

## State Research

An independent group of investigators collecting and publishing information from public sources on developments in state policy, particularly in the fields of the law, policing, internal security, espionage and the military. It also examines the links between the agencies in these fields and business, the Right and paramilitary organisations.

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## The Review of Security and the State

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## CONTENTS

### News and developments 73

Local Council launches enquiry into policing  
The Defence Estimates  
NAFF's new name  
RUC: the Bennett report  
Telephone tapping  
PTA: A sixth year of temporary provisions  
Computers: on the record  
Surveillance

### Background Paper 83

The police in West Germany

### Reviews 90

Rights At Risk: A history of the police  
The Stench of 1984: Police against black people  
The Boys In Blue: Policing the police

### Sources 93

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# STATE RESEARCH

**BULLETIN  
No. 11**

TELEPHONE TAPPING – SPECIAL BRANCH SURVEILLANCE

POLICE COMPUTERS – THE BENNETT REPORT –

DEFENCE ESTIMATES – THE POLICE IN W. GERMANY

**NEWS &  
DEVELOPMENTS**

## LOCAL COUNCIL LAUNCHES INQUIRY INTO POLICING

The Council of the London Borough of Lambeth is to set up its own public enquiry into relations between the police and the community in its area. There are also local demands that the Council should sponsor a 'watch committee' to supervise the police. The Metropolitan police are answerable only to the Home Secretary, and there is no police authority for London.

The Council's decision follows a perceptible worsening of relations in an area where many people experience sub-standard conditions of housing and other social amenities. The activities of the Special Patrol Group (SPG) have contributed to this, but an incident in February

prompted councillors from both Labour and Conservative parties to express concern. Three workers for the Council for Community Relations in Lambeth (CCRL) were arrested in a police raid on the CCRL offices. The raid followed a stabbing incident in a pub in Clapham, nearby, and police were looking for a suspect who was black and wearing a sheepskin coat. Police knew that one of the CCRL workers had such a coat, and raided the offices to arrest him. Two co-workers, also black, pointed out that they had similar coats, and were also arrested. All three were later released without charge. A full meeting of the CCRL including local Tories, religious leaders and other community representatives, agreed to withdraw from the local police liaison committee in protest, and the CCRL called on the Council to initiate an inquiry.

Conservative councillors agreed that there should be an enquiry into police-community relations, but thought that the Home Office should conduct it. The majority Labour group carried a motion to



set up a Council enquiry. It will have nine members, including three councillors, representatives of the Trades Council, local churches, and education or youth workers. Three representatives 'of national standing' will add impartiality. The enquiry will look at police relations with the whole of the community, but will examine in detail the use of the 'sus' laws, the police role in evictions and domestic violence, and the activities of the SPG.

Concern about the SPG follows a month-long operation in Brixton in November, after which local anti-racist, community and other groups came together to prepare a dossier. A draft says that the SPG were involved not just in supporting normal police operations, but in 'a different sort of policing', involving constant street patrols, road blocks and random stop-and-search tactics. Ten youths were arrested outside Stockwell Manor School under 'sus' charges; a building labourer was stopped and searched five times in two weeks; a local Labour councillor was twice stopped and questioned about where he was going and why. The dossier says:

'The piece-de-resistance of the SPG's Brixton operation was a massive exercise which ostensibly took place after the theft of a bomb squad car. This car (unmarked) was allegedly pursued to Railton Road — the very heart of Brixton. The area was sealed off. More than 30 police, including the Bomb and Anti-Terrorist Squads, were involved in the action, as a cordon was placed around the area, buses diverted and people forbidden to leave their homes'.

The police said that there were 430 arrests from 1,000 stop-and-searches. The Daily Telegraph reported after the operation: 'Three-fifths of those arrested were white, the rest black. A high percentage of black people live in the area.' Forty per cent of those arrested were black, more than double the proportion of black people in the community.

The anti-racist groups also called on the Borough Council to set up a 'Watch Committee' into police activities locally.

The idea has the approval of the Leader of the Council and will receive a boost from the existence of the inquiry. It could be an important precedent for other councils in the Metropolitan Police area to demand some democratic accountability of the police in their boroughs.

Police activities in Lambeth provoked this statement from a Tory borough councillor, Graham Pycok:

'There's no doubt the police have taken decisions they had no right to take and treated innocent citizens to activities that would not be acceptable in a normal democratic society.

If there is a breakdown in confidence between the community and police and people are afraid — despite their innocence — of what will happen to them in a police station, the police will forfeit any trust, understanding or co-operation. I am afraid this is what seems to be happening in Lambeth at the moment.' (South London Press 27.3.79)

## DEFENCE ESTIMATES

The Statement on the Defence Estimates, a paper presented to Parliament by the Secretary of State for Defence each February, is the clearest available indication of Ministry of Defence (MoD) thinking about British military strength. Each year it provides fuel for the right wingers to say that the UK is being stripped of its defences, and for the left to say that the MoD is engaged in the most irresponsible form of arms-racing imaginable. So the first surprise about the Estimates is that Labour governments have taken to making so little fuss about them. The 1979 edition (Cmnd 7474, £2 from HMSO) was produced on the eve of the parliamentary recess for the devolution polls, guaranteeing no parliamentary reaction. The debate, when it occurred on March 26 and 27, raised no new or surprising points.

The right-wingers found plenty to complain about, because although the

spending for 1979/80 is well ahead of 78/9 in real terms, there are few announcements of major new weapons systems to keep the generals happy. In particular, there was nothing on a replacement for Britain's ageing Polaris fleet.

The total amount planned is a record £8,558 million, up from £6,919 million, an increase of some 24 per cent. Of this money, 42 per cent is earmarked for service pay, which is the subject of a major campaign by the military because of fears about the rate at which people are leaving. Of the rest, 41 per cent is to be spent on equipment and most of the rest on things like clothing, fuel, and property. The total is nearly five per cent of Gross Domestic Product (GDP) at market prices.

For the first time, the Defence Estimate figures for 1979/80 have been put in terms of expected outcome instead of forecast prices. This means that the true comparison is between £8,558million for 79/80 and real spending in 1978/9, which gives the much-trumpeted three per cent increase.

## The NATO Commitment

The Defence Estimates provide a thorough look at where British military power is concentrated, and for some years have emphasised the fact that units based in Belize, Brunei, Hong Kong and even Northern Ireland are a sideshow to the NATO commitment. This year's Estimates again reinforce the point, with a huge description of the UK's commitment to the Alliance (see State Research Bulletin No 10)

The UK devotes 'the overwhelming proportion' of its defence spending to NATO according to the Estimates, and spending increases have a lot to do with UK participation in the Long-Term Defence Programme launched by President Carter to enhance most aspects of NATO forces. According to the February 1979 NATO Review, though, the UK spent 4.7 per cent of its GDP on defence in 1978, more than any member except the USA. Within this overall figure (which contrasts surprisingly with the 3.3 per cent spent by West Germany, the "front line nation"), it is

also obvious that the UK armed forces are among the best-equipped in the Alliance.

This is apparent from other NATO figures, which show that the UK spent 25 per cent of its defence budget on equipment in 1978/9. No other NATO country managed more than 18.5 per cent, the Dutch figure.

For the last two years, the Estimates have allowed us to see the main beneficiaries of the UK's defence spending by publishing a table of major weapons contractors. The main change between 1976/77 figures and 1977/78 is the formation of British Aerospace and British Shipbuilders. The Royal Ordnance Factories are expected to take £370million in 1978/9, of which over half should come from exports. (Lost Iranian orders for the Chieftain tank will make a difference). British Aerospace's Aircraft and Dynamics (i.e. missiles) Groups, plus GEC, Rolls Royce and Vickers (partly now vested in Shipbuilders) also took over £100million in 1977/8. Plessey and Westland Aircraft are in the £50-100million bracket. There are another 35 firms taking over £5million of orders in 1977/8, including companies involved in electronics (Racal), vehicles (Leyland), ammunition and chemicals (ICI), components (Dowty) and nuclear explosives (the UK Atomic Energy Authority).

## NAFF'S NEW NAME

At a meeting of its 70 branch chairmen on December 9, last year, the National Association for Freedom (NAFF) decided to change its name to the Freedom Association (FA). This decision was endorsed by their Council and announced to the membership in a letter dated January 26. The letter simply announced the decision which it said had been taken to 'avoid any possible confusion with the National Front'. Although the name has been changed, the politics of the Freedom Association have not. They are pro-capitalist/anti-union, pro-monetarist/anti-welfare state, and



pro-imperialist/anti-communist. In Africa and Latin America, for example, they openly espouse racist and repressive regimes. Of South Africa their paper **'Free Nation'** commented: 'To insist on majority rule is a certain recipe for tyranny ... South Africa is a society with a free press and an independent judiciary'. There is a difference between the politics of the NF and the FA but the FA is still on the extreme right of British politics.

