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SPECIAL INVESTIGATIONS IN THE COMMON LAW SYSTEM[1]

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Abstract

The regulation of special investigative techniques differs significantly between continental legal systems and those of the common law type. In continental states, these measures are regulated through detailed codifications and are based on the principle of written legality. By contrast, in the United States and the United Kingdom, the rules governing special investigations have developed primarily through case law, institutional practices of law enforcement agencies, and legislative acts adopted on an ad hoc basis in response to security challenges or judicial oversight.

An important philosophical difference can be observed in the use of undercover operations. In the American system, these methods are often considered the primary investigative option, with prosecutors encouraged to use them before conventional methods of evidence gathering. In European states, such as Germany, the approach is the opposite, with undercover investigations designed as measures of last resort.

With regard to interceptions and technical surveillance, the American system emphasizes compliance with constitutional standards and the requirement of "necessity," which entails demonstrating that traditional methods are ineffective, dangerous, or unlikely to yield results. The American regulatory framework thus remains a fragmented one, composed of legislative acts, judicial decisions, and administrative regulations.

Keywords: information, special investigative activity, special investigative techniques, common law system, undercover investigations, special investigative measures, etc.

INVESTIGAȚIILE SPECIALE ÎN SISTEMUL DE COMMON LAW

Abstract

Reglementarea tehnicilor speciale de investigație diferă semnificativ între sistemele de drept continental și cele de tip common law. În statele continentale, aceste măsuri sunt reglementate prin codificări detaliate și se bazează pe principiul legalității scrise. În schimb, în Statele Unite și Regatul Unit, normele privind investigațiile speciale s-au dezvoltat în principal prin jurisprudență, practici instituționale ale agenților de aplicare a legii și acte legislative adoptate punctual ca răspuns la provocări de securitate sau la intervenția controlului judecătoresc.

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O diferență importantă de filozofie se observă în utilizarea operațiunilor sub acoperire. În sistemul american, aceste metode sunt adesea considerate prima opțiune investigativă, procurorii fiind încurajați să le utilizeze înaintea metodelor convenționale de administrare a probelor. În statele europene, precum Germania, abordarea este opusă, investigațiile sub acoperire fiind concepute ca măsuri de ultimă instanță.

În privința interceptărilor și a supravegherii tehnice, sistemul american pune accent pe respectarea standardelor constituționale și pe condiția de „necesitate", care impune demonstrarea faptului că metodele tradiționale sunt ineficiente, periculoase sau puțin probabile să producă rezultate. Cadrul normativ american rămâne astfel unul fragmentar, format din acte legislative, hotărâri judecătorești și reglementări administrative.

Cuvinte-cheie: informație, activitate specială de investigație, tehnici speciale de investigații, sistem de common law, investigații sub acoperire, măsuri speciale de investigații, etc.

Introduction. Special investigative measures represent an essential tool in combating organized crime, terrorism, and other forms of serious criminality, enabling authorities to obtain information or evidence in situations where traditional investigative methods become ineffective or even impossible. These techniques – which include the interception of communications, covert surveillance, infiltration, the use of undercover agents, or access to electronic data – inherently involve a temporary restriction of certain fundamental rights (privacy, inviolability of the home, and secrecy of correspondence), which is why their legal regulation must ensure a delicate balance between the need for public security and the protection of the rule of law.

The legal systems of the United States of America and the United Kingdom of Great Britain provide two relevant comparative models for the analysis of special investigative measures. In the United States, detectives act simultaneously as undercover investigators and law enforcement officers, without a rigid procedural distinction between the pre-trial phase and the use of special investigative techniques. The police may initiate, either ex officio or upon a victim's complaint, actions such as seizure, interception, surveillance, or infiltration, independently deciding on their necessity, and subsequently transmit the case to the prosecutor or directly to the court. In the United Kingdom, the regulation of special investigative measures is based on a complex and layered legal architecture characteristic of the common law tradition, which combines case law, primary legislation (PACE 1984, RIPA 2000, IPA 2016, CHIS 2021), secondary legislation, and detailed codes of practice issued by the Home Office.

