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TERMS OF REFERENCE FOR A SPECIAL BRANCH

1. Each of the 43 police forces in England and Wales has its own Special Branch. The members of Special Branches are police officers recruited from either the Uniform branch of the force or other parts of the force CID, and they are responsible through the head of the Branch to their Chief Officer. The complaints procedure applies equally to them and they are not exempt from the police disciplinary code or from the law. Special Branches, therefore, always work within the law and the criminals it deals with have the same rights as any others.

2. Special Branches are concerned with offences against the security of the State, including contraventions of the Official Secrets Act; with terrorist and subversive organisations; with assisting the uniformed police in the maintenance of law and order; with certain protection duties; with keeping watch on airports and seaports; and with making enquiries about aliens. Essentially, Special Branch officers have the primary responsibility, as have all police officers, of preventing crime and,

if that is not achieved, the identification, arrest and prosecution of those responsible. In carrying out this responsibility in each sphere of activity, Special Branches work closely with the Security Service, the Metropolitan Police Special Branch and the Home Office.

3. The functions of a Special Branch may be broken down as follows:-

FUNCTIONS ON BEHALF OF THE CHIEF OFFICER

(i) Acquiring information which will assist the Chief Officer in the preservation of public order (see also (iv) below).

(ii) Carrying out protection duties in respect of Royalty, foreign dignitaries and other important people as the needs arise. This includes acquiring information about groups and individuals likely to wish to cause harm to prominent people anywhere in the United Kingdom.

FUNCTIONS ON BEHALF OF THE SECURITY SERVICE

(iii) With the approval of the Chief Officer, providing the Security Service with information and support for its task of defending the nation against acts of terrorism, sabotage and from the actions of

subversive individuals and organisations (see also (vi) in respect of terrorist groups).

For the purpose of (iii) above, terrorism is defined as the use of violence for political ends and includes any use of violence for the purpose of putting the public in fear. Subversive activities are defined as those which threaten the safety and well being of the State while, at the same time, are intent on the illegal undermining or overthrow of Parliamentary democracy by political, industrial or violent means. This function includes undertaking responsibility for the prosecution of those contravening the Official Secrets Act.

(iv) In consultation with the Security Service, investigating any subversive background to demonstrations, industrial disputes and breaches of public order. Special Branch investigations into industrial disputes and demonstrations go no further than is necessary to assist the Chief Officer in the discharge of his responsibility for the maintenance of public order, and to meet any Security Service request for information on the role played by subversive elements. Special

Branch have no interest in legitimate expressions of views by individuals and organisations. Subversion is also not confused with industrial militancy. Industrial militancy is not considered subversive unless the purpose of the militants is to threaten the safety and well-being of the State while, at the same time, to seek to undermine or overthrow illegally Parliamentary democracy. Opposition to industrial or economic policies of the Government of the day is not, in itself, subversive or of interest to Special Branches.

(v) With the approval of the Chief Officer, assisting the Security Service in the operation of the Travel Notification Scheme for diplomats and officials.

FUNCTIONS ON BEHALF OF THE METROPOLITAN POLICE SPECIAL BRANCH

(vi) On behalf of the Chief Officer, providing the Metropolitan Special Branch with information concerning Irish Republican extremist groups. The MPSB has a national responsibility for the collection, analysis and dissemination of information concerning these groups in Great Britain, and acts of terrorism committed by them in Great Britain.

FUNCTIONS ON BEHALF OF THE HOME OFFICE

(vii) Co-ordinating and supervising all naturalisation enquiries and any prosecution arising therefrom; all aliens enquiries and the maintenance of aliens' records; and all enquiries relating to the control of immigration from the Commonwealth.

(viii) At airports and seaports, making arrests of wanted criminals, detecting offences and gathering information relating to the security of the country (see (iii) above) and other criminal matters in collaboration with the Ports Office of the Metropolitan Police Special Branch. In addition, acting at ports as examining officers under the Prevention of Terrorism (Temporary Provisions) Act 1976 and its subordinate legislation in collaboration with the National Joint Unit at New Scotland Yard.

OTHER FUNCTIONS

(ix) Reporting on any implications for the security of this country in cases of possession of or dealing in firearms and explosives.

(x) Maintaining only such records as are required in the performance of the functions detailed above and

ensuring the security of their contact. Data collected by Special Branches may only be acquired by lawful means and may only be used for the purpose for which it was acquired.

The Chief Officer of Police

Dear Chief Officer

HOME OFFICE GUIDELINES ON THE WORK OF A SPECIAL BRANCH

The attached guidelines for running a Special Branch have been drawn up by the Home Office in consultation with the Association of Chief Police Officers and the Security Service. They have been approved by the Home Secretary who commends them to the attention of chief officers.

2. In large part the guidelines are based on the terms of reference for Special Branches issued by the Association of Chief Police Officers in 1970. By agreement with the Association, chief officers should regard these guidelines as updating and replacing those terms of reference.
3. At this stage the guidelines are not being made public but it is possible that this will happen in due course. Every effort will be made to inform chief officers beforehand that this is to be done. It is not the intention that this classified letter should be made public now or in the future.

Training

4. With the approval of ACPO, the Metropolitan Police Special Branch undertakes the training of officers engaged on Special Branch duties in Great Britain. It is increasingly important that all Special Branch officers attend the agreed training courses and that officers recalled to Special Branch duties attend refresher courses.

Consultation

5. When a Special Branch is assisting the Security Service it should be borne in mind that they are always available for consultation, briefing and advice. In carrying out enquiries for the Immigration and Nationality Department of the Home Office, they or any local Immigration Office may be consulted for advice as necessary.

Personnel and physical security

6. Advice on personnel and physical security is given by the Home Office from time to time in circulars to the Chief Officer. The most recent such circular is at Annex A. A Special Branch is particularly concerned in the conduct of normal and positive vetting.

