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2000

# Controlling State Crime in the United Kingdom

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Available at: <https://works.bepress.com/jeffreyianross/79/>

From Ross, Jeffrey Ian (Ed.) 2000  
VARIETES OF STATECRIME AND  
ITS CONTROL. Monsey, NY:  
Criminal Justice Press

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CONTROLLING STATE CRIME IN THE  
UNITED KINGDOM

by  
Jeffrey Ian Ross

THE UNITED KINGDOM (encompassing England, Wales, Scotland and Northern Ireland), through the actions of its police, national security agencies and military branches, has often been accused of committing state crimes both at home and abroad. Consequently, a number of traditional and innovative controls have been advocated, some of which have been implemented to decrease, minimize, reduce, prevent, and hereafter control these types of illegalities from occurring. This chapter identifies the more salient crimes committed by these state agencies domestically<sup>1</sup> during the past three-and-a-half decades and focuses on the methods citizens and state organizations have used to combat this form of political crime.<sup>2</sup>

Identifying crimes by the state is not popular in Britain. Most Brits do not criticize the state because there is a strong belief in government legitimacy, loyalty, and patriotism and a high deference for authority. For example, "[o]pinion polls record widespread support for and confidence in the police.... The media and politicians regularly pronounce that UK criminal justice remains the envy of the world" (Scruton, 1985:9). Behind this popular image lies many incidents of state crime as well as selected public and governmental indignation when it occurs.<sup>3</sup> These sorts of crimes usually "led to the embarrassment of the British government" through "public opinion, Amnesty International, the European Court and the United Nations [which] have all denounced aspects of "various disdainful state actions" (Thurlow, 1994:357).

However, the police, national security, and military branches are not monoliths. The police are organized in a regional fashion, with Great Britain having 43 police forces, Scotland having eight, and Northern Ireland having one (i.e., the Royal Ulster Constabulary). Both the RUC and the London Metropolitan Police (hereafter Met) garner considerable attention for questionable practices. Each have a number of divisions. One of the more controversial

developments has been the use of public-order policing units such as the Met's Special Patrol Group (disbanded in 1987) and Manchester's Tactical Aid Group. Ostensibly designed to deal with large scale protest or strikes, they have often been viewed as a political police (Bunyan, 1976). The national security services include Military Intelligence 5 (MI 5), the Secret Intelligence Branch (SIS) (or MI 6, as it is commonly referred to), the Special Branch, and the Anti-Terrorist Branch.<sup>4</sup> The military primarily includes the Royal Navy, Air Force, and army.<sup>5</sup> Finally, although Scotland has its own legal and civil code and mechanisms for control (e.g., judiciary), it has been slow to achieve its own parliament.

As a democratic country, the United Kingdom has a number of traditional mechanisms to keep state power in check and to monitor the abuses and crimes that government representatives and their agencies might commit against their citizens. However, in the last three-and-a-half decades, a period that corresponds to what some individuals (e.g., Ingelhart, 1977) call the post-industrial era, the legitimacy of state actions has increasingly been called into question (Thurlow, 1994), leading to the establishment of additional controls.

During the period covered by this analysis (1960-1997), state crime in the U.K. occurred in a variety of contexts, including, but not limited to, the ongoing conflict in Northern Ireland,<sup>6</sup> and the police role in responding to domestic and civil unrest and public disorder elsewhere in Great Britain. Among the acts of state crime that have received the greatest amount of attention are police and military use of deadly force, unwarranted surveillance, human rights violations and unfair criminal proceedings (e.g., burying of exculpatory evidence).<sup>7</sup>

### CRIMES COMMITTED BY STATE ORGANIZATIONS

The liberal democratic state can be characterized by a range of agencies, organizations, departments and policies established to carry out the wishes, desires and preferences of a variety of constituencies.<sup>8</sup> Although state agencies in advanced industrialized democracies develop elaborate mechanisms to screen and monitor "undesirable" individuals from entering the civil service, and later from engaging in crimes, these processes sometimes fail either through neglect, poor design, supervision or implementation. Some organizations, by virtue of having the highest amount of contact with citizens (e.g., the military, national security agencies and police), are more prone to engage in acts of state crime than others; hence this analysis concentrates on these particular agencies.<sup>9</sup> It begins with a review of the military, the organization among the three that has committed the fewest state crimes.

### CRIMES COMMITTED BY THE MILITARY

Britain has always prided itself on its military, particularly its naval fleet, which allowed it to expand and protect its growing need for raw materials and markets during its greatest time of capitalist growth. During the post-World War II era, Britain's military has been a pivotal player in the North Atlantic Treaty Organization (NATO). Despite this role, three prominent types of state crime have been committed by the British military: a variety of activities in Northern Ireland, some actions of the Special Air Service, and the sales of weaponry to particular states with questionable human rights records.

Perhaps the most important area of the military's state crimes has been in the context of policing the Northern Ireland conflict. The British army "is a controversial presence amidst the ebb and flow of violence between republican and unionist forces, and is subject to grim accusations that it has violated the human rights of detainees and been used as a partisan political instrument for the repression of Irish nationalism" (Kesselman et al., 1997:32). For example, in 1971 the army detained and interrogated 14 members of the Irish Republican Army Provisionals and exposed them to a variety of questionable interrogation techniques, including methods of sensory deprivation such as "prolonged wall standing, loud noises, hooding, and deprivation of food, water, and sleep" (Hurwitz, 1995:301; Roberts, 1976:16).