This paper aims to provide a comparative analysis of the regulation and application of special investigative measures in the law of the United States and the United Kingdom, with an emphasis on procedural aspects, authorization requirements, limits imposed by the protection of human rights, and mechanisms of judicial and parliamentary oversight. By comparing the two systems—one characterized by operational flexibility and an overlap between investigation and prosecution (the United States), the other by a multi-layered legal structure and enhanced procedural transparency (the United Kingdom)—the study seeks to identify optimal solutions that could inspire potential reforms in the legislation of the Republic of Moldova, taking into account the specific features of the civil law system and European commitments in the field of fundamental rights protection.

The study addresses, on the one hand, the institutional and procedural particularities of each system, and on the other hand, the way in which they manage the ongoing tension between the effectiveness of the fight against crime and compliance with the principles of the rule of law. Special attention is given to recent legislative developments, influenced by technological challenges (mass data collection, electronic surveillance) and by post-September 11, 2001 national security imperatives.

Through this comparative approach, the paper contributes to the scholarly debate on the modernization of investigative tools in the context of the globalization of crime and the digitalization of society, emphasizing the need for a legal framework that is proportionate, predictable, and subject to democratic oversight.

Methods and materials applied. In the process of elaborating the study, doctrinal material, normative acts, activity reports, and scientific works regarding the conditions for carrying out special investigative measures were used. The investigation of this phenomenon was also made possible through the application of several scientific research methods of legal theory: the logical method, the method of comparative analysis, systemic analysis, statistical analysis, etc. At the same time, the works of local scholars, empirical information, as well as the opinions of employees within police structures were used.

Discussions and results obtained. While in continental states the regulations regarding special investigative techniques have developed around the principle of written legality and detailed codification, the experience of common law systems, such as the United States and the United Kingdom, follows a different trajectory. In these jurisdictions, the rules governing special investigations have not crystallized through unified codes, but through case law, practices developed by law enforcement agencies, and acts adopted on a case-by-case basis in response to security challenges or to the pressure of judicial oversight.

A fundamental difference in philosophy is highlighted by the American researcher Jacqueline Ross in a comparative study devoted to the United States and Germany. Thus, American prosecutors are trained to consider undercover methods, rather than conventional ones, as the first option in investigating certain offenses: "Before you subpoena documents; before you call witnesses before the grand jury; before you resort to conventional sources of evidence—make sure you have exhausted all undercover options. This must become your mantra" [35]. By contrast, in Germany, as in other European states, the fundamental rule is entirely the opposite: "Undercover investigation must always be considered a tactic of last resort" [35].

This difference in approach between the United States and Germany refers in particular to undercover operations. With regard to wiretapping and other forms of technical surveillance, the American philosophy is somewhat different, with emphasis placed on compliance with constitutional requirements and on fulfilling the condition of "necessity". Federal law requires that an application for authorization of interception be accompanied by a full statement showing whether other investigative procedures have been tried and failed, or why they reasonably appear unlikely to succeed if tried, or would be too dangerous [29].

Thus, in the United States, constitutional standards regarding interceptions and surveillance derive primarily from the interpretation of the Fourth Amendment by the Supreme Court [33], while the requirement of "necessity" provided by Section 18 U.S.C. § 2518(1)(a) of the United States Code imposes that such measures be ordered only when traditional methods are ineffective, too dangerous, or unlikely to produce results. These constitutional guarantees have subsequently been detailed and strengthened through a series of major legislative acts.

Unlike the states of the ex-Soviet space, including the Republic of Moldova, the United States has never shown a tendency to adopt a single and exhaustive law regulating special investigative techniques. The American normative framework consists of a mosaic of legislative acts, executive orders, departmental instructions, and judicial decisions, reflecting both the complexity of the federal system and the specificity of the common law tradition [12].

The American legal system, based on the separation of powers and federalism, makes the regulation of special investigative techniques a multi-layered one. The main sources of law that authorize and limit the use of these techniques can be divided into four categories:

• *Legislative acts of Congress*, which constitute the legal foundation of any technique. Relevant examples include the Omnibus Crime Control and Safe Streets Act (1968), the Foreign Intelligence Surveillance Act (FISA, 1978), or the USA PATRIOT Act (2001), which establish the general framework, authorize certain techniques, and impose procedural and time limits.