In February, it was announced that Mr Derek Jackson, 40, had been appointed Campaign Director of the FA. He filled the post left vacant when John Gouriet resigned as NAFF Campaign Director in July last year. Mr Jackson served in the Army from 1956 until he resigned to take up the post at the FA. He spent the last eight years as an officer in the Intelligence Corps, serving in the West Indies, the Gulf, Aden, Oman, Borneo, Kenya and West Germany. Mr Jackson joins another military man Charles Good, who is the Executive Director of the FA. Major Good served in the Military Police in Malaya, West Germany, Hong Kong, Cyprus, and Northern Ireland from 1955 until his appointment as Executive Director of NAFF in March 1977.

### **RUC: THE BENNETT REPORT**

The Report of the Committee of Enquiry into Police Interrogation Procedures in Northern Ireland, under Judge Harry Bennett, published in March, has already attracted a great deal of publicity. The main finding — that officers of the Criminal Investigation Department of the Royal Ulster Constabulary (RUC) did ill-treat prisoners whom they were interrogating, with a view to getting them to confess to specific offences — has been well publicised, as have the Committee's recommendations of closer supervision of such interrogations and procedures for ensuring that no repetition of the ill treatment takes place.

From the spring of 1977, the Report says, police surgeons, doctors who examine

arrested people on behalf of the RUC, noted an increase in 'significant bruising, contusions, and abrasions of the body and evidence of hyper-extension and hyper-flexion of joints (especially of the wrists), of tenderness associated with hair-pulling and persistent jabbing, of rupture of the ear drums and increased mental agitation and excessive anxiety states' (Bennett Report, para 159). The RUC had taken overall control of the security situation from the Army in January 1977, as part of the Ulsterisation policy pursued by the Labour Government (see Bulletin No 4). From that time, the Army was expected to operate more closely under the control of RUC officers in operational situations, and not to direct security operations. RUC officers have always been responsible for questioning arrested people.

The report makes a great deal of the 'co-ordinated and extensive campaign to discredit the RUC by terrorist organisations', and says that there have been 'cases in which complaints of physical ill-treatment during interrogation have been clearly fabricated'. But the Report admits that despite a 'well financed campaign' by Republicans and their sympathisers to spread allegations of ill-treatment, 'the complaints do not always come from Republican prisoners' (para 158).

The Report notes the discrepancy between the results of civil actions against the police authority for injuries sustained by people in police custody and the relative absence of criminal prosecutions against the police officers who were presumably responsible. Of 119 civil claims made against the RUC since April 1972, 23 were settled out of court, and of the five which came to court, three were successful and two unsuccessful. The remaining 82 are still being pursued. The Report says: 'the inference to be drawn from these settled cases is obvious ... in some of them the allegations were of serious assault; in some the amount of damages paid was high. The comment has been made to us that no disciplinary action is known to have been taken within the force against those officers who have been found at fault in civil pro-

ceedings' (para 155). The Report notes that between 1972 and 1978, 19 officers were prosecuted by the Northern Ireland Director of Public Prosecutions; one case was not proceeded with, 16 were acquitted in the first instance and the other two on appeal. In five cases, damages were paid in civil suits resulting from incidents over which police officers were acquitted.

### **Reliance on confessions**

The Report says that the situation in Northern Ireland is different from that in the rest of the United Kingdom because 'No other police force in the United Kingdom is called on to deal with so much violent crime in such unpromising circumstances', referring to the hostile attitudes of the local population. In Northern Ireland, the Report says, 'the difficulty hampering normal methods of investigation of crime emphasises the fact that reliance has to be placed on interrogation leading to admissions in many cases' (para 28).

The Report deals only with the treatment of those suspected of one of the so-called Scheduled offences: those for which the accused is tried in the special no-jury courts set up in 1972 on the recommendations of a Committee under Lord Diplock. The Report quotes the figures of prosecutions before the Diplock courts between January and June 1978. Of 568 people who appeared, 411 pleaded guilty, 121 pleaded not guilty and were convicted and 36 were acquitted (para 30). The Director of Public Prosecutions for Northern Ireland told the Enquiry that in 75-80 per cent of cases, the prosecution depended wholly or mainly on the confession of the accused. Two-thirds of those arrested are interrogated and never charged. The Report recommends the installation of closed-circuit TV in all interrogation rooms so that interrogations can be supervised by senior police officers, but video-taping is ruled out as 'too expensive'. And the Report itself points out that although 'ill-treatment' is forbidden, neither the Judges' Rules nor the RUC's own code for the treatment of prisoners describe what behaviour short of physical

assault constitutes 'ill-treatment'.

The government, in the person of Northern Ireland Secretary Roy Mason, has accepted two principal recommendations of the Report; closed-circuit surveillance and the right of visits from a solicitor once during every 48 hours that a person is held in custody. At the same time, he has made it clear that just because prisoners were injured in police custody, and some of these injuries were 'not self-inflicted', as the Report puts it, there is no great likelihood that officers responsible will be brought to justice.

### **Terrorism a symptom, not a cause**

The Report itself notes that the reason why the RUC have in the past faced difficulty is the historical opposition to them as an institution by a large minority of the people of Northern Ireland. Part of the reason for the setting up of the Bennett Enquiry was that investigations by Amnesty International and many journalists had revealed the existence of brutality and abuse of prisoners, quite apart from any Republican campaign. The Bennett Enquiry allowed for the collection of evidence from people who would not necessarily be prepared to appear in a court of law, or to identify themselves to the authorities, behaviour which seems to have considerable justification, even if viewed only in the light of the non-conviction of any police officer for offences committed against prisoners in custody.

The Report treats the existence of terrorism as a cause, rather than a symptom of the problems of Northern Ireland. Both it and Mr Mason take the view that although the unusual circumstances in Northern Ireland mean that the rules of the judicial system can be altered when it comes to the treatment of the minority, the full safeguards of the law must be applied to members of the police force.

Yet the character of the police force concerned was demonstrated again when RUC press officers instigated a distasteful smear campaign against Dr Kenneth Irwin, one of the police surgeons whose concern



had led to the enquiry in the first place. The minority community in Northern Ireland has ample reason to continue to regard the RUC as a part of the system of Unionist domination which is the real cause of the problems of the area, and that will not be affected by Enquiries such as Judge Bennett's.

**(Report of the Committee of Inquiry into Police Interrogation Procedures in Northern Ireland, HMSO, Cmnd. 7497, March 1979, £2.50)**

## TELEPHONE TAPPING

English law provides no 'adequate and effective safeguards against abuse' of telephone tapping, according to Sir Robert Megarry in his judgment in the case of **Malone v Commissioner of Police for the Metropolis**, delivered on February 28. But though the law provides no remedy at present, Judge Megarry said that the subject "cries out for legislation."

The case arose when police lawyers admitted in court in June 1978 that the Metropolitan Police had tapped the phone of Mr James Malone, a Surrey antiques dealer, during investigations concerning stolen property. As a result of the admission, Malone's lawyers tried to get legal declarations that the practice is illegal.

Refusing to grant the declarations, Sir Robert Megarry stated that telephone tapping is a matter of administrative procedure and safeguards cannot be enforced at law. He rejected arguments that the European Convention on Human Rights — to which the UK is a signatory and Article Eight of which states that 'everyone has the right to respect for his private and family life, his home and his correspondence' — was enforceable in the English courts. Sir Robert stressed that his rulings applied only to telephone tapping carried out on behalf of the police in the course of the investigation of crime and not to 'national security' tapping. In short, his conclusion was that, as things stand, the courts have no power to control telephone

tapping. He said: 'England is not a country where everything is forbidden except what is expressly permitted, it is a country where everything is permitted except what is expressly forbidden'.

Sir Robert Megarry's ruling emphasises the unscrutinised character of telephone tapping in the UK. Before 1937, if the police, security services or customs and excise wanted a tap, they had simply to apply directly to the Post Office. In 1937, it was decided that this would only be done by warrant signed by a Secretary of State. On the rare occasions when subsequent governments have revealed any information about telephone tapping, they have encouraged the view that this procedure exclusively involves the Home Secretary. However, Chapman Pincher (**Inside Story**, p145) says that other ministers approve taps, including the Defence and Foreign Ministers and the Cabinet Secretary, who is not, of course, a minister at all. In the same book, Pincher states that civil servants normally give the approval, without recourse to ministers. He records: "Only when another minister, an MP or an important public figure is suspect does the Home Secretary himself have to sign the warrant."

