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IN THE COURT MARTIAL

held at

MILITARY COURT CENTRE, BULFORD

on the

1st October 2026

in the case of

REX

V

30379804 Able Seaman Daniel Brook Roff

His Majesty's Naval Base Portsmouth

JUDGE ADVOCATE

Judge Atwill

Assistant Judge Advocate General

SENTENCING REMARKS

JUDGE ADVOCATE:ET Roff, having pleaded guilty before this Court for which you will get the requisite credit, it falls for us to sentence you for one offence of attempted voyeurism.

This is an offence to which Schedule 18 of the Sentencing Act 2020 applies in terms of dangerousness, but we are not making a finding of dangerousness in your case. You are 23 years old. You joined the Royal Navy in 2022. You have served for four years. You have no previous convictions or disciplinary findings against you.

The facts of the offence are these. On the evening of 22nd October last year, a female Corporal was using the female shower facilities within service accommodation at the Mount Pleasant Complex in the Falkland Islands. Those facilities existed to provide a private and secure environment for female personnel living and serving in that location. Following her shower, while drying herself and retrieving her towel, she became aware of a mobile telephone being positioned through a partially opened door with its camera pointed towards her.

When she challenged the person responsible the telephone was immediately withdrawn and the person fled. A subsequent investigation established that your mobile telephone contained a video recorded at the relevant time and location. Although the recovered footage lasted only a matter of seconds, and does not in fact show nudity, it clearly depicted the complainant in the shower area wrapped in a towel.

That recording had been deleted from the device but was recovered by the police. This offending was not accidental, impulsive or innocent. You positioned yourself in the vicinity of the female ablutions. You used your mobile telephone covertly. You attempted to record a woman immediately after showering, in a place where any reasonable person would recognise she was entitled to complete privacy. When discovered you ran away. You had been seen hanging about the ablutions area by a colleague who was alerted when the victim raised the alarm and this led to your arrest. You gave a no comment interview when you were spoken to by the police, but you admitted this offence at the first opportunity when brought before the Court.

You heard the prosecutor read parts of the victim's personal statement. It is as clear to us as it ought to be to you, the impact that your offence had on her. She describes anger, distress and anxiety. She understandably questioned the security of her living environment. She became concerned that images of her might exist on the internet or somewhere else. She altered her behaviour, locking doors, taking precautions she had never previously considered necessary. She was left wondering whether she was sharing accommodation facilities or working with someone who possessed intimate images of her or might share them with others. These are serious consequences.

By Section 60 of the Sentencing Act the Court's duty in all cases includes imposing upon a defendant, in accordance with the relevant guidelines, a sentence which is within the offence range. Where the guideline describes categories of case, the Court must decide which of the categories most closely resemble the defendant's case in order to identify the starting point within the offence range.

Section 259 of the Armed Forces Act requires Service Courts to have regard to any guidelines issued by the Sentencing Council. We have had regard to three Sentencing Council Guidelines in this case, the offence specific guideline for voyeurism. The guideline on the imposition of community and custodial sentences. The guideline on reduction in sentence for a guilty plea. We have also had regard to the Sentencing Guidelines issued by the Judge Advocate General.

We have read with care the probation officer's report. We note that in the professional assessment of that experienced probation officer you took full responsibility for the offence. You fully recognise the impact your offence would have on your victim. You pose a low risk of reconviction, a medium risk of causing serious harm but the risk you pose can be managed in the community.

We listened careful to everything that was said on your behalf by Lieutenant Commander Benton, and we have also read the thoughtful letter from your mother and the reference from your divisional officer.

Offence analysis: This offence would be serious wherever it happened but there are particularly important service factors which increase the seriousness of this offending. This was not a public place; it was not a chance encounter with a stranger. The offence occurred within a military community, in service accommodation occupied by service personnel living and working together while deployed overseas.

Members of the Armed Forces are required to live, work and deploy in close proximity to one another. Operational effectiveness depends on mutual trust, respect and confidence. Personnel serving away from home must be able to use accommodation and ablution facilities without fear that colleagues or other service personnel will seek to observe or record them for sexual purposes. Conduct of this kind undermines not merely an individual victim, it undermines confidence in the safety of service accommodation generally. It risks damaging morale; it risks damaging cohesion within that deployed community. Most importantly it risks eroding the trust which must exist between those who serve and live together.

Those are matters the Court Martial is entitled and required to take into account. Offending of this sort in the deployed space has an immediate and obvious impact on unit cohesion, on morale and on operational effectiveness. It risks robbing the unit of at least two personnel. This offending also has a wider institutional impact. Public confidence in the Armed Forces depends upon the proper treatment and protection of service men and women. Behaviour involving the clandestine recording

of a fellow service person in shower facilities is plainly capable of damaging the reputation of the Armed Forces and bringing discredit upon the Service.

Classification of offences: With any offence, be it service or civilian the Court has to consider both your culpability and the harm caused. Dealing first with culpability, given that images were recorded or attempted, your culpability falls into the raised bracket. Service factors increasing culpability, this offence was in the victim's accommodation. It was committed in an operational environment.