In February 1972, in Londonderry, British soldiers shot to death 13 people and wounded 16 unarmed civilians following a civil rights demonstration. This incident, generally referred to as "Bloody Sunday," was the subject of a highly publicized inquiry that culminated in the Widgery Report, which, in turn, was perceived as a whitewash of British army activities during this incident. Additionally, the army has been accused of being pro-Protestant because of its failure to act "during the Protestant workers' strike in Ulster in May 1974" (Roberts, 1976:16).

The Special Air Service (SAS), an elite strike force of the Royal Air Force, "tend to see all security in terms of force.... As early as 1969 some SAS soldiers were operating in Ulster, but it was not until 1976 that [former prime minister] Harold Wilson formally announced their presence.... The SAS soldiers were trained to shoot terrorists even if they were apparently surrendering, and they did so. When they appeared in court at the trial of the terrorists they were disguised and nameless" (Sampson, 1982:254-255).

The military has also been accused of selling weaponry and technology to countries with abysmal human rights records (e.g., Iraq) (Darwish and Alexander, 1991; Sampson, 1982). "The deals made with foreign governments in the

Third World are among the most carefully guarded secrets in the ministry, immune from parliamentary questioning..." (Sampson, 1982:251).

Nevertheless, the military is probably the most contained division of government as a result of its political culture, decreasing size, and continuing removal from formal political decisions and minimal public debate. As one commentator has suggested "[t]he place of the armed forces in the national psyche has always been uncertain. Britain has liked to regard herself as one of the least military of nations, able to put away the symbols of war as soon as peace is declared" (Sampson, 1982:246). However, "military values still play an unseen part in the country's thinking... The sense of military hierarchy and the ancient class division between officers and NCOs can still be perceived through the ranks of industrial corporations... In moments of national humiliation or bewilderment, the British can still summon up almost instantly the memories of the Second World War, which her former enemies had no difficulties in forgetting" (Sampson, 1982:246).

Since 1957, the number of members of the armed services has decreased. "The generals, admirals and air marshals had seen more rapid changes in their role and technology than almost any elite, as the territory they were defending had dwindled from a quarter of the world's population to the frontiers of Western Europe- including Ulster" (Sampson, 1982:247). Additionally, "[t]he army took the most obvious buffeting in the post-war decades, defending the indefensible positions in successive colonial enclaves, cutting down regiments, retreating from the Far East and Africa into Europe, and now moving between West Germany and Ulster" (Sampson, 1982:252-253).

The military has become less open to public inspection. "Since [former prime minister] Harold Macmillan ... abolished the political heads of the three services,... successive politicians have tried to integrate the three services into a more unified structure, but of all the many mergers of the sixties and seventies this has been the most resistant" (Sampson, 1982:248-249). Public debate on the armed services is less than in other countries. This was particularly evident during the discussion over the use of trident missiles. "Most cabinet ministers [are] kept in the dark, and... decision[s are] only debated after it had been made" (Sampson, 1982:251).

Not surprisingly, during the early 1970s, as a result of public statements by former high ranking officers and then current members of parliament, there was talk of a possible military coup d'état (Sampson, 1982; Roberts, 1976). This crisis, however, was dismissed in several quarters. According to Roberts (1976), "a direct military take-over seems most unlikely not only because it runs against military traditions, but also because it would arouse strong political opposition

and would most probably be countered effectively by wide-spread civil resistance, including non-cooperation" (p.18).

#### CRIMES COMMITTED BY NATIONAL SECURITY AGENCIES

Although there have been security failures, British intelligence, collected through the country's national security agencies, has been credited with several successes, including but not limited to breaking the Nazi and Soviet codes during the second World War. In fact, "[a]fter the Soviet Union and the United States, Britain has the world's largest espionage, counter-intelligence and eavesdropping services" (Doherty, 1986:10). Unfortunately, security leaks, media exposés and the revelations of former national security personnel paint a picture of a national security establishment engaging in periodic state crime. The national security organizations have been accused of "mounting disinformation campaigns against elected governments (Dorril and Ramsay, 1991; Leigh, 1986:215-255) and summarily executing people believed to be engaged in violence against the state (Doherty, 1986; Kitchin, 1989; Stalker, 1988; Taylor, 1987)" (Gill, 1995:81).

It is difficult learning about these state crimes. "[F]or reasons of national security, and with the danger of compromising current operations, it is often very difficult for the authorities to comment on matters of alleged wrongdoing by the military, the police, or the security and intelligence services operating in Northern Ireland. Very often the political authorities are quite legitimately, on the need to know principle, not informed about the current operations. When such activities turn sour the media may pick up hints of alleged wrongdoing" (Thurlow, 1994:373). In particular, four major events can be classified as crimes committed by British national security organizations: the spy scandals of the 1960s, the Stalker Affair, the trials, conviction and incarceration of suspected IRA terrorists, and illegal surveillance of British citizens and interests.

First, the spy scandals inside British intelligence organizations, presents an interesting case of state crime. After World War II, a number of British citizens who were acting as spies for the Soviet government were detected. These individuals included, but were not limited to Michael Bettaney, George Blake, Anthony Blunt, Guy Burgess, Donald Maclean, Kim Philby, Anthony Price and John Vassall. Their presence "proved that internal security was still deficient, causing new problems between Britain and her allies" (Laqueur, 1985:208). In this case, the state was negligent in protecting its citizen's national security, causing a crime of omission, and thus committing a state crime.

