

**MINISTRY OF DEFENCE
POLICE COMMITTEE**

**SECOND ANNUAL REPORT
TO THE
SECRETARY OF STATE
FOR DEFENCE**

1 APRIL 2008 – 31 MARCH 2009



30 JUNE 2009

MINISTRY OF DEFENCE POLICE COMMITTEE
ANNUAL REPORT ON THE MINISTRY OF DEFENCE POLICE
FINANCIAL YEAR 2008/2009

1. This is the second annual report of the MOD Police Committee to the Secretary of State for Defence since the Committee was restructured in October 2007. For the first time the report covers a full year of the Committee's work.
2. The Ministry of Defence Police (MDP) is the MOD's own dedicated national police force of around 3,500 officers with full constabulary powers who are employed as MOD civilians. MDP officers are trained and carry out their duties to policing standards laid down by the National Police Improvement Agency (NPIA) and the Associations of Chief Police Officers (ACPO and ACPO Scotland) which ensures that their actions remain lawful, defensible and constitutionally effective.
3. The MDP operate across the Defence estate wherever they are required and with other Government Departments on a repayment basis, where their specific, and often specialised, capabilities are needed and cannot be met by the Home Department Police Forces.
4. Over the last few years the role of the force has begun to change and to evolve towards more specialist capabilities which Home Department Police Forces are unable, through lack of capacity or resources, to provide for MOD. These roles include specialist firearms and tactics in a nuclear environment, Chemical Biological Radiological Nuclear capability, policing of the critical national infrastructure, marine policing, policing of protests and international policing assistance. The Committee has had the opportunity to observe many examples of these capabilities over the year and continue to be impressed by the level of performance, professionalism and commitment of MDP Officers, the enthusiasm they have for their roles, and the intent throughout the MDP to satisfy their Defence customers needs.
5. The role of the MOD Police Committee is to provide independent scrutiny and an assurance to Ministers that the MDP is performing its constabulary duties and using its powers effectively and efficiently.
6. We meet on a formal basis four times a year with the Chief Constable and members of the Senior Management Team. The meetings provide the principal opportunity for the Committee to receive reports from the Chief Constable and to probe, constructively challenge and hold the force to account.
7. We have also engaged on a series of visits across the force area, to learn about the force's business, to meet with officers of all ranks and to meet the MDP's customers. We have been represented at some key events; for example the New Salesman Exercise Solar Victory (which was run in conjunction with the Home Office), the Senior Police Officers' Annual Conference, the MDP Graduation Ceremonies and the Defence Police Federation Conference.
8. As Chair of the Committee I also meet with the Chief Constable and the Clerk of the MOD Police Committee once a month to provide independent advice, discuss developments, progress business and receive updates on the force.

9. We have also produced an annual work plan, prepared following consultation with the Chief Constable and his team, in order to focus and prioritise our scrutiny of key areas of business. Our process of scrutiny provides added value by enabling us to give professional and informed advice to the force, and it also greatly contributes to the level of assurance we are able to provide for Ministers.

10. Over the period of this report there have been some significant changes in the senior officials in the MOD with responsibility for the MDP. In addition to the ministerial changes last autumn, we welcome the new Second Permanent Secretary, Ursula Brennan, who has the important role of Defence Policing Champion on the Defence Board, and the new Owner of the Ministry of Defence Police and Guarding Agency, Susan Scholefield. We have developed sound working relationships with those officials, welcoming them to our strategic workshop session in January 2009, and we look forward to our continuing the constructive dialogue and engagement that has already begun. I also represent the Committee on the Agency Owner's Advisory Board, the forum that includes the Agency's Departmental Customers.

11. During summer 2008 the independent members of the Committee worked with policy officials on the development of the MOD's Statement of Requirement (SOR) for the Ministry of Defence Police. Amongst other suggestions, we advocated that the relationships between the Ministry of Defence Police, the MOD Guard Service and the Military Provost Guard Service should be more fully explained in the document so that they could be properly articulated with the department. We are pleased that the SOR now addresses this and that it was approved by the Defence Operating Board in September 2008.

12. In performing our role, the Committee became aware of potential risks related to the arrangement for defensive armed guarding of MOD establishments. As you will know, in addition to armed MDP officers, the MOD has alternative options; primarily the Military Provost Guard Service (MPGS), professional ex-servicemen and women whose role is to provide visible armed (or unarmed) security at MOD sites throughout the UK. In addition some armed guarding duties may be carried out by junior armed forces personnel, although we understand that Ministers wish to move away from this arrangement given the current tempo of operational commitments.

13. There are lessons to be learned from the aftermath of the fatal shooting at Stockwell of Jean Charles De Menezes, in July 2005. The Committee has suggested that MOD should ensure that all reasonable safeguards are in place to provide a robust and reliable response to any investigation into MOD's corporate liability in the event of an incident leading to a fatal shooting or serious injury, whether this be as a result of an action by an MDP officer, or by a member of the MPGS or armed forces. This would include demonstrating that suitable and accredited firearms training is provided for all officers, that there are clear and tested arrangements for command and control of operations and governance of the use of firearms and that there are protocols for interoperability between different armed branches. I know that this work is now being taken forward by some of your senior officials.

14. In 2008 the MOD Police Committee became affiliated to the Association of Police Authorities in order to ensure that the interests of the MDP are presented in national debates about policing. It also provides an opportunity to make the wider policing community aware of MDP's contributions to national policing priorities and the CONTEST strategy.

ASSURANCE

15. A detailed account of the work of the Committee is contained in the Annex to this Report.

16. During 2008/2009 the Committee has undertaken in depth scrutiny of several key areas of MDP policies, processes and performance in order to inform the assurance to the Secretary of State. Those are described in depth in the Annex. I will specifically mention the following:-

Stop and Search

17. In Whitehall and at other key sites, the MDP carry out stop and search under Section 44 of the Anti-Terrorism Crime and Security Act 2001, in conjunction with the Metropolitan Police Service and the other local forces, and deriving their authority from the Home Office force. The Police Committee now receives full monitoring data on this activity, and has observed S44 operations in practice in Whitehall. In relation to the ethnic profile of persons stopped, the evidence in London has shown a broad consistency between MDP activity and that of the Metropolitan Police Service on the whole. The Police Committee members who observed the S44 operations were satisfied that the conduct of the MDP officers carrying out the operations was professional and customer friendly. The Committee will continue to monitor stop and search practice and operations in the coming year, not least in light of recent policy changes announced by the Metropolitan Police Commissioner to limit the use of S44.

