TRI-SERVICE INVESTIGATIONS POLICY

Investigations

1. The Provost Marshals of the Royal Navy, Army and the Royal Air Force wish to ensure and increase confidence and transparency in the Service Police, and maintain high standards and good policing practice.

2. The Provost Marshals agree that cases which may indicate the commission of (i) a Schedule 2 or prescribed circumstances offence, or (ii) any other offence which indicates that Articles 2 or 3 of the European Convention on Human Rights may have been breached, by a member of the Service Police or a member of the Provost Branch, ought to be referred by that member's Provost Marshal to an alternative Service Police Force or Provost Marshal for investigation. However, for those cases that do not engage Articles 2 or 3 the presumption of referral can be rebutted if there are cogent reasons, supported by legal advice (where appropriate), as to why a referral is not required. Referral will normally take place at the outset of the investigation, albeit if the necessity for this only becomes apparent after an investigation has commenced, then the referral will occur at that point.

3. The Provost Marshals agree that cases which may indicate the commission of one of the service offences set out in this paragraph, by a member of the Service Police or a member of the Provost Branch, should generally be referred by that member's Provost Marshal to an alternative Provost Marshal for investigation. This referral will normally take place at the outset of the investigation, albeit a referral can also be made once an investigation has commenced.

The Provost Marshals will discuss the handling of such cases, and whether there are good reasons why a referral may not be necessary or appropriate in any particular case.

The Service offences falling within this paragraph are as follows:

(1) any offence under section 42 of the Armed Forces Act 2006 ("the Act") ('criminal conduct') which amounts to an indictable offence;

(2) any other Service offence which may not be dealt with at a summary hearing by a Commanding Officer;

(3) any service offence whose commission is intended or likely to have any of the serious consequences listed at section 84(5) of the Armed Forces Act 2006[1];

(4) any offence under section 11(1) of the Act (using violence against a superior officer);

(5) any offence under section 18(3) or (4) of the Act (offences in relation to official documents and records with intent to deceive);

(6) any offence under section 24(1) of the Act (intentional or reckless damage to or loss of public or service property);

(7) any offence under section 39 of the Act of attempting to commit an offence within sub-paragraphs (4), (5) or (6) above;

(8) any offence under section 40 of the Act of encouraging or assisting the commission of an offence within sub-paragraphs (4), (5) or (6) above; or,

(9) any other Service offence committed during a detention process or within a detention facility where the alleged victim is a detainee.

4. The Provost Marshals agree that all other cases which may indicate the commission of an offence by a member of the Service Police or a member of the Provost Branch should be considered by the respective Professional Standards Department to establish the most appropriate course of action.

[1] Serious harm to the security of the State or to public order; serious interference with the administration of justice or with the investigation of offences or of a particular offence; the death of any person; serious injury to any person; substantial financial gain to any person; serious financial loss to any person; or, the undermining of discipline or morale among members of any of Her Majesty's forces.

Management and Reviews

5. It may be impracticable because of serious resource, timeliness or environmental factors, for an alternative Service Police Force to undertake the full substantive investigation into a case that indicates the commission of an offence by a member of another Service Police Force or a member of the Provost Branch (a member of "the first Service Police Force"). If so, consideration should be given to provision of a Lead Investigator to manage[2] the investigation utilising the resources of the tasking Service Police Force. If this is not practicable the alternative Provost Marshals agree to independently review any investigations into such cases that were carried out by first Service Police Force and, if they consider there are grounds to do so, will carry out a fresh investigation.

Process

6. The Provost Marshal who seeks to refer a case will direct this requirement to the Provost Marshals of the other Services who between them will determine which Service Police Force will undertake the investigation, managed investigation or review. The referral should be accompanied by a written note, supported by legal advice (where appropriate), that sets out the reasons why an investigation should be carried out by an alternative Service Police Force. The referral process for requests in both the Firm base and Operational Environments are at Annex A to this policy.

7. The investigation will be undertaken in accordance with the Armed Forces Act 2006 and relevant Codes of Practice that are current at the time of the investigation. At the conclusion of the investigation, and in accordance with section 116 of the Act, if there is sufficient evidence to charge a person with an offence(s), the case(s) will be referred directly to either the suspect'(s) Commanding Officer or to the Director of Service Prosecutions dependant upon the case(s) referred.

Steps to safeguard integrity of investigation

8. This Protocol does not prevent the first Service Police Force from carrying out tasks that are essential to safeguard the integrity of the investigation, such as steps to preserve evidence or secure a crime scene. Such tasks that are carried out should be referred as quickly as possible to the alternative Service Police Force that undertakes the investigation.

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[2] A 'managed investigation' is carried out by the Service Police Force using Professional Standards Departments (PSDs) or demonstrably independent personnel, under the **direction and control** of the alternate Service Police Force Lead Investigator.

9. The protocol shall be reviewed annually or at any such time as is deemed appropriate by the signatories.

[redacted]

Commander Provost Marshal (Navy)	Brigadier Provost Marshal (Army)	Group Captain Provost Marshal (Royal Air Force)

Dated: 21 May 15

Annex A to
TSIP
Dated: 21 May 15

GUIDANCE ON THE ACTIVATION OF THE TRI-SERVICE INVESTIGATION POLICY

1. Activation of the Tri Service Investigations Policy requires the authority of the HQ of the requesting Provost Marshal. The process relies on the accurate assessment of the alleged offence(s) and timely passage of information; however, the permissiveness and accessibility of the environment is an additional factor which must also be considered.

