

Service Justice System Policing **Review (Part 1)**

Does the current structure and skill set of the Service Police organisations, and the MDP, match the future requirements of the Service Justice System?

Professor Sir Jon Murphy QPM DL LLB

Liverpool John Moores University (Centre for Advanced Policing Studies)

Contents

Recommendations

Terms of Reference

Introduction

Methodology

Context

The Service Policing Function

Responses to TOR Questions

Appendices

Appendix A: Table of Recommendations

Appendix B: Summaries of Service Police responsibilities

- The Royal Military Police
- The Royal Navy Police
- The RAF Police
- The Ministry of Defence Police

Appendix C: General Policing Duties

Appendix D: Investigation & Specialist capabilities

Appendix E: Victim and Witness care

Appendix F: Case building and file preparation

Appendix G: Gaps in RAFP jurisdiction

Appendix H: Process Audit of Domestic Abuse and Serious Sexual Offences Investigated by the Service Police

Recommendations

Recommendation 1.

The three Service Police (SP) retain their individual identity and responsibility for General Policing Duties (GPD) and their ancillary non-police functions in support of operational effectiveness.

Recommendation 2.

A Tri-Service Defence Serious Crime Unit (DSCU) is created following the civilian police Regional Organised Crime Unit (ROCU) model.

Recommendation 3.

The three existing Special Investigations Bureau (SIB) be brigaded into the DSCU together with all current specialist investigative support – intelligence, undercover, surveillance, digital units, forensic and scenes of crime.

Recommendation 4.

SP personnel are seconded into the unit and should retain their individual SP identity.

Recommendation 5.

The DSCU to provide a multi-disciplinary 'flying' response to the investigation of serious crime worldwide.

Recommendation 6.

The individual SP Professional Standards units should be seconded into the DSCU.

Recommendation 7.

The Ministry of Defence Police (MDP) and National Police Chiefs' Council (NPCC) to be invited to provide an appropriate level of resource to the DSCU.

Recommendation 8.

Full consideration should be given to all the detailed findings of the SJS Review Police Working Group at Appendix F and implementing the associated efficiency/improvement measures.

Recommendation 9.

Arrangements should be put in place to ensure appropriate data collection and robust performance management is put in place for case building and file submission.

Recommendation 10.

In accordance with the recommendation of HH Lyons for the Court Martial jurisdiction to no longer include the most serious offences (murder, rape and manslaughter) when committed in the UK (except where the consent of the Attorney General is given), in future the SP should no longer investigate those offences in the UK. Such investigations should revert to the civilian police who should enter into a formal protocol to conduct joint civilian led police/SP engaged investigations.

Recommendation 11.

At the earliest opportunity discussion between the SP and NPCC should take place with a view to establishing formal arrangements

for SIB officers to be seconded into Home Office police forces to gain 'immersion' in day-to-day criminal investigation.

Recommendation 12.

Consideration should be given to civilian police investigators deploying in support of the SP when investigating serious crime overseas.

Recommendation 13.

Consideration should be given to rotating RMP personnel in and out of the SIB to facilitate fresh blood, career development and spread of investigative skills into the GPD environment.

Recommendation 14.

The SP's should put measures in place to become more consistent in best practice across the three services that focus on the needs of victims and the otherwise vulnerable.

A Witness Care Unit should be established in the DSCU.

Recommendation 15.

The recommendations made in the independent audit of the Process Audit of Domestic Abuse and Serious Sexual Offences Investigated by the Service Police at Appendix H should be implemented as soon as practicable.

Recommendation 16.

All instances of Domestic Abuse should be subject to mandatory referral by the CO to the SP (who then refer on to the civil police).

Recommendation 17.

Following implementation of the recommendations of the Process Audit of Domestic Abuse and Serious Sexual Offence Cases (Appendix H), HM Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) should inspect all three SP as regards their respective processes for the investigation of Domestic Abuse and ongoing risk assessment arrangements.

Recommendation 18.

Following implementation of the Process Audit recommendations, HMICFRS should inspect the SP in how effectively they investigate and manage sexual offending.

Recommendation 19.

Full implementation of the recommendations of HMICFRS as regards data collection management should be expedited.

Recommendation 20.

The current arrangements of the SP negotiating with HMICFRS as to which areas of business are inspected should cease. The current civilian police process of inspecting against risk should be implemented along with the development (subject to HMICFRS agreement) of a bespoke Police Effectiveness, Efficiency and Legitimacy (PEEL) type methodology.

Recommendation 21.

Existing MoD policy and process for uploading appropriate convictions at Summary Hearing to the Police National Computer should be checked, and any corrective action needed should be taken, to ensure that findings of guilt for assault and Domestic Abuse are recorded.

Recommendation 22.

The Home Office should be invited to explore the most appropriate means of granting full civilian police powers to SIB staff whilst on secondment to HO forces.

Further, discussion should take place with the Home Office and NPCC as to the desire and feasibility of full powers being granted to all SP personnel in the proposed DSCU.

Recommendation 23.

Further work is carried out to determine the appetite and feasibility for Fixed Penalty Notices and Cautions.

Recommendation 24.

Home Office and MoD to give consideration to granting Proceeds of Crime Act 2002 (POCA) powers to the SP.

Terms of Reference

Does the current structure and skill set of the Service Police organisations, and the MDP, match the future requirements of the Service Justice System?

- *Do the skills and experience of the Service Police/MDP match the nature and scale of the cases they are required to deal with?*
- *Should all – or some – Service Police have additional powers?*
- *What impact will the increase in UK-based personnel have on the policing function in the SJS?*
- *Are there specific Service Police/MDP skills that are required outside traditional policing functions?*

Introduction

1. The full Terms of Reference (TOR) for the Service Justice Review are wide ranging and encompass the full workings of the Service Justice System (SJS). His Honour Shaun Lyons is conducting the wider review; he has asked Professor Sir Jon Murphy of Liverpool John Moores University (Liverpool Centre for Advanced Policing Studies) and retired Chief Constable of Merseyside Police to conduct that part of the review that pertains to the SP.
2. The police related section of the TOR are framed so as to examine the structure and skill set required of the Service Police organisations in a future SJS; as that future is not yet known the findings of this report will need to be read in that context. It is anticipated that further work will follow the initial findings of HH Lyons.
3. Further, the TOR are constructed in the form of an overarching question underpinned by four supplementary questions. It is of note that whilst the overarching question posed refers to structure, the supplementary more detailed questions are focused on skills, experience and powers.
4. I have constructed the report to present direct answers to the questions posed. Given the way the TOR are constructed I have addressed structure and efficiency in my response to the overarching question as to the future requirements of the Service

Justice System. The skills, experience, powers, draw-down implications and non-police functions are addressed in response to specific questions raising those issues.

5. Given that this review is focused on the narrow role of the SP in the SJS and not the whole breadth of SP functions, there remains a significant unanswered question: - ***Given the much-reduced numbers in UK Armed Forces personnel and the changing nature and location of operational demand, is there still a requirement for three separate Service Police organisations?***

6. At the time of writing there is a parallel piece of work being conducted on behalf of an MOD Executive Board chaired by VCDS. A sub-group has been tasked with identifying opportunities to reduce the overall SP budget by 20% over the next ten years and presenting options to deliver a more efficient service policing function. Given the potential scale of cuts to the policing budget, the possibility of merging the three distinct SP into a single Defence SP will be an inevitable consideration.

7. At first glance this may appear an obvious thing to do and would immediately resolve some on-going challenges such as independence of investigations from Chain of Command. It is, however, for reasons detailed in this report, far from straightforward in application in a practical and operational sense. If substantial efficiencies are to be made from the SP then a 'hard-nose' approach will need to be taken to the diverse

non-policing functions each of the SP currently undertake. For the most part it will require the 'slack' to be picked up by non-police personnel and consequently limit how much saving can be made.

8. It is anticipated that the findings of the two currently distinct pieces of work will need to be addressed in Part 2 of the SJS review.
9. The detailed outcomes of research, written responses and interviews with stakeholders are contained in the analysis that appears under the relevant headings in the appendices to the report
10. **The Terms of Reference of this review are clear in that they pertain only to the Service Justice System. The MDP are included in the TOR even though they are subject to the requirements of the Criminal Justice System. This being the case the MDP will only be considered in this report in that narrow context and are given a light touch as regards any wider issues.**
11. This review follows a number of others which examine various aspects of Service policing and opportunities to bring greater effectiveness and efficiency, the findings of those reviews have been considered in the construction of this report.

12. During the course of this review I have been struck by the dedicated and professional manner in which the three SP and the MDP conduct their respective roles; both as police officers and in support of operational effectiveness. For the most part, they are highly competent and do an excellent job on behalf of the Armed Forces. It is the case, however, when conducting a review such as this that there will be a focus on where things can be improved, this fact should not detract from all of their good work.

13. It should also be said that in highlighting the working practices and experience of the civil police the writer fully appreciates that from time to time they too are subject of adverse criticism and don't always get it right.

14. In writing the report I have highlighted areas of concern and made recommendations where improvements can and should be made. In many areas the SP are highly effective and fully compliant with National Police Chiefs Council policy and best practice. It should not, therefore, necessarily be assumed that any particular area of concern pertains to all three SP. There are some policing activities which are carried out to a good standard, and some where they are not. But this specific piece of work is not about looking backwards and 'pointing the finger'; it is about how the SP can best deliver an investigative function which meets the current and future needs of the SJS.

15. I have been grateful for the open and helpful manner in which each of the Service Police and MDP organisations have contributed to this review. I am also immensely grateful to the members of the Police Working Group and to their senior leaders for making them available. In particular, I am grateful to Chief Constable Andy Cooke of Merseyside Police for his support and making one of his staff available.

Methodology

16. This review report has been compiled following extensive research with the Service Police/MDP and key stakeholders who operate in and are impacted upon by the Service Justice System.

17. The stages of the review process have been: -
 - Initial identification of all of the policing and non-policing functions carried out by each of the SP.

 - Collation and examination of all identified relevant documentation – inspection reports, reviews, MOU’s, protocols, policy etc.

 - Tasking of a Tri-Service Working Group to conduct further research into those functions carried out by the Service Police that feed into and impact on the Service Justice System.

 - Identify how effective and efficiently each task is currently being performed by the individual police service and how could that be improved – with a particular emphasis on the brigading of resources to bring about greater operational effectiveness and resource efficiency.

- Visits to key locations and interviews conducted with senior stakeholders.

18. Note: During the course of the review I had some concern about the potential risk each of the SP is carrying as a consequence of fragmented processes in their response to Domestic Abuse. Similarly, potential risks were identified in the treatment of victims in offences of rape and other sexual assaults. Following discussion with the Chief of Defence People, (Lt General Richard Nugee), an audit of both disciplines in each SP organisation was immediately initiated and the report is at Appendix H.

Context

19. Within the United Kingdom, members of HM Armed Forces are subject to Civil Law and to Service law and have a duty to uphold both. In respect of the criminal law of England and Wales, Service Personnel are no different from other citizens. In addition, the civil criminal offences created by the law of England and Wales are incorporated into Service law. Two special requirements of the Armed Forces have led to the development of the distinct code of Service law.

20. In order that the Armed Forces can operate effectively, a necessary reliance is placed on the maintenance of both personal and imposed discipline. Although the Armed Forces Act 2006 includes offences under the criminal law of England and Wales, Service law creates additional offences that are exclusively of a Service nature. Service disciplinary offences, such as failing to attend for duty and ill-treatment of subordinates, are subject to the same procedures and the same sort of penalties as criminal offences. This reflects the unique circumstances and ethos that exist in the Services.

21. Recognising the needs of the Armed Forces expeditionary nature, the Act ensures parity in dealing with Service persons, under a familiar system of law, wherever they may be serving. The Services' disciplinary system will operate effectively anywhere in the world and applies to conduct both within and outside the United Kingdom.

22. Whilst each of the SP forces can exercise jurisdiction over members of any of the three services, each force tends to 'police' its own personnel. This general rule is less applicable whilst the Armed Forces are deployed on operations when the operational theatre (land, sea or air) will dictate the lead force e.g. The Royal Military Police led all investigative output in Iraq and Afghanistan.
23. Jurisdiction over investigation is not exclusive to the SP. When the Armed Forces Act (2006) came into force, it left the CO at the heart of the SJS and the Armed Forces Acts of 2011 and 2016 have not fundamentally changed that.
24. A Commanding Officer can investigate and then determine less serious offences summarily, decide whether or not an individual is charged with an offence and authorise pre-charge custody for the purpose of SP investigations.
25. Whilst the SP are an integral part of the Service Justice System, the Ministry of Defence Police (MDP) is not. The MDP do at times, however, work closely with each of the SP and there is much scope for more engagement and greater collaborative working between the SP and MDP. The MoD funds the MDP and consequently through greater collaboration with the SP there is the potential for efficiencies to be realised.
26. Consequent upon the transportable nature of the Service Justice System, the jurisdiction of the SP extends to wherever

the Armed Forces are present. The MDP, unlike the SP, are vested with (qualified) powers of a civilian constable but they do not enjoy extra-territorial jurisdiction.

27. Home Office police forces can and do investigate members of the Armed Forces who are, after all, 'citizens in uniform'. These investigations range from driving offences (for which the SJS has no powers to deal with) to serious offences that have been committed in the UK and are criminal conduct matters. The UK Common Law and some UK legislation does permit the investigation and prosecution of murder and some sexual offences overseas¹, these cases tend to be very few in number².

28. Offending by Armed Forces personnel can at times take place in hostile and challenging environments overseas. Home Office police forces are not currently trained nor resourced to deploy to such locations in anything other than an advisory capacity. For them to reach the requisite levels of fitness and skills required, should they assume full jurisdiction for investigation, would be a significant and unrealistic step-change.

29. The efficiency and effectiveness of Service Policing has in recent years been subject of scrutiny, review and independent inspection by HMICFRS. Whilst these reviews have been thematic in nature and focused solely on investigation, they do

¹Full list at: <https://publications.parliament.uk/pa/cm201213/cmselect/cmquad/419/41920.htm>

² www.gov.uk/government/statistics/sexual-offences-in-the-service-justice-system-2017

provide valuable insight and the findings and recommendations of the various reports³ will be referred to in the body of this report.

The Service Policing function

30. Service policing is not the same as that delivered by the civilian police, it has to provide policing both in the traditional sense and in supporting the delivery of military capability. The current construct is three distinct police forces, each of which has developed over time to deliver against the distinct and unique requirements of the Royal Navy, Army and the Royal Air Force.

31. In initial discussion with members of each of the SP forces, great emphasis was placed upon their unique differences. It was suggested that it is not practical or indeed feasible, for example, for an RMP officer to operate in a policing function on a ship, due to a lack of understanding of the environment and its inherent risks. This mind-set extended to each of the services as regards their own unique operating environments. Whilst this argument may hold good for day to day general policing duties, and the carrying out of non-police functions, I do not accept that the argument extends to high end serious crime investigation. With the requisite additional training; investigation skills can be transferable across each of the three SP forces. I explain later in this report the benefits which could flow if that principle is accepted.

32. It is important to recognise, however, that there are a number of diverse ancillary functions performed by each of the three SP

³ www.justiceinspectorates.gov.uk/hmicfrs/our-work/article/ministry-of-defence/

over and above traditional policing duties and in some circumstances as a priority in support of military capability. Any proposal to merge the three disciplines into a single tri-service police force would need to take full account of how those ancillary functions would be carried out.

33. During the course of his overarching review of the Service Justice System, HH Shaun Lyons has asked the question: -

'Is the working ethos of the Service Police different from that of the civilian police?'

34. This question has been posed in the context of unacceptable delays in investigation, in file building and the conduct of the prosecution case. All of these factors (whilst not solely attributable to the SP) contribute to delay in the system and inevitably impact on the delivery of swift justice. The question also goes to the heart of the SP function and reflects a concern that I share with HH Shaun Lyons, that vulnerability and the rights of victims are not always at the forefront of SP thinking.

35. It is fair to say that the question elicited a mixed response from the SP along with some acknowledged confusion and mixed views as to what they themselves consider to be their primary function. Whilst they are all understandably proud of their policing role, the over-riding culture is one of soldier, sailor, airman (woman) first and police officer second.

36. This is perhaps understandable, rooted in history and to some degree necessary. Such a mind-set, however, whilst ensuring

operational efficiency, has the potential to impact on the care and support provided to victims of crimes perpetrated by service personnel and undermine policing credibility.

37. There needs to be more understanding that a victim in a Service environment – or an operational one – may have very different needs to that of a victim who is subject to the civilian justice system. For example, the Service Prosecuting Authority (SPA) ‘*Service Interest Test*’, when read in conjunction with the CPS test for prosecution, does not explicitly consider the possibility that the interests arising from a victim in a service environment might be different from those of a civilian victim.

38. It is axiomatic, when viewing the functions and performance of the three SP that context is everything. It is wholly unrealistic to expect the victim of a crime perpetrated in a theatre of war, for example, to always receive the same level of investigation and support as a victim in civilian life. This being the case, it should be a fundamental principle that the victim does receive the very best attention possible in the particular unique circumstances in which they have the misfortune to have found themselves.

39. In response to HH Lyons question, the Royal Navy referred to:-

‘The need to balance operational effectiveness with the needs of the victim’

40. I absolutely understand the principle and good sense behind the statement and the responsibility this places on the

Commanding Officer who ultimately is responsible for the operational effectiveness of the unit; I am not, however, convinced that this balance is always being achieved.

41. The treatment of victims generally and Service concerns regarding reputational damage having an adverse impact on the rights of victims is dealt with in the detailed work carried out by the Service Police Working Group (Appendix E). This is further being explored in the audit of policies and practice related to the investigation Domestic Abuse and sexual offending.
42. The MDP is very different to its military counterparts in constitution, accountability, and police powers. Whilst not having any ancillary military functions or jurisdiction for military offences, they are charged with protection of military installations and work closely at times with all three SP.
43. The MDP has a significant amount of resource and expertise invested in investigating internal corruption and fraud perpetrated upon the MOD. The Crown Prosecution Service (CPS) handles prosecutions emanating from these investigations. Whilst the views of the Director Service Prosecutions (DSP) may be sought when offenders are serving military personnel, he has no locus to take on prosecution; such cases being destined for the Criminal Justice System (CJS).
44. The MDP have, in specified circumstances, full civilian policing powers and from time to time will be first responders to incidents such as Domestic Violence or theft on MOD premises.

In such cases prisoners are handed over either to the relevant Service Police who will progress the case through the SJS or to the civilian police to progress through the CJS.

45. The MDP also, on occasion, utilise their powers under the Proceeds of Crime Act (2002) to pursue the seizure of criminal assets on behalf of the SP. Whilst individual MDP officers may become witnesses, it is for the relevant SP force to progress any prosecution through the SJS.

Responses to TOR Questions

Does the current structure and skill set of the Service Police organisations, and the MDP, match the future requirements of the Service Justice System?

46. In the previous section of this report I have outlined the scale and diversity of non-policing functions that each of the SP are required to perform in support of operational effectiveness. Whilst the level of abstraction to other duties varies from service to service, it is estimated that in some cases as little as 20% of time is spent in a policing role. In the RMP for example, whilst the SIB are engaged in the role of police officer all of the time, the bulk of GPD staff are nearer the 20% category fulfilling the stated Army requirement of 'Soldier First'.
47. Each of the SP have a significant percentage of their resources 'otherwise deployed' at any given time. In the case of both the Navy and the RAF, these ancillary duties involve either high end technical skills or armed guarding. In both cases these are functions critical to the operational efficiency of the Service and should the SP's be drawn into a single police force for the purpose of 'policing efficiency' then a significant void is created that would need to be filled.
48. The civilian police have been able to achieve efficiencies and make savings through outsourcing to the private sector some functions not requiring police powers. In the case of the SP this

option does not exist, RNP/RAFP personnel fulfill critical operational roles and as the guarding of RAF estate and assets requires an armed capability it would require a significant uplift in MDP resources to take on the role before any efficiencies could be realised. The MOD would simply be shifting money from the SP to the MDP.

Recommendation 1. The three Service Police retain their individual identity and responsibility for General Policing Duties and their ancillary non-police functions in support of operational effectiveness.

49. In addition to the challenges presented by lack of experience and skill-set (discussed later in this report), effective investigation is currently hampered by the current construct of three individual SIB units and separate individual Service specialist capabilities. This fragmentation of resources is inefficient and not best placed to deliver (policing) operational effectiveness. There is overlap of function, duplication of effort, poor intelligence flows and an absence of skill transfer.

50. In a report for the consideration of Vice Chief of Defence Staff in 2015, the then Policing Advisor identified: -

‘The lack of a coherent strategic vision for the SP regarding enhancing efficiency and effectiveness through greater collaboration’

51. He further identified that despite previous commissioned reviews and studies into the benefits and opportunities of improved joint working, none of these had received the appropriate support and mandate to deliver on their recommendations.

52. It is fair to say that there has been some progress in bringing about greater operational effectiveness through collaboration; this in turn has brought about a reduction in overall RMP and RAFP numbers. Following previous reviews commissioned by VCDS the below structures have been put in place: -

- Tri-Service Police Crime Bureau
- Defence School of Policing and Guarding at Southwick Park
- Joint Policing and Security Unit (Falklands)
- Collaboration between RMP/RAF in covert policing capabilities

53. Whilst these initiatives represent a step in the right direction they do not go anywhere near far enough, what is an obvious direction of travel has stalled. The Policing Advisor identified cultural barriers to change that have restricted collaborative thinking: -

54. ***‘The RMP are the larger force and there is a perception (that is often reality) that the RMP, where involved in collaborative arrangements, e.g. SPCB, dominate the space***

and ensure the RMP lead the way. This is a challenge for the other 2 SP forces’.

