



An inspection of the Royal Military Police's investigations into overseas deaths

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Summary

Section 321A of the Armed Forces Act 2006 (inserted by section 4 of the Armed Forces Act 2011) places a statutory duty on Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS)¹ to inspect and report to the Secretary of State on the independence and effectiveness of investigations carried out by each of the service police forces, including the Royal Military Police (RMP). This is HMICFRS' second statutory inspection of the RMP.

Terms of reference

The terms of reference for this inspection are to examine:

- the effectiveness, oversight and governance of RMP investigations into overseas deaths, including third-party reviews;
- the mechanisms and structures in place that support RMP investigations into overseas deaths;
- the effectiveness of RMP liaison and mutual support with other interested parties including: UK coroners; host nation policing and government departments; the Defence Safety Authority; the Service Prosecuting Authority; the Joint Casualty and Compassionate Centre (JCCC), the military chain of command; and
- RMP engagement with and support to bereaved individuals, to include liaison with Ministry of Defence departments involved in casualty notification and aftercare.

In this summary, we have combined our findings in relation to the first and second areas for examination in order to assist the reader. We have specified four recommendations and eight areas for improvement.

¹ This inspection was carried out before 19 July 2017, when HMIC also took on responsibility for fire & rescue service inspections and was renamed HM Inspectorate of Constabulary and Fire & Rescue Services. The methodology underpinning our inspection findings is unaffected by this change. References to HMICFRS in this report may relate to an event that happened before 19 July 2017 when HMICFRS was HMIC. Citations of documents which HMIC published before 19 July 2017 will still cite HMIC as the publisher.

How effective are RMP investigations into overseas deaths and how effective are the oversight, governance and support for those investigations?

In the majority of cases, the RMP investigates overseas deaths effectively. However, should the RMP have to deal with greater numbers of fatalities than it has experienced in recent years – such as at a time of war – the limited number of qualified military investigators would affect adversely the effectiveness and timeliness of investigations.

We saw little evidence of governance in place for functions that are provided jointly by the RMP, the Royal Navy Police and the Royal Air Force Police. Decisions about resources, prioritisation of workload and the future direction of these tri-service functions are largely led by the RMP, with limited influence by the other services involved.

The RMP has no formal recognised role (and no explicit statutory powers) to act abroad on behalf of a UK coroner. In our view, this diminishes the effectiveness of some investigations.

We found several other areas that require improvement. We summarise these below.

Recommendation 1

- By 1 December 2017, the Ministry of Defence should, in consultation with the Chief Coroner, formalise the role of the RMP when acting on behalf of a coroner in investigating overseas deaths.

Recommendation 2

- By 1 December 2017, the Provost Marshals (Navy, Army and Royal Air Force) and the Ministry of Defence should agree governance arrangements of the service police where they operate joint policing functions so opportunities for increased effectiveness and efficiency can be identified.

Area for improvement 1

- To develop capacity and capability, the Provost Marshal (Army) should agree a training schedule with the College of Policing to train appropriate RMP personnel in disaster victim identification.

Area for improvement 2

- To establish what lessons can be learned from the investigation, the Provost Marshal (Army) should implement a routine procedure for the internal audit department of the RMP to examine all case files concerning overseas deaths.

Area for improvement 3

- To enable continuous professional development for crime scene investigators and crime scene managers, the Provost Marshal (Army) should, in conjunction with the College of Policing, Home Office police forces and the other Provost Marshals (Navy and Royal Air Force), implement a programme of short-term attachments to Home Office police forces.

Area for improvement 4

- To reduce the delays in submitting case files to the Service Prosecution Authority, the Provost Marshal (Army) and the director of service prosecutions should agree a series of policies and procedures that ensure enquiries are completed efficiently and that sufficient evidence is submitted at the earliest opportunity.

Area for improvement 5

- To set standards and monitor the effectiveness of investigations, the Provost Marshal (Army) should establish a performance system that should include, but not be restricted to:
 - how well the RMP supports victims of crime;
 - how well it records crime and allocates investigations;
 - whether it uses investigative tactics appropriately;
 - how well it supervises and assures the quality of its investigations;
 - whether it provides training to national standards; and
 - how well it learns lessons from past experience.

How effective is the RMP liaison and mutual support with other interested parties?

In summary, we found that the Provost Marshal (Army) had established regular high-level meetings and memoranda of understanding with other interested organisations to enable liaison and where appropriate, mutual support. In addition, he has delegated his authority, to the commanding officer of the Special Investigation Branch Regiment, to investigate overseas deaths and to engage with other interested organisations. These measures were mostly effective.

The working relationships that RMP investigators have built with host nation police forces and other parties were generally effective. There were, however, some problems concerning joint working with other Ministry of Defence departments. We found that the RMP encountered difficulties in taking responsibility and command of investigations into offences that occurred in areas subject to another law enforcement body's jurisdiction; there was insufficient exchange of information between the RMP and the Defence Safety Authority; and there were problematic arrangements with other interested parties for informing and supporting bereaved families.

We did not find any structured process for professionals outside the RMP to review the independence and overall quality of RMP investigations into overseas deaths.

Recommendation 3

- By 1 December 2017, the Provost Marshal (Army) should make arrangements for the introduction of a structured process by which the independence and overall quality of RMP investigations into overseas deaths are reviewed by other relevant, independent professionals such as Home Office police forces on a regular basis.

Area for improvement 6

- To avoid unnecessary duplication, the Provost Marshal (Army) and the director general of the Defence Safety Authority should consider the arrangements used by Home Office police forces and the Health and Safety Executive concerning work-related deaths and determine the scope for greater exchange of information, but without this interfering with the need to prevent reoccurrence.

Area for improvement 7

- To provide a consistent and appropriate service to bereaved families, the Provost Marshal (Army) and the heads of the Joint Casualty and Compassionate Centre, the defence inquests unit, and the Army bereavement aftercare service, should revise the relevant memorandum of understanding and seek regular feedback from families concerning the service received.

How well does the RMP engage with and support bereaved individuals?

Military policy acknowledges that bereaved families are victims and that the provision of trained family liaison officers should be considered in each case. However, while we found evidence of good practice, we also met families who were critical of the service they had received. It is our view that the RMP could do much more to provide information to – and facilitate care and support for – bereaved families in a sensitive and compassionate manner.

We also found criticisms directed at the Ministry of Defence more widely, and inconsistencies in the service provided. These were outside the scope of this inspection of the RMP, but were consistent with the findings of the House of Commons Defence Select Committee in 2016.²

We also found unacceptable inconsistencies in the service given to families by the Ministry of Defence, depending on the type of death, where they lived or the degree to which local military policies support and reinforce the quality of services provided.

² *Beyond Endurance? Military exercises and the duty of care*, Defence Select Committee, House of Commons, 2016. Available at:

www.publications.parliament.uk/pa/cm201516/cmselect/cmdfence/598/598.pdf

Recommendation 4

- By 1 December 2017, the Provost Marshal (Army) should revise policy to match national family liaison officer guidance and training to ensure that RMP family liaison officers perform to the same standard as those within Home Office police forces.

Area for improvement 8

- To improve the notification and continuing support to bereaved families, the Ministry of Defence should revise procedures, check that they are consistently complied with and seek feedback from families to establish whether the standards are being met.

1. Introduction

About HMICFRS

- 1.1. HMICFRS independently assesses police forces and policing activity from neighbourhood teams to serious crime and the fight against terrorism, in the public interest. In preparing our reports, we aim to ask the questions which citizens would ask; and to publish the answers in accessible form, using our expertise to interpret the evidence.
- 1.2. HMICFRS is independent of government and the police. HM Inspectors of Constabulary are appointed by the Crown. They are not employees of the police service or government.
- 1.3. HMICFRS decides on the depth, frequency and areas to inspect based on our judgments about what is in the public interest.
- 1.4. In making these judgments, we consider the risks to the public, the risks to the integrity of policing, service quality, public concerns, the operating environment, the burden of inspection and the potential benefits to society from the improvements that might arise from the inspection.

About the RMP

- 1.5. The RMP (which we also refer to as “the force”) is led by an Army officer of brigadier rank, who holds the title Provost Marshal (Army), is appointed by Her Majesty the Queen and is the chief officer of the RMP. The Provost Marshal (Army) is responsible to the Defence Council for the conduct and direction of all RMP investigations, which should be conducted free from improper interference.³
- 1.6. The RMP, which consists of approximately 2,200 soldiers and civilian staff deployed with other military units throughout the UK and abroad, is responsible for policing the British Army worldwide. While the RMP is a separate brigade in its own right, RMP personnel report to both senior officers in the RMP and, for non-investigative activity, to the local brigade commander or commanding officers of units to which they are deployed.
- 1.7. The RMP is made up of six separate regiments. The 1st Regiment (RMP) is based in the north of England and Scotland but has a company in Germany. The 3rd and 4th regiments (RMP) are based in the west and east of the UK

³ *Section 115A(2) of the Armed Forces Act 2006 (as amended)*; the Provost Marshal of the force has a duty, owed to the Defence Council, to seek to ensure that all investigations carried out by the force are free from improper interference.

respectively. These regiments provide a general policing function for other units of the Army. There is also the Military Provost Staff Regiment that provides for the Army's custody and detention requirements.

- 1.8. There is a Special Investigation Branch Regiment, based in Bulford, Wiltshire, which provides an investigative capability for more serious or complex cases, or those matters which due to their nature require a special investigation. This has additional responsibility for investigations at military bases overseas, both on operations such as those in Afghanistan and at permanent bases such as those in Brunei, Canada, Cyprus, Germany and Kenya. Finally, there is a Specialist Operations Regiment that provides support to investigations such as covert techniques or tactics and forensic support.
- 1.9. As the Army's police force, the RMP is there to provide an independent investigatory and policing service so that investigations are effective and lawful, discipline is maintained and individuals are provided with the protections and safeguards afforded to them by law.
- 1.10. RMP personnel have powers similar to Home Office police officers such as powers of arrest and search. There are similar safeguards for the questioning and treatment of people in custody. These powers and safeguards are published in the Service Police Codes of Practice⁴ which again are similar to the codes of practice for Home Office forces.
- 1.11. Chapter 1 of Part 5 of the Armed Forces Act 2006 sets out the duties of commanding officers in relation to investigation of offences, charging and mode of trial.
- 1.12. Section 113(1) of this Act provides that, if an officer becomes aware of an allegation or circumstances indicating to a reasonable person that a Schedule 2 offence has or may have been committed by a person under his command, he must as soon as reasonably practicable ensure that a service police force is aware of the matter. Schedule 2 offences include offences under section 42 of the 2006 Act (criminal conduct), with the corresponding offence under the law of England and Wales listed in paragraph 12 of that Schedule.⁵

⁴*The service police codes of practice*, Ministry of Defence, 2015. Available at: www.gov.uk/government/uploads/system/uploads/attachment_data/file/410011/20150319_SPCOP_Final_March_2015.pdf

⁵ Including murder and manslaughter.

