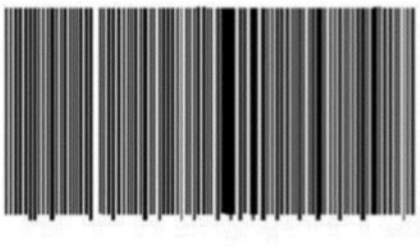
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OIOC Op NORTHMOOR

Copy to:

DPM Inv	SO1 PolCom	SIO Team 2
MLA DSP	2IC Op NORTHMOOR	SIO Team 3
SO1 Legal	SIO Team 1	

Op NORTHMOOR – Conflict of Interest Policy

Background

1. It is considered prudent to identify, define and detail the issues relating to conflict of interest within Op NORTHMOOR as there is a public expectation and a legal duty to ensure that all investigations are impartial and free from any interference; whether this is from the military chain of command or elsewhere. In past cases the courts have expressed concern about conflict of interest undermining integrity and public trust. Fairness and impartiality are expected of all those holding public office and exercising powers on behalf of the community. This is particularly so for the police; as holders of a unique and vitally important public office, police not only have extensive powers but also significant discretion in how they use those powers. While the rules and laws governing police behaviour are extensive, police as professionals will always be required to make discretionary decisions while applying those rules and laws in their day-to-day work. It is therefore essential the community can trust the police to act impartially and exercise their discretion fairly in the public interest.

Understanding conflict of interest

2. **What is an interest?** An interest can take many different forms. It may be a want, preference, loyalty, relationship or connection. It can be a hobby, an investment, a personal ambition, personal property or an existing or past relationship, whether it be a friend, family member or other associate. It is not wrong for a member of the Military Police or otherwise, to have interests. Having personal relationships, connections, loyalties, ambitions and preferences is a natural part of being a human being.

3. **Identifying a conflict of interest**. A conflict of interest occurs where an individual's ability to exercise judgement, or act in a role, is, could or has the potential to be perceived as, impaired or otherwise influenced by their involvement in another role or relationship. The individual does not need to exploit their position or obtain an actual benefit, financial or otherwise, for a conflict of interest to exist.

4. **Types of conflict of interest**. Conflict of interest can arise in various ways. For example: use of police authority; receipt of gifts and benefits; declarable associations; providing references; and police clubs and functions. This list is not exhaustive.

5. There are three types of conflict of interest:

• **An actual conflict of interest** is where there is a real conflict between an employee's public duties and responsibilities and existing private interests.

• **A perceived conflict of interest** can exist where a third party could form the view that an employee's private interest appears to influence the performance of their duties, now or in the future, whether or not that influence actually exists.

• **A potential conflict of interest** arises where a member or employee has private interests that could conflict with their public duties.

6. Perceived and potential conflicts of interest can cause the most problems as they not always recognised by the individual. Conflict of interest occurs not only when it is proven that personal interests affected a professional decision. Conflict of interest occurs even if someone else merely thinks there has been improper influence or there is an opportunity for improper influence to occur.

7. Using the above test, the military police should ask themselves: "How would this look to a reasonable observer?" If they feel a reasonable member of the public or the media might be uncomfortable or sceptical, then there is a perceived conflict of interest.

8. In practice, determining whether a conflict of interest is actual or just perceived or potential is difficult – maybe impossible. It is hard for police themselves, let alone an observer, to know whether a police decision was actually affected by another interest or only looks as though it might have been. For the purpose of maintaining public trust, whether a conflict of interest is 'actual', 'potential' or 'perceived' is not important – all three undermine public confidence, so all three must be acknowledged and dealt with.

The importance of values

9. Although it can be useful to identify potential areas of risk, the range of situations police encounter is too broad and unpredictable to be itemised in a list. Op NORTHMOOR must have a commitment to the broader values that underpin conflict of interest rules; this will be more effective than specific rules for particular situations.

10. The Values and Standards of the Royal Military Police are:

Values

- Courage
- Discipline
- Respect for Others
- Integrity
- Loyalty
- Selfless Commitment

Standards

- Lawful
- Appropriate

- Professional

11. The values and standards are designed to be guiding principles for the Royal Military Police in all their work, but they are particularly useful for recognising and managing conflict of interest.