### The Birkett Report

In 1957, a committee of Privy Councillors under Sir Norman Birkett reported on telephone tapping (Cmnd 283). They, like Sir Robert Megarry, found the lawfulness of the practice unprovable. They held that three criteria had to be satisfied before a warrant was granted: the offence must be serious, normal methods of investigation must have failed or be inappropriate, and there must be a strong prospect of the tapping leading to a conviction. In practice, these criteria are so broad and open to distortion that they are virtually meaningless and — if Pincher is correct — they are in any case interpreted and defined by civil servants not politicians.

According to Birkett, 231 telephone-tapping warrants were issued in 1957, compared with 179 in 1950. Birkett

recommended that no future figures be given and this — like other Birkett recommendations and statements — has apparently been the policy of subsequent governments. In 1973, a Home Office minister described estimates of 1,250 warrants a year in the Metropolitan area alone as 'ludicrously high' but refused to elaborate further. Recent estimates suggest a national figure of 1,500 a year (**New Scientist**, 9 February 1979).

If, following Sir Robert Megarry's suggestions, Britain did put telephone-tapping on a legislative basis, it seems likely that a law which simply reiterated current practice would be inadequate. At any rate, such a law would be unlikely to satisfy the criteria of the European Convention, against which, in a suitable case, it could then be tested. In July 1978, the European Court ruled in the case of **Klass and others v Federal Republic of Germany** that certain safeguards and remedies were a necessary part of a system of tapping. For the moment, the express intention of Mr Malone to take his case through the long drawn out European legal process, lets the British Government off the hook of having to respond to the strictures of Sir Robert Megarry. In a statement to the House of Commons on March 8, the Home Secretary, Rees announced that he will carry out a study of the need for legislation and will report 'in due course'.

## PTA: A SIXTH YEAR OF TEMPORARY PROVISIONS

'While the threat from terrorism continues, the powers in the Act ... cannot be dispensed with'. This is how the Home Secretary, Merlyn Rees, justified the renewal for yet another year of the increasingly-permanent Prevention of Terrorism (Temporary Provisions) Act 1976 in the House of Commons on March 21.

But, for the first time since the original PTA was introduced in the wake of the Birmingham bombings in November 1974, the Government has allowed very minor

liberalisation of a few sections of the Act. These reforms were based on the recommendations of the Shackleton Report on the Act, published on August 24, 1978, but discussed for the first time by the House of Commons only during the PTA debate.

The Government agreed that the power to detain people at ports for more than seven days (under article 10(1)(b) of the Supplemental Temporary Provisions Order) should be dropped, mainly because it had only been used once. It was also decided that this seven-day detention power should itself be cut down to the 48 hours available to inland police forces. But the police will continue to be able to ask the Home Secretary to extend this 48 hours to seven days; by 28 February 1979, 379 such requests had been made and none had been turned down.

Rees also accepted three of the recommendations that Shackleton considered 'sensible and humane'. First, it was agreed that 'thought should be given' to matters such as diet, exercise and comfort; second, there should be greater uniformity of practice in notifying detained people of their 'rights' (unspecified but believed non-existent); and third, that steps should be taken to ensure that the fullest possible records of interviews are kept.

Lord Shackleton's main proposal, however, was not accepted. He had recommended that section 11 (introduced in 1976), which makes it an offence to withhold information from the State on terrorist activities, should be dropped 'because it has an unpleasant ring about it in terms of civil liberties.' (para 133). Section 11, one of the most disturbing parts of what even the Government has called a 'draconian' law, had only been used twice up to November 1978. But then in December, 11 people from Braintree, Essex were charged with withholding information, arrests used by Rees as justification for not dropping the section.

There have been 3,802 people detained in Britain under the various sections of the PTA between its introduction in 1974 and 28 February, 1979, but only 58 have been



charged with any actual offences under the Act (a further 203 have been charged with other offences). Added to this 166 exclusion orders have been made, with 150 people actually being deported to Ireland. This reveals the extent to which the Act is used primarily as an intelligence-gathering device and an instrument of harassment and intimidation against the Irish Catholic population.

The police organisation for enforcing the Act has also recently been overhauled with the revamping of the 'Irish Searches' section of New Scotland Yard. This has now been renamed the National Joint Unit, co-ordinating, in PTA matters, all the activities of the country's nominally independent Special Branches. It analyses intelligence, organises raids and can call in military support in circumstances such as the Balcombe Street siege.

## COMPUTERS: ON THE RECORD

There is growing concern about the content and use of police and national security records in the light of the development of computerised files. The police argue that their records are necessary in the fight against crime, and that outside discussion and supervision of record keeping would have a detrimental effect on this. The security services have maintained their usual silence.

The Data Protection Committee under Sir Norman Lindop, which published its report in December last year, (see below) distinguished between 'information', which is hard, factual data such as name, date of birth, physical description and previous convictions, and 'intelligence', which may be speculative and unverified, such as notes about places frequented, associates, and suspected activities. They were concerned firstly that the use of intelligence in conjunction with information 'could pose a grave threat to the individual's interests', and secondly, that the police and the Home Office were reluctant to draw a line between criminal intelligence and political intelligence concerned with 'national

security'. The Committee was not given access to the police intelligence computer, the Metropolitan Police 'C' Department computer.

### The 'C' Department computer

This computer, whose existence was first reported in The Times two years ago, was then thought to have a total capacity of 1.3 million records, half of which was allocated to the Special Branch. However, it has since become clear that the Special Branch files alone number nearly 1.3 million, although of these only 600,000 are expected to have been computerised by 1985 (*New Scientist*, 18.1.79). Two other police units concerned with the collection of intelligence on a national basis also hold their files on the Metropolitan Police C Department computer. They are the National Immigration Intelligence Unit and the Central Drugs Intelligence Unit. The other units holding information on the computer are the Metropolitan Police Serious Crimes Squad, and the Metropolitan and City Police Fraud Squad. Between them these five units have an estimated 350,000 records computerised.

The computer's major indexes are nominal ones (i.e. by name), but within each section there are subsidiary indexes of addresses, telephone numbers, vehicles and boats. The computer is programmed so that, first, it is possible to cross-refer between the indexes, and, second, it is capable of 'multi-factor' search. This allows for individuals to be identified with minimal information; for example, it could 'list all males between 5ft 8ins and 5ft 10ins, with a scar on the right cheek frequenting pubs in the Croydon area'. This system, known as a Full Text Retrieval system, contains all the dangers inherent in being able to draw and store together undefined quantities of unrelated and frequently unsubstantiated data. The Lindop Committee say 'it introduces a new dimension of unease' (para 8.22).

It is admitted that intelligence is stored on the Metropolitan Police C Department Computer. The Police National Computer,

however, has previously been said to hold only information. It now appears though, that it too holds a considerable amount of intelligence in its five major files.

The Vehicle Owners' Index, part of the Police National Computer, holds about 19 million records. It has the facility to 'flag' certain vehicles. A 'flag' both instructs the person making the enquiry on what course of action they should follow, and ensures that the agency or person which placed the 'flag' is told that the enquiry has been made. This routine observation by, say, a motorway patrol can result in an instruction to carry out detailed surveillance.

Information held on another PNC file, the Stolen Vehicles Index, is automatically given in response to enquiries addressed to the Vehicle Owners' Index. The 'Stolen Vehicles Index' itself consists of 120,000 vehicles listed for any one of eleven reasons; only 30,000 are actually stolen. The others include vehicles which have been impounded, found but not claimed, unmarked police vehicles, (so that they are not treated as suspicious) and vehicles 'of long term interest' to the police (*New Scientist*, 18.1.79). The Stolen Vehicles Index also has scope for the inclusion of 'free text', which enables the police force making the entry to insert additional information. The Lindop Report cites as an example of a free text entry that a vehicle 'is suspected of having been used in a particular robbery' (para 8.10). This explains the case where three members of the Hunt Saboteurs' Association were identified as being 'anti-blood sports' after a call was made to the PNC about their car (see Bulletin No 2).

Two other files held on the PNC, the Criminal Names Index and the Wanted and Missing Persons Index both have provision for flags indicating that the Special Branch has an interest in the subject. (Data Protection Committee Report, para 8.08). The Criminal Names Index, which records people convicted of 'more serious offences', grew from 2.2 million to its present 3.8 million records in the process of being transferred to the PNC and broadened its area to include offences such

as wasting police time, petty theft and offences under the Rent Act. There is no provision for the destruction of records when offences become 'spent' under the terms of the Rehabilitation of Offenders Act. The Wanted and Missing Persons Index, which will eventually hold some 50-60,000 records, will include details of persons wanted or suspected of offences, missing and found persons, deserters, escapees and 'people we need to locate for many reasons' (police conference paper from 1976, quoted in *New Scientist*).