• *Executive Orders of the President*, which establish tasks and competences for intelligence agencies (such as the NSA or CIA) and detail the manner of implementing federal laws.

• *Departmental guidelines issued by the Attorney General*, which provide precise rules for subordinate agencies (e.g., the FBI) regarding undercover operations or the use of informants.

• *Judicial decisions*, which play a vital role in defining constitutional limits. For example, in Katz v. United States (1967) [24], the Supreme Court established that electronic surveillance requires a judicial warrant, enshrining the principle of "reasonable expectation of privacy". In *Hoffa v. United States* (1966) [18], the Court decided that the use of informants and undercover agents does not constitute a "search" within the meaning of the Fourth Amendment, and in *Illinois v. Perkins* (1990) [19], it was held that an undercover agent interrogating a suspect in prison is not required to read Miranda rights, since there is not the same coercive pressure as in an official interrogation [33].

Although judicial precedent carries essential weight, the law adopted by Congress occupies a leading place in the system of sources of law. The system of legislative acts is complex and dynamic, the acts complementing and substituting each other. Among the most important regulations are:

• Omnibus Crime Control and Safe Streets Act (1968) [26];

• Foreign Intelligence Surveillance Act (FISA, 1978) [38];

• Communications Assistance for Law Enforcement Act (CALEA, 1994) [5];

• USA PATRIOT Act (2001) [43].

This framework is complemented by guidelines of the Attorney General, such as:

• FBI Undercover Operations Guidelines (1980) [36];

• Guidelines for the investigation of ordinary crimes, organized crime, terrorism, and domestic security (1983) [3];

• Guidelines regarding methods of obtaining documentary materials held by third parties [17].

It should be noted that the regime of telephone interceptions is regulated in Title III of the Omnibus Crime Control and Safe Streets Act of 1968, also known as the Federal Wiretap Act [37]. This title establishes the general framework for the interception of wire, oral, or electronic communications, including the authorization procedure. The law provides that, in emergency situations involving serious threats to national security, interception may begin without a judicial warrant, with the approval of the U.S. Attorney General or a lawyer delegated by him, provided that within 48 hours an application for authorization is submitted to the court. If authorization is not obtained within this period, the interception must be immediately terminated (§2518(7) U.S.C.) [40].

The fight against crime in the United States is not only a federal matter, but also one involving state and local authorities. The main directions of activity of the police in the United States include regulation, enforcement, search, and investigation of criminal acts.

In this context, it is important to emphasize that the activity of special investigations is not institutionally separated from the criminal process: American criminal legislation is structured in such a way as to integrate the covert dimension of the investigation directly within criminal prosecution [1].

In police activity, special investigative measures occupy a central place, police officers acting simultaneously both as undercover investigators and as criminal investigation bodies (detectives). The American system does not distinguish, from a procedural point of view, between special investigative measures and criminal investigation actions, and the pre-trial phase often overlaps with the application of these techniques. The detective, either upon the complaint of the victim or on his own initiative, may carry out preliminary or in-depth investigative actions, including seizure, interceptions, surveillance, or infiltration [4]. He decides on the necessary measures, and after accumulating sufficient evidence may transmit the case to the prosecutor or even directly to the court. During the trial, the police testify as witnesses, which shows the direct connection between undercover investigation and judicial activity [42].

It should also be noted that in the United States the procedure for applying restrictive measures on constitutional rights depends on the purpose. On the one hand, there are measures intended for national security [38], intelligence and counterintelligence, including the prevention of international terrorism [26]; on the other hand, measures applied in the context of ordinary crime. Depending on the authority ordering the measures, they are divided into two categories:

• Those requiring judicial authorization (interception of communications, control of correspondence, restriction of the inviolability of the home) [26];

• Those that may be carried out without a judicial warrant when there is consent from one of the involved persons (external physical surveillance, infiltration, undercover operations, certain telephone interceptions, and electronic surveillance) [11].