55. Whilst similar views have been encountered during this review, there has been no suggestion that the current collaborative arrangements have not represented positive progress. There is, however, yet to be full ‘buy-in’ and some fear of an Army ‘take-over’ remains. Notwithstanding, there appears to be unanimous agreement that there is scope to achieve much more and that further collaboration is both inevitable and the right thing to do, particularly in the context of financial efficiency.

56. Over a decade ago Home Office police forces recognised that the then construct for tackling serious and organised crime was woefully inadequate. Individual force structures to tackle the problems of increasingly sophisticated and international organised crime were not fit for purpose, the smaller forces finding it increasingly difficult to ‘consume their own smoke’.

57. The response was the development of a network of Regional Organised Crime Units (ROCU). These were created through forces brigading their top end investigative capacity and specialist capabilities. Whilst, for obvious reasons, the large Metropolitan forces retained some capacity to deal with their own unique problems, the smaller forces benefited from economies of scale, greater operational effectiveness and the opportunity to make savings through eradication of duplication.

58. Once the ROCU network was established, it was very quickly apparent that intelligence flows were much improved, serious organised crime investigation (including homicide in some regions) was much improved and cross-border working became much easier. The network has since developed to be multi-agency with investigators attached from HMRC, Immigration and Borders and the National Crime Agency. The opportunity to attract these agencies into a Defence Serious Crime Unit (DSCU), along with the civilian police and the MDP as an integral component of the national ROCU network, should not be ignored. There is real potential for improvements to the investigation of crime in both the service and civilian jurisdiction.

59. My sense is that the obvious operational benefits and the opportunity to achieve both efficiencies and cash savings are such as to overcome any residual cultural resistance to what is the optimum operational model for the prevention and investigation of serious crime within the Armed Forces and, potentially, beyond.

60. In discussing this proposal with senior military leaders no resistance has been encountered and all recognise the potential benefits of improved operational effectiveness through the sharing of skills, knowledge and experience. Unsurprisingly, the question of Command has been raised, **this is a matter for the Services** - but there does exist the potential to import (on

secondment) an experienced and recognised senior HO police investigator to lead the DSCU and thereby help to bring about a step change in investigative capability.

Recommendation 2. A Tri-Service Defence Serious Crime Unit (DSCU) is established following the Home Office police ROCU model.

Recommendation 3. The three existing SIB be brigaded into the DSCU together with all current specialist investigative support – intelligence, undercover, surveillance, digital units, forensic and scenes of crime.

Recommendation 4. SP personnel are seconded into the unit and should retain their individual SP identity.

Recommendation 5. The DSCU to provide a multi-disciplinary ‘flying’ response to the investigation of serious crime worldwide and become an integral part of the existing HO ROCU network.

Recommendation 6. The three SP Professional Standards units be seconded into the DSCU.

Recommendation 7. The MDP and NPCC to be invited to provide an appropriate level of resource to the DSCU.

Do the skills and experience of the Service Police/MDP match the nature and scale of the cases they are required to deal with?

61. In 2017, the SP organisations carried out nearly 3,300 investigations into discipline and criminal offences, With regards to purely criminal offences (ie. those which would also be an offence under the civilian law) there were around 50 investigations into serious offences, (murder, manslaughter, rape and sexual assault with penetration). It is therefore evident that, in 'steady state' conditions, the SP will focus much of their effort and resources on dealing with 'volume crime', with a limited requirement to deal with more serious offences. Clearly, this means that the SP – as a whole – have limited experience in the investigation of serious offences.

62. My experience working with the RMP and in my interactions with all three SP during the course of this review, that each benefit from having highly motivated staff that have a refreshing openness to learning and development. It is apparent also - and a fact that all three SP will acknowledge, there exist some gaps in capability and experience, although those gaps vary from service to service

63. In recent years these gaps have manifested themselves in a number of adverse judicial findings where investigators have been found seriously wanting and victims of crimes perpetrated by service personnel have not been well served. These cases

have led to adverse media reporting and a negative impact on the reputation of the SJS and the wider Service. I do not doubt that lessons have been learned – and continue to be learned – from these cases. But the opportunity now exists to plug those gaps in capability and experience so that future investigations are more effective and victims' needs are prioritized.

64. My recommendations in this Report include SP being seconded – for around six months – with appropriate powers to Home Office police forces in order to gain broad experience of investigations. Practical cooperation with HO police forces is not however, an entirely new concept. The perception as described to me by some HO police forces is of three individual SP that do not talk to each other and who have poor liaison with local policing. A link is made between the absence of civil police powers leading to a lack of experience and ultimately a lack of confidence on the part of the SP

65. Perhaps unsurprisingly, a recurring theme during this Review has been delay in bringing offenders to justice. It is difficult to rationalise the unacceptable length of time taken to bring some investigations to conclusion when the ratio of investigators per crime is so much higher than in the civil system. Recent years have seen a significant improvement in the performance of civil police forces, largely driven by the Better Case Management (BCM) initiative. BCM has more recently been introduced into the SJS and is beginning to have an effect though still not to an acceptable level.

66. The HMICFRS has already made a series of recommendations in their reports⁴ since 2014 and identified areas for improvement including measures to address the delay in submitting case files to the SPA; each of the SP are active in putting in place measures for improvement.

67. In his wider SJS review HH Shaun Lyons has examined the performance of the Service Prosecuting Authority (SPA) in bringing about swift justice. This policing review has examined in detail the current processes in place within the SP for file preparation and ensuring the same goal. The detail of this work is found at Appendix F

Recommendation 8. Full consideration should be given to all of the detailed findings of the Police Working Group at Appendix F and implementing the associated efficiency/improvement measures.

Recommendation 9. Arrangements should be put in place to ensure that appropriate data collection and robust performance management is in place for case building and file submission.

⁴ <https://www.justiceinspectors.gov.uk/hmicfrs/our-work/article/ministry-of-defence/>

68. The investigators of the Special Investigation Branch's (SIB) have had the benefit of civil police detective training. Through no fault of their own they have not had the experience of their civilian counterparts in having to operate in the perpetual 'daily grind' of a local CID office. The reality is that in all three SP the individual workloads of investigators is a fraction of that in a Home Office police force and consequently investigators are denied the opportunity to put some of their skills into practice – this leaves the individual investigator, the SP and the SJS exposed.

69. To the SP's credit, measures have been taken over many years to expose SIB investigators to the CJS by way of short-term observational attachments to local police forces - this in the hope that they will assimilate some of the skills and knowledge of their civilian counterparts. The reality is that this kind of approach is wholly inadequate and a step change is required if they are to reach the level of skill required to provide a sufficient level of care to victims and witnesses.

70. It is the view of the RMP that Germany has, over the past 60 years, been the real proving ground for their SIB investigators. The re-basing of Army personnel back to the UK in recent years has, however, incrementally eroded the opportunity to expose SIB investigators to a learning environment where they can hone their skills and accrue experience.

71. The matter of how effective Germany has been in this regard is a matter of debate but is no longer relevant; the opportunity will

not exist at all once drawdown is complete. The simple truth is that the SP do not investigate enough serious crime to be considered proficient. Whilst some individual investigations have been carried out to a satisfactory standard, a number have not and this needs to be addressed.

72. In his review of the SJS, HH Shaun Lyons has identified similar shortcomings in experience in the SPA and is to recommend that jurisdiction to prosecute the most serious offences should revert to the pre AFA (2006) position – the CPS assuming jurisdiction in the UK for their prosecution.

73. This raises the question of whether the SP should retain jurisdiction for *investigation* in the UK (and provision introduced to transfer those cases to the civilian courts). If investigation is not to be retained, then how is the challenge to experience to be addressed if the SP are denied the UK investigative environment?

74. HH Shaun Lyons has clearly made the point - neither the SJS or the CJS '**are for practicing in**' - an urgent and robust solution is therefore required if the SP are to be able to attain the level of skill and experience required for the continued investigation of serious offending overseas.

75. The point has already been made that investigators simply spending a short period of time in a Home Office police force observing detectives at work is not sufficient. If the necessary

experience is to be gained, then all (SIB) investigators must be immersed for a significant period in the day-to-day work of a civilian detective and be given the powers of a civilian constable. This would allow them to regularly arrest and interview offenders, complete files, attend court and gain experience of giving evidence. Importantly, the ability to exercise civilian police powers would make SP personnel a valuable asset to Home Office forces and thereby a *'quid pro quo'* is achieved.

76. In addition to secondment and taking account of HH Shaun Lyons' proposal, the most obvious and potentially most effective resolution to the skills problem is for the SP's and the NPCC to enter into a protocol creating a requirement for **civilian police led joint investigations**. In this way the investigation has the best chance of progressing through to a successful prosecution and the SP investigator gains the benefit of working alongside an experienced senior civil police investigator.

77. The proposal of civil police immersion raises the question of what is a significant period of time? - It is proposed that this should be for a minimum period of six months.

78. A number of senior Service stakeholders have raised the analogous situation that exists with Service doctors. In order to keep their skills fresh and to broaden their base of experience, Service doctors are 'farmed out' to NHS hospitals. This precedent presents the possibility of a permanent 'loan'

arrangement of SIB personnel to civil forces - to be called back to investigate Service offending as and when required.

79. Whilst the prospect of six month secondments with powers has already been discussed with senior police leaders and gained support, permanent loan arrangements would require significantly greater 'buy-in' and further consultation.

80. Whatever process is put in place to achieve force immersion, it should be progressed through formal arrangements and involve all civilian forces, not just those in close proximity to military locations. The MOD estate tends to occupy rural ground and thereby experience would be limited to the smaller forces where less opportunity for learning exists along and less resource to facilitate the process.

81. The permanent 'loan' of SIB personnel would be a radical step and probably a step too far at this time; it would also undermine proposals to create a DSCU. The proposition is nonetheless to be discussed further with the NPCC.

82. The granting of additional powers for the purposes of secondment to police forces has been discussed with the Home Office Powers Unit. The proposition was well received although the proposal of SIB personnel being attested as Special Constables for the duration of their secondment was not the Home Office preferred route. There is precedent for powers to be

granted by alternative means and this will have to be further progressed with the Powers Unit.

83. The granting of full powers on a slightly wider basis to all personnel seconded to the DSCU has much merit, this would create an operational capability with much greater flexibility in support of civilian policing and allow the use of some specialist powers not currently available to the SP.

84. The granting of additional police powers is addressed more widely later in this report.

85. HH Shaun Lyons has recommended that the prosecution of the most serious of crimes committed in the UK revert to the CPS and consequently responsibility for investigation to the civilian police. In the short term, this is likely to leave the problem of a lack of skills and primarily experience within the SP to investigate overseas where the civil police have no jurisdiction. In some circumstances i.e. theatres of war, this will have to suffice. In those circumstances where it is practicable civilian support for investigations should be secured. This needs further discussions with the NPCC Head of Crime Business Area.

Recommendation 10. In accordance with the recommendation of HH Lyons for the Court Martial jurisdiction to no longer include the most serious offences (murder, rape and manslaughter) when committed in the UK (except where the

consent of the Attorney General is given), in future the SP should no longer investigate those offences in the UK. Such investigations should revert to the civilian police who should enter into a formal protocol to conduct joint civilian led police/SP engaged investigations.

Recommendation 11. At the earliest opportunity discussion between the SP and NPCC should take place with a view to establishing formal arrangements for SIB officers to be seconded into HO police forces to gain ‘immersion’ into day-to-day volume and serious crime investigation.

Recommendation 12. Consideration should be given to civilian police investigators deploying in support of the SP when investigating serious crime overseas.

Volume (minor) crime

86. Earlier in this report I have outlined the jurisdiction of the CO. The CO is obliged to cause an investigation into all suspected offending brought to his attention, this can be achieved either by reference to the SP in more serious cases (a requirement if a Schedule 2 offence or ‘certain circumstances’ exist) or for more minor matters for investigation by unit personnel.

87. As regards the less serious end of the scale of offending (and this makes up the bulk of SP casework), I have not been presented with any substantial evidence to suggest that these

are matters of general concern in this area. I am, however, aware of difficulties encountered by investigators with individual COs in relation to jurisdiction and custody decisions. This will be the subject of further work by HH Shaun Lyons in Part 2 of the Review. For my part, the role of the CO in cases of Domestic Abuse does give me cause for concern and I expand on this later in my report.

88. There is some evidence that CO's have become risk averse and routinely resort to legal advice. In his wider review HH Lyons is considering this and the role of the CO in custody decisions and the use of lawful orders to constrain those who in the CJS would be subject to bail. These matters will be further examined jointly in the next phase of the review.

89. Less serious offences investigated by the SP fall under the purview of GPD. Whilst minor in nature they nonetheless require a professional investigation and thereby SP personnel who know that they are doing.

90. During the course of the review no cause for concern has been expressed. I do, however, make the observation that the movement of GPD staff into the SIB function appears to be a 'one-way street' in the majority of cases. Civilian policing has, over many years, been the subject of much scrutiny as a consequence of poor culture and even full-blown corruption developing in 'closed-shop' elite policing units.

91. The investigators that comprise the three SIB as currently exist are drawn from the GPD part of the relevant SP, under the present system the opportunity for individuals to develop skills and their career in the service are limited due to 'dead-man's shoes'. At the same time, it appears that for the RMP skills and experience developed by SIB personnel are not spread back into the wider SP.

Recommendation 13. Consideration should be given to rotating RMP personnel in and out of the SIB to facilitate 'fresh blood', career development and spread of investigative skills into the GPD environment.

Victim and witness focus

92. Elsewhere in this report, and in some depth at Appendix E, considerable detail is given as to how the SJS is out of step with the CJS in putting the victim at the centre of the system. Civilian policing has established Witness Care Units to ensure that not just are the rights of victims central to the operation of the CJS but when matters are dealt with before the court, prosecutors have robust and supportive witnesses at their disposal. In other words, the proper support and care of victims is an integral part of high quality investigation and successful prosecution as well as being a moral obligation.

93. I allude elsewhere in this report to the construct of the 'Service Interest Test' and the absence of any specific reference to the interests of a 'Service' victim. Whilst each of the Services have articulated victim support policies, the actual decision to charge an offender is subject to this test and in a documented list of interests those of the Service victim do not explicitly feature. (It is noted that the Public Interest Test considers the impact and harm caused to the victim and is considered in conjunction with the Service Interest Test.)

94. In a similar vein, in discussions with the Police Working Group and interviews with a series of senior individuals I have frequently encountered reference to reputation (of the Armed Forces). Of course, I understand that this is a matter of paramount

importance - but reputation in the context of the SJS is through the conduct of an excellent investigation, proper support for victims and witnesses and prosecution with an outcome that reflects the evidence.

Recommendation 14. The SP's should put measures in place, consistent across the three services that reflect the civil police focus on the needs of victims and the otherwise vulnerable.

A Witness Care Unit should be established in the DSCU.

Sexual offence investigation and Domestic Violence

95. During the course of this review and in particular whilst exploring how the SP care for victims and witnesses, it became apparent to me that the SP and the SJS are carrying significant risk in how sexual offences are investigated and the processes in place for investigating and managing Domestic Abuse offending.

96. In response to a request for the views of Home Office forces on whether the SP have the requisite skills and experience one force reported: -

'No. Absolutely not..... recent examples..... some real clangers with sex offences and domestics i.e. they sent a rape suspect back home and bedded the victim down in the guard room so they could sober up... took me a day in service recovery'.

97. As a consequence of this finding and following a discussion with the Chief of Defence People, an audit of process and practice of domestic abuse and sexual offences investigations was instigated. The report is at Appendix H. I have briefly illustrated below why there is cause for concern.
98. The point is made earlier in this report that whilst context always has to be taken account of, the SP' nonetheless have a duty of care to victims. When visiting and talking to personnel on one of HM ships it was apparent that the care a female sailor might receive in the event of rape may fall significantly short of that which a female member of the public might receive. In particular, the absence of a medical practitioner qualified in sexual assault examination (thereby able to give expert evidence). In the event of an offence taking place at sea, the very high likelihood is that the victim knows the alleged offender and the case will be a matter of consent. In such cases, the existence or otherwise of any internal or associated marks or injury may be the only independent evidence available to either confirm the victims story or indeed support the alleged offender. This is a matter that is easily remedied through training.
99. It is worthy of note that in civilian policing the investigation of serious sexual offences is conducted by highly trained specialist units in a multi-agency environment which the SP are unable to replicate.

100. Attention should also be drawn to the **apparent** disproportionate levels of rape offences charged in the service for the size of population (although caution must be advised given the relatively small numbers involved). In addition, the conversion rate to conviction is astonishingly low. This is a matter that HH Shaun Lyons is examining and will be explored during the independent audit. The word apparent is used due to uncertainty of the figures, this reflects a broader problem that needs addressing – the type of data collected and its quality.

Recommendation 15. The recommendations made in the independent audit of the Process Audit of Domestic Abuse and Serious Sexual Offences Investigated by the Service Police at Appendix H should be implemented as soon as practicable.

101. As regards Domestic Violence, when it was first asked how the SP managed domestic incidents taking place ‘inside the wire’ –the response was that all matters were referred to the civilian police. As the review progressed it became apparent that this is largely, but not always the case. At times, all of the SP and the MDP are first responders and in some cases responsibility and thereby accountability remains with the SP (the MDP always hand-over to the civilian police).

102. Concern emanates primarily from those cases where it appears that the CO retains jurisdiction, often out with the knowledge of the SP. Although emanating from incidents of Domestic Abuse / Violence, it is reported that cases are sometimes dealt with by other headings such as battery or fighting without any documented reference to their domestic origin. The inevitable consequence of this is failure to complete the necessary risk assessments and inability to identify repeat victims and repeat offenders. It is a broader but important point that in some cases, where the CO has carried out his own investigation into an incident (without SP involvement) and then dealt summarily with the matter, it appears that no criminal conviction is recorded on PNC. The implications of all these shortcomings are all too obvious in the event of a subsequent serious assault or even the death of a victim.

103. The Criminal Justice System and the civilian police have been subject to significant scrutiny and adverse publicity following deaths in a domestic context. HMICFRS has inspected all forces on more than one occasion and been highly critical of some for having poor processes.

Recommendation 16. All instances of Domestic Abuse should be subject to mandatory referral by the CO to the SP.

Recommendation 17. Following implementation of the recommendations of the Process Audit of Domestic Abuse and Serious Sexual Offence Cases (Appendix H), HM Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) should

inspect all three SP as regards their respective processes for the investigation of Domestic Abuse and ongoing risk assessment arrangements.

Recommendation 18. Following implementation of the Process Audit recommendations, HMICFRS should inspect the SP in how effectively they investigate and manage sexual offending.

HMICFRS

104. Accepting that the outcomes of the independent audit are not yet known, it is a matter of concern that the vulnerabilities discussed above have been identified by this Review being conducted for an entirely different purpose. All three SP have an arrangement whereby from time to time they negotiate with HMICFRS as to what they consider they should be inspected upon. This arrangement could be regarded as 'cosy' and does not exist in civilian policing. Home Office police forces are top sliced to fund the Inspectorate and they inspect against 'risk' e.g. inspection of all forces into Domestic Violence arrangements following high profile deaths in a domestic context. Chief Constables have no say in when they are inspected or on what subject.

105. The Inspectorate has developed a Police Effectiveness, Efficiency and Legitimacy (PEEL) inspection template. This is used over time to build a deep knowledge of individual forces, the particular challenges the force faces and a baseline against which to judge future performance. Similar methodology has

subsequently been developed for the National Crime Agency and the British Transport Police.

106. It would be of significant benefit to the SP and the reputation of all three services if similar arrangements were put in place. Oversight and governance are outside the TOR of this review but a more robust working relationship would serve to enhance operational effectiveness and efficiency.

107. As a final point on inspection, the issue of data collection and quality has been referred to in other parts of this report, it has also been subject of comment by HH Lyons. In order for the HMICFRS to properly inspect the three SP and build the required baseline there will need to be a significant improvement in this regard.

Recommendation 19. Full implementation of the recommendations of HMICFRS as regards data collection and management should be expedited.

Recommendation 20. The current arrangements of the SP negotiating with HMICFRS as to which areas of business are inspected should cease. The current civilian police process of inspecting against risk should be implemented along with the development (subject to HMICFRS agreement) of a bespoke PEEL type methodology

Criminal Convictions

108. Earlier in this report it has been stated that the jurisdiction allowed to the CO is there for good reason and the system, subject to the odd aberrant decision (see paragraph 110 below), works well.
109. It is a matter of concern (already expressed earlier) that some convictions at Summary proceedings do not carry a criminal record when a conviction in the civilian court would. It is an established fact that perpetrators of assault tend to exist on a scale of escalating violence, the fact that an individual has been found guilty of a criminal assault is a matter that employers, post military service not least the civilian police, should be aware of.
110. In relation to Domestic Violence it is well established through academic research that victims do not call the police until they have been subject of multiple incidents, it is also established that, even after initial reporting, violence is a recurring phenomenon. Should it become apparent that an individual who has violently assaulted or even killed a partner has previously been subject of a CO finding without a conviction being recorded – the implications are again obvious.
111. It is recognised that Service Law contains provisions for dealing with minor offences such as ‘fighting’ that do not necessarily demand a criminal conviction and further that the

Service wishes personnel to leave with the best possible opportunities for employment. There is, however, too much latitude for those individuals who present a threat to not just the Service community but to wider society and who should carry a record of their offending.