Defence Crime

18. The Committee has advised MDP and the Department on changes in the measurement of MDP performance in relation to crime, to present a more reliable and informative picture. Her Majesty's Inspectorate of Constabulary reviewed the operation of the MDP in dealing with serious crime, and made no adverse findings, although the Inspectorate did make a number of recommendations that the force is actioning. The Committee considers that the effectiveness of CID continues to show improvement, and that the work of the Fraud Squad has great potential to assist MOD to reduce losses and increase the rate of recovery. This will be enhanced by a Defence Crime Strategy that is fully owned by the Department.

Use of Firearms

19. The Committee is satisfied that MDP has the necessary policies, standards and procedures in place for the control of firearms and ammunition and the conduct of firearms operations. The Committee is also satisfied that there are arrangements in place for inspection and compliance checking and that the firearms training for MDP officers meets recognised NPIA and ACPO Standards. The MDP is likely to be licensed by the NPIA during 2009 as an accredited firearms training organisation, making it one of only a few police forces with that status.

20. Arrangements for command and control of firearms operations are aligned with ACPO standards though at present the force has insufficient Bronze Commanders - a weakness that is being addressed through an ongoing training programme, albeit progress has been slow. The Committee has made a number of recommendations to

the Chief Constable on areas for improvement and expect to receive his formal response in a report during June 2009.

International Policing

21. The Committee's scrutiny of the MDP's international policing assistance recognised there were some uncertainties about the future shape of international strategic policing assistance. These were being addressed by several Government Departments and policing organisations, and fall outside the remit of this Committee.

22. Our study concluded that MDP was providing an effective response to requests for policing assistance overseas and needed to position itself well for any future requirements.

23. The Committee considered the selection, welfare and reintegration of officers when returning to the UK and recommended that the force should continue to develop and improve these arrangements, while recognising that there was no "one fits all" approach. We also recognised the pivotal role of the contingent commanders in the overseas missions. The Committee noted that there was no mechanism in place to measure value for money of the MDP's contribution to overseas deployments. It has been agreed that this aspect will be addressed by a MOD policy branch.

24. The Committee listed six risks and opportunities for the future role and reputation of the MDP in international policing assistance. These were accepted by the MDP and the Committee will take a close interest in how these are addressed.

Diversity and Equalities

25. The Police Committee has developed a deliberate focus on diversity, to support and encourage the organisation to adopt ambitious policies and effective change management. On 31 March 2009, out of a force total of 3,500 officers, there were 45 (1.3%) (declared) officers from ethnic minority communities, and 362 (10.2%) female officers. Only 2 of the female officers hold a rank of superintendent or above, although a former Chief Superintendent recently achieved chief officer rank in a Home Department Police Force (Devon and Cornwall Constabulary). The Committee would wish to see improvement in all these areas, as would the Chief Constable. We recognise that the MDP as a national force has no natural communities with whom to build relationships to aid more diverse recruitment. Nevertheless, there is a need for the MDP to become more representative of the diverse communities throughout the UK.

26. Recruitment into the MDP is led by the MOD's People, Pay and Pensions Agency (PPPA) which deals with all recruitment for the entire MOD and is therefore not police specific. This means that it continues to be a challenge for MDP recruitment techniques to match those used by other Police Forces. However, the MDP has launched some new initiatives to attract applications from ethnic minority applicants for the force, including a more proactive approach to marketing the force to potential recruits. We have welcomed this and will continue to monitor the impact of this new approach in the next few years.

It will be important to monitor whether the more specialist groups of MDP start to attract younger officers and more female officers over the next few years.

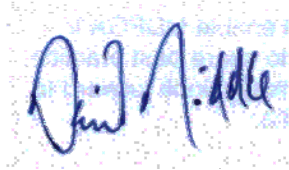
Human Rights

27. The operation of the Human Rights Act 1998 (HRA) bears heavily on policing, in view of the nature and effect of constabulary powers and the potential for infringement of human rights. From March 2008, Home Office Police Authorities have a statutory duty to monitor the performance of their police forces in compliance with the duties imposed by the HRA. There is no statutory requirement for the MOD Police Committee to do this, but the Committee has resolved to include this as a dimension of the assurance we provide to Ministers. To satisfy ourselves about the MDP's application of the HRA we have therefore carried out a more intensive scrutiny of the Stop and Search Section 44 data at our committee meetings, received a full briefing on protestor removal and handling during a visit to the Clyde, and compliance with the HRA legislation was an element of our scrutiny of the use of firearms.

28. The Committee has been impressed to learn of the sensitive and human rights compliant methods developed by the MDP to secure the removal of disabled protestors. Because of their expertise, MDP officers involved in these operations have contributed to a joint NPIA/ACPO manual of guidance entitled "Dealing with the removal of Protestors".

Looking Ahead

29. Looking to the future, the Committee will engage with MDP as it continues its development as a specialist force with (in some cases) unique capabilities. In the current economic climate we recognise that MOD, in common with other government departments, will need to reduce costs. This appears likely to require a substantial adjustment to the outputs, priorities and targets of the MDP in order to achieve the required savings. The rest of the Police Service is facing similar challenges. The Committee understand that no decisions have been made by Ministers at this stage, and we will continue to take a close interest in order that we can assure Ministers that any reductions made to the MDP do not compromise the overall operational integrity and effectiveness of the MDP as a police force.



