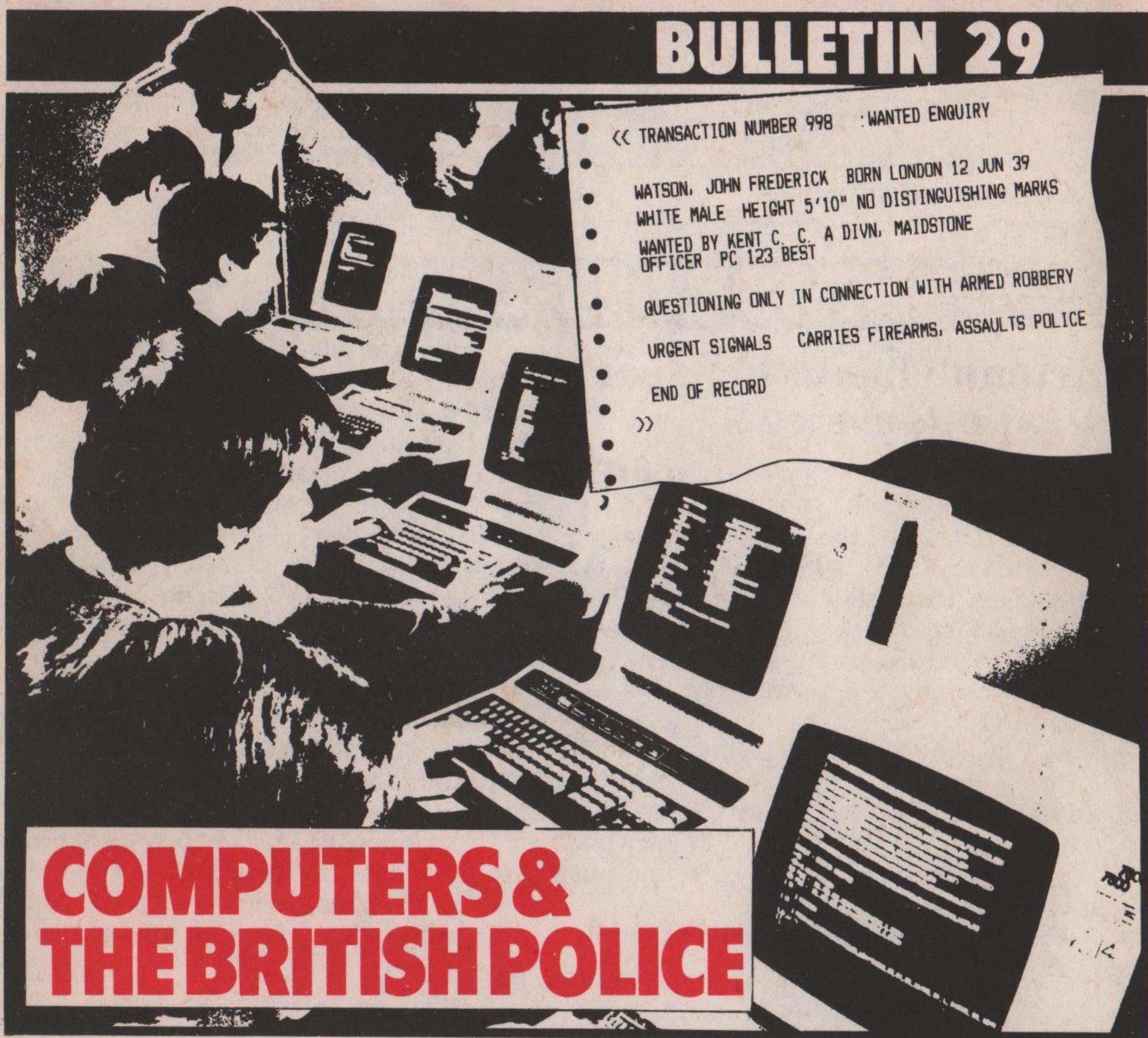


# STATE RESEARCH

BULLETIN 29



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END OF RECORD

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COMPUTERS &  
THE BRITISH POLICE

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Among the contributors to this issue of State Research Bulletin were Sarah Spencer, Phil Kelly, Joe Sim, Steve Peak, Chris Farley, Paul Gordon, Shelley Charlesworth, Brenda Kirsch, Steve Bassam, Penny Smith, Phil Scraton, Nick Anning, Chris Pounder, Tony Bunyan, TAGS (Scotland). Our apologies to Pete Kennard for omitting to credit him for the photomontage on the cover of bulletin 28.

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

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# •NEWS & DEVELOPMENTS•

## Bramall backs cheaper weapons systems

'The police will never have to turn in vain to us for help' said General Sir Edwin Bramall, head of the Army, in a major and controversial speech in February, 1980. Now Bramall is set to become Chief of the Defence Staff, in overall command of Britain's three armed services, but still in an atmosphere of controversy.

Bramall's speech in 1980 was called 'The Place of the British Army in Public Order' (see *RSA Journal*, July 1980, pp 480-492). He said he had chosen this subject 'not to sensationalise or alarm but indeed the reverse, to measure and put into perspective.'

He went on to say that it would be 'totally

inappropriate to use them (the armed forces) in a main public order role, unless disorder was occurring on such a scale that the police could not cope and our whole Parliamentary system was threatened . . . and the Armed Forces' only function in this context is a peripheral one for which their training and equipment may be better suited . . . We seek no other role.'

But this does not mean that the military has no part to play in public order. On the contrary Bramall identifies several roles for them. First there is that of specialist back-up to the police with services such as helicopters, bomb disposal, night vision, etc, which 'help the police get on with the job.' At the other end of this spectrum, with incidents such as armed terrorist attacks, the police might need 'special skill and equipment over and above those

appropriate to the police' (Bramall had in mind such events as the SAS intervention at the Iranian Embassy siege which had not then occurred).

The second major role for the military is where the police are in danger of losing control of public order, whether due to demonstrations, mass picketing, riots. Bramall stresses he is in favour of traditional methods of maintaining order, but 'if these methods fail we could get into an unfortunate escalating situation.' The first stage of this escalation would see the police being issued with special protective clothing and adopting anti-riot tactics. Next some sort of missile would be used (water cannon, plastic bullets), followed (or accompanied by) tear gas. If all else failed the final stage of the escalation would see 'normal military weapons' employed.

Britain has no special force for dealing with public order problems up to this final stage, unlike other countries. Bramall believes, however, that this grey area is a police area and the military should only be used as the last resort. There is also a difficult question of law here, as it may be illegal to use soldiers when the police can still cope with the riot, although as Bramall says, 'the law can be modified for the occasion.'

Bramall's lengthy and politically astute analysis of the role of the military in public order lifted some stones that many military crabs would have preferred to see left undisturbed, but in his February 1982, speech to the Royal United Services Institute on 'Britain's Land Forces: The Future' (to be published later this year in the *RUSI Journal*) aroused passions for a different reason.

In this speech, where he was introduced as CDS Designate, he came down firmly against that section of the military establishment advocating constant acquisition of more expensive and sophisticated weaponry. Bramall would rather see a concentration on the 'sharp end' of the weapons systems, and said that in fact cheaper weapons could be better. He talked

of the 'road to absurdity' where each new weapon costs more than the one before.

Bramall prioritises BAOR and says that 'to safeguard this army we will have to be ruthless with our manpower and the cost of that manpower.' Outside the immediate NATO area he is also concerned about Britain maintaining its ability to influence events militarily, but without 'grandiose interventions'. He strongly advocates instead a concentration of resources on the 'fifth pillar' of defence, where Britain provides loan service and contract military personnel, training and military advisory teams to struggling allies in the developing world.

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## Police Committees and public access

A survey of the attitude of Britain's 49 Police Authorities on public access to the proceedings has revealed considerable variations in practice. Just over half the Police Authorities and Police Committees in England, Scotland and Wales allow the public into their meetings, but not all regard this as a public right, and most qualify the degree of access given. Scottish Police Committees emerge as the most open, while County and combined County Police Authorities in England and Wales are more secretive and closed in their deliberations.

The survey was conducted by the NCCL's Sussex branch following their own Police Authority's refusal to allow members of the public into its meetings to observe proceedings. This practice only came to light when the Authority refused NCCL members copies of the minutes of its meetings. The Authority's solicitor argued that as a combined Authority it was a 'body corporate', not a local authority. Access to local authority meetings is governed by the Public Bodies (Admissions to Meetings) Act 1960; the definition of what constitutes a local authority is contained in the Local Government Act

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1972. Sussex Police Authority insisted that neither piece of legislation obliged them to provide public access or minutes. Close reading of the acts suggests that this is not the case.

The Public Bodies Act predated the Police Act 1964, which paved the way for the creation of combined Police Authorities by amalgamating smaller police forces throughout the country into larger units. The 1964 Act created Police Authorities which were committees of either a local borough or a county council. In addition, it set up combined authorities which were defined as 'bodies corporate'. Police Authorities which are committees of a single local borough are clearly subject to legislation governing the right of members of the public both to attend local council committee meetings and receive copies of minutes. Combined Police Authorities are not expressly excluded from the effects of local government legislation obliging public access. Sussex Police Authority relied in its arguments on the omission of police authorities from the list of bodies deemed 'local authorities' in the Public Bodies Act 1960, Schedule 1. In 1960 all Police Committees were local government committees, so a precise definition was unnecessary.

Sussex Police Authority's solicitor should have made a closer reading of the Local Government Act 1972, which updated previous legislation: in his view, Section 270 of this Act did not list Police Authorities as 'local authorities or public bodies'. However, Sections 100 and 101 of the same Act make it clear that Police Authorities *are* included. Section 100, which covers the admission of press and public to local government committee meetings, states in Subsection 2:

'Without prejudice to Section 2.1 of the Public Bodies Act (application of Section 1 of that Act to any committee of a body whose membership consists of or includes all members of that body) Section 1 of the 1960 Act shall apply to any committee constituted under an enact-

ment specified in paras (c) to (h) of Section 101.9 below and to any committee appointed by one or more local authorities under Section 102 below.'

