

C(68) 122

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CABINET

RACE RELATIONS - THE POLICEMemorandum by the Secretary of State for the Home Department

In discussion in the Home Affairs Committee and in Cabinet (in particular CC(68) 4th Conclusions, Minute 2) before the Race Relations Bill was introduced, we decided that actions taken by the police when carrying out their operational duties in relation to members of the public should not come within the scope of the Bill, but that the police discipline code should be amended in due course to make discrimination a specific offence against police discipline. We recognised that provisions already in the statutory code relating to abuse of authority covered discrimination, but we felt that there would be advantages in being explicit.

2. This proposal has run into difficulties, and the purpose of this memorandum is to seek the agreement of my colleagues that it should not be pursued.

3. The strength of criticism from within the police service, and from police authorities, has proved to be formidable. I explained that I would have to consult the Police Advisory Board, but before the Board met, I had occasion to address the Annual Conference of the Police Federation of England and Wales and was left in no doubt of the unanimous opposition of the delegates to the proposal. Their views are intense and deep seated. At the Board itself, I spoke at some length of the reasons why the proposal was being brought forward, and later circulated a written statement, but the proposal was strongly criticised by all the bodies represented, including the County Councils Association and the Association of Municipal Corporations as well as by the Commissioner of Police of the Metropolis. The experience of the Secretary of State for Scotland - who had to deal with the Scottish Police Federation and the Police Advisory Board for Scotland - has been similar to mine. The membership of the Scottish Advisory Board includes, in addition to police and local authority representatives, independent members representing a variety of interests, and they too were unanimous in their opposition to the proposal.

4. The main points made by and on behalf of the police service were that the members of that service make a declaration upon appointment that they will serve The Queen in the office of constable "without favour"; and that to have a specific provision in the code about racial discrimination would be to pick out the service in such a way as to put a slur on it. If any acts of discrimination should occur, they were already covered by one or other of the provisions of the existing code.

5. We originally thought that the proposal would have a presentational advantage in that it could be used to counter any Parliamentary criticism of the fact that the Bill did not cover the police in their operational role. In the event, this issue was not raised in either House. There is no evidence of any enthusiasm for the proposal on the part of the immigrant organisations.

6. The advantages of the proposal are not as great as they appeared to be when we originally considered it. The disadvantages on the other hand are considerably greater than we had thought. If I were to proceed, notwithstanding the unanimous advice of the representatives of the service and of the police authorities on the Police Advisory Board, there is no doubt that there would be very great resentment in the lower ranks of the service, a considerable outcry by them, and strong opposition in Parliament at a time when, as the events on 27th October showed, we are dependent on the loyalty of the police in dealing with manifestations of civil unrest, both racial and general.

7. I have, therefore, come to the conclusion - with which the Secretary of State for Scotland agrees - that as things have turned out, to go ahead with this proposal would do more harm than good, and I invite my colleagues to agree that it should be dropped.

L. J. C.

Home Office, S.W.1.

31st October, 1968