DAVID RIDDLE
Chairman of the MOD Police Committee

**ANNEX TO THE
MOD POLICE COMMITTEE
ANNUAL REPORT TO THE SECRETARY OF STATE FOR DEFENCE
1 APR 08 - 31 MAR 09**

ROLE OF THE MOD POLICE COMMITTEE

1. The Ministry of Defence Police Committee is appointed by the Secretary of State for Defence under Section 1(5) of the Ministry of Defence Police Act 1987.
2. The function and role of the Committee is to provide independent scrutiny and consequently an assurance to Ministers, that the MDP is performing its constabulary duties and using its powers effectively and efficiently. The Committee also ensures that the force is responsive to changing Defence needs and priorities and provides a source of informed and professional advice to the Chief Constable and the Department. The Terms of Reference for the Committee are at **Appendix A**.
3. Following its restructuring in 2007, the MOD Police Committee is now chaired by an independent member. Membership also includes, three other independent members, two Police Advisers and two senior MOD officials, with other MOD officials in attendance. The Chair of the Committee is allocated 20 days per annum for this work. The Police Advisers and other independent members are allocated 15 days each. The current membership and composition of the MOD Police Committee is at **Appendix B**.
4. The changes to the MOD Police Committee that were implemented in 2007 now aligns the governance of MDP closer to those of other non-Home Department Police Forces, such as the British Transport Police and the Civil Nuclear Constabulary which are accountable to statutory authorities.
5. However, while other Police Authorities set strategic direction for their forces, allocate funding, and approve plans and performance targets, in MOD these aspects of governance are managed by the Ministry of Defence Police and Guarding Agency (MDPGA) Owner's Advisory Board (OAB). This Board is chaired by a senior civil servant, and who exercises managerial oversight of the Agency as a whole. In order to ensure that the Police Committee's experience and views are available to inform the OAB, the Chair of the MOD Police Committee is also a member of this Board.
6. The Police Committee is supported by a Clerk, who is a MOD civil servant based in London. The Clerk's role is to provide support, and strategic and procedural advice to external Police Committee members, working the Chief Constable and his Management Board, and MOD HQ and senior officials.
7. Last year the MOD Police Committee became affiliated to the Association of Police Authorities (APA) in order to ensure that the interests of the MDP are represented in national debates about policing. This also provides a forum to ensure that the MDP's contributions to national policing priorities, such as the CONTEST strategy, are more widely recognised.
8. Additionally, membership of the APA creates opportunities for wider collaboration with other non-Home Office forces - the British Transport Police Authority, the City of London Police Committee and the Civil Nuclear Constabulary Police Authority.

MINISTRY OF DEFENCE POLICE

9. The Ministry of Defence Police is the MOD's own dedicated national police force of around 3,500 officers with full constabulary powers, who are employed as MOD civil

servants. MDP officers are trained and operate to policing standards laid down by the National Police Improvement Agency and the Associations of Chief Police Officers (ACPO and ACPOS) which ensures that their actions remain lawful, defensible and constitutionally effective.

10. The Chief Constable of the MDP is also the Chief Executive of the Ministry of Defence Police and Guarding Agency. The Agency employs approximately 8,000 personnel comprising around 4,000 MOD Guards and around 500 civilian personnel in addition to the police force. The Agency Management Board (AMB), which is referred to frequently in this report, comprises the Chief Constable/ Chief Executive, Deputy Chief Constable, 3 Assistant Chief Constables, 2 Senior Civil Servants and a Grade B1 Civil Servant.

11. The Ministry of Defence Police operate across the Defence estate wherever they are required by customers and for other Government Departments (on a repayment basis), where their specific capabilities are needed and cannot be met by the Home Department Police Forces.

12. It is a condition of service that MDP officers are firearms trained and at any time approximately 70% of officers on duty carry firearms. They are deployed at sites where constabulary powers may be required and undertake defensive armed policing, which includes protecting the UK's nuclear deterrent.

13. The MOD Police Committee has had the opportunity to view many examples of the MDP's capabilities, including the force's specialist capabilities, as it carried out its work programme and visits over the last 12 months. At the time of writing our annual report, the Permanent Secretary has asked a senior MOD civil servant, Mr Trevor Woolley, to undertake a review of the MDP. Members of the Police Committee have had an opportunity to engage with Mr Woolley in order to express their views and to share their thinking. However, as the work is currently ongoing, it would be premature for the Committee to provide further comment at this stage.

MDP'S EXERCISE OF CONSTABULARY AUTHORITY

Standards and compliance

14. The MOD Police Committee receives a quarterly report on the MDP's compliance with or progress towards meeting Association of Chief Police Officers (ACPO) standards on firearms, Chemical, Biological, Radiological and Nuclear (CBRN) Responders, Alcohol and Drugs Testing, progress toward the national policing IMPACT programme and Surveillance.

15. Some of these areas are covered in further detail in the sections on the MOD Police Committee's Work Plan below.

Use of force and powers

16. MDP officers conduct Section 44a (vehicle) and 44b (pedestrian) Stop and Search (under the Anti Terrorist Crime and Security Act 2001) activities at three locations. These operations are only conducted as part of a multi-Agency approach in support of the local Home Department Police Force. The operations take place in the Government Security Zone (GSZ) around Whitehall, London with the Metropolitan Police, at Menwith Hill with the North Yorkshire Police and at Portsmouth with the Hampshire Police.

17. Following engagement by the MOD Police Committee, the system used by MDP to measure the search data was changed on 1 Sep 08 to provide greater visibility and detail for discussion at our meetings. We are now provided with a breakdown of the vehicle and pedestrian searches, details of resulting arrests, and any complaints made by members of

the public as a result of MDP S44 Stop and Search activity, to ensure that additional powers are being used appropriately.

18. The figures for FY 2008/2009 are as follows:

Force totals from 1 Apr 08 to 31 Aug 08

	White	Black	Asian	Chinese/ Other	Not Recorded	Overall Total
Male	898 (65%)	160 (12%)	273 (20%)	45 (3%)	0	1376
Female	126 (82%)	12 (8%)	9 (6%)	7 (5%)	0	154
Totals	1024 (67%)	172 (11%)	282 (18%)	52 (3%)	0	1530

Force totals from 1 Sep 08 to 31 Mar 09 (new measuring system introduced)

Section 44a Vehicle & Vessel Stop/Search

	White	Black	Asian	Chinese/ Other	Not Recorded	Overall Total
Male	948 (64%)	143 (10%)	328 (22%)	55 (4%)	0	1474
Female	191 (91%)	5 (2%)	6 (3%)	9 (4%)	0	211
Totals	1139 (68%)	148 (9%)	334 (20%)	64 (4%)	0	1685

Section 44b Pedestrian Stop/Search

	White	Black	Asian	Chinese/ Other	Not Recorded	Overall Total
Male	241 (54%)	29 (7%)	108 (24%)	65 (15%)	0	443
Female	4 (33%)	0	2 (17%)	6 (50%)	0	12
Totals	245 (54%)	29 (6%)	110 (24%)	71 (16%)	0	455

19. Over the period 1 Apr 08-31 Mar 09, the MDP's Professional Standards Department received only one complaint arising from S44 Stop and Search activity. The complainant later requested that the complaint be withdrawn.