Intelligence gathering

7. An organisation may operate currently within the law and yet be subversive in terms of the definition in the guidelines because its long-term aims satisfy that definition. Senior officers must exercise strict control over the selection of targets for investigation when the current activities of the latter are legitimate and peaceful. When intelligence is gathered on subversive organisations, very great care should always be taken to give no grounds for misrepresentation of Special Branch enquiries as wrongful police interference in the exercise of civil and political liberty.

[REDACTED]

8. When a Special Branch intends making enquiries at schools, universities, polytechnics and other educational establishments, full consultation with the Security Service will be prudent. Generally, direct approaches to individuals and financial inducements to students should be avoided. Information should only be sought from individuals who are reliable in security terms.

9. A demonstration will provide an opportunity for the collection of information about subversive elements in a particular organisation. Investigations must be conducted with great sensitivity to any suggestion that ^{the} Special Branch is investigating the legitimate expression of views. In particular, it is not the function of the force Special Branch to investigate individuals and groups merely because their policies are unpalatable, because they are highly critical of police, or want to transform the present system of police accountability.

10. Care should be taken to ensure that investigations into industrial disputes are not misrepresented as being aimed at the penetration of the trade unions rather than the investigation of subversive groups which may be active in industry or the preservation of public order. Subversion should not be confused with industrial militancy. Industrial militancy is the use or threatened use of strikes, sit-ins or other disruptive action in the furtherance of industrial disputes, and an unwillingness to seek or accept compromise solutions through negotiations, conciliation or arbitration. The actions of industrial militants only become subversive when their intent is to threaten the safety and well-being of the State while, at the same time, threatening the overthrow of Parliamentary democracy.

Surveillance

11. Special Branches are reminded that Home Office guidelines issued to the Chief Officer concerning the use of equipment in police surveillance operations apply to them as much as to other police officers. A copy of the guidelines is at Annex B.

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HOME OFFICE GUIDELINES ON THE WORK OF A SPECIAL BRANCH

Status and organisation

Each of the police forces in England and Wales has its own Special Branch. Except for the Metropolitan Police Special Branch which has responsibilities in relation to Irish Republican extremism and terrorism throughout Great Britain, each Special Branch is responsible only for what goes on within the area of the force of which it is part.

2. All members of a Special Branch are responsible through the head of the Branch and any intervening supervisory ranks in the force structure to the chief officer of the force. The rank of the head of Special Branch will depend on the size of the force but except for very small forces it should not be below Detective Inspector.

Specific functions

3. The specific functions listed below comprise those tasks which will most commonly fall to be undertaken by the force Special Branch. However, in some force areas, it may be necessary or desirable for some of these functions to be undertaken by other parts of the force CID or specialist units. It will be an operational matter for chief officers to decide how best to utilise his resources within the force Special Branch.

4. The work of a Special Branch arises from the chief officer's responsibility for the preservation of the Queen's peace. Its work is to assist the chief officer in discharging this responsibility.

5. A Special Branch gathers information about threats to public order. Such information will enable the Branch to provide assessments of whether marches, meetings, demonstrations and pickets pose any threat to public order and help the chief officer to determine an appropriate level of policing.

6. Special Branch officers provide armed personal protection for people who are judged to be at risk. Particular attention should be paid to anyone who may plan to harm prominent individuals for political reasons or because of mental disturbance.

7. A Special Branch assists the Security Service by providing information and support for its task of defending the nation against espionage, acts of terrorism, sabotage and from the actions of subversive individuals and organisations. Terrorism is defined as the use of violence for political ends and includes any use of violence for the purpose of putting the public in fear. Subversive activities are defined as those which threaten the safety and well-being of the State and which, at the same time, are intent on the undermining or overthrow of Parliamentary democracy by political, industrial or violent means.

8. A Special Branch assists in the application in its area of the Travel Notification Scheme for diplomats and officials.

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applications from police forces in Great Britain concerning people held under prevention of terrorism legislation. The Unit processes, for onward transmission to the Home Office or the Scottish Home and Health Department as the case may be, applications for extensions of detention and exclusion orders under the legislation and co-ordinates the preparation of up-to-date assessments in connection with the review of exclusion cases. The National Ports Office, based at Heathrow Airport, provides a liaison and advisory service for ports units in other force areas.

Records

17. Records should be maintained in order to discharge effectively the functions listed in paragraphs 4-12 above. It is important, however, because of the peculiar sensitivity of the information concerned, that only information relevant to those functions should be recorded. Close attention should therefore be paid to paragraphs 4-12, and in particular to the definitions, in deciding what information should be recorded or not recorded. The collection and holding of data on individuals or organisations merely on the basis that such a person or organisation supports unpopular causes or on the basis of ethnicity, race or creed is prohibited.

18. It is also important to ensure that, wherever possible, information recorded about an individual is authenticated and does not give a false or misleading impression. Care should be taken to ensure that only necessary and relevant information is recorded and retained. Each Special Branch should therefore maintain an effective system both for updating information where necessary and for weeding out and destroying information which can no longer be clearly related to the discharge of its functions.

19. A Special Branch may not use information for purposes other than those for which it was collected and access to information held by Special Branches should be strictly limited to those who have a particular need to know. In particular, information should under no circumstances be passed to non-official agencies or individuals, to commercial firms or to employers' organisations.

20. The security of records maintained by Special Branches is of paramount importance. Because of the sensitivity of the information concerned and because of the damage to individuals which might result if unauthorised persons were to gain access to it, or if improper use were made of the information, Special Branches must ensure that the most stringent and appropriate precautions are taken to safeguard the information and to protect it against both unauthorised access or disclosure and accidental loss.

[REDACTED]