Recommendation 21. Existing MoD policy and process for uploading appropriate convictions at Summary Hearing to the Police National Computer should be checked, and any corrective action needed should be taken, to ensure that findings of guilt for assault and domestic abuse are recorded.

Barriers to investigation

112. The Review team have been provided with examples of cases where the independence of a CO appears questionable. This has manifested itself in a conscious decision not to inform the SP about some matters, and by refusing to authorise custody when good reason to detain suspected offenders appears to have existed. Whilst individual cases are a matter of concern, be they a lack of true independence or just poor judgement on an individual CO's part - 'bad decisions do not make for good law'.

113. This is a matter for the wider SJS review going forward and for further joint work with HH Shaun Lyons.

Should all – or some – Service Police have additional powers?

Full civilian police powers

114. Whilst there is some anecdotal evidence that a lack of powers has an adverse impact on the effectiveness of the SP and the development of individuals, there does not appear to be sufficient grounds to justify the granting of full civilian police powers to all of the SP. There are, however, solid grounds to grant full powers to particular groups and some niche powers in other areas.

115. The previous section of this report considers in detail how to address the skills and experience gap in SP investigators. As a consequence of recommendations by HH Lyons in his wider review it is quite possible that prosecution of the most serious of crimes will revert to the CPS. With that in mind, this Review recommends that the civilian police become the lead in future joint investigations with the SP.

116. In addition to this opportunity to up-skill investigators it is recommended that all SIB investigators are immersed into Home Office police forces for a minimum period of six months with full civilian police powers.

117. This review has further recommended that the three SIB and all existing specialist support capabilities be brigaded into a Defence Serious Crime Unit (DSCU). This entity should become

a key part of the national Regional Organised Crime Unit (ROCU) network.

Recommendation 22. The Home Office should be invited to explore the most appropriate means of granting full civilian police powers to SIB staff whilst on secondment to HO forces.

Further, discussion should take place with the Home Office and NPCC as to the desire and feasibility of full powers being granted to all SP personnel in the proposed DSCU.

RAFP – limitations of existing powers

118. The RAFP have identified gaps in jurisdiction that present them significant operational challenges: -

119. A civilian acting suspiciously outside the perimeter fence/on married quarters. Other than speaking to the individual, no statutory powers exists enabling the RAFP to stop, search or detain. In accordance with any local MOU, recourse would have to be made to the local police if available and in the case of more rural locations if proximate.

120. A civilian is detected having broken through the perimeter fence, is pursued and leaves the site through the gap. The RAFP do not have recourse to the powers of the Serious Organised

Crime and Policing Act (2005), which creates an offence of Criminal Trespass.

121. Limitation of powers available in the event of drone incursion of the site.

122. Limitation of powers available to deal with civilian contractors allowed on to sites who then engage in criminal or terrorist activity.

123. Further detail is given by the RAFP at Appendix G.

124. These gaps in RAFP GPD capability should be subject of further examination and considered along with recommendations in this report relating to additional powers

Fixed Penalty Notices/Cautions

125. The SP have all made representation to have the ability to issue financial fixed penalties and cautions to deal with minor matters. Whilst there is some merit in having recourse to quick 'out of court' remedies, they also have their downside.

126. In the Service context they have the potential to undermine CO discipline and the ability of the CO to 'look the offender in the eye'. This may, however, be viewed by some as a good thing in that it removes an 'administrative' burden.

127. In addition, fixed penalties require a considerable bureaucracy to manage – records of tickets issued, following up those who have not paid, what happens when they are not paid?

Recommendation 23. Further work is carried out to determine the appetite and feasibility for Fixed Penalty Notices and Cautions.

Proceeds of Crime Act (2002) – POCA

128. The Proceeds of Crime Act 2002 carries wide-ranging provisions allowing investigators to seize assets, restrain property and assets and secure forfeiture orders in relation to ‘ill-gotten gains’.

129. As things stand the SP do not enjoy access to these powers and on occasion refer matters to the MDP to utilize the powers on their behalf.

Recommendation 24. Home Office and MoD to give consideration to granting POCA powers to the SP.

What impact will the increase in UK-based personnel have on the policing function in the SJS?

130. The draw-down of the British Army from Germany will be complete in the course of the next two years. This will involve the return to the UK of around 4000 military personnel and their families. This question has no bearing as regards the Royal Navy and the Royal Air Force.

131. These soldiers and their families will be dispersed to three centres around the UK. Consultation with civilian police forces has highlighted minor concern regarding an increased demand at a time of shrinking resources. It is, however, acknowledged that the draw-down will bring with it the concomitant SP/MDP resource and in reality the potential increased demand is likely to be very small.

132. A particular concern raised by Police Scotland emanates from what they regard as a disproportionately high level of injuries on the road and thereby demand on roads policing units. Whilst not dismissing the observation the impact will be minor.

133. Elsewhere in this Report the loss to the RMP of their ability to practice and exercise their powers over a full range of offending is considered and recommendations made to ameliorate the problem.

Are there specific Service Police/MDP skills that are required outside traditional policing functions?

134. Yes, all three SP carry out specific niche skills - This question is addressed in full earlier in this report when considering future structure.

Appendix A

Table of Recommendations

Recommendation 1.

The three Service Police (SP) retain their individual identity and responsibility for General Policing Duties (GPD) and their ancillary non-police functions in support of operational effectiveness.

Recommendation 2.

A Tri-Service Defence Serious Crime Unit (DSCU) is created following the civilian police Regional Organised Crime Unit (ROCU) model.

Recommendation 3.

The three existing Special Investigations Bureau (SIB) be brigaded into the DSCU together with all current specialist investigative support – intelligence, undercover, surveillance, digital units, forensic and scenes of crime.

Recommendation 4.

SP personnel are seconded into the unit and should retain their individual SP identity.

Recommendation 5.

The DSCU to provide a multi-disciplinary ‘flying’ response to the investigation of serious crime worldwide.

Recommendation 6.

The individual SP Professional Standards units should be seconded into the DSCU.

Recommendation 7.

The Ministry of Defence Police (MDP) and National Police Chiefs' Council (NPCC) to be invited to provide an appropriate level of resource to the DSCU.

Recommendation 8.

Full consideration should be given to all the detailed findings of the SJS Review Police Working Group at Appendix F and implementing the associated efficiency/improvement measures.

Recommendation 9.

Arrangements should be put in place to ensure appropriate data collection and robust performance management is put in place for case building and file submission.

Recommendation 10.

In accordance with the recommendation of HH Lyons for the Court Martial jurisdiction to no longer include the most serious offences (murder, rape and manslaughter) when committed in the UK (except where the consent of the Attorney General is given), in future the SP should no longer investigate those offences in the UK. Such investigations should revert to the civilian police who should enter into a formal protocol to conduct joint civilian led police/SP engaged investigations.

Recommendation 11.

At the earliest opportunity discussion between the SP and NPCC should take place with a view to establishing formal arrangements for SIB officers to be seconded into Home Office police forces to gain 'immersion' in day-to-day criminal investigation.

Recommendation 12.

Consideration should be given to civilian police investigators deploying in support of the SP when investigating serious crime overseas.

Recommendation 13.

Consideration should be given to rotating RMP personnel in and out of the SIB to facilitate fresh blood, career development and spread of investigative skills into the GPD environment.

Recommendation 14.

The SP's should put measures in place to become more consistent in best practice across the three services that focus on the needs of victims and the otherwise vulnerable.

A Witness Care Unit should be established in the DSCU.

Recommendation 15.

The recommendations made in the independent audit of the Process Audit of Domestic Abuse and Serious Sexual Offences Investigated by the Service Police at Appendix H should be implemented as soon as practicable.

Recommendation 16.

All instances of Domestic Abuse should be subject to mandatory referral by the CO to the SP (who then refer on to the civil police).

Recommendation 17.

Following implementation of the recommendations of the Process Audit of Domestic Abuse and Serious Sexual Offence Cases (Appendix H), HM Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) should inspect all three SP as regards their respective processes for the investigation of Domestic Abuse and ongoing risk assessment arrangements.

Recommendation 18.

Following implementation of the Process Audit recommendations, HMICFRS should inspect the SP in how effectively they investigate and manage sexual offending.

Recommendation 19.

Full implementation of the recommendations of HMICFRS as regards data collection management should be expedited.

Recommendation 20.

The current arrangements of the SP negotiating with HMICFRS as to which areas of business are inspected should cease. The current civilian police process of inspecting against risk should be implemented along with the development (subject to HMICFRS agreement) of a bespoke Police Effectiveness, Efficiency and Legitimacy (PEEL) type methodology.

Recommendation 21.

Existing MoD policy and process for uploading appropriate convictions at Summary Hearing to the Police National Computer should be checked, and any corrective action needed should be taken, to ensure that findings of guilt for assault and Domestic Abuse are recorded.

Recommendation 22.

The Home Office should be invited to explore the most appropriate means of granting full civilian police powers to SIB staff whilst on secondment to HO forces.

Further, discussion should take place with the Home Office and NPCC as to the desire and feasibility of full powers being granted to all SP personnel in the proposed DSCU.

Recommendation 23.

Further work is carried out to determine the appetite and feasibility for Fixed Penalty Notices and Cautions.

Recommendation 24.

Home Office and MoD to give consideration to granting Proceeds of Crime Act 2002 (POCA) powers to the SP.

Appendix B

Summary of Service Police Responsibilities

The Royal Military Police

The mission of the RMP is: -

‘To deliver the necessary Military Policing, Custodial and Guarding services to the Army in order to ensure military effectiveness on operations. The RMP provides for the SJS by effectively and independently investigating Service offending whilst safely and securely holding personnel in service custody and detention.

The RMP also provides commanders at all levels with authoritative and specialist MP support across the full range of environments in which the land component operates.

To deliver across this range of responsibilities the RMP has three distinct operational delivery groups:-

- General Police Duties (GPD)
- Special Investigation Branch (SIB)
- Military Provost staff (MPS)

In addition, the RMP perform a number of ancillary non-police functions: -

- Managing the control and movement of military traffic in theatre and on operations
- Provision of close protection to senior military figures
- Stability policing

The Royal Navy Police

The mission of the RNP is:-

‘To deliver effect through the prevention, detection and investigation of crime and ill-discipline across the naval service and to support Front Line and Home Commands through non-policing functions’

The RNP perform the same traditional policing functions as the RMP, they are considerably smaller in numbers reflecting the respective size of the two services. The RNP officers serving on ships face the unique challenge of providing community policing to the ship’s crew whilst living closely amongst personnel who at some point they may be required to investigate and arrest. The RNP officers on a ship are regarded as akin to the ‘village bobby’ and *‘Key to the smooth running of operations’* (Rear Admiral Simon Williams).

The RN (SIB) consists of just 25 staff and investigates Schedule 2 offending;

In addition to their primary policing duties, embarked RNP are tasked with a variety of additional duties including:-

- Flight Deck Officer
- Assistant Executive Warrant Officer
- Assistant Unit Security Officer
- Ships Control Centre Watch Keeper
- Quartermaster (Special Sea Duty)

These ancillary roles are critical to the running of a modern naval ship where crew numbers are kept to a minimum and personnel are required to perform more than one function.

The Royal Air Force Police

The mission of the RAFP is: -

‘To deliver focused police, counter intelligence and protective security services to commanders in support of defence outputs’

The force strategy articulates the employment of all measures and means to minimize the vulnerability of personnel, facilities, equipment and operations to any threat and in all situations, to preserve freedom of action and the operational effectiveness of the force.

The RAFP, like their Service Police counterparts, deliver a range of niche functions over and above their traditional policing capability. A significant proportion of their resource is dedicated to counter intelligence activity and armed security which is delivered in tandem with the personnel; of the RAF Regiment who provide an armed security presence but have no warranted police powers

The Ministry of Defence Police

The MDP are a statutory police force established under the Ministry of Defence Police Act 1987. MDP officers have qualified civilian police powers and can operate within and outside the sites where they are deployed.

The MDP Policing Plan articulates their stated purpose as: -

‘Delivering unique specialist policing... to protect the nation’s defence and national infrastructure’

To achieve these strategic objectives the MDP has two broad operational delivery groups, **Uniform Operations** and **Crime Command**. Owing to the unique challenges of the estate they are responsible for keeping secure and the potential for attack on the nation’s nuclear capability and national infrastructure the MDP deliver a number of specialist policing services through what the force describe as ‘Elite Specialist Policing Teams’.

- Specialist armed policing
- Marine policing
- Specialist police dogs

The MDP primary responsibilities are to provide armed security and to counter terrorism, as well as uniform policing and investigative services to Ministry of Defence property, personnel and installations throughout the United Kingdom. MDP officers are constables and

are trained to use firearms; 90% of those on duty are armed at any given time.

The MDP is currently deployed at approximately 50 Defence locations around the United Kingdom including dockyards, atomic weapons establishments, four gas terminals and GCHQ Cheltenham.

The MDP is classified by the Serious Organised Crime and Police Act (2005) as a special police force. This gives MDP officers conditional allowance to exercise the powers available to a constable of a territorial police force if an offence or incident is encountered out with MDP jurisdiction. Additionally; the MDP is able to provide officers and specialist units to territorial police forces on a mutual assistance basis, such as Operation Temperer and exercise the powers of Home Office police force constables in certain situations. This is known as 'extended jurisdiction' and the use of these powers is set out in the Ministry of Defence Police Act.

The Ministry of Defence requirement of the MDP is the protection of Defence people, assets, information and estate; the secure and uninterrupted operation of the UK nuclear deterrent; and achieving success in overseas operations.

In order to achieve these requirements the MDP has six core capabilities:

- Armed nuclear security
- Territorial policing and security
- Intelligence led deployment of MDP resources

- Prevention, investigation and detection of fraud, corruption, and the theft of or criminal damage to key Defence equipment and assets.
- Specialist civil policing support to Defence and other international policing commitments, in support of UK government policy.
- Maintain specialist policing capabilities that can be deployed at short notice as part of the response to unforeseen requirements at Defence establishments in the UK.

Appendix C

General Policing Duties

Introduction

General Policing Duties (GPD) are the uniformed foundation of any policing service. They are often the principle interface with the public, the first response to any investigation and the body of mass that delivers both effect and the personnel that go on to fulfill specialist roles. In Defence GPD conduct and structures are fundamentally shaped by the communities and arms that each support. Moreover, these differences are amplified through the constabulary status and powers of the MDP in contrast to the SP. There is overlap in responsibility and response across Defence Policing, but more often it is the GPD role in support of operations (UK and worldwide) that is the defining difference in each branch.

Core Service GPD

The SP share core functions, each delivered to their respective service. These functions are the source of SP commonality, but also the start of the three services divergence as each uses police skills to develop their own model of military policing suited to the domain⁵ they operate within. Common to all SP are: conduct of investigations, evidence recovery and handling, crime prevention, arrest, patrols, criminal intelligence and liaison with partner

⁵ Maritime, Land, Air, Civil.

agencies. From these core outputs the GPD role of each SP diverge:

a. **RNP**⁶ - The GPD output of the RNP is delivered on land and on sea units⁷ with the primary objectives of prevention and detection of crime in RN/RM units globally, provision of police support to the maintenance of discipline and good order at sea and ashore and to provide the Command with a first order effect in the event of serious or critical incidents. Specified roles on sea units include:

(1) Provide the Command with a first order investigative effect in the event of a serious incident including death or serious injury.

(2) Conduct 'golden hour' fast track actions, effectively securing the scene of any crimes and preserving evidence.

(3) Provide investigative assistance to Service Inquiries and Immediate Ships Investigations (an AFA requirement).

(4) In addition to their primary duties, embarked RNP are tasked with a number of additional duties including Flight Deck Officer (FDO), Assistant Executive Warrant Officer (AEWO), Assistant Unit Security Officer (AUSO), Ships Control Centre Watch keeper and Quartermaster (QM) (Special Sea Duty).

⁶ Including Royal Marine Police Troop (RMPT)

⁷ Currently 23% of RNP/RMP are on-board sea units.

b. **RMP** - The RMP purposes translate into two principle outputs: 'police the force' and 'police support to the force'. GPD provides the uniformed support to the Army and represents the vast majority of MP capability. They provide a basic investigative capability, concentrating on volume crime in order to police the force. Police support to the force draws on the 5 elements of MP capability:

(1) Policing and Investigations: volume crime, evidence recovery, firm base custody, and liaison.

(2) Mobility Support: Movement planning, control and security.

(3) Stability Policing: Capacity building (indigenous forces, institutions, rule of law, safeguarding of civilians, Defence Engagement, anti-corruption and sexual and gender based violence.

(4) Support to Security: Support to Area, Physical and Personal Security, crowd and riot control, convoy escort.

(5) Custody and Detention: Detention Planning, oversight and surety. Conduct of arrest and detention operations.

c. **RAFP** - Policing in the RAF is a multiple-strand of capabilities within the Service's multi-discipline approach to security and FP. GPD in the RAF is delivered in the UK and

overseas as part of a 'blended' approach to FP⁸. GPD provides the starting point for all outputs within secure and is often delivered concurrently from personnel primary employed on specialist outputs. General Duties Policing in the RAF includes:

(1) Investigations: Criminal and Security, with all associated evidential recovery and custody activities in order to secure the force in UK and overseas.

(2) Protective security: This includes patrols (CT, armed on unit and LE), Military Working Dogs (including specialist capabilities), aviation security (UK, overseas and in flight), security advice and integration with flanking LE or Security Agencies in UK and overseas.

(3) Intelligence: Criminal and Security intelligence collection, management and assessment, directing Counter-Intelligence and LE activity against Terrorism Espionage, Subversion, Sabotage and Organised Crime threats to AIR material, personnel and operations.

MDP Core GPD - The MDP, while drawing on many of the same skills, principally provide an armed policing response at key sites to a civilian police standard delivering unique specialist policing to protect the nation's defence and national infrastructure. Central to

⁸ SECURE, DEFEND, PROTECT.

this role is high profile armed police, patrolling in security vigilance areas (SVA), intelligence, and interoperability with civil police forces.

Divergence in GPD - The skills used by all three SP in GPD are analogous⁹, but do not currently overlap in terms of population policed in the UK or application in the deployed space. Where overlap of audience, threat or output exists Defence has established Joint Service Units (Falkland Islands, Cyprus, Gibraltar) with a force mix to reflect the required policing outcomes. All three SP and MDP use GPD as an entry point to service and a means to develop the specialist policing and security outcomes within their areas of operation in capability terms.

GPD CoA Development - Efficiency and effectiveness of general policing for Defence could be through transfer or increased collaboration:

- a. **Transfer.** The core GPD role draws principally on investigation and provision of 'first-line' response policing. In the UK Civil Police or MDP, exploiting greater constabulary powers and independence, could deliver this. This, however, would be traded against the bulk of MP capability (all SP) and in Air security provision. Moreover, single Services and commanders would lose surety of policing in order to support the Service Justice System and maintain operational capability, reliant on already overstretched elements from a separate department with a fundamentally different policing

⁹ As reflected in the common core training provided at Defence College of Policing and Guarding

focus. Development of this CoA would require significant change to cross-departmental responsibilities, a reduction in the provision of policing capability in the deployed and overseas space and an inevitable reduction in quantity of provision to the service community in the UK.

b. **Collaboration.** As seen collaboration in GPD already occurs overseas where mixed units provide not only joint population to police, but also require a blend of the GPD outputs due to threat¹⁰. Models for collaboration within GPD which could be developed further include:

i. **Regional.** Establishment of Policing Districts where all SP GPD assets were placed under a single organisation. Similar to Overseas joint units these could rationalise and share outputs. This model would need to balance requirements to collocate SP at garrisons with any regional spread. This could be aligned to MDP regional areas to provide a unity of effort if not command and control within Defence policing. The geographic spread of Defence, however, limits the extent of the efficiencies that could be made. In addition, the support to the respective Force would expect to be drawn against this bulk of personnel to deploy and in the UK where SP and MDP also have a security output within their policing role. In effect this model would trade

¹⁰ An example of this is higher numbers of MWD in the FI providing both area sy to aviation and also augmenting LE and acting as Reserves for the Falkland Island Constabulary, or the RN lead in Gibraltar given the transient population.

flexibility, adaption to domain (Sea, Land, Air) for overall numbers. This model also assumes that SP are not drawn from the UK for adaptive or responsive Military tasks.

ii. **Lead Service.** Some of the disadvantages of a regional model could be reduced by acknowledging centres of gravity for GPD delivery of each service and MDP (i.e. Naval bases, larger Garrisons, RAF Main Operating Bases) and leaving policing delivery to sS in these areas. The remainder of the smaller units could then be cut to a lead service within a district to support on a geographic basis. This would reduce duplication on an area by area basis, and retain sS capacities within GPD. This however would provide a distinct bias in style of delivery regionally and would require clear governance to ensure the needs of all SS should be met from a harmonised policing effort. Equally this could be applied to function, but this would share some of the disadvantages of the regional approach.

Conclusion

As seen with the evolution of Joint Units, policing in Defence is driven by population served. The increased civilian and contractor footprint within the UK and the dispersal of servicemen and families (around units and with the reductions overseas) may dictate

increased collaboration with MDP or the need for extension of constabulary powers.