20. In addition, some Committee members had an opportunity to observe a planned S44 Stop and Search Operation in the Government Security Zone (GSZ) in Whitehall through the Guardian Forces partnership. This partnership is comprised of the police forces operating in the Metropolitan Police District, i.e. the Metropolitan Police, the British Transport Police, the City of London Police and the MDP. The objective of this group is to provide cohesive, effective, professional policing. This has led to the sharing of best practice procedures, and a set of standard operational procedures including multi-lingual leaflets. The S44 Stop and Search activity carried out by MDP in Whitehall is under the S44 authorisation held by the Met Assistant Commissioner Specialist Operations. MDP has no separate S44 authorisation.

21. The Police Committee monitors the use of Stop and Search powers to ensure proportionality of impact on diverse communities. S44 Stop and Search activity is carefully

monitored and a monthly account of activities and outcomes is reported to HQ, including details of ethnicity. These figures are compared with data for the Metropolitan Police Service as a whole and for individual London Boroughs. The evidence has shown a broad consistency between the MDP activity and of the Metropolitan Police Service. The Police Committee members who observed the S44 operation were satisfied that the conduct of the MDP officers carrying out the operations was professional and customer friendly. The Committee will continue to monitor stop and search operations in the coming year.

Collaboration with other forces

22. Collaboration by the MDP with other police forces, including the Service Police, on major or serious enquiries is routinely highlighted to the MOD Police Committee in reports by the Chief Constable. It is routine for some cases to be investigated jointly as part of a multi-agency approach.

23. MDP officers may be, and frequently are, called upon to support policing operations led by the Home Office forces, under well established arrangements for mutual aid. This requires the force to be able to deploy officers very quickly on a national basis to react in emergencies, to conduct specialist searches or to deal effectively with protestors, often using specialist skills and equipment including protestor removal at height. In these, as well as many other aspects of their normal role, MDP officers are policing in the public eye.

24. One of the highlights of multi-Agency collaboration during the year was MDP's leading role in organising and running the New Salesman Exercise called Solar Victory. The exercise was a nuclear related counter-terrorism exercise which dealt with crisis and consequence management. The exercise was held over a period of 2 days in October and involved over 200 delegates from the Home Department and Scottish Police Forces, the emergency services, local planners and government departments. One of our independent Committee members was given the opportunity to observe the exercise and reported back that it projected a very professional image of the MDP and provided an excellent showcase for the force.

Oversight of Operational Reports

25. During their meetings the Committee is briefed by the Chief Constable on the force's involvement in relation to operations, event planning, protestor activities and officers deployed to contribute to UK and Defence objectives overseas. This enables the Committee to raise questions and identify issues of interest for their future engagement.

26. The Committee is also briefed on crime cases of interest, but in order not to prejudice potential prosecutions some cases are not fully disclosed.

Key Management Developments

27. The Chief Constable's quarterly report provides the MOD Police Committee with visibility of the force's achievements, issues that have arisen and anticipated challenges.

28. Over the period of this report a number of good examples of the key management developments are the MDP's contribution of officers to operational deployments in Afghanistan. The MDP continues to be the only civilian force with officers located in military forward operating bases.

29. The MDP has worked with Land Forces as it made changes to their MDP complements across their Area of Responsibility. This was in order to focus on community policing in areas where a significant number of service personnel and their families were located. The Committee is aware of some very good accounts of how MDP Unit Beat Officers provide assistance and support to defence families and communities across the UK.

30. One of the key emerging challenges arising during this period has been the issue of officers' physical fitness, which was raised by the MDP's largest customer, Defence Equipment and Supply. As an armed police force, all officers who carry firearms have to be able to protect themselves and others, combining carrying a firearm together with the stamina and movement necessary to deploy it effectively. The officers deployed in nuclear establishments need to be able to be effective under the additional physical challenge of working in protective clothing and respirators. Overall, however, MDP work increasingly requires an extremely high standard of training and a demanding level of physical fitness and stamina.

31. Another challenge the Committee has been briefed on is the extent to which MOD policies and standard procedures impact on MDP and do not always best support police requirements. Examples that have been highlighted over the year include IT compatibility, personnel matters which are dealt with by People, Pay and Pensions Agency, recruitment handling, and a number of MOD civil servant HR policies which have been applied to MDP. The Committee would urge MOD to work towards developing flexibility in the operation of standard policies, to enable MDP police personnel to be treated primarily as police officers and along the same lines as the HDPFs. The Committee is aware of ongoing work between the MDP and the MOD's Director of Civilian Personnel to examine some of these policies.

Defence Crime

32. The protection and security of defence assets, including expensive and dangerous items, requires a highly professional capability. In MOD, Top Level Budget Holders (e.g. Fleet, Land Forces, Air, Defence Equipment and Support and the Centre) are responsible for maintaining the security of their assets¹ and it is they who have primacy in security risk decision making. As outlined in the MOD's Statement of Requirement for the MDP, TLBs are able to draw on MDP to help mitigate security risks. However, they are not obliged to use MDP if their risk appetite indicates that policing is not required, or if alternative and equally effective measures are available.

33. Security Risk Managers may consider the use of the local police force is attractive because it incurs no extra cost. However, this advantage might be outweighed by the availability of resources, the response time and the unspecialised nature of these forces in comparison to MDP. An MDP response can be guaranteed through a Service Level Agreement which is costed with the customer TLB.

34. At the same time physical security may be addressed through the deployment of the MOD Guard Service to provide unarmed guarding, or the Military Provost Guard Service, to provide static armed guarding. Whilst these options may be a cheaper alternative to using MDP, neither option enables these personnel to routinely operate outside the wire. However, the Constabulary powers held by MDP officers do enable operations to take place outside the perimeter of MOD establishments. It is widely recognised that the use of policing powers also enables intelligence gathering and surveillance, which in turn may help to deter, disrupt, detect and detain² any potential or actual hostile activity directed towards the establishment.

35. In our discussions the Committee has recognised that a balanced approach which uses a mix of service providers may often be the most effective way for a TLB to manage the security risk and to address defence crime.

