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**USE OF SILENT COLLABORATORS: THE EXPERIENCE
OF THE UK POLICE**

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The article examines the issue of using undercover agents in the fight against organized crime, in particular the experience of law enforcement agencies in Great Britain. The socio-economic and legal aspects of their activities, regulatory regulation in Ukraine and international experience are analyzed. Particular attention is paid to the problems of legal support for undercover agents, their role in exposing criminal groups and ethical aspects of operational activities.

A real case of using undercover agents in the environmental movement of Great Britain is considered, which demonstrates both the effectiveness and challenges of this method of combating crime. The need to adapt international experience to the Ukrainian legal space to increase the effectiveness of the activities of the National Police of Ukraine is highlighted.

Keywords: *undercover agents, organized crime, operational activities, legal regulation, National Police, international experience.*

Ганна Декусар, старший викладач кафедри мовної підготовки, Ксенія Різванова, курсант факультету підготовки фахівців для

органів досудового розслідування, Використання негласних співробітників: досвід поліції Великої Британії / Дніпровський національний університет внутрішніх справ, Україна, Дніпро

У статті досліджено питання використання негласних співробітників у боротьбі з організованою злочинністю, зокрема досвід правоохоронних органів Великої Британії. Аналізуються соціально-економічні та правові аспекти їхньої діяльності, нормативне регулювання в Україні та міжнародний досвід. Особливу увагу приділено проблемам правового забезпечення негласних співробітників, їхньої ролі у викритті злочинних угруповань та етичним аспектам оперативної діяльності.

Розглянуто реальний випадок застосування негласного співробітника в екологічному русі Великої Британії, що демонструє як ефективність, так і виклики цього методу боротьби зі злочинністю. Висвітлено необхідність адаптації міжнародного досвіду до українського правового простору для підвищення ефективності діяльності Національної поліції України.

***Ключові слова:** негласні співробітники, організована злочинність, оперативна діяльність, правове регулювання, Національна поліція, міжнародний досвід.*

Introduction. Organized crime remains one of the most serious threats to public security, which requires effective mechanisms for its prevention and counteraction. In the context of the growth of criminal groups that use modern technologies, corrupt connections and complex schemes for masking their activities, traditional methods of law enforcement often prove to be insufficiently effective.

One of the effective tools for combating organized crime is the involvement of undercover officers who operate undercover to collect evidence and identify key members of criminal groups.

This method is widely used in international law enforcement practice, in particular in the countries of Europe and North America. At the same time, its use requires clear regulation, as it is associated with ethical dilemmas, risks of offenses and potential threats to the officers themselves.

The experience of foreign countries, in particular the United Kingdom, indicates the need to establish a balance between the effectiveness of undercover investigation methods and respect for human rights. An important task is to analyze legal norms, procedures for involving secret agents, as well as to assess their effectiveness in real criminal cases.

Thus, the research of problem of introducing secret agents into law enforcement activities is relevant in the context of strengthening the fight against organized crime, improving legislative regulation, and adapting international experience to national conditions.

Analysis of publications that initiated the solution of this problem. The problem of using covert agents in the fight against organized crime has been studied in detail in the scientific works of Ukrainian and foreign authors.

In particular, Mosyazhenko V. Yu. in his studies analyzes the mechanisms of operational-detective activities and forensic support for detecting crimes in the sphere of public morality, paying attention to the role of covert methods [1].

Luk'yanchikov E. D. and Luk'yanchikov B. Ye. investigate the system of covert investigative (detective) actions, determining their legal nature and significance in the activities of law enforcement agencies [2].

Lototsky M. V. studies the issue of involving individuals in covert investigative actions, considering the legal status of covert agents and the features of their interaction with law enforcement agencies [3].

Of considerable interest is the international experience of using covert agents, in particular the practice of law enforcement agencies of Great Britain. Publications on this topic, including BBC materials, highlight the case of Mark Kennedy, an undercover police officer whose activities among environmental activists caused public resonance and sparked discussions about the legal and ethical limits of using covert methods [4].

The study of these works allows us to assess the effectiveness of using covert agents, analyze the risks associated with their activities, and identify opportunities for adapting international experience to the legal system of Ukraine.

This will contribute to improving legislation and increasing the effectiveness of law enforcement agencies in combating organized crime.

The purpose of the article is to analyze the legal, organizational, and ethical aspects of using undercover agents in the fight against organized crime, as well as to study international experience, in particular the practice of law enforcement agencies in the United Kingdom.

Presentation of the main research material. At the current stage of its development, Ukraine is going through complex and multifaceted socio-economic transformations aimed at a radical renewal of the principles of public administration, economic policy, legal regulation and social relations. These changes include the transition to democratic principles of governance, a market economy, strengthening the rule of law and the creation of effective mechanisms for ensuring national security and law and order.

At the same time, the period of transformations is accompanied by certain negative phenomena, including the growth of the level of organized

and corrupt crime, which is a serious challenge for the law enforcement system [1].