Second, in the Stalker affair, John Stalker (Deputy Chief Constable of the Manchester Police) "was appointed to head an enquiry" to investigate the 1982

deaths of "six people by the security forces in Northern Ireland... In the first [incident] five known members of terrorist organizations... died [not carrying weapons] .... The circumstances of the deaths led to accusations that a 'shoot to kill' policy existed in Northern Ireland. This was, not expectedly denied strenuously by authorities whose position was reinforced by the subsequent acquittal for murder of four policemen who were involved..." (Jeffery, 1988:344). Stalker was instructed to "see if any criminal offence had been committed by the Royal Ulster Constabulary (RUC) and more generally, to consider the difficulties faced by police officers when acting on information which they cannot reveal in order to protect an informant... This ...enquiry turned into an 'affair' when Stalker was abruptly and unexpectedly suspended from duty in May 1986 pending an internal police investigation into allegations that he had associated socially with known criminals" (Jeffery, 1988:344). Although Stalker was exonerated and reinstated by his police authority, the jury is still out concerning the conspiratorial nature of the affair. Some suggest that the Stalker affair was a smear campaign at the hands of the RUC (Jeffery, 1988). Others have argued that the conspiracy was much higher up at the governmental level. Still some believe that there was no conspiracy at all (Thurlow, 1994).

Third, as a result of an October 5, 1974 IRA bombing of a pub in Guilford, four individuals were arrested, tried, and convicted of a variety of crimes, including the deaths of British citizens frequenting the pub. During the trial the prosecution concealed evidence that would have proved the innocence of those arrested. Only through the painstaking work of a lawyer working on their behalf was the state crime committed against them discovered. Between 1989 and 1990, the Guilford four, Birmingham six, and Maguire seven were released from prison after their convictions "had been declared unsafe"<sup>10</sup> (Thurlow, 1994:388).

Finally, The National Security Agency (NSA) and the General Command Headquarters (GCHQ) illegally undertook mass surveillance of activists, trade unionists and British business through the microwave network set up in the 1960s for such purposes. The extent of the activities of this network first came to light in the mid-1970s when Duncan Campbell revealed the level and sophistication of Signals Intelligence (SIGNIT) in the U.K., later referred to as the ABC affair (Thurlow, 1994).

#### CRIMES COMMITTED BY THE POLICE

Since the early 1960s, the United Kingdom has experienced many well publicized police-citizen confrontations that resulted in police use of excessive

force.<sup>11</sup> In cases where questionable police violence has occurred, it was usually in the context of riots, strikes and deaths in custody. For example, the police were accused of using excessive force in: the 1980s race riots (e.g., Benyon, 1984; Harris et al., 1983; Cowell and Young, 1982; Kettle and Hodges, 1982; Fowler, 1979); the 1984 miners' strike (e.g., Fine and Millar, 1985; Coulter et al., 1984); other labor disputes (e.g., Geary, 1985; Dromey and Taylor, 1978); public protests (e.g., the 1985 visit by the Home Secretary to Manchester); and deaths in custody (e.g., Scraton and Chadwick, 1985; U.K. Home Affairs Committee, 1980).

The Met is often at the center of this type of controversy.<sup>12</sup> Some of the greatest threats to the legitimacy of the force occurred during the 1970s. Corruption, violence in handling political demonstrations, deaths in custody and insensitivity in dealing with visible minorities provoked great public concern. In terms of police violence, a number of well-publicized incidents by the Met have come to the public's attention. For example, the Met's Special Patrol Group has been accused of the death of Keven Gately at the Red Lion Square demonstration in 1974, the policing of the pickets at Grunwicks in 1977, the Lewisham case involving police brutality of those arrested in 1977, and the death of Blair Peach in the wake of a National Front election in Southhall in 1979.

In particular, "in their role as law enforcement agency the police have tended to come into specific conflict with the minority communities... These include what are felt to be examples of over-zealous policing, such as excessive stopping of young black people on the street, and excessive attention to use by black people of soft drugs. They also include perceptions of under-policing, as with the allegations from Asian communities of inadequate police response to racial violence and attacks" (Oakley, 1990:48).

Perhaps the most well-known episode of police violence took place in mid-April 1981, when the Brixton area of London experienced serious civil disturbances during which there were several allegations and documentary evidence of unnecessary police violence. Much of this violence was part of "SWAMP 81" where the Met, faced with increases in public and media concern over street crime in Brixton, increased the number of street stops, particularly of blacks (Jefferson and Grimshaw, 1984, 1982). To add insult to injury, during the mid and late 1980s a number of "mistaken" shootings or the use of deadly force against fleeing felons brought the Met under increased public criticism and demands for greater controls were made.

The majority of the police violence occurred in the black communities and in the pit (i.e., mining) villages. Civil disturbances in Toxeth, Liverpool, Moss-side, Manchester and Bristol have led to anti-police riots and deaths in

police custody. Ironically, the Director of Public Prosecutions (DPP) refused to prosecute a single police officer in connection with deaths in custody and nearly thirty other cases referred to it since 1970. This official passivity was reflected in the coroner's court verdicts of misadventure, accidental death, suicide and unlawful killing (Brogden, 1982).

Perhaps the most controversial of the public order groups has been the Met's Special Patrol Group. It was regularly criticized for being overly aggressive and confrontational, particularly in the policing of public disorder. In the late 1980s, as a result of an internal inquiry, the SPG was disbanded. In 1978, Operation Countryman was established to clear up allegations that the Metropolitan Robbery Squad, the successor to the Flying Squad, was also corrupt (Brogden, 1982).

