

# STATE RESEARCH

**BULLETIN  
No. 23**

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## CONTROLLING THE POLICE

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**RACIAL ATTACKS – OVERSEAS POLICE TRAIN IN BRITAIN**

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**NEWS &  
DEVELOPMENTS**

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### ANGER OVER RACIAL ATTACKS

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The Home Secretary announced, on February 5, that he was ordering an inquiry into racist organisations and intended to discuss with Chief Constables the possibility of setting up special police investigation units into racism. This decision followed a meeting between William Whitelaw and a deputation from the Joint Committee against Racism, who presented him with

a detailed report of racial attacks from many different parts of the country.

The number of racial attacks reported to the police in London alone has risen sharply in the past five years. In 1975 there were 2,690 reported incidents – of robbery, assault, and other violent theft – on black people. In 1979 this had risen to 3,827 (*Hansard*, 31.12.80). Moreover, this figure is a gross underestimate as black people are widely known to be reluctant to report incidents to the police (see, for example, the evidence presented to the Royal Commission on Criminal Procedure).

The terms of the Whitelaw inquiry have come in for strong criticism. It is to be carried out by Home Office officials who will 'hold discussions' with members of black organisations (Lord Belstead, Under-Secretary of State, Home Office, *Lords Hansard*, 17.3.81).

April-May 1981/97



More importantly, the inquiry will only be concerned with *organised* fascist groups, like the British Movement and the National Front, it will not cover *spontaneous* attacks on the person and homes of the black community which are now commonplace (nor will it deal with the treatment by the police themselves of black people).

Whether this inquiry will have any effect on the growing numbers of racial attacks and murders is doubtful. The march of the 10,000 people protesting at the failure to find the murderer of the 13 young black people in the fire in Deptford is indicative of the anger felt in the black community.

A statement, entitled, *White Man, Listen*, available from the Institute of Race Relations says that white people mistake the mood of the black community:

'it is no good telling us that the Deptford fire was self-inflicted or an accident or a prank that went wrong: you are as quick to disassociate crimes on blacks from racism as you are to associate blacks with crime – no good pointing to the infallibility of forensic evidence or the impartiality of police investigation. They are your facts, not ours. They do not add up to our truths, they do not speak to our history.

It was to bear witness to that history – as lived by us, not told by you – that we marched that Monday. The fire was its instigation, your indifference its occasion. Thirteen young people are killed in a fire and the whole white nation averts its eyes. From what? From its own shameful complicity in the racism that ignited the fire?

(The statement is available from the Institute of Race Relations, 247 Pentonville Road, London N.1. Send s.a.e.)

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## MI5 SHAKE-UP?

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Mrs Thatcher, the Prime Minister, announced in March that the Security Commission was being asked to conduct a

review of 'the security procedures and practices' (*Hansard*, 26.3.81). The review is the government's response to the allegations by Chapman Pincher in his book, *Their Trade is Treachery*, that Sir Roger Hollis, the head of M15 (Britain's internal Security Service) between 1956 and 1965 was working for the Soviet Union. The last official review was carried out in 1961-2, twenty years ago, and laid down the basis for procedures to be followed by M15 to stop infiltration in the wake of the Burgess, McLean and other defections (*Security Procedures in the Public Service (The Radcliffe Report)*, Cmnd 1681, HMSO, 1962). If Sir Roger Hollis was in touch with Soviet agents when he was Director-General of M15 during the period when the agency was completely re-organised and new positive vetting measures introduced, then he would have been a far more valuable source of information than all the previous defectors taken together.

Lord Diplock, the chairman of the Security Commission, will select two of the other seven members of the Commission to conduct the review. The Security Commission was set up in 1964 in the wake of the Profumo scandal (see *Bulletin* no 1).

### New D-G to be appointed

These latest revelations, following as they do the Blunt affair in 1979, could not have come at a more embarrassing time for the government (for the Blunt affair, see *Bulletin* no 15). In the next few months the present Director-General, Sir Howard Smith, is due to retire. Sir Howard Smith was appointed by Mr Callaghan in February 1978 to replace Sir Michael Hanley who had reached retirement age. Harold Wilson's distrust of what he called rightwing circles within M15 and Callaghan's irritation with endless M15 warnings about extreme Left 'infiltration' of the Labour Party led to the appointment of Sir Howard, a career diplomat from the Foreign Office, to act as a moderating influence. It was expected that the person appointed to succeed him would be drawn from inside M15 instead of from



outside: whether this will now happen is a matter for conjecture.

The Hollis affair has also come at a time when Sir Howard was near to completing the second internal reorganisation of M15 in three years. The first was secretly initiated by Callaghan, after Wilson's accusations in 1978, the second by Mrs Thatcher after the Blunt affair. In the summer of 1978 Callaghan had publicly refused to hold an inquiry into the workings of M15 after Wilson's post-retirement statements on rightwing elements in the organisation. But, during the debate on the Blunt affair in November 1979, Callaghan and Rees, the Labour Home Secretary, both stated that they had ordered an internal investigation to be carried out (*Hansard*, 21.11.79).

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## BANS ON MARCHES

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In March a series of blanket bans on all political marches were imposed, first in London and then in a series of provincial cities. Previously, Chief Constables have applied for bans (under the 1936 Public Order Act) as a last, and rarely used, resort, maintaining that their forces were quite capable of maintaining public order. In a sudden, and 'spontaneous', change of policy, a number of Chief Constables have applied for blanket bans on political demonstrations, and the Home Secretary has sanctioned all of them.

The first ban was in London, in order to prevent the National Front provocatively marching through Lewisham in the wake of the Deptford murders. A 3-week ban on all marches in the Metropolitan Police area was imposed. The ban affected the International Women's Day march, among others. Plans by the NF to march in other cities led to bans on all marches also being imposed in Wolverhampton, Leeds, South Yorkshire and Leicester. Alan Gordon, the Chief Constable for Leicestershire, explained in an interview why he had not applied for a ban in 1979 when the NF planned a march in Leicester. This was

because, he said, there:

'is a fundamental philosophy that freedom of speech and demonstration is one of our most cherished traditions. It is a very serious step indeed to curtail that right in the absence of overwhelming considerations' (*Police Review*, 20.3.81).

The most restrictive use of the blanket bans came in April. This time, in order to prevent a rally in support of the H-block hunger strikers, a 3-month (the maximum period allowed) ban was imposed in Strathclyde on all political demonstrations.

The new policy of applying blanket bans is also a deliberate manoeuvre which ignores the powers given to Chief Constables and the Home Secretary under the 1936 Public Order Act. In response to criticisms about the ban in London, the Home Secretary, William Whitelaw, responded:

'Under the Public Order Act as it stands, neither the police in their application nor I in giving assent to it can pick and chose a police area. If we have a ban, it has to be throughout the whole of the Metropolitan police area. That is under the Act' (*Times* 6.3.81).

The non-specific use of the Act was also justified to State Research by a Home Office press spokesperson on March 9: 'My understanding of the Act is that it does not give the discretion . . . to target one march.'

However, as we have pointed out in the past (see *Bulletins* 4 and 5), not only does the 1936 Act allow for bans on marches by specific groups in specific areas and at specific times, but this provision has actually been used in the past. In a reply to a parliamentary question by Jo Richardson MP, then Home Secretary, Merlyn Rees, gave these examples: banning of march by specific **group** – Committee of 100 banned for 24 hours in Central London in September 1961; banning of marches in specific **areas** – East End of London, 24 hours, in July 1963; St Pancras, 3-month ban in September 1960 (*Hansard* 10.3.78). These specific bans were made under Section 3 (3) of the Act, which provided for the banning or either 'all public processions



or of any class of public procession so specified' (our emphasis). The police and the Home Office are not only choosing not to use this provision in the Act to specifically ban marches by the National Front, but are deceiving parliament and the public by denying that they possess the power to do so.

### **The Greater Manchester Bill**

Alongside existing powers to limit demonstrations, the police are also seeking, through local Bills, to extend their powers by requiring advance notification of marches. Clauses requiring 48 hours' notice of marches (penalty, £200 fine) are already contained in the Kent and East Sussex Bills. Now the Commons Committee sitting on the Greater Manchester Bill has carried a clause requiring 72 hours' notice (failure to do so would be a criminal offence liable to a maximum fine of £200). Manchester Chief Constable James Anderton asked for 7 days' notice.

The Bill also contains a provision allowing the Chief Constable to draw up a code of practice for demonstrators which would have 'no force of law but might be treated as if it had by policemen and magistrates' (*Guardian* 19.2.81).

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### **SPECIAL BRANCH SUPPLY FALSE INFORMATION**

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In the Panorama programme, 'The Right to Privacy – the Need to Know', the case of a woman who was falsely recorded in Special Branch files as having links with terrorist organisations came to light (broadcast on 2.3.81). But for the fact that her father was an ex-Scotland Yard police officer the truth of the matter might never have come to light and she could have found herself 'blacklisted' for life.

Jan Martin, an industrial film maker, had just been hired by former BBC broadcaster Michael Barratt, who runs a company making films for industrial clients, when she

was told that one of his clients said she was a security risk. Barratt had been contracted by a representative of the huge construction firm, Taylor Woodrow, and told that Jan Martin 'will not be welcome on our premises'. When asked why, the firm's representative said 'well there is a connection with terrorists in Europe', and, when pressed, agreed to check out the information if Barratt would supply Jan Martin's Insurance Number, which he did. Later, he was rung back and told 'she is the person who has that connection'.

Barratt told the programme interviewer that he knew that if he were to take on 'a terrorist, a proven terrorist apparently, my whole business could collapse', so he suggested that Jan Martin contact her father who had been a Detective Superintendent at Scotland Yard's fingerprint division, and had been a policeman for 37 years. John Robertson, Jan's father, contacted Scotland Yard who confirmed that the Special Branch held this information. Superintendent Peter Freeland then a senior Special Branch officer called personally on Jan and her father. The information, he said, was passed on data supplied by the Dutch police to the Special Branch in London. Jan Martin: 'Apparently we were driving through Holland on the day after . . . a shooting had occurred with the Baader-Meinhoff in Amsterdam'. When they went into a cafe Jan Martin and her husband looked suspicious to the owner and the number of their Renault car was phoned through to the police: the car was registered in Jan Martin's name. From the interview with Supt. Freeland it was clear that the leakage of this information to Taylor Woodrow had come straight from Special Branch who had simply recorded and held the information passed from Holland without carrying out any further checks.

### **Communism and family life**

In the same programme Harold Salisbury, a former Chief Constable for York, and the North and East Riding of Yorkshire, gave a graphic picture of the work of the Special



Branch in this country. After leaving Britain in 1972 Salisbury was appointed Police Commissioner for the state of South Australia; he was dismissed by the state Premier after an investigation into the activities of the state Special Branch (based on the British model) led to the burning of most of the files (see *Bulletin* no 4).

Salisbury was first asked about who controlled the local Special Branches throughout Britain:

*Interviewer:* Who lays down the policy for what the Special Branch had to do. Was that laid down by you as Chief Constable?

*Salisbury:* No, no, no, no. These chaps used to go to instructions sessions with the actual security services.

*Interviewer:* In London, with M15?

*Salisbury:* Well, yes.

