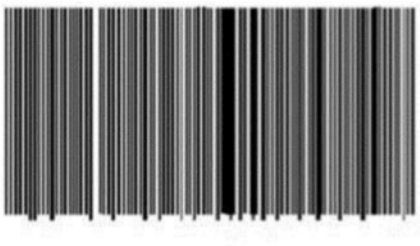
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RMP-221-0007111-A

Operation Northmoor

Report in relation to Command & Control and issues discussed at the Gold Meeting 29/08/14

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1 Introduction

1.1 On Wednesday 17th September 2014, Captain Jason WRIGHT sent to the Review Officer, Mr. Martin BOTTOMLEY, a document dated the 10th September 2014 entitled *Op Northmoor – Command and Control.* The document originates from the PM (A) under the reference *DPM (inv)/02/05* (copy attached at Appendix A)

OP Northmoor – Command and Control (Appendix A)

1.2 The document provided by Captain WRIGHT raised a number of questions for the Review Team, some of which stem from a lack of understanding in relation to military terminology. As a consequence, this report will list a number of queries in section 2 in the form of *Information Requests* in the hope that the investigation team will be able to provide some clarity and/or definitive answers.

1.3 The Review Officer will also comment in section 3 of this report on a number of issues that were discussed at the Operation Northmoor Gold meeting held on the 29th August 2014, when it was agreed that the Review Team would be provided with a number of documents, some relating to policy, which the Review Officer has been asked to assess. The commentary at section 3 will also include a number of *Information Requests.*

Op Northmoor Gold Meeting 29/08/14

1.4 The *Information Requests* in this report are documented in full at Appendix B and numbered 7-18 as they follow on from those already recorded in the first review report sent to the investigation team on the 15th August 2014. Similarly, one recommendation is made in this report, which is recorded as number 12 at Appendix B; eleven are recorded in the previous review report.

Appendix B

1.5 As with the report of the 15th August, this document should also be registered on HOLMES, with due regard to disclosure under the Criminal Procedure and Investigations Act 1996.

2 Operation Northmoor – Command and Control

2.1 The following sections of this report should be read together with the document entitled *Op Northmoor – Command and Control* (Appendix A), as the following paragraphs will refer the reader to specific entries in that document. For example, item 6 of the *Command and Control* document comments in relation to *Roles and Functions,* which will be included as a subject heading at section 2.2 of this review report, following which the Review Team will document a number of *Information Requests* in order to seek clarity and/or definitive answers to a number of questions.

OP Northmoor – Command and Control (Appendix A)

2.2 Item 6 – Roles and Functions: 6 (a) Strategic Management Group

2.2.1 The Review Team is aware that the Gold Group currently supports Operation Northmoor. However, section 6 (a) of the attached *Command and Control* document produced by PM (A) on the 10th September 2014 provides direction for Strategic Gold (Lt. Colonel McALLISTER) to now create a Strategic Management Group to undertake a number of actions.

OP Northmoor – Command and Control (Appendix A)

2.2.2 It might be the case that the existing Gold Group and the proposed Strategic Management Group are the same entity and that there is simply a degree of confusion around military/civil police terminology, hence the Review Team seek clarity in relation to the following points.

Information Request

The Review Team seek clarity as to whether the Gold Group and the proposed Strategic Management Group are one and the same thing or distinctly separate bodies?

If the Strategic management Group is a new body how does it differ in form and function from the Gold Group and

who will sit on it?

The Review Team have seen previous correspondence that refers to strategic planning meetings and strategic command meetings. Are these functions that sit within the Gold Group / Strategic Management Group or is there a distinction?

Do the same core management personnel who attend Gold Group meetings also attend strategic planning meetings / strategic command meetings or is there a variation?

2.3 **Item 7 - Role of CO SIB Regt.**

2.3.1 Item 7 of the attached *Command and Control* document makes reference to the role of Lt. Col. WATERWORTH, the new CO SIB Regt. This document appears to advocate a specific role for Lt. Colonel WATERWORTH in the Strategic Management Group for Operation Northmoor as follows:
"To ensure that CO SIB Regt can effectively manage other defence tasks, personnel and investigative resource, active consultation between the strategic commander and CO SIB is to be maintained <u>including participation in the Strategic Management Group</u>."