- 1.13. A further duty on a commanding officer, to ensure that service police are aware of certain circumstances, arises by virtue of section 114 of the 2006 Act and Part 2 of the Armed Forces (Part 5 of the Armed Forces Act 2006) Regulations 2009, including in certain cases of death or serious injury.⁶
- 1.14. In cases not giving rise to a duty to refer to the service police, commanding officers have discretion as to whether to conduct their own investigation or refer to the service police but are required to take into account several factors including seriousness and complexity in deciding which course to pursue.⁷ Further specific guidance is given in the case of certain sexual offences (including sexual assault); the presumption in these cases is that a commanding officer should normally ensure that service police are aware of such an allegation.
- 1.15. Where an incident involving death or serious injury (including the death of service personnel) occurs within the UK, the investigation will normally be led by the relevant Home Office police force, with the service police taking any necessary immediate action at the scene.⁸
- 1.16. The role of the RMP is to support operational effectiveness and wider military capability in the UK and overseas, in both hostile and benign environments, by contributing to the prevention and investigation of crime by persons subject to the Service Discipline Acts.⁹ There are different frameworks for jurisdiction dependent on the host nation and inter-governmental arrangements.
- 1.17. RMP investigations are required to be conducted independently of the chain of command and they must be free from “improper interference”.¹⁰

⁶ *The Armed Forces (Part 5 of the Armed Forces Act 2006) Regulations 2009*, regulation 3(c) and (d).

⁷ *Manual of Service Law*, Joint Service Publication 830, chapter 6, paragraph 30.

⁸ *Memorandum of Understanding between ACPO and the MOD and Service Police*, Home Office Circular 28/2008, paragraph 14.

⁹ Including the *Armed Forces Act 2006*.

¹⁰ *Section 115A (3) of the Armed Forces Act 2006 (as amended)*: “Improper interference includes, in particular, any attempt by a person who is not a service policeman to direct an investigation which is being carried out by the force”.

About deaths in service

- 1.18. In 2015, a total of 60 deaths occurred among the UK regular armed forces.¹¹ The three biggest causes of death were cancer (27 percent, 16 deaths), land transport accidents (22 percent, 13 deaths) and other accidents (20 percent, 12 deaths). Two were the result of injuries sustained in a helicopter crash while on military operations.¹²
- 1.19. Since the start of 2000, 135 service personnel have died while training. Some 55 of these deaths occurred overseas. Current practice requires such deaths to be investigated by the service police and host nations' police forces.¹³

Our commission

- 1.20. Section 321A of the Armed Forces Act 2006 (inserted by section 4 of the Armed Forces Act 2011), which came into force on 4 June 2014, places a statutory duty on HMICFRS to inspect and report to the Secretary of State on the independence and effectiveness of investigations carried out by each of the three service police forces: the Royal Navy Police; the Royal Military Police; and the Royal Air Force Police.

Terms of reference

- 1.21. This is HMICFRS' second statutory inspection of the RMP. The terms of reference for this inspection are to examine:
- the effectiveness,¹⁴ oversight and governance of RMP investigations into overseas deaths,¹⁵ including third-party reviews;¹⁶

¹¹ *Deaths in the UK Regular Armed Forces: Annual Summary and Trends Over Time 1 January 2006 to 31 December 2015*, HM Government Statistics, 2016. Available from: www.gov.uk/government/statistics/uk-armed-forces-deaths-in-service-2015

¹² *Ibid.*

¹³ *Beyond endurance? Military exercises and the duty of care*, House of Commons Defence Committee, 2016. Available at: www.publications.parliament.uk/pa/cm201516/cmselect/cmdfence/598/598.pdf

¹⁴ HMICFRS judgment criteria for Home Office police forces concerning effectiveness of crime investigations consider the initial assessment and response, capturing forensic opportunities and allocating skilled staff. Thorough investigation, digital considerations, intelligence and forensic capacity as well as victim satisfaction also make up the criteria.

¹⁵ This inspection focused on the recent deaths (since 2013) of military personnel subject to service law and civilians subject to service discipline. This includes soldiers and their families living abroad, as well as employees of the Ministry of Defence working abroad at Army bases.

- the mechanisms and structures in place that support RMP investigations into overseas deaths;
- the effectiveness of RMP liaison and mutual support with other interested parties including:¹⁷ UK coroners; host nation policing¹⁸ and government departments; the Defence Safety Authority;¹⁹ the Service Prosecuting Authority;²⁰ the JCCC;²¹ the military chain of command; and
- RMP engagement and support to bereaved individuals, to include liaison with Ministry of Defence departments involved in casualty notification and aftercare.

1.22. This inspection focused on the deaths of (i) military personnel subject to service law and (ii) civilians subject to service discipline²² since 2013.

Methodology

1.23. This inspection took place in September and October 2016.

1.24. We reviewed documents provided to us by the RMP that described the force's role as well as its policies and procedures for investigating overseas deaths.

¹⁶ Third-party reviews are conducted by a relevant organisation independent of the organisation conducting the investigation. The primary objectives of a review are to assist the senior investigating officer to detect crime and to establish lessons learned. The review should not be seen as a re-investigation but as an activity planned to assist and support the senior investigating officer in bringing the investigation to a successful conclusion.

¹⁷ Including jurisdictional issues.

¹⁸ Host nation policing refers to the civil and military police of the nations in which the British Army deploys service personnel. This inspection included consideration of the differing jurisdictional issues in those host nations.

¹⁹ The Defence Safety Authority is a non-statutory body, formed on 1 April 2015, when the military organisations responsible for maritime, land, aviation, nuclear, ordnance and fire regulation were brought together under a single senior head.

²⁰ The Service Prosecuting Authority, which was established by the *Armed Forces Act 2006*, is an independent prosecution service for the armed forces.

²¹ The JCCC is a tri-service Ministry of Defence department, responsible for the notification of each death-in-service to the next-of-kin.

²² A civilian may be subject to subject discipline if he is not subject to service law but falls within a number of categories set out in Part 1 of Schedule 15 to the 2006 Act. This includes persons living (or staying) with a person subject to service law within a designated area (that is, an area designated for the purposes of Schedule 15 paragraph 8).

- 1.25. We visited four Army bases in the UK and abroad where we conducted a series of interviews and focus groups with RMP personnel. During these visits we examined 46 RMP investigation case files.
- 1.26. We wrote to all families who had been bereaved following a death overseas that was investigated by the RMP, from 2013 onwards. Five families agreed to meet us. We sought their views on how the RMP engaged with them and the effectiveness of the RMP investigation. We also provided an online survey for completion by families who preferred not to meet with us. Only two families completed the online survey.
- 1.27. A detailed description of the methodology for this inspection can be found at Annex A – Methodology, and a list of the types of case files we reviewed can be found at Annex B – List of case files reviewed.
- 1.28. HMICFRS is grateful to the personnel of the RMP who contributed to this inspection and to other military personnel, civilians and interested organisations and parties for their time and support during the inspection process.
- 1.29. We are also grateful to Nicola Lester from Leeds Beckett University for working with us to ensure that our contact with bereaved families was appropriate, considerate and supportive. Her work with bereaved families through 'Soldiers in Mind'²³ also enabled her to offer further support to families following our inspection.
- 1.30. We are particularly grateful to the bereaved families, who provided us with moving accounts of their experiences.

Report

- 1.31. This report addresses the areas set out in the terms of reference. We have combined our findings in relation to the first and second areas in order to assist the reader. We have set out our report in the following way:
 - chapter 2 provides our findings in relation the first and second areas in our terms of reference;
 - chapter 3 provides our findings in relation to the third area in our terms of reference;
 - chapter 4 provides our findings in relation to the fourth area in our terms of reference; and

²³ *Evaluation for Soldiers in Mind*, Soldiers in Mind, 2014. Available at: www.dougiedalzellmemorialtrust.co.uk/images/Evaluation_final_for_distribution.pdf

- the final chapter provides our conclusions in relation to all of the areas in our terms of reference.

2. How effective are RMP investigations into overseas deaths and how effective are the oversight, governance and support for those investigations?

What we were looking for

- 2.1. In any police force, it is necessary for senior leaders to provide appropriate support to and oversight of investigations to ensure they are conducted effectively.
- 2.2. Senior leaders have a vital role to play in ensuring that, with the assistance of properly defined policies, regular training, and appropriate specialist advice, personnel meet the standards expected of them.
- 2.3. Therefore, in order to establish the effectiveness of RMP investigations into overseas deaths, we examined evidence of how well the RMP responds to and investigates reports of overseas deaths; and evidence of how well the Provost Marshal (Army) ensures that the RMP conducts investigations that meet his expectations.

Findings

- 2.4. In summary, we found that, in the majority of cases, the RMP effectively responds to and investigates overseas deaths within current resources. However, should the RMP have to deal with greater numbers of fatalities than they have experienced in recent years – such as at a time of war – there could be a lack of qualified military investigators. This would adversely affect the effectiveness and timeliness of any investigation, and the Ministry of Defence should consider this in any future defence review.
- 2.5. We also found a lack of governance in place for functions that are provided jointly by the RMP, the Royal Navy Police and the Royal Air Force Police. Decisions about resources, prioritisation of workload and the future direction of these tri-service functions are largely led by the RMP, with limited influence by the other services involved.²⁴

²⁴ Tri-service refers to the Royal Navy Police, Royal Military Police and Royal Air Force Police.

- 2.6. The RMP has no formal recognised role (and no explicit statutory powers) to act abroad on behalf of a UK coroner.²⁵ In our view, this diminishes the effectiveness of some investigations.
- 2.7. We also found other areas for improvement regarding investigations:
- ‘disaster victim identification’ training courses provided by the RMP were not accredited by the College of Policing;
 - lessons learned from investigations into overseas deaths were not routinely identified;
 - investigators [because of the low numbers of overseas deaths] had little opportunity to gain an acceptable level of expertise and experience;
 - there were unjustifiable delays in investigations; and
 - systematic and regular processes for the collection of management information were not in place.

How the RMP responds to and investigates reports of overseas deaths

- 2.8. We consider that, in order to respond to and investigate overseas deaths effectively, the RMP must provide appropriate capacity and capability, taking into account the potential investigative caseload. Consequently, for this aspect of our inspection, we assessed the RMP's approach in the following five areas:
- planning and demand management;
 - jurisdiction, ethics and powers;
 - initial actions and specialist support;
 - investigative strategies; and
 - lessons learned.

²⁵ Coroners are independent judicial officers with statutory responsibility for investigating the causes and circumstances of any death reported to them which may be violent, unnatural or of unknown cause, or where the cause of death arose in state detention.

Planning and demand management

- 2.9. Since our previous inspection,²⁶ the Provost Marshal (Army) has re-structured the RMP to respond more quickly and effectively to overseas deaths. We found new command arrangements in place. The RMP has developed and now operates a process to respond to reports of deaths, called 'operational investigative tasking process'. This process was designed to ensure that: timely notifications were made to RMP investigators and senior Army commanders of all reported deaths; additional resources were deployed appropriately; and repatriation of the body could be arranged quickly.
- 2.10. We were told that the findings of inquiries into previous investigative failings such as at Deepcut²⁷ and during the Iraq war²⁸ had been taken into consideration, particularly concerning the deployment of suitably qualified and experienced investigators. Our examination of case files suggested that this operational investigative deployment process is having a positive effect, but we did identify some problems, as set out below.
- 2.11. One of the problems we identified was the number of RMP personnel available to respond to overseas deaths. The Army has reduced in size following successive strategic defence and security reviews, from just over 106,000 in 2011 to 83,880 at the time of our inspection.²⁹ Since our previous inspection in 2014, the size of the RMP has reduced by 300 service personnel and civilians (2,500 down to 2,200 at the time of our inspection). Increased demands to investigate historical allegations from Afghanistan had further depleted the numbers of RMP investigators available to investigate current overseas deaths (from 176 in 2014 down to 100 at the time of our inspection).