He was then asked:

*Interviewer:* Which groups would be in the files here?

*Salisbury:* Obviously anyone who shows any affinity towards Communism – that's commonsense – the IRA, the PLO and I would say anyone who's decrying marriage, family life, trying to break that up, pushing drugs or advocating the acceptance of certain drugs, homosexuality, indiscipline in schools, weak penalties for anti-social crimes, pushing that sort of thing. Oh, a whole gamut of things like that that could be pecking away at the foundations of our society and weakening it.

*Interviewer:* And do you regard these people as subversives?

*Salisbury:* Well, in a word, yes.

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## HOME DEFENCE REVIEW

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The Home/Civil Defence system is being revised so that it can handle conventional as well as nuclear war, and major civil disturbances. A Home Office circular (ES1/1981) sent out to local authorities on March 20, 1981, makes clear that 'changes in strategic thinking mean that we must be prepared for conventional as well as nuclear attack on this country, and for the

possibility of hostilities occurring at short notice'. In future plans for emergencies will have to be kept at a higher state of readiness in order to be able to cope with a reduced warning time (down from 3-4 weeks to possibly 48 hours) and they will also have to be capable of handling conventional attacks.

The circular spells out certain measures that local authorities should now take to revise their plans: wartime headquarters should be selected and prepared, surveys of possible communal shelters should be carried out, efforts should be made to involve local communities in war preparations, volunteer helpers should be recruited and trained, and additional emergency planning staff should be recruited if necessary. Financial help from central government will be available to help with these measures.

The circular does not, in fact, represent a dramatic change in Home Defence planning. It appears to have been issued in response to local authority complaints that central government has done nothing at a local level for Home Defence since the results of the Civil Defence Review were announced in parliament August 7, 1980.

The Civil Defence Review hinted at great changes, but local authorities have seen little action since then. Instead central government activity has concentrated on the following (although this is not spelled out in the circular):

- Revising the plans for the dispersal of government in an emergency;
- Accelerating the construction of decentralised headquarters and associated communications, to be completed by 1984/5;
- Modernising the United Kingdom Warning and Monitoring Organisation;
- Improving wartime broadcasting arrangements;
- Expanding the Home Defence College;
- Building up a national volunteer network, co-ordinated by Sir Leslie Mavor, former head of the Home Defence College (appointed on 1 January, 1981);
- Issuing, in January, manuals on building



civilian shelters;

– Increasing all Home Defence expenditure by 60%.

But local authorities have had to wait seven months for this circular giving them their first main guidance as to what they should be doing, another indication of the unease which the central state has historically felt in involving locally accountable bodies in its contingency planning.

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## SECURITY GAG ON SCIENTIST

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Current opposition to official secrecy has necessarily focussed on criminal law reform, seeking the repeal of Section 2 of the 1911 Official Secrets Act and its replacement with a Freedom of Information Act which, with certain exemptions, would give the public a right of access to official documents. But the recent decision by the Ministry of Defence (MoD) to discipline a senior civil servant, Trevor Brown, a chemist at Aldermaston Atomic Weapons Research Establishment (AWRE), simply for voicing his concern publicly about the health and safety standards there, has been a salutary reminder that the Official Secrets Acts have a potent understudy, the civil service 'Pay and Conditions of Service Code'. Under these regulations, civil servants are disciplined, without the problematic publicity of an Official Secrets trial, for disclosing information or expressing views on 'official' matters. The civil service 'Security Handbook', extracts from which were disclosed in January in the *Leveller* (No.47) and in the national press, confirms that the desire to restrict information goes far beyond the scope of the Official Secrets Acts:

'In every government office there are numerous items of information the disclosure of which would be prejudicial to the interests of private citizens and to the proper conduct of administration. Any dereliction of duty in this respect concerning classified or unclassified

information may lead to disciplinary proceedings being taken, whether or not proceedings are being instituted under the Official Secrets Acts . . . So far as it concerns disclosures the subject matter of the information and its importance or lack of importance are of no concern.'

The regulations are deliberately vague in order to encourage self censorship by civil servants who cannot know what they may or may not say.

Trevor Brown was disciplined under the MoD version of the regulations for speaking publicly without permission on matters involving 'the use of official experience' and the 'public expression of views on official matters' (MoD Manual 11, para.1154). It is not alleged that he revealed any information that was not already public knowledge. Brown, who is also a Liberal county councillor and a member of Thames Valley Police Authority, had been interviewed on the BBC Newsnight programme 'Is Aldermaston Safe?'. Responsible, until recently, for radioactive waste management at the plant, he has been a persistent critic of the safety measures, a position which has brought him into conflict with AWRE management with increasing frequency.

Since his arrival at AWRE in 1961, Brown has drawn attention to deficiencies in safety organisation, training and management. An official visit to Windscale in 1976 confirmed his suspicion that standards at AWRE were lower than at other establishments. Later that year, he was approached by several middle managers who expressed concern at management's failure to recognise the safety problems and asked him, as a county councillor, to raise the matter with their local MP, Michael McNair-Wilson. McNair-Wilson contacted the MoD but was informed by the Minister that safety standards at the plant were high and that the safety department was in fact over-staffed. Undeterred, Brown continued to press for changes, in particular for the use of personal air samplers which measure contamination in the breathing zone rather than in the general work-room atmosphere. In August



1977 this equipment was finally introduced and revealed, in the second day of use, that one employee had received nine months 'dose' in one day. Further tests then revealed large sections of the plant to be unsafe and, in August 1978, all of the radioactive areas were closed down. A subsequent enquiry by leading radiological expert Sir Edward Pochin confirmed that safety precautions were inadequate.

Throughout this period Brown was subject to increasing pressure by senior management. Early in 1977 he was accused of having Council typing done at AWRE, an allegation that was later withdrawn. In January 1978, he was refused permission to attend council meetings and had to apply to an industrial tribunal under the 1974 Employment Protection Act to establish his right to do so. He found himself excluded from important meetings and was passed over when three safety posts for which he was eligible were filled. Shortly before Pochin's report was published, he learnt that the safety delays were to be blamed on him. Believing that he had no alternative, Brown gave to the press non-secret memoranda making the true position clear. He was subsequently moved from the scientific to the engineering department where, in his own words, he has since led a 'frustrated, Gorki-like existence'.

Believing that safety measures remained inadequate, Brown agreed to be interviewed on the Newsnight programme, transmitted on 11 March 1980. It provoked a parliamentary debate in which the Secretary of State for Defence, Francis Pym, admitted that most of the radioactive areas of the plant were still closed. Despite interventions on his behalf by the National Council for Civil Liberties, which represented him during the subsequent disciplinary proceedings, and by a number of MPs and peers, Trevor Brown was 'severely reprimanded' for appearing on the programme and warned that 'should you come to disciplinary notice again, the consequences could be most serious' (November 1980). Trevor Brown has since resigned from his job.

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## W. GERMANY : POLICE IN CONTROL?

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Horst Herold, president of the West German Federal Criminal Office, (*Bundeskriminalamt*, BKA) resigned in December 1980. It was said that he had succumbed to pressure of work, particularly since the explosion, by a neo-fascist group, of a bomb at the Munich Beer Festival in October, which killed several people and injured many. But it seems more likely that his departure was necessary following revelations of Dr Herold's ambitious desires for the creation of a utopian, paternalistic police state, in which the police would be able, through their technical abilities, to combat not only the effects of crime, but the social causes of it, a state in which the police force would become a 'social hygiene service', as he put it.

Dr Herold's views came to light in an interview with the West German academic lawyer and author Sebastian Cobler, printed in the West German monthly *Transatlantik* in November 1980.

Dr Herold is of interest, not only because he was the leading figure in the West German state's fight against its urban guerrillas, but also because his views, extreme though they are, reflect the logical direction of senior police thinking, in Britain as well as in West Germany. The feeling that only the police force is able to understand and rectify the defects in society, and that others, including the courts and elected politicians, are incapable of understanding what is required, is shared by police leaders as diverse as Sir Robert Mark and John Alderson.

Herold told Cobler: 'I would estimate that there are some 15 million criminal files held by the German police. For years, we have been amassing everything about why people take drugs, and why they break into chemists and steal them; why people have had abortions, why they do this and that, how they get started on a criminal career, and so



on . . . to put it another way: what I am striving for is a police force acting as a tool for social diagnosis.'

Cobler: 'So that is the "social hygiene duty" of the police, as you once called it?'

Herold: 'Yes. I can check relationships such as those between divorce and the incidence of crime, heavy drinkers and neglected children, drugs – in short, why people come to do something. Like a doctor – hence the expression "social hygiene" – I can constantly feel society's pulse, and keep our legal system dynamic with the help of rational understanding.'

### Technological trials

In *Bulletin* no 11 (April-May 1979), we examined the growing use of forensic and computer technology in a Background Paper on the police in West Germany. Dr Herold confirmed the correctness of our analysis in his interview with Dr Cobler:

Herold: 'We aim to develop police technology into a tool to render criminal procedure entirely objective, that is, to bring it to such perfection and excellence that we make witnesses superfluous, because a witness is a completely unsuitable way of presenting a case . . . I am trying to achieve – if you will let me express it at its most extreme – a trial without witnesses or experts, based only on scientifically testable, quantifiable, objective proof. According to my theory, it would be possible – however dreadful this may sound – to do away with the judges.'

Cobler: Even the Judges?

Herold: Yes, honestly.' (There are no juries in West Germany).

Senior police officers are not the only ones who think that they have all the answers to social problems if only people would give them the power. The strength of democracy lies in the denial of such power to any individual or group convinced that its ability to solve problems is unique. When such delusions grip senior police officers, they are dangerous in the extreme.

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## CONSCRIPTION FOR THE JOBLESS?

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The government now appears committed to some form of military training for young people out of work. The Secretary of State for Employment, James Prior, told parliament in February that the Ministry of Defence (MoD) was 'considering what further help it might offer unemployed young people' and that it was discussing this with his department (*Hansard*, 4.2.81). He denied that the Manpower Services Commission (MSC), which administers the special temporary employment schemes for the unemployed, had been approached. The head of MSC's special programmes, Geoffrey Holland, told the *Times Educational Supplement* that there was no question of putting young people into uniform or teaching them to use weapons, but that the armed services did have 'a great deal of training capacity and experience in teaching youngsters. There may be scope for work experience with them . . .' (6.2.81).

One month later, MSC confirmed that it had received a proposal from the Department of Employment. This is reported to propose a six-month period of military training in uniform for 1,000 unemployed young people, who would be subject to military discipline. The cost of the scheme, around £2m, would be met by MSC. (*Guardian*, 6.3.81).

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## PTA RENEWED AGAIN

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The Prevention of Terrorism Act was renewed for an eighth year on 18 March. Earlier rumours that the Labour Party (which introduced the law in 1974 after the Birmingham pub bombings) would oppose the annual renewal for the first time were not fulfilled. In the event, Labour pressed for an enquiry into the working of the Acts; this proposal was defeated by 189 votes to 141. An inquiry, chaired by Lord



Shackleton, was last held in 1978.

The renewal order was approved by 125 votes to 44. No opposition party member voted for renewal. The 44 opponents comprised 36 Labour MPs, six Liberals (including for the first time, party leader David Steel) and two Plaid Cymru.