OP Northmoor – Command and Control (Appendix A)

2.3.2 In August 2014, the Review Officer was made aware of the proposed appointment of Lt. Colonel WATERWORTH as the new commanding officer of RMP SIB Regiment; Lieutenant Colonel McALLISTER notified the Review Officer of this appointment and he raised concerns about a potential conflict of interest arising.

Emails from Lt. Colonel McALLISTER to Review Team 27/08/14

2.3.3 In brief, Lt. Colonel McALLISTER highlighted concerns as to a potential perception for bias (or lack of impartiality) if Lt. Colonel WATERWORTH's appointment as the new commanding officer of RMP SIB Regiment was confirmed because she was married

to a senior officer, Colonel NEAL, who had previously advised on, or quality assured, on issues relating to the implementation of detention policy in Afghanistan.

2.3.4 In response, the Review Team provided advice to the RMP in relation to the appointment of Lt. Colonel WATERWORTH at a video conference held on the 27th August 2014 when Brigadier Bill WARREN, Colonel David FREND and Lt. Colonel McALLISTER were present. It is not necessary to provide details of the full advice provided by the Review Team at that conference beyond making reference to the following guidance that was given:

- Should the RMP choose to confirm Lieutenant Colonel WATERWORTH as the new Regimental Commander then GMP would advise the following action in order to minimise any potential conflict of interest and mitigate against any perception of bias or lack of impartiality.

- The command structure of Operation Northmoor could be structured so as to remove Lieutenant Colonel WATERWORTH from the chain of command for the operation. The three Operation Northmoor SIOs and the OIOC would report directly to Lieutenant Colonel MCALLISTER (Gold) who in turn would then report directly to Brigadier WARREN, Provost Marshall (Army). This measure would provide clear and independent governance for Operation Northmoor whilst at the same time affording a degree of protection against any allegations of lack of impartiality against Lieutenant Colonel WATERWORTH in her role as Regimental Commander.

2.3.5 The Review Officer's observations in relation to the entry at item 7 of the *Command and Control* document, is that it appears PM (A) is now identifying an active role for Lt. Colonel WATERWORTH in the *participation* of the Strategic

OP Northmoor – Command and Control (Appendix A) pg 3

Management Group; however, what is not clear to the Review Team is how this correlates to the potential conflict of interest / recusal issues around the appointment of this officer that were raised by Lt. Colonel McALLISTER and which were subject of discussion during the video conference on the 27th August 2014.

2.3.6 Item 7 of the *Command and Control* document also states that the *CO SIB is responsible for*:

a. Ensuring that MS reporting is maintained on all Op Northmoor staff in line with policy.

b. The provision of G4/G6 support particularly in relation to technical and infrastructure support to Op Northmoor.

c. Welfare support to Op Northmoor staff whether SIB Regt or temporarily assigned.

d. Ensuring that the career management of all ranks on Op Northmoor is considered when resilience decisions are made.

e. Is the CO responsible for discipline of those temporarily assigned on Op Northmoor?

2.3.7 The Review Officer believes that if these areas are to remain the responsibility of the CO SIB Regiment these are issues, particularly (d) and (e), which have the potential, at a later stage, to give rise to conflict of interest challenges from third parties.

Information Request

The Review Team seek clarification in relation to the role of Lt. Colonel WATERWORTH and her participation in the Strategic Management Group for Operation Northmoor.

In relation to (a) above, the Review Team have presumed that the abbreviation "MS" refers to military service. If so, the Review Team are seeking clarity in relation to what is meant by the term, *ensuring that military service reporting is maintained on all Op Northmoor staff in line with policy.*

In relation to (e) above, the phrase states *"is the CO responsible for discipline of those temporarily assigned on Op Northmoor", which* appears to be worded as a question; if it is a question, is there now a definitive answer?

