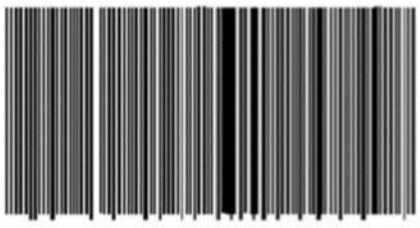
Prepared for OPEN publication in relation to the Independent Inquiry Relating to Afghanistan



RMP-221-0000726-A

Prepared for OPEN publication in relation to the Independent Inquiry Relating to Afghanistan

OTHER DOCUMENT	ACTION	REG DATE	D2733
	✓	11/11/2015	

RECEIVERS INSTRUCTIONS

DOCUMENT TITLE:	IRN:
NCA ORGANISED CRIME COMMAND PIP4 REPORT ~~AND~~ 11/11/2015	OP NORTHMOOR

REGISTER TO:	CAT - (ADMIN) EXTERNAL AGENCY ADVICE/FOREIGN	PRIORITY	LOW ☒ MEDIUM ☐ HIGH ☐
CLASS CODE	IND1	TAGGING	2015/NSEN

DOCUMENT SUMMARY

PIP4 REPORT BY [redacted] WILLIAMSON, NCA ADVISOR, DATED 11/11/2015, REGARDING OP NORTHMOOR, IDENTIFYING ISSUES AND RECOMMENDATIONS.

FAST / URGENT ACTION REQUIRED (If YES compile ACTION précis below)	YES ☐ NO ☒	RECEIVER	REGISTRATION INDEXER
		SSGT RIDLEY Signature dated 6 Jan 2016 [redacted] MIR RECEIVER	CPL WASDEN F J 07 JAN 2016 Signature [redacted]

FAST ACTIONS RAISED	NIL	URGENT ACTIONS	NIL	MIRSAP ACTIONS RAISED	NIL

DOCUMENT READING	DOCUMENT READER	DOCUMENT INDEXER
INSTRUCTIONS:		

FOOTNOTES READY	☐	CHART COMPLETE	☐
ACTIONS IDENTIFIED	☐	ACTIONS RAISED	☐
QUALITY CONTROL: READING COMPLETE	☐	INEDXING COMPLETE	☐

MIR OFFICER MANAGER	DISCLOSURE OFFICER	SIO

Prepared for OPEN publication in relation to the Independent Inquiry Relating to Afghanistan

D2733

NCA
National Crime Agency

Organised Crime Command

PIP 4 Report

Operation NORTHMOOR
Royal Military Police – Special Investigation Branch

Detective Superintendent Paul WILLIAMSON

Date 11/11/2015

Version number 8

Disclosure Statement

This report, together with any supporting material, has been provided under S.7 of the Crime and Courts Act 2013.

The NCA Support Service is provided in good faith, based upon the information you have supplied to us. Whilst we take reasonable steps to ensure that the material provided is accurate and up to date, the nature of the material means that we cannot guarantee its accuracy or completeness. Responsibility for acting upon the material rests solely with the recipient, who may wish to seek independent verification. We will not accept liability for any loss arising from the provision of this report. This report is not intended to constitute national policy, legal advice or other professional advice.

All enquiries to NCA Crime Operational Support are recorded on a central database and are subject to the disclosure provisions of the Criminal Procedure and Investigations Act 1996. The NCA PIP 4 in the case has access to all unused material. All of this material is available to the Disclosure Officer upon request. It is the policy of Crime Operational Support not to photocopy any of our material for disclosure purposes. Any unused material will be delivered to the Disclosure Officer or Crown Prosecution Office for examination upon request to comply with the continuing duty set out in the CPIA.

This report has been provided in confidence and should not be disclosed without our consent, further to Schedule 7, Part 3, of the Crime and Courts Act 2013. Information supplied by or relating to the NCA is absolutely exempt from disclosure under the Freedom of Information Act 2000, under S.23 of that Act. Requests for disclosure by the public should be referred, by email, to

[redacted]
Contact Details

Prepared for OPEN publication in relation to the Independent Inquiry Relating to Afghanistan

D2733

Administration

Investigation	Operation NORTHMOOR – Investigation into allegations of unlawful killing and ill treatment by UK Military Forces in Afghanistan
Force	Royal Military Police
GOLD	Lt Colonel John McALLISTER
SILVER	Temporary SILVER Captain Steve ROBBINS in absence of Major Moira PENMAN, Special Investigation Branch Regiment, Royal Military Police
SIO	Team 1 Captain J.L. WRIGHT; Team 2 WO1 Debbie HAYES; Team 3 Captain Steve ROBBINS; Team 4 - VACANT
NCA Reference No.	[REF]
PIP 4	Detective Superintendent Paul WILLIAMSON
Crime Investigation Support Officer	Detective Sergeant Bob COOPER
Behavioural Investigative Adviser	N/A
Geographic Profiler	N/A
Peer Review	PIP 4 George BARR

Terms of Reference

The NCA PIP 4 terms of reference have been devised and approved by National PIP 4 Coordinator, NCA Organised Crime Command Deputy Director, GOLD and SILVER as follows:

1. Where appropriate provide advice and support to the GOLD Commander, particularly in relation to development of a professional and proportionate investigative response to the wider policing operation;
2. To provide investigative support and advice to the SILVER;
3. Support the SILVER with strategic organisational issues such as resource levels, financial management, identification and engagement of strategic partners, community impact issues and communications strategies. Final decisions in all areas remain with the SILVER;
4. To provide investigative support and advice to the SIO(s);

Prepared for OPEN publication in relation to the Independent Inquiry Relating to Afghanistan

5. To assist the SIO(s) in decision making to allow the SIO to make rational and robust decisions through appropriate discussion.

In performing the PIP 4 role nothing will be done in isolation of GOLD, the SILVER or SIOs. PIP 4 advice and support will continue to be provided dynamically and recorded for audit and review in report format.

Introduction

Further to the submission of the NCA Crime Operational Support Regional Adviser Report version 7 dated 18/07/2015 the deployment schedule of the NCA PIP 4 can be found at Annex A.

A number of points and observations have been made during the reporting period and time spent with GOLD, SILVER and SIOs. The following points summarise some of those that are considered worthy of inclusion in this report.

Strategic Management Issues

Command Structure and Leadership

The Command Role term of 'Officer in Overall Command' (OIOC) has now been replaced by Silver Commander to avoid any confusion with the role of GOLD. During the reporting period, Major Penman has been temporarily replaced as Silver by Captain Robbins (Team 2 SIO and Senior Captain). The Silver role is essential for determining the overall investigative strategy, supporting each Team SIO and the GOLD Commander in achieving the objectives set by GOLD.

Issue: The PIP 4 and Greater Manchester Police (GMP) Major Crime Review Team (MCRT) lead Martin Bottomley have highlighted the risk that the lack of a dedicated Silver may have a debilitating effect on the strategic management and coordination of the enquiry if allowed to go unresolved for a sustained period.
Requirement: Appointment of suitably skilled, knowledgeable and experienced Silver Commander.
Timing: Immediate.
Background: Major PENMAN has not been deployed to Op NORTHMOOR in an operational capacity since September 2015. It is confirmed that Major PENMAN will not return to operational duties on Op NORTHMOOR.
Recommendation: Appointment of suitably skilled, knowledgeable and experienced Silver Commander.
Impact if not addressed: Ineffective command and leadership of Op NORTHMOOR.

Issue: Leadership of Team 4 and Interrogation enquiries in absence of Major PENMAN[1].
Requirement: Clear accountability and ownership allocated for 'Interrogation' enquiries previously led by Major PENMAN.

[1] NCA Operation NORTHMOOR PIP 4 report V.6, DSU Paul Williamson, 18/02/2015, pp. 6-7

Timing: Immediate.
Background: As a result direction from GOLD, the OIOC made a Policy decision on 02/12/2014 'To set up a new and 4th Team within Op NORTHMOOR headed by a newly appointed SIO – Capt. M Penman'. The Team 4 task was to review the initial 33 hours of footage following judgment in the case of The Queen (Haidar Ali Hussein) and the Secretary of State for Defence[2].
Recommendation: This is addressed immediately.
Impact if not addressed: Lack of direction and focus for staff, investigation of interrogation complaints and coordination of out sourced tasks. Justifiable criticism by GMP Major Crime Review Team. Reputational damage to RMP.

