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NOTE OF MEETING TO DISCUSS GUIDELINES FOR SPECIAL BRANCHES AND
GUIDELINES ON THE USE OF EQUIPMENT IN POLICE SURVEILLANCE
OPERATIONS AT 2.30PM ON 16 JULY 1984 IN THE HOME OFFICE

Present: Mr Harrington (Chairman) - Home Office
Mr Imbert - ACPO
Mr Hewett - Metropolitan Police
[REDACTED] - RUC
[REDACTED] - ACPO(S)
[REDACTED] - Strathclyde Police
[REDACTED] - Box 500
[REDACTED] - SHHD
Mr Boys-Smith - Home Office
[REDACTED] - Home Office
[REDACTED] - Home Office

The Chairman opened the meeting and proposed that discussion of the draft guidelines and covering letters to chief officers should proceed on a paragraph by paragraph basis. It was agreed that the Special Branch guidelines would be taken first.

Guidelines for Special Branches

2. The Chairman invited comment and asked those present to address the possibility that the guidelines might have to be published during the course of the Home Affairs Select Committee enquiry into Special Branches. It was generally agreed that publication would be to the advantage of the Home Secretary and chief constables. The timing of publication would be crucial. One possibility would be to wait until the Home Secretary was called to give evidence. This was expected to be at the end of October or early November. The Committee would almost certainly ask to see the guidelines, and the Home Secretary could give an affirmative answer.

3. It was agreed that paragraphs 1-6 were acceptable as drafted. In paragraph 7, it was considered that the difference between the definitions of "espionage" and "subversion" should be clearly drawn, and that the words "or to further a subversive political aim" in the definition of espionage should be dropped. The Security Service agreed to confirm that this would be acceptable to their legal advisers. It was also agreed that the paragraphs concerning assistance to the Security Service would be re-ordered to group them together. It was agreed that the current paragraph 10 would be re-worded to take account of the role of the Security Service in respect of other extremist and terrorist groups so that the reference to the Metropolitan Police Special Branch and Irish Republican groups could be seen in its proper perspective.

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4. It was agreed that paragraph 13 would be reworded to clarify the Special Branch role in respect of firearms and explosives. It was agreed that the final sentence of paragraph 17 would now read "Data on individuals and organisations should under no circumstances be collected or held solely on the basis ...". The Home Office also undertook to consider whether paragraph 19 was necessary, and if so, to re-draft the paragraph, taking account of the practical needs of Special Branches and other parts of police forces.

Covering letter re Special Branches

5. It was re-affirmed by the meeting that the covering letter would not under any circumstances be published. It was agreed that paragraph 3 would have to be re-drafted to take account of the timing of publication of the guidelines. Paragraph 4 would also be amended to include the Security Service in the references to the organisation^{of} courses. It was agreed that in paragraph 6 the words "schools and other" would be deleted. The rest of the covering letter was considered acceptable as drafted.

6. The Chairman agreed that the Home Office would consult with SHHD with a view to arranging simultaneous publication of the equivalent guidelines and covering letter in Scotland so far as practicable.

Surveillance guidelines

7. The Chairman explained that the new draft of the guidelines was a radical re-working in response to the criticisms made of the earlier draft by the ACPO Crime Committee and ACPO(S), and he invited comment on the changes made. The police representatives agreed that the new draft went some way towards meeting their concerns, but felt that in two areas the guidelines would prove impractical and failed to appreciate their operational needs.

8. Firstly, the principles outlined in paragraph 3 failed to take account of the police intelligence gathering role both in respect of criminal intelligence and Special Branch work undertaken on their own account and to assist the Security Service. Secondly, in the area of visual surveillance, the guidelines were overly restrictive and authority levels were set too high in respect of still cameras. The police accepted that where hidden cameras were used in circumstances where targets might expect a high degree of privacy (such as a hotel bedroom) a higher level of authorisation was appropriate. However, they considered that the use of cameras in everyday surveillance operations in the course of normal criminal investigations did not. The Chairman agreed that it was important

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that the guidelines should be practical if they were to be readily accepted and used by police forces, and agreed that the Home Office would look at these areas again and re-draft accordingly.

9. The police representatives also voiced concern about the parts of the guidelines dealing with the retention and use of the product of surveillance. In the area of visual surveillance, the restrictions imposed by the guidelines effectively prohibited the retention of photographs for criminal intelligence purposes. It was therefore agreed that paragraphs 13 and 18 the words "particular investigation" would be replaced by "enquiry", and subsequent paragraphs would be re-worded to take account of this change.

10. It was agreed that paragraphs 15 and 20 would be amended to take account of the situation in the Metropolitan Police in respect of their force Inspectorate.

11. It was agreed that paragraph 19 would be amended to indicate that where possible the original officer who authorised the use of surveillance equipment would be consulted about the use of the product.

Covering letter to chief officers re surveillance

12. It was agreed that the covering letter was generally acceptable. The Chairman said that the Home Office acknowledged the criticisms that had been directed against paragraph 3, and understood chief officers' concern that it failed to acknowledge the basic rules of best evidence. However, the Home Office considered that it was important that it was made clear that the Security Service have the lead in this area. It was agreed that a further sentence should be added to the paragraph making it clear that the Security Service accepted its responsibility for keeping chief officers properly informed of operations carried out in their force areas.

13. The Home Office undertook to circulate revised drafts of the guidelines and covering letters concerning Special Branches and surveillance matters as soon as possible, and in good time for discussion at the ACPO Crime Committee meeting in September.

14. The Chairman thanked all present for their attendance and contributions.

20 July 1984

F4 Division
Home Office

Distribution: those present,
Mr Oxford
Mr Buck
[REDACTED] (NIO)
Mr Dellow