Leadership

12. Poor responses from leaders destroy confidence and discourage others from declaring conflict of interest. Leaders who are themselves inappropriately influenced by personal interests also deter their staff from declaring conflicts and reinforce a culture of ignoring or exploiting conflict of interest. An understanding of conflict of interest and a commitment to manage it is required of all leaders in the Royal Military Police. Leaders must also create an environment where their staff can admit mistakes and be guided to solutions.

Managing conflict of interest

13. The first and most crucial step in dealing with conflict of interest is recognising it. The second step is declaring it. Recognising and declaring a conflict of interest may be all that is required in some circumstances. Other circumstances may require active intervention, such as removing the person with a conflict of interest from the decision-making process.

14. It is intended that Op NORTHMOOR will use a tool, known as the 'Six Rs'. These are:

- **Register** – The register is where details of the existence of possible or potential conflicts of interest are formally registered.

- **Restrict** – Where restrictions are placed on the officer or soldier's involvement in the matter.

- **Review** – Where a disinterested third party is used to oversee part or all of the process that deals with the matter

- **Recusal** – Where an officer or soldier chooses to be removed from the matter.

- **Relinquish** – Where the officer or soldier relinquishes the private interest that is creating the conflict.

- **Resign** – Where the officer or soldier resigns from their position in the investigation.

Managing conflict of interest

15. Op NORTHMOOR will manage all conflict of interest as follows:

a. **On appointment**. On notification of assignment to or employment within Op NORTHMOOR all staff will be asked to declare any relevant interests. Upon assumption of appointment, a formal declaration of interests

should again be made and recorded in the Op NORTHMOOR Register of Interests held by the OC.

b. **At meetings**. All attendees will be asked to declare any interest they have in any agenda item before it is discussed or as soon as it becomes apparent. Even if an interest is declared in the register of interests, it should be declared in meetings where matters relating to that interest are discussed. Declarations of interest should be recorded in minutes of meetings.

c. **Quarterly**: OC Op NORTHMOOR and individual SIOs will establish systems to satisfy themselves on a quarterly basis that their register of interests is accurate and up to date.

d. **On changing role or responsibility**. Where an individual changes role or responsibility within Op NORTHMOOR any change to the individual's interests should be declared.

e. **On any other change of circumstances**. Wherever an individual's circumstances change in a way that affects the individual's interests (e.g. a new business or relationship), a further declaration should be made to reflect the change in circumstances. This could involve a conflict of interest ceasing to exist or a new one materialising.

Specific Conflicts in Op NORTHMOOR

16. In addition to the general issues relating to conflict of interest, all Op NORTHMOOR staff must undergo a specific self-recusal process; this is to include any contact they have had with detainees in Afghanistan and or any investigations into matters concerning detainees, including;

- 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.

17. This includes past and existing personal relationships with those who have been involved in these activities or who are identified as witnesses or suspects in any matter that they are assigned to investigate.

18. The duty includes the requirement to ensure that any changes in personal circumstances are notified to the OC Op NORTHMOOR as soon as any new conflict is identified or arises.

19. The Conflict of Interest, Integrity & Non Disclosure Agreement is at Annex A to this policy.

Cases with RMP and MPS Subjects

20. The involvement of a member of the RMP or MPS as a suspect or witness in any investigation is not automatically considered to be grounds for the whole of Op NORTHMOOR being removed from that particular matter.

21. Where an SIO identifies that a member of the RMP or MPS is a subject of the investigation under his command, then it is the responsibility of the SIO to:

- Check the Op NORTHMOOR Register of Interests for those of his staff who will participate in the investigation.
- At the first meeting of the Investigation Team ask for declarations of conflict of interest.
- Apply the 'Six R' to any actual, perceived or potential conflict of interest.
- Notify the OC Op NORTHMOOR of the conflict and proposed mitigation of risk.