Weekly SILVER meetings are taking place as well as regular GOLD meetings. These are imperative to provide focus and direction for the enquiry. The PIP 4 acknowledges the different military operating procedures, however suggests that the GOLD Commander should again review the list of attendees at GOLD meetings in accordance with previous advice[3].

Issue: There are clearly some key strategic blockages at present. The PIP 4 acknowledges that GOLD is investing a great deal of time and effort in attempting to resolve these, which include:

- The interim solution at HMS Collingwood and the standing up of clearance compliant facilities has been delayed. There is a clear need to ensure completion of RMAD(s) and purchase of software to enable search and retrieval of information held on SFHQ(A) server. Access to this data is critical to inform Team 1 SIO key decision making and GOLD is directing SPCB3C to prioritise Op NORTHMOOR requests. The PIP 4 considers it absolutely essential that there is no further delay to enable search and retrieval of key information from DSF servers ;
- Attendance of LDC at interviews in AFG requiring Secretary of State for Defence agreement. On 26/10/2015 GOLD formally requested in writing (report ref: PMA/04_1/01/04) that the Ops Directorate formally direct PJHQ to facilitate the deployment of RMP investigators and LDC solicitors, and provide a secure environment in order to carry out police interviews that will meet the evidential standards as best can be allowed for, required by British Courts. Please refer to previous PIP 4 advice[4]. A recce of Hamid Karzai International Airport (HKIA), Kabul has been conducted and suitable facilities identified;
- Operational Security Details
- Effective information sharing with IHAT[5]. DSP has committed to meeting with IHAT senior leaders Commander Hawkins and SILVER Mark Warwick

[2] [2014] EWCA Civ 1087

[3] NCA Operation NORTHMOOR PIP 4 report V.2, DSU Paul Williamson, 23/05/2014, pp. 6-7

[4] NCA Operation NORTHMOOR PIP 4 report V.5, DSU Paul Williamson, 26/09/2014, pp. 6-7

[5] NCA Operation NORTHMOOR PIP 4 report V.7, DSU Paul Williamson, 18/07/2015, p.9

together with Op NORTHMOOR GOLD and PIP 4 in an effort to resolve the current impasse on information sharing;

- Agreement of DSF Protocol for Op NORTHMOOR. The PIP 4 has further engaged with [redacted] regarding DSF protocols to obtain comparative working practice. MPS 2 has provided information on SO15 experience of investigations involving Military Personnel. The majority of SO15 involvement and training revolves around Post Incident and the use of evidence from site exploitation, however they have conducted investigations where Military personnel have been witnesses of truth for criminal, Coronial processes and also where they have been suspects. It has been highlighted that it is essential for the status of those involved (witness/suspect), jurisdiction, primacy, prosecuting authority, lead investigating authority, anonymity process in place to date, offences and an understanding of what has already taken place to be fully understood and agreed during the initial police/Military/ ALS scoping and disclosure process. Negotiation with those involved has previously been previously greatly enhanced once the inclusion of a SFLO was agreed and this would need to be carefully balanced with operational security if considered on Operation NORTHMOOR Team 1 enquiries. All witness, suspect procedures are dealt with by SO15 on a case by case basis. Where over arching SOP's are present the specific area of witness statements, interviews and arrest sit outside the SOP to allow a bespoke strategy to be put in place, not a one size fits all approach. SF witnesses are provided with anonymity, SF personnel who are suspects are also provided with anonymity until such time that they either waive it themselves or a court decides it is in the public interest. The following redacted documents have been provided by MPS 2 through PIP 4 to GOLD on a 'police to police basis only:
  i. Witness Strategy (comprehensive), again specific to SF where they are providing evidence in their role, as witnesses of truth, not where they are providing evidence outside their role;
  ii. Witness Interview Strategy - Deals with specific reasons for anonymity and ALS support
  iii. Suspect Strategy redacted (suspect provided with full anonymity throughout the process, written not electronic custody record, all papers and exhibits redacted to protect identity);
  iv. Dignity Strategy redacted (suspect);
  v. Solicitors Undertaking (suspect).

Any further disclosure or inclusion in your enquiry documentation as reference papers will require additional sign off.

Current negotiations between GOLD and DSF senior commanders appear to be making progress in balancing RMP legal duties in investigation with national security issues. Should these negotiations fail to address the current impasse the PIP 4 would recommend seeking to resolve this at a higher level with the Attorney General's office that will be able to provide a higher level of objective advice that seeks to balance these competing demands.

Requirement: Key strategic blockages to an effective and expeditious investigation are addressed and removed.
Timing: Standard.

Recommendation: GOLD to continue focusing effort in removing these key strategic blockages.
Impact if not addressed: Inefficiency and ineffectiveness in investigation. External criticism of and reputational damage to RMP.

Resource Management

The investigation is currently being operated on HOLMES from offices within SIB Campion Lines, Bulford, Wiltshire where a temporary closure is planned in 2016 for refurbishment. Planning has commenced for the now confirmed move to a dedicated [redacted: clearance] compliant facility, in St Mawgan, Cornwall. This is to ensure that that Operation NORTHMOOR can securely hold protectively marked material and will provide the permanent location for a fully staffed Major Incident Room capable of operating at [redacted: a certain classification]. Infrastructure and IT funding has been approved. This move will have a short term disruptive impact on enquiries but is essential for the long term effectiveness of the enquiry. Staffing levels are projected to uplift to 128 on completion of this move.

Further to the meeting between GOLD and NCA Director General on 02/07/2015 and the RMP SIB formal written request for additional assistance from the NCA, on 02/09/2015 NCA DDG David Armond provided a written response to Brigadier Warren. A copy of this letter is attached. A key requirement at this time is to assess the operational support required from the NCA in the development of a covert strategy further to the PIP 4 meeting on 13/10/2015 with Team 1 SIO Captain Wright, [redacted: Policing tactic specialists]

Issue: Use of covert policing tactics.
Requirement: Mature assessment by Team 1 SIO on the necessity and proportionality of covert tactics in progression of enquiries on the basis of information known at this time.
Timing: Ongoing.

Intelligence and Information Management

On 08/09/2015 Staff Sergeant Butler submitted a loose minute to GOLD detailing potential systemic issues. The aim of this is to highlight possible systemic issues so that consideration can be given as to whether they should be passed to the Systemic Working Group in accordance with the investigation terms of reference.

Issue: Referral of Systemic issues.
Requirement: Confirm loose minute has been referred to Systemic Working Group.
Timing: Immediate.
Impact if not addressed: Lack of compliance with GOLD objectives and likely future criticism if lessons not learned in a timely and effective manner.

Further to recommendations made in NCA PIP 4 report v.6[6] the Case Review Panel meetings are now well established and involve the Service Prosecuting Authority (SPA). The GMP MCRT is engaged in reviewing the process and is next due to visit on 16/11/2015.

It is recognised that potentially relevant material in respect of the activities of the British military in Afghanistan, falling within the scope of Operation NORTHMOOR, is currently held on the Special Forces intelligence database(s). [redacted]
Policing Intelligence [redacted]
.

Policing Intelligence [redacted]

Policing intelligence [redacted]
. This could also be combined with a further witness appeal similar to the one recently circulated on Op Resolve (criminal investigation into the Hillsborough disaster). This would appeal for witnesses that may hold important information or exhibits e.g. digital imagery as part of the ongoing investigation.

Issue: Witness appeal.
Requirement: Consider Op NORTHMOOR national witness appeal.
Timing: Standard timing to coincide with resource uplift which will provide resilience in being able to respond.
Recommendation: This is a reasonable line of enquiry and should be pursued in absence of a good reason not to.

[6] NCA Operation NORTHMOOR PIP 4 report V.6, DSU Paul Williamson, 18/02/2015, p.12

Impact if not addressed: Criticism that investigation has not pursued a reasonable line of enquiry.