In sum each of the three principal state agencies has engaged in a handful of incidents which can be classified as state crimes. The following section addresses the controls that were implemented as a response to these crimes.

### CONTROLS ON CRIMES BY STATE AGENCIES

Controls are exercised from a variety of institutions characteristic of democratic societies. Most of these organizations have typical constraints found in most bureaucracies. Regardless of the state agency, controls can be generally divided into two types: internal and external. Internal controls include such mechanisms as supervisors, chain of command, etc. External controls can be divided between governmental/legislative solutions and nongovernmental/citizens mechanism (Ross, 1995b). Among the governmental/legislative external controls are the parliament and its political parties,<sup>13</sup> the media and the European Convention on Human Rights. What distinguishes Britain from many of the western democracies, however, is the lack of a formal Constitution or Bill of Rights. No single written document serves as a constitution or a Bill of Rights. But a number of documents (e.g., Magna Carta, the Petition of Rights, and the Statute of Westminster) have constitutional status. Custom, precedent, and widespread familiarity with Constitutional precedents is perhaps more important in protecting human rights and civil liberties. Additionally, much written commentary exists on precedent and there is a willingness to play by the rules. Among the nongovernmental/citizens controls are the media, trade unions and interest groups such as the National Committee on Civil Liberties. The controls specific to each agency that exist will briefly be reviewed, those that were relied on or experimented with during the past three decades will be analyzed.

### CONTROLLING CRIMES BY THE MILITARY

The detention of citizens and use of highly questionable interrogation methods by the army led to three official reports: two by Sir Edmund Compton in 1971 and another by Lord Parker in 1972. Lord Gardiner, who provided the minority (opposition) report to these documents, disagreed with the military's interrogation methods (Roberts, 1976). The Londonderry incident led to the Widgery report (1972) produced by Lord Chief Justice Widgery, which reviewed the events of Bloody Sunday.

In 1971, the questionable practice of detaining and interrogating actual or suspected members of the IRA motivated the Republic of Ireland to send a petition to the European Court of Human Rights. "Although the Irish petition contained a series of charges and demands, the most important and significant component of the Irish petition was the allegation that the British security forces in Northern Ireland 'tortured' suspected Irish Republican Army (IRA) internees" (Hurwitz, 1995:301). "These methods were termed 'sensory-deprivation'... and they were designed to elicit desired information from the internees... one of the major issues was not whether these occurred, but, rather, whether such behavior and additional actions by the British government constituted a violation of the European Convention" (Hurwitz, 1995:301).

Great Britain "admitted fault, stopped the practice of sensory deprivation, gave assurances that it would not be resumed, and made compensation of up to £25,000 to those subjected to the special interrogation techniques" (Hurwitz, 1995:302-303). Although Ireland appealed particulars of the case to the European Court, "the existence of the Commission and the European Court... [mainly helped to give] international publicity... to their experience, and Britain was chastised for its behavior" (Hurwitz, 1995:307).

Finally, in 1997 new material emerged in connection with Bloody Sunday to further implicate the British army in a planned act of murder. This included the Breglio report (with Raymond McClean's medical report), compiled by Don Mullan and published by the Bloody Sunday Justice Campaign. The Irish government, too, has just published its own review of Bloody Sunday to coincide with the 25th anniversary of the previously mentioned Widgery Report.<sup>14</sup>

### CONTROLLING CRIMES BY THE POLICE

Although there is a difference between how the Met and other police forces are controlled, there are three dominant internal mechanisms: police orders by senior officers, chief constables and the commissioner of the police

of the Metropolis (London). In addition to the internal mechanisms, the external ones include a variety of laws, including the Metropolitan Police Act of 1829 and the Police Act of 1964; Police Authorities and local councils;<sup>15</sup> the Home Secretary/Office and its Inspectorate of the Constabulary,<sup>16</sup> and the publication of annual reports and royal commissions (Alderson, 1984; Brogden, 1977; Banton, 1975; Marshall, 1965).

There are several nongovernmental organizations that exert a measure of external control over the police. These organizations include the National Council of Civil Liberties, the Association of Chiefs of Police Officers, other police associations (e.g., the Police Superintendents Association (PSDA) and Police Federation) and the mass media (Reiner, 1985).

Several individuals and organizations have criticized the police committees. For example, Simey (1988) presented a strong attack on police authorities, in particular their nonpolitical and non-accountable magistrate members. Additionally, the police committees have been accused of being "inundated with data of a largely insignificant nature which presented an image of the force as a painstaking body of experts. With financial matters minimized and the issues in question apparently covered in depth, the committee was more often than not presented with a fait accompli against which members were ill equipped to argue" (Brogden, 1977:x). Over the past decade, the balance of power in the committees has shifted once again with local councilor representation diminishing and the number of non-elected members increasing. This allowed the state to better manage dissent and deflect attention away from police abuses.

Moreover, some observers argue that the distribution of power within the tripartite structure has shifted considerably in recent years from the police authorities to the Home Office (Spencer, 1985). The power of the Home Secretary over forces outside the metropolis has grown since 1829, while discipline, which continues to be strict, remains primarily in the hands of professional officers (Critchley, 1967; U.K. Royal Commission, 1962; Reith, 1943; Fosdick, [1915]1975). In short, "Although the British tradition of local control by police authorities is still intact, the increased bypassing of Watch Committees through Home Office coordination with Chief Constables has led to several clashes between central and local government, particularly between Conservative administrations and labour controlled authorities. The ambiguity of the wording of the Police Act (1964), which made the Chief Officers of police responsible for operational matters, and gave the Home Secretary powers to veto decisions of appointment by the local Police Committees, ensured that the long-run trends toward greater centralization, more coordi-

nated planning and protecting the independence of the constabulary would continue" (Thurlow, 1994:318).