In the United Kingdom, the fight against crime is carried out at distinct levels, reflecting the constitutional structure of the state. Thus, there are three separate criminal jurisdictions: England and Wales, Scotland, and Northern Ireland. This system of devolution allows each nation to have its own legal systems and law enforcement institutions, including the police, prosecution, and courts. Even in this context, certain agencies, such as the MI5, the Metropolitan Police Service, or the National Crime Agency, operate across the entire United Kingdom, particularly in cases of terrorism and serious organized crime [27].

The subjects and officials of operational subdivisions and other law enforcement bodies from all districts of Great Britain are independent in their activity from the central office of the Home Office, although, formally, they are included within its structure. The level of interaction and cooperation between these units is high, due to the objective requirement of coherence in special investigative activities in combating crime.

The British system for regulating special investigations is built on several legal levels, reflecting the common law tradition and the particular way in which the rule of law functions in the United Kingdom. These levels are:

1. Case law (common law) is the foundation of British law. The courts, especially the House of Lords (until 2009) and subsequently the Supreme Court of the United Kingdom, have created essential rules regarding the protection of private life and the limits of investigations. A classic example is Malone v. Commissioner of Police of the Metropolis [25], where the lack of a legal basis for secret interceptions was criticized, which led to the adoption of the first modern law in this field – the Interception of Communications Act 1985 (repealed in 2000).

2. Primary legislation (statute law) is the central source of investigative powers, adopted directly by the British Parliament:

✓ The Police and Criminal Evidence Act 1984 (PACE) [28] is a form of criminal procedure code for England and Wales, although it is not a code in the full sense of civil law systems, such as that of the Republic of Moldova. This law, together with the codes of practice subordinate to it, standardized and modernized police procedures of investigation, arrest, search, and interrogation.

✓ The Regulation of Investigatory Powers Act 2000 (RIPA) [30] regulates interceptions, covert surveillance, and the use of undercover agents.

✓ The Investigatory Powers Act 2016 (IPA) [21]—also known as the "Snooper's Charter"—consolidated and expanded previous regulations, establishing detailed procedures of authorization and control, including for the bulk collection of data.

✓ The Covert Human Intelligence Sources (Criminal Conduct) Act 2021 (CHIS Act) [7] expressly introduced criminal immunity for covert human intelligence sources (including informants and agents), providing a controversial legal framework for authorizing "criminal conduct" necessary to maintain cover identities.

3. Secondary legislation (delegated/secondary legislation). Parliament often delegates competence to ministers or agencies to issue statutory instruments that detail the application of primary laws:

➢ The Investigatory Powers (Interception by Businesses etc. for Monitoring and Record-Keeping Purposes) Regulations 2018 [39], which regulate interceptions carried out by companies.

➢ The Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010 [32], which defines the authorities that may approve certain types of surveillance.

4. Codes of practice are binding documents issued by the Home Office (similar to the Ministry of Internal Affairs of the Republic of Moldova) and approved by Parliament, intended to ensure the uniform and proportionate application of the law. They establish in detail the procedures that agencies must follow:

✓ Covert Human Intelligence Sources Code of Practice (2022) [8]—regarding the recruitment, use, and protection of undercover agents.

✓ Interception of Communications Code of Practice (2022) [20]—regarding the procedure for requesting and authorizing interceptions.

✓ Equipment Interference Code of Practice (2018) [13]—regarding access to electronic devices and online searches. This code is issued under the IPA and regulates activities involving the manipulation of or access to equipment, such as computers, phones, tablets, or networks.

✓ Covert Surveillance and Property Interference Code of Practice (2002) [7]—developed by the Home Office and issued under RIPA. This Code is an essential guide detailing how public authorities (including the police, intelligence services, and other agencies) must act when using covert surveillance powers and property interference.

It should be noted that all Codes of Practice do not contain restricted information and are publicly available on the website of the Home Office of the United Kingdom. In the Republic of Moldova, by contrast, the organization, tactics, and methods of special investigative activity are regulated by departmental and interdepartmental acts registered at the state level, which mainly contain information constituting state secrets.