36. The MDP's Criminal Investigation Department (CID) and Special Branch (SB) focus on intelligence in relation to protest and disruption, particularly in relation to Defence. This

¹ Anything of value, either tangible or intangible, that is owned or used by MOD

² In Support of the Government's CONTEST strategy.

includes a Fraud Squad whose principal role is in helping to combat the risk to Defence from serious economic crime. The Fraud Squad has taken the lead in partnering with major Defence Agencies, in combating the threat to future Defence Capability.

37. During 2008, Her Majesty's Inspectorate of Constabulary carried out an inspection of the effectiveness of MDP in dealing with major crime as part of a national programme of inspection. The report was detailed, thorough, and generally favourable. It recognised the achievements of the CID since the last inspection 3 years ago, and acknowledged the different crime environment of the MDP compared with Home Department Police Forces. The Inspectorate made a number of recommendations to the force and identified further areas for improvement. The Committee was pleased to note that the majority of the recommendations were accepted by the force, although it is appreciated that in current circumstances there is little prospect of additional resources being allocated for CID. The Committee endorses the view of HMIC that more work was required in the intelligence and intelligence support areas, but was encouraged to learn that this work was already underway. The HMIC report also identified an area previously highlighted by the Police Committee in connection with specialist and covert investigative resources, which were being used in a reactive rather than proactive manner.

38. The Police Committee has expressed the view that the measures of performance for MDP Crime activity used in the past have proved to be an unreliable gauge of real performance, especially in the use of detection rates, and in the method of measuring the benefit of prevention or recovery of loss as a proportion of the cost of CID. The Committee is pleased that refinements have now been agreed in respect of MDP target setting and performance measurement. We support the initiative taken by MDP towards the development of a Defence-wide Crime Strategy, and we are convinced that there is great scope for the MOD to regard loss prevention as core business of the Department, as well as for MDP.

39. Overall the Committee considers the effectiveness of the CID continues to show improvement, and that the work of the Fraud Squad has great potential to assist the MOD to reduce losses and increase the rate of recovery, which will be enhanced by a Defence Crime Strategy that is fully owned by the Department.

Professional Standards

40. The maintenance of a high level of professional standards in policing, and particularly in the handling of complaints and misconduct, is vital to maintaining the trust and confidence that is the foundation of the relationship between police and the public. Home Office police authorities have a statutory responsibility under section 15 of the Police Reform Act 2002 to keep themselves informed as to the handling of complaints and misconduct matters by the police forces. The MOD Police Committee carries out a similar continuous oversight and scrutiny in regard to MDP.

41. A report from the Professional Standards Department (PSD) is provided quarterly for the Committee's scrutiny. Before each Police Committee meeting two members of the committee conduct an audit at the Headquarters where they have the opportunity to raise any issues or concerns with the appropriate authority. Complaints against MDP officers from members of the public are routinely very low due to the nature of the force's role.

42. A sub-committee for complaints and misconduct exists to deal with any complaints or misconduct issues made against chief officers of the MDP from members of the public. During the period of this report, no new complaints against chief officers were referred to the sub-committee and we concluded consideration of 4 open cases that commenced in previous years. None of these cases resulted in any form of misconduct proceedings. Following these cases, the Committee has drawn the Chief Constable's attention to a number of areas of learning which could be derived for organisational improvement.

Police Conduct Regulations

43. Home Department Police Forces in England and Wales implemented the new conduct regulations on 1 Dec 08 under the Criminal Justice and Immigration Act 2008. The MDP plans to implement them on 1 Sep 09.

44. These new regulations aim to simplify and streamline the discipline process with a greater emphasis on local management action to resolve most instances of poor behaviour or minor misconduct. At the same time, police officers who commit more serious offences will be dealt with through formal misconduct meetings or, in more serious cases, gross misconduct hearings which could lead to their dismissal from the service. Both misconduct meetings and gross misconduct hearings have strict timelines for completing the process.

45. It is the Committee's view that the MDP, like many other police forces, will need to undertake a sustained programme of training and organisational development to embed a culture that empowers managers to manage fairly if the new regulations are to produce the expected benefits. The Committee will monitor this area closely, and we have planned a project on handling grievances and work place disputes for 2009 which should assist the force to prepare for change.

46. The MOD Police Committee also has its own obligations as an "appropriate authority" for chief officers to prepare for the new regulations coming into effect. Three of our members have received training on Appeal Tribunals. We have also collaborated with the Metropolitan Police Authority, British Transport Police Authority and the City of London Police Authority to select candidates and share a list of independent members required for Misconduct Hearings.

Police Performance Regulations

47. In addition to new conduct and appeals regulations, the Home Department Police Forces also adopted new performance regulations on 1 December 2008. These are designed to make it easier to address unsatisfactory performance or attendance and to encourage self improvement.

48. In 2006 the MDP decided that it would not introduce the performance regulations, opting at that time to remain with the MOD civil service "Restoring Efficiency" procedures. We understand that the force is likely to seek agreement from MOD to introduce police performance regulations in the future, but appropriate primary legislation will need to be identified to enable this. The Committee endorses this proposal which would bring MDP into line with the Home Department Police Forces for performance matters for the first time.

Her Majesty's Inspectorate of Constabulary

49. It is the responsibility of the MOD Police Committee to commission Her Majesty's Inspectorate of Constabulary inspections in consultation with the Chief Constable. During the period of this report, the Committee have commissioned HMIC to include the MDP in the national program of "Stockwell: Lessons Learned" inspections, which we believe is essential to provide assurance in respect of the MDP's armed role in protecting MOD property and people.

50. We also recommended an inspection of Public Order (with the focus on protestor activity rather than the Police National Mobilisation Plan in order to recognise the MDP's different role and experience in handing protestors).

51. HMIC is also required by the Department of Energy and Climate Change to undertake an OPERATION VINTAGE inspection of the MDP's policing of the Critical National Infrastructure. This is expected to begin in Spring 2009.

52. The HMIC inspection report on Major Crime was presented to the Committee and acknowledged the different crime environment in which the MDP operate in comparison to Home Department Police Forces. Overall it was a favourable report with relatively few recommendations and we will monitor the MDP's response to the HMIC report.

MOD POLICE COMMITTEE WORK PLAN 08/09

53. The Committee produced an annual work plan to focus our work to provide an independent assurance to the Secretary of State for Defence. The work plan was compiled in consultation with the Agency Management Board. The plan has helped to prioritise members' time, enable us to better understand the force's core business and establish a closer working relationship with the Chief Officer team.