In general, the most important controls on the police, in recent times, have been as a result of the recommendations of Royal Commissions,<sup>17</sup> the development of the Police Complaints Board/Authority, and Racial and Ethnic Sensitivity Training. First, throughout the history of the British police, a number of Royal Commissions (1855; 1908; 1929; 1959; 1962; 1977; 1981) have been conducted. On January 25, 1960, for example, a Royal Commission on the Police, under the chairmanship of Sir Henry Willink began. It was intended to clarify the constitutional position of the police, thus its legal accountability. As a result of its recommendations, tabled in November 1963, the government introduced a Police Bill that found its way into the statute books as the Police Act of 1964. Part of the act included the amalgamation of police forces that reduced roughly 126 police forces into 49. The Police Act also took the powers away from the former City Watch Committees who, together with the chief constable, had been responsible for promotions and discipline.

Because of mounting "...complaints against the police and their administration, a new Police Act (1976) established an independent Police Complaints Board and amended somewhat the procedure for handling complaints" (Jefferson and Grimshaw, 1982:82).

On June 23, 1977 the Royal Commission on Criminal Procedure examined the powers and duties of the police to investigate crime, and reviewed the rights and duties of suspected or accused people. That same year, despite considerable opposition from the Police Federation (an organization that represents the interests of police officers), the government established the Police Complaints Board, later called the Police Complaints Authority.

As a result of the massive public disturbances during the early 1980s, in particular the Brixton riots, Lord Scarman conducted a Royal Commission. The report examined the causes of the civil disorder and made a series of recommendations in five areas: recruitment, training, supervision and responsibility, dismissal from the force of racially discriminatory police officers and the implementation of community policing (Scarman, 1981). Unfortunately, implementation of the recommendations were "made at a snail's pace" (Thurlow, 1994:328).

Second, official and unofficial reports have been produced, including but not limited to, "the report by Bennet Hytner on the Moss Side disturbances, the report by Julius Silverman, commissioned by Birmingham City Council, on the Handworth disturbance; the Broadwater Farm Inquiry commissioned by the London Borough of Haringey" (Smith, 1991:2); the Bristol Trade Union Council's inquiry into the riot at St. Paul's in Bristol (Bristol, T.U.C., 1981); and



at least two unofficial inquiries by the National Committee on Civil Liberties (1980; 1981).

There has also been increased attention by academics, including the launching of the scholarly journal *Policing and Society* and media coverage "in particular Robert Graef's six [television] programmes about policing in Thames Valley Force, shown in January and February 1982 [that] broke new ground by filming real police work" on a daily basis (Smith, 1991:2).

A number of reforms occurred both at the federal and municipal levels to increase control over the force, including the Home Office Police Complaints Board, the revised Met Complaints Board, and the London Greater Council Monitoring Unit. The Police Complaints Board (later renamed Police Complaints Authority) is an independent body whose chair (a layman) and members are appointed by the Prime Minister and Home Secretary, respectively. In 1979, on the occasion of its first triennial review, "the Board recommended that complaints of serious injury inflicted by police should be investigated by an independent body of police officers seconded for that purpose. Great pains have been taken to ensure that every complaint is properly investigated and, since 1976 an extra independent element has been introduced in the form of the Complaints Board" (Rhind, 1981:49). The main criticism of the complaint procedure is that it involves an internal investigation, the police investigating themselves.

During the 1980s, Police Monitoring Units were established by local governments in every district. For example, the Greater London Council (GLC) financed these units in each borough. In 1981, after the Labour Party came to power, a Police Committee Support Unit provided consultation services to the GLC. It also published a journal called *Policing London*. Other monitoring units included the Community Alliance for Police Accountability and the Newham Monitoring Project. The main emphasis of these bodies was their ability to provide personal contact to the cases for complainants.<sup>18</sup> These organizations, such as the London Police Monitoring Committee, had sizeable budgets and staffs. Nearly all of these outfits had publications that influenced both media and academic coverage of police-community relations. Another example of monitoring is the work of "Inquest," founded by families and friends of people who died in police or prison custody, or in circumstances in which police violence or neglect was alleged.

Finally, increased training in police race relations has occurred. Responsibility for this practice fell on "the National Police Training Council, which established a Working Party to review the current state of police community and race relations training and to make detailed recommendations" (Oakley, 1990:50). Conterminously, "[i]n these cases the public order aspects of the

problem were of particular concern to the authorities. Although the Race Relations Acts have been used against instigators of racist behavior aimed at immigrant groups, it remains true that more arrests have been made against those who protest against racial violence than those who either foment it or who were directly responsible for it" (Thurlow, 1994:328).

#### CONTROLLING CRIMES BY THE NATIONAL SECURITY AGENCIES

A number of efforts have been made to reduce actual and probable state crimes by the national security agencies including, but not limited to: changes in the way individuals are recruited to these organizations, new lines of authority, the passage of the National Security Act, and a series of internal inquiries.

First, motivated by the scandals involving Soviet moles operating inside the British Intelligence agencies, the method by which individuals are recruited for MI 5 and MI 6 "was changed and the new directors were no longer military people but diplomats and civil servants or officials who had risen from the ranks of the secret services" (Laqueur, 1985:208).