Table of References

Royal Airforce Police Policy

AP 1722 Pt 3, Chp 4, Section 1: Victims of Crime and Victim Personal Statement Scheme

AP 1722 Pt 3, Chp 4, Section 2: Vulnerable Intimidated and Significant Victims/Witnesses

AP 1722 Pt 3, Chp 4, Section 3: Witness Statements

AP 1722 Pt 3, Chp 4, Section 4: Witness Protection

AP 1722 Pt 3, Chp 4, Section 5: RAF Police Guidelines to the Victims Right to Review Scheme

AP 1722 Pt 3, RAFP Policy Letter 10/17 Victim of Crime Survey

MoD Police

Ministry of Justice – Code of Practice for Victims of Crime

Appendix D

Investigation & Specialist Capabilities

The Service Police (SP) comprises the Royal Navy Police (RNP), the Royal Military Police (RMP) and The Royal Air Force Police (RAFP). They derive their powers to investigate Service Offences from the Armed Forces Act 2006 (AFA 06), which provides for a concurrent jurisdiction with the civilian police forces in the UK and a global jurisdiction for persons subject to service law (PSSL) and in certain circumstances civilians subject to service discipline (CSSD) overseas. Service Offences include all criminal offences under the laws of England and Wales, together with some additional (disciplinary) offences unique to the military, recognising the additional expectations placed on the Services, e.g. Desertion, Absence, and Misconduct.

In addition, in the UK there is also the Ministry of Defence Police (MDP). The Ministry of Defence Police (MDP) are a separate entity whose jurisdiction within the UK is defined within the Ministry of Defence Police Act 1987, as amended by the Anti-Terrorism, Crime and Security Act 2001. Broadly speaking their powers mirror those of the civilian police and jurisdiction is limited to the UK. MDP priorities are determined by Defence, whereas the single services currently contribute to the priorities of the three service police forces, shaped by the different environment in which each service operates. In general terms, all four police forces divide themselves into their

“Uniformed” (General Police Duties) element and their “Detective” (Special Investigation Branch/MDP Crime Command) element. Broadly speaking the uniform police will deal with volume crime and the detectives will investigate more serious and complex cases. Volume Crime in the services will most likely be disposed of at a Summary Hearing by the Commanding Officer (CO), akin to the magistrates’ court while the more serious offences will be dealt with by Court Martial, which has a broadly similar (but not identical) jurisdiction to the Crown Court.

In addition, unlike their civilian counterparts the SP also undertake additional tasks, reflecting the needs and environments in which each service operates and the operational requirements of each service that demand additional outputs from the SP. The RMP are structured and resourced for overseas operations, rather than policing their communities in the UK, though clearly additional policing capacity exists when they are in their firm base UK locations. The RNP do police their base locations in the UK routinely and have structured themselves for the task, as do the RAF when their forces are not deployed. The unique nature of the SP makes it difficult to draw direct comparisons with their civilian counterparts as they have additional responsibilities and roles that require additional skills and training. The deployable nature, to support overseas operations and to police the deployed force, requires that they can operate and fight in austere and hostile environments; this places an additional burden on resources that the civilian police do not have. The RAFP also have a security and counter intelligence function that the RNP and RMP do not. This represents a significant additional responsibility and accounts for a considerable level of

effort and resource. The MDP are a civilian police force, with powers of constable but they too undertake additional tasks, for example, the provision of armed policing capability at key sites within the UK.

Volume Crime

Volume Crime¹¹, at the lower end of the spectrum in terms of offending and punishment, is generally investigated by General Police Duties and will most likely be disposed of at Summary Hearing or in the magistrates' court, or by other means short of Court for the MDP. Unlike their civilian counterparts the SP are restricted, as they do not have powers to dispose of lower level offending through fixed penalty notices, cautions or community resolution. The result is a full investigation is required for all offences identified irrespective of the severity of the offence or the outcome in terms of offender punishment. This is resource intensive and has inevitably led to an inconsistent approach across the Services, driven by capacity and single service desires. For example, in the Army in 2017 only 12% of offences disposed of by COs at Summary Hearing, were the subject of a SP investigation. In the Navy, however most offences disposed of at Summary Hearing are investigated by the RNP.

Commanding Officers have significant powers¹² to deal with certain Theft Act offences and some offences against the person, including (with permission of Higher Authority) assault occasioning actual bodily harm (ABH). The inconsistent approach to who investigates

¹¹ This includes all military Disciplinary offences for RNP.

¹² COs may investigate and dispose of offences, without a SP investigation, listed at schedule 1 of AFA 06. <https://www.legislation.gov.uk/ukpga/2006/52/schedule/1>

is a concern when the recording of offences is considered. Only investigations undertaken by the SP that result in a conviction at Summary Hearing will be recorded on Police National databases, where appropriate. More widely there is also inconsistency in punishment powers when the SJS is compared to the civilian equivalent. COs can award periods of detention of up to a maximum of 90 days (for certain ranks/rates), fines of up to 28 day's pay, reduction in rank, reprimand and other minor punishments. These powers are limited when compared to those of the magistrates' court which may lead to either excessive or unduly lenient punishment in some cases when compared to the civilian system.

Investigations

In the UK, the SP are located in alignment with the geographical centres of mass of each of the services (Ports, Garrisons and Air Bases). Similarly, the MDP focus resources at key sites in accordance with their priorities. The resultant effect is that while Defence Policing is a nationwide activity in the UK there will be geographical areas where it is more likely that offences will be investigated by SP/MDP rather than the Civilian Police. The concurrent jurisdiction allows for this¹³ and there is no hard and fast rule regarding the division of responsibility. In general terms, a discussion will take place between service and civilian police agencies to determine jurisdiction and consider who is best placed to investigate; this may vary geographically across the country for a

¹³ Apart from death on military establishments which by HO protocol are always investigated by the civilian police.

variety of reasons, for example resources and capacity; current uniform strengths, employed in role, are in the region of:

MDP	RNP	RMP	RAFP
2500	240	820	460 ¹⁴

For the SP specifically, who exist to deploy and investigate overseas, it is imperative that they remain capable of investigating the full spectrum of offences. To do so, they must retain the ability to do this in the UK, as this is how they will maintain currency, while not deployed. While not explicitly resourced to police the firm base locations in the UK, doing so, not only maintains SP investigative capability it also provides additional resources to the national policing landscape when not deployed overseas. There are also geographical “hotspots” driven by Armed Forces basing laydown where more than one of the SP represented and in some also the MDP. While single service priorities will influence activity, jurisdiction allows for cross service cooperation in conducting investigations.

Training and CPD

The wide ranging other tasks, military training requirements to remain operationally effective and time deployed on exercise or operations all impact on the capacity and capability to conduct investigations, both overseas and in the UK. This, in turn may impact of the ability of personnel to effectively conduct investigations to national standards. As the Armed Forces become largely UK based

¹⁴ Including Military Working Dogs (MWD).

for the first time in centuries, they must ensure they remain professional, capable and effective in their core business.

SJSR considerations:

- The SP are afforded additional powers to dispose of cases by means other than Court (FPN, cautions etc.).
- More stringent control measures are imposed on investigations disposed of at Summary Hearing to ensure appropriate recording of offences.
- Powers of punishment at Summary Hearing are aligned more closely with the civilian system or cases capable of being disposed of by COs are restricted in line with their punishment powers.
- The SP retain jurisdiction to investigate all offences in the UK.
- Opportunities for closer collaboration or Joint units (akin to CJPU in Cyprus) are considered where geographically appropriate.
- Professional policing qualifications and training are made mandatory for the SP and means of currency are maintained either through the exercising of service jurisdiction over PSSL while in the UK or through closer cooperation arrangements with the civilian police.
- Protocols or agreements are established with the civilian police (NPCC) to formalise the current ad-hoc, local arrangements in accordance with priorities and needs of the Services.

- SP are structured and resourced for purely policing and investigative outputs leading to greater experience and ability to deliver core functions. Other tasks required by the sS would need to be undertaken by others so would likely not result in net efficiency or savings for Defence.

Serious and Complex investigations

Many of the factors considered above are relevant to the investigation of serious and complex incidents, however the approach taken by the SP and MDP is more consistent and similar in this area. Serious and complex investigations are undertaken by the Special Investigation Branch (SIB), each SP force has their own and the MDP Crime Command. Current resourcing levels of personnel are outlined below:

MDP	RNP	RMP	RAFP
80	25	210	57

The investigative agencies are the supported element with specialist assets in a supporting role, for example forensic and cyber support or covert tactics capabilities; these specialist assets will be examined separately later in the narrative.

The SIB, while structured to deploy on overseas operations and exercises (including at sea) are based largely in the Firm Base locations in the UK and deploy forward as required to conduct investigations. The Army does have some SIB personnel deployed permanently in overseas locations where there is an enduring UK

presence for example, Kenya, Canada and Brunei. However, cover for smaller operational commitments such as Op SHADER (Iraq) and Op TRENTON (South Sudan) is provided by personnel held at very high readiness (VHR) in the SIB Regt in Bulford. The RN and RAF SIB operate in a similar fashion and all conduct investigations globally as well as in the UK Firm Base. Additionally, joint police units are located at the three, permanent joint operating bases (PJOBs) in Gibraltar, the Falkland Islands and Cyprus; these are staffed by SP personnel from all three services and include an SIB element. MDP Crime Command, based in Wethersfield, but with a national footprint, investigate serious and complex incidents in accordance with their priorities with a particular focus on loss to the Department. The MDP are the Defence lead for incidents and intelligence involving items attractive to criminal and terrorist organisations (ACTO) and they also deal with significant Fraud within Defence. Unlike the SP the MDP has jurisdiction over civilians allowing them to effectively investigate offences committed by civilians within Defence, for example those employed in the procurement of equipment, contracts and the Defence Estate. The MDP also have powers under the Proceeds of Crime Act 2002, allowing them to seize money and property believed to have been gained through criminal activity; the SP do not.

While there are variations in individual force priorities and noting the environmental factors in which each force currently operates each delivers similar outputs in conducting serious and complex investigations within Defence (MoD) and the Front Line Commands

((FLCs) Navy, Army, Airforce and Joint Force Command¹⁵ (JFC)). The FLCs will have a view over wishing to retain some influence over priorities but it appears difficult to justify maintaining four separate organisations delivering similar outputs, accepting the notable difference of the MDP having constabulary powers in the UK and therefore jurisdiction over civilians at home. In contrast to their SP counterparts, however their jurisdiction is confined to the shores of the UK, for most offences.

Much like their General Police Duties colleagues, similar issues in terms of jurisdiction, currency, capability, training and professional development exist with the specialist detective cohort of the Defence Police agencies; it is not proposed to repeat them here. Historically some of these had been successfully addressed through other mechanisms, for example when the Army had a large enduring presence in Germany. The RMP has primary jurisdiction over the service community in Germany, including dependent families and civilians employed in support under the Status of Forces Agreement (SOFA) with the German Authorities. As such it was responsible for the investigation of all offences routinely and so maintained currency to conduct effective investigations in accordance with national standards. A similar model in the UK would require legislative change, but is one model, but greater cooperation with the civilian police in obtaining exposure to investigations is another. Legislative change would also be required to provide the SP with jurisdiction over MoD civilians in the UK, however the benefits to Defence, in doing so are obvious in regard

¹⁵ JFC does not have its own SP force and investigations are currently undertaken by RNP, RMP and RAFP.

of increasing investigative capacity when the SP are not deployed overseas.

SJSR considerations:

- Examine the merit of a SP Serious Organised Crime Unit comprising all 3 sS SIB elements to conduct serious and complex investigations into offences believed to have been committed by members of HM Forces (PSSL) in the UK and overseas.
- Examine the merit of a Defence Serious Organised Crime Unit to include sS SIB and MDP Crime Command to conduct serious and complex investigations across Defence.
- Extend jurisdiction to SP over MoD civilians in the UK (MoD employees and dependents) to increase investigative and policing capacity in the UK.
- Examine command and control (C2) options, joint, hybrid, single service lead.
- Retention of jurisdiction to investigate full spectrum of offences in the UK
- Examine appropriate options to maintain currency skills of detectives to investigate serious and complex incidents, to include closer cooperation with the civilian police in the UK.
- Extension of POCA and other Counter Terror legislation to include SP.

Specialist Capabilities

Specialist Capabilities are probably best described as the technical, scientific and operational capabilities that support the more conventional investigative and policing outputs. It also includes other niche capabilities such as, for the military, close protection duties and the MDP, armed policing (guarding). For the purposes of this paper it is not proposed to consider these areas further as they are not directly relevant to the SJS Review. Armed policing capability, as a police warrant card function, is widely recognised in the UK, as is close protection, as a policing role, in the NATO environment and also the UK when looking at the roles of the Metropolitan Police Service.

All 3 SP and the MDP have some specialist support capabilities, whether that be scientific support or covert assets; there is duplication in some areas. For the SP there is already considerable collaboration, particularly at the Army led Specialist Operations Regiment and Service Police Crime Bureau. Closer cooperation is also being driven in some areas, such as Forensic support, by the necessity to achieve ISO accreditation, directed by the Forensic Regulator. The current Army capability is outlined below.

SERVICE POLICE CRIMES BUREAU



Scientific Sp Hub

- 24/7 CSI and Tier 1 Digital Forensic capability
- Deployable to Operations / Incidents / Exercises
- Provision of forensic strategies to investigations / operations
- Forensic submission screening service and relevant authorities
- Liaison with Forensic Service Providers (FSP) and HOPFs
- Liaison with National Crime Agency to identify suitable SMEs
- Repatriation of deceased personnel
- Post Mortem Examinations
- Provide forensic training to AORs in UK/Germany/Cyprus

MEIT

- Enhanced Imagery
- Interactive Evidential Media (laser scanning, 360 degree photography, story boards)

Cyber Crime Centre

- 24hrs Worldwide deployment capability (Digital Forensics in the field)
- 24/7 advice to Service Police Investigators
- Support Worldwide Service Police Investigations by providing Digital Forensic analysis capability, together with evidential reports
- Provide EXPERT Digital Forensic evidence and opinion at Courts Martial
- TIER 1 - ACESO / XRY (Logical data only)
- TIER 2 - 3C (Logical and physical data) Internet Evidence, Timelines of activity
- TIER 3 - Chip Off, JTAG, NTAC & other repairs – last resort as these processes can potentially destroy exhibits

Force Intelligence Bureau

- Provide support / guidance to the Local Intelligence Officers (LIO) and Navy Regional Intelligence Officers (RIOs) for Level 1 intelligence matters
- Gather, Develop, Analyse and disseminate information involving Level 2 / 3 crime and disorder
- Preparation of the Level 2 / 3 Strategic Assessment, Control Strategy and Intelligence Requirement
- Oversee all RMP / RNP Tasking and Coordination Group (T&CGs)
- Liaise with Home Office Police Force (HOPF) FIBs
- Manage all sensitive intelligence – Confidential Unit
- Liaise with covert assets to develop intelligence products



FIG



OSU

- Under Cover (Foundation)
- Under Cover (Advanced)
- Under Cover Online (UCOL)
- Mobile Surveillance
- Foot Surveillance
- Technical Surveillance
- Covert Monitoring Post
- Covert Rural Observation Post Surveillance (CROPS)
- Covert Method of Entry (CME)

JRT

- Investigate Domestic Violence
- Provide advice and guidance to the Service Police with regards to Vulnerable witnesses through ABE interview specialists

DSU

- Recruit and Manage Covert Human Intelligence Sources (CHIS)
- Provide intelligence on specific RMP and RNP investigations by using CHIS intelligence
- Gather intelligence on persons engaged in criminal activity to inform frontline policing tactics / strategy
- Target specific crime areas on behalf of Service Police units

FIT

- All Fraud / Theft cases involving SPS staff
- Assist in the identification and recovery of exhibits
- Reconstruction of Public and non public accounts
- Complex Payroll, Charges and Allowance cases
- Attend Court Martial/Magistrates / Crown Court as SME
- Lifestyle Recreation – "following the money"
- Advice – to all Service Police and MOD Police in relation Joint Service Publications



The RNP have already personnel embedded in collaboration and have access to the full spectrum of capability. The RAFP currently operate with semi autonomy by recognising the benefits of brigading their assets with those of the RMP and RNP to deliver capability across the Services from a single unit; work is already ongoing to deliver in this area. The MDP currently undertake this activity as a single Force, but do, on occasion request support which is informed on a case by case basis by the nature of the suspected offences and wider priorities. During the VCDS study into Service Policing, in 2015, greater collaboration was proposed and agreed in this area through cooperation. There may be merit in including the MDP in delivering a Defence wide Capability though resourcing arrangements would need to be agreed.

SJSR considerations

- Future capability requirements and resourcing arrangements for SP (tri-service) unit to deliver capability.
- Future resourcing should MDP remain autonomous but wish to share capability.
- Force structures to deliver effective capability¹⁶.
- C2 arrangements, noting current Army lead and resourcing of much of current capability.
- Single Confidential Unit accredited to the Home Office standard.
- Oversight and governance arrangements.

¹⁶ For example OSU could not currently provide 24/7 capability for some tactics.

Appendix E

Victim and Witness Care by the Service Police and MDP

1. This report will look at the current mechanisms and structures in use by each of the Defence Police forces¹⁷ for providing victim and witness care to those individuals who have been the subject of, or witnessed crime. The report will then address the processes in place and identify where perceived efficiencies could be achieved.

2. So that a valid, objective review of the processes could be made documentation/policy for each force has been viewed. A list of the policies utilised can be found at Annex A.

The Armed Forces Code of Practice for Victims of Crime

3. From 16 Nov 2015 the Service Police, as well as other Service Providers (Commanding Officers (CO), Service Prosecution Authority (SPA), The Military Court Service (MCS) and The Military Corrective Training Centre (MCTC)) within the Service Justice System (SJS), were obligated by the Armed Forces Code of Practice for Victims of Crime to provide certain services to support victims of crime at the hands of perpetrator(s) subject to Service Law and having committed the offence within the EU, or for crimes that took place outside of the EU, only in relation to those criminal proceedings that take place within the EU. The MOD also produced

¹⁷ Royal Navy Police, Royal Military Police, Royal Air Force Police and Ministry of Defence Police

guidance¹⁸ to support the implementation of the Code of Practice, to assist service providers in complying with their obligations.

4. Each of the Service Police forces produced further policy/operational guidance to introduce the Code of Practice, detailing how their individual forces would implement and comply with the Code.

- a. **Efficiency/Improvement consideration.** Whilst it is understood each force will have nuances with its individual 'support' outputs, in the main most policies are replicated. Combining policy desks, to having single tri-service police/investigative policy would reduce duplication and create efficiencies.

Victim Identification

When considering victim care, it is imperative that all victims are recorded as such in the first instance, to enhance their status for service provision. Having identified inconsistencies in crime recording for the SP, HMIC recommended a Tri-Service Crime Recording Bureau and Central Crime Registrar who has recently been recruited. Due to the nature of Service Life, there are potential difficulties in identifying service personnel that have been victims of crime, as the victim can report a crime through a variety of different routes.

¹⁸ JSP 839 – Victims' Services Version 01 – dated 11 Nov 15

- a. Home Office Police Force (HOPF)
- b. Commanding Officer
- c. Service Police

5. Each different route is likely to generate a different level of service. Also, previous crimes against a victim may be numerous, for example in a domestic violence case, but because intelligence/information is held by different organisations (the chain of command, SP etc), the whole risk is not understood and therefore can not be managed effectively.

6. There are also difficulties apparent for SP in identifying vulnerable victims. Some CO's have not had appropriate training regarding the cycle of domestic abuse, and therefore may not recognise some of the subtleties. In these cases, there is a danger of the incident being dealt with by way of 'fighting' or 'simple assault', as unit authorities may not recognise a 'domestic relationship' between two people living within Single Living Accommodation (SLA), and no safeguarding referrals being made, leaving the victim vulnerable. If local HOPF information isn't sought, the CO would also not be aware of the risk posed by the offender.

- a. **Efficiency/Improvement consideration.** SP to 'market/advertise' mechanisms to report crime, on external websites making it as easy as possible for victims to report crimes against Service Personnel.

b. **Efficiency/Improvement consideration.** Consistent standard of crime recording with the creation of a Tri-Service Crime Recording Bureau as per HMIC recommendations.

c. **Efficiency/Improvement consideration.** Bespoke training to be delivered to CO's relating to vulnerable victims, particularly around domestic abuse, to ensure the correct support and safeguarding is put in place and enable the most appropriate route of prosecution.

d. **Efficiency/Improvement consideration.** Cognisance to be taken by the Services, that within a barrack situation, a victim of domestic abuse may feel further isolated given the unique culture of the barrack community. Consideration to be given to accommodation of victim/ offender, and the additional needs of the victim through policy and clear direction to staff dealing.

e. **Efficiency/Improvement consideration.** Ensure Victims Needs Assessments are conducted routinely irrespective of reporting mechanism through improved governance.

Victim Liaison Officers (VLOs).

7. With the introduction of the Code of Practice¹⁹, brought the introduction of VLOs. VLOs primary function within the SJS is the

¹⁹ JSP 839 – Victims' Services Version 01 – dated 11 Nov 15

provision of information to victims. VLOs will usually be appointed by the CO of the suspect, regardless of whether the victim is of the same unit. Should the suspect be unknown, the CO of the victim will appoint a VLO; and should the victim be a civilian the VLO is likely to be appointed by the Service Police. Whilst each SP force have detailed policies in place for dealing with victims, direction where VLOs should be appointed by the SP is limited. Limited direction is also included in the overarching MOD policy, which states 'likely' be provided by the SP if the victim is a civilian, providing no definitive direction.

8. With the exception of the Royal Navy Police, there is no identified, 'formal training' for VLOs. The other services have devised leaflets and small briefing packs, but no formal training courses. Whilst their remit is to be the conduit of information, which can include providing information and advice on support agencies, there is the possibility of a VLO being the conduit of information in some of the most heinous of crimes. Having untrained individuals dealing with victims of crime could be detrimental to victims and greatly increases the prospect of lack of victim cooperation with the Service Justice process. Untrained individuals unfamiliar with the SJS may also find the whole process confusing leading them to have to 'learn as they go', with potential for inaccurate or factually incorrect information being given to victims. This would not only appear unprofessional, but could also cause the victim to lose faith in the SJS.

