A Review of the Royal Military Police investigations into allegations of the ill treatment of Junior Soldiers at the Army Foundation College (Harrogate) (AFC(H)) 2014/15

To incorporate Investigation Reference Numbers:

04514/14, 04517/15, 04518/15 & 04520/15

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1. **Terms of Reference**

To review the effectiveness of the Royal Military Police investigations into allegations of the ill treatment of Junior Soldiers while serving at the Army Foundation College (Harrogate) (AFC(H)) 2013 - 2014 by considering:

1.1 Whether the investigations were conducted fairly, objectively and impartially in accordance with procedures, guidelines and national best practice.

1.2 Whether the investigations pursued all reasonable lines of enquiry.

1.3 If the victims were interviewed appropriately and treated in accordance with guidance.

1.4 If appropriate safeguarding measures were taken.

1.5 Whether the investigations were resourced appropriately with suitably qualified and experienced personnel.

1.6 Whether the investigations were conducted in a timely manner.

1.7 If the investigations received appropriate management, supervision, oversight and direction from the Special Investigation Branch, Regiment, Leadership.
1.8 If appropriate engagement, consultation occurred and advice sought from the Service Prosecuting Authority during the investigation and while preparing the case for the Court Martial.

1.9 To produce a report and make recommendations in relation to the findings, to include training and professional development considerations, when viewed alongside current best practice.
2. **Recommendations**

2.1 **Recommendation 1** - Consideration should be given to the appointment of a dedicated Disclosure Officer at the commencement of an investigation, in accordance with CPIA Codes of Practice.

2.2 **Recommendation 2** - The recording and management of future investigations of this magnitude and volume should adhere to MIRSAP and the implementation of a Major Incident Room and dedicated roles.

2.3 **Recommendation 3** - In future investigations of this magnitude, consideration should be given to the use of a bespoke Policy Book to record the decision making process and rationale of those decisions, throughout the life of the investigation.

2.4 **Recommendation 4** - In all future investigations, consideration should be given to conducting ABE visually recorded interviews with vulnerable and intimidated witnesses in accordance with national guidance.

2.5 **Recommendation 5** - Future investigations involving JS should consider the ongoing safeguarding risks and ensure liaison with local Children's Services and Training establishments are conducted and appropriate risk assessments put in place.

2.6 **Recommendation 6** – All SIB Investigators should undertake a bespoke CPIA Training course with regular CPD events.
3. **Introduction**

3.1 The background to this investigation relates to allegations made by Junior Soldiers (JS) whilst they were conducting their Initial Phase 1 training at the Army Foundation College, Harrogate (AFC (H)). This is the only British Army Phase 1 training establishment that delivers junior entry basic training for students who are aged between 16 and 17 ½ years, when they start their training.

3.2 The College has 5 Training Companies, 2 of which are Cambrai and Peninsula. Each Company has between 5 and 6 Platoons of 48 JS in each Platoon. Approximately 500 JS in total. The investigations conducted relate to the 2 Companies as named, whilst the JS were engaged in their Phase 1 training at Uniacke Barracks, Harrogate and also during their training at Battle Camp, Kirkcudbright, Scotland.

3.3 The specific allegations relate to incidents at the Barracks, during field exercises in October and November 2013, and at Battle Camp in June 2014.

3.4 During these periods it is alleged by numerous JS that they were subject to ill treatment, assaults, bullying and abuse by some of the Instructors and or Directing Staff (DS).

3.5 At the time these incidents occurred, the JS did not report the abuse to their Chain of Command (CoC). It was only when they attended their Phase 2 training at the Infantry Training Centre, Catterick (ITC(C)) in September 2014 that the allegations were raised with their CoC.
3.6 Senior staff at ITC(C) communicated with the Adjutant of AFC (H) and contact was made with the 150 Provost Company RMP to investigate the matter. The subsequent investigations were commenced on 24/09/2014 by 33 Section, 1 Investigation Company, Special Investigation Branch (SIB) Regiment, RMP.

3.7 In February 2018, the investigation into the allegations made by JS from Cambrai Company was heard at Court Martial by Alan M Large, Judge Advocate. At the conclusion of the Prosecution case and after representations raised by the Defendants legal teams, the proceedings were ‘stayed’.

