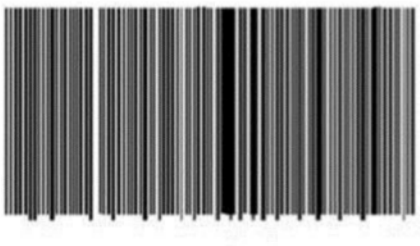
Prepared for OPEN publication in relation to the Independent Inquiry Relating to Afghanistan



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8 Oct 16

DCGS

MANNING OF OPERATION NORTHMOOR

Issue

1. DCGS requires a briefing note detailing the requirement, rationale and justification for the employment of military investigative capability on Op NORTHMOOR (NM) and the effect this has on current operations. add a line on review of manpower

Recommendations

DCGS

2. **DCGS is invited to note:**

   a. **The rationale behind why RMP are conducting the investigation.** ✓

   b. **The minimum requirement at this time is 123 suitably qualified personnel.** to conduct the investigation

      × (1) Options for the use of non-specialist MP personnel have been explored and discounted.

      (2) The investigation endeavours to meet national standards whilst minimising resource requirements. ✓

      (3) There may be a future requirement to review the minimum manning level. is an opportunity to review

   c. **There is an impact from Op NM on RMP support to activity within the Field Army.**

      (1) Greater risk is being taken against UK operations.

      (2) Impact on ability to conduct Collective Training.

      (3) Acceptance of greater investigative risk.

      (4) This risk is sustainable in the short term with the right resource allocation.

   d. **The potential impacts of operating Op NM with 25 personnel.**

      (1) Prevent the RMP from carrying out a prompt and effective investigation and risk the perception of 'improper interference by the chain of command'.

      (2) Extend the duration of Op NM from 5 years to a minimum of 15 years.

      (3) Increase the risk of civil litigation and the inability to defend against it.

      (4) Withdrawal of external independent assurance and increased overall costs.

Timing

3. **Routine.** DCGS is required to brief CGS on Op NM on ~~10~~ Oct 16.

c The RMP opted in the first instance to man op NM from within existing resources

Considerations ↑ which form but discounted why?

Background

4. **Rationale**. Policing the Force is a core task of the RMP. PM(A) is required to promptly, independently, effectively and lawfully investigate allegations made against UK Armed Forces. The investigation is being conducted at the direction of PM(A) following receipt of allegations made either directly to RMP from individuals and the Chain of Command, or via Solicitors acting on behalf of alleged victims. Where there are credible allegations of criminality, these must to be investigated professionally and where appropriate for evidence to be provided to the SPA for potential prosecutions. Discharging these legal requirements professionally is integral to the maintenance of discipline and morale in the Armed Forces and to public confidence in Defence. The MOD has received legal advice that on the basis of their access to databases, resources, investigatory capabilities and remit; the RMP are in effect the only organisation that can carry out an investigation on this scale.

5. **The minimum requirement at this time is 123 suitably qualified regular personnel**. Options for the use of non-specialist MP personnel have been explored and discounted due to the nature of the investigations. The use of both Reserve and FTRS has also been considered, as has a contractor solution. Neither are viable. The costs of a contractor based solution are significant, there is potential for negative headlines and the vetting and deployment requirements make it difficult. There is also a requirement to exercise the statutory powers required to deal appropriately with service personnel. The RMP have a greater understanding of the operational context.

6. The investigation endeavours to meet national policing standards whilst minimising resource requirements. It is managed in accordance with the UK Police Approved Professional Practice. Due to the volume of data being analysed[1] it requires an automated process which is delivered by the Home Office Large Major Enquiry System (HOLMES). The manning of which is set at a minimum level based on the seriousness of the investigation[2]. The additional requirement to have a Forensic Data Handling Capability (FDHC) is significant and must be conducted within ACPO Guidelines on the digital recovery of evidence. A team of specialist cyber analysts are required to do this. Experience from the Single Public Inquiry into 'Danny Boy' has demonstrated the benefits of this essential capability.

7. The level of manning is predicated upon the number and nature of complaints received. However, there is potential for it to rapidly change and there may be a future requirement to review the minimum manning level in order to maintain a prompt, independent and effective investigation.

8. **There is an impact on the RMP's ability to support activity within the Field Army**. Risk is being taken against UK Operations. During FY 15/16 RMP Armed Police Intervention (API) Instructors trained over 24,000 soldiers for Op TEMPERER. Due to assignments to Op NM of key individuals there has been a 60% reduction in the API training capability. This is directly affecting MP ability to deliver the Op TEMPERER training requirement.