Section 101.9 (c) refers specifically to authorities enacted under Sections 2 and 3 of the Police Act 1964 (i.e. police committees). A note in the legal reference work, Habbury's *Statutes*, confirms that Section 102 of the Local Government Act 1972, covering appointments to local government committees, applies to Police Authorities.

The NCCL survey showed that Sussex Police Authority's view was at variance with most others in the country. Every Police Authority (Committee, in Scotland), the Metropolitan and City of London forces which have no such body and could not be included, was sent a simple questionnaire. There are four types of Police Authority: 31 County Authorities, 10 Combined Authorities (England & Wales), 6 Regional Police Committees and 2 Combined Police Committees (Scotland). The survey asked each Authority to give information on its statutory statutes and to state whether the public were allowed to observe proceedings and receive minutes. Thirty-one Authorities returned the questionnaire completed, four refused to co-operate and fourteen did not reply. Twenty-nine of the thirty-one replies were positive, with respondents accepting that, as committees of local government authorities, they were obliged to give public access to meetings. Sussex and the combined Avon & Somerset Police Authorities did not at that point allow the public in. Avon & Somerset argued that they did not have sufficient room for the general public, though they did admit journalists.

Those who did not co-operate with the survey cannot be assumed to provide public access: Devon & Cornwall, for example, indicated that they would not co-operate because they 'did not see the issue as being of importance'. Initially, Cumbria Police Authority stated that

they did not as a matter of practice allow the public into meetings, but because of the survey and the change of political control (the county went Labour in the May elections) they reviewed their procedure and permitted public access. The replies from three others who declined to co-operate in the survey (Cleveland, Gwent and Norfolk), suggest that they too refuse public access. Overall, the replies indicate that the public would have most difficulty in gaining access to the meetings of combined and county police authorities in England and Wales.

### Scotland

Every Scottish Police Committee replied. All their meetings are open to the public. In Scotland, the Committees have a more clearly defined legal position as committees of the Regional Councils, and they all cited the appropriate section of local government legislation which covered their status. Northern, one of the two combined Scottish Committees, commented that public admission was by 'tacit consent'.

Some Police Committees and Authorities noted that parts of their meetings were closed. Nottingham, for example, stated that business on Part 2 of the agenda (including 'Complaints against the police', 'Certain contractual matters' and 'Reports on members of staff or police officers') was discussed in camera. Others confirmed that there were closed sections in their meetings for confidential business.

Minutes were not always available to the public, either as individuals, or through library services. In all, twenty-four Police Authorities and Committees provide minutes for public inspection at libraries. All Scottish Police Committees make their minutes available, though one mentioned that the Community Council had been refused copies. Seventeen out of thirty-one county Police Authorities in England and Wales said minutes were available, though Gloucestershire

noted that this was 'not as of right'. Hampshire issued minutes only to those who had attended meetings; Avon & Somerset gave copies only to the press and to members of the constituent county councils. All Scottish Police Committees sent copies to libraries, one even sending them to the mobile library services. Only sixteen out of forty-one Police Authorities in England and Wales supplied minutes to libraries, one citing cost as the reason. Several emphasised that 'confidential' sections would not be distributed.

The survey came up with another interesting finding: Scottish Police Committees have a markedly different view of their functions compared to their counterparts south of the border. This may perhaps be accounted for by their closer integration into the machinery of Scottish local government administration, since Scottish Police Committees operate in a manner that closely resembles the work of local government public service committees. In theory this should cast the chief constable more in the role of a local government chief officer and make the job more democratically accountable. Two Scottish Committees replied that their terms of reference were exactly the same as those of other council service committees, while three other replies from Scotland showed that they saw differences between their own work and that of other local government committees.

The results of the Sussex NCCL survey give little comfort to civil libertarians. Public access to Police Authority meetings and the information generated there is an important means of keeping a check on the anti-democratic excesses of chief constables who play an increasingly political role in the development of Britain's most controversial public service. In addition, the survey results confirm the official view of Police Authorities, which sees them not as instruments of control or as guardians of public concern, but rather as bodies free from the rigours of accountability where the provision of

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information and access play an important role. Representatives of the labour movement sitting on Police Authorities can play an important part in opening up the structures and requesting that more information be provided. The existing relationship between local authorities and the application of legislation governing local authorities should be used to force Police Authorities to adopt the more open methods of decision-making and reporting that are common in local government.

The Sussex NCCL initiative persuaded the Sussex Police Authority to allow public access and improved the availability of minutes of its proceedings. However, the legislation covering the status of Police Authorities in England and Wales requires clarification so that access is guaranteed to the public, and this must be part of a move to make Police Authorities effective instruments of democratic control.

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### British troops in Sinai will aid Rapid Deployment Force

The first British troops to land in Israel since the United Kingdom gave up its UN mandate over Palestine in May 1948 arrived on 1st March. They number 37 and will be part of the Multinational Force and Observers (MFO) which has been created by the United States to oversee the border between Egypt and Israel when Israeli forces withdraw from Sinai on 25th April. They are thus the first British troops in Egypt since the Suez invasion of 1956.

The majority of the MFO will be American, and 800 of the planned 2,500 force will be US Marines from the 82nd Airborne Division. This Marine Division is the core unit of the American Rapid Deployment Joint Task Force, the RDF (*Irish Times*, 17.2.82). During the US military exercise in the Middle East in November last year, 'Bright Star' para-

troopers from the 82nd Airborne jumped into the Egyptian Desert after a 11½-hour flight from their headquarters at Fort Bragg, North Carolina.

During the US search for other contingents besides its own troops to include in the MFO, EEC countries and other nations were warned by the PLO, by the Egyptian opposition, and by Syria and other radical Arab states, that they should not participate. The London representative of the PLO, Nabil Ramlawi, told the British government in November that the MFO 'cannot be separated from America's plans for the creation of a Rapid Deployment Force in the Middle East as a whole.' Arab opinion rejected the notion that there was a Soviet threat to the Middle East, he said. The United States armed Israel, and supported its occupation of Arab territory. This meant that British participation in the MFO would associate Britain with hostility to the United States in the Arab world, said the PLO representative.

The Ministry of Defence says that the 37 British soldiers in Sinai, all volunteers, are now based at El Jira in north east Sinai, near the international border. The base was called Eitam during the Israeli occupation, and was a major air base. The 37 soldiers are from 29 different regiments. Their official function 'administrative support' covers office work, driving, and base security. Commanding officer is Lt Col Rodney Martin. He will be responsible to the MFO Commander, Norwegian General Frederick Bull-Hansen. The Director of the MFO is American General Leamon Hunt. Other contingents will come from France, Italy and the Netherlands, Australia, Colombia, Uruguay and Fiji. The Fijian units are officered by Britons and New Zealanders, and are in effect a mercenary unit along the lines of Britain's Gurkhas. But the United Nations has rejected any idea that it should sponsor the 'international' force.

The danger posed by the presence of US forces in Sinai in the context of America's

rapidly-rising military profile in the Arab world was indicated by a briefing prepared for Australian parliamentarians by their Legislative Research Service – Current Issues Brief no. 4 of 1981 – which argued:

'The danger cannot be ruled out that the Sinai force with its long-term policing mission, could become in some future crisis, irrespective of current American intention, an advance guard of the RDF. If hostilities arose in some Middle East trouble spot and spread towards the peace-keeping area, it could lead to US forces including the peace-keeping unit being directed from tasks such as the Sinai patrol to fight an action more vital to America's national interest, while RDF reinforcements were being mobilised. With the danger of Sinai force being engulfed it would unavoidably become in effect the beach-head for the RDF. In a crisis, forces already in the crisis area tend to be used.'

### Potential RDF land bases

It is an open secret that the RDF's own commanders would prefer land bases in the Middle East to the present plans, which provide for the pre-positioning of weapons and supplies on ships. The RDF's Commanding Officer, Lieutenant General Robert C Kingston, told the US magazine *Army*, in February: 'I would like a forward deployed element – 100 to 150 people – somewhere in the South-west Asia area.' He confirmed that he had submitted 'a rank ordered list of seven possible locations' to the US Joint Chiefs of Staff. Most of the states of the Gulf have made it clear that they do not wish to have US ground troops stationed on their territory, though Oman and Pakistan are possibilities for US bases. (See Background paper on NATO and Middle East Oil, *State Research* no 27)

The United States has also edged towards ending its pretence that its increased military presence in the Gulf and sur-

rounding region is a counter to Soviet ambitions.

'The Reagan administration is re-directing its military efforts in the Middle East in the belief that internal subversion is more of a threat to friendly countries, and their oil, than Soviet attack, US officials say. Officials said this policy shift underpinned a 10-day visit by Defence Secretary Caspar Weinberger to Saudi Arabia, Oman and Jordan. In talks with Arab leaders, Mr Weinberger was said to have gone beyond decrying the Soviet threat in listing seaports and airfields that the US Rapid Deployment Force would like to use during an emergency' (*International Herald Tribune*, 15.2.82).

There are accusations in the United States that the Reagan administration's Middle East policy is beset by conflict between Weinberger, who emphasises support for the conservative Arab regimes, and Secretary of State Haig, portrayed as an unflinching supporter of Israel. The Begin government protested sharply at the reported offer from Weinberger to King Hussein of Jordan of anti-aircraft missiles which might be used against Israeli planes overflying their neighbour.

But the conflict is more apparent than real.

'Both Secretaries and the White House staff agree that the US must arm friendly nations, both to win their co-operation and to keep them from turning to the Soviets for weapons. Indeed, Haig in Morocco and Weinberger in Saudi Arabia and Oman were simultaneously pursuing the same objective; laying the diplomatic groundwork to secure a chain of facilities that the American Rapid Deployment Force might some day use to hopscotch its way from the US to the Middle East' (*Time* 1.3.82).

