

Mr Partridge
Mr Hilary

(SHHD)

Mr Taylor

AMA POLICE PANEL WORKING PARTY ON ACCOUNTABILITY - SPECIAL BRANCH

I attach copies of

- a letter of 14 November to the Home Office from the Chief Executive and Clerk of the West Yorkshire Metropolitan County Council
- a letter of 24 November to me from Ken Oxford and its enclosure
- draft replies to both letters.

2. I should be grateful to know whether the Home Secretary is content for me to write the two letters in the terms proposed. They have been cleared with the Security Service and I am clearing them with Mr Oxford because of the reference to the ACPO terms of reference (these date from about 1970 and are classified CONFIDENTIAL). If Mr Oxford has any substantive comments I will let you know.

3. Our impression is that the AMA have their teeth firmly into the subject of Special Branches and that they will not let go easily. There are some signs that chief constables are increasingly nervous and waiting anxiously to receive advice and help from the Home Office. I hope to be able to write very early in January.

4. The Home Secretary will recall that we are engaged with ACPO and the Security Service in the production of the first ever Home Office guidelines on the work of Special Branches. They will replace the ACPO terms of reference. The work on this, which will lead to a submission to the Home Secretary, is unlikely to be completed for some weeks. The review has not been made public and is not mentioned in the draft letters. It seemed desirable to hold this in reserve for a second round if the AMA return to the charge. The guidelines will be in two parts with the intention that neither should be published in the first instance but that one part could be made public if sufficient pressure built up to make that desirable. The pros and cons of this approach can be examined when the submission on the guidelines comes forward.

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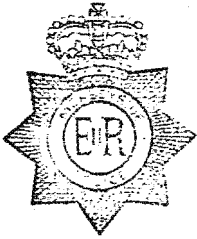
5. If, as we expect, the AMA make an issue of all this we may need to support certain chief constables in conflicts with their authorities about whether they should provide more information about the work of Special Branches.



J G PILLING

F4 Division

23 December 1983



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Chief Constable's Office,
P. O. Box 59
Liverpool L69 1JD
Tel. 051-709 6010

K. G. OXFORD, C.B.E., Q.P.M.

24th. November, 1983.

Dear Sir

Further to our telephone conversation, I enclose herewith the minutes of the meeting held by the A.M.A. relating to the role of Special Branch.

You will see that they are proposing to circulate the membership posing certain questions as to the role and criteria etc. of Special Branch. I would be grateful for your observations as to how we in A.C.P.O. might handle this. All Chief Constables have been alerted that they should defer any reply to any questionnaire until we have had time to consider the implications.

Thank you for your assistance.

Yours
K.G.

J. G. Pilling, Esq.,
Home Office,
50, Queen Anne's Gate,
LONDON,
SW1H 9AT.

Meeting of the Working Party of the Police
Panel of the Association of Metropolitan
Authorities on Accountability held at
County Hall Wakefield on
Tuesday 8 November 1983

PRESENT

County Councillors

- R Darrington (West Yorkshire) - Chairman
- W H Banks (West Yorkshire)
- E I Bentley (West Midlands)
- Mrs J Copland (Tyne and Wear)
- J F George (Merseyside)
- A G Mackie (Greater Manchester)
- R J McElvenny (South Yorkshire)
- G H Moores (South Yorkshire) (ex-officio)
- *I F Luckin (City of London)

* (substitute for Councillor P Revell-Smith)

AMA Advisers

- Mr C Sampson - Chief Constable, West Yorkshire
- Mr P Lodge - For Director of Finance, West Yorkshire

OFFICERS IN ATTENDANCE

- Mr A Warden) West Yorkshire
- Mr P Naylor)
- Mr M Doyle - Greater Manchester

1 Apologies

Apologies for non-attendance had been received from Councillors P Boateng (Greater London) and P Revell-Smith (City of London).

2 The Chairman welcomed Members to the Meeting and reminded them that the purpose of re-convening the Working Party on Accountability was to consider the role and activities of the Special Branch.

When the Working Party had met at County Hall, Wakefield last year, this matter had been one of the issues discussed and, in its report to the AMA, the Working Party had expressed considerable concern at the lack of information and understanding surrounding Special Branch activities. The Members had taken the view that these activities were fundamental to the question of police accountability and had recommended that the Association should undertake a detailed investigation into the issue.

Because of the disquiet felt and recently expressed by some Members on the Association's Police Panel about lack of accountability of the Special Branch, it had been agreed that this matter should be taken up again by this Working Party.

Before the Meeting was a paper prepared by Councillor A G Mackie, which had been considered by the Working Party when last it met, reports relating to the work of the Special Branch which had been submitted to the Merseyside Police Committee and presented to the

Working Party by Councillor J F George, and a paper prepared by Councillor E I Bentley. Councillor Bentley pointed out that he would probably be submitting a further paper following a meeting of the West Midlands Police Authority.