9. As alluded to above, VLOs are appointed by COs of the suspects unit. Whilst a victim can choose to opt out of receiving

victim services should they wish to do so this would potentially leave them with no point of contact for continual information, as this role is not usually held by the Officer in the case as with Civilian Police.

10. Other difficulties surrounding the appointment of a VLO relate to the close relationship invariably the VLO may have with the offender and potentially the victim, if all are part of the same unit. If the victim has been the subject of a crime, of a sensitive nature, it is not ideal that the VLO has a personal relationship, whether perceived or actual, with the offender. The victim may also not want the appointed VLO to know personal details about them, and cognisance of the victims view as to VLO appointment should always be taken. That said, it is recognised that the VLO has to be accessible to support the victim, and if the crime happened overseas for example, the best service in the circumstances is all that can be achieved.

a. **Efficiency/Improvement consideration.** The role of VLO should be solely conducted by the Service Police/SPA/MCS. Consideration should be given to the creation of Witness Care Units (see para 14), who would have VLO Coordination responsibility.

b. **Efficiency/Improvement consideration.** Whilst the role of a VLO is clearly defined, the direction for whom that role should be undertaken by, is at times confusing. Should the consideration above not be viable then policy should provide clear direction to ensure victims are always provided with the correct services.

c. **Efficiency/Improvement consideration.** Should VLO allocation remain with the CO, performance management to be introduced to ensure routine allocation of VLO's by CO's and appropriate contact/support provided.

d. **Efficiency/Improvement consideration.** The formulations of formal training/on-going CPD for VLOs to enable them to better undertake their duties and provide a better service to victims.

e. **Efficiency/Improvement consideration.** Creation of a SP Victim Liaison Coordinator. On-going welfare support would then be afforded to VLO's together with training/CPD/Accreditation. The Coordinator would also be the point of contact for VLO allocation issues. They could also be responsible for Victim Service Development.

f. **Efficiency/Improvement consideration.** Skill set and suitability to perform the role with compassion, to be taken into consideration when selecting staff for the VLO role.

Family Liaison Officers (FLO's)

11. The SP utilise the provision of FLO's and FLO Coordinators (FLC) in cases involving death. There is nothing to indicate that this is not working well, but given the infrequency of cases likely to require a FLO, processes may not be familiar.

- a. **Efficiency/Improvement consideration.** Attaching FLO's to a brigaded SIB to ensure best standard practice/CPD/opportunity for experience.

- b. **Efficiency/Improvement consideration.** Tri-Service FLC's could be centrally located in a Tri-Service Witness Care Unit, with VLO Coordinators, to ensure best practice and a consistent service.

- c. **Efficiency/Improvement consideration.** As per HMIC recommendations, revision of SP policies to reflect National COP Family Liaison Guidance

- d. **Efficiency/Improvement consideration.** Ensure COP FLO accreditation.

Ministry of Justice (MoJ) Code of Practice for Victims of Crime

12. October 2015 saw the introduction of the Code of Practice for Victims of Crime. It places obligations on civilian organisations within the Criminal Justice System (CJS), including the MOD Police, to provide certain services to victims of crime within England and Wales.

13. The code places an obligation on each organisation to produce operational guidance about how they will fulfil the relevant duties. MDP manage victims in conjunction with local HOPF, dependent on the location of the victim and where the crime is alleged to have occurred.

Witness Care Units (WCUs)

14. Unlike HOPF's the SP do not have Witness Care Units (WCU). Victim and witness contact is managed and dictated by each of the SP Forces. The overarching MOD Victim code of practice also directs information that should be passed to victims and the timeframes for the passage of that information. This obligation is in addition to the information passed by VLOs, which at times is duplication. Each of the service providers detailed within the Victims Code of Practice, are also directed as to when contact and information should be passed by each of their organisations. Whilst each service provider will have information to pass, there is no constant victim/witness contact throughout the journey through the 'SJS', other than the VLO, who, as identified has no formal training and will have their usual day job to conduct as well as being the conduit of information to victims.

15. Each of the SP Forces have guidance on how investigators have a continuing duty of care throughout the duration of the investigation, to the point where a trial or summary hearing takes place or where a decision not to prosecute is made. With the fluid nature of Service Life and ever increasing demands on resources, it can be difficult for investigators to maintain personal contact with all victims and witness in cases. This is no criticism of any service or investigator. However, victims and witnesses may feel aggrieved being continually passed from service provider to service provider, person to person.

16. The use of WCUs would provide a continual support mechanism and SPoC within the SJS, allowing all service providers to provide their obligated duties. This in turn would give victims and witnesses increased confidence within the SJS.

- a. **Improvement consideration.** The formation of a Service Police Witness Care Unit(s) should be considered; allowing for consistent and meaningful contact with victims and witnesses, increasing their confidence in the SJS. Should volume not justify a dedicated unit, consideration should be given to dedicated Witness Care Officers.

The Witness Charter

17. Unlike the Ministry of Justice (MoJ)/CJS the SJS does not have a set Witness Charter, on what support standards witnesses should expect to receive on their 'journey' through the SJS. Whilst each service provider has individual policies and procedures in place for dealing with witnesses; due to having no minimum set standard, witnesses may not feel support from the SJS and in not having the correct support mechanisms in place could withdraw support to prosecutions.

- a. **Improvement consideration.** The introduction of a Witness Charter/Witness Code of Practice detailing minimum standards to be provided by all service providers within the SJS.

Witness Protection Schemes

18. The SP have no bespoke witness protection schemes. Each force has policies in place to support vulnerable and intimidated victims/witnesses, with process maps to assist investigators identify where witness may need witness anonymity orders put in place.

19. It is of note that the RAFP have an MOU in place with Eastern Region Special Operations Unit, Covert Protection Unit (ERSOU CPU) for them to provide the RAFP with witness protection services. Both the RNP and RMP detail they would seek assistance and guidance from HOPF and NCA operational support helpline.

- a. **Efficiency/improvementconsideration.** Collaboration between all three SP forces for a Tri-Service approach in this area would see efficiencies and an enhanced service to witnesses. The view of the NPCC Protected Services lead has been sought. Understanding how few cases are likely to be generated by the Service Police, there is an appetite for a formal MOU between Tri-Service Police and NCA Protected Services for access to services as and when required.

Witness Intimidation

20. The HMIC inspection of RMP July 2015 'leadership of RMP in relation to investigation' identified that there was reluctance by witnesses to assist investigations, and witness intimidation thought to be a feature on occasion.

a. **Efficiency/Improvement recommendation.** Service Commanders should drive cultural change regarding the reporting of crime and supporting the prosecution of service offending. Internal marketing to be considered, including organisational 'zero tolerance' of witness intimidation by personnel.

Vulnerable/Intimidated Victims and Witnesses.

21. Each of the SP forces have varying policies on dealing with vulnerable and intimidated victims and witnesses and how to identify such victims and witnesses. Examples of which include the training of and use of the Domestic Abuse, Stalking and Harassment (DASH) risk assessment tool.

22. Due to its geographical constraints, none of the forces chair its own Multi Agency Risk Assessment Conference (MARAC), except for the British Forces Germany (BFG) MARAC, which is formally registered with Safe Lives. Other 'Forces' MARACs are in existence globally, however are not formally registered for the passage of information between MARACs and local authorities within the UK. Each of the SP Forces maintain local liaison with HOPF with regards to risk surrounding victims of domestic abuse, stalking and harassment. When criteria is met on DASH assessment, referrals would be made to the local HOPF MARAC with SP attendance where required.

23. Although all SP Forces generally accept that HOPF's are better placed to deal with vulnerability referrals within the UK, SP

Investigators still need to be a position to provide an expert and professional service in vulnerability cases, such as child abuse, particularly given their overseas remit.

a. **Efficiency/Improvement consideration.** All forces MARACs should be formally registered with Safe Lives to allow for the formal passage of safeguarding information between HOPF MARACs/local authorities and SP globally.

b. **Efficiency/Improvement consideration.** SP policies relating to the investigation of domestic abuse/child protection and other areas of vulnerability to be standardised for consistency of service delivery and best practice.

c. **Efficiency/Improvement consideration.** SCADIP (Specialist Child Abuse Investigators Development Programme) or equivalent training to be delivered to SP to ensure a premium service for investigations overseas, particularly those posted to permanent overseas operating bases.

d. **Efficiency/Improvement consideration.** Improved governance surrounding use of provision's for vulnerable and intimidated witnesses including Special measures/Intermediaries/ABE interviews.

Performance Management of Victim/Witness Care

24. Service Police Crime Management systems currently have no facility to 'Performance manage/check' compliance with the Victim's Code of Practice. Both the RNP and RAFP manage victim care performance management primarily via the use of 'victim crime surveys'. However, this method is heavily reliant on victims taking the time to complete and return the surveys. A number of manual checks are also instigated by each of the forces requiring subordinate units to submit 'manual check sheets' to formation HQs. Whilst there is nothing to suggest errors in these procedures, the reliance on manual checks is not without risk. For example, subjective opinion may result in differing compliance standards etc. Each force also has Assurance teams that evaluate the compliance with the code as well as many other functions carried out by investigating units.

a. **Efficiency/Improvement consideration.** The Service Police Crime Management systems should be updated to include performance management capability to inform victim care governance. The system should provide quantitative data which measures victim care success at each key stage of the victim 'journey'. Timely governance, to ensure service recovery in cases where poor victim care is identified.

b. **Efficiency/Improvement consideration.** There is no independent oversight for SP relating to investigation and victim care management. As per previous HMIC recommendations, SP to encourage such oversight to improve

victim care through benchmarking and identification of any shortfalls.

c. **Efficiency/Improvement consideration.** RMP to consider the introduction of a victim feedback survey, as introduced by RNP and RAFP, following HMIC recommendations. All SP to assess ways in which completion rates could be improved.

25. Table of References

MOD/Tri-Service Policy

JSP 839 Victims' Services (Inc. The Armed Forces Code of Practice for Victims of Crime)

Royal Navy Police Policy

RNP TI 80 – Victims Code of Practice

Victims code process map – Annex to PMN TI 80 (Document above)

RNP Policy Note 001-17 - Royal Navy Police Victims of Crime Feedback Survey

Royal Navy Police – Victim Feedback Survey

RNTM 324/15 – The Armed Forces Code of Practice for Victims of Crime 2015

RNP Intranet site how to report a crime

RNP Intranet Web information
RNP TI 31 - Victim right to review
RNP TI 37 - Interpreter services

Royal Military Police Policy

MPID 17 – Victim and Witness Support
MPID 18 – Domestic Abuse
Treatment of witnesses process map
MPID 42 - Victim right to review
MPID 13 - Witness evidence and statements
MPID 19 - Child protection
MPID 20 - Missing persons
MPID 21 - Investigation of serious sexual offences
MPID 21 aide Memoire - Aide Memoire - Investigation of Serious Sexual Offences and management of those convicted of sexual offences.
MPID 36 - Crime Prevention

Appendix F

Review of file preparation by the Service Police and MoD Police

Introduction

1. This report will look at the current mechanisms and structures in use by each of the Service Police forces²⁰, whilst preparing criminal investigation files for the Service Justice System. The report will then highlight Service Justice file preparation processes and identify where perceived efficiencies could be made.

2. It is acknowledged that MDP hold similarities to the Service Police, in that they have a specific defence function outside of civilian policing, and is the reason they are referenced within this report. However, MDP criminal investigations are subject to the Criminal Justice system and CPS prosecutions only, and therefore fall outside of the remit of the Service Police element of the Service Justice Review.

3. To ensure that a valid, objective review of the processes could be made, strategic documentation and policy for each Force has been viewed. A table of the documentation/polices addressed can be found at the end of this report.

²⁰ Royal Navy Police, Royal Military Police and Royal Air Force Police

Jurisdiction and Powers

4. **Service Police.** The Armed Forces Act 2006 makes provision for the Service Police (SP) in relation to the investigation of military service offences, this includes the investigation of criminal offences²¹.

5. Following the investigation of an offence by the SP, should the Evidential Sufficiency Test (EST)²² be met, SP are obligated to refer the case to either the DSP or the CO of the accused, depending on the offence committed. The SP dealing with the investigation will refer the case by the means of case papers²³. As with the National File Standard, Effective Preparation of Prosecution Papers, used by HOPF and MOD Police, there are minimum standards in respect of what needs to be submitted when referring a case for consideration for prosecution.

6. **MoD Police.** The Ministry of Defence Police Act 1987 makes provision for the MOD Police to investigate criminal offences, within the United Kingdom.

7. Following the investigation of an offence the MOD Police, like its civilian counterparts (HOPF) submit files to the CPS for prosecution.

²¹ S.42 AFA 06

²² S.116 (5) AFA 06 - there is sufficient evidence to charge a person with an offence if, were the evidence suggesting that the person committed the offence to be adduced in proceedings for the offence, the person could properly be convicted.

²³ Armed Forces (Part 5 of the Armed Forces Act 2006) Regulations 2009

Policy

8. Each of the Defence Police forces²⁴ produces its own policy, having derived it from National policy, higher authority and best practice²⁵. The RNP deliver its policies via the use of Technical Instructions (TIs), the RMP deliver via the use of Military Police Investigative Doctrine (MPID), both of which are available on the Provost Portal²⁶. The RAFP deliver its policies via the use of Air Publication (Doctrine, ConOps, Tactics, Techniques and Procedures), available on the Defence Intranet. Updates to policy will be provided by each service using policy/Info notes, whilst main policy is updated. The MOD Police follow procedures as laid down in national HOPF/COP (APP) policy and procedures and do not replicate further.

a. **Efficiency/Improvement consideration.** Whilst it is understood each force will have nuances with its individual 'support' outputs, in the main, most policies are replicated. Combining policy desks, to having single Tri-Service police/investigative policy would reduce duplication and create efficiencies. It is envisaged that unit could provide enhanced performance management of case files and closer monitoring of outcomes.

b. **Efficiency/Improvement consideration.** Whilst HOPF's are subject to 'The National File Standard – Effective Preparation of prosecution case files' by the CPS, there is no

²⁴ Royal Navy Police, Royal Military Police, Royal Airforce Police and Ministry of Defence Police

²⁵ Legislation, Home Office Circulars, College of Policing APP, MOD JSPs etc.

²⁶ Service Police Intranet portal

one National File Standard driven by the SPA. To ensure consistency of Service Justice delivery, a UK Service Police minimum standard of file building should be introduced, with practitioner's guidance for ease of reference. Effective delivery of such a standard would ensure that evidence and file work undertaken is proportionate to the needs of the case, and a likely plea offered to the Court. It is noted that within recent HMIC inspections, both RMP and RNP were highlighted as completing, on occasion, unnecessary file building tasks at the request of supervisors, thereby causing file building delays.

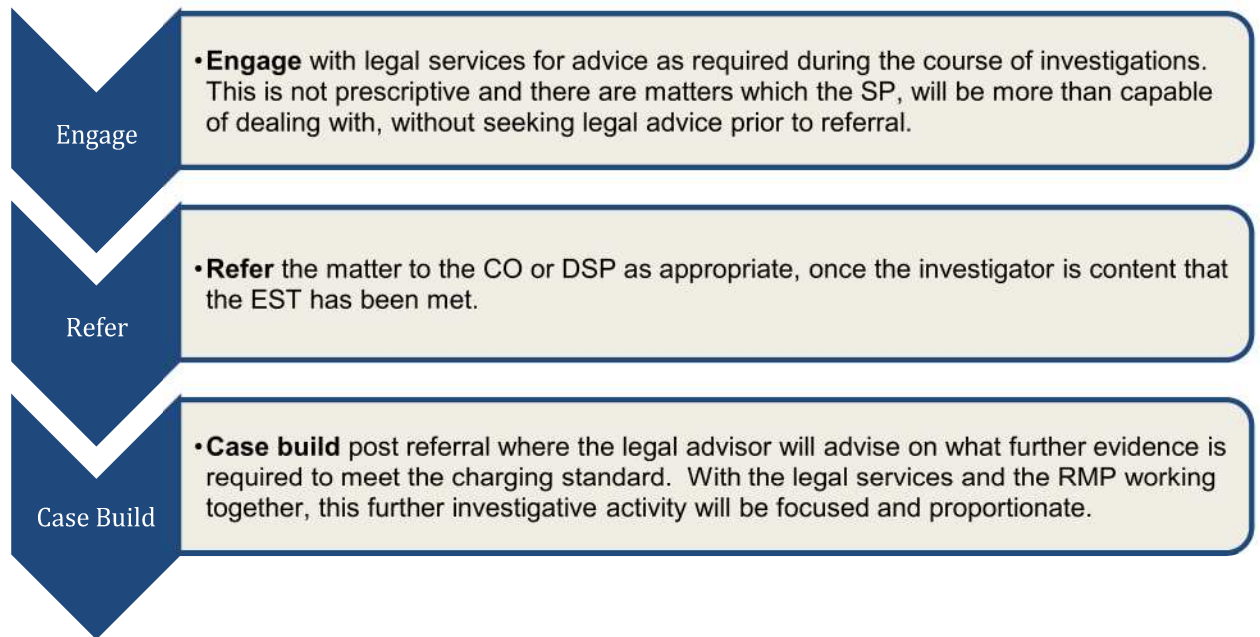
9. Better Case Management in the Court Martial (BCM (CM)).

BCM (CM) was introduced to the Service Justice System (SJS) on all cases²⁷ reported or detected by the SP on or after 1 Sep 16. It followed the implementation of BCM within the civilian Criminal Justice System (CJS) on 5 Jan 16. Each of the SP forces follow the SJS BCM process, with MOD Police following the CJS BCM process. Whilst each of the SP Forces produced new policy for the implementation of BCM, all policy reflects/was drawn from HH J Blackett, Judge Advocate General (JAG) Practice Memorandum on BCM (CM)²⁸.

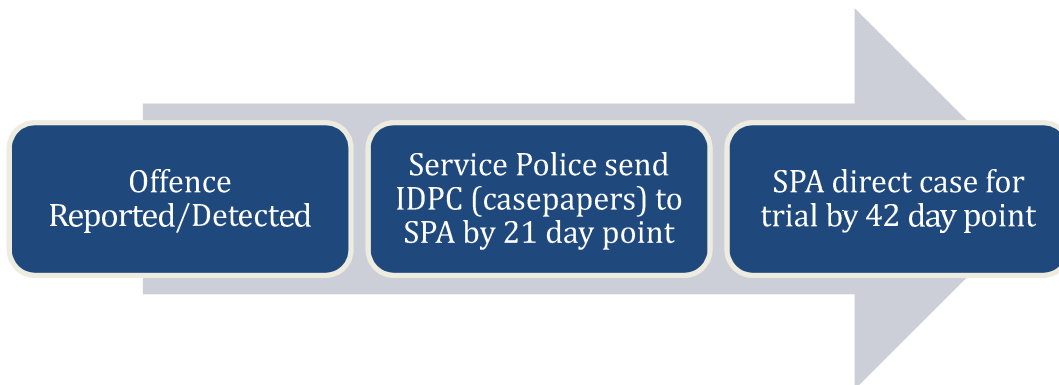
²⁷ Schedule 2 Offences, Offences committed in Prescribed Circumstances or offences likely to be tried in the CM

²⁸ Practice in the Service Courts Collected Memoranda dated 1 Sep 16, Memorandum 13

10. The principles of BCM(CM) are detailed in the following flow chart:



11. Following the principles of BCM(CM), the timeline for investigation and referral to the DSP and direction for trial is simple and detailed below:



Management and Submission of files

12. **Service Police.** The management of SP investigations is achieved on the SP Investigation Management System (IMS). The primary aim of the IMS is to provide a holistic investigation management solution that reduces nugatory burden, whilst

improving investigative integrity and accountability. It moved some paper based processes online, which was designed to increase the flow and access to relevant investigation information and remove reliance on insecure non-policing networks for the storage of sensitive personal information.

13. Whilst the implementation of the IMS draw together investigative processes, it did not negate the need to submit case papers to the SPA/COs via the use of mail or email, which invariably can cause additional delay. There is no holistic system that allows the two agencies (SP/SPA) to transfer prosecution material between each other.

- a. **Efficiency/Improvement Consideration.** Whilst it is understood not all HOPF and regional CPS offices can securely transfer prosecution material directly via on-line systems, efficiencies could be made, if the SP, SPA and Military Court Service (MCS) invest in IT infrastructure that would allow their current independent systems to communicate. The idea being to achieve a common online platform between SP, SPA and the MCS going forward, as is the vision for the Criminal Justice System.

Performance Management

14. **Service Police.** In previous HMIC inspections²⁹ of each of the SP forces, recommendations were made in respect of the

²⁹ RNP Jul 16, RMP Jul 15 and RAFP Jan 17

monitoring of performance management in respect of investigative output as well as implementing a structured process to gather and act on feedback from victims to access and improve the quality of victim care in investigations.

15. Since the publication of the previous HMIC inspection reports each of the SP Forces have implemented varying levels of Performance Management practices. Victim feedback will be dealt with separately in the report looking at 'Victim and Witness Care and Vulnerability'. Performance Management in respect of investigative output is dealt with in varying levels by each service. Each Service has its own internal audit process, RNP and RMP both conducting Policing Performance Inspections (PPI) and the RAFP conducting Technical Evaluation (TechEval). Although the inspections differ slightly, they each aim to assess investigative output and compliance with legislation, policy and doctrine. There is also the use of manual performance management submissions where by, subordinate units compile returns informing formation HQs of varying outputs and compliances. Whilst these products provide some of the performance management data, it is reliant on manual processes and the subjective opinion of individuals in the collation of the data; which inevitably has the possibility of inconsistent recording.