Issue: The PIP 4 has been approached for views by GOLD on whether an additional 11 (with a potential 15 other) cases under review by team 1, should form a 'linked series'.
Requirement: Provision of PIP 4 guidance.
Background: The term 'linked series', describes investigations where it is believed that individual offences have been committed by the same person(s). Linked series investigations are rare and are generally presented by 2 scenarios. The first is where offenders prevent a homicide from coming to the attention of the police e.g. by disguising the fact that deaths were homicides. The best example of this would be the Shipman enquiry and may be a useful case comparator for Op NORTHMOOR. The series only comes to light when offenders are investigated because one of the killings is discovered. In such cases the investigation is concerned with identifying the number of victims and the evidence connecting the offenders to them. This will usually form one investigation rather than a number of linked ones. A linked series investigation generally only occurs in the second scenario where individual bodies are found in different locations at different times and investigations reveal they are committed by the same person.

Linking 2 or more homicides with certainty can be extremely difficult and has significant consequences for the investigation. Failure to link offences committed by the same offender can lead to lost opportunities but wrongly linking can be equally damaging. The procedures employed in the investigation of linked series are contained in MIRSAP and MIM[7]. Linkage analyses for crimes of homicide are relatively rare when compared to those produced for offences involving living victims, most commonly considering potential linkage between a number of sexual offences.

Recommendation: The PIP 4 considers the whole debate around offence linkage an interesting one. There is no doubt that incidents under investigation by team 1 are linked by geography, time and service units involved. The PIP 4 views this as an 'Investigative Methodology' issue at its heart. The question is more what the trigger for investigation is. Is it one of two things Unit/Individual or Event? If there is a Unit whose tactical deployments are seriously questionable then we must track them throughout the totality of their deployments matching them to events, done through a Timeline or Sequence of Events. Alternatively if there is a questionable Event such as the N50 complaint, then likewise we must track those involved in such an Event throughout their deployment history, the linkage issue then potentially becomes a superfluous one. In determining the above we must always revert back to the clarity of Investigative Objectives as the basis for intervention.

The provision of behavioural crime linkage analysis has been a standard part of the support offered to major crime investigations by BIAs over recent years. What may be possible and of potential value is a 'Probabilistic Assessment' and production of 'Likelihood Ratios' which would involve analysis of a dataset to

[7] Murder Investigation Manual, ACPO, 2006, 2.6.5

assess for example 'probability someone killed as a result of unlawful use of force ÷ probability someone killed as a result of lawful use of force'. I would recommend consultation with an NCA Behavioural Investigative Adviser (BIA) on this subject and arrangements have been made for Senior BIA Lee Rainbow to attend Campion Lines, Bulford on 17/11/2015 to conduct a scoping assessment on these issues.

When all factors are considered, there are 3 decisions that can be made:

i. To link cases;
ii. Not to link cases;
iii. Defer the decision.

My natural instinct at this stage would be to acknowledge these basic links but to defer any decision to formally link pending more detailed comparative case analysis, consultation with BIA, access to data held on relevant DSF seized servers and ongoing witness enquiries which will add more clarity to key considerations and decisions moving forward. Sufficient safeguards are in place, including Silver and ongoing CCA to mitigate any risk in deferring decision.

Issue: Ensuring that the GOLD Investigative objectives are stuck to.
Requirement: Consideration can be given to the analytical tool of Operational Intelligence Assessment (OIA).
Background: This is a method of ensuring that medium to long-term investigations remain focused on their original objectives. It is not solely the analyst's responsibility to complete an OIA. An operational intelligence assessment:

- assists the prevention of mission creep;
- identifies priorities for the intelligence effort involved in the investigation or operation;
- focuses decisions about resources;
- guides investigative activities;
- verifies that protocols such as the correct authorisations are present;
- aids the review of compliance with Human Rights Act 1998, Regulation of Investigatory Powers Act 2000 and other legislation.

Recommendation: Consideration is given by Silver to commissioning an OIA.
Impact if not endorsed: Potential for mission creep on Op NORTHMOOR.

Issue: HOLMES action management.
Requirement: A further action review to assess whether these are all indeed HP.
Background: There are a large number of HP actions allocated.
Recommendation: Silver to conduct review of HP actions.
Impact if not addressed: Ineffective prioritisation and action allocation.

Risk Management

There is potential risk to national security, communities, reputation of the British Army and HM Government in Team 1 current investigations which the readers of this report will be well sighted on. The PIP 4 is fully supportive of GOLD's decision to provide 'upstream' briefing the Attorney General with an "as is" formal briefing document, detailing in full all the evidence, intelligence and importantly 'gaps' in these at this time.

Identification and Engagement of partners

In NCA PIP 4 report v.7 it was suggested that consideration be given to engaging [redacted] of [redacted] interrogation sessions put before the Hussein enquiry[8]. [redacted] has now completed his report which makes 6 recommendations[9].

Issue: A key consideration will now be whether [redacted] is utilised to review other complaints held within Op NORTHMOOR surrounding interrogation.
Requirement: Silver decision on further engagement of [redacted] and associated terms of reference.
Timing: Standard.
Recommendation: The PIP 4 can see the benefit of this and consideration should be given to the repeated interrogation sessions of N50 (given the high priority of N50 investigation) as well a prioritisation matrix approach to the large number of interrogation related complaints held within Op NORTHMOOR that sit outside of the HUSSEIN judgement.
Impact if not addressed: Insufficient subject matter expert (SME) support to investigation of interrogation complaints and identification of systemic issues.

Public Confidence and Reputation Management

The ongoing debate around 'Lawfare' is very relevant to Op NORTHMOOR and is becoming increasingly political. This subject was raised by the MOD at the most recent National Security Council (Officials) (NSC(O)) meeting, where MOD highlighted what they perceive to be the gradual intrusion of ECHR on overseas operations and the need to address the trend of litigation from Peters & Peters, Leigh Day & Co, and PIL.

The existence of Op NORTHMOOR has now emerged in the press following an article in the Daily Mail by their defence correspondent Larisa Brown which also focused on the civil claims against the MOD. This will further increase the political and media scrutiny on Op NORTHMOOR. The National Crime Agency and Greater Manchester Police involvement was name checked in the article[10]. The NCA PIP 4 was made aware of the likelihood of coverage and ensured liaison with NCA Media personnel. The agreed NCA Lines are 'this is an independent investigation which is being conducted by the RMP – SIB with NCA and GMP support. Refer all calls MOD press office'.

Issue: Community Impact Assessment.

---

[8] NCA Operation NORTHMOOR PIP 4 report V.7, DSU Paul Williamson, 18/07/2015, p.13

[reference] [redacted]

[10] www.dailymail.co.uk>article-3287178

Requirement: Further to previous NCA PIP 4 recommendations regarding the need for a CIA, most recently in report v.7[11], this has now been completed. This should now be forwarded to DSU David Smart of the National Community Tension Team, CT Command [Contact Details redacted]
Timing: Immediate.
Recommendation: Share Op NORTHMOOR CIA with NCTT.
Impact if not addressed: Lack of effective CIA and information sharing with NCTT. Reputational damage to RMP with National CT Command.

General Investigative Suggestions

A key purpose of this report is to provide considerations to assist SIOs in the development and recording of the tactical investigative strategies.

Team 1

- Current Team 1 Investigations - Following the establishment of Team 1, Op NORTHMOOR, a number of historic allegations were absorbed by the Team for investigation due to them falling under the Terms of Reference (TOR), and the fact they involved unexplained deaths in Afghanistan involving UK Forces. The volume of enquiries and investigations allocated to Team 1 SIO, capacity of the team, capability and consistency must be kept under continual review by the SILVER. The following incidents are currently being investigated or are in the process of being transferred to Team 1, Op NORTHMOOR for investigation:

i. Op NORTHMOOR – Mr Mohammad Bang (N50) – IRN: 02003/14;
ii. Op PAVO – IRN: 83224/10;
iii. Op SHIVERWOOD – IRN: 83189/12;
iv. Op CESTRO – IRN: 83235/12. Arrangements are in hand for this investigation to be transferred from 4 Inv Coy SIB Regt RMP, to Team 1 Op NORTHMOOR, following which a full review of this investigation will be conducted;
v. 83172/13 – Death of a detainee. Arrangements are in hand to transfer this investigation from 4 Inv Coy, SIB Regt RMP to Team 1, Op NORTHMOOR, following which a full review of the investigation will be conducted and the legality of the engagement of the EKIA established.

- Comparative case analysis of Team 1 cases (details known to Team 1 SIO). [Policing tactic redacted] Consideration should be given to employing analysts from a recognised provider. As detailed above, consideration should be given to consulting with an NCA BIA to gain advice on crime linkage analysis.