Meanwhile, statistics were published in February in the *Home Office Statistical Bulletin 1/81* showing that the detention powers under the acts were used less in 1980 than in any previous year. 1980's total of 537 detentions showed a drop of 37 per cent from 1979's total of 857. In the last quarter of last year, the total of detentions was 84, the lowest since quarterly figures were first monitored in 1978. Altogether since November 1974, some 5,061 people have now been detained up to the end of 1980. Of these, 72 per cent have been held at air or sea ports. Last year, as in 1977 and 1978, as many as 82 per cent of detentions were made at ports – and 1980's total of 96 inland detentions was the lowest on record.

In 1980, 451 (84 per cent) of those detained were neither charged with any criminal offence nor issued with an exclusion order sending them to Ireland. This brings the overall total neither charged nor excluded since 1974 to 4,482 – 89 per cent of those detained.

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## OVERSEAS POLICE TRAIN IN BRITAIN

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868 police officers from 71 countries received training in Britain under the overseas aid programme between 1975 and 1979. In addition, the Metropolitan Police and eight provincial forces have sent official advisers to 19 overseas forces since 1975.

These figures, supplied by the Overseas Development Administration and the Home Office in December 1980, show that Jamaica sent the largest number of officers here for training (67 from 1975-9, plus six in part of 1980), with Botswana, Hong Kong and Zambia not far behind; while Uganda sent 48 officers here in 1979 and 1980 alone.

The majority of officers came from former British colonies or associated states – but not all. Bolivia sent two in 1976, Brazil one in 1975, Colombia one in 1979, Indonesia seven from 1975-8, Iran six in 1975 and 1976, Papua New Guinea seven from 1975-9 and Uruguay one in 1976.

The 19 countries receiving direct police advice from Britain included Bahrein, Belize, Kenya, Mexico, Portugal, Turkey, Venezuela and Zimbabwe.

However, these, the most recent official statistics, reveal only a small part of the extensive British trade in police/internal security expertise. Overseas 'anti-terrorist and security' personnel are also trained here, usually by the Ministry of Defence – which refuses to answer any questions on the matter. Similarly, the Home Office will not provide details of police sent here for training under its auspices ('The information is not readily available and could only be obtained at disproportionate cost' is a typical excuse).

Britain's export trade in policing began with the setting up of police forces in the colonies, usually modelled on the former Royal Irish Constabulary. However, there was no real coherent British Government attitude to overseas police forces until the withdrawal from formal imperialism after World War II forced the Colonial Office to adopt one. The post of overseas police adviser was created in 1948 in the Colonial Office (now the Foreign Office) and today the adviser's department arranges the training outlined above and advises the government and other ministries on assisting foreign police forces.

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## ARSON CAMPAIGN RENEWED IN WALES

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March 1 (St David's Day) was symbolically marked by the firing of the 50th Welsh holiday cottage owned by non-resident English people. The arson campaign started in December 1979 and, despite a summer lull when cottages were inhabited, has



expanded its range of targets and become more overtly political. In February a £12,000 luxury cruiser owned by an Englishman was gutted by fire near Pwllheli (*Western Mail*, 4.2.81). Within days, the first permanently occupied home was fired near Caernarvon. It belonged to an English family who were away for the weekend. The owner, who works locally, had recently complained to his MP and the secretary of state for Wales about the teaching of Welsh at the local school attended by his children (*Western Mail* 3.2.81). In South Wales an attempt was made to burn the holiday cottage of a Swansea resident (*Western Mail* 3.3.81).

Claims for responsibility for the bombings have been made by *Meibion Glyndwr* (Sons of Glyndwr) – Glyndwr was a nobleman who fought the English during the 15th century. This republican group has sent several letters in Welsh to the BBC, threatening to intensify the arson campaign and widen the targets to include property other than holiday cottages (*Guardian*, 3.3.81). Police have stated that the letters contain information about the incidents not publicly available and they have found links between arson attacks in North and South Wales which point to combined action by independent cells (*Liverpool Daily Post*, 10.2.81).

The original arson campaign resulted in a nationwide police sweep last March, dubbed by the press 'Operation Fire' (see *Bulletin* No. 18). Of the 52 people known to have been detained and/or questioned only four were charged – with conspiracy to cause criminal damage by fire and possession of explosives. They unexpectedly changed their pleas to guilty at the trial at Mold Crown Court last November after being held in custody for eight months. Sentences ranged from two years to eight months. A fifth man, who had been on bail, was released when no charges were preferred in court. Mr Justice Waterhouse denied the political nature of the trial or that political inspiration could be accepted as an explanation or defence to a criminal charge: 'Far too many have the

arrogance to think that worthy aims justify violence'. Counsel for the prosecution attempted to turn the defendants into figures of fun by describing them as working out their own private fantasies. This tactic was aimed at depoliticising the arson campaign. However, before the trial the arson campaign had already recommenced after the summer lull.

### 'Ghost villages'

The political reality which underpins the campaign is that 8% of the housing stock in the North Wales county of Gwynedd are holiday cottages. A 1979 survey showed 8,000 second homes, 1,000 chalets and 19,275 static caravans there. Currently more than one in ten houses are holiday dwellings in 69 of Gwynedd's 150 communities and in 27 of Merionydd's 33 communities. 'Ghost villages', occupied by owners only in the summer, are becoming increasingly common. Yet in 1980 Wales officially had 20,000 second homes and a council house waiting list of 50,000 (both regarded as conservative estimates), and fewer council houses were built in 1980 in Wales than in any year since 1936. Figures for building starts in the private sector were the lowest for 22 years (*Western Mail* 23.2.81).

The numbers involved in the campaign are unknown, but they may represent part of a slow synthesis of elements of Welsh nationalism and a broader base of discontent in industrial South Wales. (Conservative clubs and offices have been attacked with firebombs in Cardiff and Shotton, see *Bulletin* No. 18.) Unemployment in Wales is the highest in Britain and a prediction from an economist in University College Bangor is that it will reach 200,000 by the end of 1981. In February 146,368, or 13.5% of the working population of Wales, were unemployed. The Wales TUC has stated that 'people will not accept change at the rate being forced upon them without protest . . . There are now, however, very real possibilities of disorder in this country' (Evidence to the Committee on Welsh Affairs, 30.7.80).



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## TELEPHONE TAPPING : DIPLOCK REPORT

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Lord Diplock, Chairman of the Security Commission, reported in March that telephone tapping was being carried out in accordance with the procedures laid down and that it involved the minimum of interference with an individual's right of privacy (*The Interception of Communications in Great Britain*, Cmnd 8191, HMSO 1981). Lord Diplock was asked to monitor telephone tapping following a number of revelations and the publication of a White Paper on mail and telephone surveillance in 1980 (see Background Paper in *Bulletin* no 18). This White Paper provided the first official figures for nearly 30 years and set out the current procedures. These showed that a warrant can now be issued to cover whole organisations as well as specific named individuals. Only this first report of Lord Diplock will be published. Subsequent reports to the government will remain secret.

Lord Diplock did not look at every agency which intercepts communications, but only at M15 – which is responsible for most interception – the Special Branch, Customs and Excise, and the police. The work of M16, the military and Government Communications Headquarters (GCHQ), all of which intercept communications, was not covered. In addition, only telephone tapping and mail opening were considered, and not any of the other means of interception (e.g. 'bugging' of conversations by microphones).

During the debate on the British Telecommunications Bill, the government defeated an amendment passed during committee stage which would have restricted telephone tapping to cases of serious crime, espionage or terrorism. An amendment to restrict mail opening was also defeated.

It is now known that telephone tapping is costing around £1.3m and that this excludes

capital costs (*New Statesman*, 3.4.81). The figure is rising by about 7 per cent each year and implies staffing of between 110 and 150 people whose sole job is in interception. It is not clear, however, whether these figures relate only to Post Office staff in London – if so, the figure for Britain as a whole would be considerably higher.

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## NEW MET HELICOPTER

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The Metropolitan Police are setting up a special unit of helicopters fitted with internal security equipment used by the Security Forces in Northern Ireland. The new Metropolitan Police Air Support Unit was established at Lippits Hill, Loughton in Essex, at the end of last year and is already operating the first American Bell 222 helicopter to be used in the UK. Another of the twin engined, £600,000 machines is on order, and the ASU complex has space for a third. The Bell has had £150,000 worth of sophisticated equipment added to it, including many items now standard in Northern Ireland: the Nightsun searcher, stabilise binoculars, a powerful loud-hailer and the Heli-Tele high-magnification TV surveillance system. Nightsun is a high-power searchlight, made by the Californian company Spectrolab, and can be fitted with an infra-red filter. Heli-Tele is manufactured by Marconi Elliott Avionics Systems and supplied to several countries. Its high-resolution steerable colour TV camera can be controlled from the ground, either from a mobile station or from the main New Scotland Yard control room.

The Met is the first British police force to buy its own helicopter. Since 1971 it has been flying chartered machines, some experimentally fitted with Heli-Tele and other devices. The new helicopters will be flown by civilians on hire from British Caledonian Helicopters, and officers from the 20-strong ASU will fly as observers and equipment operators.

The establishment of the ASU is expected to result in a significant increase in police



airborne operations over London. In 1979 a total of 1,217 hours was flown by at least two machines, while the new Bells are expected to log 1,200 hours per annum each. Police helicopter flights have been severely criticised in a report from the Heathrow Association for the Control of Aircraft Noise, published in March. This said that half the 3,000 excess movements of 'unapproved' noisy flights were made by the police. The GLC (the licensing authority) excuses this, saying that the flights were all 'emergencies'.

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## NEWS IN BRIEF

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● **D-Notice system:** Earlier this year the Ministry of Defence published one of the shortest White Papers in the history of Whitehall bureaucracy, which, in a terse 3-paragraphs, rejected the report from the Commons Select Committee on Defence that recommended a thorough reform of the D-Notice system of voluntary self-censorship by the British press on defence and intelligence matters (*The D-Notice System: Observations presented by the Secretary of State for Defence*, Cmnd 8129, HMSO 1981).

The Select Committee had said in its Report that 'we are forced to the conclusion that as it stands the system hardly serves a useful purpose. Moreover, the appearance of covert censorship which it conveys has provoked strong criticism' (*The D Notice System*, 3rd Report of the Defence Committee, HC773, 6.8.80. See also *Bulletin* no 6).

● **No changes in police complaints system:** The Triennial Review Report of the Police Complaints Board, published last summer, concluded that 'allegations of violence which are denied are the most important single factor which militates against good relations between the police and the public'. Complaints of assault by police officers is

the single biggest category (22% in 1979), and out of nearly 3,000 such complaints less than 100 were substantiated and only 12 officers subsequently convicted of a criminal offence. The Board proposed that a national specialist team of senior officers should be set up, under the supervision of an experienced lawyer, to independently investigate allegations of 'serious injury'.

The government set up a working party to look into this proposal drawn exclusively from the police and Home Office (7 of its 12 members were policemen). Not suprisingly the working party's findings, published in March, rejected the idea (Cmnd 8193, HMSO, 1981). Among the reasons given was that: 'A change on the lines proposed would be likely to lead to a closing of ranks against the special team of investigating officers'. The *Times* reported, at the beginning of April, that an unpublished study by the Home Office Research Unit, begun in 1973, showed that there were serious defects in the system of investigating complaints of assault by the police (8.4.81).