16. REDCAP is the all-encompassing SP system that hosts IMS. Whilst REDCAP can produce some statistical data, this data is limited (identifiable recordable crime, crime locations, investigative units, resources etc.). It lacks the ability to produce performance

management statistics (monitoring of the effectiveness of investigations, BCM (CM) compliance data to name but a few).

a. **Efficiency/Improvement Consideration.** To, properly assess the effectiveness of investigations, the SP should develop or invest in its current crime recording systems (REDCAP) to ensure a consistent, comprehensive system for monitoring the effectiveness of investigations and recording of crime.

b. **Efficiency/Improvement Consideration.** Standard assessment of 3 key stages of file preparation should be adopted by all SP in line with HOPF's, to provide consistency in performance management. I.e.: 1. Refer for Charge 2. Decision to charge and 3. Anticipated Guilty Plea.

c. **Efficiency/Improvement Consideration.** In an attempt to improve performance, meaningful data should be obtained and recorded by SP to capture the reasons for perceived prosecution failure, i.e.: Victim retraction, offence type, use of special measures, victim care etc. It is noted that this data isn't captured in any detail by SP, and therefore areas for improvement not easily identified. Only results of proceedings (ROP) appear to be monitored.

Witness Care

17. The Ministry of Justice (MoJ) have issued a Witness Charter (Nov 2013), to be adhered to by all Prosecuting Agencies operating

within the Criminal Justice System. The charter outlines the minimum standard of service and care witnesses should expect, and significantly, during the pre-trial and trial process. The charter recognises that witnesses are very often the key to bringing about justice. Notably, such a charter does not exist for Service Justice Witnesses.

- a. **Efficiency/Improvement Consideration.** Introduction of a Witness Charter for witnesses to crime or character witnesses in cases against Service personnel.

18. HOPF's invariably have Witness Care Units, who's function is to provide care for witnesses in the run up to a potential trial, to ensure cooperation and provide support. This is to assist in alleviating the burden upon Officers in the case, so they can be released for other duties, but ensures a consistent informed level of care and greater prospect of attendance and conviction of offenders.

- a. **Efficiency/Improvement Consideration.** Should a brigaded SIB be implemented, consideration could be given to a Tri-Service Witness Care Unit who could take responsibility for witness care in all cases for both GPD Officers and SIB Investigators, ensuring a consistent standard of care across all services.

Training

19. Given the low volume of crimes processed by SP in comparison with HOPF, it is anticipated, that complex issues governed by the Criminal Procedures and Investigations Act 1996, relating to disclosure, may not be often experienced by SP. It is also anticipated that other skills expected of a Police Officer may be lost due to lack of opportunity.

a. **Efficiency/Improvement Consideration.** Ensure regular training for SP staff relating to CPIA considerations when file building. Secondments to HOPF criminal justice units would benefit the staff to ensure understanding legislative requirements.

b. **Efficiency/Improvement Consideration.** Ensure regular Court craft training for SP staff to ensure they are proficient in giving evidence.

Summary

20. There is definite scope for greater standardisation, collaboration and investment in both IT systems and staff training, to bring about efficiencies for the SP in relation to file preparation. However, BCM has brought about greater timeliness and swifter justice within the Court Martial process. Independent bodies such as the Office of the JAG, MOJ and SPA could provide further guidance to assist with SP standards, which coupled with more

robust performance management would greatly assist in achieving a more effective system

Table References

MOD/Tri-Service Policy

SPA/Service Police Protocol For the provision of legal advice during investigations

Practice in the Service Courts Collected Memoranda dated 1 Sep 16, Memorandum 13

Royal Navy Police Policy

RNP BCM Presentation

RNP BCM Process Map

RNP TI 2 - Better Case Management

RNP TI 11 – Performance Management

RNP TI 56 – Advice Before Charge for RNP and Coxwains

RNP TI 09 - Crime categories and division of investigative responsibility

RNP TI 15 - Case file diary and initial investigative strategy

Royal Navy Police HMIC Inspection

An inspection of the leadership of the Royal Navy Police in relation to its investigations – July 2016

Royal Military Police Policy

AFA 06 Flowchart Investigation charging

MPID 2 - RMP Better Case Management

MPID 9 - Recording and reporting of offences

MPID 25 – Disclosure

MPID 22 - Conduct of investigations on operations

Royal Military Police HMIC Inspection

An inspection of the leadership of the Royal Military Police in relation to its investigation – July 2015

Royal Airforce Police Policy

AP 1722 Pt 3, Chp 1, Section 8: RAF Police Recording and Reporting of Investigations

AP 1722 Pt 3, Chp 1, Section 25: Disclosure

AP 1722 Pt 3, Chp 3, Section 02: Sudden death, suicide and suicidal episodes

AP 1722 Pt 3, Chp 3, Section 10: Missing persons

AP 1722 Pt 3, Chp 3, Section 11: Hate crime

AP 1722 Pt 3, Chp 3, Section 12: Domestic Abuse and Child protection

Royal Airforce Police HMIC Inspection

An inspection of the leadership of the Royal Air Force Police in relation to its investigations – January 2017

MoD Police

The National File Standard – Effective Preparation of Prosecution Cases CPS

The Witness Charter – Standards of Witness care, December 2013
MoJ

Appendix G

RAFP – Limitations of existing powers

1. **Introduction.** A Military Police force is engaged in policing and protecting its supported Force both in the rear and primarily when engaged in operations. The genesis of the single service acts and latterly the Armed Forces Act 2006 provide the legislative underpinning for this activity, empowering SP to manage mobility of troops, lines of communication and the front line in equal measure. The conceptual basis of all sS activity recognise this evolutionary heritage and adapt according to the demands of their individual schemes of operations. The nature of SP support to war has not changed, but given the increased reliance on civilians³⁰ and the Homebase to mount operations the powers supplied for SP to actively police the whole force have. The review of the Service Justice System offers an opportunity to consider whether an extension of powers is warranted to better reflect the needs of the modern service.

2. **Background.** In the UK, the SP have powers over those subject to Service discipline and civilians subject to Service discipline (CSSD). It is unusual for civilians to be subject to Service discipline in the UK. They are generally dependants residing with or visiting Service personnel overseas, Crown Servants in a designated area working in support of HM Forces and members of

³⁰Civil servant, Contractors and reservists (Full-time and Part-time) as part of the Whole Force concept.

specified organisations such as SSAFA, the NAAFI and the Service Children's Education. Designated areas where a civilian can be CSSD include the Falkland Islands, the Federal Republic of Germany and the Republic of Cyprus.

3. In the Falkland Islands, all Joint Service Police and Security Unit (JSPSU) personnel are sworn in as Royal Falkland Island Police (RFIP) Reserves which gives them the same powers as regular RFIP. They can therefore deal with civilians (not just CSSD) and serving personnel alike. There is also an MoU between the JSPSU and RFIP which is signed by the CBF and Governor of the Falkland Islands. This arrangement did not require a legislative change and arguably creates a precedent. Members of the armed forces have been adequately dealing with civilians on sovereign territory by arrangement for many years.

4. Historically, special constables have been used to protect Crown property. The Special Constables Act 1923 allowed special constables to be employed permanently by public departments to protect military establishments but gradually as the Service constabularies grew towards the end of the WWII, these special constables were withdrawn for resource reasons. The Special Constables Act 1923 was repealed by the Police Act 1964 and now, on the vast majority of military sites, service police have no police powers over civilians. Security threats to the MOD establishments in the UK range from trespass, theft and fraud to espionage and terrorist attack and yet the Service police do not have the powers to deal with civilians who are not CSSD either on MOD land or outside. This presents obvious practical difficulties, however, Queens

Regulation 910(7)(a) currently prevents personnel from being special constables on the basis that the duties of a special constable have clear conflict with duties carried out as an element of military aid to the civilian authorities. Further, attestation as a constable places an individual under the direction and control of the Chief Constable.

5. **Context.** Some examples of realistic scenarios where absence of additional powers create difficulties;

- a. A civilian is acting suspiciously outside the perimeter fence/on the married quarters. Other than questioning the individual, we have no statutory powers to stop, search or detain. In accordance with the local MoU, it would be likely that we would contact the local police who would attend as soon as practicable. Bearing in mind how remote some military bases are, this could take some considerable time.

- b. A civilian is found having broken through the fence and having obtained access to a military site. On pursuit, he leaves through the gap he created in the fence. 16 military sites are protected by the Serious and Organised Crime and Policing Act 2005 which created an offence of criminal trespass therefore an individual trespassing on those military sites can be arrested but not currently by the Service Police. Again, a call to the civilian police would be required. Common law powers

of arrest would exist but would be limiting in most envisaged situations such as this.

- c. A civilian standing outside the perimeter fence is operating a small unmanned aircraft over Defence Estate in what appears to be an attempt to fly the aircraft at a sensitive military asset. Not all military bases are subject to the Air Navigation Order (ANO) since not all bases have airfields or Air Traffic Control Zones but the threat from 'drones' is relevant to all military establishments. Even if a unit is subject to the ANO, the RAF Police powers in this case would be limited. Only in extreme circumstances (self-defence or defence of others) would the RAF Police be authorised to use force against the individual; if the threat was to property, only where there was an associated imminent threat to life. Outside of these circumstances, common law powers of arrest would be the only option in addition to contacting the civilian police.

6. **MoUs.** At present, each unit is required to negotiate agreements with local constabularies on all matters guarding/patrolling/policing. This also involves arming states and actions in the event of the need for immediate joint response. There is no centralised agreement between the SP and HOPF leading to localised paucities and a lack of clarity. A centrally negotiated and approved MoU (allowing for the need for local arrangements on supplementary matters such as access to custody suites etc.) would

provide at least a foundation for a more collegiate relationship when dealing with matters such as the examples above.

7. **Courses of Action.**

a. **SP are given powers of constable across the board.**

This would fundamentally alter the role of SP. This course of action would provide the greatest protection to Defence Estates and would be enduring. However, this is unlikely to be appetising to the HOPF either administratively or in application. A more tailored approach is more likely to be acceptable.

b. **SP are given Special Constable Powers.** By agreement with the HOPF, all SP could be eligible to apply and QRs would no longer prevent it. There is no statutory mandated figure in terms of annual hours of duty that a special constable is required to perform so provided an individual satisfies eligibility and suitability criteria, the powers could be granted without the need for a set number of hours or return. The constables' powers would be regulated by the Chief Constable who could remove them if required. This could be delivered regionally or under the auspices of the MDP.

c. **A limited number of SP are given additional powers.**

This is similar to COA (b) but to a more limited degree. This would look at localised needs based on the threat levels and the actual estate. In agreement with the local constabulary, the agreed number of SP personnel could be granted

additional powers, be they full or special constable powers and they could be exercised on Defence Estates and in specific areas in the vicinity to cover areas where threats are most likely to be present. The main advantage is that it is tailored to the needs of each unit but the disadvantage being that the limited nature is in itself a constraint and could render the powers ineffective. This could be linked to the proposed Defence Serious Crime Unit.

8. **Summary.** The Service Justice Review has asked the fundamental question as to why primary legislation is needed to police the three Services. It is therefore an opportunity to define precisely who should be policed in order to ensure operational effectiveness of the services. The delivery of operations from the Homebase using an increasingly broader mixture of service and civil solutions will require either an extension of powers or increased involvement from an empowered policing body. As the MoD seeks to further professionalise the SP and maximum use efficiencies it is also an opportunity to use existing legislation to further this position from GPD through to the most complex investigations.

APPENDIX H

Process Audit of Domestic Abuse and Serious Sexual Offences Investigated by the Service Police

Mark Guinness

February – April 2018

Contents

1 Terms of Reference

2 Recommendations

3 Introduction

4 Summary

5 Methodology

6 Policy

7 Tri - Service Assets

8 Royal Navy Police

9 Royal Air Force Police

10 Royal Military Police

11 Conclusions

1 Terms of Reference

- To conduct a process audit of Domestic Abuse and Serious Sexual Violence cases in the Service Police.
- To quality assure the initial response, investigation, risk assessment, warning processes and multi-agency engagement in reporting of Domestic Abuse and Serious Sexual offences.
- To provide an in-depth analysis of risks in the current process and mitigating actions, using best practice to address them.
- To deliver an initial audit report on current Service Police processes.

2 Recommendations

Recommendation 1 – Create a Policy that reflects the Recommendations contained within Part 1 of the SJS Review, which will define specific primacy and ownership of Rape and Serious Sexual Offences.

Recommendation 2 – All incidents of Domestic Abuse that are brought to the attention of the Chain of Command (CoC) should be reported to the Service Police.

Recommendation 3 – Clarification should be sought to identify clear areas of responsibility in respect of Domestic Abuse investigations and which Police Service should investigate the allegation.

Recommendation 4 – The COPPERS system should be reviewed with a view to utilising a system that allows safe, timely and accurate deployment of resources and enables accurate interrogation to manage performance.

Recommendation 5 – REDCAP should be reviewed with a view to establishing a system that complies with National Crime Recording Standards and has the capacity to interface with Intelligence and Incident Management systems.

Recommendation 6 – Service Police to review staffing levels within the Cyber Crime Centre to ensure there are sufficient resources to match the demand.

Recommendation 7 – Identify a process that ensures appropriate criminal recording of all cases where there is a sexual and violent element to them.

Recommendation 8 – Consideration be given to training a number of Doctors/Medics from across the Services to the standards required for Forensic Medical Examination Accreditation.

Recommendation 9 – Royal Air Force Police (RAFP) to consider identifying a single Strategic Lead for Domestic Abuse to enable the co-ordination of the Control Strategy.

Recommendation 10 – Royal Military Police (RMP) to consider nominating a specific Strategic Lead for Domestic Abuse to develop a Control Strategy and co-ordinate policy and guidance.

Recommendation 11 – RMP to review the existing list of officers who are Sexual Offences Investigative Technique (SOIT) trained to establish if they are still in a role that enables them to be deployed appropriately and consider establishing a revised cadre for deployment.

Recommendation 12 – Consideration to be given to a specific input on Domestic Abuse being delivered on the Commanding Officer designated training course.

Recommendation 13 – RMP to consider replicating the good working practices displayed in multi-agency working in Germany across the United Kingdom. This would develop positive working relationships with local Safeguarding Teams and risk management processes.

3 Introduction

1. A review of the Service Justice System (SJS) is presently being conducted by His Honour Shaun Lyons. As part of that review, he has asked Professor Sir Jon Murphy from Liverpool John Moores University and retired Chief Constable of Merseyside Police, to undertake the part of the review that relates to the Service Police (SP).
2. During the early stages of that piece of work, Sir Jon Murphy identified potential areas of vulnerability in how the SP investigate allegations of Domestic Abuse and Rape and Serious Sexual Offences. This was not a recognition that these allegations were being investigated poorly. He merely questioned the consistency in approach and what processes were being adopted by the SP. These concerns were raised with the Chief of Defence People, Lt General Richard Nugee.
3. In consequence, I have been tasked to conduct a review of the processes undertaken by the SP.
4. I am a retired Detective Superintendent from Merseyside Police. I am a nationally accredited PIP 3 and PIP 4 Senior Investigating Officer, as well as a Review Officer.
5. During the course of this review I have been supported by the Provost Marshalls from the three SP. They have provided staff to facilitate my work and arrange my itinerary.

4 Summary

6. The contents of my report will detail the processes adopted within the SP for investigating allegations of Rape and Serious Sexual Offences and Domestic Abuse.
7. I have highlighted the following points from the review that I believe are primary issues for the SP. They will be explained in greater detail in the contents of the report.
8. SP are, in the main, responsible for policing their respective forces. However, in the United Kingdom, the jurisdiction of the SP and the Civilian Police may, on occasions overlap. In respect of Rape and Serious Sexual Offences, current policy appears to be somewhat confusing as to which Police Service has primacy.
9. This issue has been considered in the ongoing Service Justice System (SJS) Review by HH Shaun Lyons and Professor Sir John Murphy. Their recommendations will provide clarity and define policy on primacy of these investigations. **(Recommendation 1)**
10. A problem I have encountered during the review is the provision of accurate data that enables an informed assessment to be made of the scale of crime and offending. A more efficient process for recording incidents and crime would provide greater strategic oversight and enable the SP to understand the threat, or risk of harm to the Service community. **(Recommendations 4 & 5)**
11. In my meeting with staff from the Military Corrective Training Centre (MCTC), potential risks were highlighted in failing to identify potential Rape and Serious Sexual Offences and Domestic Abuse at the point of report or notification. Some of these allegations had been dealt with as Disgraceful Conduct or Ill Treatment and not as criminal offences. The impact on future safeguarding and managing any potential risk through statutory processes such as Multi- Agency Public Protection Arrangements

(MAPPA) and Multi- Agency Risk Assessment Conference (MARAC) cannot be underestimated. A process to identify appropriate criminal recording of all cases should be identified and implemented.

(Recommendation 7)

12. When investigating Rape and Serious Sexual Offences the provision of a qualified Forensic Medical Examiner (FME) to examine victims and suspects is essential. There are no FME trained Doctor/Medics in any of the Services Medical Units.
13. Whilst in the United Kingdom, victims have access to Civilian Police Force facilities at local Sexual Assault Referral Centres (SARC).
14. The position regarding the forensic examination of suspects in the UK and victims and suspects overseas is not appropriate. Consideration should be given to training a number of Doctor/Medics across the Services to enable them to respond to requests for examination. **(Recommendation 8)**
15. When SP are deployed in overseas locations or on operational commitments, the SP have jurisdiction over Persons Subject to Service Law (PSSL) and Civilians Subject to Service Discipline (CSSD).
16. SP personnel attend Civilian Police training courses as well as courses conducted at the Defence College of Policing at Southwick Park, Portsmouth. They have the necessary skills to conduct investigations into allegations of Rape and Serious Sexual Offending and Domestic Abuse.
17. I have identified appropriate leadership and governance processes in place across the SP. In some cases, the nomination of a specific Strategic Lead for some areas of business should be adopted. **(Recommendations 9 & 10)**
18. The RMP are responsible for policing the Service community in Germany. They have full jurisdiction and are supported by a variety of multi-agency

services. The operation in Germany works efficiently and is effective in ensuring appropriate safeguarding and risk management, as well as supporting vulnerable victims. There are some elements of this practice that could be transferred to policing and partnership working in the United Kingdom. In particular, the work done by the Joint Response Team (JRT). Replicating these processes in the UK would provide good working relationships with local Safeguarding Teams, Civilian Police Forces and both the MARAC and MAPPA processes. **(Recommendation 13)**

5 Methodology

19. In order to progress the review I have met with Provost Marshalls from the Royal Military Police (RMP), the Royal Navy Police (RNP) and the Deputy Provost Marshall Royal Air Force Police (RAFP).
20. In each of the three disciplines, I have held forums with First Responders (GPD) and officers from the Special Investigations Branch (SIB).
21. I have met with representatives from units that contribute towards the Tri-Service assets, the Service Police Crime Bureau (SPCB), based at Southwick Park, as well as visiting the Military Corrective Training Centre (MCTC) at Colchester.
22. I have visited Germany and observed how the RMP, in partnership with other agencies, deliver an all-encompassing service to British Forces in Germany (BFG).
23. I have met with representatives from Welfare Services.
24. I have interrogated COPPERS, the SP incident/occurrence recording system and REDCAP, the SP investigation management and recording system. I have also reviewed case files and supporting documentation as part of my review.

25. In presenting the narrative and observations from my review, first I will deal with the SP in general, then comment on each Service.

6 Policy

26. Ministry of Defence policy on Domestic Abuse and Sexual Violence is contained within JSP 913 Tri-Service Policy on Domestic Abuse and Sexual Violence. It is broken down in to two sections:

- Part 1: Directive, which provides the direction that must be followed in accordance with statute, or policy mandated by Defence, or on Defence by Central Government.
- Part 2: Guidance, which provides guidance and best practice to assist practitioners, as well as information regarding support services.

27. Ministry of Defence JSP 830 – Manual of Service Law, also has an impact on the investigation of Domestic Abuse and Sexual Violence, although a lot of the direction is contained within JSP 913.

JSP 913 Part 1

28. In respect of Sexual Violence, para. 3.4 provides direction to COs when a victim wishes to report an allegation. It clearly states that in these circumstances, the UK Civilian Police, if not the first force contacted, or if overseas, the SP, should be contacted as soon as possible and primacy passed to them on their attendance. This paragraph suggests that all Sexual Violence committed within the UK should be investigated by UK Civilian Police Forces.

29. From the audits and inspections that I have conducted, this is certainly not the case and I have noted that the caseloads of SIB staff, across the SP, contain significant Sexual Violence investigations.

30. The direction given to COs is clear and requires them to notify a Police Service. However, the instruction as to which Police Service will have primacy and investigate the allegation, is vague and open to interpretation.

Clear and unequivocal instruction should be provided as to which Police Service will investigate Sexual Violence allegations.

31. As part of the ongoing SJS Review, this issue has been considered by HH Shaun Lyons and Professor Sir Jon Murphy and is reflected in their recommendations. Their findings will provide clear direction and ensure that each Police Service understands who will have primacy in Sexual Violence investigations. This will provide reassurance to victims and ensure that a more efficient and effective investigation is conducted.

Recommendation 1 – Create a Policy that reflects the Recommendations contained within Part 1 of the SSJ Review, which will define specific primacy and ownership of Rape and Serious Sexual Offences.