- Lawful Business Monitoring. As discussed with Team 1 SIO Captain Wright, consideration should be given to researching PM Army policy on

[11] NCA Operation NORTHMOOR PIP 4 report V.7, DSU Paul Williamson, 18/07/2015, p.11

lawful business monitoring to assist investigations in accordance with army policy and advice from NCA Specialist Operations Centre Covert Advice Team.

- Initial witness contact. As discussed with Team 1 SIO and in light of recent observations by [Name Given], SO1 Legal J1/J9, [HQ DSF], any contact with a witness pre interview must receive very careful consideration. The key considerations for initial contact with a potential witness will be:

  i. What are you going to tell?
  ii. What are you going to ask?
  iii. Why?

  Initial contact will be a discussion not an interview and is usually limited to making an informed judgement on the requirement for witness evidence to be recorded, categorisation and prioritisation. Once this is decided upon the discussion should stop and arrangements be made for formal interview.

  It is essential that the key considerations for any initial contact are recorded and that there is a record of the content of initial contact discussion in order to protect the integrity of the enquiry.

  In circumstances where [classified] material is discussed, it could be appropriate to not make notes at the time if in an insecure environment or using public transport etc. but notes should be made as soon as reasonably practicable at a secure location.

  A review of your witness initial contact strategy moving forward will demonstrate that you have taken into account the concerns raised and acted promptly to protect the integrity of the investigation. The NCA PIP 4 will make arrangements for Interview Adviser Bob Cooper to assist in revising the working strategy.

Team 2

- Following liaison with GOLD the PIP 4 conducted an assessment of policy file entries for 'declaration of suspect status' [N122] and [N1050]. As discussed with Capt Robbins and WO2 Duce there is a requirement to address the following:
  i. One policy entry required per suspect;
  ii. There is an identified need to specify criminal offence(s) / AFA 2006 offence(s) suspected of;
  iii. As per CRP of 19/06/15 and direction from DSP need to understand and assess whether ICC Act 2001 offences apply e.g. Geneva Convention 1949 'committing outrages upon personal dignity, in particular humiliating and degrading treatment'. Requirement to liaise with SPA and IHAT to assess what offences they investigate in similar detention cases and obtaining legal advice on application of ICC offences. There appears to be disparity between DSP requirement and advice issued to WO2 Duce regarding application of ICC offences to Team 2 investigation plans;

iv. Specify any command responsibility offences;
v. Specify any disciplinary offence(s);
vi. Rationale for decision needs to be specified in more detail, to include (i) suspect identification (cross ref Officer Report submitted by Sgt Service Number Hope, C.J. dated 23/07/15 – note where ID by witness concerned will need to apply Code D PACE 1984); (ii) What tangible evidence exists to link suspect with involvement in offence e.g. witness testimony / initial account of ...; (iii) What circumstantial evidence exists of sufficient strength to justify suspicion e.g. based on known facts of Op Herrick deployments during relevant times of complaints cross referenced against personal details of detention staff; (iv) Evidence contained within detention records (it is reasonable to assume that all complainant detention records where available have been reviewed for any refer5ence to suspects and that their mention or otherwise would have impact on suspect declaration status) etc.
vii. Requirement for a subsequent policy decision on arrest or voluntary interview under caution taking account of PACE and S110 SOCAP 2005;
viii. Requirement for policy decision on delayed arrest / voluntary interview under caution. If decision to delay as appears to be the case you need to explain why e.g. further enquiries need to be completed which will place enquiry team in a better position to interview; to synchronise arrest / interview with other suspects e.g. N1050 etc. If delay the also need to policy that adequate measures will be taken so that suspect is not put in position where their statutory rights and entitlements are not compromised e.g. direct instruction to Op NORTHMOOR staff that N122 is not to be directly approached pending completion of outstanding enquiries. If risk of N122 committing further offences whilst delayed action this would also need to be subject of comment in policy.
ix. Requirement for policy decision on suspect interview;
x. Please see general comments NCA PIP 4 report 6 pp. 15-19.

- Issue: Need to prioritise Team 2 workload. Requirement: Provide clarity and focus in accordance with nature of allegation and risk. Having reviewed 'Op NORTHMOOR Team 2 Prioritisation Strategy' (draft) it appears that this is taking place but that there are groupings of 'offences' that could be submitted to the CRP for referral as suspected systemic issues in accordance with the investigations terms of reference e.g. complaints related to searching which is a legitimate requirement where no aggravating factors such as sexual assault are alleged; storage of the Qur'an; a method in detention facility where no assault alleged etc. This would reduce the volume of 'lower' level complaints under active investigation and enable Team 2 to have greater focus on the lesser numbers of serious complaints. Please see NCA PIP 4 report v3 pp. 5-6, report v6 p.12 and 15-16, report v7 p.14.

- Issue: 'Op NORTHMOOR Offence Categories – Investigators Guide to Action' and investigation strategies Team 2. Requirement: There is an identified need for SIO Team 2 to consider (i) the statute of limitations on

common assault and other summary only offences in investigation plans; (ii) whether it is possible to commit criminal law offences under Public Order Act in a detention handling facility.

- T2 enquiries and witness interviews. GOLD has asked for advice on 'witnesses who admit criminality' as well as the recording of evidence from witnesses, primarily former Detainee Handlers deployed on Op HERRICK. Examples have arisen where during the recording of their evidence, witnesses have admitted breaches of minor discipline, which have resulted in a caution being given by the recording officer and the interview subsequently terminated. The breaches of discipline do not amount to Article 3 and are non-criminal conduct. This is a complex issue. Immediate guidance for civilian police enquiries can be found in the following:

i. Blackstone's Senior Investigating Officers Handbook[12];
ii. CPS 'Letters of Comfort' outlining what sort of factors will determine if it is in public interest to prosecute;
iii. CPS Legal Guidance on Queens Evidence – Immunities, Undertakings and Agreements under the Serious Organised Crime and Police Act 2005[13]. These include Section 71 – Immunity from Prosecution where Attorney Generals consent required; Section 72 – Restricted Use Undertakings / Protection from Self-Incrimination where DPP consent required; Section 73 – Reduction in Sentence where DPP consent required; Section 74 – Review of Sentence CPS Level Prosecutor or CPS Head of Department authority required. The PIP 4 is however, aware that the SOCPA provisions will not legally be applied to RMP until Spring 2016.

Due to the complexities of Operation NORTHMOOR, additional military context and anticipated appropriate future scrutiny of any decision the PIP 4 has asked for a form of words on advice required from SILVER Captain ROBBINS. The PIP 4 will then engage the NCA National Interview Adviser who has recent case experience on this very issue to formulate advice for Operation NORTHMOOR GOLD Commander.

Conclusion

The GMP MCRT lead has also highlighted the need for continued PIP4 support and advice. The NCA have since reaffirmed their continued commitment to providing this support to Op NORTHMOOR.

Paul Williamson
Detective Superintendent
Regional Organised Crime Coordinator
Regional Operations East Midlands
Organised Crime Command
National Crime Agency
Contact Details

[12] Senior Investigating Officers Handbook. Third Edition. Tony Cook & Andy Tattersall. Blackstone's. Oxford University Press. 2014, pp. 296-297.

[13] www.cps.gov.uk/legal/p_to_r

Prepared for OPEN publication in relation to the Independent Inquiry Relating to Afghanistan

www.nationalcrimeagency.gov.uk
www.facebook.com/NCA Twitter:@NCA_UK
NCA mission: leading the UK's fight to cut serious and organised crime.