54. There are four levels of engagement: an assurance scrutiny carried out by members of the Committee which will require a response by MDP; a themed report provided by MDP for consideration and response by the Committee; informal challenge and advice, and finally, a progress review.

55. Under the Freedom of Information Act, copies of our reports may be made available to members of the public on request on a case by case basis, following redaction where appropriate.

56. The Members and Clerk of the Committee would like to take this opportunity to acknowledge and place on record our thanks to the members of the MDP and other Agency staff who have contributed to the various strands of our important programme of scrutiny throughout 08/09. We also wish to thank the Chief Constable and the Chief Officer team for their cooperation and allowing full access throughout the Agency to help us discharge this responsibility.

57. During 08/09 the Committee work plan covered the following subject areas:

Use of Firearms

58. It is a condition of service that MDP officers are firearms trained and qualified. There are on average 60-70 pre-planned firearms operations per 24 hour period throughout the force. Given this background, and the resultant enquiries that would ensue in the event of any discharge of firearms which resulted in death or injury, this was a key priority area for our early scrutiny.

59. Our work took place over the period Oct 08 to Mar 09 and involved the scrutiny of documentation, interviews with Chief Officers and key staff.

60. The Committee's scrutiny took place during the same time as the National Police Improvement Agency (NPIA) licensing inspection and the Committee were encouraged to note that NPIA expected the MDP to be in a position to achieve a full (rather than provisional) licence status by the middle of 2009, subject to the completion of a Development Plan. There are presently only a handful of Home Department Police Forces with full licensed status from the NPIA.

61. The Committee is satisfied that MDP had policies, standards and procedures in place for the control of firearms and ammunition and the conduct of firearms operations. The Committee was also satisfied that there were arrangements in place for inspection and compliance checking, and that the firearms training for MDP officers meets the recognised

NPIA and ACPO Standards. Arrangements for command and control of firearms operations are aligned with ACPO standards though at present the force has insufficient Bronze Commanders - a weakness that is being addressed through an ongoing training programme, albeit progress has been slow. The Committee made a number of recommendations to the Chief Constable on areas for improvement and expect to receive his formal response in a report during June 09.

62. During 2009, the Committee intends to examine issues relating to drug and alcohol testing of MDP in order to assess any threats and risks, and any requirement for new or changed policies.

International Policing Assistance

63. The MDP is a major supplier of UK police officers on Peace Support Operations or with Post Conflict Reconstruction Teams. Deployments in 08/09 included Kosovo, Afghanistan and Georgia. This work is done on a full repayment basis and is funded by the FCO.

64. The Committee's scrutiny of the MDP's international policing assistance was carried out between August and December 2008. The scrutiny recognised there were some uncertainties about the future shape of strategic international policing assistance. This was being addressed by several government departments and policing organisations and fell outside the remit of this Committee. However, our report concluded that the MDP was providing an effective response to requests for policing assistance overseas and needed to position itself well for any future requirements. It was therefore recommended that the senior officers, and MOD senior officials, needed to be clear about the force's strategic direction and should be involved at a strategic as well as an operational level.

65. The Committee also considered the selection, welfare and reintegration of officers when returning to the UK. We recommended that the force should continue to develop and improve these arrangements, while recognising that there was no "one fits all" approach given the various deployments and different procedures adopted by the international organisations.

66. We also recognised the pivotal role of the contingent commanders in the overseas missions. MDP agreed with the recommendations and propose to review this as soon as an opportunity arises.

67. The Committee noted that there was no mechanism in place to measure value for money of the MDP's contribution to overseas deployments. It was agreed that this aspect will be addressed by a MOD policy branch.

68. The Committee listed six risks and opportunities for the future reputation of the role the MDP plays in international policing assistance, and the Committee will take a close interest in how these are addressed.

Diversity and Equality

69. The Police Committee has developed a deliberate focus on diversity, to support and encourage the organisation to adopt ambitious policies and effective change management to become more diverse. We have designated one of our members as the lead on diversity and equality matters, and she regularly attends the Agency's Diversity Board which is chaired by the Chief Executive (Chief Constable) and meets six times per year.

70. On 31 March 2009, out of a force total of 3,500 officers, there were 45 (1.3%) (declared) officers from ethnic minority communities, and 362(10.2%) female officers. Only 2 of the female officers hold a rank of superintendent or above, although a former Chief Superintendent recently achieved chief officer rank in the Devon and Cornwall Constabulary.

The Committee would wish to see improvement in all these areas, as would the Chief Constable. As a national force the MDP recruits from a wider market than other police forces. However, it has no natural communities with whom to build relationships to aid more diverse recruitment. In line with Home Department Police Forces, there is a need for the MDP to become more representative of the diverse communities throughout the UK.

71. A diversity strategy has been produced which contains clear commitments and is key to delivering the Diversity Action Plan for securing long term sustainable changes in the profile of the force. An update is provided at each Police Committee meeting and the Committee has welcomed the steady progress being made.

72. Recruitment into the MDP is managed by the MOD's People, Pay and Pensions Agency (PPPA) which deals with all recruitment for the entire MOD and is therefore not police specific. This means that it continues to be a challenge for MDP recruitment mechanisms to match those used by other police forces. The recruitment base includes persons who are already firearms trained, some former members of the armed forces, and police officers transferring from other forces (MDP officers are not required to retire until they are aged 65 years at present), or with family connections to MDP.

73. The Committee has been briefed about some new initiatives to attract applications from ethnic minority applicants for the force, including a more proactive approach to marketing the force to potential recruits. We have welcomed this and will continue to monitor the impact of this new approach in the next few years. It will be important to monitor whether the increasingly specialist nature of MDP start to attract younger officers and more female officers over the next few years.

74. The Agency has Women, Minority Ethnic and Lesbian, Bisexual and Gay Support Groups which have links to all the Home Department Police Forces support networks. The Committee recognise that this will help to make a positive contribution to removing barriers on recruitment, progression and specialisation. However, we recognised in our report last year that there were issues with recruitment, retention, development and promotion that may not necessarily exist in other forces. We therefore intend to take a closer look at some of these subjects in our work plan next year.