### The Data Protection Committee

The Data Protection Committee was set up in 1976, with a brief to examine what legislation should be introduced to safeguard computer records held in both private and state sectors. However, the committee found that its access to police and national security computers was extremely limited. They were able to examine the PNC, but they were refused information on the Metropolitan Police C Department computer. In their report the Committee has been reduced to quoting from articles in The Times and parliamentary answers. They were thus kept in ignorance about computerised police intelligence records, both the criminal intelligence of Metropolitan Police C Department, and the political intelligence of the Special Branch.

While 'national security systems' are mentioned in the report, it is almost entirely in relation to whether such systems should or should not be exempted from the supervision of the Data Protection Authority (DPA) which it proposes should be set up to supervise the keeping of computerised records on individuals.

No details of the computers or the files held on them were given to the Committee. Indeed the only reference to MI5's computerised files is in a convoluted statement by the Home Office.

**Report of the Committee on Data Protection**, HMSO, Cmd. 7341, December 1978.



## SURVEILLANCE

Three more cases of Special Branch surveillance of political activity have come to light, involving the harassment of a lecturer in London, a student at Hull university, and the eviction of squatters in Huntley Street, London.

Phil Cohen, a research officer at the Institute of Education in London, has been the subject of Special Branch harassment as a result of a paper he gave at a conference last year entitled 'Policing the Working Class City'. On 8 September 1978 he delivered a paper at a conference organised by the Contemporary Violence Research Centre at Oxford University. Among the 300 participants were a number of police officers including officers from Bramshill Police College and a senior officer from the Thames Valley force. Several of the policemen were visibly disturbed during Cohen's talk and one walked out looking quite furious. Cohen had drawn his evidence for the paper from the Islington area of London where he had worked as a community organiser on a large estate. His sociological study had been carried out over three years (1974-7) under a grant from the Leverhulme Trust. The study used newspaper reports, interviews with local working class people and participant observation techniques. As a result of his work as a community organiser he had got to know some local police officers and on a number of occasions had quite open conversations with them about their work and way of life; on no occasion did these involve classified information. Shortly before last Christmas the conference papers were printed and circulated to those who had attended. A covering note listed the speakers and in Cohen's case gave his home address in East London, rather than his work address.

On Saturday, February 17 at 11 o'clock at night Cohen received a phone call at his home. A man, with a cockney accent, asked to speak to Mr Cohen and said: 'This is Hackney CID. We are investigating a burglary we think you may know some-

thing about', and then hung up. The next morning the man called again and said: 'So you like Knuckle Sandwich, do you? We're going to make you eat your words'.

'Knuckle Sandwich' is a reference to a book co-authored by Cohen and published by Penguin last June. What puzzled him was how his telephone number had been obtained, as it was listed under the name of the previous tenant.

During the weekend of February 24/5 Cohen's house was broken into, but nothing was taken, although a number of saleable items were lying around. In Cohen's room, some papers were disturbed, but nothing taken. Two days later, on February 27, two burly men, smartly dressed, one speaking with a cockney accent, called at Cohen's home and asked to see him. He was out, and they told another resident that they were from the Post Office. Later in the day Cohen enquired in the shop below his flat. The manager said that the two men had told him they were from the Post Office and were investigating a fraud. They asked him questions about the people in the flat above, but the manager became suspicious and they left. On March 5, at about 11am, the two men came back to the flat and spoke to Cohen. They again said they were from the Post Office and were investigating the previous tenant, who, they said, owed the GPO a lot of money. Cohen says,

'I pointed out that I knew this to be untrue, since we had continued the phone in his name on taking up the tenancy, and paid our bill regularly. One of the men then said that it was a criminal offence to use a telephone in a false name. I pointed out that we had already written to the GPO to get the phone re-registered, and could see nothing criminal in the matter. I asked to see their credentials. They refused, saying they were asking the questions. They asked me what I did for a living, where I worked. I refused to answer on the grounds that if they were indeed from the Post Office, that information was irrelevant and none of their business.'

The men then left, saying they would be back. When Cohen contacted the GPO, they denied all knowledge of the men.

Not until this meeting did Cohen decide that the series of events was more than mere coincidence. He compared his experience with that of Guy Smith (see Bulletin No 10): 'In both cases, research was being carried out into an allegedly sensitive area of the state apparatus, in which the police were directly implicated. In both cases a cover story was used to try and elicit other kinds of information about the researcher. In both cases the intended effect seems to have been to 'warn off' the researcher from pursuing his work, by the veiled threat of prosecution on some trumped up charge'.

On February 6 Tony McRoy, a student of politics at Hull University, was detained by the Humberside Anti-Terrorist Squad (jointly comprised of Special Branch and CID officers) under the Prevention of Terrorism Act. McRoy said, in a statement made later, that he was involved in the political section of the Ulster Defence Association and this may well have been the reason he was picked up. While he was detained all night, his home was searched and a National Front membership card was discovered. The next day he was questioned about student political activity at the University and asked to spy on his fellow students.

According to McRoy's statement his membership of the NF was used to pressurise him to spy on student politics. He says that a senior Special Branch officer told him: 'When we tell the students, life

for you will be hard. You will probably have to leave university'. So before being released on February 7 McRoy agreed to report to his Special Branch contact on student politics, and over the next three weeks reported to him on several occasions. On March 3, McRoy made a six-page statement to student union officers, a copy of which was given to Mr Kevin MacNamara, the local MP.

Mr MacNamara is also a member of the Hull University Court (the governing body) and a leading member of the 'disinvestment' campaign. He commented that if the allegations were substantiated 'they raise serious issues about the role of the police in legitimate political activities'. Mr McNamara and three student organisations have called for a Home Office inquiry.

### Undercover officers infiltrate squat

Commander Roy Habershon (formerly in charge of Scotland Yard's Bomb Squad) admitted in Marylebone Magistrates' Court in February, at the trial of 14 squatters charged under the Criminal Law Act 1977 that he had sent two plain-clothes officers to infiltrate a squat in Huntley Street, London, last summer. Under cross-examination he agreed that he had realised 'Mary' and 'Nigel' would have to 'go along with certain projects undertaken in the course of setting up the residence'. He said that the officers reported to him regularly, and helped prepare the barricades, and had been on the premises at the time of the eviction.

## THE POLICE IN WEST GERMANY

### BACKGROUND PAPER

As the European countries move closer together economically and politically, aspects of a European state machinery are beginning to appear. Co-operation between police and security forces is already a

reality of which terrorism is only one aspect. Britain and West Germany co-operated directly in the raid on a hijacked airliner at Mogadishu, Somalia in October 1977; both Britain and West Germany helped in the search for the kidnapped Italian premier Aldo Moro. Training and intelligence gathering, and information are increasingly the subject of joint discussions, and the results shared. Recently a proposal has come from the



Council of Europe that a European computerised network should be established to hold details of terrorist incidents and suspected persons; the plan is that this should be based at the West Germany federal system at Weisbaden.

West Germany, the most powerful economic power in Europe, is rapidly expanding its political influence. Many of the moves for closer co-operation between police and security agencies have originated in Germany. The development of, and theories behind, West Germany's police and security forces are therefore of great importance. This Background Paper traces the development of these forces at both state and federal levels, and describes the current situation when the federal policing system has effectively been superseded.

### **The establishment of the Federal Republic**

Constitutionally, West Germany is a federal country. State power is in theory divided between state (Land) governments and the Federal (Bund) Government. The country now includes ten states, plus West Berlin, which in international law is not part of the Federal Republic of Germany (FRG), but which functions as an eleventh state. The system was set up by the western Allies in 1949, after long debate, principally in US ruling circles, as to what the future of West Germany should be. The Constitution was drawn up by a 'parliamentary council' appointed by the Allies in which the political parties were represented in proportion to their strengths before the Nazi take-over. Conservatives and right social democrats, many of whom had worked for Allied intelligence services in anti-Nazi propaganda, predominated. (The international political background was dealt with at length in the background paper on NATO in State Research Bulletin No 10).

Real power was intended to lie with the state governments, which in certain areas were not to be overruled by the Federal Government. Other important institutions, such as the broadcasting media, were also regionalised, because the Allies wished

overtly to prevent the re-emergence of a strong centralised German state. The very consolidation of western control which the creation of the FRG in 1949 represented was taken by the Soviet Union as a hostile act. But even before this, in the 3½ years of occupation, allied forces moved against the left particularly in the trade unions and the Labour movement.