3 Gold meeting on the 29th August 2014

3.1 At the Gold meeting held on the 29th August 2014 it was agreed that the Review Team would be provided with a number of documents, some of which were to be examined in order to provide an objective response to their content. The following documents were requested from the RMP:

(1) The role and retention policy for key roles in the investigation;
(2) The outline funding requirement;
(3) The recusal policy (all ranks);
(4) The Community Impact Assessment document;
(5) A document that was being produced by Lt. Col. McALLISTER in relation to explaining problems around the use of civil police and GSB systems;
(6) A copy of the record of decisions made from the Gold meeting on 29/08/14.

3.2 Whilst some documents have since been sent to the Review Team by the RMP, as will be reflected below, the specific documents recorded at (1) to (5) have not yet been provided.

3.3 In relation to (1) above, the Review Team have been sent a **SIO policy book entry**

copy of SIO policy entry number 18 made on the 16th April 2014 by Captain WRIGHT, which is specific to a request made to SIB Regt for GPD support to Operation Northmoor; this policy entry is not a role and retention policy for key roles in the investigation. 18

Information Request

That the RMP provide the Review Team with a copy of the *role and retention policy for key roles in the investigation*.

3.4 In relation to (2) above, the *outline funding requirement*, and (5), the document being produced by Lt. Col. McALLISTER in relation to explaining problems around the use of civil police and GSB systems, neither of these documents have been provided to the Review Team to date.

Information Request

That the RMP provide the Review Team with a copy of the *outline funding requirement.*

That the RMP provide the Review Team with a copy of the document being produced by Lt. Col. McALLISTER in relation to explaining problems around the use of civil police and GSB systems

3.5 In relation to (4) above the Review Team has been sent a document entitled *Operation Northmoor – ACPO (Terrorism and Allied Matters) NCCT Briefing Note*, which is not the Community Impact Assessment document that was discussed at the Gold meeting on the 29th August 2014, and which was at that time still being prepared by Col. WASSELL.

Operation Northmoor – ACPO (Terrorism and Allied Matters) NCCT Briefing Note

Information Request

That the RMP provide the Review Team with a copy of the *Community Impact Assessment document* being prepared by Col. WASSELL.

3.6 In relation to (3), the Review Team has been sent a copy of SIO policy book entry 8 that was recorded by Captain WRIGHT on 31/03/14 in relation to recusal policy. It is not the *recusal policy (all ranks)* that was discussed at the Gold meeting on the 29th August 2014, which Major John HARVEY was producing.

SIO policy book entry 8

Information Request

That the RMP provide the Review Team with a copy of the *recusal policy (all ranks)* that is being produced by Major John HARVEY.

3.7 Whilst recognising that Major HARVEY'S *recusal policy (all ranks)* is likely cover some of the areas recorded by Captain WIGHT in his policy book entry on 31/03/14, the Review team have considered the policy recorded by Captain WRIGHT and make some initial observations. Captain WRIGHT documented:

Decision – Recusal Policy
All Op Northmoor staff are to undergo a self recusal process; this is to include any contact they have had with the detainees in Afghanistan and or any investigations into matters concerning detainees.
This is to include:

- *Planning, execution or the witnessing of detention Ops/Arrest Ops.*
- *Any form of detention whether custody resulted or otherwise.*
- *The questioning of those detained or the exploitation of those persons.*
- *The handling of detainees whether in a holding facility or elsewhere.*

This list is not exhaustive.

Reason:
Previous enquiries have identified that any involvement of service police in the detention process could be called into

question at later proceedings challenging the independence of that investigation. Whilst it may be inevitable that Op Northmoor staff members have had previous involvement, it will be a risk that I am able to accept and will manage once I know what involvement individuals have had.

3.8 For police officers, recusal is not a commonly used term, but it is widely understood that any conflict of interest for investigators may serve to undermine the credibility of their case when scrutinised in court. As such, any potential conflict of interest would either be avoided or disclosed to the defence at the earliest opportunity.

3.9 The most obvious examples of conflicting interests would be police officers investigating issues around their own family, friends, close colleagues or other personal associates which may serve to undermine their own independence in the minds of others. Clearly, it would also be inappropriate to investigate incidents in which the officer had some personal involvement or management responsibility for.

