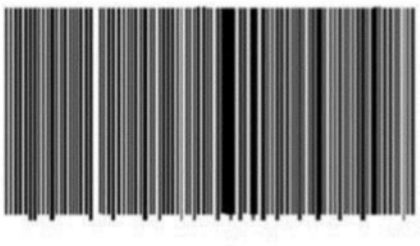
Prepared for OPEN publication in relation to the Independent Inquiry Relating to Afghanistan



RMP-221-0007035-A

D5198
20161013-Op_Northmoor-Brief_to_DCGS_Final_HQ PM(A)_AH_ted_DS

PMA_04_02_02_14

13 Oct 16

DCGS

MANNING OF OPERATION NORTHMOOR

Issue

1. DCGS requires a briefing note detailing the requirement employment of RMP investigative capability on Op NORTHMC current operations and options for replacing some of the RMP

Recommendations

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

a. **Recent high-profile reporting of NM has increased the political pressure for a prompt, effective and independent investigation of the allegations made against UK service personnel.**

b. **NM has to date reviewed and discontinued a significant number of cases.**

c. **PM(A) has reviewed manning levels and he remains confident that the current figure of 123 personnel meets appropriate national policing standards.**

d. **Options for the use of non RMP personnel were considered at the outset of NM.**

e. **Despite significant draw-backs, we have identified 46 posts which could be filled external to 1 MP Bde. Doing so would risk disrupting and delaying the investigation, at a time when it is the subject of ever greater political and public scrutiny.**

f. **A reduction of NM to 25 RMP personnel would produce a level of delay to the investigation process at odds with MOD's publicly stated commitment to the investigation. Advice from DJEP is that this would be politically unacceptable.**

g. **An external review of NM is about to be carried out by a HOPF.**

h. **NM has affected the RMP's capacity to support the Field Army. Measures to mitigate this risk for the likely duration of the investigation have been identified.**

Timing

3. **Routine**. DCGS is to brief CGS on Op NM on 14 Oct 16.

Background

4. **Recent high-profile reporting of NM has increased the political pressure for a prompt, effective and independent investigation of the allegations made against UK service personnel**. Recent publicity relating to historic allegations has increased political and public sensitivity to the issue of historic allegations of abuse. The Government has made clear that whilst it will act to minimise the impact of vexatious legal action, it is also determined to act effectively to investigate current allegations, to accelerate the exoneration of the innocent and the prosecution of those with a case to answer. In this context, any measures which have the effect of disrupting or delaying the investigation are unlikely to gain political support. At the moment the RMP are conducting a prompt, independent and effective investigation which is being endorsed by external agencies. In addition it is meeting the political intent through the delivery of quick wins in the form of discontinued cases.

5. **Following consultation with DSP, NM has reviewed and discontinued almost 100 of the 650 cases within its remit.** Within the next week, a scheduled case review panel is likely to endorse proposals for the discontinuation of a further 50 cases and we expect to accelerate this review process in the coming months. This has resulted in soldiers being exonerated, highlighting the fact that the quicker the investigation is conducted the sooner individual concerns regarding it will be allayed.

6. **The minimum requirement to meet national standards at this time is 123 personnel.** 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 HOLMES[2], the manning of which is set at a minimum level based on the seriousness of the investigation[3]. 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 are significant potential impacts from operating Op NM with 25 personnel.** This would potentially prevent the conduct of a prompt and effective investigation and increase the risk of a perception of 'improper interference by the chain of command' due to the manning levels being set externally. PM(A) has a statutory duty to ensure that investigations are free from improper interference. This includes exercising judgement regarding the structure of an investigation.

9. A reduction in manning will extend the duration of NM from 5 years to a minimum of 15 years. 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.

10. **It is also important to be aware of an imminent review of NM by experts from HOPF.** HOPF will review the case load and the structure of the investigation and make recommendations to ensure that the two are properly aligned. This is likely to take a view on the nature and scale of the current case-load and make recommendations about the structure and staffing. Directing any change in advance of that review would be premature. An unintended consequence of which 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 this support.

11. **There is an impact on the RMP's ability to support activity within the Field Army.** Risk is being taken against UK Fixed Tasks. 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.

12. A significant number of the personnel employed on NM are SNCOs and much of the middle management and key leadership has been stripped out of MP units. Although this presents opportunities for increased empowerment and talent management the scale involved has placed a burden on individuals. This has a potential G1 impact on both morale and retention that we are tracking.

13. There has been a reduction in the ability of 1 MP Bde to conduct collective training. This has been felt most strongly at CT1 and CT3/4 with 32% and 23% of programmed activity not executed.

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[1] More than 20 PBs is held, much held above [redacted], a proportion up to [redacted].
[2] Home Office Large Major Enquiry System.
[3] Home Office best practice would normally require 23 appropriately trained personnel for one allegation of murder.
[4] As part of the UK National Police support structure.

At CT5/6 the minimum requirements have been met but with a reduced commitment of specialist assets and a denigration of ranks provided.

14. Greater investigative risk exists due to a 25% reduction in the availability of SIB assets. This affects the capacity and volume of investigations and has resulted in a more robust prioritisation of which investigations must, should or could be investigated and more delay has been taken. This delay impacts on the moral component of those individuals subject to investigation.

15. **There are potential measures which could be employed to mitigate these risks.** 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. Under the Marble Arch compartment a separate case has been made to ring-fence the NM manpower from the implementation of the A2020R structure. This would allow 1 MP Bde to move to the A2020R structure whilst at the same time protecting NM liability and negating much of the impact on the ability of the RMP to provide support to activity within the Field Army.