● **SAS trains NATO:** A NATO Special Forces battle school, modelled on British SAS training methods, is operating in Southern Germany. The International Long Range Reconnaissance Patrol (ILRRP) School at Weingarten is training 800 NATO security forces personnel a year in sophisticated counter-insurgency techniques developed by the SAS.

The school is run jointly by the UK, Germany and Belgium. 1,800 students, on courses lasting from five days to six weeks, have passed through the School since it was established in December 1978. Half the students are British and a key figure in setting up the School was former British SAS officer Lt-Col Peter Walter, the School's first director, who is now commanding officer of the School's International Wing.

Students come to the School from all the NATO countries and are trained in the full range of battlefield and urban warfare tactics (*Soldier*, April 1981, the British Army's official monthly magazine).



● **London – 1 in 14 stopped by police:**

Figures supplied by Patrick Mayhew, the Minister of State at the Home Office, to Michael Meacher show that in 1979 nearly 1 in 14 of the total population of Greater London were stopped and questioned by the police. 562,940 people and vehicles were stopped, but only 62,456 were arrested – just over 10 per cent (it is not known how many were subsequently charged or convicted) (Letter to Michael Meacher, 6.2.81). While for London as a whole the proportion of the population stopped was 7.7%, the number in working class areas was considerably higher. In Southwark, for example, it was 15.7%. The numbers in other police Districts included: Camden 24,127 (2,207 arrests); Havering, Barking and Newham 27,282 (3,802); Lambeth 21,012 (3,511); Southwark 34,354 (3,197); Lewisham 27,604 (4,123); Brent and Harrow (28,276 (2,991); Haringey and Enfield 31,366 (2,983). Meacher said that the fact that almost all working class areas have a stop rate of more than 11% 'does seem to give conviction to the view that people in these areas are subject to a disproportionate amount of police harassment' (*Times* 23.2.81).

● **Ireland and NATO:** the dramatic emergence of Southern Ireland's military neutrality as a major political issue in early March was partly due to newspaper revelations that Britain and NATO want to site radar and communications facilities in Ireland in an effort to close a major gap in their defence system against an air attack from the Soviet Union. The Dublin *Sunday Tribune* reported in February that the establishment of a new Russian bomber base near the Norwegian border in 1978 now enabled the Russians to carry out raids on Britain which might not be detected by circling in across the unprotected west coast of Ireland (22.2.81).

NATO wants to establish bases in the South and thus draw the South into the NATO orbit – hence the row on the South's traditional and valued neutrality. In return it is now understood that the December

1980 Anglo/Irish summit discussed the British conceding some form of North/South unity to the Southern government.

● **National 'mutual aid' exercise:** On March 9 a national exercise to 'test' the arrangement for mutual aid between police forces was conducted from Scotland Yard. The exercise is conducted annually by the current president of the Association of Chief Police Officers, Home Office and Scotland Yard staff in a special room which is used as a 'reporting centre'. The coordinator of this year's exercise, George Terry, Chief Constable of Sussex and President of ACPO, said in a statement that 'the police forces of the country are not activated . . . the purpose of it is to enable . . . (the staff) to practice simple methods of recording how communications would be used to alert police forces' (13.3.81). The main units used for 'mutual aid' are Police Support Units (PSUs) and Special Patrol Groups (see *Bulletin* no 19, and *Police Review* 20.3.81 on the Leicester PSUs). It is thought that the video terminals in local stations linked to the Police National Computer are used to contact neighbouring forces when assistance is sought, and that requests for help instantly interrupt any routine business that is going on.

● **Writing on the Wall** is the new quarterly newsletter of the Welsh Campaign for Civil and Political Liberties. Published bi-lingually in English and Welsh the first issue looks at Special Branch and Anti-Terrorist Squad raids in Swansea, the Prevention of Terrorism Act, police complaints and further developments to Operation Fire (see *Bulletin* no 18). A background paper examines the law on public order in the light of the 'Bloody Sunday' marches and counter-marches in Cardiff this year. (20p plus p&p from WCPPL, c/o 108 Bookshop, Salisbury Road, Cathays, Cardiff)

● **TAGS Newsletter** is the bi-monthly publication of the Technical Authors Group (Scotland), a new group seeking to make



available to the public information not generally available except to the specialist. It will concentrate on the police, the penal system, hazards at work, defence and computers and civil liberties. The first newsletter includes articles on the new Lothian and Borders police computer, NATO plans for Stornoway and home defence preparations in Scotland. (30p plus p&p from TAGS, 100 Findhorn Place, Edinburgh. Membership details also available)

● **Military laws:** the main statutes keeping the discipline of the British armed services under civilian scrutiny are now before a parliamentary select committee. The Army Act 1955, the Air Force Act 1955 and the Naval Discipline Act 1957 are renewed every five years by a special Armed Forces

Act, the 1981 version of which received its second reading in the House of Commons on February 10, 1981 (*Hansard* 791-805). The three Acts are not quite as important as is often believed. It is widely presumed – even in legal circles – that the Acts give the state the statutory authority to raise and run the three armed services. In fact this is not the case, as the Acts only provide for discipline within the forces; their actual existence is implicit and assumed. (We hope to examine the sand-like foundations of the armed services in a future Bulletin.)

However, the three Acts do provide the main statutory means whereby parliament regulates the armed services, as they provide the framework for maintaining law and order within the forces. The Acts' primary function is to give military commanders the legal power to control their subordinates.

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## CONTROLLING THE POLICE? : Police accountability in the UK

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### BACKGROUND PAPER

The role of the police in the UK today is the subject of much public debate and concern. General issues of corruption in the police service, deaths in police custody, tactics at demonstrations, relations with the black community, 'fire-brigade' policing policies in urban areas, and abuses of police powers have opened up the question of the role of the police in a way unprecedented in modern times. Equally unprecedented has been the number of rows that have broken out between local police authorities and Chief Constables which have led to official or unofficial inquiries into their role and powers. Underlying this disquiet are serious doubts about the existing means of controlling the police and making them accountable.

In theory, the police are accountable to the community in two ways. Firstly, they are accountable to the law both in the sense that they are charged with impartially enforcing it in the name of the community, and in the sense that police officers are as responsible to the criminal law for their actions as any other citizen. The instructions issued to the first of the modern police forces, the Metropolitan Police, in 1829,

'made it clear that every police officer was to regard himself as both *servant* and *guardian* of the public and to treat all citizens with civility and respect' (Supt. Roach, 'The Metropolitan Police Community Relations Branch', *Police Studies*, Vol 1, no 3, 1978, our emphasis. See also, L. Radzinowicz, *A History of the English Criminal Law*, Vol 4, 1968). This original ethos of policing, which recognised the need for the consent and support of the policed, formed the basis of the modern police service.

Secondly, and more formally, the police are also accountable under Acts of



parliament to local police authorities, a local government committee (also known as the 'police committee'), to central government through Her Majesty's Inspectors of Constabulary and, in some instances, to the Home Secretary and Secretary of State for Scotland.

This Paper looks at the way in which this dual accountability – to the community as a whole and to local police authorities – works in practice today.

### **Historical developments up to 1960**

The creation of modern police forces during the 19th century was a gradual process. The first was the Metropolitan Police, set up in London in 1829 and placed under the control of the Home Secretary. The Municipal Corporations Act, passed in 1835, created elected borough councils in the larger urban cities and required them to set up police forces. The new borough councils were to appoint watch committees, made up of council members, which were to appoint sufficient constables and fix standards of pay and efficiency. But it was not until the 1856 County and Borough Police Act that it was made mandatory for all councils to recruit and maintain a police force. And not until the 1890s were the Inspectors of Constabulary (covering all forces outside of London) able to report to the Home Secretary that all borough and county councils had 'efficient' local forces.

There was, however, a major difference in who controlled the police between the boroughs and the counties. In the counties the landed gentry, represented by justices of the peace and the Lord Lieutenants (appointed by the monarch), were reluctant to relinquish their control over the maintenance of law and order. The difference was resolved with the passing of the Local Government Act 1888. There was much resistance to any change by the landed gentry and during the debate in parliament reference was constantly made to the fact that those who controlled the police ought to be people free from any sort of political pressure. But, as police historian T.A.

Critchley has observed: 'This argument again overlooked the fact that watch committees had successfully managed the police in the boroughs for fifty years' (*A History of Police in England and Wales*, p135). Under the 1888 Act standing joint committees were created, comprised half of county councillors and half of local magistrates, with similar powers to those of the boroughs.

At this time the watch committees, and the standing joint committees, exercised a high degree of control over the local police:

'The control of the watch committee was absolute. In its hands lay the sole power to appoint, promote, and punish men of all ranks and it had powers of suspension and dismissal. The watch committee prescribed the regulations for the force and, subject to the approval of the town council, determined the rates of pay' (Critchley, op.cit., p124).

In Swansea, for example, in 1844, the local chief police officer was required to report weekly to the watch committee, and in 1880 the watch committee in Birmingham emerged the victor from a row with its Chief Constable over the policy to be pursued in prosecutions for drunkenness.

Demands for central control of the police were resisted by all local interests in the 19th century and the role of the Home Secretary centred on trying to ensure that all areas recruited and maintained adequate police forces. To enforce this the first Inspectors of Constabulary were appointed in England and Wales under the County and Borough Police Act 1856.

The system of local control in Scotland, since the first forces were formed at the beginning of the 19th century, was quite different. Initially, in the urban areas control of the police was in the hands of elected Commissioners of Police, while in the rural areas the Commissioners of Supply – central government appointees charged with levying land tax in the counties – held control. By the 1860s control in the urban areas was in the hands of Commissioners of Police, some of whom were now appointed by magistrates and town councils, others



elected by ratepayers. In the country areas control had passed to police committees comprised of a number of Commissioners plus the Lord Lieutenant and the local sherriff. After the establishment of elected councils in the country areas in 1889, control passed to standing joint committees of seven county councillors and seven Commissioners of Supply, who were retained for this purpose alone. It was only in 1929 that the Commissioners were abolished altogether and the county council became the police authority. The Police (Scotland) Act 1857 set up an Inspectorate which reported on local forces to the Scottish Office in terms similar to those of its counterpart south of the border.

The shift in control of local police away from local watch committees (and standing joint committees) which placed more power in the hands of the Chief Constables began in the 1920s. Until 1919 the head of a local police force was variously called the 'superintendent', 'the head officer of the police', 'the chief constable' or the 'head constable', and the man who held this position was 'simply the constable who held the highest rank in the force' (Critchley, op. cit., p125).

After the police strikes of 1918 and 1919 the Desborough Committee was appointed to overhaul the whole police structure and many of its recommendations were embodied in the 1919 Police Act. Regulations issued under this Act made the term 'Chief Constable' uniform throughout the country. The Desborough Committee recommended the transfer of the power of appointment, promotion and discipline from the watch committees to the Chief Constables, but this was resisted in parliament and these powers remained in the hands of the watch committees until 1964. However, the powers of Chief Constables were enhanced by the creation of a national central conference of Chief Constables and their representation on other bodies in England and Wales. (This development coincided with the extension of the franchise to the majority of the working class in 1918 (and to all women in

1928), and the subsequent election of Labour councillors and Labour-controlled councils).