3.10 For military police staff, it is not unreasonable to envisage that the majority would have some degree of professional experience around persons engaged within the detention process in Afghanistan. For comparative purposes, all police officers employed in the Professional Standards Branch of GMP have been deployed in an operational capacity without being considered to be professionally compromised. Consequently, it is not professional experience but personal relationships which are generally considered to be the compromising factor for investigators.

3.11 Therefore the above list of experiences in Captain Wright's policy should not alone preclude any individual from an investigation without consideration as to whether they have any personal involvement, responsibility or relationship with any of

the key parties (victims or witnesses) in that investigation.

3.12 The ultimate responsibility for the members of an investigation team lies with the SIO who should consider any potential conflict of interest issues when deciding upon the recruitment and retention of staff deployed to the inquiry. Rather than attempt a generic policy around conflicting interests it is recommended that each case should be considered upon its own merit and recorded in the policy book with clear reasoning around the decision made. These open and transparent decisions should be shared with the prosecuting authority and the defence, if appropriate, in order to effectively negate any subsequent allegations of impropriety.

Recommendation

When each SIO considers the recruitment and retention of staff on Operation Northmoor, each case should be considered upon its own merit and recorded in the policy book with clear reasoning around the decision made.

Martin Bottomley
Force Review Officer
8th October 2014

Appendix A

Operation Northmoor – Command and Control

DPM(Inv)/02/05

10 Sep 14

DPM (Inv)
CO SIB Regt RMP

Copy to:

DPM (Ops)	SO1 Legal	CO 4 RMP
DPM (FD)	CO 1 RMP	OC SPCB
CO Spec Ops Unit (Des)	CO 3 RMP	

OP NORTHMOOR - COMMAND AND CONTROL

Reference:

A. PM (A)/02/02 dated 17 Mar 14.
B. DPM (Inv) 02/05 dated 17 Mar 14.
C. DPM (Inv) 02/05 dated 25 Mar 14.

Issue

1. The command and control of Op NORTHMOOR.

Direction

2. DPM(Inv) and CO SIB Regt RMP are to note:

    a. Reference A remains extant; and

    b. The new command and control arrangements.

Timing

3. **Immediate**.

Background

4. Reference A outlines the 3 current strands of investigation activity in respect to allegations the abuse of UK held, or formerly held, detainees by 62 PI SIB, Op ISOPTIC and Op ELSINORE which were consolidated into Op NORTHMOOR. Reference B gave initial direction on command and control but having reflected on the investigation progress, this direction requires updating to reflect the operational realities.

5. **Command Structure**. I have decided that in order to maintain effective command and control of this incident the Strategic, Operational and Tactical structure will be amended to reflect the investigation needs. The specific appointments are:

    a. Strategic (GOLD) – Lt Col JD McAllister, A/DPM Inv.

b. Operational (OIOC/Silver) – Maj G Ward, SIB Regt RMP.

c. Tactical (Bronze/POD SIO) – Allocated by OIOC.

6. **Roles and Functions**. The specific roles for each within the Command Structure are:

a. Strategic – I direct that this officer combines all RMP resources towards managing and resolving the investigation in a prompt and effective way. He is to create a Strategic Management Group to meet at regular intervals and actively ensure that all courses of action are being undertaken, In particular:

i. He has overall responsibility and is accountable for providing resources towards the strategic objective.
ii. He will set, review and update the strategy which may include setting tactical parameters.
iii. He will chair the Strategic Management Group.
iv. He will be the Staff Officer responsible for engaging with external organisations when determining strategy.
v. Ensures the strategy is documented in order to provide a clear audit trail, including any changes to the strategy.
vi. Responsible for ensuring the resilience of the command structure and the effectiveness of the OIOC.
vii. Responsible for maintaining PM (A) awareness of the Operation including significant events likely to attract Ministerial or Press attention.

b. Operational – The OIOC must be located where he can maintain effective command and control and is responsible for:

i. Developing and co-ordinating the operational plan in order to meet the strategic intent.
ii. Determining the way resources are used to achieve the strategic intent within the range of approved tactical options.
iii. Ensuring that all personnel are properly briefed and debriefed.
iv. Maintaining a policy file in accordance with the Major Incident Manual.
v. Acts as the link between persons allocated to Op NORTHMOOR and their assigned unit commander.
vi. Reviews, updates and communicates changes to the operational plan to the

strategic commander and investigators.