### Crisis in the prisons

Since the beginning of 1982 the British prison system has lurched towards the Attica situation which prison governors predicted at the end of 1978. At that time, a period dominated by widespread and disruptive industrial actions by prison officers, the governors indicated that there could 'be a serious loss of control which has to be quelled by armed interventions with the probability of both staff and prisoners being killed' (*Times*, 1.11.78). Now, in the first months of 1982, a whole series of major incidents, in different prisons, underlines not only the reality of the governors' warning but also the conflict between the various state agencies as to how to deal properly with the crisis.

In January, prisoners at the long-term prisons at Parkhurst, Albany and Long Lartin went on strike for three days. They were demanding that the privileges accorded to conforming prisoners in Northern Ireland be made applicable to prisoners in similar categories elsewhere. A petition of 800 signatures containing this demand was smuggled out to the National Prisoners Movement (PROP). In Northern Ireland all sentences are and have been since 1976 subject to half remission, dependent on good behaviour.

Sentence length is such an emotive issue in the long term prisons that the government's refusal to extend the 'Northern Ireland' system to the mainland can only add to the sense of grievance and frustration. Considering that the major disturbances and riots which have occurred in the last 12 years have been in the very same prisons the issue of prison remission might in the next few months be the spark to set them alight once again.

### Prison secrets

The first three months of 1982 also underlined the Home Office's continuing attempts to prevent any moves to open up

the prisons to public scrutiny. Prison governors were warned that they would face disciplinary action if they were openly critical of government policies or of conditions inside. This warning followed the publication in *The Times* and the *Daily Telegraph* of letters from the governors of Wormwood Scrubs and Strangeways describing the appalling conditions inside these jails. Indeed, in his letter to *The Times*, John McCarthy, the governor of the Scrubs, described himself as the 'manager of a large penal dustbin', while Norman Brown, the governor of Strangeways, described conditions in there as 'an affront to civilised society' (*Daily Telegraph*, 17.12.81).

Hard on the heels of this unprecedented public warning came the decision in February in the Harman case when the Law Lords ruled by 3-2 in favour of the Home Office that Harriet Harman, the legal officer of the NCCL, had committed contempt of court by showing to a journalist documents which had already been read out in open court. The documents concerned the notorious control units which had been set up in secret by the Home Office in the mid 1970s.

Eight hundred of the documents were read out in open court, after which Harman showed them to a former Guardian reporter. He subsequently wrote an article detailing how the units were set up in complete secrecy and how the regime and philosophy practised in them was authoritarian and severe in the extreme. As the *Guardian* concluded after Harman had been found guilty of contempt, 'there will be many years in which the Home Office will have succeeded on restricting freedom of speech' (*Guardian*, 12.2.82). While on the surface this might appear to be true, other events in the last four months have indicated not only the worsening crisis inside the prisons, but also the Home Office's inability to stop completely the flow of information coming out from behind the walls.

### The deepening crisis

On January 25th in Brixton, a prisoner and three prison officers were injured after prison staff had forced their way into two barricaded cells. Hydraulic jacks were needed to unhinge the doors of the two cells and protective clothing and shields were drawn but not used (*Times*, 10.2.82). Similarly, at the beginning of March, two prisoners and six officers were injured at a fight at Reading prison due to unrest in the jail because of overcrowding (*Daily Mail*, 2.3.82).

In the same month the trial of three prison officers opened at Leicester Crown Court. The three were accused of allegedly kicking, stamping and beating a prisoner, Barry Prosser, to death in a special cell in the hospital wing of Birmingham prison. Prosser was so severely beaten that his stomach and oesophagus were burst. Prosser had been remanded in Winston Green after he had rattled the handle on the side door of his father-in-law's house and had been arrested for criminal damage. Prosser's death was the latest in a long line of deaths inside Britain's prisons. In the period 1969-79 there were 631 deaths inside Britain's prisons. Of these 226 (35.8%) were of unnatural causes (*Deaths in prisons*, NCCL 1980). In February, four prisoners barricaded themselves in a cell in Wormwood Scrubs and held a fellow prisoner hostage. They were demanding an independent inquiry into allegations of assault against one of them. During the siege several prisoners and two prison officers were hurt in a fight as prisoners tried to pass a pillow-case full of food to the barricaded men. Eighty prisoners also refused to come in from an afternoon exercise period until 7 p.m. Several prison officers and prisoners were injured during the three hour protest (*New Standard*, 24.2.82).

### MUFTI

On the date the Wormwood Scrubs seige ended the Home Office published the report

of an internal inquiry into a disturbance in the Scrubs in 1979. The report detailed how 60 prisoners and 14 prison officers were injured when a special squad of prison officers known as the MUFTI squad (Minimal Use of Force Tactical Intervention) broke up a peaceful demonstration by prisoners in D wing. The report also detailed how days passed before the governor of the prison informed the Home Office that so many prisoners had been injured when the squad, equipped with visored helmets and four foot long staves, entered the wing. It was, as Robert Kilroy-Silk observed, 'a riot by prison officers' (*Guardian*, 25.2.82). Although the report found that the prison officers used excessive force and assaulted prisoners, it was impossible, despite a police investigation, to prosecute any officer because of problems with identification. In short the prison officers closed ranks.

A number of issues arise from the report. Firstly the report didn't deal with the question of the secrecy of the setting up of the MUFTI squad. Indeed it was only after the disturbances at the Scrubs in 1979 that the squad's existence became known. They had in fact been in operation on seven occasions previously and were being secretly trained for 18 months before the Home Office admitted their existence (*Observer*, 28.2.82).

A second issue relates to the role of prison officers at the Scrubs in the aftermath of the MUFTI squad's intervention. The prison officers, according to the report, put severe pressure on the then governor to deny prisoners their fundamental rights. The governor acquiesced in order to 'prevent retaliatory action on the part of the uniformed officers' (*Guardian*, 24.2.82). This pressure included denying D wing prisoners any exercise for three days, no bathing facilities for a week, no work for up to nine weeks, no visits for two weeks, no 'association' for more than four months and no access for either probation officers or prison chaplains for two weeks (*Guardian*, 25.2.82).

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This action by the prison officers at the Scrubs only serves to emphasise the hard line positions which rank and file officers have been adopting to establish their authority and win control of the day to day running of the prisons. This position has meant widespread industrial action on a massive scale. It has also meant major conflicts with the state bureaucracy at the Home Office, the executive of their own union, the Prison Officers' Association, POA, welfare workers, teachers, probation officers and the prison governors.

As far back as 1978, prison governors in their evidence to the House of Commons Expenditure Committee argued that prison staff probably presented more difficulties for them than the prisoners (Fitzgerald and Sim, *British Prisons*, 1979). As recently as February, the Dartmoor branch of the POA passed a vote of no confidence in the prison governor. The branch chairman was quoted as saying that the governor was a 'bit of a softy'. In all of these cases it is the prisoners who are bearing the brunt of the battle between the various factions within the state apparatus.

### The crisis of conditions

At the beginning of March 1982 the prison population was 43,000 (it had been as high as 44,600 in January 1981). Many prisoners had to be accommodated 2 to 3 to a cell which was designed for one. Thus for example the certified normal cell accommodation in Birmingham on 12th February was 537. The number of prisoners was 1020 (*Hansard*, 17.2.82). In Strangeways the figures were 836 and over 1600 respectively. The situation prompted the Board of Visitors at the prison to declare their 'alarm and despondency' at the falling standards (*Guardian*, 19.2.82).

The government in their response to the crisis has two courses of action. The first has been to introduce a new prison building programme in which 8 new prisons would produce 5000 new prison places by the end of the 1980s.

The second course of action has been to put pressure on judges and magistrates to cut sentences. While the Lord Chief Justice has supported the Home Secretary, William Whitelaw, in this, senior judges and magistrates have resisted strenuously these attempts at what they see as interference with the independence of the judiciary. Whitelaw also proposed through the latest Criminal Justice Bill changes in the parole system. This would have reduced the prison population by up to 7000 by automatically releasing prisoners after they had served one third of their sentence. This proposal won initial support from the Lord Chief Justice but 'provoked such a revolt from other senior judges that Mr Whitelaw was forced to retreat' (*Guardian*, 4.2.82).

Following this defeat Whitelaw has opted for partially suspended sentences. This will require offenders to serve part of their sentence and allow between one quarter and three quarters to be suspended. In the suspended section the prisoner will be subject to supervision. Patrick Mayhew has admitted that the introduction of this new sentence is 'a gamble in that it could easily help to boost the prison population'. Robert Kilroy-Silk was rather more forthcoming in commenting that 'officials had estimated that the partially suspended sentence could reduce the prison population by 4000. But the same officials had also suggested that it could increase the present population by 8000' (*Guardian*, 5.3.82).

This conflict between the Home Secretary and judiciary has taken place against the background of an on-running dispute with the prison officers. Industrial action in the winter of 1980 not only resulted in a sharp drop in the prison population but also in the passing in October 1980 of the Imprisonment (Temporary Provisions) Act. This Act allowed large number of prisoners to be held in police cells or other temporary accommodation.

Section 2 of the Act provides that a

person remanded in custody by a magistrate court should not be brought before the court again but can be remanded in his/her absence.

The implementation of this Act clearly confers great power and discretion on magistrates with few countervailing rights for the defendant.

### Conclusion

The situation in the prisons in the next few months could be critical. By the Home Office's own admission conditions are appalling. In the long-term prisons the continuing build up in the proportion of these individuals serving long and very long-term sentences has increased tension and frustration. The state's response, meanwhile, remains confused and contradictory, with different groups grappling for control of operational policy at a number of levels. Given the intensity of the situation, prisoners might not wait for this conflict within the state to be resolved. Rather they might attempt a resolution themselves. If that happens then the Attica situation predicted by the prison governors in 1978 might be just around the next prison corner.