Soon after the Second World War a member of a local watch committee summed up the situation: 'The police is not a local service. Every force in the country is controlled from beginning to end by the Home Office. It is a local force in that we are permitted to pay half the cost' (J. Hart, *The British Police*, p69).

The ideology that the police were both the 'servants' and the 'guardians' of the community persisted, but effective control over the policies and operational practice of the police was passing into the hands of the Chief Constables. The growth in power of the Chief Constables was also the result of the change to fewer and larger forces. (In England and Wales between 1857 and 1962 the number of forces was cut from 239 to 117, by 1964 to 49 and today there are 43. In Scotland there has been a reduction in the number of forces from 49 in 1950, to 22 in 1968, to 8 today.) They were also subject to increasing 'informal' central influence by the Home Office and Scottish Office. This came not just in the form of providing half the cost of maintaining the local forces but through almost daily 'directives', which Chief Constables could take up at their 'discretion', and through the funding of common services like national and regional training and financing of new technological aids.

### **The Royal Commission on the Police**

It was against this background that the Royal Commission on the Police was set up in 1960. Its Report led to the 1964 Police Act, which forms the basis of the present system of police accountability.

In the late 1950s a number of well-publicised conflicts between Chief Constables and local watch committees (and standing joint committees) raised questions about their respective powers. These events also highlighted the fact that questions could not be asked in parliament on forces outside London, because the local



committees, not the Home Secretary or the Secretary of State for Scotland, were statutorily responsible.

The incidents largely concerned the actions of Chief Constables and other senior officers. In 1956 disciplinary action was taken against the Chief Constable of Cardiganshire following allegations that his force was not being properly administered. The following year the Chief Constable of Brighton and two of his senior officers were charged with corruption. Although the Chief Constable was acquitted, the judge censured his conduct and he was dismissed from the force; his appeal against dismissal was later upheld by the House of Lords on the grounds that natural justice had not been observed. In the same year the Chief Constable of Worcester was convicted of fraud and imprisoned. Perhaps the most significant conflict occurred in Nottingham in 1959 when the Home Secretary overrode the decision of the watch committee to suspend the Chief Constable and reinstated him. In Scotland, the Secretary of State set up a tribunal, under the Tribunals of Enquiry (Evidence) Act 1921, into allegations of assault by two police officers on a boy in Thurso – allegations found to be substantiated (*Report of the Tribunal appointed to inquire into the allegation of assault on John Waters*, Cmnd 718, HMSO, 1959).

The Report of the Royal Commission said that the central problem of police accountability was the problem of controlling Chief Constables (para 102) and concluded that they 'should be subject to more effective supervision' (para 405, *Final Report*, Cmnd 1728, HMSO, 1962). However, the Commission failed to provide an answer to the inherent contradiction of the respective roles of the Chief Constables and the local watch committees which had developed in the previous 30 years, namely, the distinction between maintaining an adequate and efficient police force and exercising control over the operational policies and practices (law enforcement) of the Chief Constables. While the Commission recognised that a Chief

Constable was 'accountable to no one and subject to no one's orders for the way in which he settles his general policies in regard to law enforcement' (para 890), it nevertheless concluded that:

'We entirely accept that it is in the public interest that a Chief Constable, in dealing with these quasi-judicial matters, should be free from the conventional processes of democratic control and influence' (para 87).

The Report of the Royal Commission only confirmed existing practices whereby the Chief Constables were accountable to no one and the local watch committees were confined to their role as paymasters (through the rates) with no power of control over the policing of their communities.

### **The position today**

The present system of policing dates from the Police Act 1964 and the Police (Scotland) Act 1967 (as amended by the Local Government Act 1972 and the Local Government (Scotland) Act 1974, respectively), and the Police Act (Northern Ireland) 1970. In England, Wales and Northern Ireland the primary responsibility of the local police authorities (as the old watch committees and standing joint committees were renamed) is to ensure 'the maintenance of an adequate and efficient police force'. This involves fixing the strength of the local forces and the numbers within each rank; the provision and maintenance of buildings, vehicles and equipment and approval of the police budget – all matters concerned with the physical side of policing. They also appoint the Chief Constable and other senior ranks (subject to the approval of the Secretary of State) and can call for the dismissal of the Chief Constable 'in the interests of efficiency' (again subject to the approval of the Secretary of State).

The 'direction and control' of the local forces remain in the hands of the Chief Constables. When questioned on their actions, they will usually maintain that this is an 'operational question' outside the



purview of the police authority, and, in the final resort, they argue that they are 'accountable' to the 'law' – a resuscitation of the common law responsibility of every police officer.

However, the Police Acts did give local police authorities some means to question the 'operations' of the police. They are meant to keep themselves informed as to the manner in which complaints against the police are dealt with; to receive the Chief Constables' annual report; and are able to call for reports from the Chief Constable on 'matters concerned with the policing of the area'. How effective these limited powers are we shall examine later.

Police authorities in England and Wales comprise two-thirds local councillors and one-third magistrates. Here it should be noted that while this balance represents an increase in elected representatives for the country areas (where the division had been 50:50 since 1888), the introduction of magistrates in the urban areas effectively reduces the elected element and adds a generally more conservative element. In England and Wales the police authority is not a committee of the local council, its powers and responsibilities being directly imposed by legislation, not delegated by the council. So, although the council appoints the councillor component of the authority, it has no power over it except to approve or veto its expenditure. Even here there is an important exception: expenditure required by Home Office police regulations, including police pay, must be approved. Councillors can, however, question police authority members during meetings of the full council – although in some areas, such as Merseyside, councillors are not permitted to discuss certain items on the police committee's minutes.

The only exception is that of the Metropolitan Police. In London, the police authority is the Home Secretary and although the London boroughs (as elsewhere) contribute about half the total cost of the force, they have no say whatsoever in how London is policed.

In Scotland the role of the police

authorities is similar to those in England and Wales, but their composition is quite different. Six of the eight police forces are responsible to the full local regional council as the police authority, while the two joint forces that cover more than one local authority area are responsible to a standing joint committee. With these two exceptions, therefore, the police authorities in Scotland are the local councils and although authority functions are usually delegated to a special committee (in the same way as other local authority functions), the decisions of the police committees are subject to discussion and ratification by the full council.

In Northern Ireland the first police authority was only established in 1970, following the report of the Hunt Committee on Police in Northern Ireland. Reporting in 1969, the Committee recommended, and the government accepted, that a police authority for Northern Ireland should be established whose membership reflected the proportions of different groups in the community and which, subject to the authority of the Minister of State for Northern Ireland, was responsible for the establishment and maintenance of an adequate and efficient police force. The Hunt Committee's recommendations were brought into effect through the Police Act (Northern Ireland) 1970. The Act laid down that the police authority should 'as far as practicable' be representative of the community in Northern Ireland and that its members be appointed by the Governor (this is now done by the Home Secretary).

The first police authority included representatives of the Association of County Councils, the Northern Ireland Committee of the Irish Congress of Trades Unions, the legal profession, the CBI, the New University of Ulster and the Standing Conference of Youth Organisations. The police authority has the same statutory duty as those in England and Wales, with the additional power to set up a tribunal of inquiry into 'a matter affecting or appearing to affect the public interest' (section 13(2)).



## Reports to police authorities

All local police authorities meet on a regular basis, and in some areas there is an item on the agenda for questions to be put to the Chief Constable. Apart from the Chief Constable the key figures are the chairman and the clerk to the authority. They are the only members in regular contact with the Chief Constable. In general, however, members of local police authorities have limited powers to question how their communities are policed. Moreover, the available evidence shows that the limited powers that they do have are rarely used. A survey carried out in 1976 in England and Wales by the Association of County Councils and the Association of Metropolitan Authorities found that many police authorities considered it their primary duty to support their Chief Constables in all their efforts. This finding reflects not just the structural role of police authorities but the generally conservative composition of their membership, even in Labour-held councils.

The two means available to police authorities to question the policies of Chief Constables are: on the presentation of his annual report and by calling for reports on matters of local concern. Chief Constables have complete discretion about what they choose to include, or not to include, in their annual reports. Nowhere is it laid down what should be included and some areas can be specifically excluded: 'information which in the public interest ought not to be disclosed, or is not needed for the discharge of the functions of the public authority'. Furthermore, the annual report is presented to the police authority by the Chief Constable and is not discussed with them before its publication.

Surveys of the information included in annual reports show great variations from force to force, and in many cases no information at all on controversial areas of policing (such as riot training and the formation of special units, like Special Patrol Groups). For example, in the eight reports from Scottish police chiefs in 1978

none reported on the use of the Prevention of Terrorism Acts (even though Dumfries and Galloway police used the Acts more than any other British force apart from the Metropolitan and Merseyside police); some did not provide details of complaints made against the police; and none reported on the existence of their local Special Branches (see *Bulletin* no 12).

Although in the past few years some forces have been more open about their more controversial activities, such as surveillance by the Special Branch, annual reports by and large are not very informative to the general public, and are not used as a means of calling the police to account for their actions by the representatives of the local community.

The other avenue open to police authorities is to ask for reports. The previously mentioned survey of local police authorities, carried out in 1976, showed that 10 of the 41 forces in England and Wales had never asked for a report, and only in 10 cases were reports regularly sought. The power to call for reports is thus hardly used.

Matters of genuine public concern often don't get on to the agendas of police authorities. Thus, in Wales none of the four police authorities discussed matters relating to the police 'Operation Fire', which was the largest ever police operation in Wales and which led to the arrest of over 50 people and extensive questioning and searches (see *Bulletin* no 18 and 'News' in this issue). Similarly, in Strathclyde when a Special Branch officer attempted to bribe a student at Paisley College of Technology to supply information, the convenor of the Police and Fire Committee of Strathclyde Regional Council told the press that she had no plans to raise the issue with the Chief Constables. She said, 'if there had been an increase in Special Branch activity she was sure it was justified' (*Scotsman*, 9.2.78). The matter was never discussed by the committee nor by the full council.

## The role of central government

As the control exercised by police authorities has diminished, that exercised



by central government has increased significantly. The mechanisms of control are the Inspectorate of Constabulary, the state's financial control of 50% of the cost of the force, the veto on senior appointments and the strength of the police establishment, the making of regulations on discipline, wages and conditions, and the issuing of circulars to Chief Constables offering 'advice' on the performance of their tasks.

The origin of increasing central direction by the state dates from the Desborough Committee, set up after the police strikes of 1918 and 1919. Subsequently, a Police Department was set up within the Home Office and the central government financial contribution was doubled. The Committee recognised 'the police as a service, an integrated system, rather than a collection of separate forces each concerned with its merely local requirements and personnel' (quoted in Critchley, *op.cit.*, p190).

The influence of central government has also increased through the provision of what are known as 'common police services', which include the Police National Computer, to which every force has access, and the Illegal Immigration Intelligence Unit. In addition, the role of the Home Secretary as police authority for the Metropolitan Police has been enhanced as Scotland Yard has increasingly provided national police facilities and resources. These include the Special Branch computerised records and specialised training facilities.