Request Pre-Considerations

2. The list of offences at paragraph 3 to the Policy is to be considered as a guide and the following should be taken into account:

a. The seriousness of the offence. Is the matter so minor in nature that it could be considered a professional failing rather than a criminal act?

b. The status of the offender. Whilst rank alone should not be a deciding factor, the seniority and position of the accused/victim must be considered if it may effect the perception of openness and transparency to any party.

c. The need for transparency. Some matters may not be serious or involve someone of status but may impact on the public's perception of the Service Justice System. It may be necessary to show full transparency by the investigation being conducted by a separate Service Police Force.

Activation Process – SP Unit

3. The request process will be influenced by the location and nature of the offence. Three scenarios are envisaged:

a. **Non-Operational Environments.** Where a criminal allegation has been made against a member of the Service Police in a non-operational area, the most senior Service Policeman in the AOR is to ensure that the immediate requirement to preserve and protect evidence is met and then to refer the matter to the nominated point of contact within the HQ of their PM as soon as possible; but within one working day of the event. This should be done in the format of a SITREP. The representative from that HQ will then decide whether it is a matter for the relevant Professional Standards Department (PSD), if the unit may continue with the investigation, the case should be referred to the civilian police or if the TSIP should be utilised.

b. **Operational Environments.** Criminal allegations within the operational environment should be considered as above but cognisance must be made to the accessibility of the location, the permissiveness of the environment and the likely deployment time for another Service Police Force to attend. This information must be included in the SITREP and passed to the HQ of the relevant Provost Marshal. Where connectivity is poor, a verbal brief to the poc will be sufficient to commence the process.

c. **Detainee Allegations Against SP/MPS.** Where the UK Force has authority to detain CPERS as part of the operation, due to the sensitivity of CPERS investigations particular care must be taken to ensure that any allegation made by the detainee is investigated promptly and effectively. Where such an allegation is made the responsible SP Unit must take all reasonable steps to secure and preserve evidence, whilst remedying any failing in treatment (if apparent). An investigation should continue as normal unless it is reasonably

suspected that the allegation involves the conduct of a member of that SP Unit or MPS. At this point the allegation must be forwarded in SITREP format to the FPM (or senior Service Police Officer) in theatre. The FPM is to consider:

(1). **Serious Offences**. If the allegation would amount to Schedule 2, an Unlisted Offence or has been committed in prescribed circumstances it must be referred to the Service Police Provost Marshal for consideration of activation of the TSIP.

(2). **Summary Offences**. If the allegation is criminal in nature but would amount to a summary only offence (Schedule 1 or Sect 53) then discretion can be exercised but the default position should be activation of the TSIP. Service Police Provost Marshal must be immediately informed of the allegation and why it is not considered appropriate to activate the TSIP.

(3). **Minor Misconduct**. If the allegation amounts to a professional failing, capable of being dealt with through administrative action, the FPM may consider that prompt action to rectify the issue and correct the service person's behaviour is the most appropriate route. In all cases where administrative action is used, the Service Police Provost Marshal is to be informed and a copy of the completed paperwork copied the relevant PSD.

(4). **Multiple Events**. Where an individual or a group of individuals are accused of a course of conduct involving more than one incident or involving more than one detainee, the matter is to be referred to the Service Police Provost Marshal for consideration as to whether the TSIP should be utilised.

Activation Process – Service Police Provost Marshal

4. When a request has been made by a SP unit for the activation of the TSIP, the Designated Person (DP) will notify the requirement by e-mail to the DP within each of the other Service Police Forces. This will ordinarily contain a copy of the SITREP, but will at minimum specify:

a. The place date and time of the incident.
b. The suspect's details (if known).
c. The victims details (if known).
d. The offence(s) suspected.
e. A synopsis of the allegation.
f. The paragraphs of this policy and guidance supporting the request.
g. If legal advice has been sought.
h. The contents of that advice (in so far as it is possible).

5. Upon receipt the receiving DP will:

a. Acknowledge receipt.
b. Indicate if they would be content to support the request.
c. Whether this support is a Full or Managed Investigation.
d. Nominate a PoC within the SP unit providing the support.

Managed and Full Investigation

6. **Full Investigation**. Where a full investigation is agreed the requesting force will provide the administrative support necessary to deploy and sustain the supporting force elements only. Full co-operation will be provided by access to SP witnesses and

evidence already gathered but there will be no interaction in relation to the conduct of the investigation. This is a matter for the supporting unit alone.

7. **Managed Investigation**. Where a managed investigation is agreed, in addition to the above, the requesting unit will provide such investigation resource as is reasonably required to undertake the investigation in terms of personnel and equipment. The Lead Investigator from the supporting force is to document all personnel involved and request recusal statements from each prior to commencing the investigation.

Arbitration

8. Each Provost Marshal is independent for the purposes of investigation. It therefore stands that none can be directed by the other. It is therefore essential that the presumption should be that any request will be supported. Cooperation is required at all levels and requires agreement at the lowest level.

Point of Contact

9. The following are the appointed DP:

Army

Primary:

SO1 Inv and Pol

Military: [redacted]
Civilian: [redacted]
Mobile: [redacted]

DII/F: [redacted]

Secondary:

SO2 Inv and Pol

Military: [redacted]
Civilian: [redacted]

DII/F: [redacted]

Royal Navy

Primary:

DPM(N)

Military: [redacted]
Civilian: [redacted]
Mobile: [redacted]

DII/F: [redacted]

Secondary:

SO3 Police Operations

Military: [redacted]
Civilian: [redacted]

DII/F: [redacted]

Royal Air Force

Primary

COS RAF Police and Deputy Provost Marshal (RAF)

Military: [redacted]
Civilian: [redacted]
Mobile: [redacted]

DII/F: [redacted]

Secondary

SO2 [redacted] HQ RAF Police

Military: [redacted]
Civilian: [redacted]