

An inspection of the leadership of the Royal Military Police in relation to its investigation

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Foreword

Section 4 of the Armed Forces Act 2011, which came into force on 4 June 2014, places a statutory duty on the appointed inspector or inspectors of HMIC to inspect and report to the Secretary of State (Defence) on the independence and effectiveness of investigations carried out by each service police force, (the Royal Military Police (RMP), Royal Navy Police and the Royal Air Force Police).

As the Army's police, 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.

This inspection focused on the strategic leadership, governance and performance management of investigations. It was not an inspection or inquiry into the independence of the RMP or an examination of individual cases. In this inspection, HMIC examined and assessed how well the strategic leadership and direction of investigations worked, how well oversight ensured the independence of investigations, how well the RMP monitors the effectiveness of investigations and how well the National Intelligence Model is used to identify priorities that influence plans and resources.

The standards of investigations for Home Office police forces are set by the College of Policing, so HMIC examined how the College of Policing standards are applied by senior officers within the RMP.

HMIC previously inspected the RMP in August 2006 at the invitation of the Ministry of Defence Director General (Security and Safety), who requested an inspection of the investigative function of the special investigation branch of the RMP.

HMIC is grateful to the military police officers and staff of the RMP who contributed to this inspection, and to all other personnel for their time and support during the inspection process.

Summary and conclusions

1. How effective is the overall strategic leadership and direction of the RMP in relation to investigations?

We found that on the whole, the leadership of the RMP in relation to investigations is good, but there are some areas that require improvement.

Through our review of documents we found that the Provost Marshal had defined and communicated a written strategy entitled 'Direction' to the RMP and to the Army as a whole on 8 April 2013¹. We spoke with RMP staff in interviews and focus groups and they all knew of the strategy and understood the expectations placed on them, particularly in relation to how they conducted investigations.

However, while we found that the strategy was clearly defined and well understood by staff, we also found that some areas of the strategy were not, in practice, being acted upon as well as they should be. These areas are: crime recording, the oversight of certain investigations, and the prioritisation of training.

- HMIC found that, while there is policy concerning crime recording and a computer system to support it, there is no common standard to guide RMP staff. Furthermore, there is insufficient oversight of the system; for example, there is no crime registrar as exists in Home Office police forces to ensure compliance with crime-recording rules.
- We were told in focus groups that while the chain of command within the RMP regiments provide oversight of investigations, they often add unnecessary lines of enquiry such as a requirement to take additional statements or to undertake further house-to-house enquiries when these are not necessary in the particular case.
- Central to the strategy of the Provost Marshal is the commitment that the RMP will be 'soldiers first' and police officers second. This means that, as well as their police training, RMP staff need to be trained and ready as soldiers for combat conditions to enable them to carry out policing duties in demanding and austere conditions. However, when we spoke with RMP staff, we found that this message had been interpreted by some junior and senior officers that soldiering duties and training should be so much more of a priority than policing duties and training that the policing element had been neglected.

¹ The Direction of the Provost Marshal is a document that sets out tasks common to all units in relation to the independence of investigations and the values and standards of the British Army

We found that the RMP has up to date and comprehensive job descriptions for all roles and ranks, including a list of the necessary skills required. These describe and define the day to day duties for every member of the RMP, including the levels of supervision required. We found that there was a good description of the crime investigation capabilities required by the RMP.

The RMP is bound by the policy of the Army that all personnel should move roles every two to three years. This was explained to us as a way of keeping staff fresh and providing continuing professional development, but we found evidence that this sometimes leads to a loss of experience that creates gaps in capability.

It appeared to us that the effect that this policy has on Local Intelligence Officer roles in RMP regiments is problematic as these staff take time to build local knowledge and forge links with neighbouring police forces.

We were given access to all of the RMP investigative doctrine that makes up the policies and procedures for investigations. We found that this doctrine provides clear guidance on the standard required by the RMP for investigations as well as comprehensive procedures describing how investigations can be undertaken and overseen.

HMIC visited the Defence School of Policing and Guarding where we spoke with staff. Training starts with the Initial Military Police Course, and there then follows a programme of development in the workplace. Senior officers performing the role of senior investigating officer attend training by the College of Policing.

However, currently the RMP does not seek accreditation for its staff by the College of Policing under the 'Professionalising Investigation Programme'. This is a requirement for detectives working in Home Office forces. The accreditation of staff who investigate crime provides assurance that the levels of capability are appropriate for the role and are maintained at that level. Accreditation is lost if the officer does not keep up his or her professional development. The College of Police has a well tried system for accreditation in this very important area of policing and we believe there is an opportunity to apply this to the RMP.

Senior officers of RMP units based across the UK chair daily and weekly meetings where they review reported crime and the progress of RMP investigations. The Provost Marshal chairs the fortnightly Crime Executive Group, attended by senior officers from the RMP regiments, to oversee serious or complex crime investigations.

Although there is a clearly defined chain of command within the Army and meeting structures within the RMP to monitor investigations, we found that these require improvement regarding crime recording and oversight of some investigations (as mentioned above). However, we found an effective inspection and review regime in place.

2. How effective are the oversight and governance arrangements within the RMP to ensure investigations are free from improper interference?

We found that on the whole the oversight and governance of the RMP is good but there are some areas that require improvement.

The Armed Forces Act 2006, sets out the duty of the Provost Marshal in relation to the independence of investigations as follows:

‘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.’²

In addition the Armed Forces Act 2006 explains what is included in improper interference:

‘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’³

Through interviews and focus groups across the RMP and at all ranks we found a good understanding by RMP staff of the relevant legislation and a thorough appreciation of their responsibilities. In addition, we perceived a strong will and desire amongst those we spoke with to preserve the integrity and independence of RMP investigations.

However, we were concerned to hear from a small number of RMP staff of a few occasions when commanding officers had decided to deal with offences that, based upon the facts presented to us, should have been referred to the RMP. Examples given included assault and sexual offences. As these allegations had not been referred or reported to the RMP and appeared to come to their attention from a third party, those we spoke with were unable to provide sufficient detail for us to corroborate the claims.

However, were this the case, it would be unacceptable as such action compromises the independence of any investigation, sharing of information and care for the victims. The Provost Marshal needs to be assured that all Schedule 2 offences are referred to the RMP by commanding officers.

² Armed Forces Act 2006 as amended section 115A(2) 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.

³ Armed Forces Act 2006 as amended section 115A (3) “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”.

When offences are referred by commanding officers to the RMP to investigate we found that RMP staff believed that they were allowed proper access to witnesses and evidence. However, we also found that RMP staff occasionally face reluctance on the part of potential witnesses to help investigations and that there are some incidences of witness intimidation. It was explained to us that the military culture of trust and loyalty in teamwork can lead to soldiers 'closing ranks' in order to protect an accused. While we understand the Army requires good teamwork to be effective, this is a serious matter.

We found that the Deputy Provost Marshal had established an effective system of engaging commanding officers. The Deputy Provost Marshal maintains regular contact reinforcing the independence of the RMP to ensure there is no improper interference and explaining decisions concerning Schedule 2 offences that commanding officers have referred to the RMP to investigate. In addition, we found that he provides advice and guidance to commanding officers on investigations they may be conducting that are not Schedule 2 offences.

The Provost Marshal told us that his authority under the Armed Forces Act 2006 is respected by Army leaders who are more senior than him and that this means that he is able to establish who should have primacy for investigations as well as how the independence of the investigation is assured. In addition, the Provost Marshal has the power under the Armed Forces Act 2006 to decide the course of investigations, as well as to undertake investigations.

We found that protocols have been agreed by the RMP and Home Office police forces that allow the referral of any deaths on Ministry of Defence property to Home Office police forces to investigate. In addition, RMP investigative doctrine requires notification of all serious sexual offences to Home Office police forces. These protocols are recent; however RMP staff who we spoke with knew of these arrangements, as did the senior police officers from Home Office forces with whom we also spoke.

During the course of investigations, there is discussion between Service Prosecuting Authority and RMP staff in addition to the formal consultation that is required in each case. The Service Prosecuting Authority was seen by RMP staff as an additional means of preventing improper interference in an investigation as they are independent of both commanding officers and the RMP, making decisions based on evidence and the public interest.

The post of Service Complaints Commissioner was established by the Armed Forces Act 2006⁴. The Commissioner's role is to provide independent oversight of how the military complaints system is working and report to Ministers and to Parliament⁵.

⁴ Section 338 Armed Forces Act 2006

⁵ Section 366 Armed Forces Act 2006

Although the Service Complaints Commissioner provides oversight of the complaints system and the RMP is inspected by outside bodies, we found that there was insufficient public scrutiny of RMP investigations. The RMP does not report to the public, and investigations into RMP wrongdoing are carried out by an internal Professional Standards Department or the Provost Marshal of another service police force. The Provost Marshal acknowledged to HMIC that a strategic risk to the RMP is inadequate independent oversight of its own independence. The Provost Marshal cited the arrangements for Home Office police forces in terms of reporting to the public, and to the Independent Police Complaints Commission that can supervise and manage investigations into police wrongdoing. The RMP should have arrangements in place to ensure its investigations are reported to the public and that some external independent body provides oversight of investigations into RMP wrongdoing.

