

Covert Policing



Reference Number: P31

The Authorised Professional Practice (APP) has been approved by the College of Policing as the official and most up-to-date source of professional practice on policing. South Yorkshire Police have adopted APP as their Statement of Agreed Policy. This is the agreed policy on **Covert Policing** and you may wish to refer to the APP section now

Exceptions

South Yorkshire Police will seek to operate within agreed National APP guidance unless exceptional circumstances exist.

Any decision to operate outside this guidance will need to be justified in line with the National Decision Model.

Additions

In addition to APP, South Yorkshire Police's statement of agreed policy on Covert Policing includes those areas mandated under Investigatory Powers legislation and procedures issued by the Investigatory Powers Commissioner's Office (IPCO formerly known as the OSC) and subject to annual statutory inspection:

Covert Policing

South Yorkshire Police will ensure that all Covert Policing is conducted in an appropriate manner, in line with current legislation and APP guidance. We will ensure compliance with the Regulation of Investigatory Powers Act (RIPA) 2000, the Office of Surveillance Commissioners Procedures and Guidance, and the Human Rights Act, particularly Article 8, which guarantees a right of respect for a person's private and family life. Any interference with this right will be in accordance with the law and in the interest, most commonly of, national security, public safety or for the prevention of disorder or crime.

Associated Procedural Instructions

The Covert Policing policy is further supported by the following procedural instructions that are reviewed regularly.

- [Pi31.1 - Covert Activity](#)
- [Pi31.2 - Acquisition and Retention of Communications Data](#)

Equality Act 2010

The Act creates a statutory requirement for all Functions and Policies (Including Procedural Instructions) to be analysed for their effect on equality, diversity and human rights, with due regard to the [General Equality Duty](#).

In principle, this document has been assessed for discrimination, which cannot be justified, among other diverse groups.

The [Code of Ethics](#) published in 2014 by the College of Policing requires us all to do the right thing in the right way. It also recognises that the use of discretion in Policing is necessary but in using discretion, states that you should, "*take into account any relevant policing codes, guidance, policies and procedures*."

Human Rights/Discretion

The purpose of providing policy is to give an indication to staff of the expected course of action. However it is not possible to cater for every possible combination of factors that would justify a departure from stated policy. The Human Rights Act 1998 requires the proper use of discretion at all times and nothing within this policy and associated procedural instructions prohibits the proper use of discretion in appropriate circumstances.

Where action is taken that has the potential to interfere with an individual's Human Rights, the reasons behind the making of the decision to act in that way should be recorded on the appropriate forms, or where this is not practicable, in pocket books or policy logs.

Rights of redress for members of the public:

Anyone who feels that a member of staff has behaved incorrectly or unfairly, or who is dissatisfied with organisational matters, service delivery or other operational policing issues, has the right to [make a complaint](#).

Initial action should be taken in one of the following ways:

- Complain in writing or in person to the Senior Officer at the appropriate police station or to the Chief Constable of the force concerned.
- Visit a local Citizens' Advice Bureau
- Contact a Solicitor

Rights of redress for South Yorkshire Police personnel:

South Yorkshire Police personnel who feel they have grounds for concern in relation to the implementation of policies may, as appropriate:

- Pursue concerns through their line manager.
- Contact a First Contact Advisor.
- Pursue a grievance formally through the South Yorkshire Police Grievance Resolution Procedure.
- Seek advice from their staff association or trades union.

Use procedural instruction [Pi23.11 - Management of Complaints](#), in the section entitled Handling Complaints relating to Direction and Control.

Start Date: 17/08/2017

Review:

This statement of agreed policy is managed by Detective Chief Superintendent, Head of Specialist Crime Services.

This policy and its Equality Analysis were last reviewed on: 01/12/2021

The date for the next review of this policy and Equality Analysis is: 01/12/2023