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### Talysarn incident

On February 25th the Home Secretary first disclosed to MPs the Home Office guidelines on telephone bugging and other police surveillance methods issued to chief constables. The Home Secretary is also committed to a review of the guidelines and has agreed to consider MPs' submissions (*Hansard*, written answer 25.2.82). This concession occurred after six weeks' parliamentary pressure by Plaid Cymru MP Dafydd Wigley, supported by MPs of all parties and the Welsh Campaign for Civil and Political Liberties.

Parliamentary pressure was initiated after two plainclothes police officers were seen on January 6th tampering with a public telephone in the North Wales

village of Talysarn. Two residents, who had been watching the men from their home, went to the kiosk to investigate after the men had left. They found a small radio transmitter hidden in the panel behind the telephone. They took the transmitter from the kiosk, but were prevented from returning home by the two plainclothes officers (one Welsh-speaking CID man from North Wales police, the other from West Midlands Special Branch) who raced up and mounted the pavement in their white estate car, registration HOV 131W. The men grabbed the transmitter, claimed they were Post Office engineers, and departed. Their car had been seen parked round the corner from the kiosk for two days before the incident.

A local councillor established that no British Telecom telephone work had been scheduled, and contacted the police to check the car registration. The Police National Computer revealed a 'Home Office block' on further details. The North Wales police denied any involvement with the bugging until February 8th, after Dafydd Wigley had discussed the incident with the Home Secretary.

The 1,000 local residents who use the kiosk were outraged that they were under surveillance, whether by MI5 or the Special Branch. They suspect that the bugging was related to the arson campaign against holiday homes in Wales which had claimed at least 70 permanent dwellings in North and West Wales since December 1979 (see *Bulletins* 18 and 23). Another theory is that the North Wales police were investigating fire bombs planted in England by a Welsh group called Workers' Army for a Welsh Republic. One bomb was planted at the Stratford-upon-Avon offices of the property company IDC, on whose behalf consultant Denis Thatcher used 10 Downing Street notepaper to lobby Welsh Secretary of State Nicholas Edwards about a property deal for second homes in Harlech (*Arcade* 18.9.81).

Five parliamentary questions and two

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all-party Commons motions later, the Home Office lodged a copy of the police surveillance guidelines in the House of Commons library on February 25th. The guidelines were first issued to chief constables on July 1st 1977 and there had been no previous restrictions on police surveillance methods except telephone tapping. An extract from the Isle of Man constabulary guidelines had been published in the *Guardian* on February 25th, and that day WCCPL discovered that an abbreviated version of the Home Office guidelines had been published in Appendix 10 of the Royal Commission on Criminal Procedure report in January 1981 (Cmnd 8092-1).

The Royal Commission's chairman had twice requested Labour and Conservative Home Secretaries that the Commission's terms of reference be extended to include police surveillance methods, but William Whitelaw forestalled public investigation and discussion by establishing a standing judicial review on the interception of communications under Lord Diplock's chairmanship (see SR bulletins 18 and 23). Diplock's 1981 report covered telephone tapping only, and no further annual reports are to be published. The Home Office are not committed to publishing the current police surveillance guidelines, except to MPs. The full text of the guidelines will be published in *Writing on the Wall* available from WCCPL, Box 1, c/o 108 Bookshop, Salisbury Rd, Cathay, Cardiff. 50p including p. & p.)

North Wales police, like the Home Office, have defined the Talysarn bugging as an 'operational matter' and refuse to comment except to say that no-one in Talysarn is now under suspicion of committing a serious crime (*Western Mail* 2.3.82). However the North Wales police secretly justify the Talysarn bugging, it is clear from the guidelines that surveillance equipment should not be used to collect evidence for its own sake. But there are no effective means to question whether information collected relates to specific

criminal acts, or is intended to 'confirm or dispel a suspicion of serious crime', or is used for political intelligence-gathering for which Welsh police forces are noted (see SR bulletins 18 and 23). As with jury-vetting, secret rules were eventually revealed after accidental discovery. The Talysarn bugging was treated lightly by most of the press for the first month, and diligent parliamentary tactics rather than investigative journalism provoked the state to reveal the full guidelines. Will parliamentary diligence secure a rigorous review of the guidelines?

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## Further calls to ban plastic bullets

Pressure is mounting on the government to order an enquiry into the use of plastic bullets by the British Army and police in N.I. and, from some quarters, for a total ban on their use.

In the last ten years, thirteen people, six of them children, are known to have died from injuries caused by rubber or plastic bullets. Injuries caused by plastic bullets include skull fractures, blinding, injuries to throat and groin, multiple leg fractures, and wounds requiring 40 stitches (*New Scientist*, 23.7.81). During 1981 alone, 26,761 plastic bullets were fired, principally during the seven month period of the hunger strikes (*Hansard*, 19.11.81. Figure to 11.11.81). The government recently announced that 3,000 baton rounds are now held by police in England and Wales for anti-riot purposes (*Hansard* 25.2.82).

Among those calling for an enquiry are the Social Democratic and Labour Party, the Bishop of Derry, the Association of Legal Justice and the National Council for Civil Liberties. Their view is not shared by unionist spokesmen: Democratic Unionist Party Press Officer Jim Allister has said: 'I have little sympathy for those who are struck by plastic bullets. They would not be hit if they were not in a

riot situation', adding that the baton round was not enough to combat petrol bombers and that live ammunition should be used (*Sunday News*, 6.9.81). But a recent SDLP delegation to the Royal Ulster Constabulary was particularly concerned about the use of plastic bullets in non-riot situations, and the lack of positive results from police investigations into alleged breaches of the law by security forces where deaths had occurred (*Irish News*, 16.9.81).

Rejecting a request from Don Concannon, Labour spokesman on Northern Ireland, for a review of the use of plastic bullets, Secretary of State James Prior has denied that there is any evidence that the security forces have disregarded instructions on the use of baton rounds, in particular that bullets be aimed below waist height (*Belfast Telegraph*, 7.12.81). Concannon had cited official figures which showed that, of the 45 people admitted to hospital after being struck by a plastic bullet between 5 May and 6 July last year, 34 had suffered injuries above the waistline (*Hansard*, 17.7.81). 'It seems to me' he wrote to Prior, 'from the statistics I have quoted, that there is very strong evidence to suggest that the security forces have become relaxed in their use of plastic bullets, and are not applying the strict criteria laid down when these weapons were first introduced' (Letter to James Prior, 12.11.81).

Prior replied that: 'Plastic baton rounds are preferable to real bullets. Without the use of plastic baton rounds during the period of the hunger strikes the security forces would either have had recourse to bullet-firing weapons or there would have been unacceptable and dangerous sectarian clashes or unacceptable damage to property' (Letter to Don Concannon, 3.12.81).

### Death of Paul Whitters

Now London barrister Lord Gifford has added his voice to demands for a total ban

on plastic bullets, following two fact-finding visits to Derry on behalf of NCCL to enquire into the deaths of Paul Whitters, aged 15, shot by a plastic bullet on 15 April last year and of Gary English (19) and James Brown (18), run over by an army Land Rover four days later. Lord Gifford spoke at length to eyewitnesses and visited the scenes of both incidents. Paul Whitters was shot in Great James Street in the Bogside area of Derry. Eyewitnesses told Gifford that a crowd of about 20 youths had gathered at a crossroads 100 yards from a bakery yard known to be used by police officers on patrol. Three youths went towards the bakery yard and threw stones at the windows above it, presumably knowing that police officers were inside. Two of the youths then moved back towards the crossroads leaving Paul alone standing some eight yards from the bakery entrance. Witnesses disagree whether Paul then appeared to be about to throw another stone but agree that four policemen came running out of the door of the bakery yard and that the leading officer had a plastic bullet gun. He ran towards Paul and fired directly at his head. The bullet hit him in the face and he fell immediately.

In his draft report, Gifford records that a witness told him: 'The policeman was approximately 15 to 16 feet away from the boy when he fired the plastic bullet; he made no attempt to bounce the bullet off the ground or to fire at the boy's legs but fired directly at this head, and from that range he could not miss. The policemen made no attempt to catch the boy and, as there were 4 of them and the boy was on his own, they could easily have done so'. Gifford concludes from his enquiry that the police officer intended to hit Paul and that he was neither acting in self defence nor in reasonable execution of his duty. 'Firing in those circumstances, with a weapon which is known to be highly lethal at that range, was an act of

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murder for which I can see no possible defence'. As yet, no inquest has been held into Paul's death nor any action taken by the police.

### Official policy

Home Office guidelines to the police in England and Wales say that: 'baton rounds are to be used only as a last resort where conventional methods of policing have been tried and failed or must, from the nature of the circumstances obtaining be unlikely to succeed if tried, and where the chief officer judges such action to be necessary because of the risk of loss of life or serious injury or widespread destruction of property' (*Hansard*, 23.10.81).

However these guidelines do not tally with known instances of their use. David Beresford observed during the hunger strike in the *Guardian* (28.9.81): 'so far as is known no members of the security forces have been seriously injured as a direct result of rioting during that period'. Moreover, many of the injuries and fatalities caused by plastic bullets during this period, described by Gifford in this report, did *not* occur during, or anywhere near, rioting, eg. Carol Anne Kelly, aged 12, fatally struck on 19 May while walking home with a carton of milk in her hand, by a bullet fired by a soldier in an army jeep; and Michael Donnelly, aged 21, a Belfast social worker, fatally hit, according to eyewitnesses, as he walked home alone on 10 August. No prosecutions have resulted from these shootings.

