

## Lawful use of Covert Operations

### Simple introduction to Covert Operations

#### Covert Operations

So, what is a Covert Operation, well its simply an event taking place that is not advertised beyond a small group of individuals, who have lawful authority to instigate such an operation.

- An intelligence operation planned to allow plausible deniability by the originator. Sometimes called: Black Ops, Ghost Ops. Which is covert operation not attributable to the organization carrying it out.
- In the modern era, the role of covert action will be to control, influence, and counter threats such as nuclear proliferation, global organized crime, information warfare, and openly hostile foreign governments

#### What do we mean Lawful?

That the persons involved are operating and acting within the legal framework as laid down for such activities. This could be to prevent a criminal act by the Security Services, Police, an Employer or even a private individual, gathering information and intelligence for a legal purpose such as a criminal trial or a civil claim or law action.

Other instances might be the prevention of the spread Disease or the compliance with Food Hygiene regulations to name but two other instances, where covert operations might take place.

**Hostile Covert Operation** – This is where there is a criminal, unlawful or terrorist intention to the operations purpose, with the aim of causing Harm, Alarm or Distress to any person or structure. This would also cover buildings and Information or Intelligence which would also come under Espionage.

**Espionage** – the Act of spying or secretly watching a person, company, government, etc. for the purpose of gathering secret information or detecting wrongdoing, and to transfer such information to another organization or state

With reference to wrongdoing in espionage, Key persons are photographed or videoed in compromising positions to elicit their help in committing further crimes or espionage, this is a common practice by spies to obtain insider information or access to sensitive areas, whether they are Government or Corporate individuals the aim is the same force the individual to comply with an illegal act under duress.

Espionage is a complex subject utilising a myriad of techniques to coerce individuals into acting outside their lawful remit. Espionage is normally associated with Foreign State Actors, but can also be Corporate Espionage (Company to Company Spying) such as Blueprints, New Ideas, Financial Forecasts etc.

**Terrorism** – Invariably the terrorist will conduct Covert Operations to assess the potential of their targets and maximise their chances of success in causing such Harm, Alarm and Distress that it will make at least National News and at Best International News status, they will also be intending to create fear and panic amongst the general public.

**Counter Terrorism** – Involves almost everyone in society and relies on individuals being alert and willing to speak to the police or security services if they suspect a person may be becoming radicalised, or suspicious of their intentions that might cause them to believe they will attempt a violent act. The security Services deploy specialists to watch potential Criminals, attackers, Spies, or Terrorists to enable them to make informed decisions on the likelihood that these individuals are

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capable of committing such an act of violence or theft etc. Once identified as a threat to public Safety covert operations are mounted to control the risks through obtaining information and intelligence, at which point it might be decided to arrest the perpetrators prior to them committing any act of violence therefore protecting the public from harm.

**Theft & Fraud** – Often is linked to serious Organised Crime and indeed terrorism as it can and does involve large amounts of money, whilst also being a precursor to Espionage. Fraud is primarily aimed at obtaining goods by deception, purely for Financial Gain. Unfortunately, Theft & Fraud happens within almost all businesses to some extent, whether it is defrauding the Tax Office or the employer of goods from toilet rolls to expensive goods such as those listed below, which is not an exhaustive list.

- Tax Invasion
- TV's, Computers,
- Food,
- Vehicles,
- Oil and Fuels
- Cash, and other Finances
- Stationary products
- Any other company products or furniture

Let's consider a commercial Warehouse, which is turning over a Million products a week, with vehicles leaving almost hourly to deliver goods nationwide, as they travel from store to store each pallet has minor discrepancies in the allocated stock on each pallet delivered. The driver takes no blame as they will state the pallet is still shrink wrapped and therefore it must be a warehouse error in accounting. This may also may not be noticed and the missing products put down as theft from store or damaged especially where accounting has not been completed effectively.

At some point in the above scenario someone or group is collecting all the missing goods which may well be running into the millions of pounds over a year which makes it an attractive crime to some. This sort of crime will involve some form of covert operations to assess how when, where and who is involved. After all it doesn't always have to be the people on the ground it could well be an accounting issue designed to defraud the Tax Office or to redirect funds.

**Civil Action** – This is where one party seeks to prove another party is contravening the others' rights or contract of undertaking which could be anything not covered by Criminal Law representing an argument between two or more people.

Again, not an exhaustive list.

- Noise Breaches
- Legal Ownership
- Boundary disputes
- Failure to Pay for services
- Faulty or Unprofessional Services
- Faulty products
- Copyrights
- Illegal Parking on Private Property
- Marital Affairs
- Use of Company Vehicle for private use

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All of the above can or may result in the hiring of a Private Detective, Surveillance Operator or other Covert Operator who will be commissioned to pursue a line of investigation to present evidence of wrongdoing.

### Legalities

As a member of the Security Services, you will require Lawful excuse or an Operational Order from an Inspector or above to conduct covert operations, however the Law must still be obeyed where a Court Order is not in place to provide legal justification for such things as Intrusive Surveillance or tampering with Communications. It is incumbent on the Surveillance/Covert Operator to ensure that they are conforming to the legal requirements of the particular case and its legitimate authority.

As a civilian you will not be allowed to tamper with communications equipment (GPO, Wire Tapping, external equipment supplied by the communications Company) unless it is specially authorised by the owner of the electronic device or equipment, so a mobile phone owned by the company can be tracked or used to gather evidence however their personal phone must not be tampered with.

Below are some of the Laws and Regulations that covert Operators must consider carefully.

- Communications Act
- Regulation of Investigatory Powers Act 2000 (Where applicable)
- The DATA Protection Act 2018 (GDPR UK)
- Health & Safety Act 1974
- The Equality Act 2010
- The Human Rights Act 1998
- Policies and Procedures agreed by employees and management