²⁶ *An inspection of the leadership of the Royal Military Police in relation to its investigation*, HMIC, 2015. Available from: www.justiceinspectorates.gov.uk/hmicfrs/publications/an-inspection-of-the-leadership-of-the-rmp-in-relation-to-its-investigation/

²⁷ Recommendation 23 of the *Deepcut Review 2006* called for RMP training to be kept under review to ensure that investigators are trained fully in areas that have been identified as best practice. See: www.gov.uk/government/uploads/system/uploads/attachment_data/file/228930/0795.pdf

²⁸ "...the difficulty of conducting Service Police investigations in a hostile environment, which was exacerbated by a lack of qualified military investigators; the MOD set no deadlines for the conclusion of Service Police investigations". *The report of the Iraq Inquiry – section 16.4* The Iraq Inquiry, 2016, is available at: www.iraqinquiry.org.uk/media/246671/the-report-of-the-iraq-inquiry_section-164.pdf

²⁹ Ministry of Defence Statistics, available at: www.gov.uk/government/uploads/system/uploads/attachment_data/file/555607/2015_Strategic_Defence_and_Security_Review.pdf

- 2.12. We also found that, with a smaller army and fewer overseas deployments, the number of overseas deaths is reducing year on year.³⁰ The RMP has reduced its presence in Germany from a regiment of 500 to a platoon of 30, and in Cyprus by half from 40 to 20 RMP personnel. The reduction of available qualified and experienced investigators means that, in the event of a death, the teams in these countries rely on additional investigators who have to come from elsewhere.
- 2.13. All enquiries involving a fatality are dealt with by the Special Investigation Branch Regiment of the RMP, which has access to specialist resources such as forensic and covert policing. We learned that there are always seven Special Investigation Branch personnel on standby in the UK for immediate deployment to anywhere in the world, and that a further five are expected to be ready to deploy within 36 hours (see paragraphs 2.400 and 2.45).
- 2.14. When we examined cases that concerned deaths occurring in hostile environments in Afghanistan in 2013, we found that sufficient RMP investigators were deployed eventually. However, we were disturbed by the skill-levels of some investigators who were not accredited, the time taken to deploy additional resources and the multi-role nature of some personnel (for example investigators were also crime scene managers). In particular, should the RMP have to deal with greater numbers of fatalities than the modest numbers of recent years, there would be a lack of qualified military investigators. That could affect adversely the effectiveness and timeliness of any investigation. We discuss training and skills at paragraphs 2.68 and 2.75.
- 2.15. From a demand management perspective, we found some effective working practices such as regular joint planning and exercises to prevent or reduce the number of deaths in certain scenarios. For example, in Cyprus the RMP works with the Sovereign Base Areas Police at RAF Akrotiri to plan for and practise its joint response to air collisions.
- 2.16. We also saw emerging and pioneering preventative work to reduce further fatalities. In Germany we met the chair of the Army multi-agency risk assessment conference, a process to prevent domestic violence and homicide, similar to that adopted by the police and other bodies in England and Wales.

³⁰ The downward trend seen since 2010 in the overall UK regular armed forces age and gender standardised mortality rates was due to the fall in the number of hostile action deaths associated with the end of operations in Iraq and Afghanistan. Rates fell from a high of 106 per 100,000 in 2009 to a low of 39 per 100,000 in 2015. For more information, see: www.gov.uk/government/statistics/uk-armed-forces-deaths-in-service-2015

- 2.17. In addition, we saw some evidence of intelligence sharing between host nation police forces and the RMP. However, in no case did we see the regular exchange of intelligence about precursor or signal offences that could lead to a fatality. These are less serious sexual or violence offences that, if left unchecked, could lead to a murder or manslaughter. A clear formal agreement with the coroner concerning the role of the RMP could lead to greater sharing of relevant intelligence between host nation police forces and the RMP (see recommendation 1 below).
- 2.18. Finally, in all the places we visited, high-profile initiatives to reduce the number of fatal traffic collisions were evident.

Jurisdiction, ethics and powers

- 2.19. The Armed Forces Act 2006 makes provision for the role of the RMP in relation to the investigation of military service offences,³¹ including powers of arrest, search and entry.³²
- 2.20. Under British law, the RMP has jurisdiction over all military personnel, or persons subject to service law, anywhere in the world (on or off duty), including civilians subject to service discipline while living overseas in designated areas.
- 2.21. We read agreements, in the form of memoranda of understanding and international protocols, that provide jurisdiction and policing powers for the RMP in Brunei, Canada, Cyprus, Germany and Kenya – places where the Army is regularly deployed or trained. We found that each agreement ceded different powers to, or placed different obligations on, the RMP. In some cases the agreements were too imprecise, which meant they were open to interpretation and left room for local negotiation.
- 2.22. For example, in Germany the RMP is permitted to investigate all offences and has powers on and off military bases, while in Canada, all offences fall under the jurisdiction of the Canadian Forces Military Police, with the exception of some traffic collisions. This creates difficulties for the RMP because jurisdiction – and therefore the ability to control an investigation – depends on where an incident takes place, whether it involves a foreign national and whether there is sufficient clarity in the agreement.

³¹ *Section 50(2) of the Armed Forces Act 2006.*

³² *Armed Forces Act 2006, Part 3.*

- 2.23. We also found that the RMP seeks to retain jurisdiction, or secure primacy³³ in an investigation, in respect of all serious offences allegedly committed by – or against – military personnel and civilians subject to service law, where there is an equivalent offence in England and Wales. We saw evidence of this in Cyprus: an adventure training fatality, which occurred outside the Sovereign Base Areas but involved military service personnel and a British civilian trainer, was being investigated by the police of Cyprus; however it was found that the civilian was not subject to service discipline and jurisdiction remained with the Cypriot authorities.
- 2.24. We found that, in all cases we reviewed where the RMP has investigated a sudden or unexplained death overseas, part of its role includes providing relevant evidence to Her Majesty’s coroners.
- 2.25. A coroner in England and Wales (or the Coroner’s Service in Northern Ireland)³⁴ has a duty to hold an investigation where he or she is made aware that the body of a deceased person is within that coroner’s area and he or she has reason to suspect that (a) the deceased died a violent or unnatural death, or (b) the cause of death is unknown, or (c) the deceased died while in custody or otherwise in state detention.
- 2.26. Since the 1982 decision of the Court of Appeal in the case of Helen Smith,³⁵ coroners in England and Wales have been under a duty to investigate a death which occurred overseas if the body is returned to the coroner’s district and the circumstances are such that an investigation would have been conducted if the death had occurred in England and Wales.
- 2.27. Current military practice³⁶ is that, in most cases of overseas deaths, repatriation will initially be made to the jurisdiction of the Oxfordshire coroner (via RAF Brize Norton).³⁷ However, if the next of kin so requests, the investigation and inquest can be conducted in their local coroner’s area.

³³ In this context, primacy means RMP taking responsibility and command of an investigation into an offence that occurs in an area subject to another law enforcement body’s jurisdiction.

³⁴ *The Coronial and Justice Act 2009* now makes provision in Scotland for the Lord Advocate to hold a fatal accident inquiry for military overseas deaths in certain circumstances; to date this has not occurred.

³⁵ *R v West Yorkshire Coroner, ex p Smith* [1983] QB 335.

³⁶ See Chief Coroner’s *Guidance No 7: A Cadre of Coroners for Service Deaths*, especially at paragraphs 5 and 12(5)-(6).

³⁷ Or, where the death occurs in hospital, the Birmingham and Solihull coroner.

- 2.28. Under section 17 of the Coroners and Justice Act 2009, the Chief Coroner must monitor investigations into service deaths,³⁸ and must ensure that coroners conducting such investigations are suitably trained to do so. The Chief Coroner requires senior coroners to notify him of all such investigations and update him upon their progress and outcome.
- 2.29. In 2013, the Chief Coroner created a specialist cadre of coroners in England and Wales, at present ten members strong, to conduct investigations and inquests into service deaths, whether occurring overseas or in England and Wales.³⁹
- 2.30. However, we noted that the RMP has no formal recognised role (and no explicit statutory powers) to act abroad on behalf of a UK coroner.⁴⁰ In our view, this diminishes the effectiveness of some investigations, for example, in cases where the RMP is unable to search certain types of commercial premises on military bases overseas.
- 2.31. In addition, the absence of a formal recognised role to act on behalf of a coroner sometimes causes difficulties in securing the cooperation of other interested parties such as the host nation police (see paragraph 2.17) or the military chain of command.
- 2.32. A coroner will usually request a post-mortem examination in the case of a service personnel death overseas, and will also usually conduct an inquest into this death.⁴¹
- 2.33. The RMP provides identification evidence which enables the repatriation of the deceased to the UK, and the RMP investigations help the coroner establish the cause of death. In cases where the initial investigation gives rise to a suspicion that a crime may have been committed, the RMP undertakes a criminal investigation.

³⁸ As defined in section 17(2) of that Act.

³⁹ *Guidance No 7 – A Cadre of Coroners for Service Deaths*, Chief Coroner, 2013, paragraph 10. Available at: www.judiciary.gov.uk/wp-content/uploads/2013/09/guidance-no-7-a-cadre-of-coroners-for-service-deaths.pdf

⁴⁰ Although the RMP's role is referred to in the Ministry of Justice publication *Boards of Inquiry and Coroners' Inquests, Information for Bereaved Families* at page 9: "In the case of a death of a Service person, in certain circumstances the military police assist the Coroner, particularly if the death occurred overseas."

⁴¹ *Guide to Coroner Services*, Ministry of Justice, 2014, paragraph 10.3. Available from: www.gov.uk/government/publications/guide-to-coroner-services-and-coroner-investigations-a-short-guide

- 2.34. While we are satisfied that the RMP acts appropriately, we are concerned that it does not have a formal recognised role to collect evidence for a coroner's court and that this can diminish the effectiveness of RMP investigations in some cases.
- 2.35. We conclude that to change the existing memoranda of understanding and international protocols mentioned at paragraph 2.21 would be extremely difficult, requiring the consent of each host nation. However, future agreements need to be clearer about the role that the RMP performs on behalf of the coroner and that role needs to be formalised.

Recommendation 1

- By 1 December 2017, the Ministry of Defence should, in consultation with the Chief Coroner, formalise the role of the RMP when acting on behalf of a coroner in investigating overseas deaths.

- 2.36. We found a strong ethical culture among those to whom we spoke, and in the documents and case files that we read. RMP personnel were keen to investigate all relevant overseas deaths, to protect the interests of British citizens. For example, the extent of RMP investigations into stillbirths far exceeded those that we would expect to find by a Home Office police force. This was explained to us as a compassionate and necessary service for families of service personnel who experience the loss of a child in an overseas posting away from their home country.
- 2.37. We also saw evidence of this ethical culture in other ways. The Provost Marshal (Army) has written and circulated a Code of Conduct⁴² that sets out clear expectations of RMP personnel. It contains a description of the values and standards of the RMP, the type of leadership expected by personnel, and the police service oath. The code challenges personnel to ensure that their actions are open and transparent and that they act with integrity. Those to whom we spoke could recite important parts of the code, and during our observational work, we saw the code being applied, for example during an exercise on Salisbury Plain where RMP personnel had to justify their actions to their commanding officer.

⁴² *RMP Code of Conduct*, Ministry of Defence, 2015 (unpublished).

