



SCOTTISH EXECUTIVE



Northern
Ireland
Office

Guidelines on SPECIAL BRANCH WORK in the United Kingdom

Foreword

Within the police service, Special Branches play a key role in protecting the public and maintaining order. They acquire and develop intelligence to help protect the public from national security threats, especially terrorism and other extremist activity, and through this they play a valuable role in promoting community safety and cohesion. These revised Guidelines – which replace the Guidelines issued in 1994 – describe the current broad range of Special Branch roles and functions at national, regional and local levels.

Although Special Branches continue to have important roles in the policing of extremist activity and in the provision of personal protection for VIPs and Royalty, counter terrorist work, in close co-operation with the Security Service (MI5), is currently the main focus of their activity. The current nature of the terrorist threat requires a flexible response and we are encouraged by the development of regional structures which will enhance this approach. In addition, the appointment of the National Co-ordinator of Special Branch will help ensure an even more effective joined-up approach.

We are grateful for the professionalism and efficiency with which all Special Branch Officers carry out their duties and we hope that the revised Guidelines provide a useful tool in describing and putting into context the essential nature of Special Branch working. We commend them to you.

The Rt Hon David Blunkett MP

Secretary of State for
the Home Department

Cathy Jamieson MSP

Minister for Justice

The Rt Hon Jane Kennedy MP

Minister of State for
Northern Ireland

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PURPOSE

1. These guidelines, which apply across the United Kingdom, replace those issued in Great Britain in 1994. They have been prepared following the recommendations made by Her Majesty's Inspector of Constabulary Report, "Need to Know – Thematic Inspection of Special Branch and Ports Policing" (January 2003) and Her Majesty's Inspector of Constabulary for Scotland Report 2000, "For Police Eyes Only", published in 2000 and in consultation with the Association of Chief Police Officers in England and Wales and Scotland (ACPO and ACPOS) and the Security Service. They have been approved by the Home Secretary, Scottish Ministers and the Secretary of State for Northern Ireland, who commend them to Chief Officers. The Guidelines set out the roles and responsibilities of Special Branch officers in the United Kingdom, the legislative framework within which they operate and the manner in which Special Branch work is co-ordinated across the United Kingdom.

SCOPE

2. These guidelines apply to all Special Branches established under the direction of Chief Officers in the United Kingdom. In effect, they set parameters within which Special Branch is expected to operate. The guidelines are not the product of any legislative requirement or directive. Rather, they seek to provide clarity on the work of Special Branch and make Special Branch duties more understandable and transparent. The implementation of the guidelines remains a matter for the attention of each Chief Officer. Special Branch remains an integral part of local police forces, accountable to, and through, individual Chief Officers and available to them to deploy on any duties arising from their responsibility for the preservation of the Queen's peace. These include the prevention and detection of crime and the ensuring of public safety and community cohesion by a particular responsibility for the protection of vulnerable communities. However, the primary function of Special Branch is covert intelligence work in relation to national security.¹ They should not be diverted from this unless absolutely necessary.

LEGISLATIVE FRAMEWORK

3. Since the publication of the previous guidelines in 1994, several significant legislative changes have taken place within the United Kingdom. Most notably, the Human Rights Act came into force on 2nd October 2000 incorporating the key provisions of the European Convention on Human Rights into United Kingdom domestic law. This legislation clearly regulates the activities of public bodies, such as the Police Service including Special Branch across the United Kingdom. Moreover, the covert activities of law enforcement agencies have seen radical legislative reform with the passing of the Regulation of

¹ In the Police Service of Northern Ireland, covert intelligence work in relation to national security and serious and organised crime is carried out by the Intelligence Branch within Crime Operations Department.

Investigatory Powers Act 2000 and the Regulation of Investigatory Powers (Scotland) Act 2000. Special Branch staff, like other members of the police service, must comply with these pieces of legislation. In particular, and in support of the overriding principle of protecting human rights, the use of the powers and authorities provided to the Police Service by virtue of these Acts are regulated subject to inspection and oversight by two independent commissions. Special Branch, as with all other areas of policing, is subject to the provisions contained within the Data Protection Act 1998 and, more recently, the Freedom of Information Act 2000.

4. There are no special powers or privileges attached to individuals simply by virtue of the fact that they work within Special Branch. Police officers with executive powers within Special Branch are accountable in exactly the same way as other members of the police service: under the relevant legislation and to the relevant misconduct procedures and ethical standards set down by both the Association of Chief Police Officers (ACPO) and Association of Chief Police Officers Scotland (ACPOS).
5. It should be noted that whilst Special Branch officers may report individuals for consideration of prosecution in contravention of any number of Acts or Regulations, in particular, they are concerned with policing the provisions provided within the Terrorism Act 2000 and the Anti-Terrorism Crime and Security Act 2001 (ATCS). In carrying out their functions, Special Branches must ensure that the powers used are both proportionate and appropriate to those functions in line with the principles of the Human Rights Act 1998, the Race Relations (Amendment) Act 2000 and any other legislation enacted to ensure equality of treatment across the wider community.