Second, in 1970, increased control was achieved by the establishment of the Official Coordinator of Intelligence and Security in the Cabinet Office. The Official Committee of Security is "an in-house body,... which is an outside supervisory group usually headed by a very senior judge and made up of former career undersecretaries and military officers. The coordinator is directly responsible to the prime minister, acting as a two-way conduit, providing the prime minister with current information from MI 5 and MI 6 and Directorate General of Intelligence (DIS) and informing these agencies of the requirements of the prime minister" (Laqueur, 1985:209).

Third, although MI 5 is not established by "an act of Parliament, ... MI 6 is sanctioned by the Official Secret Service Vote. To whom are the agencies accountable? Clearly not to Parliament, which in a secret vote each year ratifies the MI 6 budget. According to a 1952 order by the home secretary, the director general of the Security Service (MI 5) is personally responsible to him, even though the organization is not part of the Home Office" (Laqueur, 1985:210).

"Some postwar prime ministers have asserted greater control than others over the secret services. Prime Minister James Callaghan reported meetings with the secret service chiefs and even the subjects discussed; Mrs. Thatcher told the House of Commons that MI 5 had been ordered to report directly to the home secretary (and to her) if any minister, ex-minister, or senior civil servant might be or might have been a security risk. Consequently, whether control is exercised and guidance given depends very much on the personality



and forcefulness of the prime minister's coordinator of intelligence" (Lacquer, 1985:211).

Fourth, in November 1988, the Security Service Bill was introduced in Parliament. It "was...described as placing MI 5 'on a statutory basis,' but as Home Secretary Douglas Hurd made clear, the 'barrier of secrecy' which separated the operations of MI 5 from public accountability and political scrutiny was to remain intact. A new complaints procedure was unveiled, with a tribunal of lawyers to investigate complaints about operational matters, and a special commissioner to investigate questions of policy" (Hiley, 1993:378).

The Security Service "was placed on a statutory footing in 1989, but the inspiration for this was the threat of an adverse decision in the European Court on Human Rights... and therefore it was more a measure aimed at legalizing Security Service activities than the kind of rights-oriented proposal being advanced by Labour and Liberal Democrats" (Gill, 1995:88-89). The Security Service Act (1989), "requires ministers to sign warrants authorizing Security Service 'interference with property'"(s. 3). However, the prime determinant of the extent of ministerial interest in the Security Service is the amount, type and degree of public attention. "Therefore, it might be suggested that there is a direct relationship between the autonomy of the security intelligence agency and public ignorance or apathy. Of course, to the extent that security intelligence matters remain shrouded in unnecessary secrecy, being publicized normally only through state (dis)information policies, then this autonomy will be self-reinforcing" (Gill, 1995:93).

Unfortunately, the Act "permit[s] an expansion of its [MI 5] duties, for under section 1(2) MI 5 is charged with the investigation not only of 'threats from espionage, terrorism, and sabotage' but also of 'actions intended to overthrow or undermine parliamentary democracy by political, industrial or violent means'" (Hiley, 1993:379). Additionally, "[t]he autonomy of MI 5 had indeed been increasing since November 1987, when it was announced that, as part of the new 'grievance procedures,' a special staff counsellor had been appointed to hear complaints from disaffected officers" (Hiley, 1993:378).

Moreover, "[s]ignificant changes since the interwar period have included improved technology and more centralized administration, which have enabled the authorities to monitor and control unrest and the growth of extremism. This has meant not only more sophisticated methods of political surveillance, but also more international cooperation and pooling of sight knowledge between the signatories of the UK-USA agreement in 1947" (Thurlow, 1994:318).

Although a variety of suggestions have been made to improve accountability, such as "the possibility of Privy Councilors or other representatives...

being kept informed about the operations of the secret state," when scandals do in fact take place the "government always denies knowledge." This deniability is reinforced depending on the subcontractors, who often carry out the government's dirty work and who are difficult to link to official agencies (Thurlow, 1994:321).

Fifth, "the government... sought to limit the damage of... allegations by instituting a series of internal inquiries with narrow terms of reference. In 1992, however, the courtroom confessions of a former government minister that the government had misled the House of Commons regarding arms sales to Iraq led to the establishment of a judicial inquiry that started to shine some unaccustomed light into the murkier recesses of the British state, including its security intelligence agencies" (Gill, 1995:81). "Although it is quite clear that the forces of law and order and the secret state will not be subject to radical restructuring, piecemeal tinkering will no doubt continue to be the response to the failure of the authorities to defeat the PIRA (Provisional IRA) either in Ulster or on the mainland.... the Major administration is at least more sensible and less secretive about these matters than the governments dominated by his predecessor" (Thurlow, 1994:390).

Sixth, there is an apparent opening up of MI 5. Outwardly, and more recently (January 18, 1993), MI 5 has attempted to present an image of a more opened agency, a move termed "a charmed offensive by the state" (Thurlow, 1994:320; Hiley, 1993:371). For example, the Home Office announced that Stella Rimington was the current Director General. This public announcement "was said to be part of the Prime Minister's new commitment to open government" (Hiley, 1993:372). "The new prominence of the head of MI 5 naturally raised questions about her precise status within the government... In April... the Prime Minister revealed the existence of a standing cabinet committee, under his chairmanship, that existed to 'keep under review policy on the security and intelligence services'" (Hiley, 1993:372).