3. How well does the RMP monitor and make an assessment of how effective investigations are?

We found that, on the whole, the monitoring of the effectiveness of investigations requires improvement.

During our review of documents and through interviews and focus groups we could not find evidence that indicators of success had been identified beyond whether an investigation had ended in a prosecution.

We were told by RMP staff that there was not a systematic and regular collection of management and performance information through which indicators of success could be identified.

During our inspection we saw that meetings are used to review and oversee the quality and progress of individual investigations and to make decisions about priorities and resources. However the only monitoring we saw of all investigations was of the number that had exceeded 100 days to complete. The meetings we attended and the minutes of previous meetings that we reviewed revealed that there was no discussion about the effectiveness of investigations.

While we did find individual examples of effectiveness, owing to the lack of consistency of the crime recording system it is our view that there is an inherent risk that not all victims and witnesses are identified. In addition, as management information about victim care is not routinely and consistently considered in meetings, it is our view that senior officers are unable to monitor fully the effectiveness of investigations.

4. How well does the RMP use the National Intelligence Model in identifying strategic policing priorities that influence strategic planning and resourcing?

We found that on the whole, the use of the National Intelligence Model by the RMP is good, in particular the command structures and the management of knowledge. However the collection and use of intelligence as well as the tasking and co-ordination process requires improvement.

We found that the RMP chain of command provides for the governance structures and that the National Intelligence Model is used to identify strategic priorities.

An assessment of threats is brought together in a comprehensive strategic assessment⁶, submitted to the Provost Marshal and used to decide the strategic policing priorities.

RMP staff who we spoke with knew of the strategic priorities and they were aware of the actions for staff within the plan. We found evidence that these priorities were used actively in the way police work was planned and done.

We found that the RMP uses data from sources such as incident and intelligence reports, and information from other agencies to get an understanding of crime threats in their area. Our inspection of the way the Service Police Crime Bureau and the joint Force Intelligence Bureau work revealed that intelligence and information is collected on a continual basis and analysed to look for new threats and to improve knowledge relating to existing threats.

RMP staff who we spoke with knew the types of intelligence that the RMP wanted to collect and they knew how to submit it. However, we also found there were instances where not every opportunity was taken by RMP staff to submit intelligence and that levels of intelligence submissions could be higher. For example, intelligence is not routinely submitted at the end of investigations to provide important information about the crimes and offenders in each case.

We also found senior officers used the strategic priorities in the way they deployed resources to investigations. However, while we found that investigations were aligned to the strategic priorities, we found that the way resources were deployed to prevent or disrupt criminal activity were not always in accordance with the priorities. For example, although crime prevention initiatives were evident, not all meetings set focused patrolling to deter criminality.

⁶ RMP Strategic Assessment 2014

In addition we found inconsistencies in the way that tasks set at a point in time were then tracked and assessed at later tasking and co-ordinating meetings. For example, we found some tasks were rigorously followed up with actions set for staff when necessary, but others were not followed up at all.

Introduction

About HMIC

HMIC 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 ask the questions which citizens would ask, and publish the answers in accessible form, using our expertise to interpret the evidence.

Independence

HMIC 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.

Public interest

HMIC decides on the depth, frequency and areas to inspect based on our judgments about what is in the public interest.

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.

HMIC's annual inspection programme is subject to the approval of the Home Secretary in accordance with the Police Reform and Social Responsibility Act 2011.

Terms of reference

This is the first statutory inspection of the RMP by HMIC. The terms of reference for this inspection are to examine:

- How effective is the overall strategic leadership and direction of the RMP in relation to investigations?
- How effective are the oversight and governance arrangements within the RMP to ensure investigations are free from improper interference?
- How well does the RMP monitor and make an assessment of how effective investigations are?
- How well does the RMP use the National Intelligence Model in identifying strategic policing priorities that influence strategic planning and resourcing?

The full terms of reference for the inspection are contained in Annex A.

Other Considerations

In June 2014, Liberty - the national council for civil liberties - published an analysis of certain elements of the military justice system. It made six recommendations to embed independence and fairness. These included the publication of statistics on allegations of some serious sexual offences, that these offences should be referred to the RMP and that they should be investigated by Home Office police forces and, in addition, that changes should be made to who investigates serious offences committed abroad, the oversight of the service police and the powers of the newly created Service Complaints Ombudsman.

HMIC met with the authors of the Liberty report following the fieldwork stage of the HMIC inspection of the RMP.

The Liberty report *Military Justice* can be found by following the link below:

[www.liberty-human-rights.org.uk/ISBN 978-0-946088-62-1](http://www.liberty-human-rights.org.uk/ISBN%20978-0-946088-62-1)

How the RMP operates

The RMP (as well as the Royal Navy Police and the Royal Air Force Police) derives its mandate from the Armed Forces Act 2006⁷ as it is this primary legislation that defines military 'service offences' and the powers which the RMP has to deal with those offences.

Service offences include criminal conduct such as theft and assault, and non-criminal conduct such as being absent without leave and contravening standing orders.

The RMP consists of approximately 2,500 soldiers and civilian staff deployed with other military units across the UK and abroad, responsible for policing the British Army worldwide. While the RMP is a separate brigade in its own right, RMP staff report to both senior officers in the RMP and for non-investigative activity, to the local commanding officers of the brigades or units to which they are deployed to support other military functions such as regulation of military traffic and operational detention.

Under the Armed Forces Act 2006⁸, commanding officers of military units have the power to deal with certain offences but must refer other more serious offences, such as serious sexual offences⁹, to the RMP to investigate. These offences are specified in Schedule 2 of the Armed Forces Act 2006 or have been committed in 'prescribed circumstances'¹⁰. An internal Army policy document¹¹ issued in 2013 gives direction to commanding officers that all sexual offences must be reported to the RMP for investigation.

At the time of the inspection¹², the RMP was made up of four separate regiments. 1st Regiment (RMP), comprising three provost companies, is based in Germany. 3rd & 4th Regiments (RMP), comprising four provost companies each, are based across

⁷ S116-118 Armed Forces Act 2006, www.legislation.gov.uk/ukpga/2006/52/part/5/chapter/1/crossheading/duty-of-service-policeman-following-investigation

⁸ S52-54 Armed Forces Act 2006, www.legislation.gov.uk/ukpga/2006/52/part/2/chapter/1/crossheading/commanding-officers

⁹ S113-115 Armed Forces Act 2006, www.legislation.gov.uk/ukpga/2006/52/part/5/chapter/1/crossheading/duties-of-commanding-officers

¹⁰ Defined in the Armed Forces (Part 5 of the Armed Forces Act 2006) Regulations 2009.

¹¹ PS2(A) Policy Letter 10/2013 and emphasised in an amendment to Joint Service Publication 830, Chp 6, Vo11, para 30A in 9/13.

¹² During the course of the inspection the RMP were undergoing restructuring in accordance with Army 2020, including the creation of 1 Military Police Brigade, a Special Operations Regiment and realignment of the Regiments and Companies.

the United Kingdom. These regiments provide a general policing duty function for other units of the Army. There is an RMP special investigation branch regiment which provides an investigative capability for more serious or complex cases, or those matters which due to their nature or broader impact require a special investigation. They have additional responsibility for military bases overseas both on operations such as in Afghanistan and permanent bases such as in Cyprus.

Members of the RMP are both soldiers and police officers who need to train in both roles in order to undertake policing investigations in combat conditions. The core tasks of the RMP are to police the Army and provide police support to the Army; this includes reducing crime and supporting victims.

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.

Investigations conducted by RMP staff on military operations abroad should be to the same high standard as those conducted by the RMP in the United Kingdom. The investigations must be conducted independently of the Army chain of command with the Provost Marshal for the Army being the professional lead for the RMP as defined by the Armed Forces Act 2006 and amended by the Armed Forces Act 2011¹³.

On military operations or in UK military bases, the RMP is available to provide specialist police advice directly to the local commanding officer. Topics of advice include arrest and detention, searches of people, property and vehicles, incident control and crime scene management.

RMP staff have powers similar to Home Office police officers such as arrest and search, and 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 practice which again are similar to the codes of practice for Home Office forces.

The RMP has a well established investigative doctrine which provides the basis for RMP training and practice for investigations.

¹³ Armed Forces Act 2006 as amended section 115A(2) "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."

Army 2020

The Strategic Defence and Security Review, published by the government in October 2010, laid out the commitments expected of the armed forces.

A new Army structure is being created that provides a reaction force and adaptive force, as well as a standing capability for long term commitments such as Cyprus and the Falkland Islands. The main changes will take place before 2016 as units move back from Germany to the United Kingdom and the structure will be complete by 2020.

The changes will alter the structure of the RMP, bringing control of all the composite units of the RMP under the command of the Provost Marshal. Currently, local divisional and brigade commanders, where RMP staff are deployed, form part of their chain of command for non- investigative matters. By creating a chain of command direct to Provost Marshal, the new structure is intended to provide greater independence.