9. There has been a reduction in the ability of 1 MP Bde to conduct collective training. This has been felt most strongly at CT1 with 32% of programmed training not executed. This is echoed at CT3/4 with a loss of 23% of planned activity. At CT5/6 the minimum requirements have been met but with a reduced commitment of specialist assets and a denigration of ranks provided.

10. There has been an acceptance of greater investigative risk from a 25% reduction in the availability of SIB assets. This has been managed by a more robust prioritisation of which investigations must, should or could be investigated and further delay has been taken against some historic investigations.

11. These risks are sustainable in the short term (five years or less) as long as manning levels of NM are sufficient to allow a prompt conclusion to the investigation and A2020R measures are not introduced at the front of the proposed time window.

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[1] More than 20 PBs is held, much held above [redacted], a proportion up to [redacted] a higher classification

[2] Home Office best practice would normally require 23 appropriately trained personnel for one allegation of murder.

[redacted] *a certain classification

12. **There are significant potential impacts from operating Op NM with 25 personnel.** To do so would potentially prevent the RMP carrying out a prompt and effective investigation and increase the risk of a perception 'improper interference by the chain of command' due to the manning levels being set externally. PM(A) has a statutory duty to the Defence Council to ensure that investigations are free from improper interference. This includes exercising judgement regarding the structure of an investigation.

13. A reduction in manning will extend the duration of NM from 5 years to a minimum of 15 years. A legal duty exists to follow all reasonable lines of enquiry which has led to the seizure of significant amounts of physical and electronic data. The analysis of this data, and its subsequent disclosure, in a forensically safe manner[3] takes a significant amount of time.

14. There would be an increased risk of civil litigation if it was known that allegations were not being investigated. This could both prejudice the investigation and lead to the MOD settling potentially spurious claims against soldiers who may otherwise have been exonerated by NM. All Afghan Civil litigation is stayed pending the investigation. The GLD have persuaded the Courts that NM is meeting the requirements for a prompt, independent and effective investigation. Should this change civil proceedings may continue opening the MOD and individuals to unnecessary litigation and compromising the investigation.

15. An unintended consequence would be the withdrawal of external independent assurance from NCA and GMP who provide access to certain professionals free of charge[4]. Any perception of improper interference, through a mandated manning cap, is likely to result in them withdrawing support. RMP would have to secure this specialist support from commercial sources and at further considerable cost. Security requirements imposed on NM require significant capital outlay which has been mitigated by injecting human safeguards[5]. A reduction in manning would cancel these mitigations and require additional capital investment.

Presentation and Risk

16. **Lawfare**. The state has a positive duty to investigate deaths at the hands of its agents. Failure by the Service Justice System to address these allegations risk alternative outcomes, such as allegations of murder on operations being pursued in the UK civil courts and allegations of War Crimes being tried in the International Criminal Court[6].

17. **Future Operations**. There is significant organisational risk if we are seen not to investigate serious allegations. The UK relies on SoFA, MoU and Protocols with host nations to deploy forces on the basis that we will investigate and, if appropriate, prosecute misconduct by our forces. Presentational failure to deliver on this agreement would increase the risk of future host nations refusing to agree such arrangements.

18. **Exoneration**. There has already been significant progress by applying the correct level of manning. To date, NM has led to 2 allegations of murder against UK forces being disproved and 91 other allegations being discontinued with the agreement of the SPA. This has resulted in the withdrawal of civil proceedings and the soldiers being exonerated, highlighting the fact that the quicker the investigation is conducted the sooner individual concerns regarding it will be allayed.

RH Morris
Colonel
AH Tech
Contact details

[3] That meets the security requirements of JSP 440 and other data owners which include [redacted], UK and [redacted].
[4] As part of the UK National Police support structure
[redacted] Gives an example of a Security Requirement Imposed on OP Northmoor
[6] Under the Rome Statute.

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Para 5 Considered a wide [illegible]

Contractors but discounted because

minimum consideration requirement para 6

Location

∴ exclude FTNS para 8b

Rovers para 8c

Exclude Contractors

Cost

Pool

Deployability

Context

new contractual opportunities

Given the impact on RAF support to ATF within the field Army

opportunity to review at which force approach to review

with one with Cost & Risk

Likelihood implications if not RAF then what

Staged approach to not interfere with operations if investigate

Risk

Areas explored below