16. RMP is not resourced to conduct Firm Base police activity yet the expectation of the Army is that we do. The options are removing or resourcing correctly this Firm Base activity. Removing the Firm Base police activity would 'buy back' resource and support RMP delivery of operational output including NM[5]. There are inherent risks involved removing Firm Base activity. There is currently no other police force that could fill the void of response to non-criminal conduct instances meaning more issues would be pushed outside of the military community and SJS. This would almost certainly have an impact on discipline within the force.

17. **Options for the use of non RMP personnel were considered at the outset of NM. The same factors which mitigated against these options (increased cost, lack of flexibility, a difficulty or recruiting for a remote location) remain. Experience with IHAT does not make the option more appealing.** Civilian contractors were considered both as a full solution and as a part solution. The costs of a contractor based solution are significant, there is potential for negative headlines and the clearance and deployment requirements make it difficult. In addition as contractors they move with little notice when new opportunities arise[6]. 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. In addition RMP has a Professional Standards Department which allows it to investigate complaints against RMP in the course of their duty.

18. FTRS (HC), (LC) and (FC) were also considered. Whilst the cost of FTRS would be within existing budgets it had 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 as to recruit there must be a compensating reduction in other areas. There are a limited number of posts that could potentially be filled by FTRS as long as the liability is held by the wider Army. They could operate in intelligence and analysis roles as well as assisting in conducting less sensitive investigations.

19. At the outset use of the Army Reserve was considered and a request for response from people meeting the requirements for an ADC was sent out. There were no positive responses with some respondees citing that: ADCs do not attract accommodation, medical or other related benefits; those qualified are generally in full time employment and would need to be compulsory mobilised to be released; and ADCs alone do not provide for a stable full time income to compensate for loss of employment.

20. The advantage of a single service (RMP) option is unity of command and cohesion which adds to security of the investigation.

21. **Despite these draw-backs, we have identified 46 posts which could be filled by a mix of other Services, FTRS and contractors. We note however that to resort to such options now would risk disrupting and delaying the investigation, at a time when it is the subject of ever greater political and public scrutiny.** Posts have been identified within Disclosure, Intelligence and Analysis, Cyber and less sensitive investigation roles where contracted or other military personnel can operate effectively replacing MP personnel as long as they are able to meet

[5] This would not impact on RMP ability to conduct investigations within the Firm Base or overseas.
[6] This is the experience of IHAT, Hillsborough Inquiry and the Rotherham Inquiry.

SQEP and clearance requirements. This has the advantage of returning a significant number of RMP personnel back to 1 MP Bde, it also has a number of disadvantages. A full breakdown is enclosed.

22. Any change would require PIDS to be sourced from elsewhere. There is a requirement to exercise the statutory powers to deal appropriately with service personnel and the Service Police (SP) have a greater understanding of the operational context than civilian counterparts. This is why the command elements and key appointments within NM must be filled by members of the SP and that the most serious allegations must be investigated by members of the SP with the required SQEP and clearance to ensure that the sensitivity and security issues that surround such cases are appropriately addressed. The RAFP or RNP are unable fill any liability for NM.

23. Contractors have certain advantages. They can be recruited with specific KSE and can provide continuity. However as a replacement for military liability they bring additional cost, are a scarce resource due to the national demand and shortage of detectives and cannot move at short notice. Location may also prove a barrier to recruitment. IHAT has already highlighted issues surrounding the use of investigators that do not have statutory powers. Any gaps as a result of being unable to recruit will need to be backfilled by SP personnel to ensure compliance with national policing standards.

24. Non MP personnel are limited in the roles that they can fill within a police investigation. It has been identified that non MP personnel may be able to support the investigation in more technical roles such as in the AST where they are not exposed to the details of investigations, yet are able to provide independent auditing surety that the systems are operating as required.

25. The building in RAF St Mawgan which houses the investigation, is run by JFC . A caveat for NM occupying the building was that only military personnel would work there.

26. Changing personnel, in bulk, during the conduct of an investigation will impact on its promptness and effectiveness. A phased removal of RMP whilst easier to manage still has the potential to impact on the promptness and effectiveness of the investigation as staff will be required to be trained and assimilated in to an already functioning team.

27. Notwithstanding the impact on MP support to Field Army activity and the advantages of replacing MP manpower with a whole force approach, it is PM(A)'s view that NM remains an RMP manned investigation given the unity of command and security issues surrounding it.

Presentation and Risk

28. **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 under the Rome Statute.

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

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Enclosure:

Whole Force Approach to Manning Op NORTHMOOR

WHOLE FORCE APPROACH TO MANNING OP NORTHMOOR

	Current Liability (OF+OR)	RMP	RAFP/ RNP	Other Capbadge	FTRS/ Contractor	Remarks
HQ	8 (3+5)	3	3	2 2 x G4(RLC)	0	
Team 1	17 (1+16)	10	7	0	0	This team deals with the most serious of allegations and will routinely during the course of their investigations access highly sensitive information.
Team 2	22 (1+21)	12	10	0	0	This team deals with less sensitive allegations with the majority of cases being linked to civil litigation. There is potential for contracted personnel with the appropriate SQEP and clearance to assist with these investigations if the RAFP or RNP are unable to fulfil the complete requirement, however this avenue would require further exploration due to the SQEP and clearance requirements.
Team 3	76 (1+75)	52	0	0	24 8 x Indexers 4 x Researchers 3 x Disclosure 4 x Int Analysts 4 x MIR posts 1 x Cyber Specialist	The majority of these posts are linked to the HOLMES system which requires very specific training to operate effectively and be compliant with national standards. This is an area that has been identified as potentially being filled by contracted personnel, however, there is currently a shortage across Home Office Police Forces of SQEP in this specialist area and any gaps would need to be filled by military personnel. NM is already undergoing the requisite training with various Police Forces to ensure all roles are appropriately filled in this capability.
Total	**123 (6+117)**	**77**	**20**	**2**	**24**	