The method of inspection

The three inspection stages

The inspection has been carried out in three stages which are described in the following paragraphs.

Initial visit

During the first stage in October 2014, HMIC made a one-day visit to Army headquarters, Andover to gain an understanding of the ways in which the RMP is structured and how it operates.

Document review

The second stage consisted of a review of over 270 documents provided by the force that described the structure, leadership and operational procedures of the RMP.

The field inspection visits

The field inspection took place during November and December 2014 and included visits to Andover, Bulford, Fareham, Colchester and Aldershot.

Inspectors gathered evidence by conducting interviews and focus group discussions with the Provost Marshal, three Deputy Provost Marshals, commanding officers from two RMP Regiments and a number of other senior officers as well as groups of junior officers and non-commissioned officers.

Finally, we carried out reality-testing (case file examination) to see how strategic leadership and direction affect day-to-day practice at the front line. We also visited the Service Police Crime Bureau to speak to staff who receive calls from other law enforcement agencies and who provide support to investigators.

Inspection findings

1. How effective is the overall strategic leadership and direction of the RMP in relation to investigations?

Background

The Provost Marshal of the Army is appointed by HM The Queen and is responsible to the Chief of General Staff for the delivery of an independent, effective and accountable service police force¹⁴.

The Provost Marshal is an Army officer of brigadier rank and is the chief officer of the RMP. The Provost Marshal must exercise his statutory investigative duties under the Armed Forces Act 2006¹⁵ as amended by the Armed Forces Act 2011¹⁶ independent of the Army chain of command. The Provost Marshal is answerable only to the Army Board of the Defence Council.

Being the chief officer of the RMP, the Provost Marshal supports the Chief of General Staff (through the Assistant Chief of the General Staff) as the budget holder, overseeing performance, risk, spend, resource and financial assurance issues.

Supporting the Provost Marshal are three colonels responsible as Deputy Provost Marshals respectively for investigations, operations and force development.

The Army and RMP are bound by the military code of conduct which sets out the values and standards expected of all soldiers¹⁷.

¹⁴ The service police force(s) is the term used to describe collectively or individually the Royal Military Police, the Royal Navy Police and the Royal Air Force Police.

¹⁵ S116-118 Armed Forces Act 2006 defines the responsibilities of the Service Police www.legislation.gov.uk/ukpga/2006/52/part/5/chapter/1/crossheading/duty-of-service-policeman-following-investigation

¹⁶ The Armed Forces Act 2006 keeps its title and for the purposes of this report will be referred to as the Armed Forces Act 2006 as amended

¹⁷ *Code of Conduct*, Ministry of Defence, published 2013

What HMIC found

In order to examine leadership we looked for evidence of a clearly articulated strategy, defined roles and responsibilities, policies that set standards, training and skills development and effective accountability arrangements.

We found that, on the whole, the leadership of the RMP for investigations is good, but there are some areas that require improvement.

A clearly articulated strategy

Through our review of documents we found that the Provost Marshal had defined and communicated a written strategy entitled 'Direction' to the RMP and to the Army as a whole on 8 April 2013¹⁸. We spoke with RMP staff in interviews and focus groups and they all knew of the strategy and understood the expectations placed on them, particularly in relation to how they conducted investigations.

We found that the Provost Marshal writes regularly to senior officers in the RMP and the wider Army to reinforce his strategy and expectations. The Provost Marshal has regular access to the Assistant Chief of the General Staff and also visits RMP units and holds regular meetings with junior officers, military police officers and staff.

The strategy describes the mission and purpose of the RMP as well as the role and outcomes expected of military police officers and staff, particularly around investigations. We examined this strategy and found that it is consistent with direction from the Chief of the General Staff and has been approved by the Army Board of the Defence Council.

It defines activity, such as: conducting evidential investigations; preventing and detecting criminality; and incorporating good practice from the College of Policing and other police forces.

We saw this strategy and the code of conduct communicated to staff in the form of posters in many of the offices we visited and in the documents that were read. In addition, we saw a training video where the Provost Marshal describes the strategy as well as the code of conduct, and we found that the RMP staff we spoke to were familiar with the important messages contained in them.

We also saw locally interpreted versions of the strategy created by units of the RMP describing how their work contributes to the strategy.

¹⁸ *The Direction of the Provost Marshal* is a document that sets out tasks common to all units for the independence of investigations and the values and standards of the British Army

However, while we found that the strategy was clearly defined and well understood by staff, we also found that some areas of the strategy were not, in practice, being acted upon as well as they should be. These areas are crime recording, the oversight of certain investigations and the prioritisation of training.

(a) Crime recording

HMIC found that, while there is policy on crime recording and a computer system to support it, there is no common standard to guide RMP staff. Furthermore, there is insufficient oversight of the system; for example, there is no crime registrar as exists in Home Office police forces to ensure compliance with crime-recording rules.

The RMP has a command and control computer system, called 'COPPERS', and this is what is used to record incidents reported to the RMP by commanding officers and other personnel from units of the Army¹⁹. New records are reviewed within 24 hours by senior duty staff and thereafter at weekly intervals by senior members of the chain of command using an investigation monitoring database known as the Investigation Management Register. If there is a crime, this is recorded on the RMP's crime-recording computer system, called 'REDCAP', with each crime record reviewed at weekly intervals on the Investigation Management Register. We found that there was a lack of clear standards and guidance on incident and crime recording – in particular around the decision whether to record an incident as a crime.

We were concerned to be told through a number of interviews that some crimes are not recorded properly. For example, all incidents involving firearms, ammunition and explosives must be recorded as a crime. However, we were told that there had been a number of occasions when such incidents had not been recorded as crimes; rather, they had been recorded on 'COPPERS' as lost property. In addition, we were informed that the decision to record an incident as a crime varies depending on the RMP unit and even the individual senior non-commissioned officer responsible for making the decision.

Furthermore, some sexual offending, such as sexual assaults without penetration, do not have to be referred to the RMP to investigate and can be dealt with by the commanding officer²⁰ of the suspect's unit. We understood that in situations where a commanding officer investigated such a case, there were occasions when crimes were not always reported to the RMP. An internal Army policy document issued in 2013²¹ directs that all sexual offences are reported to the service police but

¹⁹ S113-115 Armed Forces Act 2006 defines the incidents and offences that commanding officers must report to the service police
www.legislation.gov.uk/ukpga/2006/52/part/5/chapter/1/crossheading/duties-of-Commanding-Officers

²⁰ S52-54 Armed Forces Act 2006 defines the offences that commanding officers can deal with
www.legislation.gov.uk/ukpga/2006/52/part/2/chapter/1/crossheading/commanding-officers

²¹ PS2(A) Policy Letter 10/2013

compliance cannot be assessed. This prevents the RMP from being able to understand patterns of offender behaviour and makes it difficult to hold the investigators properly to account. If a victim comes forward to report a crime committed against them, the least they should expect is that they are believed and that the crime is properly recorded so that an effective investigation can be carried out. Accurate crime recording also allows the RMP to build a full picture of crime problems in different areas of their jurisdiction so that resources can be deployed to solve them.

Recommendation 1

No later than 31 July 2015, the Provost Marshal (Army) should define and implement a set of standards for crime recording that ensures that there is an accurate record of crime committed and a clear framework for holding investigators to account for investigating crimes.

(b) Oversight of investigations

The majority of RMP investigations concern reports of theft, damage and assault. The oversight of these investigations is carried out by the RMP staff of senior non-commissioned officer or warrant officer rank. These RMP staff decide the lines of enquiry that need to be undertaken before allocating these to RMP staff to complete. We examined a range of investigations and found a number where the offence in question was not consistent with what the evidence indicated had actually happened; for example, in one case, a road traffic collision was being dealt with as criminal damage and in another, the loss of a bicycle as a theft.

In addition, we were told in focus groups that while the chain of command within the RMP regiments provides oversight of investigations, it often adds unnecessary lines of enquiry - such as a requirement to take additional statements or to undertake further house-to-house enquiries when these are not necessary in the particular case. We understand that there are a number of reasons for this. In some cases, the senior non-commissioned officer directs action from a checklist of enquiries, regardless of whether they were relevant or not.

Finally, we found that, unlike Home Office police forces, the RMP still places a requirement on RMP staff to type full transcripts of all records of interview, whether they are required for court or not. This takes many hours - time that could be saved by the use of typists to complete transcripts if required for court, or the completion of an abbreviated short descriptive note if a full transcript is not required.

We conclude that the effect of the added workload described above is that RMP staff take more time building case files than is necessary, and which could be spent on other policing activity such as patrol work. In addition, the time taken to complete investigations and case files has an impact on efforts to deliver meaningful victim care. While letters are sent to victims about the progress made, over a protracted

period of time the letters repeat standard messages and consequently they lose their value.

The RMP should set standards and guidance for the oversight by RMP regiment senior non-commissioned officers of investigations so that quality is assured in a way that is appropriate and proportionate to the investigative and victim care needs of each particular case.

Recommendation 2

No later than 31 July 2015, the Provost Marshal (Army) should set standards and guidance for the oversight by the RMP regiment of investigations so that quality is assured in a way that is appropriate and proportionate to the investigative and victim care needs of each particular case.