Professional Standards

75. In last year's report the Committee recommended an early in depth scrutiny of the Professional Standards function within MDP by way of the HMIC Professional Standards Self Assessment, promoted by HMIC in lieu of a thematic inspection. This was carried out between April and November 2008.

76. The HMIC Professional Standards Self Assessment provides comprehensive guidance to Professional Standards Departments and assists them in self assessment by identifying 5 critical areas for scrutiny. These areas are Intelligence, Prevention, Enforcement, Corporacy, and the Taylor Reforms. Within those areas are 40 good practice questions designed to identify an efficient and effective Department.

77. The HMIC scrutiny did not highlight any major areas for concern. Indeed, the Department was found to be fully compliant with 26 of the good practice questions. Of the remainder an action plan has been drawn up with timelines and lead officers identified with responsibility for making progress. This action plan will be monitored by the Committee.

Performance Measurement

78. The Committee's Police Advisers have worked with the Agency to try to identify better ways to measure some of the MDP performance targets.

79. In particular, concern had been expressed about a target “to achieve a detection rate for crime that impacts significantly on Defence capability of at least 50%”. This target tended to either be well exceeded or fall well short. The Advisers recommended that this target needed to demonstrate a continuous improvement. As a consequence a revised target has been developed which now takes account of previous performance in setting a level of expected achievement.

80. The performance target which demonstrates “recovery or prevention of loss to MOD that exceeds the cost of the Fraud Squad” was not considered a meaningful way in which to measure performance. The Police Advisers on the Committee therefore recommended that this should be dropped from the Key Targets for 09/10, but work should be done to replace it with a target which reflects crime prevention activity by FY 10/11.

IT and Communications

89. The force is aiming towards full compliance of the IMPACT programme by 2012. This programme is led by the National Police Improvement Agency (NPIA) and is designed to improve the ability of the Police Service to manage and share information, to prevent and detect crime and to provide safer communities; thus helping the process of transforming policing in the UK.

90. The Committee has now gained an appreciation of the problems experienced by MDP in making a judgement on selecting IT systems with which to communicate with the MOD and also the mandatory systems in use by the police service and the consequential associated funding constraints.

91. The Committee has taken an active interest in this issue and have already identified some aspects on the current IT system that can be improved. The link to the People, Pay and Pensions Agency has improved over the last 12 months and improvements are being sought to the information stored on the central server.

Divisional visits

92. Members have conducted visits to a wide range of stations across the UK in the period covering this report. We have also established working relationships with all the Divisional Commanders in each of our areas of responsibility.

93. Over this year there have been 2 very informative visits by the full Committee; one to the Clyde (Faslane and Coulport) and one to the Atomic Weapons Establishment in Aldermaston, Berkshire. Both visits looked at the MDP’s key role to protect the UK’s nuclear deterrent and we had opportunities to engage with the customers, in addition to the officers on the ground performing the tasks.

94. During these visits the Committee saw some excellent examples of MDP officers operating in highly challenging environments, and the evolving specialist capability. The members were impressed by the officers they came into contact with on their visits and particularly the display of professionalism and enthusiasm the officers have for their roles.

Human Rights Act Compliance

95. From March 2008, Home Office Police Authorities have a statutory duty to monitor the performance of their police forces in compliance with the duties imposed by the Human Rights Act 1998 (HRA). There is no statutory requirement for the MOD Police Committee to do this, but we have resolved to include this as a dimension of the assurance we provide to Ministers. As a result, and for the purposes of best practice, we decided to include this in our work plan by building in questions about the HRA compliance on our visits and work strands. To satisfy ourselves about the MDP’s application of the HRA we have therefore carried out a

more intensive scrutiny of the Stop and Search Section 44 data at our committee meetings, received a full briefing on protestor removal and handling during a visit to the Clyde, and the application of Article 2 of the European Convention on Human Rights was also an element of our scrutiny of the use of firearms.

96. The Committee was impressed to learn of the sensitive and human rights compliant methods developed by the MDP to secure the removal of disabled protestors. Because of their expertise, MDP officers involved in these operations have contributed to a joint NPIA/ACPO manual of guidance entitled "Dealing with the removal of Protestors".

PERFORMANCE OF THE MINISTRY OF DEFENCE POLICE – 08/09

Closing the Gap

97. When we presented last year's annual report on governance to the former Under Secretary of State, Derek Twigg MP, we commented favourably on the effectiveness of the MDP's response to the financial challenges of the Agency's Closing the Gap exercise. We reported that MDP's customer satisfaction rate of 90% was particularly noteworthy, given the cost savings measures that had been implemented over the year, including a freeze on overtime at all non-nuclear sites. We also drew attention to the potential negative impact of measures such as reducing training, which could put the force's effectiveness at risk over the longer term.

98. In the ensuing year, the MOD Police Committee Chair, when attending the Owner's Advisory Board, has been impressed with the efforts of the Agency, its customers and the MOD Centre in working to successfully close the funding gap in order to remain within the Agency control totals. We acknowledge however that tough, ongoing control would continue to be necessary in order to ensure that no further funding risks open up in the future.

Customer Satisfaction

99. We noted that the Agency continues to expect high levels of performance from its staff and sets its customer satisfaction targets accordingly. Survey results published in March 2009 indicated that the customer satisfaction target for 08/09 had fallen to 87% from the 95% achieved in 07/08. The force is currently analysing this data and further information will be available in the Agency's Annual Report. It is a disappointing, but relatively small decline. Accordingly, the Committee has suggested that it may be prudent in future to consider surveying customers on a quarterly basis so that any problems could be identified at an earlier stage and where possible action could be taken to remedy the situation. However, the Agency will wish to consider the cost versus the benefits of doing this more regularly.

Key Targets 08/09

100. Performance for 08/09 across the Agency will be fully reported in the Chief Constable/Chief Executive's Annual Report. However, the Committee's terms of reference allow it to consider the targets and performance of the MDP in order to exercise its authority.

101. The performance of the MDP is therefore reviewed at each Committee meeting to enable us to discuss or highlight any issues of interest. The performance rates are set at high levels because the force strives to continually improve the services to its customers.

102. The targets applicable to MDP specifically are as follows:

Key Target 1a: MDP to achieve at least 95% of agreed customer taskings

a) This is reported as a minor deviation with performance being recorded at 91% by the end of the 3rd Qtr. The Committee welcomed the increase of 1% since last year's

report but questioned whether this target was set too high because it has never quite been achieved. Both the Agency Owner and Chief Constable remain of the opinion it should remain as a stretch target for the force.