The change in the ideological and moral orientations of society, on the one hand, contributed to the expansion of civil liberties and the democratization of state institutions, and on the other hand, led to a certain crisis of legal consciousness and the weakening of traditional mechanisms of social control.

This, in turn, has contributed to the active spread of organized crime groups that use a high level of conspiracy, corrupt connections and modern technologies to avoid criminal liability [2].

In response to these challenges, Ukrainian legislation has undergone significant changes in the field of criminal justice, in particular in the investigation of crimes related to the activities of organized crime groups.

One of the important innovations was the regulatory consolidation of the possibility of using secret law enforcement officers who operate undercover to document criminal activity and expose its organizers. In accordance with the provisions of Article 13 of the Law of Ukraine “On the Organizational and Legal Basis of Combating Organized Crime”, special units of the National Police of Ukraine and the Security Service of Ukraine have the right to involve regular and non-regular undercover officers who integrate into criminal groups in order to collect evidence. In the absence of other effective methods of revealing criminal activity, the use of these mechanisms is a justified measure of law enforcement activity [3].

The activities of undercover officers are complex and multi-component in nature, as they combine operational-search methods, legal restrictions and issues of ensuring the personal safety of agents. Social, legal and other guarantees for such employees are regulated by a special Regulation on an undercover officer of a unit for combating organized crime, which is approved by the Cabinet of Ministers of Ukraine.

These measures are aimed at minimizing the risks associated with the implementation of tasks in the field of combating organized crime, as well as ensuring compliance with the rule of law and human rights in the process of law enforcement activity [3].

The introduction of an undercover employee into organized criminal groups is carried out subject to the availability of confirmed data about their criminal activities and on the basis of a written order. In the process of performing the assigned task, the undercover employee has the right, using the cover legend, to enter into labor, civil and other legal relations.

Material losses or damage caused by the actions of an undisclosed employee within the scope of the execution of the assignment shall be compensated at the expense of the state budget. Responsibility for the damage caused shall not be borne by the employee if his actions were due to the necessity of the implementation of the official task.

Legal, social and other aspects of the activities of secret agents are regulated by the relevant Regulations approved by the Cabinet of Ministers of Ukraine. An important direction for the development of law enforcement activities is the implementation of international standards into national legislation. In this context, the experience of law enforcement agencies of developed countries in combating organized crime should be taken into account and best practices should be adapted to the legal system of Ukraine.

Let us consider the experience of law enforcement agencies of the United Kingdom in combating organized crime with the involvement of secret agents. One of the high-profile cases was the case of six British environmental activists accused of conspiring to block the Ratcliffe-on-Soar power plant (Nottingham, Central England) in 2009. The trial was terminated after a police officer who was introduced into the group refused to testify against the defendants.

Undercover operative Mark Kennedy, who went by the name Mark Stone, was integrated into the environmental movement in 2000 and remained with it for 10 years. According to the movement's members, he was not limited to surveillance, but actively participated in its activities. From time to time, he disappeared, explaining this by trips to the United States, and in October 2010 he was exposed by activists who found documents confirming his true identity.

After that, Kennedy admitted that he was an undercover police officer and disappeared. According to Danny Chivers, one of the defendants, the police officer had the opportunity to stop the protest in its early stages, but instead facilitated its development by attracting new participants.

The fact that the operative had long-term involvement in the activities of the environmental movement, as well as his refusal to testify, were key factors that led to the dismissal of the case.

This case demonstrates the specifics of the use of covert methods of infiltration into activist and radical groups, as well as the potential legal and ethical challenges that can arise from the long-term introduction of operatives into such associations.

Operative Mark Kennedy, who operated under the name Mark Stone, actively supported the activities of the environmental movement, which included logistical support for the protest actions.

In particular, he transported activists in his minibus to conduct reconnaissance of the Ratcliffe-on-Soar power station, and on the day of the protest, he rented a truck for their transportation. The aim of the activists was to temporarily shut down the coal-fired power station to draw attention to the problems of climate change.

However, in April 2009, during a meeting held at the Nottingham School, law enforcement agencies carried out a large-scale police operation. As a result, 114 people were detained on suspicion of

organizing an illegal invasion. By the end of the year, 20 people had been convicted. In addition to this case, Kennedy has participated in other environmental actions at the European level, including protests in Scotland during the 2005 G8 summit.

After his identity was revealed, Kennedy told activists that he had stopped cooperating with the police after the mass arrests in 2009, but this information remains unconfirmed. His current whereabouts are unknown, but he has contacted the defendants' lawyers, offering to assist in their defense.

Attorney Mike Schwartz noted that concealing information about Kennedy's involvement could cast doubt on the objectivity of the trial. In view of this, the defense stated that it was necessary to disclose all the circumstances of his involvement in the case. This raised questions about the police's position regarding the possible transfer of their agent to the side of the defendants.