Lord Gifford concludes that 'the plastic bullet gun, when in the hands of a young, frightened soldier or policeman, is issued as a *pre-emptive* weapon to keep the crowd at bay, rather than as a defensive weapon in response to a commensurate attack' and that it is totally unrealistic of the government in announcing the extension of the issue of plastic bullets to the mainland, to say 'safeguards will be attached to their use' (*Hansard*, 16.7.81). Gifford's enquiry was also directed at a second

incident which, he writes, 'caused bitter resentment among Derry people against the security forces' and calls into question their so-called 'minimum force' policy and the existence of restraints on their use of lethal weapons. On 19 April last year, two youths were run down and killed by an army Land Rover, an incident which led to the driver and front passenger of the vehicle being charged with causing, and aiding and abetting death by reckless driving – a traffic offence. The case has been *sub judice* until it came to court in January this year. Both defendants were acquitted.

Gifford is critical of the way in which the trial was conducted and of the army operation during which the incident happened, an 'arrest operation, designed to trap as many people as possible between the Land Rovers and the 'ground base'. It could only succeed if the Land Rovers came down fast enough to surprise the people... *before* they could escape... 'The other, horrific, possibility' he suggests, 'is that there was no arrest operation at all; but simply a calculated decision to drive into the junction, at a time when it was known to be full of people, in order to cause the maximum of intimidation and havoc.'

'Those who drove the Land Rovers', he concludes, 'like those who fire the plastic bullets, have dehumanised the people whom they are meant to be serving. They generate a responding hatred in the Catholic communities. The alienation, on both sides, is complete.'

Lord Gifford's full report will be published by NCCL in May.

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### Special offer

We are offering nine bulletins (nos 2, 3, 6, 11, 14, 16, 24, 25, 27, usual cost £6.75) all of which contain stories, updates and information on the police use of computers for £3.50. Cheques payable to *Independent Research Publications Ltd*, 9, Poland St, London W1.

## **Computers and the British police**

The problem of making the owners of computers accountable to the uses to which they are put is unresolved in all areas of the British state. Proposals in the government sponsored Younger report of 1972 and the Lindop report of 1978 have yet to be implemented. However even in the debate on these reports, police have been given a special status, freer from the prospect of statutory controls, however limited, than other areas of the state. This background paper looks specifically at the police use of computers, against the background of the data protection debate. In the first part of the paper the principal police uses of computers are outlined. This is followed by an analysis of two recent systems – Lothian and Borders and Greater Manchester – which raise more general questions about the current direction of police computer use policy. Finally these systems are related to the use of data by the security services.

This background paper has been extracted from a much longer and more detailed pamphlet called the Police Use of Computers written and produced by the Technical Authors' Group (Scotland). *State Research* is very grateful to TAGS for giving permission to use their work. The TAGS pamphlet costs £2 individuals, £5 institutions. Cheques and details from Technical Authors' Group (Scotland), 100 Findhorn Place, Edinburgh.

### **The Police National Computer (PNC)**

The Police National Computer was installed in the Police National Computer Centre at Hendon in 1975. It provides vehicle and criminal information to all the constabularies in the UK via a network of 800 computer terminals which are located mostly in the headquarters of the 52 British forces. Certain of the larger forces have installed PNC terminals in their divisional stations.

The PNC provides basic information on vehicles and persons nationwide. The PNC has been highly successful as a source of basic information. So successful that much of the development of local police computing has been an attempt either to fill gaps in the information supplied by the PNC or provide easier access to it. Patterns of PNC use provide some insight into modern police

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methods and demonstrate the trend towards preemptive policing supported by surveillance information.

The most common use of the PNC is for simple checks. The information stored on it is organised into a number of indexes which are *accessed* (the act of getting some piece of information from a computer system) by supplying the computer with a partial description of the information required. For example, a police officer in Edinburgh who sees a suspect car can supply its number (via radio) to the force HQ. Another officer at HQ transmits this number to the PNC (via a computer terminal) which returns the information on the owner and car. Further information (eg the chassis number) can be returned, if a car with that registration number is in the Stolen/Suspect Vehicle Index.

The other major facility the PNC provides is a secure communication system between forces. Since every force has several computer terminals connected to the PNC a system has been developed which allows any terminal connected to the PNC to send a message to any other terminal similarly connected. This allows fast, secure communication between forces. This system is usually called a 'message switch'.

The most commonly used indexes stored on the PNC are the following:

**Stolen/Suspect Vehicles:** This index has about 200,000 entries and information is usually retrieved by providing the registration number. The information relates to the description of the vehicle and why it is in the index. Many of the entries (approximately 75%) do not relate to stolen vehicles but rather to those of interest to the police. There are eleven reasons why vehicles have entries in this index:

- 1) Lost/stolen
- 2) Obtained by deception
- 3) Found vehicle
- 4) Vehicle repossessed by finance company
- 5) Suspected (of being used in a crime)
- 6) Interest to police (for particular reason)
- 7) Removed (to police pound)
- 8) Street to street (moved by police to another place)
- 9) Police (a vehicle used for police purposes)
- 10) Blocked (information withheld)
- 11) Seen (alternative to 5 and 6 above)

**Stolen (Chassis/Engine) Special Numbers:** This index contains roughly the same information as the first but this time access is via the chassis and engine numbers.

**Vehicle Owners:** This is a copy of all the information held by the Driving and Vehicle Licensing Centre (DVLC) at Swansea. This

index has around 20 million entries and contains descriptive information on all vehicles registered in the UK including the name and address of the owner.

**Fingerprints:** This is an index of all criminal fingerprints held nationally and is accessible via standard descriptions of fingerprints. This facility is only available to New Scotland Yard and will return a list of all potentially matching prints given a description of the print the police are interested in.

**Criminal Names:** This consists of about 4 million names of criminals and their aliases. The information returned is a brief description and the name under which criminal record information is held. The entry contains a physical description for identification purposes (e.g. colour of skin, distinguishing marks, sex, height etc) a reference number for the full national Criminal Record Office file on the person plus a list of warnings.

**Wanted/Missing Persons:** This is an index of persons whom the police actively want to interview. There are twelve reasons why a person is on this index:

- 1) Wanted
- 2) Suspected
- 3) Fail to appear
- 4) In custody
- 5) Desire to locate
- 6) Non payment of fine
- 7) Life licences (life sentence out on licence)
- 8) Missing from home
- 9) Absconder from institution
- 10) Armed forces deserter
- 11) Wanted on a recall order to institution
- 12) Person found who will not disclose true identity

### PNC Use

Study of chief constables annual reports suggests that each year the average number of accesses per officer is around 200. However this figure may be misleading. In 1979, the Metropolitan Police reported a decrease in the number of accesses from the previous year. This is accounted for by the increase in direct online terminals. From other accounts of the use of PNC terminals it seems likely that the Metropolitan Police are referring *not* to terminals located at force HQ but to ones installed in the Divisions. A possible explanation for a fall due to the installation of more terminals is that radio calls received at force HQ which require PNC access are recorded but that use by the divisions is not recorded. Therefore as more terminals are installed in the Divisions, a smaller proportion

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of accesses go through the force HQ and thus a smaller proportion of accesses are recorded.

There appears to be a further anomaly in the figures supplied by the Metropolitan Police. If officers of this force were to use the PNC at a similar rate to most other officers in the country then we could expect to see 4.5 million accesses from the Metropolitan Police instead of the half million they report. Since the average figure is consistent over the rest of the country, it is possible that the Metropolitan Police record accesses differently from other forces.

By far the most frequently accessed index is the Stolen Vehicle Index. This is accessed about twice as often as the Vehicle Owner Index. However, these vehicle checks produce very few identifications of stolen vehicles. Name checks, on the other hand, are less frequent but produce a large proportion of positive identifications. The use of the PNC is roughly divided between 80 per cent vehicle checks and 20 per cent name checks.

The 1980 report of the Northumbria Constabulary provides some information on which parts of the force make most use of the PNC. Northumbria made 657,175 accesses to the PNC. These accesses were broken down into the following categories: 310,324 by divisional officers, 316,650 by force Control Room and 30,201 by Criminal Intelligence. In a force without its own local police computer the pattern of use would be concentrated through the force control room. In Northumberland the local computer allows the officers in the divisions to make accesses via the local machine, thereby bypassing the control room.

This suggests that the PNC probably responds to 20 to 25 million accesses in a year. But as Duncan Campbell has noted (*Society under Surveillance in Policing the Police Vol. 2* John Calder 1980.) the PNC is capable of supporting 21,000 accesses per hour while maintaining a maximum delay of five seconds for simple accesses. Therefore going flat out the PNC can support 180 million accesses per year. In practice, it is probably capable of supporting 90 million accesses in a year. So there is plenty of room for increase in use. The enormous capacity of the PNC helps to explain the linking of the various indexes, since this increases use of the machine while requiring no increase in the number of accesses from the forces. If the PNC had been overloaded then this step would never have been taken. (One vehicle access obtains all the vehicle information and similarly for names but at present vehicle and names information are not linked.)

## Evidence of abuse

There are documented cases of PNC abuse by ex police officers. The most recent case involved ex-officers of the Thames Valley force

who offered vehicle checking carried out on the PNC as part of a private investigation. (*New Statesman*, 23 October 1981)

Two further cases of the abuse of computer systems are documented by Chief Inspector P.A. Fraser of Merseyside Police. Although these examples did not take place on the PNC they are indicative of the sort of abuse which can take place and how abuses are covered up. The first relates to a system in which officers had fairly free access to the system and were permitted to add entries to the system.

In another force individual officers not only interrogated the computer-based wanted persons system, they originated new records as well. A number of false records were found in the system. For example, the particulars of one senior officer had been included in the system – according to the entry he was to be taken to the nearest institute for the mentally insane if found wandering in the street. Another record concerned a police officer who was reported to have a rather dirty and scruffy appearance. He was to be arrested, taken to the local sanitary department and fumigated. Other such cases involved both real and fictitious characters.