(c) The prioritisation of training

Central to the strategy of the Provost Marshal is the commitment that the RMP will be 'soldiers first' and police officers second. This means that, as well as their police training, RMP staff need to be trained and ready as soldiers for combat conditions to enable them to carry out policing duties in demanding and austere conditions.

However, when we spoke with RMP staff, we found that this message had been interpreted by some junior and senior officers that soldiering duties and training should be so much more of a priority than policing duties and training that the policing element had been neglected. The Provost Marshal acknowledged there was some misinterpretation by some RMP officers of his commitment to 'soldier first' and we found that he had reinforced his expectation in the training video mentioned above.

Through interviews and case file reviews we found that these soldiering duties took RMP staff away from investigations. In our judgement, RMP staff are unsure about how to balance these two duties.

Recommendation 3

No later than 31 July 2015, the Provost Marshal (Army) should better clarify what is expected of RMP staff to meet the commitment of 'soldiers first'. This should include defining and communicating the balance and proportion of policing and soldier training and duties as well as checking the understanding and implementation of the commitment.

5. Defined roles and responsibilities

Our inspection also examined how well the leadership had established well defined roles and responsibilities for all RMP staff. We expected to find that that the RMP understood and had established the capabilities it required, that these were in place and that staff understood the roles and duties they had.

We found that the RMP has up to date and comprehensive job descriptions for all roles and ranks, including a list of the necessary skills required. These describe and define the day to day duties for every member of the RMP, including the levels of supervision required. We found that there was a good description of the crime investigation capabilities required by the RMP.

When we spoke with RMP staff, they all knew what was required of them. However, we did not find evidence that the central leadership of the RMP has at its disposal a record of the capabilities of all its staff to help it make sure it has the right people in the right place at the right time. Although each RMP regiment keeps its own record of training, this is not sufficient to allow the efficient deployment of staff across all the RMP areas of work according to the priorities at any given moment.

In addition, while roles and responsibilities were defined, the RMP is bound by the policy of the Army that all personnel should move roles every two to three years. This was explained to us as a way of keeping staff fresh and providing continuing professional development, but we found evidence that this sometimes leads to a loss of experience that creates gaps in capability.

For example, we met RMP staff in specialist roles such as those in the Service Police Crime Bureau which provides support to investigations, who were particularly affected by the policy. Training for these specialised staff is expensive and it also takes time to develop the capabilities necessary for them to be fully effective in their roles. This results in a big investment of time and money for a short period of return in the role.

It also appeared to us that the effect that this policy has on local intelligence officer roles in RMP Regiments is problematic as these staff take time to build local knowledge and forge links with neighbouring police forces.

There was also evidence that there was little real succession planning for the movement of these highly skilled staff. Senior officers told us that they felt that they had only limited input into this process, meaning additional training was needed and hard won skills were lost.

While we understand the reasons behind the Army's posting policy, we do consider that the loss of skills, and particularly the loss of local knowledge about offenders and victims, is an issue that is of material importance to the efficient and effective management of criminal investigations in the Army.

Home Office police forces have identified specialist roles and they have extended tenures of work, or appointed civilian members of staff to take the place of police officers to overcome this problem.

Recommendation 4

No later than 31 July 2015, the Provost Marshal (Army) should;

- identify RMP roles that would benefit from extended tenure or that could be considered for civilianisation, and put in place plans to implement those changes; and
- introduce a regular complete skills and capability audit across all RMP units, better to assist with resource planning and training requirements.

Policies that set standards

In order to examine leadership we also looked for policies that set the standards for RMP staff. This included clear guidance that was understood, procedures that were informed by the College of Policing²² and documents that reflected the strategy set by the Provost Marshal.

We were given access to all of the RMP investigative doctrine that makes up the policies and procedures for investigations. We found that this doctrine provides clear guidance on the standard required by the RMP for investigations as well as comprehensive procedures describing how investigations can be undertaken and overseen.

We also found that the RMP uses the military code of conduct to set out the values and standards it expects of its staff. When we spoke with RMP staff, we found that they understood the doctrine and the military codes of conduct and were able to tell us what was expected of them. This was confirmed in our examination of a number of case files where we found lawful and professional investigations that were balanced and showed respect for witnesses and victims.

The breadth and structure of the policies and procedures contained within the doctrine cover a wide range of types of crimes such as child protection, sexual offending and domestic abuse, and how each should be approached. In addition, the doctrine describes the standards for various elements of the investigative process such as how to manage witnesses, evidential property and forensic samples. Finally, we saw evidence that the doctrine is regularly amended to accommodate its own learning, and developments by other police forces on crime investigation. One example of this was the development of capability to operate the Home Office Large

²² The College of Policing defines and publishes guidance for Home Office police forces in a range of Accredited Professional Practice documents. www.app.college.police.uk/app-content/

Major Enquiry System (called HOLMES) as a result of learning from a previous investigation.

The content and standards laid out in the doctrine for investigations are drawn from College of Policing standards and adapted to take account of the military context.

Training and skills development

We next examined the arrangements for the training and skills development of RMP staff. We found a structured and comprehensive training programme based on the investigative doctrine for all RMP staff.

Training modules comprise leadership standards, diversity and cultural awareness and the code of conduct. The modules break relevant duties down into levels of detail that allow staff to achieve the learning they require in areas such as the submission of fingerprint samples.

HMIC visited the RMP training college (Defence School of Policing & Guarding) where we spoke with staff. Training starts with the Initial Military Police Course, and there then follows a programme of development in the workplace. Senior officers performing the role of senior investigating officer attend training by the College of Policing.

However, currently the RMP does not seek accreditation for its staff by the College of Policing under the 'Professionalising Investigation Programme'. This is a requirement for detectives working in Home Office forces. The accreditation of staff who investigate crime provides assurance that they are appropriately qualified for the role and are maintained at that level. Accreditation is lost if the officer does not keep up his or her professional development. The College of Police has a well tested system for accreditation in this very important area of policing and we believe there is an opportunity to apply this to the RMP.

Recommendation 5

No later than 31 July 2015, the Provost Marshal (Army) should establish whether it would be possible for the College of Policing to put in place procedures for the accreditation of appropriately trained RMP staff. If possible, the Provost Marshal (Army) should by 31 December 2015 introduce procedures to accredit appropriately trained staff.

Accountability arrangements

In order to examine leadership we also looked for evidence of arrangements that would allow RMP staff to be held to account for the way they investigate crime.

Although there is a clearly defined chain of command within the Army and meeting structures within the RMP to monitor investigations, we found that these require improvement for crime recording and oversight of some investigations (see pages 19 and 20 above). However, we found an effective inspection and review regime in place.

Senior officers of RMP units based across the UK chair daily and weekly meetings where they review reported crime and the progress of RMP investigations. We attended two of these meetings and examined the minutes of previous meetings. We found that while the progress and general standard of investigations was discussed, there was insufficient scrutiny of whether or not the investigation was properly tailored to the specific requirements of the particular crime committed. There was also insufficient focus on how well the needs of the victim are being met.

The Provost Marshal chairs the fortnightly Crime Executive Group, attended by senior officers from the RMP Regiments, to oversee serious or complex crime investigations. We attended one of these meetings and examined the minutes of previous meetings. We found that the quality and appropriateness of investigations were discussed, and that risks to investigations and staffing levels were also considered.

The RMP has a small inspection capability called the Police Performance Inspection team, led by a retired senior officer from the Royal Navy Police and supported by a warrant officer. The purpose of this team is to assure the Provost Marshal that investigative doctrine is being followed and that standards are being maintained across RMP investigations.

Examination of reports by the RMP's inspection team revealed that in 2014 it found problems with crime recording and the oversight of particular investigations consistent with the findings of our inspection (see pages 19 and 20 above). While the report recognised that improvements had been made from previous internal inspections, we did not find evidence that sufficient change had taken place to set standards for crime recording or oversight of investigations.

In addition, the RMP has an internal professional standards and review team, the purpose of which is to provide a major crime review capability in line with national police best practice and to deal with complaints made about military police officers in the course of conducting their duty and when exercising their statutory powers.

We found that this team effectively reviews the decisions of senior investigating officers in major crime investigations, recommending new lines of enquiry and adding to organisational learning by capturing and disseminating good and bad

practice. To provide additional independence, officers from Home Office police forces and the National Crime Agency are commissioned to undertake formal case reviews in highly significant major crime investigations; for example, an investigation into allegations of abuse of detainees in Afghanistan.

There are also inspections of the RMP by the Surveillance and Communications Commissioners, reporting on covert policing activity and giving an assessment of professional practice and recommendations for further improvements. We reviewed the most recent external inspection reports and found them to be positive. Also, where recommendations had been made, senior officers have been quick to improve practice and discharge all recommendations.

2. How effective are the oversight and governance arrangements within the RMP to ensure investigations are free from improper interference?

Background

The Armed Forces Act 2006 at part 5 places duties on commanding officers of other Army units to notify the RMP²³ if a Schedule 2 offence (murder, manslaughter, war crimes and other serious offences) or an offence committed in prescribed circumstances²⁴ has occurred.