3.8 In consequence, the subsequent investigations and Court Martials were withdrew by the Service Prosecuting Authority (SPA).
4. **Summary**

4.1 I believe that the magnitude of these investigations was underestimated from the outset by the RMP. It was apparent that a failure to conduct a timely and thorough investigation could have a significant impact on the reputation of both the RMP and the Army.

4.2 The victims in these investigations were JS who alleged ill treatment and abuse from Instructors / DS who had a responsibility and duty of care towards them.

4.3 From the outset of these investigations, no dedicated resources and roles were identified and allocated. I believe that this resulted in reasonable lines of investigation not being pursued. This had a significant impact on the progression and success of the investigations. *(Recommendations 1 & 2).*

4.4 There is a lack of auditable decision making and rationale which should have been in place by way of a dedicated Policy Book from the start. This would have supported and recorded the issues surrounding resourcing. *(Recommendation 3).*

4.5 Although no adverse comments were made at the Court Martial regards the method of interviewing the victims, national best practice provides guidance that vulnerable and intimidated victims / witnesses should be afforded the opportunity to provide a visually recorded account. Although acknowledging the significant numbers of victims and witnesses, not one of them were afforded this provision. *(Recommendation 4).*
4.6 No consideration was given to the ongoing Safeguarding of JS after the initial allegations had been made. No consultation was considered or made with local Statutory Partners. (Recommendation 5).

4.7 None of the investigation team had undertaken any bespoke CPIA Training regarding disclosure. This should be considered as a priority. (Recommendation 6).
5. **Methodology**

5.1 In order to progress the review, I have met with [redacted] who was the [redacted], SIB Regiment RMP and had oversight and direction of all the investigations, as well as three of the Lead Investigators who were responsible for the day to day management of the investigations.

5.2 I have had possession and reviewed all of the documentation generated by the investigations into case files: 04514/14, 04517/15, 04518/15 & 04520/15, including all entries made on the REDCAP, the Service Police crime recording and management system.
6. **Conclusions**

6.1 **ToR (1)** - Whether the investigations were conducted, fairly, objectively and impartially in accordance with procedures, guidelines and national best practice.

6.1.1 The conduct of criminal investigations is directed by the Criminal Procedure and Investigations Act 1996 (CPIA) and CPIA Codes of Practice. This places a duty on the investigator to ensure that all reasonable lines of inquiry are pursued, whether these point towards or away from the suspect and that information obtained during the course of a criminal investigation which maybe relevant is recorded, retained, reviewed and revealed.

6.1.2 The Code further directs specific actions for the Investigator, the Officer in Charge of the investigation and the Disclosure Officer. In particular, the appointment of a Disclosure Officer should be at the commencement of the investigation.

6.1.3 In respect of these investigations, they were all initially investigated under Crime Reference 04514/14. They were subsequently split into separate investigations after consultation and advice from the SPA.

6.1.4 It was quite apparent from the outset of this investigation that the enquiry would generate a vast amount of information, evidence and documentation. The allegations that were being made by JS, who in the eyes of the law were considered to be children, focused on their treatment whilst they were being trained and cared for by the British Army, who had an overriding responsibility to safeguard them and a duty of care.
6.1.5 A number of early witness statements obtained from some of the JS, spoke of them informing their parents of the treatment they had received during their training. It was quite rightly identified by [Redacted], at a very early stage in the investigation that the parents of the JS needed to be reassured the investigation would be conducted in a professional and diligent manner. There was clearly a very early recognition that if not managed correctly, there was a potential for adverse publicity and reputational risk to both the Army and RMP.

6.1.6 I can find no record or reference to the appointment of a Disclosure Officer at the initial stage of the investigation. I acknowledge that this role does not have to be a different person from the Investigator. However, in view of the obvious number of potential victims, witnesses and suspects, together with the volume of information the investigation was likely to generate, a dedicated Disclosure Officer should have been appointed at the commencement of this investigation.

6.1.7 In January 2015, following a conference with [Redacted], SPA, it was decided that the best course of action would be to split the investigation into 10 separate enquiries, 4 of which have been the subject of this review. This resulted in 4 Lead Investigators conducting separate disclosure reviews. I acknowledge that the investigators were based within the same office and communicated on a daily basis regarding the ongoing investigations, however, the duplicity and crossover of the investigations and subsequent disclosure could have been more efficient and effective had there been a single Disclosure Officer.