Attempts to form independent trade unions were suppressed. Denazification became, from about a year after the end of the war, haphazard at best. Many Nazi sympathisers, and party members, returned to manage industries. In some areas, such as foreign intelligence, Nazi networks were taken over wholesale by the Americans.

Between 1945 and 1949, policing was at first by occupation military police, and later by selected civilians under occupation forces control. As these forces developed, it was inevitable that many who had served as police officers under the Nazis returned to the police service. They were the only ones who had the experience. On the creation of the FRG, policing became a state responsibility, although some large cities retained their own police forces, a feature which lasted into the mid-Seventies.

Since the creation of the Federal Republic, its political institutions have become increasingly centralised. This has accompanied the re-creation of the industrial monopolies which were 'broken up' in the immediate post-war years.

### **The judicial tradition**

The new institutions, set up in 1949, were created within existing traditions of policing and the administration of justice. Unlike Britain, most continental countries have never pretended that policing was by consent. The police force has always been required to establish order and maintain it without the aid of the citizens, and even in opposition to them. In the development of the British system, the extension of policing to working class areas was dependent on increasing police contact with the population, and thus increasing acceptance that a police force had something to offer

them. In the continental system, the citizen was not expected to have any contact at all with the police force, except as a suspected criminal or subversive.

This was re-inforced by the inquisitorial judicial system. In Britain, the judicial proceedings are accusatory: the accused is confronted with a specific, illegal deed, and the prosecution must prove the accused's responsibility for it. Continental traditions have much wider powers for the courts; there is also no clear division between prosecution and judicial functions. The court investigates the relationship alleged between the deed and the suspect. The practice has developed so that there is a close relationship between the prosecutor's office and the detective forces. It also means that judges have been less than sympathetic towards people on trial. This tradition has doubtless contributed to the hostility directed towards lawyers who are thought to be unduly sympathetic to their clients, and who have therefore been reluctant to participate in the courts' 'investigations'.

Finally, there are no juries in West Germany. In some less serious trials in lower courts, lay assessors, chosen like magistrates in Britain and coming from respectable, conservative sections of the community, sit with judges. Recent reforms have reduced their numbers and importance. Some West German liberal and left-wing lawyers believe that a jury system would produce verdicts in both political and purely criminal cases which might be more reactionary than the present. The absence of juries means that laws of contempt are more lenient than in this country, and the media often speculates, and indeed pronounces, on the guilt of the arrested people.

### **Police forces in the ten states**

Each State police force is the responsibility of a State Minister of the Interior (sometimes called a Senator). It is divided into three main sections: the Bereitschaftspolizei (emergency, riot police), Schutzpolizei (uniformed police),

and the Kriminalpolizei (Criminal Investigation department), also referred to as the Landeskriminalamt, (LKA).

Day to day activities are the responsibility of a Commissioner appointed by the Interior Minister. He is not usually a career police officer, but a civil servant who is also a member of the particular state's ruling political party. But a large measure of national co-ordination in such areas as equipment, procedures, training and so on is provided by the Federal Conference of State Interior Ministers (BKLMi) set up in 1970. This body is of tremendous influence in all 'Home Office' issues in Germany; it was, for example, the original source of the codification of the jobs ban for radicals, the Berufsverbot. In the last few years, it has encouraged the growth of direct contact between State forces and has overseen the militarisation of the police force. The BKLMi performs a crucial political role in law enforcement; that of translating police needs, (for example for better equipment, particularly into the fields of crowd control and surveillance, and for laws more suitable for police purposes, for example, on the calibre of firearms and the relaxation of laws governing their use) into proposals which can become either Federal legislation, or items in the Federal and State budgets. The membership of the BKLMi includes members of all four main political parties (SPD, FDP, CDU, CSU) and is thus important in maintaining a political (though not a **popular**) consensus on policing and police methods.

Under the auspices of the BKLMi, there is a working group of the heads of the public order divisions in the various interior state ministries, and in addition, heads of state detective (LKA) offices have a joint working group which includes the head of the Federal Detective office (BKA).

### **The use of weapons**

Although great stress is now placed by politicians of all parties in the FRG on the necessity of public support for the police, the tradition is one where the police enforce order by being the superior force. One



striking reflection of this is that the uniformed police (Bereitschaft — and Schutzpolizei) have no women in their ranks. Women are either detectives (and only ten per cent of the detective strength on average) or Politessen, i.e. traffic wardens. A special women's branch in Hamburg, created (largely because that state was occupied by the British in 1945,) to deal with children and prostitutes, is being absorbed into the detective strength. Bereitschaftspolizei, normally the younger recruits, live in barracks. There are 24,000 of them, nationwide.

From the beginning, the uniformed police had handguns as a normal practice. The last 20 years have seen a relaxation in the laws restricting the sorts of weapons which the police can use, and the circumstances in which they can use them. Frequently developments happen in one state and are then copied in others; for example, machine guns and grenades were first used by the Berlin police in 1970, and are now standard issue. The courts have always been prepared to believe police accounts concerning their use of firearms, and the concept of 'putative self defence' — the state of mind of the police officer in question at the time — has become the key question. This has been used by the courts to acquit officers who have shot at and killed unarmed fugitives. The courts, instead of interpreting the right to life as an absolute (as the FRG constitution says), have balanced the right to life of a suspected criminal against the need to protect the 'community'. Between 1971 and 1978, at least 150 people died after being shot by the police, after other violent contact with them, or in police custody. This is in a country where there is no constitutional death penalty.

### The escalation of weaponry

The changing relationship between the intentions of the Allies and the reality of West German society manifests itself in the extent to which constitutional requirements are evaded. Thus, although the Allies sought to preclude the use of arms except in

circumstances of absolute necessity, the role of the police as the body which must be capable of subduing, unaided, all possible threats to public order, led to the conclusion that police armament must be equal or superior to any force which could be used against them. There has, therefore, been a steady escalation of the weaponry available. Hand guns have always been issued to uniformed police, and the law which allows their use was passed in 1961. In recent years, there has been little dissent from the generally held view that this law also allows the police to shoot to kill.

Yet, there has been pressure to extend even further the right of the police to use their weapons. This has proceeded in a familiar way; first, the practice of shooting to kill has been recognised, second, it has been formulated and regularised within the police in their own instructions for training and practice; and thirdly, it has been passed into law.

### The Unified Police Law

In October 1975, the Internal Affairs committee of the Interior Ministers' Conference adopted 'Police Service Regulation 100' which set out the basic rules for the police service throughout the FRG. This is a large volume which covers all activities, including the use of weapons, both lethal and 'non-lethal'. Both PDV 100 and the Bill for a Unified Police Law, introduced in 1976, stemmed from decisions on 'internal security' taken by the Interior Ministers of the States in 1972. These decisions, however, were not taken in the light of the hysteria surrounding the hunt for urban terrorists, which reached its first peak in 1971, although this media hysteria undoubtedly assisted the passage of the law. According to most students of German police and security matters, the measures had their origins in discussions, research, and the activities of police and civil servants going well back to the Sixties. They should be seen in the context of measures, which, in 1968, led to the passing of the Emergency laws which extended the possibilities of co-ordination among the

various State police forces and between State and Federal forces. The Unified Police Law introduced at the end of 1977 was the logical outcome of those developments.

This Unified Police Law, which controls the use of firearms, was drawn up by the BKLMI, and establishes the practice of shooting to kill under statute law. Also, it sanctions the use of weapons against a group, if it is thought by police that the group is **considering** violence, and introduces the machine gun and sub-machine gun as standard police weapons.

### Non-lethal weapons

Since the large demonstrations of the late Sixties, against the Vietnam war and the Emergency laws, the police have not lacked riot control equipment (so-called non-lethal weapons). The standard method of dealing with any demonstration which does not have official permission is to break it up with a combination of baton charges and water cannon. Tear gas is used on a regular basis, either by firing gas grenades, mixing it in the water cannon, or, in the case of the demonstration in 1977 against the building of a power station at Brokdorf, dropping it from helicopters into the crowd. Individual officers have gas handsprays in case they get separated from their colleagues. The gas used at present is CN, also known as 'Mace'. Other equipment, such as armoured cars, jeep-mounted 'fences' for clearing streets of demonstrators, and so on, is also available.

The other major recent development affecting the uniformed police is the institution which is known as the Kontaktbereichsbeamter, Area Contact Officer, or KOB. This is an attempt to gain some of the advantages which stem from the 'consent' model of policing. The KOB is expected to get to know people in a particular area, and to feed information into a computerised police system (INPOL) via a local 'collator'. Its opponents have seen in it the revival of the Nazi 'block-warden' system, which was operated

jointly by the police and the SA (the para-military section of the Nazi party) to detect dissent and discontent early.