- 2.38. We also saw that this ethical culture had informed RMP policy, particularly concerning Articles 2, 6 and 8 of the *European Convention on Human Rights*⁴³ and the application of the *Code of Practice for Victims of Crime*.⁴⁴ The policies we saw described the required actions of RMP personnel to ensure the protection of the right to life, the right to privacy and the right to a fair trial. In addition, we saw further evidence in investigator decision files, family liaison officer logs and witness lists. Care was evidently taken to record options, decisions, and the views of those affected or the likely consequences of decisions.
- 2.39. We examined the processes by which the RMP is notified of deaths. We found them to be robust. There are several contact points, ranging from commanding officers to civilian notification administrators, hospitals and next of kin. However, we cannot say that when a death occurs in another jurisdiction, the RMP is always informed straight away. For example, outside a military base the host nation police is likely to provide the first response to any deaths. In such cases, there can be a delay in confirming the identity of the deceased and any relevant notification to the RMP by that police force (see paragraph 3.28).

Initial actions and specialist support

- 2.40. The Provost Marshal (Army) has issued a policy which directs that, where there is a fatality, the investigation will be dealt with in whole or part by the Special Investigation Branch Regiment, which has access to the specialist resources required to deal with a fatality.⁴⁵ We endorse this approach because it is more likely to result in an effective investigation. However, even with such a policy in place, in an environment where the number of deaths is diminishing, experience levels among investigators are commensurately low.
- 2.41. We found examples of decision making that led to unnecessary lines of enquiry being followed in non-suspicious deaths. For example, where a death occurred from natural causes following months of palliative care, taking scene photographs was unnecessary. This raises concerns about the effect of the investigation on bereaved families (see paragraph 2.82). Of the 46 cases that we reviewed, we found that about a third had unnecessary lines of enquiry that led to delays.

⁴³ *European Convention on Human Rights*, European Court of Human Rights, 2010. Available at: www.echr.coe.int/Documents/Convention_ENG.pdf

⁴⁴ *Code of Practice for Victims of Crime*, Ministry of Justice, 2015. Available from: www.gov.uk/government/publications/the-code-of-practice-for-victims-of-crime

⁴⁵ *Military Police Investigative Doctrine – Fatality Investigations and Coroner’s Support*, 2014, (unpublished).

- 2.42. We were told that RMP commanding officers of overseas detachments are late entry officers, meaning they have risen through the RMP ranks before promotion to officer, and are experienced investigators in their own right. They are likely to have the skills required to oversee and guide investigations, but those they lead may not.
- 2.43. In Germany we spoke with RMP personnel who are usually the first to respond to fatalities. They described the training and exercises that they undertake and gave us examples of responding effectively to fatalities such as suicide, a parachute fatality and the accidental death of a child. We concluded that the training was effective and that RMP personnel understood what to do at the scene of a fatality.
- 2.44. However, the actions of some host nations police officers may, at times, cause problems. For example, they may take initial investigative actions that do not comply with the evidential standards required by UK practice. As a consequence, opportunities to collect evidence for possible prosecutions and inquests have been lost in some cases. In one country the scene of a manslaughter was not properly protected; in another case a dead child was examined with no forensic consideration; in another example the witness, victim and suspect of an attempted murder were allowed to stay together, risking cross-contamination of forensic evidence. While these examples are not common, clarity about the role of the RMP on behalf of a coroner may help reduce these problems (see Recommendation 1).
- 2.45. Where additional specialist resources are required to support those RMP investigators overseas, we found that the Provost Marshal (Army) can effectively deploy extra personnel from the Special Investigation Branch Regiment and from the Specialist Operations Regiment. As mentioned above at paragraph 2.13, specialist investigators are on standby to deploy anywhere in the world.
- 2.46. We found that the RMP defines incidents of murder, manslaughter and fatal accidents as critical incidents. It is normal police practice in such incidents to assess the impact on the community, and use this assessment to inform the police's response to the incident. The responsibility for producing a community impact assessment rests with the local commanding officer of the RMP, as he has wide knowledge and situational awareness of the local area. This is good practice. We found an example of this in Cyprus where a young girl had died of a potentially contagious disease. The RMP took appropriate measures to engage with other families and give advice and support to ensure there were no further casualties.

2.47. For deaths in suspicious circumstances, or where there may be some culpability, investigations may only be discontinued with the agreement of the Service Prosecuting Authority.⁴⁶ All such investigations are overseen by the commanding officer of the Special Investigation Branch Regiment in person.

Investigative strategies

2.48. The College of Policing has published Authorised Professional Practice⁴⁷ in relation to the investigation of deaths. During our interviews with investigators and our examination of case files we analysed evidence that investigations were appropriate and complied with professional practice in terms of how offenders and victims are managed. In the majority of cases we found evidence of compliance.

2.49. RMP policy states that “...all fatalities must initially be treated as suspicious.”⁴⁸ The reason given in the policy is that it is always possible to scale down a response to a death once it is established as not suspicious “but virtually impossible” to scale up an investigation if required. While we agree with this policy, critical to this is leadership ensuring the response is scaled down to a proportionate level as soon as suspicions can be discounted.

2.50. Among the majority of first responders, we found an appropriate understanding of the actions that need to be taken immediately after a fatality, such as scene preservation, identification of witnesses and securing evidence. We also found that investigators have a detailed understanding of the investigative strategies that need to be considered following a more mature, qualified assessment of the circumstances surrounding the death, such as forensics, pathology, searches, local enquiries, media and legal.

2.51. At the beginning of all investigations into suspicious deaths, the senior investigating officer appoints a crime scene manager to review all relevant scene information, physical evidence and any witness or suspect accounts. A written strategy is then created for action by the investigating team. In addition, we found that the senior investigating officer compiled a forensic strategy prior to any forensic examination taking place or the recovery of evidence.

⁴⁶ *Military Police Investigative Doctrine – Fatality Investigations and Coroner’s Support*, RMP, 2014, (unpublished).

⁴⁷ The College of Policing defines and publishes guidance for Home Office police forces in a range of Authorised Professional Practice documents. For more information see: www.app.college.police.uk/app-content/

⁴⁸ *Military Police Investigative Doctrine – Fatality Investigations and Coroner’s Support*, RMP, 2014 (unpublished).

- 2.52. Furthermore, we found mostly effective working relationships with other investigative agencies (discussed more fully in the next chapter), and a consideration by senior officers of where additional investigative support could be obtained, such as from Home Office police forces and the National Crime Agency (NCA). In one case we saw a detailed NCA review of historical investigations (see paragraph 3.21).
- 2.53. RMP practice requires a formal review of an investigation into a death 28 days after the investigation begins. We saw terms of reference for one such review, including details of the full circumstances surrounding the death, together with an hypothesis, major lines of enquiry, policy decisions and all investigative strategies. We were also shown scene photographs, video footage and computer-generated mapping of the scene. This was more than adequate for such a review and is compliant with Home Office police force practice.
- 2.54. During our case file review we saw senior investigating officer decision logs that detailed the principal elements of the investigation. These included: the scope and scale of the investigation; the lines of enquiry to follow (and their rationale); the details of resources needed and of how information would be managed; and the outcomes of previous decisions and actions taken.
- 2.55. However, for major enquiries, Home Office police forces regularly use a computer database system, called HOLMES,⁴⁹ to manage all the enquiries and information. We found limited use of HOLMES for RMP investigations. In some instances, such as a helicopter crash involving multiple fatalities, its use (while not absolutely necessary) would have assisted the investigators to manage the substantial volume of material the investigation generated.
- 2.56. In other cases, investigations would have benefited from simple and less resource-intensive case or action management systems. These would assist in defining actions, recording when they are complete and carrying out disclosure of information to any accused person. They could also help to address some of the problems concerning the extent of investigations and the time taken to complete them (see paragraph 2.82).
- 2.57. We found that the RMP had a media engagement policy⁵⁰ which described when and how internal and external messages should be communicated. The RMP often wishes to engage proactively with the media to assist with identifying offenders, locating a suspect, identifying a victim, appealing for

⁴⁹ The Home Office Large Major Enquiry System (HOLMES) is a computer database designed to assist in the management of police information during complex or protracted investigations, usually concerning homicide.

⁵⁰ *Military Police Investigative Doctrine – Engagement with the Media*, Ministry of Defence, 2014 (unpublished).

witnesses or reassuring the public. The media engagement policy required that a media strategy should be developed as part of the overarching investigative strategy and the consent of victims would be sought before their details were released. In particular, we found that investigators understood the importance of consulting and informing victims of any decision to engage with the media.

- 2.58. The RMP has limited capacity to manage disaster victim identification. This involves a procedure subject to international agreement⁵¹ and is used to recover and identify deceased people in mass fatality incidents. Such incidents could occur as a result of a range of events, for example natural disasters, aircraft crashes, terrorist bombings or, in the particular context of the RMP, heavy losses in wartime. Specialist roles are defined, such as senior identification manager, and the College of Policing provides accredited training to police forces to meet the required international standards.
- 2.59. We found that the RMP uses a training provider that has not been accredited by the College of Policing. This means that the RMP's capability is not recognised by the majority of international law enforcement bodies. To address this limited capacity and capability, the RMP should identify appropriate staff to undertake College of Policing training. The RMP will then be in a better position to call on the support of other police forces if appropriate and to assist overseas police forces when necessary, as it will be able to operate within the same procedures and to the same standards as overseas police forces.

Area for improvement 1

- To develop capacity and capability, the Provost Marshal (Army) should agree a training schedule with the College of Policing to train appropriate RMP personnel in disaster victim identification.

Lessons learned

- 2.60. Part of the process for developing more effective investigations for the future involves learning lessons from the past. The focus of RMP investigations into overseas deaths is on securing the best evidence for the prosecutor and/or coroner. We also saw a regular internal audit procedure undertaken by a dedicated team within the RMP. The procedure was effective because it focused on inspecting separate RMP units to ensure that investigative practice complies with RMP investigative policy.

⁵¹ For more information, see: www.interpol.int/INTERPOL-expertise/Forensics/DVI

- 2.61. In the documents we reviewed, there were more than 150 references to lessons learned by the RMP since May 2012 concerning all the RMP's investigations, not solely those into deaths abroad. This shows a strong commitment to learning from past events. We found a small number of lessons learned where the host nation police had delayed informing the RMP and where the timeliness of the investigation was adversely affected. We also found a greater number that concerned RMP capabilities overseas such as: insufficient forensics response (in Cyprus particularly); poor training; inadequate guidance; and outdated on-call arrangements. We noted, in certain documents examined, descriptions of lessons learned concerning insufficient detail in investigating officers' decision files; however, we did not find this problem in the case files that we reviewed.
- 2.62. Among the lessons learned, we noted recurring themes regarding letters to victims of crime: lateness and a lack of sensitivity in the language used in the letter. While we did not see examples of this in the case files that we reviewed, information we received from bereaved families suggested that some had encountered similar problems (see chapter 4).
- 2.63. The lessons learned refer to all RMP investigations. We found few that related directly to overseas deaths. Although the number of deaths is relatively small and reducing, the substantial effect of a death and the complexity of investigations can be exceptional. The RMP had no policy that required the routine examination of investigations of all overseas deaths, or the identification of lessons to be learned. Generally, one of the purposes of fatal accident investigations is to establish the cause of a death, including the circumstances that led up to it, in order to prevent a recurrence. During our review of case files we were encouraged to see some fatal accident investigation reports which were focused clearly on making recommendations to keep military personnel safer in the future.

Area for improvement 2

- To establish what lessons can be learned from the investigation, the Provost Marshal (Army) should implement a routine procedure where the internal audit department of the RMP examines all case files concerning overseas deaths.