32. Paragraph 1.7 places clear responsibilities on the Commanding Officer (CO) to notify the SP of instances that he/she is aware of which are mandated under the Armed Forces Act 2006 (AFA 06) as being Schedule 2 offences (Section 113), or those committed in Prescribed Circumstances (Section 114). This responsibility is later re-enforced at para. 3.5, which again makes reference to the AFA 06, Sections 113, 114 and 115 (investigation of Service offences not covered in S113/114).

33. Paragraph 1.9 refers to the AFA 06 and the requirement for the vast majority of criminal allegations to be referred to the CO, which may subsequently be referred on to the Service Prosecuting Authority (SPA). The narrative goes on to state that Summary Hearing at a Unit level may not be the appropriate venue for dealing with cases of Domestic Violence.

34. Paragraph 2.5 acknowledges the complexities of Domestic Abuse and states that no one organisation has sole, or statutory responsibility for dealing with, or detecting all forms of Domestic Abuse within the Service Community. A wide range of skills from within the Service and civilian support services should be engaged to deal effectively with the issues. It

goes on to state that there may be occasions for formal disciplinary action to be taken, which might lead to termination of service.

35. Whilst I acknowledge the necessity for joint agency working to address all forms of Domestic Abuse, raise awareness and educate our communities, there must be a direction to ensure accurate reporting and recording of incidents and to notify the SP.

36. Paragraph 2.8 places a duty on COs who suspect that Domestic Abuse may be occurring to seek advice from their legal advisory office and specialist welfare organisation. There is no mention of a requirement to inform the SP.

37. Part 1 of the JSP is clear in its condemnation of Domestic Abuse and Sexual Violence. It states, categorically, that it will not be tolerated under any circumstances, or treated as a 'private matter' which is of little or no concern to the Service or the MOD.

38. However, I do believe that specific direction should be given to the CoC, that incidents of Domestic Abuse that are brought to their attention, should be reported to the SP.

Recommendation 2 – All incidents of Domestic Abuse that are brought to the attention of the CoC should be reported to the Service Police.

39. Chapter 4 is prescriptive in the actions to be taken and provides direction to First Responders and considerations to be taken in to account when attending incidents. It discusses immediate risks and dangers and directs that when children are present, a referral should be made to the Local Authority Children's Services, as well as specialist welfare providers.

40. Paragraph 4.3 confirms that all allegations or reasonable suspicions of a domestic or sexual violence incident are to be reported.

41. I emphasise this point, as raised above and in Recommendation 2, to highlight the importance of reporting these incidents to the SP and subsequently, appropriate support services.
42. A significant problem I have encountered during this review is the provision of accurate and timely data to enable an informed assessment to be made of the scale of offending. This would provide greater strategic oversight and allow appropriate tasking and profiling to take place.
43. Paragraph 4.8 makes reference to Coercive Control as being, almost always sub or non-criminal in its nature. It should be highlighted that Section 76 of the Serious Crime Act 2016 created an offence of Controlling or Coercive behaviour in an intimate, family relationship. This legislation became effective in December 2015.

JSP 913 Part 2

44. Part 2 provides guidance and instruction to personnel who deal with Domestic Abuse and Sexual Violence. It gives direction as to what action should be taken and who should be informed at all overseas operating locations.
45. Para. 4.2 again emphasises that all incidents of suspected or actual domestic abuse within the UK must be reported to the police. I assume that this direction refers to the Civilian Police, as para. 4.4 states that incidents overseas should be reported to the SP. Again there appears to be uncertainty and this should be addressed.

Recommendation 3 – Clarification should be sought to identify clear areas of responsibility in respect of Domestic Abuse investigations and which Police Service should investigate the allegation.

7 Tri-Service Assets

Incident Management and Crime Recording Systems

46. Responsibility for delivering Incident Management and Crime Recording sits within the Tri-Service assets, located at the Service Police Crime Bureau (SPCB) at Southwick Park, Portsmouth.
47. The SP use a system called COPPERS to record notification of incidents/occurrences. This system is somewhat similar to Command and Control systems that are used by Civilian Police Forces. However, COPPERS does not have an opening or closing classification and does not comply with National Incident Recording Standards (NIRS).
48. I acknowledge that there is no requirement for the SP to comply with NIRS or return relevant figures.
49. For the time period 1st January 2015 to 1st January 2018, COPPERS recorded the following:
- Reports of Sexual Offences – 1287
 - Reports of Domestic Abuse – 1414
50. COPPERS is dependent on the data input in to the system. There is an initial free text line to identify the incident and an Occurrence Type/Attributes field to sub-categorise it, although this is not mandatory and is dependent on user input.
51. Additional fields contained within the system, include: Nominals involved, including Victim and Suspect; Offence location; Response grading; Chronological record of action taken and by whom.
52. On occasions, the COPPERS record is completed retrospectively by the First Responder.
53. I have not been able to ascertain if the system is able to flag repeat calls to an address or individual, or if it is capable of notifying First Responders of any warning factors to enable them to make the appropriate risk assessment.

54. I have interrogated a number of COPPERS logs that relate to Domestic Abuse and in most cases, the investigation was handed over to the local Civilian Police force.

55. The failings of this system could primarily put First Responders at risk, but also it presents inaccurate data to enable senior managers to accurately assess the demands on the SP and the variety of incidents that they deal with.

Recommendation 4 – The COPPERS system should be reviewed with a view to utilising a system that allows safe, timely and accurate deployment of resources and enables accurate interrogation to manage performance.

56. The SP utilise a system called REDCAP to record crime and manage their investigations. This system does not conform to National Crime Recording Standards (NCRS) or the Home Office Counting Rules for Recorded Crime (HOCR).

57. There are 12 offence classifications contained within REDCAP. Of relevance to this review are the categories of Sexual Offences, Offences against the Person and Criminal Damage.

58. In conducting my Review I have found difficulty in readily identifying those cases that are domestic related.

59. In addition to recording crime, REDCAP is utilised as an Investigation Management system. It retains various categories of information under different Tabs. These include, Investigation Diary, Strategy and Documentation amongst others.

60. Interrogation of records enabled me to review the course of an investigation. Actions undertaken, direction and periodic review by

supervisors, contact with victims, witnesses and SPA and forensic submissions are all recorded in a chronological order.

61. The Investigation Diary is similar to the Occurrence Enquiry Log (OEL) that is contained within the Niche system that is used by the majority of Civilian Police Forces.

62. Although REDCAP has a reasonable crime investigation management process, the search facilities are limited and it relies on the individual inputting the data to complete fields that are not mandatory.

63. REDCAP is a separate operating system to the SP intelligence system, which is I-Base. There is no interface between the systems and this potentially can frustrate operational activity and effectiveness.

Recommendation 5 – REDCAP should be reviewed with a view to establishing a system that complies with National Crime Recording Standards and has the capacity to interface with Intelligence and Incident Management systems.

64. The necessity to address Recommendations 4 and 5 will enable the SP to understand better the threat, or risk of harm to the Service community in respect of Rape and Serious Sexual Offences and Domestic Abuse, preventing and protecting the most vulnerable within those communities.

Service Police Crime Bureau (SPCB)

65. The SPCB is a Tri- Service asset located at Southwick Park. It comprises of a number of units that contribute towards identifying threat and supporting investigations.

Force Intelligence Bureau (FIB)

66. The FIB is staffed by RMP and RNP. The RAF have their own intelligence function, although it accesses the FIB for access to the Police National Computer (PNC) and the Police National Database (PND).

67. The FIB have four Focus Teams that target traditional crime areas:

- Guns;
- Drugs and Organised Crime;
- Sexual Offences, Child Exploitation and Domestic Abuse;
- Acquisitive Crime.

68. The FIB utilise Management of Risk in Law Enforcement (MoRiLE) tool to assist the SP in understanding their strategic risk and in consequence inform their control strategies. Through this process, Rape and Serious Sexual Offences has been assessed as a Tier 1 priority, with Domestic Abuse a much lower priority.

69. FIB oversee all RMP and RNP Tasking and Co-ordination Groups (T&CGs).

70. The FIB conduct daily intelligence meetings to review the previous 24 hours activity that is extracted from COPPERS, REDCAP and intelligence submissions. They support cross border investigations, produce problem profiles and act as a single point of contact for external agencies such as, National Crime Agency (NCA), Child Exploitation and Online Protection (CEOP), Serious Crime Analysis Section (SCAS), Civilian Police Forces and Operation Hydrant.

71. They contribute effectively to supporting the SP to address Domestic Abuse and Rape and Serious Sexual offences.

Cyber Crime Centre (3C)

72. The Cyber Crime Centre services the RMP and the RNP. It is also part of the South West Hi-Tech Crime Unit that covers South West Civilian Police Forces. Based at the SPCB at Southwick Park, the Unit also has regional Hubs dispersed across the UK.

73. The RAFFP have their own facility at RAF Henlow.

74. The Unit has the capacity to deploy worldwide and are experts in the field of Digital Forensics, providing expert evidence at Court Martial. They support investigations through the forensic analysis of digital and media equipment.
75. Sexual Offences account for 25% of their submissions.
76. Similar to the problems faced by Civilian Police Forces, there is a backlog in the examination of devices and this can have an impact on the progression of investigations and the time that it takes to bring a prosecution. With the added pressure of Better Case Management (BCM), this is a problem that the SP should address.
77. The staff within the Unit have the necessary skills, experience and are dedicated. They display a flexible approach to their caseload, re-prioritising work when time critical deadlines have to be met and suspects are in detention.
78. In almost all investigations into Rape and Serious Sexual Offences, as well as some aspects of Domestic Abuse, interrogation of digital and media devices is increasing. With the collapse of some cases being publicised in the media, the demands on the SP in respect of their obligations under the Criminal Procedures and Investigation Act 1996 (CPIA) are increasing as more and more devices are seized during investigations.
79. It may be necessary to review the resourcing levels of 3C to establish if they have sufficient staff to meet the demand, which will enable them to provide an efficient and timely service to investigations.

Recommendation 6 – Service Police to review staffing levels within the Cyber Crime Centre to ensure there are sufficient resources to match the demand.

Criminal Justice Department

80. The Criminal Justice Department is located within the SPCB. It has responsibility to manage and update the PNC, process all biometrics obtained during SP investigations and performs the role of SPOC for Civilian Police Forces in respect of Violent and Sex Offender Register (ViSOR).

81. ViSOR is a database of records that is used as a management tool by UK Law Enforcement Agencies, National Offender Management Service (NOMS) along with other agencies, to manage Registered Sex Offenders (RSO), other Sex Offenders, as well as Violent and Dangerous Offenders. This forms part of the Multi-Agency Public Protection Arrangements (MAPPA) that allows agencies to share information with relevant partners and contribute to the risk management of offenders.

82. At present there are seven (7) Service Personnel that are Registered Sex Offenders and subject to Offender Manager processes:

- 1 x RAF;
- 2 x Royal Navy;
- 4 x Army.

83. Each Service has a discipline and administrative process in place, which assesses whether the subject is to be retained within the Service or dismissed.

84. If they are retained within the service, there are rigorous processes to ensure that the conditions of the RSO are adhered to and all Safeguarding considerations are risk assessed.

85. All future postings and deployments of the RSO are reviewed and COs play an active role in the oversight and review of these subjects.

86. The difficulty arises when Service Personnel, who are under investigation, have not been convicted and are awaiting trial at Court Martial. These problems are addressed somewhat, by communication between the SP, SPA and COs. All three Services have the ability for COs to apply restrictions on a suspect by means of Lawful Orders or Directions.
87. These restrictions are often utilised during the course of an investigation, when post charge custody has not been achieved, or whilst a suspect is still under investigation and they are used to stop them residing or frequenting at an address, or from making contact with an individual.

Military Corrective Training Centre (MCTC)

88. The MCTC is located at Colchester and has an Offender Manager (OM) within the Unit. The OM is an experienced person who has established positive links with Civilian Police Forces.
89. Concerns were raised by the OM that fewer pre-sentence reports were being completed. This could potentially result in the OM not being aware of the full circumstances of the offence and offending history and may conceal other risks.
90. An assessment report is completed on arrival for all detainees. The OM has highlighted that during these assessments and subsequent discussions with inmates, they are identifying instances of Domestic Abuse, which had not been identified as their Index Offence. Although these cases are for violence, the domestic element has not been identified and highlighted.
91. These facts raise concerns when detainees are being released on temporary leave, or on completion of their sentence. To mitigate any potential risks, the OM engages with local Civilian Police Forces and local Social Services teams to make them aware and for them to consider utilising the Multi-Agency Risk Assessment Conference process (MARAC).

92. Additional concerns were raised by the OM in respect of apparent Sexual Offences that were not dealt with as criminal matters but were dealt with as an administrative issue, i.e. a Military Offence.
93. The offences were recorded as Disgraceful Conduct or Ill Treatment and relate to 29 incidents and 36 offenders. Although some of these incidents date back to 2013, 11 of the incidents date from 2015 to 2018.
94. This highlights real concerns about how Sexual Offences are identified initially and a perception by some that these acts are not criminal in nature.
95. It may be perceived by some that these incidents are less serious in nature.
96. In considering any future safeguarding concerns and further employment, these individuals will have no criminal convictions recorded against them.
97. In addition, enforcement agencies have no statutory knowledge or involvement in managing the potential risk they may present.
98. These risks and instances are somewhat reduced now, in that all Schedule 2 offences contained within AFA 06 and those committed in prescribed circumstances, should be reported to the SP.
99. I have previously discussed the SPCB and compliance with Incident and Crime Recording. There is a Crime Registrar contained within those assets. I believe that it is necessary to expand that role and to create a Unit that has, as part of its core function, the responsibility to review systems, including COPPERS and REDCAP and to ensure compliance with recording requirements.

Recommendation 7 – Identify a process that ensures appropriate criminal recording of all cases where there is a sexual and violent element to them.

Provision of Forensic Medical Examination.

100. The SP operate in a variety of environments at locations across the world. At times, they conduct their investigations in hostile and remote locations, both on land and at sea. These factors can make the capture of early forensic evidence extremely challenging.
101. In respect of Rape and Serious Sexual Offences committed in the United Kingdom, all of the SP have good relationships with local Civilian Police Forces. Through the use of Memorandums of Understanding and agreement with the National Police Chiefs Council (NPCC), they are able to use the facilities at Sexual Assault Referral Centres (SARCS). These are recognised facilities that provide the victim with a safe environment and where a forensic medical examination is undertaken by a trained Doctor.
102. I have not identified any issues with access to these facilities or the process.
103. When offences occur outside of the United Kingdom, whilst engaged on operations, during conflict or on board a ship, then the forensic recovery of samples from a victim becomes more challenging.
104. There are no trained Forensic Medical Examiners (FME) in any of the Services Medical Units.
105. Forensic examinations of a victim may be conducted by a Service Doctor/Medic, utilising a Medical Evidence Kit (MEK) or an Early Evidence Kit (EEK). These kits cover all manner of forensic recovery and are used for both victims and suspects. On some occasions, the SP Officer has directed the Medic, or taken non –intimate samples themselves.

106. This is not good practice. Allegations of Rape and Serious Sexual Assault can, on occasions, be contested on the basis of consent. Clearly, without a qualified doctor conducting a thorough forensic examination, vital corroborative evidence could be missed.
107. Other contingencies have included the victim being examined at a Host Nation (HN) Hospital, whilst in a foreign country.
108. In addition to the examination of the victim, care has to be taken when conducting a forensic examination of a suspect. At times, both victims and suspects may be in a relatively confined area, on board a ship or in a hostile operating environment. Extreme care needs to be taken to ensure that there is no possibility of cross contamination, either at the venue of examination, or people attending to them.
109. I am satisfied that in so much as is possible, all SP, be it General Police Duty (GPD) or SIB, have received some training in scene management and have the ability to communicate with specialists to obtain advice via their own Crime Scene Managers (CSM). As part of the EEK/MEK process, SP will maintain a contemporaneous log and detail changes in clothes by the attending officer and retention of those clothes in evidential bags etc.
110. In the United Kingdom, when a suspect is identified and arrested, the issue of a forensic medical examination and the recovery of samples still remains an issue. On occasions, the SP have utilised the facilities at local Civilian Police Force Custody Suites.
111. The RMP have explored opportunities with G4S and have previously put out a contract to tender, looking for a Provider to cover suspect medical examinations across the UK. The issue is that most providers work in specific geographic regional areas and are not able to provide a UK wide service.

112. There are obvious concerns around the provision of forensic medical examinations for both victims who are outside the UK and suspects per se. This has the potential to frustrate and delay the recovery of forensic evidence and ultimately provide a lesser service to vulnerable victims of crime.

113. Consideration could be given to training a number of Doctors/Medics across the Services to enable them to respond to requests for examinations. I acknowledge that the number of incidents they would be required to deal with may be low and that maintaining their currency and accreditation may be difficult. However, Rape and Serious Sexual Offences are intrusive and deeply humiliating crimes that have profound effects on victims.

Recommendation 8 – Consideration be given to training a number of Doctors/Medics form across the Services to the standards required for Forensic Medical Examination Accreditation.

8 Royal Navy Police

114. In conducting this review I have met with the Provost Marshall Navy, Strategic Leads and Plan Owners for Domestic Abuse and Rape and Serious Sexual Offences, Senior Managers, as well as personnel from General Police Duties (GPD), RNP personnel deployed on ships and SIB Investigators.

Policy

115. RNP Policy in respect of Domestic Abuse and Serious Sexual Offences is dictated by:

- Defence Policy JSP 913 – Tri-Service Policy on Domestic Abuse and Sexual Violence;
- AFA 06;
- RNTM 349/16 – Domestic Abuse - Raising Awareness and Encouraging Reporting;
- PMN TI 24 – Domestic Abuse, Honour Based Violence and Violence against Women and Girls;
- PMN TI 39 – Rape and Serious Sexual Offences (RASSO) First Responder Actions;
- RNP policy is aligned to Defence Policy JSP 913, and provides further guidance and direction as to how they should investigate these type of offences.

116. It is significant to note that the RNP investigate all Part 1 offences of the AFA 06 (Discipline offences), including accidents, as well as Part 2 offences.

117. It is apparent from their policies, that COs 'should' report alleged Domestic Abuse incidents committed by an individual under their command. COs should also make clear the procedures for reporting incidents and what services are available to victims of Domestic Abuse.

118. The Direction states that COs must ensure that victims are supported through the Divisional system, as well as other recognised support agencies. The Divisional system is a process linked to line management.
119. There is clear direction contained within the policies that the RNP will record all incidents of Domestic Abuse on the COPPERS Occurrence database and submit intelligence reports where necessary.
120. Advice is provided on the completion of the Domestic Abuse Stalking and Harassment (DASH) Risk Assessment form. This is a nationally accepted process that assesses a number of factors in identifying risks to a victim and informs the Multi-Agency Risk Assessment (MARAC) process.
121. DASH forms should be completed for every incident, irrespective of who receives the allegation. Supervisors have the responsibility to review all DASH forms.
122. In respect of Rape and Serious Sexual Offences, there is guidance on the actions to be undertaken by First Responders and further direction in respect of support and welfare.
123. Further guidance and direction details the process of the investigation.
124. There are clear instructions that all Sexual Offences should be reported to the RNP.

Governance

125. There are structured governance processes for Domestic Abuse and Rape and Serious Sexual Offences. A Senior Officer is nominated as the Strategic Lead and Plan Owner for each of these strands.

126. There are processes that provide strategic and tactical direction and overview. Diarised Strategic Tasking and Co-ordinating, as well as Tactical Tasking and Co-ordinating exist.
127. Daily Management Meetings (DMM) are in place to review the preceding 24 hours activity and ensure appropriate dynamic deployment of resources and assessment of risks are in place.
128. All investigations that I reviewed had managerial oversight at seven, 14 and 28 day intervals, as well as daily oversight and investigative direction by supervisors and Crime Managers. These were recorded on the REDCAP Investigation Diary.

Training

129. The Provost Marshall RNP delivers an input on the COs Course in respect of Domestic Abuse and Serious Sexual Offences.
130. There are Domestic Abuse on-line training courses, which include a Domestic Abuse Basic Awareness Course that has to be completed every three years by all RNP staff.
131. In partnership with local Civilian Police Forces and volunteer organisations, annual workshops have been arranged to maintain the awareness of practitioners. Train the Trainer events have been organised to cascade best practice.
132. RNP staff involved in the investigation of Rape and Serious Sexual Offences have undertaken appropriate courses. There are sufficient officers who are accredited in Achieving Best Evidence (ABE) and Sexual Offences Investigative Technique (SOIT).
133. The officers trained in these disciplines retain their currency and operational competency by utilising these skills on a regular basis.

134. There are no officers who are accredited as Specialist Child Abuse Investigators Development Programme (SCAIDP). However, senior SIB management are looking to facilitate the training of a number of staff through local Civilian Police Forces.
135. The attendance on a SCAIDP course requires the completion of a portfolio and once accredited, evidence of maintaining those skills has to be provided. This may be difficult to achieve. The investigations and databases that I reviewed did not contain any current Child Sexual Abuse investigations. These types of investigations require multi-agency working, in accordance with Working Together 2017, to ensure appropriate safeguarding.
136. In most, though not all, these types of investigation would be conducted by a Civilian Police Force.
137. SIB officers within the RNP are subject to tenure. They remain in post for three and a half years.