In addition, the formation of so-called 'Mobileneinsatz-kommandos', Special Patrol Groups (MEK), has seen a number of state police officers undergo training in crowd control and in the use of weaponry beyond even that undergone by the Bereitschaftspolizei: the operation of snatch squads, marksmen, (cf Britain's D11) the use of weapons such as stun grenades possessed by the Federal Border Guards (BGS) and so on.

State detective offices, (LKA) are mainly criminal in function, although they do perform local political police activities, and liaise with the local offices of the internal security service, the Bundesamt für Verfassungsschutz, (VfS). LKA activities in the political arena are very largely co-ordinated by the Federal Detective Office, BKA.

### The Federal level

At the Federal level, several institutions are significant: the Federal Border Guard, Bundesgrenzschutz, (BGS); the Federal Detective Office, Bundeskriminalamt, (BKA); the internal security service, the Federal Office for the Protection of the Constitution, Verfassungsschutz (VfS). One further recent development is the so-called 'Crisis Staff', Krisenstab, which first appeared publicly in order to co-ordinate activity during such events as the kidnapping of Hans-Martin Schleyer.

The BGS was created in 1951, and is responsible to the Federal Interior Minister. The new FRG has no military forces, and was not to have until 1956. There was a need for a force which would fulfil those functions which the police could not do. It was constituted with 10,000 men (no women) and its first tasks were to act as a border patrol. It was restricted to 30km from the border though that covered a great deal of territory, as it allowed operations up to 30km from all major cities with international airports, i.e. borders. BGS men are soldiers under international



law, not police, but police officers under FRG law.

In West Berlin, the BGS has no rights, and its functions are divided between the police and the occupying powers. The BGS, unlike the Federal Army, is a career service, for officers and men. It is structured on military rather than police lines, its men live in barracks, and from the beginning it was armed with light military weapons; armoured cars and automatic weapons, later helicopters. At the same time, it trained in crowd control, and joined in Allied military manoeuvres.

With the creation of a Federal Army in 1956, the role of the BGS might have been expected to diminish. In fact, the force was expanded. It began openly operating as an internal security force, protecting installations such as factories. Its armoury also became increasingly diversified, with light tank (i.e. tracked vehicles) as well as riot control equipment. The use of the BGS as an internal security force was legitimised in 1968. The 'Emergency law' passed in that year (despite protest against it) allowed the use of the BGS throughout the FRG in an emergency, when requested by state interior ministries. In 1972, a new law enabled the use of the BGS at any time as a police reserve. It was stressed at the time by government ministers that both these laws legitimised existing practices.

The BGS is the leading agency in para-military counter-insurgency practice. Its capabilities were demonstrated by GSG-9, a special elite BGS unit, which carried out the raid in a German airliner held by terrorists at Mogadishu, Somalia.

The GSG-9 embodies the capacities which in Britain are shared between the Special Air Service Regiment, and the special police units such as D11, and similar U.S. teams. Those who have completed a term of service with the BGS are welcomed into the ranks of the state police. There is also increasing convergence in weapons and equipment between BGS and state police.

#### **The Verfassungsschutz**

The Federal Office for the Protection of the

Constitution, the Verfassungsschutz, VfS, is a British-style institution. It was set up in 1951 as a non-uniformed force explicitly modelled on Britain's MI1. For example, it does not have powers of arrest, only of collection of information and co-ordination with other agencies. In this, it resembles MI5 closely: the latter must rely on the Special Branch to make arrests. This was in part because the Allies wished to avoid the resurgence of a new Gestapo, and in part because the British wished to have an institution which they would understand and be able to dominate, as a counter to the US domination of the foreign intelligence capacity of the FRG, which was run on their behalf by the ex-Nazi General Reinhard Gehlen.

There is not space here to deal with the role of the VfS in detail: suffice to say that, although it compiles 90 per cent of its information from public and published sources, it also operates a network of agents in left-wing organisations, both full-time and part-time informers and is permitted telephone tapping and bugging. The VfS is a national institution with local offices. These are under central direction and although referred to as Landesämter für Verfassungsschutz, as though analogous to the Landeskriminalämter, they are the outposts of a national organisation.

#### **The Federal Detective Office**

The Federal Detective Office (BKA) plays the central role in political policing. Created in 1951 at the same time as VfS and BGS, it is a national detective organisation whose closest comparison is with the FBI. As Germany has an investigatory, rather than a common law, legal system, the operations of the BKA are carried out in close co-operation with the Federal Chief Prosecutor, General Bundesanwalt, (also commonly referred to as the Federal Attorney General, although the functions of the British Attorney General as the Government's senior legal adviser, are in fact the responsibility of the FRG Justice Minister). The BKA is the central organisation for criminal intelligence, and

has access to the files of all the LKA's. Like Scotland Yard used to, it can second personnel to investigations being conducted by an LKA under the control of the relevant state prosecutor's office.

As with the FBI in the USA, all investigations which transcend state boundaries are the responsibility of the BKA, and certain crimes are its responsibility even if they happen in one state only. These include terrorism, drugs, arms traffic, and forgery. In 1970, the BKA was expanded rapidly. Its budget of DM 22.4million in 1969 was increased to DM 149m in 1976. Much of this went to new buildings and computer data processing. Within the BKA, there are the departments of 'Staatschutz' (state security or Special Branch), Sicherungsgruppe (Diplomatic and Government-building protection) and Terrorismus (translate it yourself).

#### **The computer system**

The computer data processing system of the BKA, has its headquarters in Weisbaden. It is known as INPOL. This is a unitary nationwide computer system, into which all data about all crime is entered. Stolen vehicles, weapons, goods, identity documents and so on are all entered.

The creation of a nationwide unitary system, on the face of it a difficult task for a Federal country, was the result of consultations in the BKLMi. The police demanded it, and got it in the shape of the 1970 'Programme for the intensification and modernisation of crime control'. The last recorded capacity of the INPOL computer was 1,440 kilobytes (1 kilobyte = 1,000,000,000 pieces of information). INPOL was linked to BGS HQ and posts, and later to LKAs and VfS offices. In its early stages, it was used to make random checks on border-crossers and passengers at international airports. Present capacity is equivalent to 400,000 book-size pages. The unitary police computer has effectively removed the checks and balances which the creation of a Federal system was intended to create. Although there have been

assurances that there will not be linkage between computers controlling social security, driver and car licensing, and those of other state and federal agencies, these assurances do not count for much in West Germany because all citizens must register their address with their local police station and carry identity cards. A proposal to issue each citizen with a single number which would serve for all identity and social security purposes was turned down, but this appeared to be because it was unnecessary, rather than for any moral reasons.

In fact, the BKA's high level of flexibility means that resources can be transferred to political policing as needed. In common with other police forces, the BKA has made tremendous technical advances in scientific methods of electronic surveillance, and forensic science has progressed to a point where it is even possible to determine which members of a group of hunted people have stayed in a discovered hide-out, by comparing hairs, sweat marks and so on, left on bedding and furniture.

Any of the participating agencies can originate an INPOL file, and only the originator can correct it. The computer makes the files of each agency available to the others. There is no question of including only convicted persons in the file, as this would largely restrict its usefulness.

As well as the general INPOL system, there is the terrorist-oriented PIOS computer system (Persons, Institutions, Organisations, Things). This is designed to make the most general connections between terrorist incidents and suspected persons. Much of the input comes as a result of criminal intelligence methods, including electronic surveillance.

Beobachtende Fahndung (Observational Surveillance) is the method used to gather data: a person suspected of being a 'sympathiser' is drawn to the attention of all agencies, and details of their movements are requested. Then the responding agencies — any of those mentioned — input the information. This can include the names of persons found travelling in the same plane or railway carriage as the suspect, who may have no connection with



them at all. The ultimate aim is to have every detail about all crime, all criminals, all suspects, all stolen goods and all victims recorded on the INPOL computer, which will then determine the connection between suspects and crimes; an electronic replacement for the perceived functions, in the official mind, of the West German legal-police system. The method, however, seems to be too unspecific for effective use in a major person-hunt, as the computer is simply swamped with information which it cannot classify in terms of importance.

### The Crisis Staff

In order to overcome the remaining difficulties of co-ordination between politicians, civil servants, and the military police, at Federal and State level, a 'Crisis staff' was created in Bonn, approximating to the British Cabinet's Civil Contingencies Committee. The existence of this committee became public for the first time during the Schleyer hunt, though it had existed at least since 1972. In 1977, it appeared with the consent of all the State and Federal Agencies involved, to have taken effective operational command of all activity, including publicity, connected with the hunt. Effectively, the checks and balances of the Federal system, and the division of police and security service powers, had been abolished.