6.1.8 I highlight in particular some statements made by JS and Instructors, [Redacted], in respect of the Cambrai investigation. They detail the presence at Battle Camp of [Redacted] who was taking photos during the Bayonet Training lessons, as well as other Instructors and DS who
were present. These statements were taken relatively early in the investigation, October 2014 and January 2015. The presence of XXXXXXX only appears to have been identified and recognised in a review by XXXXXXXXXXXX during a review of the file prior to submission to SPA in December 2016. Clearly this is an omission and there has been a failure to constantly review the material acquired during the investigation. The appointment of a dedicated Disclosure Officer would have identified the need to trace and interview named Instructors and DS, as well as XXXXXXXX at a much earlier stage and potentially recover evidence to support or negate the allegations being made. (Statements taken from XXXXXXXX 1/2/17 and 24/10/17).

6.1.9 **Recommendation 1 – Consideration should be given to the appointment of a dedicated Disclosure Officer at the commencement of an investigation, in accordance with CPIA Codes of Practice.**

6.1.10 The management of large, complex or serious investigations should be conducted in accordance with the College of Policing directives, which include, Journal of Homicide and Major Incident Investigation and Managing Investigations. These documents provide relevant guidelines in respect of strategy, resources, investigative actions, managing risk, record keeping, and exhibit and scene management. The RMP conduct their investigations in accordance with Military Police Investigative Doctrine (MPID).

6.1.11 In respect of the 4 investigations, each one appears to have been conducted independently and activity undertaken has been recorded on REDCAP, the investigation management and recording system utilised by the Service Police.
6.1.12 Acknowledging that I make this observation with hindsight, it appears quite apparent that these investigations would generate a significant volume of evidence, with a large number of nominals. REDCAP was not appropriate to manage these investigations. A dedicated Major Incident Room should have been established to manage the investigation, in accordance with Major Incident Room Standardised Administrative Procedure (MIRSAP). This would have supported the direction and management of the enquiry. In accordance with MIRSAP guidance, a dedicated Receiver / Action Allocator and Statement Reader should have been allocated. This would have assisted in identifying potential victims, witnesses and suspects at a much earlier stage and the progression of actions to trace and interview them.

6.1.13 In pursuance of the above, the use of Home Office Large Major Enquiry System (HOLMES) may have been a consideration in managing these investigations. Alternatively, some Home Office Police Forces utilise an adapted electronic management information system which records nominals, statements generated, etc.

6.1.14 **Recommendation 2 – The recording and management of future investigations of this magnitude and volume should adhere to MIRSAP and the establishment of a Major Incident Room.**

6.1.15 In reviewing all the documentation and the logs from REDCAP, I have identified limited recorded rationale in respect of decision making as to why a course of action was, or was not pursued. In particular there are no recorded decisions in respect of interviewing all Instructors and Directing Staff, which was a key issue at the Court Marshall. [Redacted], in statement dated 21/2/2018, provided an account for not interviewing the Instructors/ DS (This will be discussed further in this report).
6.1.16 As previously mentioned, all the complainants in these investigations were JS and as such were under 18 years of age. National best practice is provided within Achieving Best Evidence (ABE) in Criminal Proceedings, which provides guidance on interviewing vulnerable or intimidated victims and witnesses and guidance on using Special Measures.

6.1.17 This document describes good practice in interviewing victims and witnesses and in preparing them to give their best evidence in Court. While it is advisory and not a legal requirement, investigators should have regard to the fact that significant departures from the guidance may have to be justified to the Court. In view of the age of the JS, all were under 18 years of age, they were defined as vulnerable by reason of their age. None of the JS undertook a visually recorded interview. There is no rationale contained within the reviewed documentation as to why this was the case. I acknowledge that the implications of conducting visually recorded interviews with approximately 500 JS is not practical. However, some JS make reference to feeling intimidated and each JS should have been considered on an individual basis and a rationale recorded (This will be discussed further in this report).

6.1.18 Recommendation 3 – In future investigations of this magnitude, consideration should be given to the use of a bespoke Policy Book to record the decision making process and rationale throughout the life of the investigation.

6.1.19 In commenting on whether the investigations were conducted fairly, objectively and impartially, I believe that a number of factors contributed to not achieving these aspirations. The lack of dedicated resources, the absence of a specific system to record the management and progress of the investigation, considerable abstractions of Lead Investigators over a
3 ½ year period, other priority investigations and a failure to trace and interview witnesses at an early stage in the investigation had a significant impact on the outcome of the Court Martial and subsequent collapse of the remaining cases. (These will be discussed further in this report).