Currently, "[t]he material gathered... [by MI 5] does not necessarily concern foreign espionage and subversion, for MI 5 has also developed an interest in economic and industrial affairs. Section 1(3) of the Security Service Act 1989 charged it 'to safeguard the economic well-being of the United Kingdom,' and it seems that MI 5 has expanded enthusiastically into this new era of operations. In June 1992, Robin Robinson, a former administrative officer in the Cabinet Office's Joint Intelligence Committee, thus revealed that the telephone and telex communications of British companies... were 'routinely' monitored by MI 5 and General Command Headquarters, along with those of their competitors such as General Motors, and that the results were circulated to government departments" (Hiley, 1993:379-389). "Yet other branches have

certainly been expanding their areas of operation, for MI 5 has not only expressed an interest in assuming responsibility for the organization of security on state occasions, but has also been given a key role in the fight against terrorism" (Hiley, 1993:380).

In the spring of 1992, "the lead responsibility for intelligence work against Irish republican terrorism in Great Britain... pass[ed] from the Metropolitan Police Special Branch to MI 5 accountable to the Home Secretary" (Hiley, 1993:380). This "remove[d] a controversial area of domestic policing from any form of parliamentary scrutiny, but, remarkably, the government was not prepared to admit that this action had raised any question of accountability. In December 1992, when the Home Affairs Select Committee questioned the Home Secretary on this matter, its members were bluntly informed that there was an important difference between policy, which might be subject to parliamentary scrutiny, and operations, which could never be" (Hiley, 1993:380).

Many of the new controls were made or were a result of insistence by nongovernmental organizations. For example, in the use of new technologies and practices, including plastic bullets and sensory deprivation in Northern Ireland, a major counterbalance to the official line came from the British Society for Social Responsibility in Science, which produced a number of critical reports. Without this alternative interpretation, the techniques used on the prisoners would not have been identified as variations of sensory deprivation.

## CONCLUSION

It is difficult to protect civil liberties and human rights in societies where there are periodic threats to civil order and the state is obligated to perform a policing role. In Britain, it appears that the state typically responds to crimes committed by its army, military and police by holding some sort of internal inquiry, and when this will not suffice, it may use a royal commission in the aftermath of particularly questionable event. These practices temporarily diffuse public and governmental criticism and often provide a series of recommendations. The implementation of the recommendations, however, is typically the responsibility of a different government (party) in power or a new set of administrators in the public bureaucracy, because of party turnover, attrition, or personnel transfers. Thus, there is ample room for interpretation, discretion or poor administration in carrying out the original recommendations.

Unfortunately, "[t]he British media is too well controlled by the establishment in London to allow a scandal of Watergate dimensions to be revealed. Even... Harold Wilson found this to be the case, too late, and to his cost.

Wilson's claim that MI 5 ran a smear campaign against him in an effort to destabilise his leadership (which proved to be successful) has never been probed in the establishment media in Britain" (Doherty, 1986:9). Periodically, however, the media has had some success in exposing government malfeasance. The *Guardian* newspaper, for example recently had legal victories in libel cases brought against them by Tory (conservative) politicians Neil Hamilton and Jonathan Aitken, whose careers have been ruined by media exposure of their corrupt actions. Former journalist Martin Bell's victory over Hamilton in the May 1997 general election was symbolic of the media's role in undermining the Major administration by relentlessly exposing corruption.<sup>19</sup>

Also formidable is "The network of interlocking club memberships, old school links, the honours system, the centralization of the upper levels of British society in a small area of London over which the royal family preside, all ensure that scandals are contained within proper boundaries. Individuals may be disgraced and hounded, but no whiff of impropriety will be allowed to affect the structures of the establishment, even years after the event" (Doherty, 1986:9).

Most commentators (e.g., Thurlow, 1994) agree that the coercive aspect of state power in Great Britain is increasing. But because of better resources, including the mobilization of the law, state agencies are increasingly insulated from external control. The occasional commission of state crimes simply buttresses this perception and argument. It is reassuring, however, that the public is not completely silent and that they have allies in parliament and foreign countries who will, on occasion, fight on their behalf to bring state crimes to the attention of British citizens and the world community so that pressure can be brought to bear on the British state.

**Acknowledgments:** Special thanks to Natasha J. Cabrera, Jim Wolfreys and Steve Wright for comments.

## NOTES

1. Although other state agencies could be examined, the police, national security and military have received the lion's share of public attention. By focusing on the domestic context, readers should not infer that either domestic or international state crimes are more or less important. The focus on domestic state crimes is adopted to reduce the scope of the chapter.

2. In general, all material referred to in this chapter was collected from open source literature, including academic and "popular" books and articles, and newspaper stories written during this period.

3. In the 1965 "fight against crime" the Police Federation tried to mobilize public opinion. Subsequent interventions included Robert More's (Met Police Chief) 1973 televised critique of the criminal justice system and his much publicized resignation over the reforms to the police-complaints procedure three years later. Finally, in 1975, the Police Superintendents Association supported a law and order campaign launched by the Police Federation (Reiner, 1985).

4. The Ministry of Defense "established a Directorate General of Intelligence (DIS), which incorporated the intelligence sections for the armed services... Navy, air force, and army intelligence were still responsible for collection and internal security, but evaluation and dissemination was done by a combined unit, the Joint Intelligence Bureau (JIB). The body deals not only with military intelligence but also with political and economic affairs that impinge directly on overall strategy" (Lacquer, 1985:208). Several reviews of British Intelligence have been conducted (e.g., Lacquer, 1985).