Key Target 2a: MDP to maintain customer satisfaction rate of the level achieved in 07/08 (95%)

b) See our comments at para 99.

Key Target 3a: MDP to have achieved a detection rate for crime that impacts significantly on defence capability of at least 50%

c) See our comments at para 79.

Key Target 3b: To produce a Strategy for Defence Crime in the light of a Statement of Requirement produced by the MOD

d) The AMB has approved a Force Crime Strategy for 2009-2014 taking into account the MOD Statement of Requirement, although this has not yet been presented to the MOD Police Committee.

Key Target 4a: To have achieved all international tasks

e) The Committee commend MDP's achievement of this target. This has included a 2 week notice request from the Foreign and Commonwealth Office to deploy 9 officers to Georgia.

Key Target 4b: To have achieved all UK repayment tasks

f) The Committee noted that the Force's ability to achieve this target was prevented by reductions at some sites and posts therefore being gapped in anticipation of the outcome of complement reviews.

Key Target 5: To have demonstrated the recovery or prevention of loss to the Department that exceeds the cost of MDP's Fraud Squad

g) See comments at para 80.

Key Target 6: To have agreed with Top Level Budget Holders a forward tasking plan based on resources provided

h) See comments at para 98.

Key Target 7: To deliver specified outputs within 1% of authorised outturn

i) See comments at para 98.

Key Target 8a: To have achieved all Agency Key Diversity Objectives contained within the Agency Diversity Action Plan

j) The Committee was pleased with the progress against the Diversity Action Plan, although there is still room for further improvements.

Key Target 8b: To set a baseline score for the Agency using the Diversity Excellence Model

k) The baseline score has now been set which will enable MDPGA to be benchmarked against other organisations and to share best practice. The Committee has welcomed these developments and look forward to a gradual and consistent improvement of the results.

Key Targets 09/10

103. The MOD Police Committee was invited to endorse the Agency's Key Targets for 09/10 but it is the Owner's Advisory Board's role to formally approve them. The Committee welcomed the opportunity for early engagement in the development stage and offered constructive comment on:

Key Target 1a: To deliver +95% of MDP taskings

a) The Committee has queried whether this target was set too high because it has never quite been achieved but is consistently between 90-92%.

Key Target 2: To maintain customer satisfaction rates

b) The Committee suggested that the Agency might want to consider monitoring this on a quarterly basis. This may enable possible redial action to be discussed with the customer.

Key Target 3: To achieve a detection rate for crime that impacts significantly on defence capability of at least 55%

c) This was addressed in the MOD PC Work Plan and substantive comment is provided at para 79.

REMUNERATION

104. Details of the remuneration and expenses of members of the Committee and the costs of MOD staff who support the Committee are provided at Appendix C to this Annex.



David Riddle
Chairman of the MOD Police Committee

MINISTRY OF DEFENCE POLICE COMMITTEE

TERMS OF REFERENCE

The MOD Police Committee's main role is to provide an independent scrutiny and assurance to the Secretary of State for Defence that the Ministry of Defence Police (MDP) is delivering policing services in accordance with the MDP Act 1987.

In order to perform this role the Committee is required to:

1. Provide scrutiny and guidance to ensure that police powers and authority are impartially and lawfully exercised by the Chief Constable;
2. Confirm that MDP is meeting the standards required of a police force;
3. Validate that MDP's exercise of its authority is responsible, proportionate and impartial;
4. Validate that MOD's use of the MDP is appropriate in relation to the exercising of policing powers and authority;
5. Provide scrutiny and guidance on any other matter in relation to the use of policing powers which fall within the responsibility of the MDP;
6. Consider the MDP's targets and performance and the Ministry of Defence Police and Guarding Agency's corporate and business plans as far as required to the exercise the above functions;
7. Consider all complaints made against all members of the Chief Officer ranks of the MDP. This may be delegated to a sub-panel of the MOD Police Committee;
8. Undertake all responsibilities required of the Conduct and Appeal Regulations (Statutory Instruments);
9. Submit an annual report to the Secretary of State for Defence on the MDP's discharge of policing powers;
10. Publish the operating costs and expenses of the Police Committee each year.

MINISTRY OF DEFENCE POLICE COMMITTEE

LIST OF MEMBERS

David Riddle Independent Chairman	Appointed 1 Oct 07
Sir Keith Povey QPM Police Adviser (England & Wales)	Appointed 1 June 07
Andrew Brown CBE QPM Police Adviser (Scotland)	Re-Appointed 1 June 07
Dr Marie Dickie OBE Independent Member	Appointed 1 Oct 07
Caroline Mitchell Independent Member	Appointed 1 Oct 07
Dr Parvaiz Ali Independent Member	Appointed 1 Oct 07
Richard Hatfield Agency Owner Personnel Director Ministry of Defence	until Aug 08
Susan Scholefield CMG Agency Owner* Director General Human Resources & Corporate Services Ministry of Defence	Appointed 22 Sep 08
Robert Rooks Director Business Resilience Ministry of Defence	wef: Jan 05
Karen Feather Clerk to the MOD Police Committee Ministry of Defence	wef: Jan 07

**REMUNERATION AND EXPENSES OF THE MEMBERS OF THE MOD
POLICE COMMITTEE & COSTS OF MOD STAFF**

Members		2008/2009
		£
David Riddle	Chair	22,153.47
Sir Keith Povey	Independent	17,811.92
Andrew Brown	Independent	10,231.38
Dr Marie Dickie	Independent	15,279.69
Caroline Mitchell	Independent	11,236.10
Dr Parvaiz Ali	Independent	10,596.72
Richard Hatfield*	Personnel Director (& MDPGA Owner)**	1,414.00
Susan Scholefield*	Director General Human Resources & Corporate Service (& MDPGA Owner)**	2,121.00
Robert Rooks	Director Business Resilience**	3,535.00
Total		94,379.28

MOD Staff

Clerk to the MOD Police Committee**	32,640.00
Assistant Clerk to the MOD Police Committee**	15,264.00
Total	47,904.00

Grand Total £142,283.28

* Richard Hatfield left the MOD in June 2008

* Susan Scholefield was appointed in Sept 2008

** The figures for MOD staff represent an approx rate for the percentage of time spent on Police Committee business