The Home Office has important powers. It trains and is closely involved in the appointment of officers of ACPO rank, i.e. Chief Constables, Deputy Chief Constables and Assistant Chief Constables (and their London equivalents). Most of these tasks are carried out by F1 division in the Home Office. This is one of the seven principal divisions of the Home Office Police Department. F1 is responsible for such matters as police strength, organisation, recruitment, pay and conditions, appointments and inspection, as well as for the Home Office's functions as police authority for the Metropolitan Police.

The Home Office also maintains the Inspectorate of Constabulary which, although not part of the Police Department, works in close harmony with it. The Inspectorate, normally staffed by senior police officers, often former Chief Constables, carries out an annual inspection of each force. It reports to the Home Office, not to the local police authority. Both the Inspectorate and the Police Department are headed by the same Deputy Under Secretary, Robert Andrews. In Scotland, most of these functions are carried out by division IB of the Scottish Home and Health Department (part of the Scottish Office).

The police authorities themselves provide a further layer of standardisation in the process. Local authorities liaise quarterly through the police committees of the Association of County Councils and the Association of Metropolitan Authorities. Both Associations provide members who sit on the Police Negotiating Board – responsible at a national level for reviewing police pay and conditions, in conjunction with the police representative bodies. The Associations also provide members for the various Home Office policing committees – such as the Police Advisory Board and the Police Training Council – which supervise recruitment, services and training. A joint ACC/AMA working party on police matters, attended by some Chief Constables, provides a further forum for coordination between the two types of local authority.

The ACC and the AMA police committees are composed of representatives of the relevant local authorities, and are attended by senior local government officers (chief executives, for example, or county treasurers) as well as Chief Constables: Sir Philip Knights, of the West Midlands, currently attends AMA police and fire committee meetings, while Barry Pain, from Kent, attends the ACC police committee. The AMA committee includes a representative of the Greater London Council, even though the GLC has no police authority functions. Each year, the ACC and the AMA hold a joint



conference with the Association of Chief Police Officers. This conference has no formal constitutional function but is attended by most Chief Constables and representatives of each police authority, as well as by senior local government officers and civil servants.

This adds up to a major network of formal and informal contacts for discussing policing. There is very little evidence, however, that it exercises any more control over national police decision-making than the individual police authorities do at local level. Indeed, there are regular indications of the erosion of AMA/ACC powers: these have recently included the exclusion of the Associations from membership of the Home Office working party on the investigations of complaints against the police involving serious injury, and a reduction in the Associations' representation on certain consultative committees.

The Secretaries of State have a number of powers in the area of accountability. They may call for reports from Chief Constables on matters connected with the policing of their area, a power rarely used, and they may initiate special inquiries into policing. In 1964, for example, an inquiry was set up into the behaviour of a Metropolitan Police officer, Detective Sergeant Challenor, who was found to have planted half bricks on people arrested at a political demonstration. In 1971-72 the Inspectorate of Constabulary was asked to carry out a special inquiry into the City of Leeds police, the report of which was never published. In 1975 an inquiry was held on the events surrounding the demonstration at Red Lion Square during which a student, Kevin Gately, was killed. Since then there has been no such inquiry in England and Wales, and none at any time in Scotland.

### **Police accountability in practice**

So far we have examined the formal mechanisms which supposedly place restraints on the exercise of police powers and have seen how these mechanisms fail to

provide adequate checks, even if they were to be exploited to the full. Over the past few years the lack of any accountability of the police has led to increasing public concern and frustration at the inability to influence police officers through democratic channels or to call chief officers to account for their actions.

This frustration has given rise to a variety of responses. In some cases, police authorities have openly questioned their Chief Constables, or set up their own inquiries; in others, 'unofficial' inquiries have been set up – in which the police have persistently refused to co-operate. In certain places, particularly in poor urban working-class areas, often with a large black community, relations with the police have reached their lowest ebb. Although Home Secretaries and several Chief Constables have tried to present critics of the police as a noisy minority, more enlightened police chiefs recognise that there is a 'crisis' between the police and the public and that in some parts of the country the 'consent' of the policed, the community, can no longer be assumed. Below are some examples of the different responses to what is essentially the same problem – how can the police be made accountable to the community that they are meant to serve?

*South Yorkshire:* In July 1978 conflict erupted between the South Yorkshire police authority, and the then Chief Constable, Stanley Barratt. This followed an incident in Sheffield when the police arrested a black youth, complaints to members of the council about police attitudes to the public, and Barratt's refusal to appoint a warden to a pedestrian crossing (the police authority was unsuccessful in its attempt to force his hand over this by cutting the police budget). The chairperson of the police authority, George Moores, said at the time that he felt the authority was 'merely rubberstamping decisions of the police force'. The authority subsequently set up a working party to look at the 'relationship between the police and the public in South Yorkshire', with which the



Chief Constable refused to co-operate. In its Report, published in March 1979, the working party strongly criticised 'reactive policing' and called for a change in police attitudes towards ethnic minorities and gays, and for a revision of the police complaints system (see *Bulletin* no 18). Since then a new Chief Constable, Mr Brownlow, has been appointed and relations are said to have improved somewhat.

*West Mercia:* In December 1979 the Liberal group on Hereford and Worcester County Council failed to get the support of the local police authority for a motion urging the introduction of 'community policing'. At the meeting the Chief Constable, Alex Rennie, said that he was not prepared to be accountable to local government committees for his actions, that the present measures were adequate, and any extension of them would impinge on his time and be counterproductive. At the same meeting, the authority took less than a minute to approve an all-time record level of spending on the police (*Worcester Evening News*, 12.12.79).

*Merseyside:* Tension between Labour members of Merseyside's Tory-controlled police authority and their Chief Constable, Ken Oxford, came to a head in October 1979. Oxford refused to disclose to them the substance of the police inquiry carried out into the death of Jimmy Kelly. At a meeting of the authority, he accused some councillors of 'vituperative, misinformed comments', having, at an earlier meeting, reportedly told members of the authority to 'keep out of my force's business' (*Economist*, 13.10.79).

In response the authority set up a working party to look at the 'role and responsibility' of the police authority. After the working party report was issued, in February 1980, Councillor Margaret Simey, a longstanding member of the authority, commented: 'I realise now that there is no hope of running a big modern police force on rules that are really no more than a gentleman's

agreement' (*Weekend World*, 23.3.80). 'Mr Oxford does not seem to think the police committee is worth proper consideration and the Tory majority do not seem to think that there is anything wrong in that' (*Observer*, 21.10.79).

*Northern Ireland:* The situation in Northern Ireland, in which the army plays a major policing role, and where a significant proportion of the population are deeply suspicious of the Royal Ulster Constabulary and lack confidence in all state institutions, clearly cannot be compared to that on the mainland. However, the case of James Rafferty illustrates the unwillingness of the authority to carry out its statutory responsibility when faced with the reluctance of the RUC to co-operate (Peter Taylor, *Beating the Terrorists? - Interrogation in Omagh, Gough and Castlereagh*, Penguin, 1980).

James Rafferty was detained and interrogated for three days in Omagh police station in November 1976 in connection with the activities of a local Provisional IRA active service unit. He was released without charge but spent the next four days in hospital recovering from his injuries. He subsequently filed an official complaint, one of 41 complaints of 'assault during interview' filed during that month.

Rafferty's case was taken up by Jack Hassard, the trade union representative on the police authority and a member of its publicity and complaints committee. This committee met monthly at RUC headquarters to inspect the records of complaints made against the police and its members were already in conflict with the then Chief Constable, Kenneth Newman, over his refusal to allow them to see the reports of the officers investigating the complaints. The police argued that the files were confidential during an investigation.

Anticipating these obstacles, Hassard asked the police authority to set up a tribunal of inquiry, a power it had not used previously. The authority, seeking to avoid adverse publicity for the police, persuaded Hassard to suspend his motion until the



committee had discussed the case fully at its next meeting. Meanwhile, the RUC had investigated the complaint and sent the file to the DPP – making the case *sub judice*. When the authority finally discussed the case in March 1977, Hassard was excluded from the meeting because the police argued that, as one of those who had made an official complaint, he was an interested party. No one informed him what was said at the meeting. By the autumn of 1977 no reply had been reported from the DPP. When pressed by the committee, the police admitted, in October, that the file had been returned by the DPP in May for further information and had been with them for the last six months.

In December 1977, when Hassard again demanded a tribunal to investigate the complaint, the discussion was postponed by the committee. In February Hassard repeated his demand for a tribunal and claimed that the DPP had given them the 'brush off'. He was then told that the DPP was awaiting the outcome of the re-trial of a suspect who was interrogated at the same time as Rafferty and allegedly heard his screams and shouts. In March 1978 the committee finally agreed to propose a tribunal of inquiry.

Exercising the power it believed it had under the 1970 Police Act (Northern Ireland) 1970 (section 15 (2)), which states that 'The Chief Constable shall, whenever so required by the Minister or the police authority, submit to him or them reports in writing on such matters as may be specified in the requirement' (i.e. to maintain an adequate and efficient police forces), the authority asked the Chief Constable for a report on the RUC's investigation of Rafferty's complaint. He refused on the grounds that 'it was not necessary to the authority in order to discharge its functions'. The police authority informed the Secretary of State, Roy Mason, that unless the DPP made a decision soon, it would set up a tribunal – and announced its decision to do so in October 1978. The tribunal was appointed in Spring 1979 but did not meet until late in 1980. Soon after

the hearings began, the police, on the pretext that Rafferty had refused to disclose some information unconnected with his period in custody, withdrew from the case and refused to give evidence. A subsequent High Court hearing ruled that the tribunal did not have the power to subpoena the police to give evidence, and so it was forced to report without the crucial police evidence. The report is now with the Attorney General. Disgusted by the attitude of both the authority and the police, Hassard had resigned from the authority in June 1979.

At the end of January this year, more than four years after the event, four officers of the RUC were charged with assaulting Rafferty.

*London:* Many of the recent controversies over policing and the inadequacy of the existing means of police accountability have arisen in London. The Metropolitan Police is not accountable to an elected police authority but to the Home Secretary. The London boroughs pay nearly half of the London police's budget, but they have no means of influencing how the community is policed. Moreover, based on the provincial experience, it is clear that the introduction of a police authority with representatives from the Greater London Council would have only a very limited influence.

Relations between the police and the community in London are at their worst in what the police term 'high-crime areas', where 'fire-brigade' policing is a fact of everyday life. Here we look at three examples – Southall, Lambeth and Lewisham – which are indicative of a more widespread disillusion with the police.

*Southall:* The events of April 23, 1979, will never be forgotten – Blair Peach was killed by members of the Metropolitan Police Special Patrol Group, 342 people were arrested and charged, and hundreds more were beaten up on the streets (see *Bulletin* no 12). On that day thousands of members of the Asian community took the day off work in order to demonstrate their anger at the holding of a National Front



meeting in the town hall. This anger stemmed, at root, not just from the provocative action of the NF but from the years of discrimination, attacks and killings that had been visited on the Asian community over the previous 30 years.