6.2 ToR (2) - Whether the investigations pursued all reasonable lines of enquiry.

6.2.1 An initial investigation strategy was completed by Cpl. Taylor from 150 Provost Company RMP on 17/9/2014. This included generic strategies around victims, witnesses, crime scene and forensic management, suspect strategy and fast track actions. In particular the victim / witness strategy was clear in its directions, requesting Section 9 statements from all, including all persons present and suspects as well as their descriptions, in accordance with R v Turnbull.

6.2.2 It is significant to comment that the strategy instructs investigators to consider ABE interviews, were appropriate. Also worthy of favourable comment is the direction by XXXXXXX to identify and recover the Nominal Roles for all JS and Instructors / DS. This investigation strategy was later updated on 23/9/2014. Again, the victim witness strategy identifies that the JS are young and that they may fear reprisals and the potential risk to their welfare. However, it fails to reinforce the duty to consider conducting ABE interviews.

6.2.3 In respect of a communication and media strategy, XXXXXXX identified the potential of the allegations being made as “A politically hot potato”, and the need for the parents of the JS to be reassured that the allegations were being investigated professionally and diligently. XXXXXXX also identified the potential media consequences and that an appropriate
spokesperson should be appointed through the Provost Marshall (PM) and the MOD. I have found no evidence that a spokesperson was appointed.

6.2.4 In consequence to the advice provided by SPA, in February 2015, once the investigations had been split, subsequent investigation strategies were completed by the Lead Investigators and recorded within REDCAP which reflected initial strategies.

6.2.5 At the outset of this investigation, 10 JS made allegations to their CoC at ITC(C). who was the Platoon Commander, provided a statement on 21/2/2018. This statement details how came to be aware of the allegations and with whom discussed them. Importantly, requested that the Section Commanders obtain written accounts from the JS. These written accounts were never located and recovered. This should have been a priority course of action at the start of the investigation. Further statements from and were obtained prior to Court Martial but this did not assist in locating the documentation. It must be acknowledged that all the JS who provided those initial accounts did not make reference to having previously made a written record. In addition, no enquiries appear to have been made to provide continuity of those allegations until prior to the Court Martial.

6.2.6 A significant number of victim and witness accounts were recorded in Section 9 statements during the period September – December 2014. Numerous accounts detailed other JS present as well as Instructors / DS. In order to support or negate the accounts provided it would be a reasonable line of inquiry to trace and interview all persons present. The Nominal Roles of JS and Instructors / DS had been identified as being significant. Whilst acknowledging the logistical challenge in progressing this, this course of action should have been pursued in a timely manner with appropriate resources.
6.2.7 If a specific Instructors / DS had been named as an offender, they would be the subject of an interview under caution at a later date. In the absence of any information implicating the Instructors / DS, they should have been interviewed regarding their presence and knowledge of the allegations. If subsequent information came to light that they may have been involved, they would later be subject to an interview under caution. The rationale should have been recorded in a Policy Document / File.

6.2.8 A small number of Instructors / DS, including Platoon Commanders, were interviewed; it transpired that these officers did not witness any ill treatment or assaults on the JS. As previously mentioned, there was a significant delay in interviewing XXXXXX who took photographs of the Bayonet Training lessons, and a further delay in retrieving the memory stick containing those images. Other Instructors / DS who were interviewed included XXXXXX and XXXXXX who again did not witness any ill treatment or assaults.

6.2.9 XXXXXX was a Platoon Commander at the time and present throughout all Bayonet Training Lessons. Provided two Section 9 statements. First statement was dated March 2016 and states that did not witness any incidents. Makes no mention of being in possession of a camera and taking photographs. However, provides a second statement, dated 14/2/2018, in which states that had the company camera and took between 100 – 500 photographs. These were recorded on an SD card which was returned to the Cambrai Company Quarter Master who asserts that when provided initial S9 statement, told the RMP officer this fact. The RMP Officer has provided a copy of his notebook and there is no mention of a camera or the taking of photographs. Enquiries were made to locate the SD card but without success. This issue was raised late on in the investigation and there were no opportunities to retrieve the SD card.
6.2.10 At the beginning of March 2015, 30 potential suspects had been identified and 12 victims, as well as a considerable number of JS who had been the subject of ill treatment / assaults but did not wish to pursue a formal complaint.