Annex A

10/08/2015 TC with GOLD;
10/08/2015 VTC [redacted] 0/02/2015 Meeting SILVER and SIOs Teams 1-3;
12/08/2015 TC Meeting SILVER and SIOs Teams 1 – 4;
12/08/2015 NCA HQ Spring Gardens. Meeting with DDG David Armond; [redacted] and Director Legal Services Jonathan Richards to discuss RMP requirement outlined in letter from Brigadier Warren;
18/08/2015 Campion Lines, Bulford. Meeting with GOLD;
18/08/2015 Campion Lines, Bulford. Meeting SILVER and SIOs Teams 1 – 4;
26/08/2015 TC Meeting SILVER and SIOs Teams 1 – 4;
08/09/2015 Campion Lines, Bulford. GOLD Group Meeting;
10/09/2015 PJHQ Case Review Panel;
24/09/2015 Campion Lines, Bulford. Meeting with GOLD, T/SILVER Captain Robbins, Team 1 SIO Captain Wright and DSIO [redacted] to discuss progress of Team 1 investigations and assess threat and risk and develop working strategy;
29/09/2015 TC Meeting SILVER and SIOs Teams 1 – 4;
30/09/2015 NCA Spring Gardens, London. PIP 4 briefing of [redacted];
Policing intelligence [redacted]
30/09/2015 NCA Spring Gardens, London. PIP 4 briefing of Deputy Director Caroline Young on progress of Operation NORTHMOOR.
07-08/10/2015 Campion Lines, Bulford. Two day deployment to provide advice and support to SILVER, SIO Team 1 and DSIO Team 2;
13/10/2015 Campion Lines, Bulford. Meeting SILVER and SIOs Teams 1 – 4;
20/10/2015 Campion Lines, Bulford. Meeting SILVER and SIOs Teams 1 – 4;
27/10/2015 TC Meeting SILVER and SIOs Teams 1 – 4;
06/11/2015 Case Review Panel Conference Room, SPA, RAF Northolt.

Prepared for OPEN publication in relation to the Independent Inquiry Relating to Afghanistan

NCA
National Crime Agency

Organised Crime Command

PIP 4 Report

Operation NORTHMOOR
Royal Military Police – Special Investigation Branch

Detective Superintendent Paul WILLIAMSON

Date 11/11/2015

Version number 8

Disclosure Statement

This report, together with any supporting material, has been provided under S.7 of the Crime and Courts Act 2013.

The NCA Support Service is provided in good faith, based upon the information you have supplied to us. Whilst we take reasonable steps to ensure that the material provided is accurate and up to date, the nature of the material means that we cannot guarantee its accuracy or completeness. Responsibility for acting upon the material rests solely with the recipient, who may wish to seek independent verification. We will not accept liability for any loss arising from the provision of this report. This report is not intended to constitute national policy, legal advice or other professional advice.

All enquiries to NCA Crime Operational Support are recorded on a central database and are subject to the disclosure provisions of the Criminal Procedure and Investigations Act 1996. The NCA PIP 4 in the case has access to all unused material. All of this material is available to the Disclosure Officer upon request. It is the policy of Crime Operational Support not to photocopy any of our material for disclosure purposes. Any unused material will be delivered to the Disclosure Officer or Crown Prosecution Office for examination upon request to comply with the continuing duty set out in the CPIA.

This report has been provided in confidence and should not be disclosed without our consent, further to Schedule 7, Part 3, of the Crime and Courts Act 2013. Information supplied by or relating to the NCA is absolutely exempt from disclosure under the Freedom of Information Act 2000, under S.23 of that Act. Requests for disclosure by the public should be referred, by email, to

[redacted] Contact Details

D2733

Administration

Investigation	Operation NORTHMOOR – Investigation into allegations of unlawful killing and ill treatment by UK Military Forces in Afghanistan
Force	Royal Military Police
GOLD	Lt Colonel John McALLISTER
SILVER	Temporary SILVER Captain Steve ROBBINS in absence of Major Moira PENMAN, Special Investigation Branch Regiment, Royal Military Police
SIO	Team 1 Captain J.L. WRIGHT; Team 2 WO1 Debbie HAYES; Team 3 Captain Steve ROBBINS; Team 4 - VACANT
NCA Reference No.	[REF]
PIP 4	Detective Superintendent Paul WILLIAMSON
Crime Investigation Support Officer	Detective Sergeant Bob COOPER
Behavioural Investigative Adviser	N/A
Geographic Profiler	N/A
Peer Review	PIP 4 George BARR

Terms of Reference

The NCA PIP 4 terms of reference have been devised and approved by National PIP 4 Coordinator, NCA Organised Crime Command Deputy Director, GOLD and SILVER as follows:

1. Where appropriate provide advice and support to the GOLD Commander, particularly in relation to development of a professional and proportionate investigative response to the wider policing operation;
2. To provide investigative support and advice to the SILVER;
3. Support the SILVER with strategic organisational issues such as resource levels, financial management, identification and engagement of strategic partners, community impact issues and communications strategies. Final decisions in all areas remain with the SILVER;
4. To provide investigative support and advice to the SIO(s);

5. To assist the SIO(s) in decision making to allow the SIO to make rational and robust decisions through appropriate discussion.

In performing the PIP 4 role nothing will be done in isolation of GOLD, the SILVER or SIOs. PIP 4 advice and support will continue to be provided dynamically and recorded for audit and review in report format.

Introduction

Further to the submission of the NCA Crime Operational Support Regional Adviser Report version 7 dated 18/07/2015 the deployment schedule of the NCA PIP 4 can be found at Annex A.

A number of points and observations have been made during the reporting period and time spent with GOLD, SILVER and SIOs. The following points summarise some of those that are considered worthy of inclusion in this report.

Strategic Management Issues

Command Structure and Leadership

The Command Role term of 'Officer in Overall Command' (OIOC) has now been replaced by Silver Commander to avoid any confusion with the role of GOLD. During the reporting period, Major Penman has been temporarily replaced as Silver by Captain Robbins (Team 2 SIO and Senior Captain). The Silver role is essential for determining the overall investigative strategy, supporting each Team SIO and the GOLD Commander in achieving the objectives set by GOLD.

Issue: The PIP 4 and Greater Manchester Police (GMP) Major Crime Review Team (MCRT) lead Martin Bottomley have highlighted the risk that the lack of a dedicated Silver may have a debilitating effect on the strategic management and coordination of the enquiry if allowed to go unresolved for a sustained period.
Requirement: Appointment of suitably skilled, knowledgeable and experienced Silver Commander.
Timing: Immediate.
Background: Major PENMAN has not been deployed to Op NORTHMOOR in an operational capacity since September 2015. It is confirmed that Major PENMAN will not return to operational duties on Op NORTHMOOR.
Recommendation: Appointment of suitably skilled, knowledgeable and experienced Silver Commander.
Impact if not addressed: Ineffective command and leadership of Op NORTHMOOR.

Issue: Leadership of Team 4 and Interrogation enquiries in absence of Major PENMAN[1].
Requirement: Clear accountability and ownership allocated for 'Interrogation' enquiries previously led by Major PENMAN.

[1] NCA Operation NORTHMOOR PIP 4 report V.6, DSU Paul Williamson, 18/02/2015, pp. 6-7

D2733

Timing: Immediate.
Background: As a result direction from GOLD, the OIOC made a Policy decision on 02/12/2014 'To set up a new and 4th Team within Op NORTHMOOR headed by a newly appointed SIO – Capt. M Penman'. The Team 4 task was to review the initial 33 hours of footage following judgment in the case of The Queen (Haidar Ali Hussein) and the Secretary of State for Defence[2].
Recommendation: This is addressed immediately.
Impact if not addressed: Lack of direction and focus for staff, investigation of interrogation complaints and coordination of out sourced tasks. Justifiable criticism by GMP Major Crime Review Team. Reputational damage to RMP.

Weekly SILVER meetings are taking place as well as regular GOLD meetings. These are imperative to provide focus and direction for the enquiry. The PIP 4 acknowledges the different military operating procedures, however suggests that the GOLD Commander should again review the list of attendees at GOLD meetings in accordance with previous advice[3].