SECURITY CONTEXT

6. The security situation in the United Kingdom has changed considerably since 1994. The threat from Irish terrorism remains real and serious. Furthermore, the attacks of 11th September 2001, and subsequent events, have demonstrated the new scale and extent of threats posed to countries such as the United Kingdom by international terrorism. There exists a new threat of attacks using unconventional weapons and methods which are capable of causing mass casualties, from those who may wish to target the United Kingdom either now or at some point in the future. Such attacks could include foreign targets within the United Kingdom and United Kingdom targets overseas.
7. A wide range of threats to public order emanate from various sources and, whilst some of these threats relate to politically motivated violence, nevertheless, they are all capable of impacting seriously on public safety and the economic interests of the United Kingdom. Foreign intelligence services also continue to pose a threat to the United Kingdom's national security and economic well-being. There is currently little potential for any group to undermine or overthrow parliamentary democracy.

8. In accepting the shifting nature of the threats posed to the United Kingdom, it is important to recognise that:
 - Special Branches continue to make a crucial contribution to the protection of national security including, in particular, counter terrorist work, and have the police lead on working with the Security Service. Consequently, Chief Officers must ensure that Special Branches are adequately staffed and resourced to enable them to carry out their duties effectively;
 - the increased threat from international terrorism underlines the importance of the role of Special Branch Ports Units and their relationship with other agencies such as the United Kingdom Immigration Service (UKIS) and Her Majesty's Customs & Excise (HMCE) in the national defences against terrorism.

SPECIAL BRANCH STRUCTURE

ACPO (Terrorism and Allied Matters)

9. The Association of Chief Police Officers (ACPO/ACPOS) brings together police officers with senior officials from the Home Office, Ministry of Defence and intelligence agencies within a forum known as ACPO Terrorism and Allied Matters (TAM). This body is responsible for the development of national strategy and policy in relation to Special Branches, advising ministers and responding to consultation on issues of legislation and guidance. It is also responsible for the preparedness of the police service to investigate and respond to terrorist activity. Members of ACPO (TAM) represent the police service in a number of Government fora and provide a central point of strategic co-ordination for the police service.

ACPO Advisory Group (on Terrorism and Allied Matters)

10. In addition to the strategic role of ACPO (TAM), an ACPO Advisory Group meets frequently to co-ordinate counter terrorist effort and to provide advice on specific operational issues to Special Branches and the wider police service.

National co-ordination

11. While recognising the local nature of individual Special Branches and the responsibilities of Chief Officers, national security necessitates national support and co-ordination. In addition to the responsibilities of ACPO (TAM) above, national co-ordination is supported through a number of mechanisms:
 - The National Co-ordinator of Special Branch
12. The National Co-ordinator is appointed by and is responsible to ACPO and will work closely with ACPO (TAM), the Home Office and the Security Service. The role of the National Co-ordinator will be to co-ordinate and promulgate Special Branch Policy, set

standards and codes of practice for Special Branch activity and quality assure Special Branch implementation of best practice and policy. The National Co-ordinator draws together Ports Policing (including uniform ports security) with other aspects of Special Branch activity, through a deputy, the National Co-ordinator of Ports Policing. In Northern Ireland, the lead officer is the Chief Constable.

- The National Co-ordinator of Ports Policing (NCP)

13. The National Co-ordinator of Ports Policing, a Home Office appointee, works on behalf of ACPO (TAM) and the Home Secretary to co-ordinate SB activity at ports. Primarily, this role is to satisfy the Special Branch priorities and to encourage forces to task their officers in accordance with the national requirements set by the Advisory Group. In order to discharge this role, the NCP works closely with the Home Office, other border agencies, Department of Transport and Industry to ensure that both policy and operational activity are synchronised so that we optimise the effectiveness of our counter terrorist border controls. Uniquely, the NCP has an inspectorate function in order to quality assure the Special Branch port response throughout the nation. The National Co-ordinator of Ports Policing reports to the National Co-ordinator of Special Branch.

- The National Co-ordinator of Counter Terrorist Investigations

14. Special Branch intelligence activity will often lead to or arise from executive action by the police. This action may include the arrests of suspects and the search of premises in order to gather evidence for potential prosecutions. ACPO and ACPOS have agreed that the lead Chief Officer for this work is the National Co-ordinator of Terrorist Investigations. This post is held by the head of the Metropolitan Police Anti-Terrorist Branch. In Scotland, taking account the specific jurisdictional context, the National Co-ordinator of Terrorist Investigations will fill an advisory role in relation to terrorist investigations occurring wholly within Scotland.