6.2.11 As discussed previously, advice had now been received from the SPA to separate the investigation. Over the next months, the impetus of the investigation appears to have slowed down. (To be discussed later in this report). Progress reports and a case file were submitted to the Commanding Officer for review. From the information I have reviewed a decision was made in mid-July, early August 2015 to complete Pro-forma statements for the remaining members of Peninsula and Cambrai Companies. It should be highlighted that at this time all JS had now graduated from ITC(C) and were posted to their respective Regiments across the world.

6.2.12 I believe that the postings of the JS undoubtedly delayed the progress of these investigations. With appropriate and dedicated resources all JS should have been traced and interviewed whilst they were still undertaking their Phase 2 training at ITC(C).

6.2.13 The delay in obtaining the Pro-forma statements prevented the progression of interviews under caution with the suspects. A decision was made that no interviews would take place until all Pro-forma statements had been completed. Although not recorded in any documentation I have reviewed, decided not to conduct these interviews until the full allegations were known, so as not to conduct numerous interviews with the suspects. This is recorded in S9 Statement dated 21/2/2018. Whilst I acknowledge that this appears to be a practical concept, the consequences were that suspect interviews under caution only
commenced in August 2016, some 2 years after the initial allegations were made.

6.2.14 In reviewing each record of interview under caution I found them to be structured and comprehensive in content.

6.2.15 I believe that initial first account interviews under caution should have been conducted with the suspects. I acknowledge that further interviews may have been necessary, however, in the circumstances this would have been the appropriate course of action. These allegations were from JS who were all under 18 years of age. It would appear that a considerable number of the suspects continued in their role as Instructors / DS whilst the investigation progressed. This potentially presented ongoing safeguarding risks to future JS (to be discussed later in this report).

6.2.16 In reviewing S9 statements from the JS, there is reference to previous ill treatment and assault during a previous Battle Camp involving Waterloo Company, as well as [redacted] saying that [redacted] had been the subject of similar treatment whilst [redacted] was undertaking [redacted] initial training September 2012 – August 2013. I can find no evidence that these lines of inquiry were pursued. This also highlights a potential corporate issue for AFC(H) in general and what reviews have been undertaken to ensure ongoing safeguarding for future JS.

6.3 ToR (3) – If the victims were interviewed appropriately and treated in accordance with guidance.

6.3.1 All the complainants in these investigations were JS and as such were under 18 years of age. National best practice is provided within Achieving
Best Evidence (ABE) in Criminal Proceedings, which provides guidance on interviewing vulnerable or intimidated victims and witnesses and guidance on using Special Measures.

6.3.2 This document describes good practice in interviewing victims and witnesses and in preparing them to give their best evidence in Court. Whilst it is advisory and not a legal requirement, investigators should have regard to the fact that significant departures from the guidance may have to be justified to the Court. In view of the age of the JS, all being under 18 years of age, they were defined as vulnerable by reason of their age. None of the JS undertook a visually recorded interview. There is no rationale contained within the reviewed documentation as to why this was the case. Although this did not affect the detail and evidence contained within their S9 statements, it clearly could have an impact on the support and welfare of the JS. I have discussed previously the practicalities of pursuing this course of action.

6.3.3 Recommendation 4 – In all future investigations consideration should be given to conducting ABE visually recorded interviews with vulnerable and intimidated witnesses in accordance with national guidance.

6.3.4 A number of JS disclosed in their S9 statements that they were intimidated about making a statement and were concerned about standing up and giving evidence at a Court Martial. Although not mandatory, the majority of these accounts should have been visually recorded. They were vulnerable by age and some were clearly intimidated. Subsequently there appears to be no consultation or discussion with the SPA regarding Special Measures at Court Martial. The exception to this was one JS, whilst part way through evidence at Court Martial stated did not wish to return to the witness box and Special Measures were discussed.
6.3.5 Although some of the JS were 18 years of age when they provided their S9 witness statements, they still could have undertaken a visually recorded interview.

6.3.6 In all but one case appropriate adults were present during the completion of their S9 statements. All JS were offered the opportunity to make victim impact statements and given the opportunity for victim support.

6.3.7 There is evidence within the documentation of written correspondence and telephone communication with all the victims as to the progress of the investigations.