Issue: There are clearly some key strategic blockages at present. The PIP 4 acknowledges that GOLD is investing a great deal of time and effort in attempting to resolve these, which include:

- The interim solution at HMS Collingwood and the standing up of clearance compliant facilities has been delayed. There is a clear need to ensure completion of RMAD(s) and purchase of software to enable search and retrieval of information held on SFHQ(A) server. Access to this data is critical to inform Team 1 SIO key decision making and GOLD is directing SPCB3C to prioritise Op NORTHMOOR requests. The PIP 4 considers it absolutely essential that there is no further delay to enable search and retrieval of key information from DSF servers ;
- Attendance of LDC at interviews in AFG requiring Secretary of State for Defence agreement. On 26/10/2015 GOLD formally requested in writing (report ref: PMA/04_1/01/04) that the Ops Directorate formally direct PJHQ to facilitate the deployment of RMP investigators and LDC solicitors, and provide a secure environment in order to carry out police interviews that will meet the evidential standards as best can be allowed for, required by British Courts. Please refer to previous PIP 4 advice[4]. A recce of Hamid Karzai International Airport (HKIA), Kabul has been conducted and suitable facilities identified;
- Operational Security Details
- Effective information sharing with IHAT[5]. DSP has committed to meeting with IHAT senior leaders Commander Hawkins and SILVER Mark Warwick

[2] [2014] EWCA Civ 1087

[3] NCA Operation NORTHMOOR PIP 4 report V.2, DSU Paul Williamson, 23/05/2014, pp. 6-7

[4] NCA Operation NORTHMOOR PIP 4 report V.5, DSU Paul Williamson, 26/09/2014, pp. 6-7

[5] NCA Operation NORTHMOOR PIP 4 report V.7, DSU Paul Williamson, 18/07/2015, p.9

together with Op NORTHMOOR GOLD and PIP 4 in an effort to resolve the current impasse on information sharing;

- Agreement of DSF Protocol for Op NORTHMOOR. The PIP 4 has further engaged with [redacted] regarding DSF protocols to obtain comparative working practice. MPS 2 has provided information on SO15 experience of investigations involving Military Personnel. The majority of SO15 involvement and training revolves around Post Incident and the use of evidence from site exploitation, however they have conducted investigations where Military personnel have been witnesses of truth for criminal, Coronial processes and also where they have been suspects. It has been highlighted that it is essential for the status of those involved (witness/suspect), jurisdiction, primacy, prosecuting authority, lead investigating authority, anonymity process in place to date, offences and an understanding of what has already taken place to be fully understood and agreed during the initial police/Military/ ALS scoping and disclosure process. Negotiation with those involved has previously been previously greatly enhanced once the inclusion of a SFLO was agreed and this would need to be carefully balanced with operational security if considered on Operation NORTHMOOR Team 1 enquiries. All witness, suspect procedures are dealt with by SO15 on a case by case basis. Where over arching SOP's are present the specific area of witness statements, interviews and arrest sit outside the SOP to allow a bespoke strategy to be put in place, not a one size fits all approach. SF witnesses are provided with anonymity, SF personnel who are suspects are also provided with anonymity until such time that they either waive it themselves or a court decides it is in the public interest. The following redacted documents have been provided by MPS 2 through PIP 4 to GOLD on a 'police to police basis only:
  i. Witness Strategy (comprehensive), again specific to SF where they are providing evidence in their role, as witnesses of truth, not where they are providing evidence outside their role;
  ii. Witness Interview Strategy - Deals with specific reasons for anonymity and ALS support
  iii. Suspect Strategy redacted (suspect provided with full anonymity throughout the process, written not electronic custody record, all papers and exhibits redacted to protect identity);
  iv. Dignity Strategy redacted (suspect);
  v. Solicitors Undertaking (suspect).

Any further disclosure or inclusion in your enquiry documentation as reference papers will require additional sign off.

Current negotiations between GOLD and DSF senior commanders appear to be making progress in balancing RMP legal duties in investigation with national security issues. Should these negotiations fail to address the current impasse the PIP 4 would recommend seeking to resolve this at a higher level with the Attorney General's office that will be able to provide a higher level of objective advice that seeks to balance these competing demands.

Requirement: Key strategic blockages to an effective and expeditious investigation are addressed and removed.
Timing: Standard.

Recommendation: GOLD to continue focusing effort in removing these key strategic blockages.
Impact if not addressed: Inefficiency and ineffectiveness in investigation. External criticism of and reputational damage to RMP.

Resource Management

The investigation is currently being operated on HOLMES from offices within SIB Campion Lines, Bulford, Wiltshire where a temporary closure is planned in 2016 for refurbishment. Planning has commenced for the now confirmed move to a dedicated [redacted] compliant facility, in St Mawgan, Cornwall. This is to ensure that that Operation NORTHMOOR can securely hold protectively marked material and will provide the permanent location for a fully staffed Major Incident Room capable of operating at [redacted]. Infrastructure and IT funding has been approved. This move will have a short term disruptive impact on enquiries but is essential for the long term effectiveness of the enquiry. Staffing levels are projected to uplift to 128 on completion of this move.

Further to the meeting between GOLD and NCA Director General on 02/07/2015 and the RMP SIB formal written request for additional assistance from the NCA, on 02/09/2015 NCA DDG David Armond provided a written response to Brigadier Warren. A copy of this letter is attached. A key requirement at this time is to assess the operational support required from the NCA in the development of a covert strategy further to the PIP 4 meeting on 13/10/2015 with Team 1 SIO Captain Wright, [redacted]

Issue: Use of covert policing tactics.
Requirement: Mature assessment by Team 1 SIO on the necessity and proportionality of covert tactics in progression of enquiries on the basis of information known at this time.
Timing: Ongoing.

Intelligence and Information Management

On 08/09/2015 Staff Sergeant Butler submitted a loose minute to GOLD detailing potential systemic issues. The aim of this is to highlight possible systemic issues so that consideration can be given as to whether they should be passed to the Systemic Working Group in accordance with the investigation terms of reference.

Issue: Referral of Systemic issues.
Requirement: Confirm loose minute has been referred to Systemic Working Group.
Timing: Immediate.
Impact if not addressed: Lack of compliance with GOLD objectives and likely future criticism if lessons not learned in a timely and effective manner.

Further to recommendations made in NCA PIP 4 report v.6[6] the Case Review Panel meetings are now well established and involve the Service Prosecuting Authority (SPA). The GMP MCRT is engaged in reviewing the process and is next due to visit on 16/11/2015.

It is recognised that potentially relevant material in respect of the activities of the British military in Afghanistan, falling within the scope of Operation NORTHMOOR, is currently held on the Special Forces intelligence database(s).

Policing Intelligence

[redacted]

Policing Intelligence

[redacted]

Policing tactic

[redacted] This could also be combined with a further witness appeal similar to the one recently circulated on Op Resolve (criminal investigation into the Hillsborough disaster). This would appeal for witnesses that may hold important information or exhibits e.g. digital imagery as part of the ongoing investigation.

Issue: Witness appeal.
Requirement: Consider Op NORTHMOOR national witness appeal.
Timing: Standard timing to coincide with resource uplift which will provide resilience in being able to respond.
Recommendation: This is a reasonable line of enquiry and should be pursued in absence of a good reason not to.

[6] NCA Operation NORTHMOOR PIP 4 report V.6, DSU Paul Williamson, 18/02/2015, p.12

DZ733

Impact if not addressed: Criticism that investigation has not pursued a reasonable line of enquiry.

Issue: The PIP 4 has been approached for views by GOLD on whether an additional 11 (with a potential 15 other) cases under review by team 1, should form a 'linked series'.
Requirement: Provision of PIP 4 guidance.
Background: The term 'linked series', describes investigations where it is believed that individual offences have been committed by the same person(s). Linked series investigations are rare and are generally presented by 2 scenarios. The first is where offenders prevent a homicide from coming to the attention of the police e.g. by disguising the fact that deaths were homicides. The best example of this would be the Shipman enquiry and may be a useful case comparator for Op NORTHMOOR. The series only comes to light when offenders are investigated because one of the killings is discovered. In such cases the investigation is concerned with identifying the number of victims and the evidence connecting the offenders to them. This will usually form one investigation rather than a number of linked ones. A linked series investigation generally only occurs in the second scenario where individual bodies are found in different locations at different times and investigations reveal they are committed by the same person.

Linking 2 or more homicides with certainty can be extremely difficult and has significant consequences for the investigation. Failure to link offences committed by the same offender can lead to lost opportunities but wrongly linking can be equally damaging. The procedures employed in the investigation of linked series are contained in MIRSAP and MIM[7]. Linkage analyses for crimes of homicide are relatively rare when compared to those produced for offences involving living victims, most commonly considering potential linkage between a number of sexual offences.