Unlike continental legal systems, such as that of the Republic of Moldova, where special investigative measures are defined in an exhaustive legal list (see Article 27 para.

(2) of Law No.59/2012), the British common law system adopts a different approach. It is not based on a rigid list of actions, but on fundamental principles such as legality, necessity, and proportionality. This flexibility allows the rapid adaptation of the legal framework to technological developments and new forms of crime, a defining feature of the British regulatory system [10].

In the United Kingdom, law enforcement relies on a range of undercover operations that correspond to special investigative techniques used in other European countries [10]. These generally include interception of communications [21], the use of human intelligence sources (informants) [7], and various types of surveillance (directed, intrusive, or covert) [30], adapted to the conditions and characteristics of each case. Each of these techniques is regulated in detail through its own Code of Practice, which establishes the precise conditions and procedures for their implementation. A notable distinction is made between the interception of the content of a conversation and its mere visualization (access to communications data) [34]. This visualization is regulated by Part II of the RIPA Act and is essentially considered a form of surveillance, highlighting the nuanced approach of British legislation [41].

Before the adoption of the Investigatory Powers Act (IPA) of 2016, the authorization of special investigative measures in the United Kingdom was outside direct judicial control [15]. Decisions were made by senior officials within the Home Office and by the heads of special services, depending on the specifics of each measure.

With the entry into force of the IPA 2016, a fundamental reform of the surveillance system was introduced, aimed at strengthening guarantees for the protection of privacy and citizens' rights. The law created a single independent oversight body: the Investigatory Powers Commissioner's Office (IPCO) [23].

IPCO assumed and unified the oversight functions previously exercised by three separate commissioners. Its main responsibilities include the judicial approval of warrants for the most intrusive investigative measures, a mechanism known as the "double-lock" [22]. Under this system, a warrant initially issued by a minister or an agency head must also be mandatorily validated by an independent judicial commissioner within IPCO. In addition, IPCO supervises the activities of all law enforcement agencies, including secret police services, ensuring the legality and proportionality of their actions [15].

Both in the United Kingdom and in most European states, there is a tendency to recognize the dialectical unity between criminal prosecution and special investigations aimed at detecting offenses and supporting subsequent investigations [2]. This convergence implicitly leads to a progressive blurring of the legal boundaries between non-procedural and procedural activities.

In assessing the admissibility of evidence obtained through special investigative techniques within criminal proceedings, British courts do not distinguish between the legal nature of such evidence and that of procedural evidence [15]. The use of results obtained through special investigative techniques is recognized as lawful by international norms and by the case law of the European Court of Human Rights [6]. A relevant aspect mentioned is that the Regulation of Investigatory Powers (Codes of Practice) (Jersey) Order 2006, through section 1.5, explicitly provides that if any provision of the Code of Practice appears relevant to any court or tribunal, the results obtained through the application of those Codes must be taken into consideration [30]. By comparison, the current provisions of the Criminal Procedure Code of the Republic of Moldova allow the use of the results of special investigative measures as evidence provided that they are obtained within criminal proceedings (Article 93 para. (4)).

However, it is essential to note that the results obtained through special investigative techniques cannot constitute the sole or principal evidence on which an accusation is based and must be examined by the court under adversarial proceedings, in which both parties have the opportunity to challenge them [22]. Similar provisions are also found in Moldovan legislation: "A conviction judgment cannot be based, to a decisive extent, on [...] evidence obtained as a result of special investigative measures" (Article 101 para. (5) of the Criminal Procedure Code of the Republic of Moldova).

Conclusion. The comparative analysis of the regulation of special investigative measures in the United States of America and in the United Kingdom highlights two distinct, yet complementary models, adapted to legal traditions and to the practical needs of combating organized crime, terrorism, and serious criminality.

In the American system, the absence of a rigid procedural distinction between the pre-trial phase and criminal prosecution grants detectives significant operational flexibility. They may initiate and carry out special actions—including interceptions, surveillance, seizure, or undercover operations—both upon a victim's complaint and on their own initiative, deciding directly on their necessity and proportionality. This overlap between investigation and judicial activity allows for a rapid and efficient response, but raises challenges related to ex ante judicial control and the uniform guarantee of constitutional rights protection, especially depending on the purpose (national security versus ordinary crime).