Fraser relates the response to these additions to the records:

In order to avoid creating opposition to a recent innovation no effort was made to identify the culprits. A general warning about the undesirability of such a practice was thought to be sufficient.

In a second incident, Chief Inspector Fraser relates a breach of security on a shared local authority/police machine.

... Grave fears are aroused (in the use of shared machines) by cases such as the one I heard about in one West German force. The police received information that one of the local authority computer operators was offering, for money, to erase criminal convictions from the police system run on the local authority machine. He had heavy gambling debts. A policeman posing as a prospective customer put a stop temporarily to his criminal career with computers. I say temporarily: in order to avoid the embarrassment to the police that would be caused by a court case, the culprit was merely dismissed from his employment. (P.A. Fraser, *The Behavioural Implications of Computers*).

In response to questions about data protection and security the police, like other computer users, usually assert that as long as their system is secure to outsiders then the system is secure. These two cases indicate that there is a problem inside organisations as well.

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### **Command and control computers**

Police command and control computers are intended to provide facilities for the efficient, centralised control of police resources. To do this requires more than just a computer, an essential aspect of command and control is a flexible communications network.

In 1979, there were 24 operational command and control computers in UK police forces. Most of these systems became operational in the previous two to three years and are the culmination of a research programme spanning almost ten years. The first system in the country to become operational was in Birmingham in 1972. This was seen as an experiment in the use of command and control in an urban setting. After evaluating the system for some time a second urban command and control machine was installed in Glasgow. Following this, an experiment in mixed urban/rural command and control was carried out in the Staffordshire force area. This system went live in 1976.

Urban and rural systems were quite different because of the distances involved. In cities forces use many short range UHF radio channels but in the country fewer long range VHF channels are used. Distance also affects response times to incidents. However, a typical system would certainly be expected to have the following facilities:

- Computer Aided Dispatch: Incident Handling/Logging:
- Resource Availability: Automatic Reminders: Street Index;
- Message Switch;
- Major Incident Handling;
- Duty State;
- Police National Computer Interface.

Many of the applications of command and control computers appear to be harmless. But, certainly, enhanced access to the PNC and the use of automatic street indexes with an index by addresses of interest certainly do extend the surveillance role of police computers.

### **Computer Aided Policing: Lothian and Borders**

The Lothian and Borders computer is one of the new computer aided policing machines. It aims both to enhance the availability of the PNC by improving communications and to add locally gathered information to the other information sources available to the police. The Lothian and Borders machine will coordinate a number of different information sources as well as providing a repository of local intelligence. It represents a synthesis of police experience with a number of different systems. A simple list of applications demonstrates that the experience gained from at least four previous

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police computer projects has been incorporated into the system. These four projects are:

- 1) The Police National Computer which provides a UK-wide index to various pieces of information (e.g. vehicle ownership).
- 2) The 'C' division Metropolitan Police computer: the highly secret national police intelligence computer. Its function is to record information on over 1.5 million people many of whom have not committed any crime but are 'of onterest to the police'.
- 3) The Thames Valley Project (TVP) (also known as the Collator Project) whose purpose was to computerise all local intelligence gathered by police in the Thames Valley force.
- 4) The Strathclyde Police command and control computer. This can be taken as representative of several local forces systems whose main aim was the direction, allocation and logging of police resources with the help of computers. The aim was to speed up police response times to incidents by maintaining information on force deployment at the force control room. A second use of the command and control computer was analysis of police force deployment using Management Information Systems (MIS). It was hoped this would lead to more efficient deployment of police personnel.

The Lothian and Borders Police Computer (LBPC) is certainly *not* a command and control computer. It will complement the police use of the PNC. There is no intention to compete with the PNC in the provision of, for example, vehicle information, but the intention is to provide as comprehensive information on local crime as the PNC provides for vehicles. This can be seen when the storage capacity of local machines is considered. The LBPC is capable of storing two thousand million characters, roughly *one quarter of the capacity of the PNC*.

The LBPC *message switching* system will permit communication between any terminal attached to LBPC and any group of terminals attached to LBPC. The PNC implemented such a system in 1975 to allow inter-force communication, and the LBPC system will allow communications between all stations within Lothian and Borders force area, including the portable Major Incident Caravans. Such a message switching system has a number of advantages over the current radio and teleprinter networks. A message switch does not require operators to wait until the receiving terminal is free. Messages are stored by the computer then sent when a terminal at the destination is free to receive the message. This frees operators from the limitations of teleprinters which were not able to store messages until the receiving teleprinter was free.

Each terminal connected to the LBPC is capable of tapping into four independent streams of information. These are: the

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information coming direct from LBPC and other terminals connected in the force area: replies to enquiries directed towards the PNC; replies to enquiries directed towards the Scottish Criminal Record Office (when their computer is ready to operate); and finally, a priority message stream for important messages from within the force. Thus the LBPC computer terminal does not serve a single function; the terminals will be used to give access to all the available computerised information sources.

All the major files within the LBPC will be held in a form known as *free text*. These files will be created by a system known as Status. Free text is a method of storing information in which there is no requirement to pre-define the content of the records to be stored in the computer. When a record is filed in free text form the computer constructs a 'concordance' of the text – a list of all the words which appeared in the text of the record with a list of all the locations in which they appeared in the text. Subsequently, when it is necessary to retrieve a given record, it is possible to ask for all those records which contain given words in a given order. The Status system is very sophisticated and allows, for example, the definition of sets of words which are synonyms and then will search the text for all these words rather than look for one particular word. An example query to a collection of Status records looks like this:

Q driving + (speeding, drunk) – instructor)?

This means: select those records which contain the words driving and either speeding or drunk but not those which also contain the word instructor. Thus free text relaxes many of the constraints of older computer systems by placing no requirement on the form of the input record. This means that Lothian and Borders have not found it necessary to change any of the normal operational procedures, they have merely automated the operation of form filling so that now, instead of filling a form on paper, officers fill them out on a computer terminal.

A simple example of the use of Status on LBPC is the scratchpad. In this application all the colloquial names of streets, public houses, etc. will be maintained. When an officer wants to know where a particular pub is, but only knows the local name, a request to the computer will search for the given name in the scratchpad and return a page of text relating to the pub which will include the proper name of the pub and additional details. By using Status to process the pages in the scratchpad it is possible to ask the computer to display any page containing a given word or combination of words.

The Lothian and Borders claim that the Status system will give

very rapid recall of information from their record collections. For example, on a file with 70,000 records Status will take only 2-3 seconds to reply to 85% of all accesses and about 30 seconds should be the longest delay in obtaining information.

The use of free text for all the major applications on the LBPC is a radical departure from current police practice. The Met's 'C' computer uses Status for its major incident application but more conventional techniques are used in the nominal files for the various operations that use 'C'. The Police Scientific Development Branch also use Status to index their equipment bulletin. However, Lothian and Borders are the *first* constabulary to use free text retrieval on a large collection of sensitive personal data.

However, crime reporting is the main application on the Lothian and Borders machine. The system will keep an entire year's crime report forms in the form of a collection of Status records. The saving seen by the police is that this will enormously reduce the amount of paper to be handled. The projected size of this collection is 70,000 records this year but the police expect it to grow to about 170,000 by the 1990's.

The crime reports will also supply a valuable source of criminal intelligence, they give details of complainants and aggrieved, location of the crime etc all of which are used in identification and subsequent interrogations; the effect of the computer on interrogation methods will certainly increase discrimination against those who are seen as persistent offenders.

### **The Greater Manchester Police Computer System**

The Greater Manchester computerised criminal intelligence system (MANCRO) can be seen as an extension of the trends of police computing begun in Lothian and Borders. The specification written by its consultants clearly anticipates a criminal intelligence information system. It is in fact six computers which are all connected together and organised in three pairs. The American manufacturer, Tandem Ltd, proudly describe their system as 'non-stop', designed to provide 'continuous system availability'.

According to the recommendation of the consultants, the first priority application MANCRO will be used through three indexes. The most important index will be the nominal index which will be accessed by providing a name. This index, according to the consultants, will be 'constructed from its inception so as to provide pointers to non computerised information' which will consist of 'non computerised CRO files or data held on an informal basis by collators at the divisions.' This the report adds will 'give the best possible service in the short term and providing the necessary

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linkages for future extensions to the CRO's database'.

The other two indexes are the descriptive (physical details) and modus operandi (method of working), which will be cross linked to the nominal index so as to provide 'the full information held on each person.' The overall design of the system should be as 'flexible as possible to facilitate future extensions and modifications of the services provided and the links with other regional and national systems'.

The MANCRO design includes features that will allow the system to be cross referenced to the intelligence held by the divisional collator as well as links to other computer systems (e.g. the PNC). Initially the system will not hold criminal intelligence in the computer. Instead it will hold where the criminal intelligence can be found.

The objective of the information support application is to give the operational police officer: summary information about persons, vehicles or property held on the PNC; more detailed and still formal information on the force criminal records office and informal information on criminals and suspects which may be held by divisional collators. The potential growth of use of this system, according to the consultants' report is 'an enquiry volume of between 3,300 and 3,600 per day at the outset' which 'might increase tenfold during the life of the system (i.e. by 1995). This contrasts with the use of the MANCRO application which according to the design has 'allowed for enquiries on MANCRO held data to rise to 300 daily.'

This application will also have access to collator held intelligence. 'Collators manual records should be so organised as to be readily available to support enquiries placed upon it (latterly through pointers in computer held MANCRO nominal records) pending any possible further changeover to computerised system for collator records.'

It is now quite clear that the Manchester Police Computer system is designed as a criminal intelligence system, anticipating from the outset, more than ten times use of 'information support' than the MANCRO application. Like Lothian and Borders, it will initially point to paper held information, but unlike Lothian and Borders the system will incorporate the force's criminal records on the same computer.