Recommendation: The PIP 4 considers the whole debate around offence linkage an interesting one. There is no doubt that incidents under investigation by team 1 are linked by geography, time and service units involved. The PIP 4 views this as an 'Investigative Methodology' issue at its heart. The question is more what the trigger for investigation is. Is it one of two things Unit/Individual or Event? If there is a Unit whose tactical deployments are seriously questionable then we must track them throughout the totality of their deployments matching them to events, done through a Timeline or Sequence of Events. Alternatively if there is a questionable Event such as the N50 complaint, then likewise we must track those involved in such an Event throughout their deployment history, the linkage issue then potentially becomes a superfluous one. In determining the above we must always revert back to the clarity of Investigative Objectives as the basis for intervention.

The provision of behavioural crime linkage analysis has been a standard part of the support offered to major crime investigations by BIAs over recent years. What may be possible and of potential value is a 'Probabilistic Assessment' and production of 'Likelihood Ratios' which would involve analysis of a dataset to

[7] Murder Investigation Manual, ACPO, 2006, 2.6.5

assess for example 'probability someone killed as a result of unlawful use of force ÷ probability someone killed as a result of lawful use of force'. I would recommend consultation with an NCA Behavioural Investigative Adviser (BIA) on this subject and arrangements have been made for Senior BIA Lee Rainbow to attend Campion Lines, Bulford on 17/11/2015 to conduct a scoping assessment on these issues.

When all factors are considered, there are 3 decisions that can be made:

i. To link cases;
ii. Not to link cases;
iii. Defer the decision.

My natural instinct at this stage would be to acknowledge these basic links but to defer any decision to formally link pending more detailed comparative case analysis, consultation with BIA, access to data held on relevant DSF seized servers and ongoing witness enquiries which will add more clarity to key considerations and decisions moving forward. Sufficient safeguards are in place, including Silver and ongoing CCA to mitigate any risk in deferring decision.

Issue: Ensuring that the GOLD Investigative objectives are stuck to.
Requirement: Consideration can be given to the analytical tool of Operational Intelligence Assessment (OIA).
Background: This is a method of ensuring that medium to long-term investigations remain focused on their original objectives. It is not solely the analyst's responsibility to complete an OIA. An operational intelligence assessment:

- assists the prevention of mission creep;
- identifies priorities for the intelligence effort involved in the investigation or operation;
- focuses decisions about resources;
- guides investigative activities;
- verifies that protocols such as the correct authorisations are present;
- aids the review of compliance with Human Rights Act 1998, Regulation of Investigatory Powers Act 2000 and other legislation.

Recommendation: Consideration is given by Silver to commissioning an OIA.
Impact if not endorsed: Potential for mission creep on Op NORTHMOOR.

Issue: HOLMES action management.
Requirement: A further action review to assess whether these are all indeed HP.
Background: There are a large number of HP actions allocated.
Recommendation: Silver to conduct review of HP actions.
Impact if not addressed: Ineffective prioritisation and action allocation.

Risk Management

There is potential risk to national security, communities, reputation of the British Army and HM Government in Team 1 current investigations which the readers of this report will be well sighted on. The PIP 4 is fully supportive of GOLD's decision to provide 'upstream' briefing the Attorney General with an "as is" formal briefing document, detailing in full all the evidence, intelligence and importantly 'gaps' in these at this time.

Identification and Engagement of partners

In NCA PIP 4 report v.7 it was suggested that consideration be given to engaging [redacted] of [redacted], interrogation sessions put before the Hussein enquiry[8]. [redacted] has now completed his report which makes 6 recommendations[9].

Issue: A key consideration will now be whether [redacted] is utilised to review other complaints held within Op NORTHMOOR surrounding interrogation.
Requirement: Silver decision on further engagement of [redacted] and associated terms of reference.
Timing: Standard.
Recommendation: The PIP 4 can see the benefit of this and consideration should be given to the repeated interrogation sessions of N50 (given the high priority of N50 investigation) as well a prioritisation matrix approach to the large number of interrogation related complaints held within Op NORTHMOOR that sit outside of the HUSSEIN judgement.
Impact if not addressed: Insufficient subject matter expert (SME) support to investigation of interrogation complaints and identification of systemic issues.

Public Confidence and Reputation Management

The ongoing debate around 'Lawfare' is very relevant to Op NORTHMOOR and is becoming increasingly political. This subject was raised by the MOD at the most recent National Security Council (Officials) (NSC(O)) meeting, where MOD highlighted what they perceive to be the gradual intrusion of ECHR on overseas operations and the need to address the trend of litigation from Peters & Peters, Leigh Day & Co, and PIL.

The existence of Op NORTHMOOR has now emerged in the press following an article in the Daily Mail by their defence correspondent Larisa Brown which also focused on the civil claims against the MOD. This will further increase the political and media scrutiny on Op NORTHMOOR. The National Crime Agency and Greater Manchester Police involvement was name checked in the article[10]. The NCA PIP 4 was made aware of the likelihood of coverage and ensured liaison with NCA Media personnel. The agreed NCA Lines are 'this is an independent investigation which is being conducted by the RMP – SIB with NCA and GMP support. Refer all calls MOD press office'.

Issue: Community Impact Assessment.

[8] NCA Operation NORTHMOOR PIP 4 report V.7, DSU Paul Williamson, 18/07/2015, p.13

[reference] [redacted]

[10] www.dailymail.co.uk>article-3287178

Requirement: Further to previous NCA PIP 4 recommendations regarding the need for a CIA, most recently in report v.7[11], this has now been completed. This should now be forwarded to DSU David Smart of the National Community Tension Team, CT Command Contact details [redacted]
Timing: Immediate.
Recommendation: Share Op NORTHMOOR CIA with NCTT.
Impact if not addressed: Lack of effective CIA and information sharing with NCTT. Reputational damage to RMP with National CT Command.

General Investigative Suggestions

A key purpose of this report is to provide considerations to assist SIOs in the development and recording of the tactical investigative strategies.

Team 1

- Current Team 1 Investigations - Following the establishment of Team 1, Op NORTHMOOR, a number of historic allegations were absorbed by the Team for investigation due to them falling under the Terms of Reference (TOR), and the fact they involved unexplained deaths in Afghanistan involving UK Forces. The volume of enquiries and investigations allocated to Team 1 SIO, capacity of the team, capability and consistency must be kept under continual review by the SILVER. The following incidents are currently being investigated or are in the process of being transferred to Team 1, Op NORTHMOOR for investigation:

i. Op NORTHMOOR – Mr Mohammad Bang (N50) – IRN: 02003/14;
ii. Op PAVO – IRN: 83224/10;
iii. Op SHIVERWOOD – IRN: 83189/12;
iv. Op CESTRO – IRN: 83235/12. Arrangements are in hand for this investigation to be transferred from 4 Inv Coy SIB Regt RMP, to Team 1 Op NORTHMOOR, following which a full review of this investigation will be conducted;
v. 83172/13 – Death of a detainee. Arrangements are in hand to transfer this investigation from 4 Inv Coy, SIB Regt RMP to Team 1, Op NORTHMOOR, following which a full review of the investigation will be conducted and the legality of the engagement of the EKIA established.

- Comparative case analysis of Team 1 cases (details known to Team 1 SIO). Policing tactic [redacted]. Consideration should be given to employing analysts from a recognised provider. As detailed above, consideration should be given to consulting with an NCA BIA to gain advice on crime linkage analysis.

- Lawful Business Monitoring. As discussed with Team 1 SIO Captain Wright, consideration should be given to researching PM Army policy on

[11] NCA Operation NORTHMOOR PIP 4 report V.7, DSU Paul Williamson, 18/07/2015, p.11

lawful business monitoring to assist investigations in accordance with army policy and advice from NCA Specialist Operations Centre Covert Advice Team.

- Initial witness contact. As discussed with Team 1 SIO and in light of recent observations by [Name Given], SO1 Legal J1/J9, [HQ DSF], any contact with a witness pre interview must receive very careful consideration. The key considerations for initial contact with a potential witness will be:

  i. What are you going to tell?
  ii. What are you going to ask?
  iii. Why?

  Initial contact will be a discussion not an interview and is usually limited to making an informed judgement on the requirement for witness evidence to be recorded, categorisation and prioritisation. Once this is decided upon the discussion should stop and arrangements be made for formal interview.

  It is essential that the key considerations for any initial contact are recorded and that there is a record of the content of initial contact discussion in order to protect the integrity of the enquiry.