### RIGHTS AT RISK

**A HISTORY OF POLICE IN ENGLAND AND WALES, by T.A. Critchley. Constable, 1978. £5.50.**

Originally published in 1967, this book quickly became recognised as the best orthodox text on the history and practice of

the police. Critchley, a civil servant, was Secretary of the Royal Commission on the Police (1960-1962) and a senior member of the Police Department at the Home Office until he retired in 1971. As such he was both well-informed and thoroughly steeped in the traditions of British policing. For this new edition, Critchley has only revised the final chapter (and added a foreword by Sir Robert Mark). This chapter however is quite different in tone from the one written over ten years previously. It recognizes the contradictions which have emerged within the police over the past decade. And, unlike other commentators on the police, Critchley retains a historical perspective of the police acting in the service of the community as a whole.

At the outset, he concentrates on the fundamental changes in the structure of the police which followed from the report of the 1962 Royal Commission on the Police and the subsequent 1964 Police Act. The changes, Critchley says, were as radical as those which followed the Desborough Committee 40 years earlier (which was set up after the two police strikes of 1918 and 1919). The first change was to see the ruthless reduction 'if necessary by compulsion' in the number of police forces in England and Wales from 117 to 49. This was carried out in May 1966, after the Home Secretary had decided that police organisation could not wait until the Royal Commission on Local Government had reported. The number of forces was further reduced to 43 in April 1974, when the 1972 Local Government Act came into effect. This made police boundaries compatible with the new local government areas.

As a direct consequence of the reduction in the number of forces and of local government re-organisation, the power of the Chief Constables and the Home Office increased, and that of the local police authorities was further diminished. Quite apart from tendencies towards centralisation which had been growing in the post war period, the creation of new local police authorities in 1974 led to a 'consequent loss of experience' (local police

authorities are comprised two-thirds of elected local councillors and one third drawn from the local magistrates' panel) The people on these new authorities Critchley observes:

'necessarily lacked familiarity with local police operations which their predecessors had built up for well over a century; and without experience, influence (whether it be good or bad) is not easily established' (p300).

Critchley contrasts the present situation, where the local police authority has no powers over police operations, with the attitude of the Birmingham Watch Committee 100 years ago, which resolved that they would dismiss any chief constable who was 'not subordinate to or not in harmony with themselves'.

### Policing The Community

The second major aspect raised by Critchley is the changing relationship between the police and the community which has emerged over the past decade. In the early 1960s, the Lancashire Constabulary experimented with policing in urban areas, based on 'experience gained in Chicago' with mobile patrols equipped with two-way radios replacing the 'bobby' on the beat. In 1966, this concept became officially termed 'unit beat policing', and by 1968 about 30 million people (60 per cent of the population) in urban areas were being policed in this manner. Critchley understates the effect of this system of policing when he says that this system 'has tended to remove them (the police) dangerously far from that close contact with the public which has always been of inestimable value in Britain'. Sir Robert Mark more accurately described the effect as 'fire-brigade policing' where everyday minor crimes (which constitute the majority of recorded crime) stood at best a one in five chance of being solved, and the sight of a police officer patrolling on foot became a rare sight. A more realistic assessment comes a little later in the chapter, when Critchley says that the original objective set

by Peel in 1829 for the police to act for the prevention of crime is unrealistic, and that 'police thinking in the 1970s would prefer such a word as containment rather than prevention'.

The most significant observation is Critchley's recognition that we may be on the brink of a fundamental shift in the relationship between the police and the community. Throughout his book, which spans over 1000 years, he lays great stress on the fact that the success of the modern police (i.e. since 1829) has 'always depended on public approval', indeed this concept underlies 'the British idea of police'. He goes on: 'So long as the police are unarmed and have few powers not available to the ordinary citizen, they are compelled to rely not on the exercise of oppressive authority, but on public support'. On both counts, this traditional view is now open to question. More and more the police go about their business with arms, and the submissions to the Royal Commission on Criminal Procedure by all the police chiefs and bodies have demanded greatly increased police powers.

Critchley sees the underlying problems of crime as social and economic with the police in the exposed position of being the visible expression of authority. More specifically, he recognises that the police have had to treat as special cases those 'whose support could not be taken for granted', such as 'young people and coloured immigrants'. What he fails to recognise is the new political role of police chiefs whose consistent right-wing views appear almost daily in the media, and the openly aggressive tactics on the streets by the police against sections of the community (see, *Police Against Black People, a Race and Class pamphlet*).

He ends with a warning about the future:

'If the police were to lose public support and goodwill on any significant scale, it seems clear that their traditional character could not long survive. Britain could then expect what she has long resisted — a tougher, more authoritarian, more oppressive system of police; and



public confidence, once lost, would be hard to regain. The price, ultimately, would be to set at risk liberties that have been cherished for centuries'.

We are already much closer to this reality than Critchley wants to recognise.

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## THE STENCH OF 1984

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**POLICE AGAINST BLACK PEOPLE:**  
Evidence submitted to the Royal Commission on Criminal Procedure by the Institute of Race Relations, 95p, plus 15p postage if ordered direct from the publishers, IRR, 247-249, Pentonville Rd., London N1 9NG.

The police and the law-and-order lobby have been using the gathering of evidence by the Royal Commission on Criminal Procedure (RCCP) to press their campaign for greater police powers. The case convincingly argued by the IRR in their evidence is that not only do the police not use their existing powers properly, but that active prejudice against black people by the police is helping to drive blacks and whites apart, and that in the long term, will cause irreversible harm to both black and white people.

The evidence is based on cases of police contact with black people taken from personal reports to the IRR, from notes of legal advisers, from the black and community press, and from local and national media. Each case has at least a faint smell of 1984 about it, and when they are assembled together, the stench is choking. Black people meet the police in a situation of overwhelming inequality. The police exercise powers which they do not explain, act for reasons and in ways which are often incomprehensible to their victims, and use both this absence of accountability and the extent of their discretion so as to assert their power over black people.

The IRR argues that the police have operated with the consent of the white community, and have had an organic link to it. But police ideology sees West Indians

as criminals and wild men from the jungle, or at best given to carnivals and easy living; Asians are seen as illegal immigrants from 'a sub-continent teeming with people', and both are therefore defined by the police as outside the community to whom they see themselves as responsible.

The consequences are clear from the case histories. Where the victim of an incident, say an assault or robbery, is white, and the police suspect that the person responsible is black, they display a great deal of interest. Bystanders may be arrested, particularly if they criticise police for using excessive violence; raids may take place on nearby premises, or any place with which the suspected perpetrator is connected; suspects are rounded up with vigour, to say the least; warrants are not always sought for searches of premises; those arrested or questioned are not usually told why, and may be held for long periods before being allowed access to legal help, or contact with their families, or being charged and brought before a court. If the pattern of crime persists, areas with a high proportion of black people are visited by the Metropolitan Police Special Patrol Group (SPG) or the equivalent squads of provincial forces. The courts, particularly magistrates show a tendency to believe police evidence even when it is inconsistent, and to treat defence witnesses as unnecessary interference.

If on the other hand the victim is black, and particularly if the alleged perpetrator is white, it is not unusual for the victim to be told that the police are very busy, that the incident should be forgotten in the interests of community relations, that the incident was not really criminal, that they should consider finding the perpetrator and bringing a private prosecution; even if the person responsible is caught red-handed, police may still not do anything; the victim sometimes finds him or herself arrested; witnesses may suffer the same fate, or at least be interrogated as though they were the criminals. If the pattern of crime persists, nothing will happen unless there is large-scale protest, and the resultant stepping-up of police presence will almost

inevitably result in more arrests of members of the black community.

IRR concludes that most of the powers which the police and their supporters are asking for from the RCCP are already used by them against black people. In addition, the use of such charges as 'sus', being a suspected person, have been used in such a way that the centres of many cities are now 'no-go' areas, particularly for young blacks.

IRR recommends that the police should be given no new powers; that the SPG should cease to operate in areas where there is a high immigrant population, or should be disbanded altogether; that there should be more beat policing, and less policing by reaction to incidents; that special efforts should be made to educate police to understand the nature of racial violence against blacks; that the Judges' Rules for the questioning of suspects should be legally binding, and that the Home Office should distribute leaflets setting out the rights of suspects on arrest.

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## THE BOYS IN BLUE

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**POLICING THE POLICE, Volume 1,**  
Peter Hain (Ed), Derek Humphry, Brian Rose-Smith. John Calder, £2.95, 198pp.

