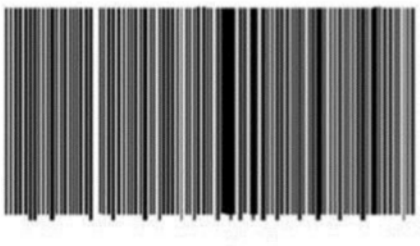
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PM(A)04/02/02/14

11 Jul 16

DCGS – thru' MA

Copy to:

PM(A)

OP NORTHMOOR MANNING CONSIDERATIONS

References:

A. PM(A) PM(A)/02/02 dated 17 Mar 14.
B. Major Incident Room Standardised Administrative Procedures 2005.
C. Op NORTHMOOR IS Business Case dated 8 Jan 16.
D. Major Investigation Manual 2005.

Issue

1. DCGS' request for clarification for the rationale for the manning structure for Op NORTHMOOR.

Recommendation

2. DCGS is requested to note:

a. From the outset the investigation has endeavoured to meet national standards whilst minimising resource requirements;
b. The minimum requirement at this time is 123 suitably qualified personnel;
c. That use of FTRS has been deemed as not feasible;
d. Whilst a full contractor solution is not viable, there may be scope for some contractors in selected posts; and
e. Use of the Army Reserve has been considered, but again is not feasible.

3. **Timing**. Routine

Background

4. Op HERRICK was a JOINT but LAND led operation and as such PJHQ constructed the FET to task RMP with the 'Police the Force' requirement. This included allegations made by or against UK personnel deployed on the operation; including allegations of unlawful killing and ill treatment by those detained by UK Forces. Approximately 40% of these allegations were made direct to the Detention Oversight Team (DOT) [1] in Op HERRICK, 40% were made through civil proceedings with the remaining 20% reported through various agencies such as a TPE, the High Court and through direct allegations by UK personnel witnessing what they believed to be unlawful activity. Reference A was the decision by PM(A) to consolidate a number of these investigations into one Operation to ensure the prompt, independent and effective investigation of the allegations but in a manner that would meet National Security requirements of MoD and [redacted].

[1] DOT (consisting of an ALS OF 4 and RMP OF3) visited former UK Detainees who had been transferred to Afghan Detention but who had yet to be convicted of any crime to ensure that they were not being ill-treated.

5. The initial planning assumption was based on the civil litigation claims only and it was assessed that reprioritising activity within the SIB Regt Major Incident Room (MIR) based in Bulford, coupled with diversion of SIB personnel based in that location would meet the investigation requirement. This was reassessed following the identification of more serious allegations and the transfer of 'in scope[2]' cases from DOT and direct referrals from the High Court, a TPE and UK and Foreign witnesses. Simultaneously the security requirement was defined, ruling out the use of Bulford MIR and the need to enhance staff numbers. The increase in security and the increase in staff numbers could not be supported on Salisbury Plain. The use of satellite locations was considered but would have added to security risks by excessive movement of PMM, complicate C2 and reduce efficiency.

6. **Manning Options**. Whilst there was a technical requirement for specialised staff, this could be managed through a mix of existing RMP manpower and training of staff allocated to specific roles. At an early stage other minimum requirements had to be considered. These were:

a. All personnel must be appropriately cleared
b. Selected posts must be able to exercise statutory powers under the Armed Forces Act 2006.
c. Selected posts must be able to deploy into Afghanistan for extended periods.
d. The majority must be located with the main investigative body.
e. All staff must meet minimum recusal requirements.

7. In addition, when St Mawgan was confirmed as the site of the MIR, additional constraints were applied:

Consideration * DCMH Consultant

a. Due to minimal medical support, each individual must be free from complex medical needs.
b. Due to a lack of local welfare support, each individual must have minimal personal or family welfare needs.

8. In recognition of the burden this would place on 1 MP Bde and by implication the support they provide to the Army and SJS, other options were considered:

a. **Contractors**. Civilian Contractors were considered both as a full solution and as a part solution. Whilst this option for certain select posts is still being explored with National Crime Agency (NCA) and Greater Manchester Police (GMP), this has not been delivered as:

(1). They are costly at in excess of £30,000 per annum per individual.
(2). The available pool of suitable contractors based within commute distance to RAF St Mawgan is small.
(3). The number who are cleared are even fewer.
(4). There are difficulties in deploying them to Afghanistan[3].
(5). As civilian investigators they might not understand the military context of the investigations.
(6). As contractors they move with little notice when new contractual opportunities arise[4].

[2] Cases are in this category if they are allegations of crimes committed during UK Detention Operations in Op HERRICK or relating to the ill treatment of UK detainees from point of capture through to transfer or release.
[3] Many but include, willingness to deploy, ability to meet Civilian PDT, Personal Insurance and additional compensatory payments.
[4] This is the experience of IHAT, Hillsborough Inquiry and the Rotherham Inquiry.

b. **FTRS**. FTRS (HC), (LC) and (FC) were considered at an early stage. Whilst the cost of FTRS would be within existing budgets it has the same limitations as Contractors. In addition, FC and LC personnel do not allow the return of regular staff to the core of 1 MP Bde and its units as to recruit there must be a compensating reduction in other areas of the Bde.

c. **Army Reserves**. At the outset use of the Army Reserve was considered and a request for expressions of interest for people meeting the requirements for an ADC. There were none with some citing that:

(1) ADCs do not attract accommodation, medical or other related benefits.
(2) Those qualified are generally in full time employment and would need to be compulsory mobilised to be released.
(3) ADCs alone do not provide for a stable full time income to compensate for loss of employment.