## **PNC use by the Special Branch**

According to the 1980 Chief Constable's Report for North Wales, the 22 Special Branch (SB) officers situated at Holyhead used the PNC a total of 14,634 times. This means that the PNC use per SB officer is three times that of the average police officer. This figure of

SB use of the PNC is the only one mentioned in *any* of the 1979 or 1980 reports and is characteristic of the secrecy surrounding the SB.

Five of the eleven categories of stolen or suspect vehicles (suspected of being used in a crime, interest to the police for a particular reason, vehicle used for police purposes, blocked and seen) can also be used by the SB. The SB are notified in their headquarters of a vehicle in one of their 'special' interest areas is the subject of a PNC enquiry. The linking of vehicle indexes, means that the SB will randomly screen approximately 20,000,000 vehicles this year. This figure will rise with the increasing use of the PNC by the ordinary police constable, who by making PNC enquiries are extending SB surveillance. Moreover, the Home Office Police Scientific Research Programme for 1980/81 includes the following statement: 'Equipment which automatically reads vehicle number plates and processes the data against a record of wanted vehicles is about to undergo operational trials.' This equipment has now gone into experimental service in the Dartford Tunnel. It means that the police are developing a system *capable* of mass surveillance on an unprecedented scale. The surveillance potential of the PNC could also increase if a chief constable decides as a matter of operational policy, to change the reasons why vehicles become 'suspect'.

### **Special Branch use of the Metropolitan 'C' Division computer**

This computer situated in New Scotland Yard is to 'handle information . . . about crime, criminals and their associates, and matters relating to national security.' By 1985, it has been estimated that the SB will have 600,000 of their 1,400,000 personal records on this computer, being accessed by Status, the free text retrieval programme now being used by Lothian and Borders Police. The Lindop Committee on Data Protection thought that this computer brought a 'new dimension of unease' to police computing. This is because free text retrieval allows the searching of all the computers information with fragmentary intelligence. According to Lindop, one would have to know why the search was being made before it could be determined whether the enquiry was an infringement of data protection or privacy. In this conclusion, Lindop admits that the question of data protection and privacy not only includes the information itself, but includes the *use* of that information. The police consider that the use of information is a police operational matter, and therefore a matter for them alone to determine whether its use is justifiable. The Lindop Committee

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decided that they could not give a 'firm assurance' that the 'public need not be unduly alarmed' by the use of computers by the Metropolitan Police.

### The MI5 computer system

The latest MI5 computer system described in the *New Statesman and Computing* (5th March 1981) is immense. It has 2½ times the storage capacity of the PNC and is estimated to be capable of storing 150 descriptive words on approximately 20,000,000 people. The system uses the National Insurance Number as a Universal Person Identifier (UPI). The Lindop Committee in its summary stated that '... Because it (UPI) would facilitate linkages (between data banks), we think a UPI would pose dangers for data protection. If a UPI is ever contemplated, special legislation for it should be laid before Parliament; *it should not be permitted to evolve informally?* (our emphasis) It is now obvious that at the time of Lindop's publication (Dec 1978), MI5 were well on the way to developing an operational 'informal' system.

MI5 have created their computer index to many people using the computerised information of the DHSS and Inland Revenue. The DHSS told the Lindop committee that 'information may be disclosed without obtaining prior consent (from the data subject) ... when the Department considers that it is in the public interest to do so.' This correlates with the Australian MI5 charter (that is believed to be a copy of the British MI5 charter) which states a requirement for 'access to records of Government Departments and agencies as you (MI5) may deem necessary for the purpose of your work' to establish 'a comprehensive set of security records.'

Evidence that the National Insurance Number is used by MI5 for surveillance purposes are the cases of James Hogg (whose shop stewarding activities were sent to MI5, *Bulletin* No. 20), and Jan Martin (who was alleged to have 'terrorist connections', *Bulletin* No. 23). There is also the event associated with the police vetting of an applicant for a council post in Lothian and Borders area (*Bulletin* No. 5). The system will play an important part in the extension of positive vetting (*Bulletin* No. 26), and in the nuclear industry by the Atomic Energy Authority (*Bulletin* No. 5). It is pertinent to recall the connection between MI5, Special Branch and the Economic League who use the National Insurance Number to index their computerised blacklist (*Bulletin* 7, 15, 24), and that the Verfassungsschutz (who also have vast computer equipment at their disposal and operate the vetting of public servants leading to Berufsverbot) are modelled on MI5 (*Bulletin* No. 27). Other information concerning MI5 and Special Branch surveillance

activities are documented in *Bulletins* 2,4,6,11,12,13 and 19.

The presence of the MI5 computer contradicts the government's assurance to the Lindop Committee. 'The Government made it clear in 1975 . . . that it was aware of the dangers of combining information from different sources, that it had no plans to construct a central data bank which would bring together in one system all the personal information available in government departments, and that it had no intention of allowing the computer systems under its control to be linked together to produce such a result.' The Lindop Committee reported that 'Such a collation and centralisation . . . would in our view be thoroughly undesirable.'

### **A review of data protection and privacy proposals**

The government has reluctantly been drawn towards legislation in the data field because it has to sign the Council of Europe's convention on data protection. If it does not legislate, then other countries will not permit its data to be used in this country because of the lack of security. The legislation will primarily be concerned to safeguard the requirements of industry which is becoming more dependent on computerised information, and not the requirements of the individual citizen.

The Younger committee formed in 1970 to look into data privacy had terms of reference dealing with the private sector only. The committees had to 'consider whether legislation is needed to give further protection . . . against intrusion into privacy by *private* persons and organisations.' (our emphasis) The committee asked two successive Home Secretaries whether its remit should be extended to the public sector, and on both occasions this extension was refused. Their report (Cmnd 5012) published in 1972 therefore added that the government should consider including both the public and private sectors within their recommendations.

It took 3½ years for the then Labour government to produce a White Paper in December 1975 (Cmnd 6353 and 6354) which acclaimed ' . . . the time has come when those who use computers to handle personal information, however responsible they are, can no longer remain sole judges of whether their own systems adequately safeguard privacy.' This White Paper established the Lindop Committee on Data Protection to review the whole arena of data protection in both the public and private sector.

The Lindop Committee report (Cmnd 7341) published in December 1978 recommended the formation of an independent Data Protection Authority (DPA) which would be independent of all government departments, and would be directly responsible to parliament for the statutory and mandatory codes of practice it produced. The DPA would also act as computer 'ombudsman' in the

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case of any dispute or complaint. Lindop's DPA would exercise control over all computers except those specifically involved in national security where lesser controls were advocated. In this area the committee recommended that:

- 1) Any power of the Secretary of State to grant exemptions from the DPA should be precisely limited to national security. Police records, including criminal intelligence having no bearing on national security should not be exempted.
- 2) Any exemption necessary should be granted personally by the Home Secretary
- 3) The DPA should have at least one senior official with security clearance sufficient for him to operate in effect as privacy consultant to the Home Office for security reasons.

The Lindop Report was shelved by the incoming Conservative government, who were forced to produce legislative ideas to satisfy international pressure. The first idea on data protection was to revert to some of the Younger proposals. The Home Office, the government decided, would act as impartial judge, jury and arbiter on a voluntary scheme which would exempt the police and security services. This was despite the Home Office's own responsibility for the controversial computerised information held by the Metropolitan Police, immigration control, drug abuse, prison and probation services as well as the Home Office's involvement in police and national security measures. It is a measure of the lack of concern of this government with data protection of information on individual citizens that this proposal was suggested in the first place.

The latest idea is for a voluntary code of practice overseen by an independent registrar supported by a small staff. This drops Lindop's proposal for an independent DPA backed with statutory powers, and leaves the police and security services exempt of any control. However the exact nature and extent, or more precisely lack of extent of the government's intentions still awaits official publication and legislation more than 12 years after concern was first raised.

### **The implications of police and security service exemption**

In their submission to the Lindop Committee, the Home Office and Association of Chief Police Officers (ACPO) initially requested exemption for all police and security service applications, offering 'supervision' by the Home Office as a satisfactory substitute. The Home Office later changed its mind and declared that the PNC could be brought under the jurisdiction of the DPA, but still sought exemption for criminal intelligence and national security

computing. It is noteworthy that this government's current ideas do not even include the PNC, which previously could conform to the DPA's controls.

The real dangers of current legislation is that it opens the way for extensive linkages between police computers in relation to criminal records and criminal intelligence. Lindop was told that it 'was thought desirable to postpone such a linkage for about 10 years to allow the public debate to proceed.' If the new legislation (when it appears) represents the 'end' of the debate, then such linkages can be advanced without any control. Lindop noted that '... as the law now stands there is nothing to prevent them (linkages) from coming about by mere administrative fiat... or be taken by individual chief officers of police without consulting the Home Office... or by Home Office officials or Minister without their being any formal obligation of public disclosure.'

Many police forces are anticipating these changes. Greater Manchester are intending a fully computerised criminal intelligence system; Lothian and Borders have a nearly operational system on a lesser scale. In 1979, one third of the UK constabularies were considering criminal intelligence applications on computers. The definition of criminal intelligence stated in an ACPO publication (*Police Use of Computers* 3rd Edition) defines that 'intelligence' was 'all systems containing details of persons of interest to the police, where the subjects will not necessarily be convicted persons.' With the 'end' of the debate (sic) it will be a matter of police operations to independently determine what constitutes 'intelligence', 'interest to the police' and what linkages to other police computers are necessary.

Hitherto relatively uncontroversial command and control computers will have the potential for access to criminal intelligence. Command and control computers have extended the access to the PNC through an 'interface'. There is nothing stopping the police command and control computers being interfaced with criminal intelligence computers, thus providing these facilities and information over those terminals attached to the command and control computer.