Members individually analysed and questioned the role and activity of the Special Branch particularly with regard to accountability, guidelines of operation, budgetary control and civil liberty.

It was suggested that Special Branch responsibility extended to:-

- (i) dealing with matters which arise from the Prevention of Terrorism Act 1976.
- (ii) security arrangements in relation to visits by VIPs to a Force area.
- (iii) monitoring subversive groups with a potential to damage or threaten the security of the State.
- (iv) immigration controls.

However, instances were quoted where the Special Branch had appeared to involve itself, under (iii) above, in activities of certain "pressure" groups (political and non-political), which, on the face of it appeared not to cause any threat to the security of the State.

One of the principle causes for concern, expressed by certain Members, was the apparent lack of control and accountability for the activities of the Special Branch. Indeed in one Force area there appeared to be 35 Special Branch officers for which there was no apparent or accountable role. Again, instances were quoted where a Chief Constable had not been aware of Special Branch activities within his area. It therefore appeared that the criteria under which the 'Branch' operated was ambiguous, particularly where it was concerned with the actions of the general public in relation to 'subversive' activities. This, in particular, caused some concern to various Members.

It was indicated that, because of the covert nature of the work of the Special Branch, its actions and operations were shrouded in secrecy. It was accepted that this was necessary particularly where anti-terrorist activities and VIP protection duties were involved. However it was felt reasonable to ask for information to be made available on the extent of accountability of the Special Branch and local funding, and for a general explanation of the method and criteria of activities of a non-operational nature.

One suggestion put forward for improved accountability was for each Police Authority to establish a small select Sub-Committee to which Special Branch matters could be referred.

Mr Sampson explained the operation and role of the Special Branch in the West Yorkshire Force and emphasised that all the officers were regular members of the Criminal Investigation Department and under the direct control of the Chief Constable - they were ordinary Policemen and had no special powers, although they received specialist training for certain protection duties.

He said that much of the work of the 'Branch' in West Yorkshire, as indeed in other Forces, could not be conducted as openly as the work of some other sections of the Force and it would not be in the public interest for security reasons, to give detailed accounts.

The following definition of 'subversion' given by Lord Harris of Greenwich in the House of Lords in February 1975 and endorsed by the present Home Secretary, the Rt Hon Leon Britton MP was still current:-

"Subversive activities are generally regarded as those which threaten the safety or well-being of the State, and which are intended to undermine or overthrow Parliamentary democracy by political, industrial or violent means. Militancy in the pursuit of trade union or other disputes with employers is obviously not necessarily subversive. We might define terrorism, for the purpose of this debate, as the use of violence for political ends. Not all subversive organisations are terrorist organisations. Terrorist groups generally have subversive aims, but not all the groups which have operated against British interests have the aim of subverting Parliamentary democracy in this country."

It was the duty of the Police, therefore, to investigate any person or body where the security of the State was in question and if some individual was inconvenienced through the action taken, the Complaints Procedure was the proper avenue available to aggrieved persons.

Further discussion revealed evidence of concern about the role of the Special Branch and its activities and this was exacerbated because of the covert nature surrounding its operations. The need to administer certain Special Branch activities with secrecy was fully appreciated although it was felt that Chief Constables must be fully aware of those activities and be in a position to respond to requests for information from their Police Authorities.

All Members of the Working Party emphasised that they had no wish to involve themselves in operational matters. Their main concern was to close the apparent gap which existed viz a viz Special Branch responsibility and accountability.

In conclusion it was considered important for the Working Party to be in possession of more information relating to the Special Branch before considering the matter further. With this in mind therefore it was decided (a) to ask the Home Office for as much information as possible on the role and activities of the Special Branch, its guidelines for operating and the extent of its accountability and (b) to submit the following questions to the Clerks to the Police Authorities represented on this Working Party, the replies to be submitted to the next meeting:-

- (i) What are the guidelines under which the Special Branch operates?
- (ii) Does the Special Branch have specific Terms of Reference and if so, what are they?
- (iii) To whom is the Special Branch accountable?
- (iv) What are the areas of responsibility of the Special Branch?

- (v) What are the criteria used for defining "subversive"?
- (vi) How are reports from the Special Branch evaluated and by whom?
- (vii) Is the Special Branch undertaking duties of a non-operational nature and if so, what are they?
- (viii) What is the proportion of local funding on Special Branch activities?
- (ix) Give an estimate of the proportion, by percentage, of the time spent by the Special Branch on its activities.
- (x) How many police officers are engaged on Special Branch activities?

It was further Agreed that the date and time of the next meeting of the Working Party be fixed by the Chairman (on a Friday if possible) in approximately two months time after the information referred to above had been received.