The Armed Forces Act 2006 sets out the duty of the Provost Marshal in relation to the independence of investigations as follows:

‘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.’²⁵

In addition the Armed Forces Act 2006 explains what is included in improper interference:

‘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’²⁶

The Provost Marshal is responsible for providing the RMP with clear strategic leadership and direction, as well as structures to support the oversight and governance of the independence of RMP investigations.

²³ S113-115 Armed Forces Act 2006

www.legislation.gov.uk/ukpga/2006/52/part/5/chapter/1/crossheading/duties-of-commanding-officers

²⁴ This is an aggravating factor to a crime which requires referral directly to the Director Service Prosecutions (DSP). Only persons subject to service law (PSSL) are considered to have committed an offence in prescribed circumstances. These offences include where a PSSL has been assaulted on at least two occasions by another PSSL, serious injury inflicted on a PSSL by a person of superior rank or rate while the assailant was carrying out his duties etc.

²⁵ Armed Forces Act 2006 as amended section 115A(2) “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.”

²⁶ Armed Forces Act 2006 as amended section 115A (3) “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”.

The RMP performs wide ranging duties. They investigate minor offences through to more serious crimes including those that appear to breach Article 2²⁷ of the European Convention on Human Rights which protects the right to life of every person, or Article 3²⁸ which prohibits torture and inhuman or degrading treatment or punishment.

Article 2 imposes a negative obligation not to take life without justification, and a positive obligation to establish a framework of laws, precautions, procedures and means of enforcement which will, to the greatest extent reasonably practicable, protect life.

It also imposes an obligation on states to conduct an effective official investigation where individuals have been killed as a result of the use of force²⁹.

The courts have determined that an Article 2-compliant investigation must be reasonably prompt, independent and effective, have a sufficient element of public scrutiny and appropriately involve the subject or next of kin³⁰. Furthermore, the European Court of Human Rights has held that Article 2 inquiries must be carried out by people independent of those implicated in the events. This means not only hierarchical or institutional independence but also a practical independence.³¹

In this chapter we set out how well the Provost Marshal discharges his legal responsibilities to ensure RMP investigations are independent from the Army chain of command and are free from improper interference.

What HMIC found

In order to examine oversight and governance we looked for an understanding by staff of the relevant legislation, effective decision making by senior officers, mechanisms to refer investigations outside of the RMP and engagement with other relevant oversight bodies.

We found that, on the whole, the oversight and governance of the RMP is good but there are some areas that require improvement.

An understanding by staff of the relevant legislation

²⁷ Protects the right of every person to life

²⁸ Prohibits torture and inhuman or degrading treatment or punishment.

²⁹ *McCann v UK* (1995) 21 EHRR 97.

³⁰ *R (Margaret Wright) v SSHD* [2001] EWHC Admin 520, approved by the House of Lords in *Amin*.

³¹ *Hugh Jordan v UK* [2001] Appn No 24746/94, BAILII: [2001] ECHR 327, para 107; *Kelly and Others v UK* [2001] Appn No 30054/96, BAILII: [2001] ECHR 328, para 95; *McKerr v UK* (2002) 34 EHRR 20, para 112; *Edwards v UK* (2002) 35 EHRR 19, para 70

Through interviews and focus groups across the RMP and at all ranks we found a good understanding by RMP staff of the relevant legislation and a thorough appreciation of their responsibilities.

We found that RMP staff were able to describe in detail their powers and the obligations placed on both the Provost Marshal and on commanding officers of other units. They often referred to the strategy of the Provost Marshal, the military codes of conduct and the investigative doctrine as guides to their knowledge. In addition, we perceived a strong will and desire among those we spoke with to preserve the integrity and independence of RMP investigations.

Through our review of documents we found that investigative doctrine provides guidance for the conduct of investigations on military operations such as combat conditions.

It also makes clear how important it is that RMP staff remain sufficiently independent for the purposes of investigations and maintain the moral courage to take action in the event of witnessing or being informed of any wrongdoing³².

We were provided with evidence of RMP staff displaying moral courage. These included combat situations in Afghanistan where RMP staff had initiated investigations after witnessing sexual assaults and the negligent firing of weapons. These investigations resulted in prosecutions.

With regard to the understanding of legislation by commanding officers of other units and their obligations under Schedule 2 of the Armed Forces Act 2006, we spoke with other senior officers in the RMP about their observations. We did not have the authority to inspect or audit whether or not the commanding officers were complying with Schedule 2 as they are not part of the RMP.

We found that the Provost Marshal regularly writes to commanding officers to remind them of the legislation, to update them with changes to the laws and to reinforce the duty of the Provost Marshal regarding independence. Those senior officers we spoke with in the RMP believed that other commanding officers across the Army understand the legislation and the obligations placed on them.

³² Military Police investigative doctrine, chapter 22: Conduct of investigations on operations.

However, we were concerned to hear from a small number of RMP staff of a few occasions when commanding officers had decided to deal with offences that, based upon the facts presented to us, should have been referred to the RMP. Examples given included assault and sexual offences. As these allegations had not been referred or reported to the RMP and appeared to come to their attention from a third party, those we spoke with were unable to provide sufficient detail for us to corroborate the claims.

However, were this the case, it would be unacceptable as such action compromises the independence of any investigation, sharing of information and care for the victims. The Provost Marshal needs to be assured that all Schedule 2 offences are referred to the RMP by commanding officers.

Recommendation 6

No later than 31 July 2015, the Provost Marshal (Army) should define and establish an administrative system that monitors all allegations of Schedule 2 offences and checks referral of those offences by commanding officers to RMP staff.

When offences are referred by commanding officers to the RMP to investigate we found that RMP staff believed that they were allowed proper access to witnesses and evidence. However, we also found that RMP staff occasionally face reluctance on the part of potential witnesses to help investigations and that there are some incidences of witness intimidation. It was explained to us that the military culture of trust and loyalty in teamwork can lead to soldiers 'closing ranks' in order to protect an accused. While we understand the Army requires good teamwork to be effective, this is a serious matter.

We were told that any incidents of reluctance or intimidation are reported up the RMP chain of command and action is quickly taken by RMP senior officers directly with commanding officers to encourage and protect witnesses. In particular, we were informed that following a formal study of culture and ethos in the Army, senior RMP officers had arranged an event to raise awareness of bullying and harassment to deter and deal with witness intimidation; however this is not sufficient.

In order to create and maintain a culture that ensures that loyalty and trust within Army units extends to giving full support to witnesses in RMP investigations, the Army's leadership should send and reinforce robust messages about what constitutes unacceptable behaviour.

Recommendation 7

No later than 31 July 2015, the Chief of General Staff and the Provost Marshal (Army) should communicate with the Army clear expectations for the co-operation of witnesses with RMP investigations and the support that should be given to witnesses by their colleagues and supervisors.

Effective decision making by senior officers

In order to examine governance and oversight we also looked for effective decision making by senior officers. This included identifying a trained and experienced senior officer responsible for all investigations, engagement with commanding officers and a meeting structure to discuss RMP investigations.

Through interviews and focus groups with senior officers across the RMP, we found they had a good understanding of investigations and a thorough appreciation of their responsibilities.

In particular, the Deputy Provost Marshal (Investigations), who is an RMP officer of the rank of colonel, is responsible to the Provost Marshal for all RMP investigations. The Deputy Provost Marshal is also responsible for decisions about changes to investigative doctrine. We saw evidence of this, particularly concerning the independence of investigations in recent changes to jurisdiction issues such as the notification of all serious sexual offences to Home Office police forces.

The Deputy Provost Marshal is a member of the National Policing Homicide Working Group. This enables him to apply good practice from Home Office police forces to RMP investigations, such as in the case of major crime reviews as discussed above.

In the most serious or complex crime investigations, a Gold Commander is appointed to oversee the decisions of the senior investigating officer, working to standards set by the College of Policing. We found that this role is performed well by the Deputy Provost Marshal.

Similarly, the Deputy Provost Marshal is the equivalent of the Director of Intelligence as defined by the National Intelligence Model, responsible for decisions regarding intelligence collection, assessments and actions, including the prioritisation of resources through tasking and co-ordinating meetings.

Finally, the Deputy Provost Marshal is responsible for the operational support of investigations in areas such as undercover policing and surveillance. HMIC previously included the RMP in its national inspection of undercover policing³³ and we found that the unit was professionally run and well managed, compliant with legislation and able to deliver a professional service.

We found that the Deputy Provost Marshal had established an effective system of engaging commanding officers. The Deputy Provost Marshal maintains regular contact, reinforcing the independence of the RMP to ensure there is no improper interference and explaining decisions about Schedule 2 offences that commanding officers have referred to the RMP to investigate.

³³ HMIC - *An inspection of undercover policing in England and Wales 2014*

In addition, we found that he provides advice and guidance to commanding officers on investigations they may be conducting that are not Schedule 2 offences.