The initially peaceful demonstration was broken up by the police who, having underestimated the size of the demonstration, first reacted by making mass arrests (the largest number in a single day since the early 1960s), and then resorted to dispensing 'justice' on the streets – Peach's death symbolised this (the events of April 23 and the consequent trials are documented in *23 April 1979*, a report by Southall Rights, 1979; *The Report of the Unofficial Committee of Enquiry*, NCCL, 1979, and their follow-up report published in 1980; *Real Trouble*, Runnymede Trust, 1980).

Merlyn Rees, the Labour Home Secretary at the time of the events, and his Conservative successor, refused to set up an inquiry into police behaviour on April 23 as empowered to do under Section 32 of the 1964 Police Act, despite extensive pressure from both inside parliament and outside.

*Lambeth*: A breakdown of relations between the police and community organisations in the borough of Lambeth led the Labour council to launch its own inquiry into police practices. Lambeth is typical of many deprived urban working-class areas with large black communities where the police employ 'fire-brigade' policing tactics (symbolised by rushing to 'incidents' in great numbers) and where the protection given to the community is appalling.

Although a police liaison committee was formed in 1977, it was often by-passed, and a series of events – the persistent use of 'sus', the regular 'visits' of the SPG in great numbers, and the harassment of young West Indian youth – finally led to the Council for Community Relations withdrawing from the police liaison committee (which has not met since). In March 1979 Lambeth Council decided to set up its own inquiry (see *Bulletin* no 11).

The nine members of the inquiry, which

became known as the Working Party on Community/Police Relations, consisted of two Labour and one Tory councillors, the borough Dean, a member of the local Trades Council, a local education worker and three people from outside the borough – a barrister, a community relations worker and a writer. Three were black, three were women. The Working Party invited local people and organisations to submit their experience and views through a poster and leaflet campaign and adverts in the local press. The response was very large. 257 submissions were made, resulting in some 1,500 pages of evidence. Of these submissions, only 34 expressed satisfaction with the local police (*Final Report of the Working Party into Community/Police Relations in Lambeth*, Press Office, Lambeth Town Hall, Brixton Hill, London SW2. £4.00).

The Report, published in January 1980, showed that the bulk of submissions painted a picture of widespread racism by the police – both in the assumption that all black youth were potential criminals and in the police's failure to protect the black community from racial attacks. This failure to protect the community also extended to crimes on working-class estates. To many black people, the Report concluded, the police represented an 'army of occupation', especially in the Brixton area. As one black mother said:

'Our experience is that deep down there is a fear. You expect to rely on the police, but when you can't trust them the whole basis of our community is at risk.'

The Working Party found that police behaviour during arrest, detention and interrogation at police stations provided many examples of intimidation and breaching of the Judges Rules. As against this, the Report said that the police solutions, such as the Juvenile Bureau, liaison committees and local beat police, ended up as 'public relations' exercises as there was no real control over the police by the community.

The Report concluded that relations between the police and the community in



Lambeth were 'extremely grave' and drew particular attention to the fact that, in Lambeth, the police were already employing many of the powers which they demanded from the Royal Commission on Criminal Procedure – random stop and search; the use of the same search warrant on a number of occasions, and setting up roadblocks some of which the Commission has backed.

*Lewisham*: Frustration at their inability to influence local policing policy led Lewisham council to threaten the unprecedented action of withholding its contribution from the rates to the upkeep of the Metropolitan Police (see *Bulletin* no 18).

Commander Walker, then head of the 'P' District, replied that: 'The police are the most accountable body there is', and that relations with the Council's police liaison committee 'are good'. Cllr. Dowd described the liaison committee as 'lukewarm'. And Cllr. Hawkins, the leader of the council, said that the police 'must be accountable just as I am as a councillor'. The threat seems to have had some effect. In October 1980 Cllr. Hawkins told the council that their action had been vindicated as relations with the police had improved since a new Commander had been appointed (Commander Walker was promoted out of the borough).

Despite renewed criticism over the handling of the Deptford fire murders investigation, the council paid its police precept on April 1.

### Proposals for change

Frustration at the inability of the present system of 'accountability' has led to demands for changes in the role and powers of local police authorities. In turn, police chiefs have attacked critics of the police and strongly opposed proposals for more democratic control. In 1979 Labour MP Jack Straw introduced two Bills in parliament designed to increase the powers of police authorities and the accountability of the police to them. Both Bills embodied

the principle that local police authorities should be able to direct policing policies (i.e. operational practices). The Bills proposed that the Chief Constable should present a report on his policing policies with recommendations, and that these would be open to discussion with the police authority having the power to amend, accept or reject them.

As both Bills were introduced under the 10-minute rule formula (which allows Bills to be presented by MPs, but under which they stand no chance of going any further unless backed by the government), they did not get beyond a second reading. The point, however, was made, as was the government reaction. In February Home Secretary William Whitelaw told Michael Meacher MP that no legislation would be introduced to strengthen the powers of police authorities as the 1964 Police Act continued to 'provide a satisfactory framework' (*Hansard*, 5.2.81).

Not surprisingly, Chief Constables are opposed to any limitation to their powers, especially if this involves democratically elected local councils which would introduce 'politics' into policing. This position is argued by police chiefs who are often opposed on other questions, such as Mr. Anderton, the Chief Constable for Greater Manchester, and Mr. Alderson, the Chief Constable for Devon and Cornwall. Anderton sees even the most mild demands for greater accountability as dangerous, even when they are 'genuine attempts by reasonable people at local level' (*Police*, February 1981). Instead, he argues, Chief Constables should assert their independence, accept that they have been forced into the political arena 'with all that implies' and 'show less diffidence in speaking their minds'.

Alderson, often considered a 'liberal' police chief, is also an active opponent of increased accountability. In his book, *Policing Freedom*, he argues that greater democratic accountability would damage the image of police 'neutrality' in the tug of war between different political ideologies. Alderson's 'democratic police force'



(undefined) 'should be enabled to and should serve all' in order to contribute to 'the common good and not be the servant or tool of the majority'.

Police organisations are no less opposed. Tony Judge, the editor of *Police*, the magazine of the Police Federation, and a former Greater London councillor, has described the local police authority as a 'body . . . beyond resuscitation'. He argues that:

'What is needed, surely, is a system which increases police accountability to the wider community . . . the nucleus might be found from community relations councils . . . capable of becoming a genuine consultative system for police purposes . . . There is no reason why local government should not be represented in such machinery, but it need not be dominant' (*Municipal Review*, November 1976, our emphasis).

This concept is very close to the ideas put forward by Alderson and others and represents, when viewed historically, a major shift in the role of the police. The police are no longer the 'servants' of the community, or of its elected representatives, but the 'masters' who create mechanisms through which the community may be 'consulted' in order to retain its 'consent' to be policed in such a manner as the police themselves shall determine.

The likelihood that more rather than less power will be given to the police, and that local police authorities will remain toothless, was reinforced by the Report of the Royal Commission on Criminal Procedure (Cmnd 8092, HMSO, 1981). The Commission failed to define the accountability of the police to the community by drawing on the long-standing ethos of police as 'servants' and 'guardians'. It did not venture outside of its terms of reference, which were to examine the pre-trial criminal process with regard to 'the interests of the community in bringing offenders to justice and to the rights and liberties of persons suspected or accused of crime' (para 1.11). If it had looked at this

process in its historical context, then any extension in the powers of the police would have made it incumbent on it also to make the police more accountable to the community. Its conclusion was to equate 'accountability' with 'openness' – decisions must be written down by the police, approved by senior officers and occasionally by magistrates. The Commission's narrow definition of accountability – that the police be accountable to the police and sometimes to the magistrate, but never to the community – allows the question of making the police accountable for their actions and priorities to the people on whose behalf they act to go completely unnoticed.

The Commission's proposed 'safeguards', for example, in proposing a power to set up road blocks, include stating the reasons for the road blocks in the written authorisation which would be given by a senior police officer, giving an explanation to anyone stopped, reporting on road blocks 'periodically' to the police authority, including them in the Chief Constable's annual report and subjecting their use to the 'scrutiny' of the Inspectorate of Constabulary.

Despite receiving a considerable body of evidence which pointed to extensive abuse by the police of their powers (including admissions to this effect from the police themselves) and which argued that control of the police could only be achieved by effective restrictions on police powers and greater accountability to the community, the Commission not only recommended increased police powers, but did so within the context of an empty concept of accountability.

### **Conclusion – a return to first principles?**

This Paper shows that local control over the police has shifted since the 19th century. In the era before universal suffrage there was a high degree of control over the police by local councils. Where modern police authorities have attempted to intervene, they have come up against the open hostility of the Home Office, police organisations,



and, in particular of Chief Constables. Indeed, the current role of police authorities might best be seen as one merely of legitimation, of presenting a face of local and democratic control of the police to the public. Their supposed role also serves to hide from scrutiny the increasing activities of the police carried out on a regional basis (like the existence of regional squads and 'mutual aid' arrangements for demonstrations and strikes), and the role that central government plays in determining long-term policies.

Throughout their history the police have always made the claim that they act 'neutrally', in the interests of all, but in fact they have always defended the status quo, the relations of a class society, and they have always acted against those who have struggled to establish the right to strike, to demonstrate, for freedom of the press and free speech, and the right of

women to vote.

Yet at the same time, the police have – at least until the recent past – portrayed themselves as the 'servants' and 'guardians' of the community and its freedoms. The demands for formal and effective mechanisms to make the police accountable to democratic bodies both reflect and are a response to this ethos in its traditional sense. They reflect too the fact that the political choices involved in police 'operational' policies should be subject to open and democratic decision-making and not left in the hands of Chief Constables.

But formal structures alone, however reformed, will not suffice. The ethos of the police as 'servants' of the community and the realisation that they can only perform their functions with the genuine consent of the policed would have to be put into practice on the streets and in the police stations around the country.



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## BOOKS

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**THE SECRET CONSTITUTION: An Analysis of the Political Establishment, by Brian Sedgemore. Hodder & Stoughton, London, 1980, 256 pp., £7.95**

Public knowledge of what happened under the premiership of Harold Wilson is extended by this book, the central theme of which is the need for more open government. Following the anecdotal evidence of Crossman, Joe Haines, Marcia Williams, Barbara Castle and other inside chroniclers, Sedgemore provides a much more systematic account of aspects of prime ministerial and civil service power.

Sedgemore was in the administrative class

of the civil service from 1962 to 1967 and a Labour MP from 1974 to 1979. Throughout 1977 and 1978 he was parliamentary private secretary to Tony Benn at the Department of Energy. He was dismissed by Prime Minister Callaghan for catching Chancellor Healey misleading a parliamentary select committee over the contents of a confidential cabinet document. Sedgemore is thus well placed to assess the politician-civil service relationship. 'When I first joined the civil service,' he recalls, 'the term "politically suspect" was used about members of the Labour Party.'

Sedgemore explains why 'effective power does not reside in parliament' and 'there is little that is democratic about the exercise of that power'. The 'establishment, by which I mean leading men in the City, captains of industry, press barons, those at the top of the Church hierarchy and the professions, is determined that government in Britain should remain élitist, oligarchic, bureaucratic and secretive.'