6.4 ToR (4) – If appropriate safeguarding measures were taken

6.4.1 In general terms, safeguarding issues are mentioned in previous sections of this report. All the JS at the time of these alleged incidents were under 18 years of age and considered children in the eyes of the law. The Army had a duty of care to ensure their safety, welfare and wellbeing.

6.4.2 As part of this review, I have not been tasked to examine the actions undertaken by AFC(H) and ITC(C) to ensure continuing safeguarding and liaison with local Children’s Services and Safeguarding Boards. However, I do believe that the Lead Investigators should have considered the ongoing risk to JS whilst Instructors / DS were still under investigation and contact should have been made with local statutory partner agencies to manage the potential risks in accordance with Working Together to Safeguard Children 2013.
6.4.3 **Recommendation 5** – Future investigations involving JS should consider the ongoing safeguarding risks and ensure liaison with local Children’s Services and Training establishments are conducted and appropriate risk assessments put in place.

6.5 **ToR (5)** - Whether the investigations were resourced with suitably qualified and experienced personnel.

6.5.1 At a very early stage in this investigation it was apparent that a significant number of victims, witnesses and suspects would be identified.

6.5.2 Although recorded as a Section Priority and that a dedicated team had been assigned to the investigation, there were only two Officers deployed to the inquiry (Investigation Diary 03/11/2014 & 10/11/2014). In a further Investigation Diary log entry dated 03/12/2016, [redacted] assigned 3 dedicated staff to pursue the investigation.

6.5.3 No MIR was established to facilitate the effective recording and management of the investigation and in consequence no staff were allocated dedicated roles to ensure lines of enquiry were pursued in a timely manner. In addition, there were no dedicated outside enquiry team members to progress the actions raised.

6.5.4 Officers from across Section 33, 1 Investigation Company SIB Regiment, RMP contributed to completing actions and supporting the investigations. Although, it is acknowledged that these Officers had their own significant workload and they were often abstracted to other priority investigations, namely, Operation Northmoor and Operation Bute.
6.5.5 At the conclusion of the investigations, 41 JS had made S9 statements alleging assault or ill treatment. Numerous other JS provided S9 statements that supported the allegations but were not able to identify the victims or suspects. 31 suspects had been identified.

6.5.6 I do not believe that sufficient resources were allocated to this investigation and this delayed the progression of obtaining witness testimony and suspect accounts. I acknowledge that other high profile investigations were ongoing, however, the potential importance of these investigations were underestimated.

6.5.7 All Officers involved in this investigation had completed their Special Investigators Course and/or Serious and Complex Investigators Course. In respect of interviewing witnesses and suspects, all Officers were appropriately trained and experienced. It is important to mention that no bespoke CPIA Training is delivered to RMP Officers. The issues surrounding disclosure were ‘learned in house’ and by practical on the job experience. This clearly should be highlighted as an issue, of which specific CPIA Training needs to be introduced as routine for all such Officers.

6.5.8 **Recommendation 6 – All SIB Investigators should undertake a bespoke CPIA Training course with regular CPD events.**

6.6 ToR (6) – Whether the investigations were conducted in a timely manner.

6.6.1 As the individual investigations progressed, there is evidence throughout REDCAP of Lead Investigators being redeployed to different postings, engaging on exercises and undertaking mandatory military training. This
contributed to further delays in the progress of the investigation. For investigations 04514/14 & 04520/15, records indicate that in both instances the Lead Investigator changed on at least 5 occasions. Clearly this has a negative impact on continuity and disrupts the progression of the investigations.

6.6.2 I fully acknowledge the unique role of the RMP and their requirements to maintain their skills and be ready for conflict.

6.6.3 REDCAP logs, across all the investigations, are populated with entries detailing commitments to other priority cases, providing comment as to why no work had been undertaken. Again, this has had a significant impact on progressing the investigations, both consistently and in a timely manner. This failing could have been addressed by CoC within Regiment HQ and PM (A) HQ.

6.6.4 It is understood that [REDACTED] did not request or highlight the need for additional dedicated resources to help progress the investigations. [REDACTED] acknowledged that resources across the SIB were limited and fully deployed and as such [REDACTED] considered there was not the capacity to support [REDACTED] investigations. I believe that this issue should firstly have been requested or raised with Regiment Command and secondly, [REDACTED] rationale for not requesting further resources should have been recorded in a Policy Book.

