



# Ministry of Defence

Ministry of Defence  
Main Building  
Whitehall  
London  
SW1A 2HB

Reference: FOI 00730/2015

Email to: [REDACTED]

13 February 2015

Dear [REDACTED]

Thank you for your email of 17 January 2015 in which you submitted the following request:

*'Could you explain if service police are required to visit the guard room or inform the chain of command of a military unit, when conducting an arrest, recording statements or conducting any other enquiries - even when a suspect has not been identified?*

*If yes, surely this would constitute hindering service police, by not allowing service police access to the service establishment without giving appropriate notice to that units CoC if this is the case.*

*Therefore, would Chapter 6.046 of the Queens regulations for army - 1975 or s.27 Armed forced Act 2006 apply?'*

I am writing to confirm that we are treating your correspondence as a request for information under the Freedom of Information Act 2000.

In answer to your specific question regarding informing the guard room/chain of command, we can confirm that when deciding whether to conduct an arrest or conducting other enquiries it is appropriate for the Service Police to consider numerous factors. These include, in certain circumstances, whether it may be appropriate for the Service Police to inform the Commanding Officer in advance that members of his unit will be requested to provide evidence in respect of an ongoing investigation.

Whether to inform the Commanding Officer in advance is a decision for the investigator which should not be taken lightly. Integrity of the investigation must be preserved and the investigator must be confident that divulging such details will not cause issues such as harassment, intimidation or collusion between parties.

Any decision as to whether an offence contrary to s27 Armed Forces Act 2006 (AFA 06) has been committed will be for the Service Police to determine.

The Service Police forces are independent for investigative purposes and the Courts have held that the protections against inference by the chain of command are adequate. The Service Police are capable of independently and effectively investigating the commission of a Service offence regardless of the identity of the suspect, the identity of the victim or the nature of the offence.

The independence of the Service Police in conducting investigations is now expressly set out in s115A of the Armed Forces Act 2006 (AFA 06) and is supported by s365A AFA 06, which provides that all appointments of Provost Marshals are, from 2 Apr 2012 made by Her Majesty.

If you are not satisfied with this response or wish to complain about any aspect of the handling of your request, then you should contact me in the first instance. If informal resolution is not possible and you are still dissatisfied then you may apply for an independent internal review by contacting the Deputy Chief Information Officer, 2<sup>nd</sup> Floor, MOD Main Building, Whitehall, SW1A 2HB (e-mail [CIO-FOI-IR@mod.uk](mailto:CIO-FOI-IR@mod.uk)). Please note that any request for an internal review must be made within 40 working days of the date on which the attempt to reach informal resolution has come to an end.

If you remain dissatisfied following an internal review, you may take your complaint to the Information Commissioner under the provisions of Section 50 of the Freedom of Information Act. Please note that the Information Commissioner will not investigate your case until the MOD internal review process has been completed. Further details of the role and powers of the Information Commissioner can be found on the Commissioner's website, <http://www.ico.gov.uk>.

Yours sincerely

Defence Personnel Secretariat