5. Also included are the Guards, Special Air Service (SAS), and Special Boat Service (SBS).

6. The British government has had difficulty "to prevent intercommunity tensions, sectarian murders, terrorism and continuing violence in Northern Ireland since 1968. This failure has led to some highly illiberal features of government in the province: the ending of local self-government based in Stormont Castle, the termination of the jury system in criminal cases and the imposition of so-called Diplock courts, the internment without trial in 1971-2 of over 700, the use of uncoordinated evidence provided by 'supergrasses' and the permanent use of the military to aid the civil power since 1969" (Thurlow, 1994: 356). "The operations in the field in Northern Ireland have included MI 5, MI 6, Special Branch, Military Intelligence (14 Intelligence Company) and the Royal Ulster Constabulary. There has also been the shadowy role of the SAS units serving in Northern Ireland" (Thurlow, 1994:372).

7. This chapter will not explore in any detail the infringements of civil liberties as a result of the imposition of the "the Special Powers Act, Direct Rule; the Emergency Provisions Act, and the Prevention of Terrorism Act of 1978." For an extended discussion of this legislation see, for example, Thurlow (1994:356-357).

8. Including but not limited to the citizenry, ruling class and elites.

9. Although it is difficult to say that it is a state crime and who caused it, the Prevention of Terrorism Act (1974) "outlawed media coverage of some of the activities of terrorist groups. As with all such legislation, its provisions are subject to interpretation

and, as with all such legislation in a free society, it represents a tension between two legitimate concerns of any liberal democracy, freedom and order" (Miller, 1991:314). The legislation "sailed through the Parliament with incredible speed is all the more astounding. It presents us with an extraordinary picture of the reliance of liberal democracy on stability. Where stability is challenged, civil liberties do not find a conducive and hurting environment" (Miller, p.314). "Established as a 'temporal act,' the Act was renewed annually, and reviewed in 1976, 1979 and 1984. With renewal came new and harsher impositions on civil liberties" (Miller, p.314). "The BBC ignored Sir Micheal's threats to enforce Sections 10 and 11 against the corporation. Indeed they pursued a pattern quite commonly enunciated in American journalistic circles in similar circumstances: journalists are not policemen and cannot do their job and law enforcement simultaneously" (Miller, p.316).

10. In British jurisprudence, unsafe refers to that which is unsupported.

11. Police violence against citizens in Great Britain is not exactly a new phenomenon. Some of the earlier documented and well studied events include Tonypany, South Wales, Clyside, the 1920's unemployment March, the weaver's strike, Birkenhead and the Northern Risings.

12. This may reflect a number of factors, in particular the fact that London is host to a variety of mass media outlets.

13. In general, the United Kingdom is governed by a parliamentary system. Members of parliament are elected and members of the House of Lords, the oversight organization on parliament, are appointed. Thus, police accountability has been the subject of intense party political controversy (Reiner, 1985). Advocates on the left (Labour and Social Democrats) favor radical constitutional reform to create a locally elected police authority for London and to grant all local police committees the power to determine aspects of police policy that have hitherto been held to be the prerogative of chief constables (Lustgarten, 1986). But the Conservative government is committed to retain the tripartite structure. However, the government is giving it initiatives designed to maintain or restore the partnership between police and community that, it is argued, has been the hallmark of British policing by consent.

14. Personal communication with Jim Wolfreys, July 1997.

15. The Police Act of 1964 gave all jurisdictions Police Authorities (sometimes called police committees), two-thirds of which are elected politicians from local councils and the remaining one-third are judicial magistrates. Thus the Police Authorities are both political and bureaucratic, just as the Joint-Standing Committees had been before (Banton, 1975). In Scotland, the role of the Police Authorities is essentially the same with two important exceptions. The Authorities are composed entirely of councilors drawn from the eight regional tiers of government. Secondly, the Secretary of State is

the responsible minister, but he is under no general duty to promote police efficacy (Mitchell, 1962).

16. Central government is Home Office for England and Wales and the Scottish Office for Scotland.

17. Most recommendations lead to changes in policies, procedures and/or legislation.

18. For legal reasons, these units could not take up cases unless they were representative of some broader underlying trend (Personal Correspondence with Steve Wright, July 1997).

19. Personal communication with Jim Wolfreys, July 1997.

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**THREE.**  
**CONTROLLING STATE CRIME IN THE**  
**UNITED STATES OF AMERICA: WHAT CAN**  
**WE DO ABOUT THE THUG STATE?**

by  
**Stephen C. Richards**  
and  
**Michael J. Avey**

THIS CRIME STORY is about how the state is able to represent itself as a democracy, while it permits, perpetrates, and promotes systematic criminal actions against its own people. Democracy is a distant political rhetoric for many Americans, especially non-elites (e.g., the working class, poor), who are economically exploited, politically powerless, and harassed by a variety of governmental agencies. State crime is an integral part of the political processes that operates to deny oppressed segments of society basic democratic rights and opportunities.

State crime can be defined as the illegal and or immoral acts of agents of government. Ross (1995b:5-6) lists state crimes as "cover-ups, corruption, disinformation, unaccountability, and violations of domestic and/or international laws."<sup>1</sup> To this list may be added state activity that may not be officially illegal but can do violence to, violates the trust of, socially harms, or exploits individuals. This includes both crimes of commission or omission (Ross, 1995b; Henry, 1991).

Now that we have defined state crime, we need to delimit our discussion. In this chapter we define the thug state, discuss political state crime, state complicity with corporate crime, and crimes of the federal intelligence agencies, local police intelligence activities, and police and their control. By covering these diverse matters we argue that state crime is not a collection of anecdotal incidents. We conclude by suggesting that the most important factor in controlling state crime is the empowerment of the actual and potential victims of