How the Provost Marshal (Army) ensures that the RMP conducts investigations that meet his expectations

2.64. In order for RMP investigators to meet the expectations that are set for them, the Provost Marshal (Army) must clearly define and explain those expectations. Furthermore, those expectations must be fully integrated in, and implemented through, effective systems, working practices, monitoring and checking procedures. Consequently, for this aspect of our inspection, we assessed the RMP's approach in the following five areas:

- policies and guidance;
- training;
- skills and experience;
- supervision and internal reviews of investigations; and
- oversight and governance.

Policies and guidance

2.65. We examined various current policies and procedures for the investigation of deaths that the RMP supplied to us for our document review. These included a series of documents, collectively known as 'military police investigative doctrine', which the Provost Marshal (Army) had issued.⁵² We also saw local standing instructions such as casualty and compassionate procedures in Germany, which prescribed how the commander of British forces in Germany should deal with the death of service personnel or civilians. We met with senior officers and officials in Germany who described how this procedure works in practice. We found the standing instructions were clearly set out, covered the reporting of a wide range of deaths, and gave clear direction for robust follow-up reports.

2.66. The RMP investigative doctrine provides comprehensive guidance on the standards required by the RMP for investigations, as well as procedures for how investigations should be undertaken. They included procedures that were derived from College of Policing standards,⁵³ which have been adapted to take account of the military context.

⁵² The subject areas of the military police investigative doctrine included land accident investigations, victim and witness care, investigations on operations, forensic management, disclosure, investigation reviews, fatality investigations and coroner's support.

⁵³ The College of Policing defines and publishes guidance for Home Office police forces in a range of Authorised Professional Practice documents. For more information see:

www.app.college.police.uk/app-content/

2.67. Through our interviews with RMP investigators, we were satisfied that the majority understood the Army's and the Provost Marshal (Army)'s expectations of them and that they knew where to find the relevant policy and guidance documents. During our case file review we saw compliance with relevant policies in all cases, for example, providing thorough reports to the coroner to inform his assessment of the case.

Training

2.68. We found that the RMP used a central database to record details of training for RMP investigators. This enabled managers to monitor overall training levels and it informed effectively their deployment decisions, so that they allocated personnel to posts for which they were adequately trained. We also noted that the job description for posts (see paragraph 2.75) specified in detail the training requirements for post-holders.

2.69. The RMP had an in-house training programme, which it shared with the other service police forces.⁵⁴ Training was provided to personnel in accordance with their experience and the duties that they undertook. Specialist training courses provided by the RMP covered areas such as serious crime, management of investigations and crime scene investigation.

2.70. In addition to the in-house programme, the RMP also used other course providers, such as Home Office police forces and the College of Policing to provide other specialised training. Examples included training courses for senior investigating officers, crime scene managers and family liaison officers, as well as secondments to the Metropolitan Police Service to gain operational experience.

2.71. We met many investigators who were trained in multiple roles, such as senior investigators who were also crime scene investigators. This was explained to us as an efficiency measure for when resources were short, and a means of ensuring that, when transport overseas is limited, the majority of skills needed were held by individual investigators (see paragraph 2.14).

2.72. The Provost Marshal (Army) acknowledged that this places a significant burden on individual investigators to maintain training, skills, accreditation (where appropriate) and experience in all of their areas of responsibility. This leads to investigators being absent from investigations because of the need to train, further diminishing the number of investigators available and lengthening the time taken to complete investigations (see paragraph 2.80).

⁵⁴ The Royal Navy Police, Royal Military Police and Royal Air Force Police train at the Defence School of Policing and Guarding in Hampshire.

- 2.73. In particular, we were concerned about the risk of senior investigators acting as crime scene investigators. According to good practice published by the College of Policing,⁵⁵ each role needs to be fully independent of the other to avoid cross-contamination of evidence. The recent creation of a separate crime scene investigator hub, where all such investigators work together as opposed to being deployed individually to RMP regiments, is a positive development. It should assist the RMP in meeting the standards that will require staff operating in this field to demonstrate operational competence in crime scene investigation, case work review and review of cold cases.⁵⁶
- 2.74. Maintaining training was a recommendation of the Deepcut Review.⁵⁷ However, training with only limited opportunities to practise, which is generally the case for RMP investigators, limits the extent to which the RMP can maintain and develop its skills. We conclude that while training is sufficient, skills development through experience is not. This subject is discussed in the next section.

Skills and experience

- 2.75. Each post held by RMP investigators has a detailed written description, called a 'job specification'. In addition, an 'operational performance statement' describes the tasks that need to be performed within that role or job, and the standards to which those tasks need to be performed. Finally, a 'competency framework', sets out the system by which training should be provided and how supervisors could assess regularly the performance of personnel in their jobs.
- 2.76. To support post holders investigating a wide variety of crimes (not just those associated with deaths) we found check-lists of investigative tasks as well as flowcharts describing the process or route an incident or crime will take from initial reporting to investigation conclusion. We also found posters that explained jurisdictional issues and prosecution policies.
- 2.77. However, while we found an active training programme and much guidance, investigators spoke of 'skill-fade' wherein they were trained, but not given the opportunity to use the training enough for them to deepen knowledge gained

⁵⁵ *Murder Investigation Manual*, CENTREX, 2006 paragraphs 1.3 and 9.3.1. Available at: <http://library.college.police.uk/docs/APPREF/murder-investigation-manual-redacted.pdf>

⁵⁶ For more information see: www.gov.uk/government/uploads/system/uploads/attachment_data/file/351197/The_FSR_Codes_of_Practice_and_Conduct_-_v2_August_2014.pdf

⁵⁷ Recommendation 23 of the *Deepcut Review 2006* called for RMP training to be kept under review to ensure that investigators are trained fully in areas that have been identified as best practice. For more information see: www.gov.uk/government/uploads/system/uploads/attachment_data/file/228930/0795.pdf

from training. We found evidence of this in a lack of digital media enquiries in some of the investigations we reviewed, as well as a failure to use other covert intelligence resources to assist investigations, both of which are actions that we would expect to see in similar investigations conducted by Home Office police forces.

Area for improvement 3

- To enable continuous professional development for crime scene investigators and crime scene managers, the Provost Marshal (Army) should, in conjunction with the College of Policing, Home Office police forces and the other Provost Marshals (Navy and Royal Air Force), implement a programme of short-term attachments to Home Office police forces.

2.78. Specialist roles such as crime scene investigation, covert operations (including surveillance and covert human intelligence source handling) and investigative techniques that rely on technology (such as computers or mobile telephones) are areas that require extensive accredited training. Further, continuous professional development and expensive equipment are required. We saw some progress towards joint working among the service police,⁵⁸ but saw little evidence of the Ministry of Defence considering the future capacity and capability of the RMP to investigate deaths, or of governance by the Ministry of Defence concerning the effectiveness and efficiency of the service policing functions which are provided on a tri-service basis (see paragraph 2.89).

Supervision and internal reviews of investigations

2.79. Where the RMP has commenced an investigation it must "...pursue all reasonable lines of inquiry, whether these point towards or away from the suspect."⁵⁹ RMP commanders are accountable to the Provost Marshal (Army) for ensuring that investigations undertaken by the RMP are carried out "...impartially, with an open mind, and effectively; ensuring that all reasonable lines of enquiry and investigative opportunities are exploited."⁶⁰ We saw evidence of this in our review of case files: all reasonable lines of inquiry were followed, but in about a third of cases the investigation went beyond all

⁵⁸ The service police comprise the Royal Navy Police, Royal Military Police and Royal Air Force Police.

⁵⁹ *Criminal Procedures and Investigations Act 1996, Code of Practice 2015*, paragraph 3.5.

⁶⁰ *Military Police Investigative Doctrine, Conduct of investigations on operations*, 2014 (unpublished).

reasonable lines of inquiry, leading to unnecessary investigation (see paragraph 2.41 for example).

- 2.80. We sought to understand why this was the case. We found that investigations are undertaken for a variety of reasons: to respond to lessons learned from the past; to help the bereaved family; to prosecute if appropriate; and on behalf of the coroner. We were also told that investigations provide opportunities to gain experience, in order to prevent 'skill-fade' (see paragraph 2.77) and they prepare investigators for occasions when those skills may be needed on operations and in hostile environments.
- 2.81. We found that investigators often spent a long time gathering as much evidence as possible: more evidence than was required to complete the reasonable lines of inquiry requirement for a successful prosecution and more than we would expect to see a Home Office police force gather. This was explained as "the military way" of ensuring "total completeness". A great number of witness statements were taken, we were told, because personnel might at some point in the future be deployed elsewhere, or to satisfy the expectations of the Service Prosecuting Authority. We did see some requests from the Service Prosecuting Authority requesting additional evidence, some of which – to inspectors – seemed unnecessary, such as requests for more forensic work when there appeared to be sufficient in the case file.
- 2.82. As mentioned at paragraphs 2.54 and 2.63, we found very thorough case files and we found effective investigations, but we also found that, in our professional judgment, the RMP took too long to investigate and submit case files to the prosecutor. We saw evidence of interviews lasting over three hours, transcripts running into hundreds of pages and unnecessarily detailed accounts of unused material, all in straightforward cases. We also found diaries showing periods in which no activity took place as the investigator was training or on exercise. The delays that this created also affected adversely the families of the deceased as we shall discuss in chapter 4, and they were highlighted in the Iraq Inquiry Report as a failing.⁶¹
- 2.83. We found additional factors that may aggravate these delays. There appeared to be no standard set of case papers used by the RMP. Home Office police forces use standardised templates. In addition, we found no computerised case file papers, meaning all were hand-written. In Germany, we found a pilot scheme called Better Case Management in which condensed case files were

⁶¹ "...the difficulty of conducting Service Police investigations in a hostile environment, which was exacerbated by a lack of qualified military investigators; the MOD set no deadlines for the conclusion of Service Police investigations". *Iraq Inquiry Report*, The Iraq Inquiry, 2016. Available at: www.iraqinquiry.org.uk/media/246671/the-report-of-the-iraq-inquiry_section-164.pdf

being used to reduce the demand on investigators and increase the timeliness with which case files were prepared.

Area for improvement 4

- To reduce the delays in submitting case files to the Service Prosecution Authority, the Provost Marshal (Army) and the director of service prosecutions should agree a series of policies and procedures that ensure enquiries are completed efficiently and that sufficient evidence is submitted at the earliest opportunity.

2.84. We learned that standard supervisory reviews of investigations took place at 7 days, 28 days and 100 days from the date the case file was commenced (these supervisory checks are different to the formal 28-day review of all investigations into deaths mentioned at paragraph 2.53). Personnel to whom we spoke understood this process. In all the case files we examined, we found that the RMP had carried out these reviews on the required days.

Oversight and governance

2.85. We learned that the Provost Marshal (Army) held fortnightly crime executive group meetings, which senior officers from RMP headquarters and the Specialist Investigation Branch Regiment attended. These meetings reviewed serious crimes and significant incidents in the preceding 14 days, as well as the progress of all serious investigations, such as deaths, and the availability of resources. The purpose of these meetings is to assess progress and to set investigative priorities. We attended one of these meetings and examined the records of decisions of previous meetings. We found that the meetings were well structured and the process enabled effective scrutiny. At the meeting we attended we saw tasks being allocated to named individuals and a proper record kept, so as to ensure that personnel were held to account.

2.86. Crime management meetings regularly took place at the Special Investigations Branch Regiment offices that we visited in Bulford, Cyprus and Germany. The information discussed at these meetings is disseminated to the crime executive group. These meetings also seek to ensure that investigators implement the Provost Marshal (Army)'s decisions.