15. A number of specialist national units exist to support and co-ordinate regional and local Special Branch activity. Most of these units are staffed by a combination of Metropolitan Police officers and seconded officers from other forces, who provide essential support and a truly national perspective. There are a number of other units, which have a national remit and are managed by the Metropolitan Police Special Branch.

Regional Co-ordination

16. Special Branch Regional Intelligence Cells support the co-ordination of activity on a regional basis in accordance with the principles of the National Intelligence Model, which supports the identification and prioritisation of business. Working through Regional Special Branch tasking and co-ordination groups and other fora they provide regional

strategic assessments of terrorism and other threats and develop regional responses to these issues in conjunction with police colleagues and partner agencies. Special Branches require the support of other police specialists to perform their role. This will mean an on-going requirement for the assistance of local, regional and national police units.

Force level

- 17.** Each police force has its own Special Branch. The size and structure of each Branch will depend on the nature and extent of the responsibilities and workload given to the Branch in the force area. The normal pattern is for the Special Branch and CID to be in the same chain of command. But whatever the organisational arrangements, it is desirable that the Head of the Branch should, given the nature of Special Branch work, have direct access to a chief officer and, where necessary, the Chief Officer personally.

SPECIAL BRANCH FUNCTIONS

- 18.** Special Branch exists primarily to acquire intelligence, to assess its potential operational value, and to contribute more generally to its interpretation. In this way, Special Branches make a positive contribution to the safety of communities across the United Kingdom and, in so doing contribute to local policing needs. In particular, Special Branches assist the Security Service in carrying out its statutory duties under the Security Service Act 1989 – namely the protection of national security and, in particular, protection against threats from terrorism², espionage, sabotage, proliferation of weapons of mass destruction and from actions intended to overthrow or undermine Parliamentary democracy by political, industrial or violent means. Special Branch also supports the work of the Secret Intelligence Service (SIS) in carrying out its statutory duties in support of national security.
- 19.** The acquisition of high-grade intelligence is vital to the effective work of Special Branch. Such intelligence takes a number of forms, including the handling of covert human intelligence sources (CHIS), intelligence-gathering, field enquiries, intelligence passed on from other parts of the Police Service, and surveillance by conventional and technical means. In general the need to maintain operational security around Special Branches means that their officers are not most effectively deployed in work other than their core functions. Against this backdrop, it is useful to examine in more detail the core areas of Special Branch operations in respect of which intelligence is vital.

² One of the functions of the Security Service is the protection of national security and in particular the protection against threats from terrorism. These functions extend throughout the United Kingdom, save that, in Northern Ireland, the lead responsibility for investigating the threat from terrorism related to the affairs of Northern Ireland lies with the Police Service of Northern Ireland.

Counter Terrorism

20. Both ACPO and ACPOS fully recognise that counter terrorism remains the key priority for Special Branch and combating terrorism is recognised as a key area for policing within the National Policing Plan for England and Wales and the Policing Plan for Northern Ireland. It is also a key policing priority for the Scottish Police Service. In all Force areas, Special Branches acquire intelligence on individuals and groups whose current or past involvement in acts or threats of terrorism is known or suspected, and on the supporters or sponsors of such activity. When necessary, and in co-operation and consultation with the Security Service, Special Branches may take action to prevent or disrupt any developing terrorist activity.
21. All intelligence about terrorism obtained by Special Branch is provided to the Security Service, which is the lead agency for the acquisition, assessment, dissemination and exploitation of national security intelligence in the United Kingdom. The Security Service sets the priorities for the gathering of counter terrorist and other national security intelligence by Special Branch, and will work with Special Branches to achieve these objectives. In the case of Irish republican terrorism in the United Kingdom, such information is also copied to the Metropolitan Police Special Branch which, for reasons of co-ordination and strategic oversight, retains a national responsibility in this area subject to the overall lead responsibility of the Security Service.

Counter Terrorist Security Advice

22. The work of Counter Terrorist Security Advisers is co-ordinated nationally on behalf of the ACPO committee on Terrorism and Allied Matters by the National Counter Terrorism Security Office (NaCTSO).
23. Each police force within the United Kingdom has one or more dedicated Counter Terrorist Security Advisers whose remit is to provide protective security advice to organisations and premises. This role, which in the vast majority of forces sits within Special Branch, is seen as a critical mechanism whereby Chief Officers can ensure that they provide dedicated counter terrorist protective security advice to key elements of the critical national infrastructure, businesses and organisations, thereby addressing a range of issues affecting community safety. The Anti-Terrorism, Crime and Security Act 2001 provides powers to the Police Service to inspect and enforce security measures within organisations holding or having control over potentially harmful substances which may be of use to terrorists.