By contrast, the British system is characterized by a stratified and multi-level legal architecture, specific to the common law tradition. The regulation of special investigations is based on a harmonious combination of case law, primary legislation (PACE 1984, RIPA 2000, IPA 2016—"Snooper's Charter"—and CHIS 2021), secondary legislation, and detailed codes of practice issued by the Home Office. These instruments ensure a transparent, predictable, and proportionate framework, with emphasis on authorization, independent oversight, and the protection of private life. The CHIS Act 2021 represents a significant step by expressly granting criminal immunity for the criminal conduct of undercover agents necessary to maintain cover identities, but also remains a subject of intense debate regarding the ethical and constitutional limits of such powers.

The two systems illustrate the universal tension between the effectiveness of combating crime and respect for the principles of the rule of law. The American model prioritizes operational capacity and police initiative, while the British model emphasizes normative stratification, the transparency of codes of practice (publicly available), and multi-level control. Both have evolved under the pressure of contemporary challenges—digitalization of communications, mass data collection, and transnational threats—demonstrating the adaptability of mature legal systems.

For the Republic of Moldova, which operates within a continental legal system and is engaged in the process of aligning with European standards of human rights protection, the American and British experience offers valuable lessons. A clear, proportionate regulation of special investigative measures subject to effective judicial control is necessary, one that avoids both excessive fragmentation and uncontrolled discretion. The adoption of a legal framework combining operational flexibility with transparent guarantees of proportionality, necessity, and independence of authorization would contribute to increasing the efficiency of criminal investigation bodies, without compromising public trust in the rule of law.

Ultimately, the success of any system of special investigations lies not only in the powers granted to authorities, but in the delicate balance it establishes between collective security and individual freedoms. A reform inspired by the best practices identified in the United States and the United Kingdom could represent an important step toward modernizing the national system for combating crime in the context of current global challenges.

Bibliographical references

1. ABA Standards for Criminal Justice: Prosecutorial Investigations, Third Edition © 2014, American Bar Association. Available: https://www.americanbar.org/groups/criminal_justice/resources/standards/prosecutorial-investigations/ (citation 09.02.2026).
2. ASHFORD, Peter. The Admissibility of Illegally Obtained Evidence. Arbitration: The International Journal of Arbitration, Mediation and Dispute Management, 2019, 85.4.
3. Attorney General's Guidelines on General Crimes, Racketeering Enterprise and Domestic Security/Terrorism Investigations (7.03.1983). Available: https://www.justice.gov/archives/ag/attorney-generals-guidelines-general-crimes-racketeering-enterprise-and-domestic (citation 09.03.2026).
4. Bureau of Labor Statistics, U.S. Department of Labor, "Occupational Outlook Handbook: Police and Detectives". Available: https://www.bls.gov/ooh/protective-service/police-and-detectives.htm (citation 09.02.2026).
5. Communications Assistance for Law Enforcement Act (CALEA, 1994) (este o lege privind interceptările telefonice din Statele Unite ale Americii care cere operatorilor de telecomunicații și producătorilor de echipamente de telecomunicații să își proiecteze echipamentele, instalațiile și serviciile pentru a se asigura că au capacitățile de supraveghere necesare pentru a se conforma cererilor legale. CALEA are scopul de a păstra capacitatea agențiilor de aplicare a legii de a efectua supraveghere electronică, protejând în același timp confidențialitatea informațiilor în afara domeniului de aplicare al investigației). Available: https://www.congress.gov/bill/103rd-congress/house-bill/4922 (citation 15.02.2026).
6. Council of Europe. The Case-Law of the European Court of Human Rights on Evidentiary Standards in Criminal Proceedings. Available: https://rm.coe.int/council-of-europe-georgia-european-court-of-human-rights-case-study-ev/16807823c3 (citation 20.02.2026).
7. Covert Human Intelligence Sources (Criminal Conduct) Act 2021 (CHIS Act). Available: https://www.legislation.gov.uk/ukpga/2021/4/contents (citation 09.02.2026).
8. Covert Human Intelligence Sources Code of Practice (2022). Available: https://www.gov.uk/government/publications/covert-human-intelligence-sources-code-of-practice-2022 (citation 14.02.2026).
9. Covert Surveillance and Property Interference Code of Practice. Available: https://data.parliament.uk/DepositedPapers/Files/DEP2014-0226/FINAL_Draft_Surveillance_Code_of_Practice.pdf (citation 18.02.2026).
10. Deployment of Special Investigative Means. Council of Europe, 2013. Available: https://rm.coe.int/deployment-of-special-investigative-means-eng/16807828fa (citation 09.02.2026).
11. Digital Media Law Project, "Recording Phone Calls and Conversations". Available: http://www.dmlp.org/legal-guide/recording-phone-calls-and-conversations (citation 23.03.2026).
12. DRAGOJLOVIĆ Joko, et al. Undercover Investigator in Legislation of the United States and the United Kingdom. Kultura polisa, 2022, 19.1: 62–78. p.65.