Review of Investigations

138. Domestic Abuse, non-sexual, allegations that occur within the United Kingdom and are reported as 'in progress', are mostly dealt with by Civilian Police Forces.
139. Incidents that are historic, or reported through Chain of Command (CoC) or Service Welfare Organisations, are dealt with by GPD.
140. Whilst serving overseas and on board a ship, Domestic Abuse incidents are dealt with by the RNP on board. These officers have access to all databases and complete the DASH Risk Assessment form.
141. I have not identified any issues regarding the compliance with policy.

142. I have reviewed investigations relating to Possession of Indecent Images of Children, Rape and Serious Sexual Assault, Domestic Assaults and Child Exploitation On-line. In consequence to some of these investigations, further victims were identified and more allegations were made against some of the suspects.
143. It is important to stress that the logistics in undertaking some of these investigations cannot be underestimated. The majority of the offences occurred whilst personnel were serving on board ships, across the world. Tracing further victims, identifying witnesses, who were subsequently posted to different locations, added to the complexities of the investigations.
144. From the outset, appropriate victim care was employed utilising the Victims Needs Assessment Form. Timely victim and witness testimonies have been obtained in accordance with ABE guidance.
145. To support the victims, Victim Liaison Officers have been appointed and signposted the victims to internal and external support agencies.
146. DASH forms have been completed when needed.
147. None of the Rape investigations that I reviewed necessitated a Forensic Medical Examination, as they were non-recent allegations. Investigators spoke to me at length about the lack of adequately trained FME Medics/Doctors and how it has previously hindered investigations.
148. Victims Personal Statements have been documented and re-visited as the cases have progressed to Court Martial.
149. In all cases where a victim and a suspect have been on board the same ship or location, appropriate action has been taken to separate the parties. Actions taken have included removing suspects from ships and flying them back to Portsmouth/Plymouth.

150. Positive and timely action has been progressed against suspects. Again, it should be noted that suspects are allocated an Assisting Officer to support them through the investigation and court process.
151. Where it was appropriate, I identified early contact with statutory partners in respect of safeguarding issues.
152. There was evidence of early contact with the SPA and subsequent communication and dialogue as the investigations and prosecutions progressed. I did not find any evidence of undue delay in referring cases or progressing SPA evidential requests.
153. An issue to highlight in one of the investigations was the time it took to process the forensic examination of a lap top at the 3C Unit. As I have mentioned earlier in this report, this is not a criticism of the staff at the Unit, merely a supporting example with regards to the resourcing of that facility.
154. In respect of one investigation, there was evidence of good working relationships with the RAFP in respect of the forensic analysis of a device and the facilitation of a Subject Matter Expert (SME) from the RAFP to be part of the interviewing process.
155. Further collaboration with Civilian Police Forces was evidenced in cases where expert technical capability was required to conduct extensive searches at a number of locations in order to ensure future safeguarding. In addition, a Civilian Police Force conducted a peer review in to a particularly complex investigation.
156. There was clear evidence of managerial oversight and understanding of investigations. Entries on Investigation Diaries were evident at relevant times. Daily Management Meetings are in place and discuss the previous 24 hours incident. Weekly meetings are conducted to review the progression of cases and subsequent, 28 day reviews are held by Senior Managers.

157. To support investigations and to prevent suspects from potentially interfering with victims or witnesses, I noted the use of Lawful Orders, issued by COs. These have been discussed previously and assist in managing a suspect who is not in detention.

158. All staff undertaking these investigations had the appropriate training, skills and experience to undertake the level of investigation. More increasingly, the workload of the SP is investigating Rape and Serious Sexual Offences and Indecent Images of Children (IIOC).

9 Royal Air Force Police

159. As part of my review I have met with the Deputy Provost Marshall, Officer Commanding Professional Standards and Policy, First Responders and SIB Investigators. I have reviewed investigations and examined appropriate databases.

Policy

160. RAFP Policy is similar to that of the Navy and the Army. Guidance and direction is contained within the following publications:

- AFA 06;
- Defence Policy JSP 913 – Tri-Service Policy on Domestic Abuse and Sexual Violence;
- Defence Policy JSP 830 – Manual of Service Law;
- Air Publication (AP) 1722 (Part 3, Sections 3 & 12) – Tactics, Training and Procedures for Domestic Abuse, Sexual Violence and Child Protection).
- RAFP policy is aligned to JSP 913 and provides information and guidance through AP1722.

161. Similar in nature to the other SP, the policies acknowledge the seriousness and impact that these types of offences have on victims.
162. The direction places duties and responsibilities on COs and the CoC to support victims through internal and external welfare services.
163. All reports of Domestic Abuse should be recorded on COPPERS and where appropriate, intelligence reports submitted. Advice is contained within the documents regarding the completion of DASH forms and ensuring the safety of victims and safeguarding others when attending incidents of Domestic Abuse. Reference is made to sharing information with partners.
164. In respect of Rape and Serious Sexual Offences, the directions and guidance given is comprehensive, from initial report through to investigation. It is clear that all allegations of Sexual Offences must be reported to the RAFP.

Governance

165. There are Control Strategies in place for Domestic Abuse and Sexual Violence. Sexual Offending is a Tier 1 Priority. Domestic Abuse is Tier 2.
166. I am informed that there is no Control Lead for Domestic Abuse. It may be appropriate to identify a singular lead to co-ordinate Strategic and Tactical direction and oversight of the Control Strategy.
167. Strategic Tasking is conducted quarterly, whilst Tactical Tasking and Co-ordination is held every 2 weeks. An Investigative Tactical Tasking meeting is held every month. On a more practical basis, there is weekly input to the Deputy Provost Marshall Investigations, as well as weekly investigation conferences. Within GPD Units there is a role of Unit Investigator who has the responsibility to quality assure investigations.

168. Within the SIB there is a Crime Manager and across the RAFFP there is a Case Management Unit. I am satisfied that there are sufficient governance process in place for Senior Command to be aware of demand and capacity, as well as being in a position to identify emerging threats and risks.

Recommendation 9 – Royal Air Force Police (RAFFP) to consider identifying a single Strategic Lead for Domestic Abuse to enable the co-ordination of the Control Strategy.

Training

169. In respect of Domestic Abuse, a DASH Handbook and DA Protocol has been implemented. This is designed to ensure that personnel are able to identify and appropriately respond to incidents. This has been supported by the delivery of DASH training and awareness programme. In order to support local delivery and awareness within Squadrons, Subject Matter Experts (SME) and SPOCS have been identified within GPD Units.

170. In response to when incidents of Rape and Serious Sexual Offences occur in foreign countries, a training video has been prepared to support Medics to conduct forensic examinations. As previously discussed, this is not a perfect solution but it does provide Medics with some degree of understanding and guidance.

171. Train the Trainer events have been organised to cascade best practice and Continuous Professional Development (CPD) events have also been held in a variety of disciplines.

172. The Service has sufficient officers who are ABE trained, as well as specialist Interview Co-ordinators.

173. Family Liaison Officers (FLO) have undergone appropriate training and deployment.

174. SIB staff and some GPD staff are trained in SOIT. There is also a SOIT Co-ordinator who manages deployments and monitors their workload.
175. A Sexual Offences Awareness Course has been developed and is being delivered to all RAFF. First Responders receive training in the completion of Early Evidence Kits (EEK).
176. There are a number of SCAIDP officers who are trained and accredited. They maintain their operational competency. It is of significance to note that a large proportion of SIB investigations relate to Rape and Serious Sexual Offences.
177. SIB officers have also engaged in attachments to local Civilian Police Forces' Public Protection Units to maintain and develop their skills.
178. Some officers have attended the Professionalising Investigation Programme (PIP) Level 3 – Senior Investigating Officer (SIO) course, however they have been unable to complete the portfolio due to the nature of their work.

Review of Investigations

179. As with most of the SP, deployment to dynamic incidents of Domestic Abuse in the UK is becoming less. In most cases, Civilian Police Forces attend, although in some cases, GPD will attend with them and on most occasions the Civilian Police Force will retain primacy.
180. Domestic Abuse incidents that are reported to support organisations, or the CoC are dealt with by GPD. Completion and compliance with DASH is monitored at a supervisory level. Appropriate considerations and actions are undertaken in notifying statutory partners.
181. There is an emphasis on supporting the victim and ensuring the safeguarding of other vulnerable persons who may be present.

182. Officers who are in the SIB are not subject to tenure. The officers I spoke to were experienced and competent across a variety of crime types.
183. As with the RNP and RMP, I was surprised at the flexibility and professionalism of the investigators. They conduct complex investigations that necessitates travel across the world.
184. The RAFP have a specific Unit that investigates non-recent allegations of Sexual Abuse. This Unit has good relationships with Operation Hydrant, the national co-ordination and investigation centre for non-recent Sexual Abuse. As a result of one investigation the Unit conducted, a Tri-Service process for conducting non-recent identification parades was developed and implemented.
185. I have reviewed at length, cases involving Rape and Sexual Assault, non-recent investigations into continuous Sexual Abuse of Children in a foreign country and Possession of Indecent Images of Children. All of these investigations required a vast array of skills and experience from the investigators.
186. Victim care was evident and a primary focus in all investigations. In one investigation, multiple victims and witnesses were identified. Appropriate strategies were implemented and accounts were obtained in a timely manner, in line with the wishes of the victims.
187. Suspects were identified and processed at an early stage. Where it was necessary, suspects were moved to different postings to ensure that there were no opportunities to contact, or interfere with victims and witnesses. These restrictions were facilitated through COs.
188. In one of the investigations there was evidence of good working relationships with a Civilian Police Force who used the evidence obtained by the SP to prosecute the suspect through the civil courts.

189. The RAFF have their own facility at RAF Henlow to forensically examine digital and media devices. I did not identify any unreasonable delay in the submission and examination of devices.
190. Where necessary, safeguarding has taken place, engaging with local Health Care professionals, Children's Social Services and Civilian Police forces.
191. There are good working relationships evident with the SPA. Early consultation was apparent which was continued throughout the investigations I reviewed.
192. In comparison to 2016/17, the RAFF has seen a small upward trend in the reporting of Rape and Serious Sexual Offences during 2017/18. The RAFF have meaningful performance data to measure the increase and break it down into RAF establishments and also the suspect's trade. This forms part of their Control Strategy.
193. All the staff undertaking these investigations have had the appropriate training, possess the necessary skills and experience to undertake these investigations. In some cases, local Civilian Police Forces have utilised the skills and experience of the SIB.

10 Royal Military Police

194. In completing this stage of the Review I have met with the Provost Marshall Army (PMA), Senior Officers from PMA Policy, Strategic Lead for Rape and Serious Sexual Offences and Domestic Abuse, Army Welfare representative and First Responders from GPD and SIB. In addition, I have travelled to Germany and met with COs, SIB and GPD First Responders, as well as meeting members of the Joint Response Team, Domestic Abuse Champion and supports services.

195. I have interrogated entries on the COPPERS and REDCAP databases and reviewed case files.

Policy

196. RMP Policy in respect of Domestic Abuse and Rape and Serious Sexual Offences is dictated by:

- Defence Policy JSP 913 – Tri – Service Policy on Domestic Abuse and Sexual Violence;
- AFA 06;
- Military Police Investigative Doctrine (MPID), Chapter 18 – Domestic Abuse;
- Military Police Investigative Doctrine (MPID), Chapter 21 – Investigation of Serious Sexual Offences and management of those convicted of serious Sexual Offences.

197. The MPID documents referred to above are not policy documents in themselves and are more directions and guidance of how to investigate the offences and what should be done and considered.

198. MPID – Domestic Abuse makes reference to a duty to take positive action to safeguard victims and children when attending incidents. It provides practical guidance on actions to be taken when attending an incident and that First Responders should review COPPERS and REDCAP before attending the scene to establish potential risks.

199. In respect of recording procedures, the direction states that all incidents of Domestic Abuse must be recorded on COPPERS, and if an offence is disclosed, then a REDCAP entry should be made.

200. The MPID also confirms that a Domestic Abuse Incident proforma (DiP) and DASH form must be completed and forwarded to the Joint Response Team (JRT).

201. MPID – Investigation of Serious Sexual Offences provides First Responders with initial actions and considerations they should undertake when attending reports. The document states that the RMP are only likely to take primacy in the investigation where the suspect is known to be a Person Subject to Service Law (PSSL) or Civilian Subject to Service Discipline (CSSD).
202. The directions gives advice around victim, scene and suspect management, including forensic examinations. I note that there is no mention of SOIT trained officers being deployed to make contact with the victim, although reference is made to them later in the document in respect of applications for training.
203. In respect of deployment and operations overseas, apart from Germany, there is no bespoke policy or contingency guidance on dealing with Domestic Abuse incidents or Rape and Serious Sexual Offences allegations. As previously discussed and encountered by other SP, there have been problems with the provision of FME accredited Medics/Doctors, which could potentially have an adverse impact on the retrieval of forensic evidence.

Governance

204. There is no Strategic Lead or Control Strategy for Domestic Abuse within the RMP. The Joint Response Team (JRT), located in Germany, play a significant role in developing guidance and processes, but I believe that the RMP would benefit from nominating a single lead to develop a Control Strategy, co-ordinate policy and guidance and oversee performance in this area of business.
205. Rape and Serious Sexual Offences has a Strategic Lead and is a priority for the RMP through the Strategic Assessment process.
206. Senior Officers within RMP Units, both in the UK and Germany, conduct daily and weekly management meetings to review the progression

of investigations and assess risk in those cases and staffing levels. In addition, the Provost Marshal Army conducts a fortnightly Crime Executive Group. This meeting is attended by Senior Officers from across the RMP and it discusses the progression of serious or complex investigations. Strategic Tasking and Co-ordination and Tactical Tasking and Co-ordination meetings are also conducted.

207. Managerial oversight of investigations is conducted utilising the REDCAP Diary Investigation record. There was evidence of managerial oversight and providing direction to investigators.

208. I am satisfied that there is sufficient governance and oversight of investigations to support the resourcing and assessment of those investigations, with the exception of the recommendation below.

Recommendation 10 – Royal Military Police (RMP) to consider nominating a specific Strategic Lead for Domestic Abuse to develop a Control Strategy and co-ordinate policy and guidance.

Training

209. There are sufficient officers who are Achieving Best Evidence (ABE) trained, although these are predominantly in the SIB.

210. A considerable number of officers are SOIT trained, but again these are in the SIB or middle managers within GPD who do not deploy to incidents. This has arisen because of promotion or moving from one discipline to another. Ideally, SOIT officers should be deployable at the initial stages of an investigation and remain in contact with the victim throughout the investigation. Consideration should be given to reviewing the current status of SOIT trained officers and establishing a new group who are trained and able to deploy.

211. Within the JRT, which is based in Germany and has the potential to deploy worldwide, there are three SIB officers who are SCAIDP trained. As I have discussed previously, within the UK it is highly likely that any investigation of this nature would be undertaken by a Civilian Police Force for the reasons I have already stated. However, it may be beneficial to have more than three trained officers in this skill.
212. Officers attending the SIB course receive an input on Sexual Offences.
213. Senior Officers have completed the PIP3 SIO course, but have not gained accreditation due to the operating environment.
214. There was a clear perception by RMP staff who I spoke with, that COs were unaware of the various forms of Domestic Abuse and how it may manifest itself. I believe that on the COs designate Course there is no input on Domestic Abuse. I fully understand that this course is intense and that COs have a multitude of issues to contend with. However, I do think that an input on Domestic Abuse should be considered as being an integral part of that course.

Recommendation 11- RMP to review the existing list of officers who are SOIT trained to establish if they are still in a role that enables them to be deployed appropriately and consider establishing a revised cadre for deployment.

Recommendation 12 – Consideration to be given to a specific input on Domestic Abuse being delivered on the Commanding Officer designated course.

Review of Investigations

215. As with the other SP, the RMP respond to less reports of Domestic Abuse in the UK than they previously did. On most occasions it is Civilian Police Forces who act as First Responders.

216. I met with GPD Chain of Command, Middle Managers and First Responders at Bulford. First Responders displayed an understanding of Domestic Abuse and the priority and actions they should undertake. They were aware of the DiP and DASH proformas but their knowledge was limited, due partly to not dealing with as many incidents. I reviewed COPPERS database and found six (6) incidents that had been reported since April 2017. On examining these records, all of the investigations were eventually handed over to the local Civilian Police Force. There was evidence of managerial oversight and appropriate safeguarding considerations. One of these incidents was reported to the RMP via the CoC of the potential suspect.
217. I have also reviewed investigations relating to allegations of Rape, Sexual Assaults, Possessing and Distributing Indecent Images of Children and non-recent allegations of Rape in a domestic setting. The RMP do not have a dedicated Unit that deal with Rape and Serious Sexual Offences. However, some officers have maintained their currency and knowledge by previously being seconded to local Civilian Police Forces to develop and maintain their skills, although this practice has ended at present.
218. The RMP operate overseas at various locations around the world and at times, during conflict. This can often hinder and frustrate investigations. The lack of the provision of appropriately trained Medics/Doctors is again a factor that RMP staff discuss. Officers deployed on such operations undertake Refresher Crime Scene Management training before they deploy.
219. In all of the Units that I visited, I did observe abstractions that clearly has an impact on effectiveness and the progression of investigations. These abstractions were attributable to a number of factors which included attending annual mandatory training, as well as deployments to operations and exercises. A re-occurring remark throughout my visits was that although they were SP, they were a Soldier first and had to be

operationally competent and fit to be deployed. I make this point as an observation and I understand that the RMP police Service personnel in hostile operations, but I feel that there is a balance to be made.

220. The RMP have responsibility for policing the service community in Germany. This is a unique policing responsibility where they have full jurisdiction and are supported by Welfare Services, Safeguarding Lead, a Domestic Abuse Champion and the Joint Response Team (JRT).

221. The JRT are made up of three staff and have worldwide responsibility for the RMP and on occasions, the RNP and RAFP. The staff are ABE, SCAIDP, SOIT and DASH trained. They provide training and advice on Child Protection and Domestic Abuse around safeguarding and strategy meetings. They also review all DASH Risk Assessments that are completed by the RMP, not just in Germany, as well as all COPPERS entries. They contribute to the MARAC process in Germany and work closely with Victim Safety Workers, who perform the same role as Independent Domestic Violence Advocates.

222. In Germany the JRT provide Domestic Abuse training to all RMP staff and to the German Police. From meetings I held with GPD officers in Germany, as well as Commanding Officers from Regiments, there is apparent good recognition of Domestic Abuse and safeguarding issues.

223. The JRT are supported in Germany by a Domestic Abuse Champion (DAC). This person is the chair of the BFG Domestic Abuse Forum and chairs the MARAC. She has developed Domestic Abuse media campaigns and provides BFG Command with quarterly briefs and presents Annual Unit Awareness briefs to all ranks, which has resulted in an increase in the identification and reporting of Domestic Abuse in Germany. The DAC is passionate about their role and feels that the knowledge, awareness and training of RMP in the UK is not to the level it should be. From my observations, I do concur with that view.

224. In Germany, I reviewed a number of investigations that related to Domestic Abuse and Rape and Serious Sexual Offences. I noted that from the outset there was appropriate victim contact and care. Safeguarding was addressed where appropriate and measures were taken to arrest and interview the suspects at the earliest opportunities. Most of the cases involved elements of digital forensic examination. In respect of one of these investigations, the devices were brought back to the 3C facility for urgent interrogation whilst the suspect remained in custody. Other cases were delayed because of the waiting time at 3C. This is a point I have previously addressed.

225. Clear evidence of early engagement with SPA was evident and subsequent communications to progress evidential requests.

226. The SIB staff conducting these investigations had the necessary training, skills and experience. Regular supervisory comments and appropriate directions were evident on the Investigation Diaries.

227. I make the observation that the RMP policing operation in Germany is extremely professional. It has good working relationships with non RMP CoC and their understanding and identification of risk is maintained to a high standard. There are excellent multi-agency processes in place and some of these practices could be replicated in the UK. This would provide good working relationships with local Safeguarding Teams, the MAPPA and MARAC processes and Civilian Police Forces.

228. Within the UK, the RMP do not operate in the same way as they do in Germany. I acknowledge the differences in their jurisdiction and the operating environment, however I believe that in so far as possible, they should mirror the service provided there.

Recommendation 13 – RMP to consider replicating the good working practices displayed within multi- agency working in Germany in the

United Kingdom. This would develop positive working relationships with local Safeguarding Teams and risk management processes.

11 Conclusions

229. I have found the SP to be very professional and extremely proud of their particular discipline. They display immense flexibility on a day to day basis and deal with investigations that are at times complex and logistically challenging.

230. I have noted a focus on delivering a quality service to victims of crime and conducting their investigations expeditiously.

231. As is being experienced with many Civilian Police Forces, they are reduced in numbers and the crime types that they are investigating are changing and becoming more technical in the commission of those offences.

232. There is evidence of visible leadership across the SP and day to day support of investigations.

233. In conducting this review, I have heard anecdotal comments made regarding the lack of independence and impartiality in respect of the role undertaken by COs. There was a perceived belief that COs may not be identifying Criminal Offences correctly and dealing with them as discipline matters. My visit to the MCTC at Colchester has to an extent supported that assumption, although the majority of those incidents were before 2016.

234. In my conversations with SP and CO's, I am reassured that CO's are more inclined to seek advice from the SP and Legal Units, and are committed to supporting vulnerable victims.

235. In respect of Domestic Abuse, I believe that efforts must continue and positive steps need to be taken to raise awareness about the ways in which this crime manifests itself. There are clear messages from Government regarding zero tolerance and they place a responsibility on the CoC to take action.

236. I have identified areas of business and processes where I believe that changes could be made that would improve the quality of service provided to vulnerable victims.

237. I submit this report for your information and consideration.

Mark Guinness

4 May 2018