22. On receipt of the notification, OIOC Op NORTHMOOR is to:

- Check the detail provided by the SIO and confirm or amend the mitigation applied.
- Advise DPM (Inv) if it is considered that the matter must be dealt with by a separate Service Police Force utilising the Tri-Service Investigation Policy.
- Notify the SPA Managing Prosecutor by SPA Form 3 of the conflict and proposed response.
- The conflict and proposed mitigation is to be recorded on the next available Case Review Panel.

Responsibility and Reporting

23. This policy is to be delivered by the 2IC Op NORTHMOOR (supported by the Coy WO). The responsibility for ensuring compliance rests with the OIOC, however each SIO and member of Op NORTHMOOR is to be vigilante. All should be encouraged to report personal conflicts or those they perceive in other team members. The conflict register must be reviewed by the GOLD Commander quarterly and be available for the CRP members to consider if necessary. The document should be viewed as capable of disclosure under CPIA subject to the relevancy tests.

24. **Timing**. This policy is to be adopted with immediate effect. The register of interests for existing Op NORTHMOOR personnel is to be complete nlt 31 Oct 15. Those assigned post this date are to complete recusal and register any interests in advance of assuming their appointment or within 14 days of being ToS.

JD McAllister
Lt Col
SO1 Inv (GOLD)

Contact details

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SPECIAL INVESTIGATION BRANCH REGIMENT
ROYAL MILITARY POLICE

OPERATION NORTHMOOR

CONFLICT OF INTEREST, INTEGRITY & NON DISCLOSURE AGREEMENT

This investigation will be conducted in a professional and transparent manner. All staff engaged in the investigation will operate under the terms of this integrity statement.

Security, Integrity and Professionalism can never be compromised

Security. Security is a critical feature of this investigation. Op NORTHMOOR personnel, including support personnel are to treat all investigational material[1] with respect and with the strictest of confidence. This material is not to be disclosed outside of Team One without direct authority and express permission from the Senior Investigating Officer (SIO).

Section 1 of the Official Secrets Act 1989 makes the unlawful disclosure of information connected to security or intelligence services an offence. Any person found to be in breach of this Act will be liable to disciplinary action and/or criminal prosecution.

All Protectively Marked (PM) material is to be handled in accordance with JSP 440.

Integrity. Integrity is a main principle of human behaviour and will be the key ethos of this investigation.

Professionalism. The RMP Standards of Professional Behaviour[2] must be adhered to at all times in conjunction with National Investigative guidelines. There is to be no unauthorised access to information or any unauthorised disclosure of material by personnel. The confidentiality of information will be treated with respect throughout the investigation.

All members of the community (military or civilian) and irrespective of race, religion, colour, creed and sexual orientation will be dealt with fairly and with courtesy, in a professional manner and in accordance with any special needs they may have.

The SIO, DSIO and Major Incident Room will operate a transparent investigation and open approach to members of staff employed on this enquiry, the general public (including Service Community), without compromising intelligence, national guidelines or the safety of the public (including Service Community), witnesses, suspects and Service Police staff.

All policies and strategies will be clearly documented and available for scrutiny by relevant persons.

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[1] This includes all material contained within 'Sensitive' workbooks, PM documents & material, Int Reports, Witness Statements and anything of a sensitive nature discussed during team briefings.

[2] [redacted] website link [redacted] /20120702-RMP_Standards_of_Professional_Behaviour-U-(V2.0).pdf

Welfare needs of staff will be constantly monitored and the SIO and Management Team will strive to offer the best possible conditions.

All witnesses, suspects or other personnel who become involved in this enquiry and who have special needs will be catered for, having due regard to vulnerability.

Conflict of Interest.

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- The handling of detainees whether in a holding facility or elsewhere.

This includes past and existing personal relationships with those who have been involved in these activities.

Entry for Register of Interests

Service Number	Name and Initials	Position within Op NORTHMOOR

Interest(s) Declared	**Consider by (SIO)**	**Action required (Six R)**	**Date Recorded in Register**

I have read and understood the aforementioned Conflict of Interest, Integrity and Non Disclosure agreement. I have declared all interests which are currently known to me and undertake to inform OC Op NORTHMOOR should my circumstances change.

Service Number	Name and Initials	Position within Op NORTHMOOR
Signature		Date of Signature