Current Structure

9. **HOLMES 2 (v16)**. There are in excess of 140 individuals making in excess of 600 separate allegations including Murder and Cruel, Inhuman or Degrading Treatment. The volume of data and its nature would make it impossible for the investigation to manage the data on a paper based system without utilising hundreds of staff. RMP already possess HOLMES 2 (v15) but it is accredited to a limited classification only. [redacted][5] [redacted] The requirement therefore became to procure a HOLMES System that was accredited to that level. The manning of HOLMES is set at a minimum level based on the seriousness of the investigation[6]. Within Reference B this would require 23 appropriately trained personnel for one allegation of murder of this nature. Op NORTHMOOR are currently examining >50 allegations of unlawful killing in addition to the other matters.

10. **Forensic Data Handling Capability (FDHC)**. This is significant project, encompassing up to 20 PB of data that must be forensically secured, collocated and linked with HOLMES2 in accordance with ACPO Guidelines on digital recovery of evidence. Due to the restriction placed on the storage and use of PMM within JSP 440 and [redacted], a team of NG specialist cyber analysts are required to forensically secure the data with NG dedicated to setting up and operating the system. Experience from the Single Public Inquiry into 'Danny Boy' has shown that it is absolutely essential for the MOD to have this capability in order to prove or disprove each allegation. The process of ingestion onto the FDHC of the data is lengthy but requires skilled personnel appropriately cleared. To do so quickly requires a 16 hour operation of the equipment with two shifts of NG people for a minimum of 6 months. Reference C is the comprehensive business case for this aspect of the operation, which was authorised by the Chief Technical Officer, MOD, the Chief Technical Officer for the Cabinet Office and the Cabinet Minister.

11. **Outside Enquiry Team**. These are the individuals who undertake the more traditional policing activities of interviewing witnesses, arrest, searches and evidence

[5] To identify systemic issues and a single offender engaging in multiple acts.
[6] A Cat A+ investigation is described as 'a homicide or other major investigation where public concern and the associated response to media intervention is such that normal staffing levels are not adequate to keep pace with the investigation' (Reference B p45).

recovery. The initial assessment was made on the basis of those developed for the Iraq Historical Allegations Team (IHAT). It was initially estimated that this would require a headquarters and three teams of investigators, totalling 49 personnel. Due to the complexities of MS, Op NORTHMOOR is not yet at this full manning level. This manning is in line with References B and D and supported by the NCA and GMP advisors.

12. **Intelligence and Research**. A separate briefing can be provided in this area. In effect to meet statutory obligations in relation to police tactics 14 specially trained staff are required to fulfil this function.

13. **G1-9 Function**. The level of physical and IT surety required a specific security environment. Due to [redacted], the security requirements under JSP 440 and the domestic and work infrastructure requirements, DIO deemed the only location available within the next 2 years was RAF St Mawgan. Neither RMP nor other Army units have a footprint in this area; with the nearest RMP Regtl HQ being in Bulford. Given the additional burden this would place on the infrastructure, 6 personnel are required to deliver G1 – G9 functions.

14. **Security Requirements**. A separate briefing can be provided on this area if required but security requirements out with those normally placed upon an investigation team requires 4 dedicated staff. All personnel working in NORTHMOOR are required to be appropriately cleared with some requiring higher clearance.

15. **Manning Flexibility**. Whilst the numbers above reflect the current structure it is designed to expand or contract as the investigation proceeds. In addition staff are 'dual trained' to ensure the most flexible use of resource.

16. **Return of Service**. The experience gained by those assigned to Op NORTHMOOR, over the next five years, will be invaluable and will inform RMP, and wider Service Police, doctrine, practices and procedures as we move forward and focus on contingency operations.

Cost Comparisons

17. **Manpower**. The 5 year costs of personnel in IHAT (127 pers) is circa £30m. The Manpower costs for NORTHMOOR are currently absorbed within PM(A) existing resources. In addition, specialist assets have been secured from the NCA and other police agencies at no cost to MoD representing a substantial saving against contractual costs.

18. **Infrastructure and Annual Costs**. The **total 5 year costs** for Op NORTHMOOR are circa £56m[7]; this includes personnel, equipment, infrastructure and training and deployment costs. IHAT has a similar profile but also expends significant costs for conducting interviews in a third (neutral) country. These costs are avoided by RMP as they have the ability to deploy to and interview in Afghanistan.

Next Steps

19. **Manning Review**. The manning construct is constantly under review to ensure that resources are applied proportionately and efficiently. To that end GMP have been requested to review the entire construct to provide advice on which posts would benefit from the use of

[7] Funding for £43 is already agreed or pending approval and the Op NORTHMOOR Business Case (PM(A)/04/04/03/02) dated 30 Jul 15 seeks and additional £13m over 5 years.

contractors in order to release RMP specialists and to allow for continuity in the role for up to 5 years. Initial indications are that this may be only up to [redacted] personnel.

20. **Extended Tenure.** Due to the complexity of the investigation, the security requirements and the bespoke training being provided to the military personnel in Op NORTHMOOR, staff stability is key. A number of those already engaged have volunteered to extend their assignments to 5 years and others may have to be extended for operational reasons. Initial work with APC Glasgow has been undertaken to ensure that any breach of MS Rules is both authorised and will not impact on the careers of those involved.

Presentation and Risk

21. If MoD cannot demonstrate that they meet National Standards in investigation of these allegations, it will be open to civil litigation and further calls for independent or public inquiries. All at significant cost both financially and in terms of reputation. In addition, failure to meet the obligations under the Rome Statute may render military personnel liable to prosecution by the International Criminal Court. OP NORTHMOOR provides the MOD the ability to evidence that it is undertaking an effective and independent service police investigation into the allegations.

RH Morris
Col
AH Tech

[redacted]