The Provost Marshal told us that his authority under the Armed Forces Act 2006 is respected by Army leaders who are more senior than him and that this means that he is able to establish who should have primacy for investigations as well as how the independence of the investigation is assured. For example, under the Armed Forces Act 2006 a suspect's commanding officer makes all decisions about custody for the first 48 hours and it then rests with the judge advocate. During our visit, the Provost Marshal used his investigative independence in a significant investigation based overseas to engage with the judge advocate at an earlier stage in order to manage the investigation effectively.

In addition, the Provost Marshal has the power under the Armed Forces Act 2006 to decide the course of, and undertake, investigations. Again we were given an example of decision making about a high profile Article 3³⁴ investigation into an historical allegation of detainee abuse in Afghanistan. HMIC saw evidence of an assessment by the Provost Marshal of the allegations, a plan to investigate, the prioritisation of enquiries and the resourcing of the investigation. This was all overseen by a senior investigating officer and a Gold Commander. Furthermore, decisions were taken about how to make sure the investigation was compliant with the requirements of the law³⁵, in particular that the investigation was carried out independently with reasonable promptness and the involvement of the subjects making the allegations.

The Crime Executive Group meeting discussed in the previous chapter (page 25) is also held to direct investigations where high profile and high risk crimes have been alleged. HMIC saw evidence that the members of this meeting set the priorities for investigations and made decisions about how specialist resources would be deployed to support them. In addition, members of the group considered the needs of victims and their families in each case, often using information from formal case reviews and family liaison officers, and made decisions to ensure they were fully supported.

Through our review of minutes of previous meetings, we saw evidence that members of the Crime Executive Group make decisions about the resource levels to high profile or high risk investigations.

³⁴ European Convention on Human Rights and Fundamental Freedoms
www.echr.coe.int/Documents/Convention_ENG.pdf

³⁵ *McCann v UK* (1995) 21 EHRR 97, *R (Middleton) v West Somerset Coroner* [2004] UKHL 10, paragraphs 2-3, *Jordan v UK* (2003) 37 EHRR 2.

The group also decides on the priority criteria for formal case reviews and considers legal issues on policy and investigations, for example, the ceding of jurisdiction for independence to Home Office police forces of investigations into any deaths on Ministry of Defence property.

Mechanisms to refer investigations outside of the RMP

As part of our examination of governance and oversight we also looked to see what arrangements the RMP has for referring investigations to other investigative bodies where it is necessary to secure the appropriate level of independence. This included arrangements with other armed service police forces and Home Office police forces.

We examined the tri-service investigations policy, an agreement by Provost Marshals for the Royal Navy, Royal Military and the Royal Air Force Police. The policy aims to increase confidence and transparency in the military police system by maintaining standards and good policing practice. It describes how certain offences³⁶ or breaches of Articles 2³⁷ or 3³⁸ of the European Convention on Human Rights by service police officers ought to be referred by that member's Provost Marshal to an alternative service police force or Provost Marshal for investigation. An example was given where this policy had been used by the Provost Marshal (Army) to refer a case to the Royal Navy Police for investigation into an allegation against a member of the RMP staff. We were told that this was not only to ensure independence, but also to demonstrate in a transparent way a positive approach to the RMP obligation to independent investigation.

We found that protocols have been agreed by the RMP and Home Office police forces that allow the referral of any deaths on Ministry of Defence property to Home Office police forces to investigate. These protocols are recent; however, RMP staff with whom we spoke knew of these arrangements as did the senior police officers from Home Office forces with whom we also spoke.

³⁶ Armed Forces Act 2006 as amended Schedule 2 offences and prescribed circumstances offences.

³⁷ Protects the right of every person to life

³⁸ Prohibits torture and inhuman or degrading treatment or punishment

Engagement with other relevant oversight bodies

We also looked for engagement with other relevant oversight bodies. This included the Service Prosecuting Authority and the Service Complaints Commissioner.

The Service Prosecuting Authority, which was established by the Armed Forces Act 2006, exists to provide an independent prosecution service to the Armed Forces, similar to the Crown Prosecution Service relationship with the Home Office Police. The Service Prosecuting Authority considers criminal conduct cases and service offences and has established a protocol that has been agreed between the Director of Service Prosecutions, the Director of Public Prosecutions and the Ministry of Defence. The purpose of the protocol is to provide clarity about who the appropriate prosecuting authority should be taking into account the public interest. This document sets out the principles governing the issue of concurrent jurisdiction where a criminal offence is alleged to have been committed by a person subject to military or service law where both a military court and a magistrate's court could hear the case.

This document is known and used by those senior officers with whom we spoke. They also described the positive working relationship with the Service Prosecuting Authority in terms of support and advice given. During the course of investigations there is discussion between Service Prosecuting Authority and RMP staff in addition to the formal consultation that is required in each case. Finally, the Service Prosecuting Authority was also seen by RMP staff as an additional means of preventing improper interference in an investigation as it is independent of both commanding officers and the RMP, making decisions based on evidence and the public interest.

The post of Service Complaints Commissioner was established by the Armed Forces Act 2006³⁹. The Commissioner's role is to provide independent oversight of how the military complaints system is working and report to ministers and to Parliament⁴⁰.

On 13 March 2014 the Secretary of State for Defence announced a commitment to changes which would simplify the service complaints system and strengthen the Commissioner's powers to become an Ombudsman⁴¹. The intent of this is to bring improvements to the complaints system, the time it takes for complaints to be resolved and increase the level of confidence military personnel have in the process.⁴²

³⁹ Section 366 Armed Forces Act 2006 www.legislation.gov.uk/ukpga/2006/52/contents

⁴⁰ Section 339 Armed Forces Act 2006
www.legislation.gov.uk/ukpga/2006/52/part/18/crossheading/service-complaints-commissioner

⁴¹ Armed Forces (Service Complaints and Financial Assistance) Bill 1st reading: House of Commons 21 October 2014, 2nd reading House of Commons date to be announced.

⁴² Service Complaints Commissioner website <http://armedforcescomplaints.independent.gov.uk/>

Although the Service Complaints Commissioner provides oversight of the complaints system and the RMP is inspected by outside bodies, we found that there was insufficient public scrutiny of RMP investigations. The RMP does not report to the public, and investigations into RMP wrongdoing are carried out by an internal professional standards department or the Provost Marshal of another service police force. The Provost Marshal acknowledged to HMIC that a strategic risk to the RMP is inadequate independent oversight of its own independence. The Provost Marshal cited the arrangements for Home Office police forces in terms of reporting to the public and the Independent Police Complaints Commission that can supervise and manage investigations into police wrongdoing. The RMP should have arrangements in place to ensure its investigations are reported to the public and that some external independent body provides oversight of investigations into RMP wrongdoing.

Recommendation 8

No later than 31 July 2015, the Provost Marshal (Army) should establish whether it would be possible for the Home Office to put in place procedures for the Independent Police Complaints Commission to provide independent oversight of complaints against the service police. If it is possible, the Provost Marshall (Army) should by 31 December 2015 introduce procedures to allow such independent oversight.

3. How well does the RMP monitor and make an assessment of how effective investigations are?

Background

As discussed above (page 27) the Armed Forces Act 2006 sets out the duty of the Provost Marshal for the independence of investigations.⁴³ It does not define how the Provost Marshal should monitor and make an assessment of how effective investigations are.

For inspections of Home Office police forces, HMIC considers whether the police are effective at investigating offending, including in the way it supports victims during a criminal investigation.⁴⁴

In particular, key indicators of success have been identified. These describe how well the police should support victims of crime, how well crime should be recorded and investigations allocated, the appropriate use of investigative tactics, the supervision and quality assurance of investigations, training to national standards and organisational learning. Senior officers use these indicators of success to identify trends in quality and compare effectiveness across the force. HMIC considers that the monitoring of performance is particularly important in times of reducing resources.

What HMIC found

In order to examine how well the RMP monitors the effectiveness of its investigations we looked for indicators of success, management information to support these indicators and a process for analysing and assessing information to make judgements about how effective investigations are.

We found that, on the whole, the monitoring of the effectiveness of investigations requires improvement.

⁴³ Armed Forces Act 2006 as amended section 115A(2) 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.

⁴⁴ HMIC PEEL Methodology August 2014

Indicators of success

During our review of documents and through interviews and focus groups we could not find evidence that indicators of success had been identified beyond whether an investigation had ended in a prosecution.

We were told by RMP staff that there was not a systematic and regular collection of management and performance information through which indicators of success could be identified. For example, while information exists within the RMP on crime detections, numbers of arrests and levels of complaints, we did not see these being brought together and considered as indicators of success. Additionally, we did not see the timeliness and cost of investigations, the impact of investigations on offending across the Army nor the quality of victim care being used as measures of success.

The RMP should identify key indicators of success from the range of management and performance information available to it, and use these indicators to monitor the effectiveness of investigations.

Meeting structure

The meeting structures of the RMP are described in previous chapters. During our inspection we saw that these meetings are used to review and oversee the quality and progress of individual investigations and to make decisions about priorities and resources. However, the only monitoring we saw of all investigations was the number that had exceeded 100 days to complete. The meetings we attended and the minutes of previous meetings that we reviewed revealed that there was no discussion about the effectiveness of investigations. We expected to see evidence of there being an examination of how well investigations were being conducted; for example, the number of occasions fingerprints and DNA were taken at the point of arrest, the number of samples shared with Home Office police forces and the cost of forensic submissions.