  In circumstances where [classified] material is discussed, it could be appropriate to not make notes at the time if in an insecure environment or using public transport etc. but notes should be made as soon as reasonably practicable at a secure location.

  A review of your witness initial contact strategy moving forward will demonstrate that you have taken into account the concerns raised and acted promptly to protect the integrity of the investigation. The NCA PIP 4 will make arrangements for Interview Adviser Bob Cooper to assist in revising the working strategy.

Team 2

- Following liaison with GOLD the PIP 4 conducted an assessment of policy file entries for 'declaration of suspect status' [N122] and [N1050]. As discussed with Capt Robbins and WO2 Duce there is a requirement to address the following:
  i. One policy entry required per suspect;
  ii. There is an identified need to specify criminal offence(s) / AFA 2006 offence(s) suspected of;
  iii. As per CRP of 19/06/15 and direction from DSP need to understand and assess whether ICC Act 2001 offences apply e.g. Geneva Convention 1949 'committing outrages upon personal dignity, in particular humiliating and degrading treatment'. Requirement to liaise with SPA and IHAT to assess what offences they investigate in similar detention cases and obtaining legal advice on application of ICC offences. There appears to be disparity between DSP requirement and advice issued to WO2 Duce regarding application of ICC offences to Team 2 investigation plans;

iv. Specify any command responsibility offences;
v. Specify any disciplinary offence(s);
vi. Rationale for decision needs to be specified in more detail, to include (i) suspect identification (cross ref Officer Report submitted by Sgt Service Number Hope, C.J. dated 23/07/15 – note where ID by witness concerned will need to apply Code D PACE 1984); (ii) What tangible evidence exists to link suspect with involvement in offence e.g. witness testimony / initial account of ...; (iii) What circumstantial evidence exists of sufficient strength to justify suspicion e.g. based on known facts of Op Herrick deployments during relevant times of complaints cross referenced against personal details of detention staff; (iv) Evidence contained within detention records (it is reasonable to assume that all complainant detention records where available have been reviewed for any refer5ence to suspects and that their mention or otherwise would have impact on suspect declaration status) etc.
vii. Requirement for a subsequent policy decision on arrest or voluntary interview under caution taking account of PACE and S110 SOCAP 2005;
viii. Requirement for policy decision on delayed arrest / voluntary interview under caution. If decision to delay as appears to be the case you need to explain why e.g. further enquiries need to be completed which will place enquiry team in a better position to interview; to synchronise arrest / interview with other suspects e.g. N1050 etc. If delay the also need to policy that adequate measures will be taken so that suspect is not put in position where their statutory rights and entitlements are not compromised e.g. direct instruction to Op NORTHMOOR staff that N122 is not to be directly approached pending completion of outstanding enquiries. If risk of N122 committing further offences whilst delayed action this would also need to be subject of comment in policy.
ix. Requirement for policy decision on suspect interview;
x. Please see general comments NCA PIP 4 report 6 pp. 15-19.

- Issue: Need to prioritise Team 2 workload. Requirement: Provide clarity and focus in accordance with nature of allegation and risk. Having reviewed 'Op NORTHMOOR Team 2 Prioritisation Strategy' (draft) it appears that this is taking place but that there are groupings of 'offences' that could be submitted to the CRP for referral as suspected systemic issues in accordance with the investigations terms of reference e.g. complaints related to searching which is a legitimate requirement where no aggravating factors such as sexual assault are alleged; storage of the Qur'an; a method in detention facility where no assault alleged etc. This would reduce the volume of 'lower' level complaints under active investigation and enable Team 2 to have greater focus on the lesser numbers of serious complaints. Please see NCA PIP 4 report v3 pp. 5-6, report v6 p.12 and 15-16, report v7 p.14.

- Issue: 'Op NORTHMOOR Offence Categories – Investigators Guide to Action' and investigation strategies Team 2. Requirement: There is an identified need for SIO Team 2 to consider (i) the statute of limitations on

common assault and other summary only offences in investigation plans; (ii) whether it is possible to commit criminal law offences under Public Order Act in a detention handling facility.

- T2 enquiries and witness interviews. GOLD has asked for advice on 'witnesses who admit criminality' as well as the recording of evidence from witnesses, primarily former Detainee Handlers deployed on Op HERRICK. Examples have arisen where during the recording of their evidence, witnesses have admitted breaches of minor discipline, which have resulted in a caution being given by the recording officer and the interview subsequently terminated. The breaches of discipline do not amount to Article 3 and are non-criminal conduct. This is a complex issue. Immediate guidance for civilian police enquiries can be found in the following:

i. Blackstone's Senior Investigating Officers Handbook[12];
ii. CPS 'Letters of Comfort' outlining what sort of factors will determine if it is in public interest to prosecute;
iii. CPS Legal Guidance on Queens Evidence – Immunities, Undertakings and Agreements under the Serious Organised Crime and Police Act 2005[13]. These include Section 71 – Immunity from Prosecution where Attorney Generals consent required; Section 72 – Restricted Use Undertakings / Protection from Self-Incrimination where DPP consent required; Section 73 – Reduction in Sentence where DPP consent required; Section 74 – Review of Sentence CPS Level Prosecutor or CPS Head of Department authority required. The PIP 4 is however, aware that the SOCPA provisions will not legally be applied to RMP until Spring 2016.

Due to the complexities of Operation NORTHMOOR, additional military context and anticipated appropriate future scrutiny of any decision the PIP 4 has asked for a form of words on advice required from SILVER Captain ROBBINS. The PIP 4 will then engage the NCA National Interview Adviser who has recent case experience on this very issue to formulate advice for Operation NORTHMOOR GOLD Commander.

Conclusion

The GMP MCRT lead has also highlighted the need for continued PIP4 support and advice. The NCA have since reaffirmed their continued commitment to providing this support to Op NORTHMOOR.

Paul Williamson
Detective Superintendent
Regional Organised Crime Coordinator
Regional Operations East Midlands
Organised Crime Command
National Crime Agency
Contact Details

[12] Senior Investigating Officers Handbook. Third Edition. Tony Cook & Andy Tattersall. Blackstone's. Oxford University Press. 2014, pp. 296-297.

[13] www.cps.gov.uk/legal/p_to_r

www.nationalcrimeagency.gov.uk
www.facebook.com/NCA Twitter:@NCA_UK
NCA mission: leading the UK's fight to cut serious and organised crime.

Annex A

10/08/2015 TC with GOLD;
10/08/2015 VTC [redacted] 0/02/2015 Meeting SILVER and SIOs Teams 1-3;
12/08/2015 TC Meeting SILVER and SIOs Teams 1 – 4;
12/08/2015 NCA HQ Spring Gardens. Meeting with DDG David Armond; [redacted] and Director Legal Services Jonathan Richards to discuss RMP requirement outlined in letter from Brigadier Warren;
18/08/2015 Campion Lines, Bulford. Meeting with GOLD;
18/08/2015 Campion Lines, Bulford. Meeting SILVER and SIOs Teams 1 – 4;
26/08/2015 TC Meeting SILVER and SIOs Teams 1 – 4;
08/09/2015 Campion Lines, Bulford. GOLD Group Meeting;
10/09/2015 PJHQ Case Review Panel;
24/09/2015 Campion Lines, Bulford. Meeting with GOLD, T/SILVER Captain Robbins, Team 1 SIO Captain Wright and DSIO [redacted] to discuss progress of Team 1 investigations and assess threat and risk and develop working strategy;
29/09/2015 TC Meeting SILVER and SIOs Teams 1 – 4;
30/09/2015 NCA Spring Gardens, London. PIP 4 briefing of [redacted];
Policing intelligence [redacted]
30/09/2015 NCA Spring Gardens, London. PIP 4 briefing of Deputy Director Caroline Young on progress of Operation NORTHMOOR.
07-08/10/2015 Campion Lines, Bulford. Two day deployment to provide advice and support to SILVER, SIO Team 1 and DSIO Team 2;
13/10/2015 Campion Lines, Bulford. Meeting SILVER and SIOs Teams 1 – 4;
20/10/2015 Campion Lines, Bulford. Meeting SILVER and SIOs Teams 1 – 4;
27/10/2015 TC Meeting SILVER and SIOs Teams 1 – 4;
06/11/2015 Case Review Panel Conference Room, SPA, RAF Northolt.