risk is senior leadership (Heaton, 2010) and clear Government direction (Flanagan, 2008).

4. Conclusion

Law enforcement and intelligence agencies rely on high-quality intelligence to combat organised crime. CHIS are a valuable source of such intelligence. Despite academic research and official documentation acknowledging the value of CHIS in tackling organised crime, the relatively low numbers of CHIS authorisations appear to be at odds when one considers the scale and cost of organised crime to the UK and its impact on community safety. If one recognises the value of CHIS contribution to tackling organised crime and that numbers appear to be insufficient, in terms of both capacity and coverage then one needs to generate an uplift in deployable authorised CHIS. While the article has

³ The author’s review of MPS Informant guidance held in the Met Museum detailed in its 1985 General Orders document. This revealed CHIS guidance covered no more than 3 pages.

⁴ These statistics were collected by the first author who attended a series of UK College of Policing courses aimed at Senior officers (Superintendent and above)

highlighted the complex array of possible reasons for their decline, the authors have focused on the impact of resource reduction on operational capacity and capability and an emergence of a culture of fear and risk aversion as a constraining factor on recruitment and use. This is not a fear of failure, but rather a culture of fear and risk aversion that can lead to failures. These failures include declining CHIS authorisations, less intelligence collected, and suboptimal deployments of CHIS to tackle the threats from organised crime. Reversing the decline in CHIS authorisations will be challenging but not impossible.

To improve successful outcomes for resource allocation, the value of CHIS contributions to reducing crime and disorder needs to be better articulated and communicated amongst investigators, policymakers, and leaders. Paradoxically, the covert nature of CHIS does make it difficult for Agencies to celebrate their successes both internally (across teams) and externally (to the public). However, successes could be shared with key vetted stakeholders through any indoctrination process or by providing the gist of these successes. This issue is intertwined with an Agency's appetite to risk. The true value of a CHIS can only be established if they are to be deployed into risky operations. This includes, though not limited to, organised crime groups, the use of juvenile CHIS, prison-based deployments, upstream deployments, and tasking involving authorised CHIS criminal conduct. It is these hard-to-reach areas of criminality that demonstrate just how vital the use of CHIS are at gathering HUMINT. To further emphasise their value, DSUs need to ensure their activities are more closely aligned against Agency investigative priorities and responsive to emerging operational challenges. This will rely on the provision of appropriate and ongoing training for analysts attached to DSU's in order to identify current CHIS reporting gaps and recruitment opportunities. DSU staff need to be sighted on current investigations and attuned to the investigative needs of case officers, an aim achievable with a permanent and regular DSU attendance on National Intelligence Model Business Structures, overt and covert Tactical Tasking and Coordination Group meetings, Strategic Tasking and Coordination Group meetings and overt and covert Daily Management Meetings.

DSU staffing profiles should reflect necessary skill requirements to operate effectively in both the real-world and virtual space. The range of linguistic capabilities should reflect the communities that Agencies are responsible for. Diversity should be a primary determinant of staff recruitment strategies to encourage better community understanding, cultural insights, and enhance innovation and perspective taking. An effective and diverse DSU enhances recruitment and deployment of CHIS into organised crime individuals and groups. Linked to any people strategy will be policy and practice that attracts the best applicants to the DSU while offering both horizontal and vertical career development opportunities. Widening the DSU profile may also take the form of governing bodies, responsible for Agency CHIS policy and practice, exploring opportunities to systematically pilot non-DSU handling of CHIS to assess its value in building up capacity and coverage. This approach could explore research into other DSU functions including enhancing recruitment, use of artificial intelligence, risks assessments and intelligence elicitation techniques.

Any change will require long term commitments that can withstand changes in local, regional and national strategic leads. Some of the changes required, for example tackling an over-abundance of caution and risk aversion cannot be addressed with a short-term fix (Flanagan, 2008). In this case, transformation will not be simply an event, it is likely to involve organisational, cultural and administrative adjustment. It may need to consider a range of amendments to existing practice, including evidence-based policy, expansion of its existing capabilities (i.e., online CHIS, prison CHIS) and supporting tradecraft (i.e., digital transfer, electronic reward payments). Future research should focus on what works and what does not in the context of CHIS use and training. Enhanced and *academically* accredited training with a sustained commitment to sufficient continuous professional development may offer a way forward. The expansion of CHIS stables, including *turning on and*

turning up the flows of relevant source referrals, will need a re-engagement within organisations and the wider law enforcement and intelligence community. A resourced strategic review may offer the prospect of both maintaining compliance but also significantly expanding both CHIS capacity and capability.

By applying Furedi's (2006, 2007, 2009) research on the culture of fear and risk aversion, it can be inferred that Agencies have overstated the vulnerabilities that come with the use and management of CHIS. Organisational assumptions of certainty and uncertainty in the use and management of CHIS are not always founded on facts but rather shaped by organisational and cultural perceptions of risk and the adoption of defensive postures. Self-imposed Agency constraints, if not challenged, will continue to undermine critical CHIS recruitment and effective deployment against organised crime. Agencies need to be more lawfully audacious, more trusting of their workforce and willing to see opportunity in CHIS use where they currently only see risk. Once they do, then a significant uplift in CHIS deployment against organised crime is possible if accompanied by resources. Ultimately, Agencies are sat within a vicious cycle of risk averseness where current CHIS use is suboptimal. This in turn weakens the case for further investment into DSUs. An opportunity is being lost in combating organised crime.

Datasets and data access

This work is entirely theoretical, there is no data underpinning this publication.

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Declaration of competing interest

The authors declare that they have no known competing financial interests or personal relationships that could have appeared to influence the work reported in this paper.

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