The RMP should use the existing meeting structures to discuss the performance of investigations.

Assessment of effectiveness

We found that the RMP did not conduct a regular and comprehensive assessment of the effectiveness of its investigations. This should be introduced, along with improvements to the way crime is recorded (see page 19 above) so that the assessment can be as accurate as possible.

However, while we did not see a comprehensive assessment of effectiveness, this is not to say that we did not find effective investigations and an understanding of where improvements can be made.

For example, concerning victim care, we were told by RMP staff in focus groups that victims of crime receive a letter each month to advise them of current progress of the investigation, but RMP staff found that during a protracted investigation, these letters remained standard and generic in appearance with little change from previous letters, thus having an impact on the effectiveness of care to those victims. These letters are now monitored much more closely and more individually tailored messages are now sent.

Another example where we saw effectiveness and work to improve it further was in some specialist training. We were told that staff from the RMP special investigation branch are trained to provide additional support to victims of serious crimes in the same way as family liaison officers would do, and to undertake interviews of those victims. While this is seen as good practice in Home Office police forces, RMP staff who we spoke with had identified that this was a limited capability which could in the future have an impact on the effectiveness of investigations. Training is now being provided to allow for a number of specialist trained officers in other RMP regiments.

While we did find individual examples of effectiveness, owing to the lack of consistency in the crime recording system it is our view that there is an inherent risk that not all victims and witnesses are identified. In addition, as management information about victim care is not routinely and consistently considered in meetings, it is our view that senior officers are unable to monitor fully the effectiveness of investigations.

In order properly to assess the effectiveness of investigations, the RMP should put in place a comprehensive system that uses existing management and performance information that will allow regular and consistent monitoring.

Recommendation 9

No later than 31st July 2015, the Provost Marshal (Army) should establish a comprehensive system of monitoring for the effectiveness of investigations.

4. How well does the RMP use the National Intelligence Model in identifying strategic policing priorities that influence strategic planning and resourcing?

Background

The National Intelligence Model is a business process used by Home Office police forces to provide focus to operational policing and to make sure resources are used to best effect.⁴⁵ At a strategic level, the model is used to assess current and emerging threats, risks and harms to the public and to use this assessment to help prioritise policing activity. These priorities should then be used to help deploy the right resources to tackle the priority threats.

The National Intelligence Model is underpinned by a set of minimum standards, namely that the organisation:

- has governance and command structures
- can demonstrate knowledge management
- gathers information and makes use of intelligence, and
- has a tasking and co-ordination process.⁴⁶

What HMIC found

In order to examine the use of the National Intelligence Model we examined how well the RMP met the standards, as set out above.

We found that on the whole the use of the National Intelligence Model by the RMP is good in the areas described above, in particular the command structures and the management of knowledge. However the collection and use of intelligence as well as the tasking and co-ordination process requires improvement.

⁴⁵ Code of practice: National Intelligence Model, Home Office, National Centre for Policing Excellence and Centrex, 2005, paragraph 3.1.1, page 6.

⁴⁶ National Intelligence Model – Framework Overview Version 1.0, College of Policing, March 2013, see: www.acpo.police.uk/documents/crime/2013/201307-cba-nim-framework-v1.pdf

Governance and command structures

We found that the RMP chain of command provides for the governance structures and that the National Intelligence Model is used to identify strategic priorities.

An assessment of threats is brought together in a comprehensive strategic assessment⁴⁷, submitted to the Provost Marshal and used to decide the strategic policing priorities as described below:

- To create an environment that will reduce overall crime, including firearms, violent and drug related crime, within the army, and other crime that impacts on military capability and army reputation.
- Protect the reputation of the army through the prompt and effective investigation of criminal and serious incidents.
- Provide a focussed military police service which responds to the needs of the military communities and individuals, especially victims and witnesses, and improves confidence in RMP amongst all elements of the army.'

These priorities also form part of the RMP's control strategy⁴⁸ that defines and provides a focus for policing activity across the RMP. This plan describes in detail how each priority and threat will be dealt with in terms of the four parts of the Home Office's Serious and Organised Crime and Counter-Terrorism strategies: 'Prevent, Pursue, Protect and Prepare'. Furthermore, the Deputy Provost Marshal (Investigations) has set out how the plan should be used by RMP staff and we saw that each RMP regiment had established local crime and policing plans that showed how it should contribute to the strategic plan.

RMP staff who we spoke with knew of the strategic priorities and they were aware of the actions for staff within the plan. We found evidence that these priorities were actively used in the way police work was planned and carried out.

Knowledge management

We found that the RMP uses data from sources such as incident and intelligence reports, and information from other agencies to get an understanding of crime threats in their area. Our inspection of the way the Service Police Crime Bureau and the joint Force Intelligence Bureau work revealed that intelligence and information are collected on a continual basis and analysed to look for new threats and to improve knowledge of existing threats.

⁴⁷ RMP Strategic Assessment 2014

⁴⁸ RMP Control Strategy 2014

RMP staff who we spoke with knew about the threats and we found that the RMP chain of command used the assessment of these crime threats to prioritise investigations and the resourcing for them.

We also found staff understood the effect that different crimes had on victims, the public and the military community. The most frequently reported crime was theft of personal and military property and this forms the bulk of investigations for the RMP.

Use of intelligence

We found that the RMP had established its intelligence requirement and had systems in place to collect this intelligence. There was also evidence that staff are using the system properly and that the responsibilities for collecting intelligence are explained during staff training. In particular, the training describes how the National Intelligence Model should be used by RMP staff in the identification of domestic abuse and sexual offences, in crime reduction and partnership working and in the management of investigations.

RMP staff who we spoke with understood the types of intelligence that the RMP wanted to collect and they knew how to submit them. However, we also found there were instances where not every opportunity was taken by RMP staff to submit intelligence, and that levels of intelligence submissions could be higher. For example, intelligence is not routinely submitted at the end of investigations to provide important information about the crimes and offenders in each case.

In order to increase the quality and quantity of intelligence submitted, the RMP should monitor and assess the collection of intelligence.

Tasking and co-ordination process

The Deputy Provost Marshal is the equivalent of the Director of Intelligence, as defined by the National Intelligence Model, responsible for decisions on intelligence collection, assessments and actions, including the prioritisation of resources through tasking and co-ordinating meetings.

The RMP has been using the National Intelligence Model for approximately six years, and we found that a command structure supports tasking and co-ordinating meetings at RMP Regiment and headquarters levels. The meetings take place regularly and are chaired and attended by the right staff including, in some cases, representation from the local Home Office police force.

The minutes showed that these meetings are underpinned by up to date strategic assessments. We saw a consistent approach to the running of these meetings in agendas and supporting documents; for example, tactical assessments and problem profiles, and these were aligned to the strategic plan and priorities.

There was evidence of planning for forthcoming events, for example, plans were created to deal with the impact that a large movement of troops was likely to have on offending rates.

We also found senior officers used the strategic priorities in the way they deployed resources to investigations. However, while we found that investigations were aligned to the strategic priorities, we found that the way resources were deployed to prevent or disrupt criminal activity were not always in accordance with the priorities. For example, although crime prevention initiatives were evident, not all meetings set focused patrolling to deter criminality.

In addition, we found inconsistencies in the way that tasks set at one point in time were then tracked and assessed at later tasking and co-ordinating meetings; for example, we found some tasks were rigorously followed up with actions set for staff when necessary, but others were not followed up at all.

Finally, we found that intelligence about potential offending sent from the joint Force Intelligence Bureau to RMP Regiments was not managed consistently well. In some cases the intelligence would be acted upon, but in other cases it would not because there was insufficient resource available within the RMP regiments to deal with the intelligence. We understand the difficulties inherent in matching resources to changing levels of demand, but we think more needs to be done to make sure that the intelligence relating to priority threats provided by the joint force intelligence bureau should receive a consistent response across all the RMP Regiments.

Recommendation 10

No later than 31 July 2015, the Provost Marshal (Army) should establish a system to ensure greater consistency in the way the standards set by the National Intelligence Model are met.

Summary of Recommendations

1. No later than 31 July 2015, the Provost Marshal (Army) should define and implement a set of standards for crime recording that ensures that there is an accurate record of crime committed and a clear framework for holding investigators to account for investigating crimes.
2. No later than 31 July 2015, the Provost Marshal (Army) should set standards and guidance for the oversight by the RMP regiment of investigations so that quality is assured in a way that is appropriate and proportionate to the investigative and victim care needs of each particular case.
3. No later than 31 July 2015, the Provost Marshal (Army) should better clarify what is expected of RMP staff to meet the commitment of 'soldiers first'. This should include defining and communicating the balance and proportion of policing and soldier training and duties as well as checking the understanding and implementation of the commitment.
4. No later than 31 July 2015, the Provost Marshal (Army) should;
5. identify RMP roles that would benefit from extended tenure or that could be considered for civilianisation, and put in place plans to implement those changes; and
6. introduce a regular complete skills and capability audit across all RMP units, better to assist with resource planning and training requirements.
7. No later than 31 July 2015, the Provost Marshal (Army) should establish whether it would be possible for the College of Policing to put in place procedures for the accreditation of appropriately trained RMP staff. If it is possible, the Provost Marshal (Army) should by 31 December 2015 introduce procedures to accredit appropriately trained staff.
8. No later than 31 July 2015, the Provost Marshal (Army) should define and establish an administrative system that monitors all allegations of Schedule 2 offences and checks referral of those offences by commanding officers to RMP staff.
9. No later than 31 July 2015, the Chief of General Staff and the Provost Marshal (Army) should communicate with the Army clear expectations for the co-operation of witnesses with RMP investigations and the support that should be given to witnesses by their colleagues and supervisors.