Lindop concluded that the 'best way to avert any fears and suspicions of such systems would be for them to be subject to the data protection legislation which we proposed', hopefully adding that 'major policy decisions about computerised police applications handling personal information should not be taken in secret.' The revelations concerning the MI5 computer system, and disclosures of the extent and implications of police computing represents a threat to civil liberties, unless they are brought under proper public control and accountability. This government intends to do neither.

## Books

**Crime and Society: Readings in History and Theory**, Compiled by Mike Fitzgerald, Gregor McLennan and Jennie Pawson, London, Routledge and Kegan Paul, 1981. £8.95, Paper.

This collection of readings for the Open University course 'Issues in Crime and Society' brings together a number of diverse and useful papers, both original and those which have appeared elsewhere. The history section contains three important papers on law and ideology: Douglas Hay on property and the criminal law, Michael Ignatieff on the origins of prison and John Brewer and John Styles on popular attitudes to law in the eighteenth century. Perhaps of more interest to *State Research* readers will be those papers on the early history of policing, especially Robert Storch's impressive account of working class resistance to professional police forces, 'The plague of the blue locusts' which undermines much of the ideology of early 'policing by consent', and Phil Cohen's 'Policing the working-class city' which looks at the same kind of resistance in the early years of the twentieth century.

In the theory section three papers stand out. Stand Cohen's 'Footprints in the sand' is a concise account of British criminological theory in the 1960s and afterwards, both the traditional versions and the deviancy theories. Cohen's paper is well-complemented by Jock Young's 'Thinking seriously about crime' which examines six major paradigms, including conservatism, positivism and marxism, and their thinking about crime. More recent developments are analysed in a concluding paper by Stuart Hall and Phil Scraton, 'Law, class and control', which addresses itself to the current debates on the left about the nature of law, class, the rule of law and so on. Together, the three

papers are an invaluable to the reader wanting a guide to recent left and other theories on crime and law.

Although intended primarily for students, this book has made a number of previously published important papers available to a wider audience than they might otherwise have had and has led to the production of some useful original material.

## Pamphlets

**They Shoot Children: The Use of Rubber and Plastic Bullets in the North of Ireland** by Information On Ireland, Box 189, 32 Ivor Place, London NW1 6DA, 50p (plus 20p p&p). This 40-page booklet, illustrated by numerous photographs, documents the use by the British army and the Royal Ulster Constabulary of rubber and plastic bullets against civilians between April 1972-August 1981. So far 13 people have been killed, six of them children, by this 'riot-control' weapon, and many more have sustained serious injuries.

The booklet traces the history of the 'baton round' – the original hardwood bullet used in Hong Kong and other colonies during the 1960s – which was then superceded by a rubber version, first used in Northern Ireland in 1970. Later, the plastic bullet was developed as a replacement. This is now being stockpiled by mainland police forces following last summer's street disturbances in many cities.

A number of case histories of the victims are given, detailing the manner in which instructions of the use of rubber and plastic bullets have been abused by soldiers and police. These are set against the highly misleading army propaganda campaign aimed at making the plastic bullet acceptable to public opinion on the mainland. With conclusive evidence that the plastic bullet is a killer, the authors argue that it should be prohibited. They are not alone: 52 members of the European Parliament tabled a motion last December calling on all member states to ban the use of plastic bullets against civilians.

**Taking Liberties**, edited by Ron Knowles, published by the National Union of

**Journalists, 314 Grays Inn Rd., London WC1. 50p plus 20p postage. 44 pages.** Three former Labour Ministers and Judge Alan King-Hamilton grace the cover of this NUJ pamphlet dealing with state suppression of free speech and freedom of the press in Britain. While the Labour movement rightly complains at the treatment of both unions and the Labour Party by the media, Labour's office holders have not been at all reluctant to use the state – police and courts against the press. But most of this has been directed, not against their Fleet Street critics, but at the left.

The pamphlet kicks off with an account of the suppression of the Sunday Times's thalidomide exposure by the Distillers' Company and the courts. There follows an excellent short account of the Agee/ABC/Colonel B affair by Philip Agee himself, Crispin Aubrey and Ron Knowles. Agee says he has not given up hope of one day returning to Britain; the pamphlet is worth having for this section alone. But there is also plenty of interest in the account of attacks on the jury system by David Leigh and Bruce Page, the dormant Official Information Bill by Peter Hennessy and police harassment of photographers by Andrew Wiard. The NCCL Contempt case is discussed by lawyer Anthony Blair. The pamphlet is one of the best contemporary accounts of the political use of the law to suppress criticism and dissent.

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## Books Received

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**Supplying Repression: U.S. Support for Authoritarian Regimes Abroad**, by Michael T. Klare and Cynthia Arnson, with Delia Miller and Daniel Volman. Washington, D.C.: Institute for Policy Studies, 1981, revised edition, 165 pp., \$4.95 paper. This is a revised and updated edition of the authoritative 1977 text, showing the deep organic links between local repression and U.S. funding, sponsorship and training of repressive regimes.

**The Nuclear Destruction of Britain**, by Magnus Clarke. London: Croom Helm, 1981, 291 pp., £11.95 cloth. Usefully considers some specific circumstances arising from a Soviet nuclear attack and the ability of the U.K. to survive it. An unusual combination of hard reality (avoiding many euphemisms),

admiration of Swedish and Swiss shelter systems (seeking cure at the expense of prevention) and ignorant escapism (celebrating the author's residence in Australia).

**Intelligence Requirements of the 1980s, volume III: Counter-Intelligence**, edited by Roy Godson. Washington, D.C.: National Strategy Information Center, 1980, 339 pp., £6 paper. How publishable elements of the U.S. intelligence establishment see their counter-intelligence needs. Raises important questions of civil liberties and (unconsciously) of whether paranoia is an inevitable part of clandestine activity of state agencies.

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## Articles

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### POLICE

**Society's punch bag**, Brian Hilliard, *Police Review*, 5 February 1982. An interview with the chairman of the Police Complaints Board, Sir Cyril Philips.

**Variations between police forces in dealing with juvenile offenders**, Joy Mott, *Home Office Research Bulletin* No 13, 1982.

**How crimes come to police notice**, John Burrows, *Home Office Research Bulletin* No 13, 1982.

**Second in command**, Brian Hilliard, *Police Review*, 29 January 1982. An interview with Pat Kavanagh, Deputy Assistant Commissioner of the Metropolitan Police.

**The Royal Ulster Constabulary**, Assistant Chief Constable HM McCollough, *Police Studies*, Vol 4, No 4, Winter 1982. The RUC's assistant chief on the organisation of the force.

**The police, research and crime control**, Kevin Heal, *Home Office Research Unit* No 13, 1982.

**Scarman reports on Brixton**, Labour Research, February 1982. A useful summary of Scarman's main recommendations.

**Bramshill and Scarman**, Brian Hilliard, *Police Review*, 5 March 1982. An interview with the Commandant of the Police College on its practices and philosophies.

**Community policing**, Terry Jenkin, *Police Review*, 22 January 1982. A personal account by a 'community constable'.

## Reviews and Sources

### MEDIA

**Who's Kingdom come?** Police, January 1982. A look at the BBC film, *United Kingdom*.

**To see ourselves as . . .**, Police, January 1982. A police view of the BBC *Police* series.

**How the BBC gags Irish voices**, Jack Brown, *The Leveller*, No 73, 22 Jan-4 February, 1982.

### JUDICIARY

**The Law Lords and the GLC**, John Griffith, *Marxism Today*, February 1982.

### MILITARY

**Nuclear Proliferation**, Prof. Lawrence Freedman, *NATO's 15 Nations*, Dec 81-Jan 82. Outline of the history and current state of the proliferation of nuclear capability.

**The UDR**, *Armed Forces*, March 1982. Profile of the Ulster Defence Regiment. *Armed Forces* has been published monthly since the beginning of 1982 by Ian Allan Ltd and the Royal United Services Institute and contains a useful short news section.

**Nuclear Submarine Propulsion in the Royal Navy**, Vice Admiral Sir T Horlick, *Navy International*, March 1982. Detailed explanation of the application of nuclear power technology to submarine propulsion.

**Deadlier than the male?** Keith Bernstein, *Soldier*, 8.2.82. Journalistic report on women in the US army.

**China**, special edition of *Defence* early 1982. Describing the armed forces military requirements of China.

**Nuclear Biological and Chemical Warfare Defence of Deterrence? the Case for Chemical Weapons**, *RUSI journal*, December 1981. A description of the basics of NBC by senior officers at the Defence

NBC Centre and an argument for chemical rearmament.

**Soviet Military Power**, Dan Smith, ADIU report, Jan/Feb 1982. A rebuttal of the US Department of Defense document also called *Soviet Military Power*.

### GOVERNMENT

**Close up on the cabinet**, *the Economist*, 6-12 Feb 1982. Incomplete but useful list of cabinet committees and who chairs them.

### INTELLIGENCE

**Master of the double cross**, by a special correspondent. *New Statesman*, 5.2.82. The duplicity of Reagan's new National Security Adviser, William Clark.

**Secret UK base spies on telephone calls**, Linda Melvern. *Sunday Times*, 12.3.82. Morwenstow in Cornwall, nominally part of GCHQ, intercepts international calls from this country on behalf of the US NSA.

**The news manipulators**, Richard Fletcher and Tony Smart, *Africa Now*, March 1982. The full story of how British intelligence, with the aid of prominent newspaper owners and managers, manipulated the flow of news to the Third World.

**M16 Mata Hari and a trainee spy**, David Leigh and Paul Lashmar, *Observer*, 7.3.82. Police and courts cooperate with bogus arrests and trials to train M16 agents.

**Secret Cold war files are scrapped by Foreign Office**, David Leigh and Paul Lashmar, *Observer*, 28.2.82. All documentation on the secret anti-communist propaganda department, IRD, has been 'weeded' from official records before their release.

**The Monster that just grows**, Duncan Campbell and Steve Connor, *New Statesman*, 5.3.82. Details of M15's computer.

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