



Investigatory Powers
Commissioner's Office

PO Box 29105, London
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The Rt Hon Harriet Harman QC MP
House of Commons
London
SW1A 0AA

8th March 2019

Dear Harriet,

The use of young people as CHIS

In my letter of 24 August 2018, I undertook to complete a review of all public authorities within the UK who have the statutory power to undertake Covert Human Intelligence Source (CHIS) investigations, to understand how often those powers were used in relation to juveniles. This has taken some time as I wanted to be sure that all authorities had the chance to check their records, but I am confident that we now have a clear picture of how often individuals under the age of 18 years are used as CHIS across the UK.

I asked for statistical returns going back to January 2015. For the vast majority of public authorities, there has been no recorded use of these powers with respect to young people since that point. The returns show that, since January 2015, 17 CHIS authorisations relating to juveniles have been approved across 11 public authorities in total. Of the juveniles involved, one individual was 15 years old and all others were either 16 or 17. I hope you will understand that it would not be appropriate for me to provide a more detailed breakdown of the figures; you will appreciate the risks involved to both individuals and operations if I was to do so.

As I have already indicated, I have also asked my inspectors to focus on this as part of their regular inspection regime. The use, or scope for use, of juveniles as CHIS is now a standard component of their visits and I intend to maintain that focus for the immediate future. The reports I receive back from my inspectors confirm the level of caution and care taken by public authorities when even considering whether it would be appropriate to use a juvenile in this way. It is clear that, in the vast majority of cases, this is only considered when the juvenile is already engaged in the relevant criminality or is a member of a criminal gang, and that they are not asked to participate in activity that they were not already undertaking. I am reassured that the duty of care in this context is taken extremely seriously and that, following robust risk assessments, decisions to authorise are only made

when it is determined that this option provides the best solution to breaking the cycle of crime and danger for that individual.

Overall, the low numbers show that this tactic is only utilised in extreme circumstances and when other potential sources of information have been exhausted. I will, of course, provide more detail on how we are keeping this matter under review in my 2018 and subsequent Annual Reports.

Yours sincerely,

A handwritten signature in black ink that reads "Adrian Fulford". The signature is written in a cursive, slightly slanted style.

The Rt Hon. Lord Justice Fulford
The Investigatory Powers Commissioner