10. No later than 31 July 2015, the Provost Marshal (Army) should establish whether it would be possible for the Home Office to put in place procedures for the Independent Police Complaints Commission to provide independent oversight of complaints against the service police. If it is possible, the Provost Marshall (Army) should by 31 December 2015 introduce procedures to allow such independent oversight.
11. No later than 31 July 2015, the Provost Marshal (Army) should establish a comprehensive system of monitoring the effectiveness of investigations.
12. No later than 31 July 2015, the Provost Marshal (Army) should establish a system to ensure greater consistency in the way the standards set by the National Intelligence Model are met.

Glossary

Army chain of command	hierarchy of authority within the British Army based on a rank structure
Army Board of the Defence Council	chaired by the Secretary of State for Defence, the purpose of the board is the administration and monitoring of Army performance
Armed Forces Act 2006	the primary legislation defining the system of service law under which the Armed Forces operate (implemented in 31 Oct 09).
Association of Chief Police Officers	professional association of police officers of assistant chief constable rank and above, and their police staff equivalents, in England, Wales and Northern Ireland; leads and coordinates operational policing nationally; a company limited by guarantee and a statutory consultee; its president is a full-time post under the Police Reform Act 2002
austerity	difficult economic conditions resulting from government measures to reduce public expenditure
capability	the extent to which the ability to carry out particular actions exists
capacity	the total number of resources available to carry out a particular function
Chief of the General Staff	the professional head of the British Army with executive responsibility for the higher command of the British Army

civilian subject to service discipline	civilians in overseas bases who exist within a service context and can include dependants, Navy, Army and Air Force Institutes (NAAFI) employees, civil servants and teachers in service schools, but not when they are resident in the UK.
collaboration	arrangement under which two or more parties work together in the interests of their greater efficiency or effectiveness in order to achieve common or complementary objectives; collaboration arrangements extend to co-operation between police forces and with other bodies in the public, private and voluntary sectors
code of conduct	description of the values and standards expected of the armed forces
College of Policing/national police standards	professional body for the training and development of the police and for setting standards for police practice
Commander Land Forces	senior Army officer responsible for generating and preparing forces for current and contingency operations for the Chief of the General Staff
commanding officer	the most senior Army officer of a unit of soldiers
Communications Commissioners	an independent body to review the interception of communications and the acquisition and disclosure of communications data by intelligence agencies, police forces and other public authorities
COPPERS	RMP computer system for the recording and management of reports of incidents

covert policing	police intelligence and evidence gathering tactics such as surveillance, undercover officers and the use of informants
Crime Executive Group	chaired by the Provost Marshal (Army), the purpose of the group is to oversee RMP investigations
Deputy Provost Marshal	senior officer of the RMP responsible for delivering a core element of RMP work such as investigations
Director of Intelligence	role of a senior police officer defined by the National Intelligence Model as the officer responsible for intelligence matters
European Convention on Human Rights	framework that ensures rights for individuals against state interference
family liaison officer	police officer trained to support families of victims in serious and complex crime investigations
force crime registrar	person in a police force who is responsible for ensuring compliance with crime-recording rules. The force crime registrar's responsibilities include training staff in the crime-recording process and carrying out audits to check that the force is complying with all applicable rules
force intelligence bureau	a unit that contains a number of analysts who collect and analyse information relating to who is committing crimes, how, when, where and why
general police duties	RMP regiment law and order activity as opposed to special investigation branch investigative activity

Gold Commander	senior police officer having oversight of a serious or complex crime investigation
governance	the method by which the efficiency and effectiveness of a service, including the end results of a service, are overseen
headquarters	the place from which senior officers command units of soldiers
Her Majesty's Inspectorate of Constabulary (HMIC)	independent body responsible for inspecting the police in the public's interest
Home Office	the government department responsible for the civil police
Home Office Large Major Enquiry System	computer system used by the police to manage serious and complex crime investigations
incident reports	reports of events received by the police that require police attention
information and communications technology	any products that will store, retrieve, manipulate, transmit or receive information electronically in a digital form; for example, personal computers, digital television, telephones and email
investigative doctrine	the approved policy and procedure for RMP investigations
Local Intelligence Officer	RMP staff responsible for collating intelligence for their unit
local policing	the provision of policing services at a local level. Comprises both neighbourhood and local response teams, and sometimes investigation teams

major crime	crimes of murder, manslaughter, kidnap with demands, and extortion committed
management information	information that is used to give managers oversight of particular activities so as to ensure they are efficient and effective
Ministry of Defence	the government department responsible for the armed forces
National Crime Agency	an operational crime-fighting agency that works at national level to tackle organised crime, protect national borders, fight fraud and cyber-crime, and protect children and young people
National Intelligence Model	a model for policing that ensures that information is fully researched, developed and analysed to provide intelligence which enables senior managers to make decisions
national policing lead	senior police officer with responsibility in England and Wales for leading the development of a particular area of policing
National Police Homicide Working Group	group of police practitioners concerned with progressing the professional practice of homicide investigation
performance management	activities which ensure that goals are consistently being met in an effective and efficient manner. Performance management can focus on the performance of an organisation, a department, employee, or the processes to build a service
persons subject to service law	all those persons in uniform be they regular and reservists (reservists only when on military duty)

professional standards department	Police unit that investigates complaints about police officers and enforces police discipline
Professionalising Investigation Programme	a police system to train and accredit investigators
Provost Marshal	a senior Army officer, appointed by HM The Queen as chief officer of the RMP
provost company	a sub-unit of RMP soldiers. There may be a number of companies on one RMP Regiment
RECAP	RMP internal publication for the communication of new policies and lessons learnt
REDCAP	RMP computer system for the recording and management of reports of crimes
resourcing	the arrangements to ensure the correct level of funding, officers and staff and any other requirements, to provide a particular service efficiently and effectively are in place
Regulations of Investigatory Powers Act 2000	legislation about the use of covert policing techniques such as interception of communications and undercover policing
Royal Air Force Police	the service police of the RAF
Royal Military Police (RMP)	the service police of the Army
Royal Navy Police	the service police of the Royal Navy
RMP regiment	a unit of soldier made up of a number of companies. There are four Regiments within the RMP
RMP HQ	the place from which senior officers command units of the RMP

RMP staff	soldiers and civilian staff that form the RMP and who work to the Provost Marshal
skills audit	a process that can be used to identify skill gaps in an organisation
Service Complaints Commissioner	responsible for the rigorous and independent oversight of the military complaints system
service justice system	is underpinned by the Armed Forces Act 06 and provides the legal framework that recognises the unique environment in which the Armed Forces operate
Service Police force	the police of the Armed Forces comprising the RMP, Royal Navy Police and Royal Air Force Police
Service Police Crime Bureau	a joint unit supporting service police investigators
Service Prosecuting Authority	the independent prosecuting body for the Armed Forces through the service (and appellate) courts
senior investigating officer	a police officer with specialist skills who is responsible for overseeing the progress of a serious or major investigation
senior non-commissioned officer	senior soldiers within a unit of soldiers reporting to junior officers
Strategic Defence & Security Review	the Governments assessment of strategic threats and the expectations of the Armed Forces
special investigation branch	a regiment of the RMP responsible for the investigation of serious and complex crimes
succession planning	a process for identifying and developing staff with the potential to fill key positions in an organisation

Surveillance Commissioners	an independent body that oversees the conduct of covert surveillance and covert human intelligence sources by public authorities in accordance with the Police Act 1997 and the Regulation of Investigatory Powers Act 2000
tasking and co-ordinating group	the group within the RMP that considers the principal crime threats and risks and decides which of these take priority for the allocation of available resources
tenure	the amount of time a person holds a particular role or job
warrant officer (Class 1 or Class 2)	the most senior soldier within a unit reporting to RMP officers
workforce modernisation/civilianisation	a process to make better use of resources such as civilianising some policing roles

Annex A

Terms of reference

This is the first statutory inspection of the RMP by HMIC. The terms of reference for this inspection are to examine:

- How effective is the overall strategic leadership and direction of the RMP in relation to investigations?
- How effective are the oversight and governance arrangements within the RMP to ensure investigations are free from improper interference?
- How well does the RMP monitor and make an assessment of how effective investigations are?
- How well does the RMP use the National Intelligence Model in identifying strategic policing priorities that influence strategic planning and resourcing?