2.87. In addition to the independent inspections that HMICFRS conducts, certain aspects of the RMP's operations are subject to independent oversight by a range of bodies including the Service Complaints Commissioner, the Office of the Surveillance Commissioner and the Interception of Communications Commissioner's Office.

- 2.88. The 2016 Interception of Communications Commissioner's report⁶² praised the RMP's approach to acquiring communications data, some of which referred to preventing death. We found that, where the commissioner had made recommendations, senior officers had been quick to improve practice, for example improving efficiency of the RMP personnel to achieve the best possible rate of compliance with the rules of the Communications Commissioner.
- 2.89. The three service police forces operate, in part, in unison, providing a service police crime and intelligence bureau, specialist investigators and a joint detention capability. However, we did not find any tri-service governance arrangements in place that provide oversight of these units. Therefore, the RMP largely leads decision-making on resources, funding, prioritisation of workload, future construct and direction of tri-service units. Similarly, there is no performance management information provided by tri-service units that enables the other services to scrutinise performance and inform decision making.

Recommendation 2

- By 1 December 2017, the Provost Marshals (Navy, Army and Royal Air Force) and the Ministry of Defence should agree governance arrangements of the service police where they operate joint policing functions so opportunities for increased effectiveness and efficiency can be identified.

- 2.90. For inspections of Home Office police forces, HMICFRS examines whether the police are effective at investigating offending, including the way the police support victims during a criminal investigation.⁶³
- 2.91. As discussed above (paragraph 2.48), in Home Office police forces, standards of investigation are defined in the College of Policing's Authorised Professional Practice,⁶⁴ which describes how the police should: support victims of crime; record crimes and allocate cases for investigation; make best use of investigative methods; supervise and quality assure investigations; train officers and staff to national standards; and learn lessons where appropriate. Senior officers of Home Office police forces are expected to use

⁶² Unpublished.

⁶³ For more information about HMICFRS' PEEL inspection methodology, see: www.justiceinspectorates.gov.uk/hmicfrs/peel-assessments/how-we-inspect/

⁶⁴ For more information about the College of Policing's standards of investigation, see: www.app.college.police.uk/app-content/major-investigation-and-public-protection/

performance information about these standards as indicators to monitor and assess the effectiveness of investigations in their forces.

- 2.92. In the RMP, we did not find a systematic and regular process for the collection of management information which the RMP could use to set standards, monitor performance and measure success. For example, while the RMP held information on crime detections, numbers of arrests, and levels of complaints, these were not brought together for use as a means of monitoring the effectiveness of its investigations. We consider that the same requirements should apply to the RMP as to Home Office police forces regarding monitoring the effectiveness of investigations.

Area for improvement 5

- To set standards and monitor the effectiveness of investigations, the Provost Marshal (Army) should establish a performance system that should include, but not be restricted to:
 - how well the RMP supports victims of crime;
 - how well it records crime and allocates investigations;
 - whether it uses investigative tactics appropriately;
 - how well it supervises and assures the quality of its investigations;
 - whether it provides training to national standards; and
 - how well it learns lessons from past experience.

3. How effective is the RMP liaison and mutual support with other interested parties?

What we were looking for

- 3.1. During the course of investigations into overseas deaths, the RMP engages with other interested organisations and parties such as the Service Prosecuting Authority, the Defence Safety Authority, host nation police forces and HM coroners. Depending on the cause of death, the degree and scale of engagement may vary.
- 3.2. We consider that, for investigations to be effective, the RMP needs effective liaison with those other interested parties. Consequently we considered:
 - how well the Provost Marshal (Army) engages at a senior level with interested parties to enable appropriate liaison and mutual support; and
 - how well RMP investigators liaise with and mutually support other interested parties at a practitioner⁶⁵ level.

Findings

- 3.3. In summary, we found that the Provost Marshal (Army) had established regular high-level meetings and memoranda of understanding with other interested organisations to enable liaison and mutual support. In addition, he has delegated his authority to the commanding officer of the Special Investigation Branch Regiment, to investigate overseas deaths and to engage with other interested organisations. These measures are mostly effective.
- 3.4. We found that RMP investigators have built mostly effective working relationships with host nation police forces and other parties, such as the military chain of command. The exceptions were some problems concerning joint working with other Ministry of Defence departments. Here we found that the RMP encountered difficulties with:
 - establishing primacy of investigations;
 - insufficient exchange of information between the RMP and the Defence Safety Authority; and
 - problematic arrangements with other interested parties regarding casualty notification and continuing support for bereaved families.

⁶⁵ A person actively engaged in a discipline or profession.

- 3.5. We also found no structured process by which the independence and overall quality of RMP investigations into overseas deaths is reviewed by other relevant, independent professionals.

How the Provost Marshal (Army) engages at a senior level with interested parties to enable appropriate liaison and mutual support

- 3.6. We consider that, in order to enable the RMP to engage effectively with interested parties such as other investigative bodies, it should establish and maintain professional working relationships at a senior level, and reach agreements concerning how organisations will work together to respond to, and investigate, overseas deaths. For this aspect of our inspection, we assessed the RMP's approach in the following two areas:

- professional working relationships; and
- organisational agreements.

Professional working relationships

- 3.7. We found that the Provost Marshal (Army) established regular high-level meetings with the Director General of the Defence Safety Authority to enable appropriate liaison and mutual support.
- 3.8. The Defence Safety Authority is responsible for all health and safety policy within the Ministry of Defence and for the investigations of any incidents, particularly safety-related deaths. We met the Director General of the Defence Safety Authority who gave us examples of the Defence Accident Investigation Branch working closely with the RMP. The Defence Accident Investigation Branch focuses on the cause of an incident to prevent it happening again, whereas the RMP investigates the surrounding circumstances as well as the cause of any death to determine whether there is any culpability. (We discuss this further in the next section at paragraph 3.33).
- 3.9. We also found that the Provost Marshal (Army) has similar meetings with the Director of Service Prosecutions, who is the head of the Service Prosecuting Authority. This organisation is an independent prosecution service for the armed forces.
- 3.10. We met with the deputy director of the Service Prosecuting Authority and five senior prosecutors who gave us examples of how the prosecution process works in cases concerning overseas deaths, as well as how they engage with RMP investigators. We found a professional working relationship had been established at a senior level and was being maintained to enable appropriate liaison and mutual support.

3.11. We found senior level RMP engagement with other interested parties, such as: HM coroners, the JCCC, the defence inquests unit (DIU)⁶⁶ and the bereavement aftercare service.⁶⁷ In addition, we met representatives from other interested organisations, such as: the office of the Procurator Fiscal in Scotland; a Home Office pathologist; the Air Accident Investigation Branch; the National Crime Agency; the Foreign and Commonwealth Office; the National Police Chiefs' Council homicide working group; and the College of Policing. Each told us that a professional working relationship had been established at a senior level and was being maintained to enable appropriate liaison and mutual support.

Organisational agreements

3.12. As mentioned at paragraph 2.21, we found memoranda of understanding and international protocols⁶⁸ that establish jurisdiction and policing powers for the RMP in Brunei, Canada, Cyprus, Germany and Kenya: places where the Army is regularly deployed or trained.

3.13. We also found agreements with host nation police forces, such as the Sovereign Base Areas Police in Cyprus, and standing instructions for how the Army in Germany works with the local police regarding deaths in service,⁶⁹ as mentioned at paragraph 2.65.

3.14. The RMP is named in the agreement between the Crown Prosecution Service, the National Police Chiefs' Council and the Chief Coroner, which describes its responsibilities in relation to deaths in England and Wales, but not overseas. These include notification of a death to the coroner and the investigations into the circumstances of the causes of that death.⁷⁰

3.15. We found a memorandum of understanding between the director general of the Defence Safety Authority and the Provost Marshal (Army), the aim of which is to ensure an effective investigation. In particular, the document states "...whilst maintaining the independence of the participants and reinforcing the

⁶⁶ The DIU is a tri-service, Ministry of Defence department, responsible as the sole point of contact between HM Coroner and the Ministry of Defence.

⁶⁷ The bereavement aftercare service is an Army unit responsible for the provision of an enduring point of contact for bereaved families.

⁶⁸ Unpublished.

⁶⁹ Unpublished.

⁷⁰ *Agreement between The Crown Prosecution Service, The National Police Chiefs' Council, The Chief Coroner and The Coroners' Society of England and Wales*, published jointly by CPS, NPCC, Chief Coroner and the Coroners' Society of England and Wales, 2016. Available at: www.cps.gov.uk/legal/assets/uploads/files/coroners_agreement_2016.pdf

importance of effective cooperation in order for all parties to obtain the best evidence in the interests of the service”.⁷¹ We discuss how well this works in practice at paragraph 3.35.

- 3.16. Further, a protocol has been drawn up between the Service Prosecuting Authority and the provost marshals of the three service police forces,⁷² the aim of which is to “...encourage a close working relationship at an early stage in a service police investigation”. In particular, the protocol emphasises early and continued consultation as well as improvements in the efficiency of investigations and the effectiveness of the service justice system (see paragraph 2.81 and Area for improvement 4).
- 3.17. Finally, there is an agreement for “...a multi-agency approach for the engagement with families of deceased service personnel”. The signatories to this agreement include the JCCC, the DIU, the army inquiries and aftercare support cell (now the bereavement aftercare service) and the Special Investigation Branch Regiment, RMP.⁷³
- 3.18. This document highlights that “...the differing roles of respective agencies have, on occasions, led to mixed and confused messages being related to those families”. It sets out an approach for the four bodies to engage with families, defining roles and responsibilities, the level of engagement and the need to prevent duplication, confusion and anxiety. We discuss this further in the next section at paragraph 3.43.
- 3.19. The RMP has reciprocal arrangements with the Royal Navy Police and the Royal Air Force Police for the referral and investigation of cases where a particularly high degree of independence is required, such as allegations against RMP personnel. These arrangements were documented in the *Tri-Service Investigations Policy*.⁷⁴
- 3.20. The intent of this policy is clear: “... to ensure and increase confidence and transparency in the Service police, and maintain high standards and good policing practice.” It then describes the originating force’s responsibility to carry out urgent and essential tasks, such as preserving evidence or securing a crime scene.

⁷¹ Unpublished.

⁷² Unpublished.

⁷³ Unpublished.

⁷⁴ *Tri-Service Investigations Policy*, jointly issued by the Provost Marshal (Navy), Provost Marshal (Army) and Provost Marshal (Royal Air Force), May 2015 (unpublished).

3.21. While we found that the RMP had drawn on the expertise of other relevant independent professionals to review the quality of investigations, such as a review by the National Crime Agency into an investigation of historical allegations of abuse, we did not find any evidence of the RMP doing so to ensure the independence of its investigations. We consider that the RMP would benefit from a structured process by which the independence and overall quality of investigations is reviewed by other relevant professionals on a regular basis.

Recommendation 3

- By 1 December 2017, the Provost Marshal (Army) should make arrangements for the introduction of a structured process by which the independence and overall quality of RMP investigations into overseas deaths are reviewed by other relevant, independent professionals such as Home Office police forces on a regular basis.

How well RMP investigators liaise with and mutually support other interested parties

3.22. We consider that, in order for RMP investigators to liaise effectively with and mutually support interested parties, appropriate communication needs to be established and maintained at a practitioner level and organisational agreements need to be complied with. Consequently, for this aspect of our inspection, we assessed the RMP's approach in the following two areas:

- practitioner-level communication; and
- compliance with organisational agreements.

Practitioner-level communication

3.23. The Provost Marshal (Army) has delegated his authority to the commanding officer, Special Investigation Branch Regiment, to investigate overseas deaths and to engage with respective interested organisations. We found that RMP investigators had built mostly effective working relationships with host nation police forces and other interested parties.

