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Mr Partridge  
Mr Hilary  
HMCIC



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Mr Taylor

SPECIAL BRANCH GUIDELINES

The Home Secretary will recall that we have for some months now been engaged, in conjunction with ACPO and the Security Service, on the production of a set of Home Office guidelines on the work of a Special Branch. These are intended to replace the existing ACPO terms of reference issued in 1970.

2. The review began in mid-1983, largely at the suggestion of the police, against the background of increasing public disquiet and misunderstanding about the functions of Special Branches. It was felt that a clearer statement of the functions of Special Branches, carrying the authority of the Home Office, would be of benefit to chief officers, particularly those experiencing pressure from their police authorities on accountability grounds. There was also a need to take account of developments since 1970, in particular on tasks related to the prevention of terrorism which have grown out of all recognition; and to give clearer and more explicit guidance on the relationship between the Security Service and Special Branches and on enquiries relating to subversion and industrial disputes. In this respect an important aim of the new guidelines will be to discourage indiscreet enquiries by individual Special Branches on subjects where the Security Service takes the lead.

3. A new set of guidelines has now been agreed with ACPO and the Security Service and is attached. We have conducted our work with them on the basis that sooner or later the guidelines are likely to be published (and the Select Committee are likely to make that sooner - see below). The accompanying covering letter is however classified, and it is not intended that it should be published. The 1970 terms of reference have never been published, and the Home Secretary may recall that in January the Association of Metropolitan Authorities police panel working party on accountability were told that they had to remain confidential. The police and Security Service accept that the



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new guidelines may be made public and our intention has been that, though we regard eventual publication as inevitable, the moment should be chosen when there would be the best chance of publication calming anxiety about Special Branches rather than fuelling controversy. The fact that the 1970 terms of reference were being reviewed has not been announced, which is a further element of flexibility in handling the disclosure of the new guidelines.

4. I think we can assume that the Home Affairs Select Committee enquiry into Special Branches which is getting under way may generate pressure for publication of the guidelines, and ministers will need to consider what response to give if the HAC asks to see them. This is not likely to happen until the Committee hears Home Office evidence at the end of the enquiry, which will not be before the end of January. Between now and Christmas the Committee will be hearing evidence from those who can be expected to be critical of Special Branches: the Association of Metropolitan Authorities (earlier this week) and the NCCL. Written memoranda are being invited from Mr John Alderson (the former chief constable of Devon and Cornwall who has publicly criticised Special Branch activities since his retirement) and from Mr Duncan Campbell, and the Committee may invite them to give oral evidence. ACPO are expected to give evidence on 23 January, and the Home Office after that. We shall be having a discussion with ACPO, in the light of the pre-Christmas evidence, before they appear before the Committee.

5. We have considered whether there would be any advantage in volunteering the guidelines to the HAC at an early stage, but we feel it unlikely that doing so would influence the Committee to be less critical than it would otherwise be. Indeed there is some danger that making the guidelines available would just give critical witnesses something to attack, so that by the time the Home Secretary appeared before the Committee there was an expectation that he would offer more, perhaps by way of amendment of the brand new guidelines. The Committee already has a memorandum from the Home Office submitted in July which covers some of the same ground (but in less detail) as the guidelines. I suggest we should aim to rest on that note until ACPO and the Home Office give evidence, with the virtual certainty that at that point ministers will indicate that a review has been carried out and that new guidelines have replaced the 1970 terms of reference. It might at that stage be necessary to offer to publish. But there might be advantage in waiting until the Committee had reported before publishing the guidelines as part of the Home Office response to the report. As there is likely to

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be little else to offer as a positive response to the report, this option may be quite an attractive one.

6. If ministers approve the contents of the new guidelines and covering letter, I propose to issue them as soon as possible. I recommend that further consideration should be given to the manner and timing of their publication when we come to brief ministers for their oral evidence to the Committee, by which time we should have a better idea of the strength of the likely pressures. I shall also be discussing the issues with the ACPO representatives concerned at a meeting on 7 December, which will enable us to take their views into account in deciding tactics in relation to the disclosure of the guidelines.

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