Harm: Given that the victim was in their own accommodation, in a remote location, we place the harm caused or intended to be caused into the higher bracket. Service factors increasing harm, the adverse effect on both morale and unit cohesion which are obvious from this offence. Having considered both culpability and harm, we place your offences in category 1. However, because of the multiple features of culpability and harm we consider your case one of particular gravity which merits an upward adjustment to the normal category starting point before we consider any aggravating or mitigating factors. The normal category starting point for a category 1 offence is 26 weeks' imprisonment. We consider the starting point in this case, before adjustment for aggravating or mitigating factors, would be one of 34 weeks' imprisonment.

Having categorised the offence by reference to your culpability and the harm you have caused we then go onto consider the aggravating and mitigating factors relevant to the offence. We consider the attempt to dispose of or conceal evidence by deleting the video to be an aggravating factor justifying an upward adjustment to the category starting point. Conversely, we find your previous good character, your age and lack of maturity, your remorse, and your prospects in work to be mitigating factors justifying a downward adjustment to the category starting point.

Taking into account both aggravating and mitigating factors we consider it fair to make a significant downward adjustment to the category starting point as adjusted. The sentence after trial would be one of 26 weeks' imprisonment. You are entitled to full credit for your guilty plea which was entered at the earliest opportunity that is one third which reduces that sentence to one of 17 weeks' imprisonment.

Dismissal: The Court has to separately consider whether you can continue to serve. This offence involved covert sexual conduct directed towards a fellow service person in service accommodation. It constituted a serious breach of trust and professional standards. The Board has considered the guidance applicable to sexual offending within the Service Justice System and separately the Armed Forces Policy of Zero Tolerance Towards Unacceptable Sexual Behaviour. Also relevant is the fact that

this offence occurred in the deployed space. You know that every person there has a contribution to make to operational effectiveness. There are no passengers. That you offended against another service person in this way potentially denuding the team by not one but two members, further aggravates your offending.

The Court recognises your youth, your previous good character and the significant impact that dismissal will have upon you. Nevertheless, military service depends on confidence that fellow service personnel will behave with integrity, with respect and with self-discipline. A member of the Armed Forces who covertly attempts to record a colleague in the shower fundamentally breaches all of those standards. The Board has concluded that retention in service would be incompatible with the maintenance of discipline, trust and confidence. The sentence of the Court therefore includes dismissal from His Majesty's Service.

This offence is so serious that only a sentence of imprisonment is appropriate. The least sentence we can pass is one of 17 weeks' imprisonment. The law now requires that every sentence of less than 12 months imprisonment be suspended. Your sentence of imprisonment will therefore be suspended for 18 months. You must commit no further offences during that period, or the sentence of imprisonment can be activated.

Requirements: For the next 18 months you will be subject to a probation requirement. This means you will be under the supervision of a probation officer, and you must attend where and when they direct you to and conduct such rehabilitative or other activity as they direct. If you fail to do so, or you commit a further offence, you can be brought back before the Court and maybe sent to prison. You are to complete 180 hours of unpaid work in the next 12 months. You must attend where and when you are told to and complete the work to a suitable standard or you will be brought back before the Court.

I certify that you have been convicted of a sexual offence so that you must, for a period of five years from today, keep the police informed at all times of your personal particulars. The address at which you are living, and any alteration in the name you are using. You will be given full details of these requirements on a form at the end of the hearing.

Barring: the offence of which you have been convicted is one which may make you subject to barring from working with children or others. You will be told of the restrictions under the Safeguarding of Vulnerable Groups Act 2006 by the Disclosure and Barring Service.

Compensation: we do not consider a compensation order is appropriate in this case and you will not have the means to pay.

ET Roff what you did that day was a serious violation of both that other person's privacy and her dignity. It also represented a serious failure in the standards expected of a service person. Those serving in our Armed Forces must be able to live and work together in an environment of mutual trust and respect. Your conduct fundamentally damaged that trust. The sentence passed today reflects both the harm to the complainant, and the wider harm caused to discipline, cohesion and confidence within the Armed Forces.

Taking into account the appropriate Sentencing Guidelines, the views of the Court of Appeal in respect to conditions in prison as expressed in the cases of Manning and Ali Ahmed, the conclusions of the probation officer. Considering your personal mitigation and giving you an appropriate discount for your plea, noting in particular that as contained in the appropriate guideline passing the custody threshold does not mean that a custodial sentence should be deemed inevitable. We therefore sentence you as follows, dismissal from His Majesty's Service. A suspended sentence order for 17 weeks' imprisonment, suspended for 18 months with the following requirements, a probation requirement, and a requirement that you complete 180 hours of unpaid work within the next 12 months.

SENTENCE

PRESIDENT OF THE BOARD: ET Roff, the sentence of the Court is as follows: dismissal from His Majesty's Services. 17 weeks' imprisonment suspended for 18 months with requirements as described.