3.24. For example, the officer commanding the RMP in Cyprus was in regular contact with senior officers from the Sovereign Base Areas Police, particularly the detective inspector; in addition, RMP investigators worked closely with the Republic of Cyprus Police concerning investigations into serious crime. We saw similar arrangements concerning regular contact and close working in Germany and we were told that the same existed with other host nation police

forces, although we did not have the opportunity to travel to other countries to confirm this.

- 3.25. Similarly, we found that RMP investigators worked closely with the defence accident investigation branch. In one example we learned that, on the flight to the scene of an air collision, both investigators fully discussed their respective objectives, agreed a joint course of action and shared investigative strategies. We were told that this assisted the investigation process significantly, as each investigator knew what the other needed to achieve. Efficient use was made of the limited time available at the scene and both investigators learned lessons for future joint working. However, against this example of good joint working we also found problems where information was not shared (see paragraph 3.35).
- 3.26. We found that there was regular contact between RMP investigators and prosecutors from the Service Prosecuting Authority. Prosecutors review evidence and guide RMP investigators where they believe further evidence is necessary to bring a successful prosecution. However, we have discussed our concerns at paragraph 2.81 (also see paragraph 3.30).
- 3.27. We found practitioner-level engagement with other interested parties such as HM coroners, the JCCC, the DIU and the bereavement aftercare service. However, we learned of differing expectations between some of these organisations that had an adverse effect on investigations into overseas deaths. This is discussed in the next chapter.

Compliance with organisational agreements

- 3.28. We found that the RMP complied with the memoranda of understanding and international protocols that we examined: those with the host nation police forces in Brunei, Canada, Cyprus, Germany and Kenya. However, as each agreement is different, RMP practitioners often face difficulties regarding jurisdiction and occasionally lose evidential opportunities. For example, a host nation police force failed to notify the RMP of the death of a civilian caused by a contagious disease. This added delay to the RMP investigation, a loss of forensic opportunities and a delay in making sure the disease was contained.
- 3.29. In another example, the host nation police force did not want the RMP to reveal to the bereaved family that certain human tissue samples had been taken from the deceased's body to establish the cause of death. Withholding such information would not have been proper or appropriate under UK practice (members of the bereaved family were not under suspicion). RMP investigators had to intervene to ensure the family were fully aware of the forensic examination.

- 3.30. We found a good working relationship between the RMP and the Service Prosecuting Authority at practitioner level.
- 3.31. Some prosecutors spoke of the investigators' lack of experience being evident in some case files and the practice of taking time to gather more evidence than was necessary. However, some investigators told us that prosecutors placed additional – and in their view, unnecessary – requirements for even more evidence. Examples provided were requests for additional witness statements when there were already sufficient in the case file (see paragraph 2.81).
- 3.32. We found that, as a matter of agreed practice between the RMP and the Defence Safety Authority (DSA), the latter usually took primacy in investigations until it was clear that there was culpability (see paragraph 3.8). This practice differs from that adopted by Home Office police forces and the Health and Safety Executive where a joint investigation takes place.
- 3.33. Because of the DSA's focus on cause not culpability aspects of investigations were often duplicated. We found that RMP investigators interviewed the same witnesses and gathered the same evidence after the DSA had done so. Evidence gathered by the DSA was not routinely shared with RMP investigators (see paragraph 3.35).
- 3.34. We met with HM Coroner for Oxford, the area to which military repatriation of bodies normally takes place. We found that there was a very good professional working relationship between the coroner and RMP investigators. We were told that the quality of RMP coroners' investigations was of a high standard and comprehensive. While the DIU was the main point of contact between the Ministry of Defence and the coroner, we were told that direct contact with RMP investigators was often necessary for effective inquests.
- 3.35. We were told that the RMP investigator is often not aware of reports made by the DSA to the coroner and to the bereaved family. This can cause delays in the inquest and in the RMP investigation. For example, DSA investigation reports into helicopter crashes were not shared with the RMP before the inquest, meaning that lines of enquiry that should have been open to the RMP were not followed up or could only be acted on after the reports were shared. This also frustrates families and undermines their confidence that the Ministry of Defence is operating effectively.
- 3.36. We consider that well-managed joint investigations of work-related deaths are more efficient and have a better chance of providing justice for bereaved families. Until gross negligence manslaughter can be discounted, the RMP

should have primacy in a joint investigation, as Home Office police forces do with the Health and Safety Executive in England and Wales.⁷⁵

Area for improvement 6

- To avoid unnecessary duplication, the Provost Marshal (Army) and the director general of the Defence Safety Authority should consider the arrangements used by Home Office police forces and the Health and Safety Executive concerning work-related deaths and determine the scope for greater exchange of information, but without this interfering with the need to prevent reoccurrence.

- 3.37. We also met with the DIU based at the Ministry of Defence, London, the bereavement aftercare service (BAS) based in Andover and the JCCC based in Gloucester. All are signatories to the memorandum of understanding with the RMP, described at paragraph 3.17.
- 3.38. The DIU has recently moved from Andover. It acts as the point of contact between the Ministry of Defence and the coroner. DIU staff reported that, while they had a good working relationship with RMP investigators, they felt that the RMP should disclose more to the DIU concerning the progress and details of investigations. This became a recurring theme.
- 3.39. The BAS has recently changed its name from ‘the army inquiries and aftercare support cell’. It is responsible for training casualty notification officers and casualty visiting officers. The casualty notification officer is the person responsible for informing the family of the deceased of the death and the casualty visiting officer is the person responsible for maintaining contact with the family up to, and sometimes beyond, the coroner’s inquest. This is discussed more fully in the next chapter. We found that while people working for the BAS had a good relationship with RMP investigators, they also shared the view that RMP investigators should disclose more to the casualty visiting officer concerning the progress and details of investigations. This would assist the casualty visiting officer to provide updates to families.
- 3.40. Finally, the JCCC was unaware of the change of location of the DIU and the change of name of the army inquiries and aftercare support cell. Again, JCCC staff had a good relationship with the RMP but felt that RMP investigators could disclose more to families. We were told that families ask them for information about investigations, which they are unable to give.

⁷⁵ *Work-related Deaths Protocol: Practical Guide 2016, page 2.*

- 3.41. We reviewed the policy and procedures of the RMP, spoke with investigators and checked case files concerning the degree of disclosure between the RMP and the bodies described above and found it to be appropriate. While we understand the interest in investigations and the expectation to keep the coroner and families informed, we found that the RMP has clear policies that balance the requirement to disclose details to other parties with the risk of compromising the investigation. We felt the RMP had, on the whole, achieved that balance.
- 3.42. We also reviewed the memorandum of understanding between the respective parties and found it to be over three years old, having been signed in July 2013. As we found differing expectations between some of these parties, particularly concerning the disclosure of information, we suggest that the memorandum of understanding is revised to define expectations concerning the disclosure of information more clearly (we discuss a related matter in the next chapter).
- 3.43. In addition, the current agreement is unclear about how the respective parties operate together, to minimise duplication or confusion which can create anxiety for the family. Just as importantly, while we found some limited attempts by the DIU to seek feedback from families, the Ministry of Defence should take a more comprehensive approach to establish how effective the respective units are.

Area for improvement 7

- To provide a consistent and appropriate service to bereaved families, the Provost Marshal (Army) and the heads of the Joint Casualty and Compassionate Centre, the defence inquests unit, and the Army bereavement aftercare service, should revise the relevant memorandum of understanding and seek regular feedback from families concerning the service received.

4. How well does the RMP engage with and support bereaved individuals?

What we were looking for

- 4.1. The trauma associated with a sudden unexpected death places the family of the deceased under immense personal pressures at a time when the needs of the investigation and the inquest can make heavy demands on them. Sensitivity, compassion and respect for the family's needs and requirements must underpin the approach⁷⁶.
- 4.2. We consider that, to enhance their contribution to the investigation, the RMP must secure the confidence and trust of the family.⁷⁷ Consequently we analysed:
 - whether the RMP provides information to, and facilitates care and support for, the family in a sensitive and compassionate manner; and
 - how well the RMP liaises with other Ministry of Defence departments.

Findings

- 4.3. In summary, we found that military policy acknowledges that bereaved families are victims and considers providing them with trained family liaison officers. However, while we found evidence of good practice we also met families who were critical of the service they received. It is our view that the RMP could do much more to provide information to – and facilitate care and support for – bereaved families in a sensitive and compassionate manner.
- 4.4. We also found unacceptable inconsistencies in the service given to families by the Ministry of Defence, depending on the type of death, where they lived or the degree to which local military policies support and reinforce the quality of services provided.

⁷⁶ In the context of this report, we mean bereaved family members and bereaved non-family members, such as common law partners to whom the RMP would also offer support.

⁷⁷ *Family Liaison Guidance*, College of Policing, 2008, page 6.

Whether the RMP provides information to, and facilitates care and support for, the family in a sensitive and compassionate manner

- 4.5. A victim is defined as a close relative of a person whose death was directly caused by a criminal offence and who has suffered harm as a result of that person's death.⁷⁸ Such victims are entitled to have an RMP family liaison officer assigned to them where this is considered to be appropriate, and the RMP should offer accessible advice about bereavement and information on the victim support services available.⁷⁹
- 4.6. While not all overseas deaths (or in the UK) are caused by a criminal offence, we found that at the beginning of each RMP investigation, the death is invariably treated as suspicious (see paragraph 2.49) and therefore consideration is given to assigning a family liaison officer.⁸⁰
- 4.7. Investigators with whom we spoke understood the importance of their responsibilities to victims of crime and were well aware of the armed forces' code of practice regarding the services to be provided to victims of crime.⁸¹
- 4.8. The aims of family liaison are:
- "To analyse the needs, concerns and expectations of the family in order to identify all the relevant and realistic action that should be taken in the context of their human rights and the obligations that are set out in this document.
 - To work with the family in order to comply with their right to receive all relevant information connected with the enquiry, subject to the needs of the investigation, while gathering material from them that assists the investigation in a way that is proportionate to their fundamental right to privacy and family life."⁸²

⁷⁸ *Victims' Services, Joint Service Publication 839*, Ministry of Defence, 2015. Available at: www.gov.uk/government/uploads/system/uploads/attachment_data/file/488634/20151116-JSP839.pdf

⁷⁹ *Ibid.*

⁸⁰ "After the death of a soldier, a military liaison officer should be appointed, as well as a civilian police liaison officer. The military liaison officer should be the single point of contact to explain procedures for the funeral, the return of property of the deceased soldier and, where the RMP have primacy, the progress of the investigations." *Deepcut Review*, The Stationery Office, 2016, Recommendation 29. Available at: www.gov.uk/government/uploads/system/uploads/attachment_data/file/228930/0795.pdf

⁸¹ *Victims' Services, Joint Service Publication 839, Ministry of Defence, 2015, Annex A.* www.gov.uk/government/uploads/system/uploads/attachment_data/file/488634/20151116-JSP839.pdf

⁸² *Family Liaison Officer Guidance*, College of Policing, 2008, page 5.