In turn, representatives of the British Criminal Court stated that, given the new information received on January 5, 2011, the prosecution did not have sufficient evidence to continue the trial. At the same time, the police refrained from official comments on Kennedy's actions [4].

Summarizing the above, it should be emphasized that in the current economic situation in Ukraine we cannot borrow all the positive international experience of police activities, but the study of its individual elements and their implementation in the practice of the National Police will contribute to the improvement of the work of the Ukrainian police as a whole.

Therefore, given the current economic situation in Ukraine, the full implementation of international experience in police activities is limited. At the same time, the analysis of its individual aspects and their adaptation to

the practical activities of the National Police will contribute to increasing the efficiency of the law enforcement system of Ukraine.

Conclusions. The use of undercover agents is an important tool in the fight against organized crime, which allows for effective documentation of criminal activity and exposure of its participants. At the same time, this method requires clear regulatory regulation that takes into account international human rights standards and prevents possible abuse.

The experience of the United Kingdom demonstrates that the long-term implementation of undercover agents can cause ethical and legal contradictions, especially in cases of their active participation in the activities of associations that are not criminal in nature. This emphasizes the need to ensure control over their activities, compliance with the principles of proportionality and legality, as well as the introduction of effective oversight mechanisms.

Ukraine can borrow certain aspects of international experience to improve its own law enforcement practice, in particular in the field of legal protection of undercover agents, their training and regulation of the boundaries of permitted actions. However, the implementation of these approaches must take into account the specifics of national legislation and the security situation.

Thus, the development of the institution of undercover agents should be based on the principles of legality, proportionality and respect for human rights. This will contribute to increasing the effectiveness of the fight against organized crime and strengthening law and order in Ukraine.

Література:

1. Мосяженко В. Ю. Оперативно-розшукове та криміналістичне забезпечення виявлення та розслідування злочинів у сфері суспільної моралі (2015): автореф. дис. ... канд. юрид. наук: 12.00.09. Мосяженко

Вікторія Юріївна; Донец. юрид. ін-т МВС України. Кривий Ріг. 20 с. (2025, Квітень, 07).

2. Є. Д. Лук'янчиков, Б. Є. (2014). Лук'янчиков / Визначення та система негласних слідчих (розшукових) дій. *Часопис Національного університету «Острозька академія»*. Серія «Право». № 1(9) URL: <http://lj.oa.edu.ua/articles/2014/n1/14lydsrd.pdf>. (2025, Квітень, 07).

3. Лотоцький М. В. Залучення «інших» осіб до участі у негласних слідчих (розшукових) діях. (2025) М. В. Лотоцький. URL: <http://www.stateyki.org.ua/articles/zaluchennya-inshih-osibdo-uchasti-u-neglasnih-slidchih-rozshukovih-diyah/> (2025, Квітень, 07).

4. Поліцейський під прикриттям відмовився давати свідчення проти підсудних. (2011) За матеріалами BBC: URL: https://dt.ua/POLITICS/politseyskiy_pid_prikrittyam_vidmovivsya_davat_i_svidchennya_proti_pidsudnih.html. (2025, Квітень, 07).

References:

1. Mosiazhenko V. Yu. (2015) Operatyvno-rozshukove ta kryminalistychnе zabezpechennia vyjavlennia ta rozsliduvannia zlochyniv u sferi suspilnoi morali [Operational-search and forensic support for the detection and investigation of crimes in the field of public morality]: avtoref. dys. ... kand. yuryd. nauk: 12.00.09 / Mosiazhenko Viktoriia Yuriivna ; Donets. yuryd. in-t MVS Ukrainy. ' Kryvyi Rih, 2015. 20 s. [in Ukrainian]. (2025, April, 07).

2. Ye. D. Lukianchikov, B. Ye. Lukianchikov (2014). Vyznachennia ta systema nehlasnykh slidchykh (rozshukovykh) dii [Definition and system of covert investigative (search) actions]. *Chasopys Natsionalnoho universytetu «Ostrozka akademiia»*. Seriiia «Pravo». № 1(9) URL: <http://lj.oa.edu.ua/articles/2014/n1/14lydsrd.pdf>. [in Ukrainian]. (2025, April, 07).

3. Lototskyi M. V. Zaluchennia «inshykh» osib do uchasti u nehlasnykh slidchykh (rozshukovykh) diiakh (2025) [Involving “other” persons in participation in covert investigative (search) actions] URL: <http://www.stateyki.org.ua/articles/zaluchennya-inshih-osibdo-uchasti-u-neglasnih-slidchih-rozshukovih-diyah/> [in Ukrainian]. (2025, April, 07).

4. Politseiskyi pid prykryttiam vidmovyvsia davaty svidchennia proty pidsudnykh (2011) [Undercover police officer refused to testify against defendants]. Za materialamy BBC: URL: https://dt.ua/POLITICS/politseyskiy_pid_prikrittyam_vidmovivsyia_davat_i_svidchennya_proti_pidsudnih.html. [in Ukrainian]. (2025, April, 07).