vii. Ensures the tactics employed by SIOs meet the strategic intention and the operational plan.

c. Tactical – Op NORTHMOOR currently employs 3 SIO with distinct roles; currently allocated as WO1 D Hayes, Capt J Wright and Capt S Robbins all of SIB Regt RMP. Each is to be located were they can maintain effective command and control of their area and will:

i. Ensure that they have a clear understating of the strategic intent and operational plan and their role within it.
ii. Manage the resources allocated to their area in order to deliver the operational plan.
iii. Make themselves available to their staff in order to ensure effective communication.
iv. Ensure all staff within their area are fully briefed.
v. Keep the OIOC updated on all current developments including any variations to agreed tactics.
vi. Maintain a policy file in accordance with the Major Incident Manual.

7. **Role of CO SIB Regt**. Whilst the resources for Op NORTHMOOR will come from across 1 MP Bde, it is the main effort of the SIB Regt. It will inevitably attract a disproportionate amount of manpower, infrastructure and technical resource from that unit. To ensure that CO SIB Regt can effectively manage other defence tasks, personnel and investigative resource, active consultation between the strategic commander and CO SIB is to be maintained including participation in the Strategic Management Group. In addition CO SIB is responsible for:

a. Ensuring that MS reporting is maintained on all Op NORTHMOOR staff in line with policy.

b. The provision of G4/G6 support particularly in relation to technical and infrastructure support to Op NORTHMOOR.

c. Welfare support to Op NORTHMOOR staff whether SIB Regt or temporarily assigned.

d. Ensuring that the career management of all ranks on Op NORTHMOOR is considered when resilience decisions are made.

e. Is the CO responsible for discipline of those temporarily assigned on Op NORTHMOOR.

8. **Role of Spec Ops Regt**. CO Spec Ops Regt (when

established) will provide the specialist interview, forensic, computer analysis, covert and intelligence capabilities to support Op NORTHMOOR.

PM(A)

Appendix B

List of Information Requests
And
Recommendations

	Information Requests	Para.
7	The Review Team seek clarity as to whether the Gold Group and the proposed Strategic Management Group are one and the same thing or distinctly separate bodies.	2.2.2
8	If the Strategic management Group is a new body how does it differ in form and function from the Gold Group and who will sit on it?	2.2.2
9	The Review Team have seen previous correspondence that refers to strategic planning meetings and strategic command meetings. Are these functions that sit within the Gold Group / Strategic Management Group or is there a distinction?	2.2.2
10	Do the same core management personnel who attend Gold Group meetings also attend strategic planning meetings / strategic command meetings or is there a variation?	2.2.2
11	The Review Team seek clarification in relation to role of Lt. Colonel WATERWORTH and her participation in the Strategic Management Group for Operation Northmoor.	2.3.7
12	In relation to (a) above, the Review Team have presumed that the abbreviation "MS" refers to military service. If so, the Review Team are seeking clarity in relation to what is meant by the term, *ensuring that military service reporting is maintained on all Op Northmoor staff in line with policy.*	2.3.7
13	In relation to (e) above, the phrase states *"is the CO responsible for discipline of those temporarily assigned on Op Northmoor", which* appears to be worded as a question; if it is a question, is there now a definitive answer?	2.3.7

14	That the RMP provide the Review Team with a copy of the *role and retention policy for key roles in the investigation*.	3.3
15	That the RMP provide the Review Team with a copy of the *outline funding requirement.*	3.4
16	That the RMP provide the Review Team with a copy of the document being produced by Lt. Col. McALLISTER in relation to explaining problems around the use of civil police and GSB systems.	3.4
17	That the RMP provide the Review Team with a copy of the *Community Impact Assessment document* being prepared by Col. WASSELL.	3.5
18	That the RMP provide the Review Team with a copy of the *recusal policy (all ranks)* that is being produced by Major John HARVEY.	3.6

Recommendation

12	When each SIO considers the recruitment and retention of staff on Operation Northmoor, each case should be considered upon its own merit and recorded in the policy book with clear reasoning around the decision made.	