- 4.9. We found that RMP family liaison officers are trained to national police standards at the College of Policing, but that RMP policy⁸³ primarily defines their role as informing the family about post-mortem procedures.
- 4.10. The way in which RMP family liaison officers engage with the family can either make the tragedy worse or it can be an opportunity to provide answers. Some families to whom we spoke had a positive experience, but others told us that they only had brief contact with RMP family liaison officers, that they were insensitive, or that they were unable to provide any helpful information.
- 4.11. Overall, we found that some RMP family liaison officers did not meet the aims of their role set out in paragraph 4.8 above. It is our view that the RMP could do much more to provide information to, and facilitate care and support for, the family in a sensitive and compassionate manner.
- 4.12. We sought to understand why this was the case and were presented with a several answers. We found that limited experience on the part of investigators and additional responsibilities such as performing other roles, military training and exercises played a part. However, on the basis of what we were told by families, it appeared to us that family liaison officers could not meet the families' expectations for information and so no longer maintained contact.

Recommendation 4

- By 1 December 2017, the Provost Marshal (Army) should revise policy to match national family liaison officer guidance and training to ensure that RMP family liaison officers perform to the same standard as those within Home Office police forces.

How well the RMP liaises with other Ministry of Defence departments

- 4.13. When a death occurs, the local commanding officer has a responsibility to notify the JCCC and the RMP. We saw evidence of this process in the places we visited and spoke with those responsible for making contact with the relevant units.
- 4.14. Once the JCCC has confirmed the death, its role is to find and brief the casualty notification officer⁸⁴ who is closest to where the family of the

⁸³ *Military Police Investigative Doctrine – Fatality Investigations and Coroner's Support*, 2014 (unpublished).

⁸⁴ Trained by the bereavement aftercare service.

deceased lives. This officer is informed that a death has occurred and that the family must be informed within the next three hours.⁸⁵

- 4.15. We found that, while the casualty notification officer will have some details, he will normally not be in possession of all the facts because they will not have been fully established by the time the family is informed. When we spoke with families, some reported late and insensitive notification, or a lack of understanding of the process by the casualty notification officer. However, others had a better experience.
- 4.16. Following the casualty notification officer's visit, a trained casualty visiting officer⁸⁶ is then provided for the family. Casualty visiting officers, who are usually from the same regiment as the deceased, should then provide support and information to the family until, and at times beyond, the coroner's inquest. However, we found that some of the problems highlighted in the Iraq Inquiry⁸⁷ were still evident. For example, some families to whom we spoke told us that the casualty visiting officer was changed without warning, or contact was sporadic, or that families formed the impression that details were being withheld. Again, others had a better experience.
- 4.17. The nature of notifications and ongoing contact can, at worst, compound the trauma experienced by families or, at best, make them feel that the life of their loved one was valued by the military and that their loss has been respectfully acknowledged.
- 4.18. The RMP family liaison officer and the casualty visiting officer should work together to provide information to the family and facilitate care and support in a sensitive and compassionate manner. Our interviews with RMP investigators revealed this was their aim, and during our case file review we found numerous notes that evidenced their efforts. But the majority of the families to whom we spoke did not perceive sensitivity and compassion to be consistent characteristics of the service they had received.
- 4.19. More broadly, there were unacceptable inconsistencies in the service provided to families by the Ministry of Defence, depending on the type of death, where they lived or the degree to which local military policies supported and reinforced service provision. Given that the *Code of Practice for Victims of*

⁸⁵ "There should be full and prompt disclosure of information to the nominated next of kin of the fact of, and the circumstances then known about, the death of any soldier." *Deepcut Review*, The Stationery Office, 2016, Recommendation 28. Available at: www.gov.uk/government/uploads/system/uploads/attachment_data/file/228930/0795.pdf

⁸⁶ Trained by the bereavement aftercare service.

⁸⁷ *Iraq Inquiry Report*, The Iraq Inquiry, 2016, section 16.3, paragraph 85. Available from: www.iraqinquiry.org.uk/the-report/

Crime provides a standard which should apply regardless of these variables, there is clearly more work to do concerning the notification and continuing support of bereaved families.

- 4.20. One theme recurred during our engagement with families: the circumstances of the death that emerged in evidence at the inquest differed from what they had been initially told. This compounded the trauma they experienced but we were told that this was not solely the fault of the RMP (see paragraph 3.42).
- 4.21. We were given examples of occasions when not all the information was shared with the family, or it was not all put together until the inquest (see paragraph 3.35). In other cases, the family had been given information that appears to have been designed to shield them from the grim reality of what actually happened. Examples include suggesting that the death was quick and painless or that colleagues were present and gave comfort at the time of death, when the opposite was true.
- 4.22. A recent Parliamentary committee emphasised that "...the families of service personnel are entitled to the highest possible level of support and care. This is especially important in cases of fatalities. We acknowledge that this is the intention of the Ministry of Defence. However, it is clear to us that the Ministry of Defence does not always meet the high standards that it has set itself".⁸⁸
- 4.23. Following that Parliamentary inquiry the Government decided to establish a non-statutory inquiry into the treatment of families following a fatality. In addition, the Ministry of Defence will conduct an audit into its casualty and compassionate policy in recognition that changes are required.⁸⁹
- 4.24. We are also deeply concerned to hear that in some cases families do not receive full disclosure of information relating to a fatality. Given the length of time it takes to complete inquests, it is vital that families are supported with as much information as possible and on a regular basis.

⁸⁸ *Beyond Endurance? Military exercises and the duty of care*, Defence Select Committee, House of Commons, 2016. Available at: www.publications.parliament.uk/pa/cm201516/cmselect/cmdfence/598/598.pdf

⁸⁹ *Beyond Endurance? Military exercises and the duty of care: Government Response to the Committee's Third Report of Session 2015-16*, Defence Select Committee, House of Commons, 2016. Available at: www.publications.parliament.uk/pa/cm201617/cmselect/cmdfence/525/525.pdf

Area for improvement 8

- To improve the notification and continuing support to bereaved families, the Ministry of Defence should revise procedures, check that they are consistently complied with and seek feedback from families to establish whether the standards are being met.

5. Conclusions

In examining the areas set out in our terms of reference, we have sought to answer the following questions.

How effective are RMP investigations into overseas deaths and how effective are the oversight, governance and support for those investigations?

The RMP is effective at investigating overseas deaths but the availability of resources is limited and the likelihood of loss of skill is great, due to the reducing number of investigations.

While investigations are effective, as HM coroners have no jurisdiction outside the UK, the RMP has no statutory powers to act abroad on behalf of a coroner. This led to our first recommendation.

Should the RMP have to deal with greater numbers of fatalities than it has experienced in recent years – such as at a time of war – the limited number of qualified military investigators would affect adversely the effectiveness and timeliness of investigations. This led to our second recommendation.

We established several areas for improvement concerning training and skills, lessons learned, delays, and performance management.

Disaster victim identification training, accredited by the College of Policing, needs to be provided to enable the RMP to undertake these duties effectively overseas, but also so RMP investigators can practise these skills with Home Office police forces when necessary.

While lessons are learned from investigations, there needs to be a more routine process of recording and learning the lessons from investigations into overseas deaths.

The RMP cannot be in a position where its investigators suffer a loss in skills through lack of experience. This needs to be sufficiently addressed through short-term attachments to Home Office police forces so that RMP investigators can gain and maintain relevant experience.

Delays in investigations caused by investigators, prosecutors and the broader procedures of the military justice system need to be reduced to ensure greater effectiveness and efficiency that benefits bereaved families.

To understand better the performance necessary to bring about improvements, the RMP needs regularly to assess and manage data on performance.

How effective is RMP liaison and mutual support with other interested parties?

The evidence for this aspect of the inspection fell into two parts: high-level engagement such as formal agreements; and practitioner-level communication and compliance with those agreements.

In the first part, our inspection revealed evidence of regular and effective high-level meetings as well as memoranda of understanding with other organisations. In the second part, RMP investigators had built mostly effective working relationships with host nation police forces and other parties.

We consider it important that there should be a structured process by which the independence and overall quality of RMP investigations into overseas deaths are reviewed by other relevant professionals on a regular basis. This led to our third recommendation.

We specified two areas for improvement, both concerning the sharing of information. In the first, the Defence Safety Authority and the RMP need to improve information sharing arrangements. In the second, the Ministry of Defence needs to provide a consistent and appropriate service to bereaved families.

We conclude that, while the RMP has professional working relationships with other interested organisations, more needs to be done by the RMP and by other organisations to improve the effectiveness of those relationships.

How well does the RMP engage with and support bereaved individuals?

The RMP acknowledges that bereaved families should be treated as victims, and RMP policy is to consider providing families with trained family liaison officers.

However, while we found evidence of good practice, we also met families who were critical of the service they received. We conclude that the RMP could do much more to provide information to, and facilitate care and support for the family in a sensitive and compassionate manner. This led to our fourth recommendation.

We specified one area for improvement. The Ministry of Defence needs to improve the process of casualty notification and the continuing support provided for bereaved families regardless of the type of death, where they live or the degree to which local military policies support and reinforce service provision.

Annex A – Methodology

The inspection was carried out in three stages.

Document review and observation

The first stage consisted of a review of over 100 documents provided by the RMP that described the structure, leadership and operational procedures of the RMP. This stage also included attending a crime executive group meeting chaired at army headquarters by the Provost Marshal (Army).

Field inspection visits

The field inspection took place in September and October 2016. It included visits to army headquarters and RMP special investigation branches at Bulford (UK), Paderborn (Germany) and Episkopi (Cyprus).

We interviewed the Provost Marshal (Army), other senior RMP officers, investigators, specialist non-commissioned officers and junior RMP personnel who act as first responders to overseas deaths. We also interviewed representatives from Ministry of Defence departments such as: the Service Prosecuting Authority; the Defence Safety Authority; the JCCC; the defence inquests unit; and the bereavement aftercare service. In addition, we met representatives from other interested organisations such as: HM coroner for Oxfordshire; the Procurator Fiscal for Scotland; a Home Office pathologist; the Air Accident Investigation Branch; the National Crime Agency; the Foreign and Commonwealth Office; the National Police Chiefs' Council (homicide working group); and the College of Policing.

We obtained from the RMP a list of closed case files from which we selected 12 that reflected a broad range of types of deaths within five countries. The RMP also selected 12 case files that it wished us to evaluate. We examined these, and another 22 case files chosen by us when at the places we visited, to see how practice reflects RMP policy and College of Policing Authorised Professional Practice.

Family engagement

We wrote to families who had been bereaved following a death overseas that was investigated by the RMP, from 2013 onwards. Five families agreed to meet us. We sought their views on how the RMP engaged with them and how effective the RMP investigation into the death was. We also provided an online survey for completion by families who preferred not to meet with us.

To ensure our contact with families was managed appropriately we worked with Nicola Lester, a mental health consultant and senior lecturer from Leeds Beckett

University. Her project work with bereaved families, 'Soldiers in Mind', provided the basis for our contact.

Annex B – List of case files reviewed

We examined 46 case files: 22 from Germany; 12 from Cyprus; 5 from Afghanistan; and 7 from other countries such as Brunei, Canada and Kenya. Some case files referred to multiple fatalities. The nature of the cases was as follows.

Murder	x3
Manslaughter	x5
Suicide	x1
Sudden deaths – helicopter crash	x2
Sudden death – drowning	x1
Sudden death – other accidents	x9
Sudden deaths – natural causes	x20
Sudden death – undetermined	x4
Aiding and abetting suicide	x1

We examined the case files in relation to set criteria which concentrated on (but were not limited to) the following areas:

- Status of victim;
- Call handling;
- Vulnerability;
- Initial response;
- Investigation;
- Scene management and forensics;
- Partnership working;
- Independence;
- Senior investigating officer responsibility and oversight;
- Code of Practice for Victims of Crime;
- Prosecution outcomes; and
- Professional judgment of inspector.