Secrecy is seen as essential because 'information is power'. In Britain 'everything that the government and public



officials do is an official secret under Section 2 of the Official Secrets Act 1911 unless the release of the relevant information is specifically authorised by a minister.' He cautions that 'the "right to know" should not be confused with the perennial Home Office desire to reform Section 2 of the Official Secrets Act 1911 so as to make it more effective and secure more convictions in the courts.'

Government is not only riddled with secrecy, but there is a hierarchy. The Prime Minister frequently withholds information from cabinet colleagues (thereby destroying the foundations of cabinet responsibility), whilst his powers of appointment create a collusive relationship with a very few top civil servants which ensures that they feel no accountability to the ministers they are supposed to serve. Moreover, 'the executive is largely being scrutinised by people who want to be part of the executive.'

Among the mass of information which Sedgemore marshalls is some three and a half pages of subjects of parliamentary questions which may not be asked, which include: strategic food reserves, arms sales, foreign forces training in the UK, instructions to research councils, unemployment and income projections, ministerial meetings of the NATO Council, phone tapping, operational matters for the police, intelligence sources, cabinet committees, personal information gained from social security schemes, research contracts, etc., etc.

There are valuable statistics on the exercise of prime ministerial patronage, and some accounts of responses to sanctions busting and attempts to deal with the private nuclear industry. There are also some glimpses of what is called 'Downing Street guidance', the process whereby the Prime Minister's staff brief Fleet Street off the record on what they wish to see in the following day's papers. This can include anything from the character assassination of a cabinet colleague to a fanciful account of supposed successes by the government in matters too secret to specify.

Sedgemore does not question the need for secrecy to protect 'the national interest', which in a world of permanent militarisation and client states can cover almost anything determined by the superpowers. This can drive a coach and horses through any plan for open government, and deserves serious attention.

Such matters aside, readers of the Bulletin will find this one of the more important texts of the past year. It is much to be hoped that Brian Sedgemore will continue to write on the political establishment.

**WAR SINCE 1945, by Michael Carver.**

**London: Weidenfeld and Nicolson, £10.50.**

The 'Third World War', as Western strategists term it, is changing direction. After 36 years, this bitter but still largely unrecognised global battle between the industrialised capitalist countries and the liberation struggles of the peoples of Third World countries has entered a new phase of warfare. The major international armed clashes since 1945 have largely followed the withdrawal of formal imperial control by the colonial powers – particularly Britain, France, Holland, Portugal and Japan – and have been fought by retreating armies trying to leave behind new nations under Western influence. Western strategists have lumped these clashes together and dubbed them the 'Third World War', thus legitimising Western intervention in what in reality have been national liberation struggles.

But with nearly all the old territories now at least nominally self-governing the West no longer has the widespread network of military bases that were used for armed operations to maintain supplies of oil, food and raw materials. Now 'rapid deployment forces', based in the capitalist homelands, are to be used for overseas interventions, a more overt, aggressive and controversial method of warfare that is likely to spark off opposition movements in Europe and America that the earlier battles seldom did (except with Vietnam).

Lord Carver, the former military head of all Britain's armed services, has for the first



time identified, analysed and described in precise detail this important and very recent change in the nature of modern warfare, but never actually uses the term 'Third World War'. This is a low-key, almost bland instant history which is going to become a strategic/tactical handbook for military staff colleges from Camberley to Riyadh.

'War since 1945' is a misleading title, as only those wars which resulted from the 'recession of imperialism' (British, French and Japanese) and which affected Britain are described. There is nothing about the wars in Central and South America, the Chinese Civil War, the Dutch and Portuguese colonial struggles, or, most controversially, Northern Ireland – apparently strange omissions unless Carver's understated purpose (and his limited definition of imperialism) are grasped.

Carver has produced a history of the wars in Korea, Indo-China (including Vietnam), Borneo, Malaya, India, the Middle East, Cyprus, Aden, Algeria and Kenya – and has made clear the lessons that the British military and NATO should draw from them for the new battles that President Reagan has promised us.

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## BOOKS RECEIVED

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*Assassination on Embassy Row*, by John Dinges and Saul Landau. London: Writers and Readers, 1981, 411pp., £6.95. Fully documented record of 1976 execution in Washington of former socialist minister Orlando Letelier by Chilean secret police. Excellent example of how painstaking research by author-investigators can both identify specific criminality (the DINA's hit squads) and open wider issues (the understandings between 'friendly' dictatorships and metropolitan intelligence agencies).

*The Protest Makers: The British Nuclear Disarmament Movement of 1958-1965 Twenty Years On*, by Richard Taylor and Colin Pritchard. Oxford: Pergamon Press, 1980, 190pp., £10. Not a history, but a sociological and political assessment of a vital (and much misunderstood) movement based on interviews

and questionnaires. Some regrettable omissions and occasional indiscriminate reliance on dubious published sources mar an otherwise necessary ingredient in some future full study.

*The Atom Bomb Spies*, by H. Montgomery Hyde. London: Hamish Hamilton, 1980, 236 pp., £7.95. The U.S. Freedom of Information Act has permitted the author to add only slightly to the story of Nunn May, Fuchs, Pontecorvo and the Rosenbergs. Crucial parts of the F.B.I. archives are still closed, and Hyde raises few interesting questions.

*The Public and the Bomb*, by Major-General Frank M. Richardson. Edinburgh: William Blackwood, 1981, 104 pp., £1.50. Patently sincere and painfully ludicrous propaganda for civil defence, based on (half true) conviction that both author and entire public don't know official calculations and plans for nuclear war.

*The War Machine: The Case Against the Arms Race*, by James Avery Joyce. London: Quartet Books, 1980, 211pp., £6.95. Popular in description, short on prescription.

*Left, Right: The March of Political Extremism in Britain*, by John Tomlinson. London: John Calder, 1981, 152 pp., £4.95. Former PPS to Harold Wilson and junior minister at Foreign Office replaces methodology with assumption, fact with speculation and research with compilation.

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## PAMPHLETS

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*Ten Years on in Northern Ireland: the legal control of political violence*, by Kevin Boyle, Tom Hadden and Paddy Hillyard. The Cobden Trust, London, 119pp, £2.50. This readable pamphlet, based on extensive empirical investigation, attempts an overview of the legal and political results of emergency powers in Northern Ireland. It details the change in state strategy from military security to police prosecution, the Diplock courts, the legal background to the 'H' blocks dispute and concludes with a chapter on the various policy options open to the British government. The authors believe that the 'Criminal Prosecution Model', in which the courts play a major role in controlling political violence, is the best way of ensuring stability in the province. For this to be



successful the legal system has to be seen to be impartial. Accordingly the authors put forward detailed proposals for the reform of the Diplock system.

Much of this analysis will be of relevance to the debate on the Royal Commission on Criminal Procedure, particularly in relation to police powers of arrest and the admissibility of evidence unlawfully obtained during interrogation.

The pamphlet contains much new and fascinating research on the policy of 'criminalisation' of political violence and the workings of the Diplock courts. The authors' basic argument that state machinery in Northern Ireland can be reformed will remain contentious. However the book will be of great value to anyone with an interest in this subject.

*Living on the Front Line*, by Aberdeen CND, published by Aberdeen People's Press, 163 King Street, Aberdeen AB2 3AE, 75p. This is an excellent account, complete with photographs, of US and British military installations in the north east of Scotland, particularly those related to communications. While the central emphasis is on the region as a military target, the pamphlet also provides much useful local information on the administration of the region in the event of a nuclear war – or other emergency – and recognises the threat to civil liberties implicit in current 'home defence'.

*Target Teeside, Civil Defence in Cleveland*, by Peter Smith, published by Cleveland Peace Campaign, 20p. An examination of the home defence 'Operation Square Leg' held last year, with specific reference to Cleveland, this pamphlet is of rather uneven quality but does contain useful information relating national plans to a specific locality. The pamphlet also examines local home defence plans.

*LRD Guide to the Employment Act* (62p post free); *The Tory Threat to Trade Union Rights* (22p post free). Both available from the Labour Research Department, 78 Blackfriars Road, London, SE1 8HF. The first injunction brought under the Tory Employment Act was made against West Midlands printworkers in March. The LRD Guide shows how this Act 'contains a whole range of provisions aimed at weakening existing trade union rights. It removes traditional legal protection for trade unionists who organise industrial action; it savagely restricts the right to picket.' Trade unionists' ability to organise industrial action is further

threatened by a Tory Green Paper on Trade Union immunities, analysed in the other LRD guide. The Green Paper proposes limiting the circumstances in which workers can go on strike; banning strikes by essential workers, or strikes which threaten a 'national emergency'; restricting still further – or even banning – the right to take sympathetic action; more restrictions on picketing; and the use of the police to enforce the employer's rights against picketing workers. The enactment of the Employment Bill has paved the way for the Tories to introduce their new proposals. The LRD guides give an all-too vivid picture of the way the state is encroaching on the hard-won, and vulnerable, rights won by organised workers.

*Nuclear Links: The Chain-Reaction of Energy, Arms and Underdevelopment*. Jointly published by Students Against Nuclear Energy and Third World First. 33pp, 50p. This pamphlet gives a radical perspective on Third World 'development' by the West, and a much needed international focus to nuclear power and arms transfers in the context of First/Third World relations. State Research readers are likely to be interested in the First World's drive to export nuclear power stations to create material to be reprocessed back home for its weapons programmes. Similarly, multinational corporations' exploration of Third World oil stocks (in fact a lack of exploration) is shown, along with the promotion of nuclear power and regional arms races, to be another mechanism of control enabling Western governments and Third World regimes to continue the exploitation of Third World people.

The pamphlet is not just a catalogue of multinational control and military domination of the Third World; it also offers a considerable amount of information on alternative resources that already exist, or could be developed, that are more suited to Third World needs. Although there are some annoying typographical errors (India exploded an atomic bomb in 1974, not 1979), considering the pamphlet was put together in a very short time, its factual standard is commendably high.

*Police Community Involvement in Scotland*, by N.J. Shanks. Free from Central Research Unit, Scottish Office, Room 5/72, New St Andrews House, Edinburgh. A recent Scottish Office research paper provides useful information about the development of police community involvement schemes in Scotland. Following a national crime prevention conference in 1971, a



Scottish Office circular was issued to Chief Constables encouraging them to increase their efforts with schemes which might encompass juvenile liaison, race relations, crime prevention propaganda and liaison with social work departments and community groups.

The report recognises the problems and contradictions (many of them articulated by the police themselves), especially the alienation of such schemes from mainstream policing and, implicit in their existence, a recognition that the traditional system of policing by consent is 'less firmly grounded than it has been in the past'.

*Knowledge of NATO*, by Maurice North and Russell Kelly, British Atlantic Publications, 1980. The British Atlantic Committee is a semi-official arm of NATO in Britain, and this pamphlet reports what 2,911 GCE 'A' level students in 27 public sector schools in England and Wales – about 1% of 'A' level students in late 1979 when the Cruise and Pershing-II missile decisions were taken – knew about NATO. They didn't know much. Some 60% could not name four members of NATO and 36% did not know what the initials stood for. Only those in 'preparation for a career in the military services' could name ten or more members of NATO, and 'less than 10% can name a large proportion of the NATO membership and can correctly identify NATO among a number of other initialled organisations' (p.13).

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## ARTICLES

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### GOVERNMENT

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