13. Equipment Interference Code of Practice (2018). Available: https://assets.publishing.service.gov.uk/media/6841a1b4280ec7236902c0a4/Equipment_Interference_Code_of_Practice_-_June_2025.pdf (citation 15.02.2026).
14. German prosecutor, 10 May 2004, apud Ross.
15. Gov.uk. (Home Office report on the operation of the Investigatory Powers Act 2016). Available: https://www.gov.uk/government/publications/report-on-the-operation-of-the-investigatory-powers-act-2016/home-office-report-on-the-operation-of-the-investigatory-powers-act-2016-accessible-version (citation 10.02.2026).
16. Gov.uk. (Investigatory Powers Act 2016 (IPA 2016): Post Implementation Review). Available: https://www.gov.uk/government/publications/investigatory-powers-amendment-bill-overarching-documents/investigatory-powers-act-2016-ipa-2016-post-implementation-review-accessible-version (citation 20.02.2026).
17. Guidelines on Methods of Obtaining Documentary Materials Held by Third Parties - 28 C.F.R. Part 59. Available: https://www.ecfr.gov/current/title-28/chapter-I/part-59 (citation 23.03.2026).
18. Hoffa v. United States, 385 U.S. 293 (1966). Available: https://supreme.justia.com/cases/federal/us/385/293/ (citation 14.02.2026).
19. Illinois v. Perkins, 496 U.S. 292 (1990). Available: https://supreme.justia.com/cases/federal/us/496/292/ (citation 18.02.2026).
20. Interception of Communications: Code of Practice. (citation 07.03.2026).
21. Investigatory Powers Act 2016 (IPA). Available: https://www.legislation.gov.uk/ukpga/2016/25/contents (citation 09.03.2026).
22. IPCO. (The double-lock). Available: https://www.ipco.org.uk/what-we-do/the-double-lock/ (citation 09.02.2026).
23. IPCO. (What we do). Available: https://www.ipco.org.uk/what-we-do/ (citation 15.03.2026).
24. Katz v. United States, 389 U.S. 347 (1967). Available: https://supreme.justia.com/cases/federal/us/389/347/ (citation 15.03.2026).
25. Malone v. Metropolitan Police Commissioner (1979). Available: https://privacylibrary.ccgnlud.org/case/malone-vs-metropolitan-police-commissioner (citation 14.03.2026).
26. Omnibus Crime Control and Safe Streets Act of 1968, Title III, 18 U.S.C. §§ 2510–2522. (Titlul III al Legii stabilește reguli pentru obținerea comenzilor de interceptare telefonică în Statele Unite. Actul a fost o realizare majoră a războiului lui Johnson c. criminalității). Available: https://bja.ojp.gov/program/it/privacy-civil-liberties/authorities/statutes/1284 (citation 18.03.2026).
27. Paun A., & Shuttleworth K. (2020). Criminal justice and devolution. Institute for Government. Available: https://www.instituteforgovernment.org.uk/explainer/criminal-justice-and-devolution (citation 20.02.2026).
28. Police and Criminal Evidence Act 1984 (PACE). Available: https://www.gov.uk/guidance/police-and-criminal-evidence-act-1984-pace-codes-of-practice (citation 18.02.2026).
29. Procedura pentru interceptarea comunicațiilor prin cablu, orale sau electronice § 2518 (1)(a), 18 U.S.C. Disponibil: https://www.law.cornell.edu/uscode/text/18/2518 (citat 16.02.2026).
30. Regulation of Investigatory Powers (Codes of Practice) (Jersey) Order 2006. Available: https://www.jerseylaw.je/laws/current/ro_146_2006 (citation 24.02.2026).

31. Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010. Available: https://www.legislation.gov.uk/ukdsi/2010/9780111490365 (citation 26.02.2026).
32. Regulation of Investigatory Powers Act 2000 (RIPA). Available: https://www.legislation.gov.uk/ukpga/2000/23/contents (citation 20.03.2026).
33. ROSS Jacqueline E. Law of Undercover Policing. In: Encyclopedia of Criminology and Criminal Justice. Springer, New York, NY, 2014. p. 2865-2871.
34. Rotherham Metropolitan Borough Council. (Acquisition & Disclosure of Communications Data). Available: https://moderngov.rotherham.gov.uk/documents/s108223/Update%20on%20the%20Use%20and%20Operation%20of%20Surveillance%20and%20Acquisition%20of%20Communications%20Data%20Powers%20Append.pdf (citation 09.03.2026).
35. Senior Litigation Counsel, United States Attorney's Office for the Northern District of Illinois (2005), apud ROSS, Jacqueline E., The Place of Covert Surveillance in Democratic Societies: A Comparative Study of the United States and Germany, AJCL, 55(3), 2007, p.493-579.
36. The Attorney General's Guidelines on FBI Undercover Operations (31.12.1980). Available: https://www.ojp.gov/ncjrs/virtual-library/abstracts/attorney-generals-guidelines-fbi-undercover-operations (citation 05.03.2026).
37. The Federal Wiretap Act of 1968. Available: https://www.law.cornell.edu/uscode/text/18/part-I/chapter-119 (citation 04.03.2026).
38. The Foreign Intelligence Surveillance Act of 1978 (FISA), 50 U.S.C. §§ 1801-1812. (Lege care stabilește proceduri pentru supravegherea fizică și electronică și colectarea „informațiilor străine" între „puteri străine" și „agenții ale puterilor străine" suspectate de spionaj sau terorism. Legea a creat Curtea de Supraveghere a Informațiilor Externe (Foreign Intelligence Surveillance Court (FISC)) pentru a supraveghea cererile de mandate de supraveghere de către forțele federale de aplicare a legii și agențiile de informații). Available: https://www.congress.gov/110/plaws/publ261/PLAW-110publ261.pdf (citation 07.03.2026).
39. The Investigatory Powers (Interception by Businesses etc. for Monitoring and Record-keeping Purposes) Regulations 2018. Available: https://www.legislation.gov.uk/uksi/2018/356/contents (citation 10.03.2026).
40. Title III f Omnibus Crime Control and Safe Streets Act of 1968 ("Federal Wiretap Act"). Codificat at 18 U.S.C. §§ 2510–2522. Available: https://www.law.cornell.edu/uscode/text/18/2518 (citation 28.03.2026).
41. UK Government. (RIPA codes of practice). Available: https://www.gov.uk/government/publications/covert-surveillance-and-covert-human-intelligence-sources-codes-of-practice (citation 15.03.2026).
42. United States Department of Justice, "Criminal Resource Manual 28: Electronic Surveillance – Title III of Applications". Available: https://www.justice.gov/archives/jm/criminal-resource-manual-28-electronic-surveillance-title-iii-applications (citation 24.03.2026).
43. Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001. (Aceasta este o lege federală amplă adoptată în Statele Unite la 26 octombrie 2001, la scurt timp după atacurile teroriste din 11 septembrie). Available: https://www.congress.gov/107/plaws/publ56/PLAW-107publ56.htm (citation 02.03.2026).