Security at Ports

24. Special Branches make a significant contribution to countering the terrorist threat and maintaining national security by posting staff to Special Branch units at airports, seaports

and international rail termini. Their contribution, in the main, consists of identifying and gathering intelligence on persons involved or suspected of being involved in terrorism or other forms of extremism, which have the potential to detrimentally affect the safety of the public or public order. This function extends also to gathering intelligence on other Special Branch priorities. The principle tool at the officers' disposal is Schedule 7 to the Terrorism Act 2000.

- 25.** Special Branch officers at ports also contribute to the generic police effort towards the reduction of serious and organised crime by monitoring passengers in order to provide intelligence about criminal activity. Where appropriate the officers use their police powers to arrest criminals travelling through ports and to support other policing objectives. They also play an active role in the disruption and prevention of specific offences relating to the abduction of children through ports and protection of children or breaches of civil court orders.
- 26.** The effectiveness of Special Branch ports activity is enhanced through working very closely with colleagues in the United Kingdom Immigration Service, the Home Office, Her Majesty's Customs and Excise, the Department of Transport, the travel industry, the Security Service and other intelligence agencies.

Community Safety and Counter Extremism

- 27.** Special Branches in most Forces will also have responsibility for gathering intelligence on those threats to public order and community safety from individuals motivated by racial hatred or political conviction where their specialist skills are able to support the wider investigation. In this regard, Special Branches will liaise with, and are supported by the National Public Order Intelligence Unit (NPOIU). The NPOIU provides critical support to Forces across the United Kingdom in maintaining a strategic overview of public order issues (other than issues such as organised football violence, which is the responsibility of the National Criminal Intelligence Service, Football Intelligence Unit). In addition, Special Branch will also gather intelligence on political and animal rights extremist activity, anti-globalisation and environmental extremism and seek to prevent criminal acts on persons or property targeted by such extremists. Special Branches maintain links with all sections of the community and complement overall police responsibility to the public on relevant community safety issues. This relationship is parallel to the priorities of colleagues in other police service units.

Personal Protection

- 28.** Special Branches across the United Kingdom have a role in the protection of events taking place in their Force area and/or the protection of prominent individuals who are resident in or visiting their Force area and who may be subject to potential terrorist or other types of attack. In particular, Special Branches will contribute to the formulation of

risk assessments with input on particular threats from the Security Service or the Joint Terrorism Analysis Centre (JTAC) and the National Public Order Intelligence Unit (NPOIU). In some parts of the United Kingdom, the provision of armed personal protection in support of the Metropolitan Police Special Branch or the Metropolitan Police Royalty and Diplomatic Protection Department is provided by members of Special Branch, although in most forces this function is now carried out by other suitably trained firearms officers.

Other National Security Functions

- 29.** Special Branches may be asked to assist the Security Service and other intelligence agencies in the carrying out of their statutory duties referred to in paragraph 18, above.

Special Branch Personnel

- 30.** Special Branches across the United Kingdom are staffed by both police officers and police staff who collectively discharge a range of functions within their respective spheres of operation. In this regard, the vetting status of any member of a police force is a matter for its Chief Officer. However, given the particularly sensitive nature of Special Branch work, all Special Branch officers (whether police or civilian) should be vetted to Security Clearance (SC) level at a minimum in accordance with the vetting standards established and agreed nationally. In this way, Special Branches will be able to work effectively with the various intelligence agencies to ensure that the integrity of intelligence is maintained. In addition, each Special Branch is required to have individuals vetted to a higher level (Developed Vetting) in order that the most sensitive of intelligence can be fully exchanged, considered and acted upon.

Physical and Security Data

- 31.** All protectively marked information held by Special Branches in either hard copy or electronic format must always be handled and stored in a manner and environment corresponding to the protective marking of that information. This also applies to information about Special Branch operations which require the consent or authorisation of senior officers outside of Special Branch. Most information about technical or covert human intelligence source operations involving Special Branch will be at least 'Secret' in terms of the UK Government Protective Marking Scheme.

REVIEW

- 32.** These guidelines will be reviewed annually by the National Co-ordinator of Special Branch who will report on them to the Home Office, the Scottish Executive Justice Department and ACPO (TAM) making recommendations for amendment if appropriate. In this regard, these guidelines have been, and any subsequent amendments must be, developed in accordance with the general duty imposed by way of the Race Relations (Amendment) Act 2000, whereby they must promote race equality.

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