This book, the first of a series on the police,



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## PARLIAMENT

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### Arrests

A total of 593,607 people were arrested in England and Wales in the period 19 June-30 November, 1978. This is the first time that comprehensive arrest statistics have been published by the Home Office. If repeated through the remainder of the year, this means that approximately 1.4 million people are

is in three parts. Peter Hain's introduction is a general overview of the developments in police powers in the past four years: public orders, sus, questioning and arrest, identification. But he also examines police ideology and politics, concluding that the police generally exhibit 'parochial and insecure conservatism' which naturally blurs the vital distinction between 'criminal' and 'subversive'.

The most substantial sections are studies of two areas of police practice in which police autonomy and lack of accountability are highlighted. Derek Humphry analyses the background and significance of the Police Act 1976 which, for the first time, introduced an element of independent scrutiny into the examination of complaints against the police. Humphry concludes that the new procedure is too weak to inspire public confidence. He proposes that police rights to sue complainants should be more tightly controlled so that complainants are not scared off at the outset by threats of counter-litigation.

Brian Rose-Smith, a solicitor, writes about the Prevention of Terrorism Act, passed by Parliament in November 1974 and recently renewed for a further year. Like Humphry, he usefully supplements his account with the full text of the Act and its Schedules. His analysis is highly critical. He calls the Act 'one of the most iniquitous pieces of legislation this century.'

arrested in England and Wales each year. The Home Office's figures are arranged by police force area and show 142,724 arrests in the Metropolitan area during the 165 day period covered by the figures. (Hansard, 24/1/1979).

### Black Police

Following 1976's recruitment advertising campaign for black police officers, there are now (December 31, 1978) 85 black police officers in the Metropolitan force, compared with 39 in 1975. Figures were also given for four other forces: Merseyside 5 (4 in 1975); West Midlands 30 (18); Thames Valley 3 (6); Avon and Somerset 6(5). (Hansard, 31/1/1979).

### Deportations

The UK deported 551 people following court recommendations in 1978, compared with 688



in 1977 and 556 in 1976. Courts made 980 recommendations for deportation last year compared with 1,175 in 1977 and 1,190 in 1976. The countries to which most people were deported were: Nigeria 61, Ghana 61, India 33 and Pakistan 29. The highest figures for recommendations were: Nigeria 107, Ghana 97, Turkey 66, Egypt 56, Cyprus 54 and Iran 51. (Hansard, 24/1/1979).

#### Chapman Pincher

The Attorney General announced that 'a very full study' of Chapman Pincher's book, *Inside Story*, has been completed and that no prosecution under the Official Secrets Act is justified. (Hansard, 7/3/1979).

#### RUC and UDR

Latest figures given by the Northern Ireland Office and the Ministry of Defence show the following strengths for the Royal Ulster Constabulary and the Ulster Defence Regiment (1976 figures in brackets): RUC 6,265 (4,945); RUC Reserve 4,608 (4,799); UDR permanent 2,434 (1,543); UDR part-time 5,243 (6,118). (Hansard, 8/3/1979).

#### Operation Gimcrack

'An exercise, code named "Gimcrack", was held on January 30/31 by the Metropolitan Police in association with government departments and army personnel to practise contingency plans for dealing with an international terrorist incident. It took place on private property at the disused premises of RAF Kenley and lasted 18 hours. The exercise was successful. It demonstrated the validity of the contingency plans and it provided valuable experience for the participants.' Merlyn Rees, Home Secretary. (Hansard, 12/2/1979).

#### Defence Budget

In the financial year 1978-9, the Army was allocated 35 per cent of the £6,919 million defence budget, its highest proportion in recent years. The other major allocations were Navy 28 per cent, Air Force 28 per cent and others nine per cent. Ten years ago, when the defence budget was £2,271 million, the proportions were: Army 30 per cent, Navy 31 per cent, Air Force 27 per cent, others 13 per cent. Twenty years ago when the defence budget was £1,418 million, the proportions were: Army 30 per cent, Navy 21 per cent, Air Force 33 per cent, others 14 per cent. (Hansard, 6/2/1979).

## ARTICLES

### Criminal procedure

'Confessions and the doctrine of oppression', John D. Jackson, *New Law Journal*, 15 March 1979.

'Operation of the Bail Act in London magistrates' courts', Michael Zander, *NLJ*, 1 February, 1979.

'Entrapment: R v Sang', *NLJ*, 1 February 1979.

'The investigation of crime: a study of cases tried at the Old Bailey', Michael Zander, *Criminal Law Review*, March 1979.

'It's time to clarify police powers', Police Federation evidence to the Royal Commission on Criminal Procedure, *Police*, January 1979.

'Police questioning of suspects: a pilot study', John Ditchfield, *Police Review*, 9 February, 1979.

'Experiment to test tape recording of police interviews', *Police*, February 1979.

### Emergency Planning

'Emergency Powers', Tom Harper, *NLJ*, 15 March 1979.

'Come hell and high water', Peter Laurie, *Radio Times*, 3-9 February, 1979.

### Espionage

'Spying on your friends', Philip Agee, *Leveller*, April 1979.

### Immigration control

'Immigration: Bail or temporary release' David Burgess, *NLJ*, 8 March, 1979.

### Military

'Scotland and the Military establishment', Keith Bryers, *Crann Tara*, Spring 1979.

'Service trade unions in Europe and the UK', Simon Bingham and Alan Ward, *Army Quarterly*, July 1978.

### Official Secrecy

'Contempt and the due administration of justice', Editorial, *NLJ*, 8 February, 1979.

### Police

'How effective is preventive policing'? Brian Pollard, *Police Review*, 2 March, 1979.

'The future of the non-Home Office forces', *Police Review*, 2 February, 1979.

'The strong lobby of the law', 'Where subtlety is the force's choice', 'Two corners of police chief's ring', Alec Hartley, *The Guardian*, 19/20/21 February, 1979.

'Anderton's way', Martin Kettle, *New Society*, 8 March 1979.

### Private Security

'Confrontation or cooperation', Michael Kerr, *Police Review*, 26 January, 1979.

'Who should control the private security industry', Michael Kerr, *Police Review*, 2 February, 1979.

### Public Order

'Secondary picketing', Michael Wright, *NLJ*, 1 February 1979.

'Mystery thug at demo', *Leveller*, April 1979.

'Riot Control in South Africa', H.R. Hertman, *Army Quarterly*, July 1978.

'Not so sacred pickets', Kenneth Sloan, *Police Review*, 9 February, 1979.

'Public order and local government', Tony Judge, *Local Government Chronicle*, 15 December 1978.

'Why the Public Order Act is inadequate', James Anderton, *Local Government Chronicle*, 15 December 1978.

### Surveillance

'Threat of the electronic spies', Duncan Campbell, *New Statesman*, 2 February, 1979.

'Bugging — or an ostrich on the line', A.B. Pemberton, *Security Gazette*, February 1979.

'IDs for all would cut crime', Laurence Laight, *Police*, March 1979.

'Surveillance, the law and military rule', Peter Chalk, *Ireland Socialist Review*, Spring 1979.

### Terrorism

'Terror cops ruin more Irish lives', David Martin, *Leveller*, March 1979.

'Europe's MPs demand united action to end reign of terrorism', Council of Europe declaration on terrorism. *Police*, February 1979.

### Weaponry

'Are truncheons a danger to the police?' Michael Finn, *Police Review*, 16 March 1979.

'Police and firearms', Editorial, *Police*, January 1979.

'Shooting to win', 'Exercise copshoot', *Police Review*, 16 March, 1979.

## NEW BOOKS AND PAMPHLETS

This listing does not preclude a future review.

**Arsenal Of Democracy**, by Tom Gervasi, Grove Press, New York £5.15. A critical look at America's role in the arms trade.

**The Political Constitution**, by J.A.G. Griffith, Stevens and Sons, London. Text of a lecture, given at the London School of Economics, on the problems of liberal democracy.

**The Police: What they'll do for you**. National Consumer Council, London. 25p.

**Human Rights In El Salvador: a report of a British Parliamentary Delegation**. Parliamentary Human Rights Group, House of Commons, London. £1.

**Evidence To The Royal Commission On Criminal Procedure**, by the Joint Council for the Welfare of Immigrants.

**Bargaining Report**, Labour Research Department, London, £1. A guide for shop stewards on collective agreements, employment law, health and safety and company accounts.

**The Nuclear State**, by Robert Jungk, Platform Books, London. Hardback £5.95, paper £2.95.

**Operation Julie**, by Dick Lee and Colin Pratt. W.H. Allen, London £4.95. Described as: 'How the undercover police team smashed the world's greatest drugs ring'. Contains important information on police surveillance techniques.

**The Private Security Industry: A Discussion Paper**, HMSO, London, 80p.

**The CIA's Australian Connection**, written and published by Denis Freney, Sydney, Australia. Australian \$2.95.