



Mark Kennedy

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Letters

Act aims to safeguard undercover policing

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The cases of Mark Kennedy and "Officer A", both working undercover in the environmental protest movement, raise many questions as to the propriety and proportionality of policing and surveillance ([Independent commission to launch inquiry into case](#), January 14). However, any inquiry must also address two issues that have so far received inadequate attention: first, the objective of the Regulation of Investigatory Powers Act 2000 was not, as officially maintained, to regulate policing; it was to safeguard covert policing from challenges under the Human Rights Act 1998, which came into effect at the same time. Ripa does not prevent the police from carrying out any activity they wish; rather, the objective was that covert policing would be legal if internally authorised. The inadequacy of Ripa's oversight procedures are compounded by the private status of Acpo.

Second, the major objective of covert "public order" policing is not to collect evidence leading to prosecution but "intelligence" facilitating disruption. Managerial control of what undercover police do can be relatively lax because their actions will not be tested in court. If the objective were prosecution, then greater controls would be required to ensure the legality of the process by which information was collected.

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