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cc: Mr Harrington (w/o enc)

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GUIDELINES FOR SPECIAL BRANCHES

Your note of 10 May asked about the timetable for the issue of the new guidelines.

My note (attached) of 11 May to Mr Harrington describes the current state of play. You will see from paragraphs 5 and 6 that we need a contribution from the Security Service, and that we are now working towards getting the guidelines cleared at the next meeting of the ACPO Crime Committee, which is in August. It is unfortunate that the timetable should have been dragged out so much, but we should still (and indeed must) have the new guidelines in place before the next session when the Home Affairs Committee starts its enquiry in earnest.

[Redacted]

15 May 1984

cc: Mr Partridge
Mr Hilary



Mr Harrington

SPECIAL BRANCHES

You asked for advice on Mr Morris's minute of 25 April announcing the intention of the Home Affairs Select Committee to investigate Special Branches as part of the police service and their role and accountability. I thought this might be a useful point at which to take stock of where we are in relation to Special Branches, and consider where we go from here.

Home Affairs Select Committee

2. When he gave evidence to the Committee on 23 January the Home Secretary sought to discourage the Committee from an enquiry into Special Branches, on the grounds that security considerations would prevent those called to give evidence from commenting in detail on the operation of Special Branches, and that such an enquiry could therefore turn out to be something of a blind alley. The Committee has disregarded that advice, and I understand that this may at least in part be because Special Branches were seen as an easier option than the investigation that some members of the Committee would have liked to have conducted into the Security Service (particularly in the light of the Bettaney case). Once again the Special Branches are seen as the soft underbelly of the security and intelligence world.
3. In practice there appears to be little we can do to stop the enquiry going ahead, though the Home Secretary's evidence will have prepared the Committee for less than forthcoming evidence from government and police witnesses. Whilst there is some possibility that the Committee's attention will be distracted by a more exciting subject before it gets down to its Special Branch enquiry, we ought to plan for the enquiry to take place as scheduled.

Association of Metropolitan Authorities

4. The Secretary of the AMA Police Panel Working Party on Accountability wrote on 27 March in reply to Mr Pilling's letter of 6 January. As was predicted, the AMA is not satisfied with the information provided in Mr Pilling's letter. This brings us to the fall back positions which were considered before the original letter to the AMA, involving two possible stages of disclosure of the new Home Office guidelines. In the first stage there is disclosure of the fact that Home Office guidelines are being developed to replace the existing ACPO terms of reference. In the second stage would be

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disclosure of the guidelines themselves. Work on the guidelines has proceeded on the basis that disclosure might eventually be forced on us, but timing will be important if disclosure is to defuse criticism of Special Branch operations rather than stimulate further interest and criticism.

Guidelines

5. We have made as much progress as we can on the guidelines, but further work is stalled whilst we await contributions from the Security Service. At a meeting on 3 November 1983 they undertook to report early in the New Year on two points - the definition of "terrorism" and a review of two Box 500 circulars (to be attached to the guidelines) concerning enquiries at educational establishments and subversive activities in industrial disputes. Despite several reminders the Security Service have not yet produced this work - no doubt because of preoccupation with other matters. I understand that action now rests with the DDG, [REDACTED] Sys Officer.
6. The guidelines will need to be cleared formally with ACPO before they are issued, and it was hoped to have them ready for consideration by the ACPO Crime Committee at its May meeting. We have now missed that meeting: the next one is in August.

Further action

7. We must clearly make some progress on the guidelines, so that this can be considered at the August meeting of the ACPO Crime Committee. It may be necessary to put pressure on [REDACTED] Sys Officer at senior level to get him to expedite his contribution.
8. Meanwhile I would suggest writing to the Chairman of ACPO, copying to the Chief Constables who have been consulted on the guidelines, to MPSB and to the Security Service, to let them know formally that the Home Affairs Committee enquiry is likely to take place and inviting them to keep in touch with us about any developments that might come to their notice. We shall also have to give guidance about the response senior police officers should make if invited to give evidence. My understanding is that the Committee has power to require attendance, so that neither we nor the police are in a position to refuse their attendance. But the police will no doubt look to us for guidance on how far they should go in answering the Committee's questions (as the Home Secretary told the Committee in January, we would not expect them to be able to say very much).
9. As for the AMA, I do not think that now is the time to offer them any concession or further information. We could reply on the basis that we consider Mr Pilling's letter to have been an adequate statement of Special Branch functions and organisation for police
- [REDACTED]



authority purposes in exercising their responsibilities. Any concession that was offered, by way for example of disclosure of the guidelines, would probably now be better made in the context of the Home Affairs Committee's enquiry rather than of pressure from the AMA. Otherwise we might find that one round of concessions under AMA pressure was followed by another round under Parliamentary pressure. Indeed the Committee's enquiry could be used as a reason for not departing from the position we have taken with the AMA.



F4 Division

11 May 1984