6.7 ToR (7) – If the investigations received appropriate management, supervision, oversight and direction from the Special investigation Branch, Regiment, Leadership.
6.7.1 In reviewing all available documentation, which includes all Investigation Diary Logs and Records of Enquiry, Observation and Directions, I believe that there was sufficient and appropriate oversight of the investigation by immediate supervisors and OC 33 Section. These entries do make reference to other priority cases and the abstraction of staff.

6.7.2 A number of progress reports were completed and there is evidence of supervisors contacting other RMP Regiments in various geographical locations, to assist in completing pro-forma statements and subsequent S9 statements. However, further delays were apparent due to their ongoing primary workloads.

6.7.3 It is acknowledged, on a number of occasions by [redacted], that there were delays in the progression of the investigation, attributed to staff shortages and other priority investigations.

6.7.4 The investigations were periodically discussed during the CO’s quarterly Crime Deep Dive, however, I cannot find any trace of recorded directions or actions as a result of those meetings. It is understood that in the early stages of the investigations, they were discussed at the Provost Martial (Army) Command Executive Group. However over time, the investigations were not discussed.

6.7.5 Additionally, in early December 2015, it is recorded that the CO SIB was fully briefed on all aspects of the investigation by the OC 1, Company SIB.

6.7.6 In conclusion, immediate supervision at a local level had a good understanding of the investigations and the challenges faced as a result of the lack of resources and officers commitment to other ‘priority’ cases. I
consider that these concerns and the progression of the investigation were
not raised and discussed sufficiently at a higher level.

6.8 ToR (8) – If appropriate engagement, consultation occurred and advice sought
from the Service Prosecuting Authority during the investigation and while
preparing the case for Court Martial.

6.8.1 As the investigation progressed, the Lead Investigator was tasked with
completing a SPA Form 3 in November 2014 which was to be submitted to
the SPA. In early January 2015, the SPA Form 3 was indeed submitted
and on 30 January 2015 a conference was held with XXXXXXX from
the SPA, XXXXXXX and the Lead Investigator. Verbal advice
suggested that with a significant number of witnesses and suspects it was
not practical to conduct a Court Martial. As such, the investigation was to
be broken down as previously discussed. This was followed by a written
response confirming the previous verbal advice. XXXXXXX further
suggested that not all investigations would necessarily be dealt with by
XXXXXX, but XXXXXXX sub-team, but that there would be a common oversight and
consistency.

6.8.2 As 2015 and early 2016 progressed, investigative efforts were focussed on
tracing and completing pro-forma statements and subsequent S9
statements. Following this, priority was given to conducting suspect
interviews. In October 2016 the Lead Investigators began to complete
their files of evidence for submission via their Supervisors to the SPA by
way of referral. These were completed at the end of December 2016.

6.8.3 Post February 2017 there is evidence of continuous e-mail communication
and conversations with the SPA; this includes XXXXXXX and XXXXXXX.
These consisted of continuous requests for further information and evidence.

6.8.4 Further meetings took place from July 2017 through to February 2018 between [redacted] and [redacted] from SPA and [redacted] and [redacted] from the investigation teams. The progression of the case files were discussed as well as concerns regarding Defence Statements.

6.8.5 Prior to the Court Martial, February 2018, the SPA had had possession of the Case File for 1 year. The SPA were well aware that not all Instructors / DS had been traced and interviewed as witnesses. I can find no documentation or communication from the SPA directing that the investigators were to pursue these outstanding witnesses.

6.8.6 It is my understanding that the SPA were aware of the issues regarding [redacted] and the evidence that [redacted] was present during the Bayonet Training lessons.

6.8.7 I am satisfied that there was sufficient consultation with the SPA at an early stage of the investigations which provided clear directions as to how they should proceed. In addition, after the submission of the referral case files and the period prior to Court Martial, there was continuous communication between all parties and an awareness of the delays in the investigations. SPA were also aware of the Defence Statements that had been provided by the suspects’ Legal Teams and that not all Instructors / DS had been interviewed.
6.8.8 As highlighted at Court Martial by Alan M Large, Judge Advocate, there were failings by the Investigation Teams to pursue all reasonable lines of enquiry and those investigations should have been conducted in a timely manner. However, as already alluded to, the SPA were aware of these failings in December 2016 upon receipt of the referral files and during subsequent communication and conferences thereafter.

Mark E Guinness
27th June 2018.