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31 May 2016

To: Members and attendees of the MOD Police Committee

MOD POLICE COMMITTEE WORK PROGRAMME 2015-16

**REVIEW OF MOD POLICE PROFESSIONAL STANDARDS DEPARTMENT
HANDLING OF MISCONDUCT AT ATOMIC WEAPONS ESTABLISHMENT
BURGHFIELD [OPERATION PEASE]**

Introduction

On the 21st August 2013 a Deputy Facilities Manager for a Building at the Atomic Weapons Establishment, Burghfield (AWE B), identified irregularities in MDP patrol activity. He reported his findings to his own line manager and the AWE Head of Security, who in turn notified the MDP Senior Police Officer and the Strategic Weapons Project Team (SWPT) Security Authority. I will not explain these irregularities here but for Members of the Police Committee there will be provided separately a confidential copy of the Senior Investigator's introduction to each of his final reports.

2. I have been asked to review the Force response to this matter looking specifically at the Professional Standards Department's investigation. I will consider early decision making, resource allocation, communication planning, evidence gathering, customer liaison and officer welfare issues. Full terms of reference are attached at Annex A.

Methodology

3. I decided to interview a cross-section of individuals from the groups of people involved, including Professional Standards, the Command Team, the Customer, the Police Federation, Burghfield Senior Officers and a number of PCs and Sergeants who were subject of investigation under Operation Pease. My focus at all times was to produce a fair and balanced report which would both recognise good practice and identify any learning points for future large scale investigations. I spent full days both at Burghfield and at Wethersfield and will take the opportunity here to thank all of the individuals who made themselves available to me for their openness and honesty.

Early Decision Making

4. It would appear, from all that I have heard and read, that the early responses at (AWE) Burghfield were thorough if a little slow. This matter first came to light on 21st August 2013 and the MDP Senior Police Officer (SPO) for AWE was advised of the problem on 30th August, but an initial report was not completed by Defence Equipment and Support (DE&S) Principal Security Adviser (PSyA) until 11th September, some three weeks later. The report was, however, comprehensive and

made a number of recommendations to strengthen the MDP patrol processes. The MDP Senior Police Officer (SPO) had also taken immediate action to strengthen MDP supervision and accountability.

5. The then DCC tasked a Chief Inspector from PSD to conduct an initial discipline investigation (3rd September) and over the ensuing two weeks a PSD team was formed to take this investigation forward.

6. I would stress, at this point, that I make no criticism here of PSD. Indeed the thoroughness with which they went about their task was commendable. I am surprised, however, given the seriousness of the situation that a full Gold Group was not set up immediately to deal with precise terms of reference for the investigation plus internal and external communications strategies, customer liaison, officer welfare, investigative resources and proposed timeframes. I have been provided with the minutes from a number of PSD updates to the Deputy Chief Constable, one of which included the Chief and I am not for one moment suggesting that the matter was not taken very seriously, simply that it appears to have been driven largely by PSD rather than by the Appropriate Authority.

7. This view is supported by the Head of Nuclear and Physical Security at AWE. He believes that lack of direction from Wethersfield resulted in the PSD team on site focusing on “the low-hanging fruit” rather than addressing the root cause of the problem, although he had no knowledge of what direction the PSD Team were given. I will return to this matter later in my report.

8. Once the scoping exercise was completed and it became clear that this was a very serious matter, PSD set up an incident room at Burghfield and commenced their investigation under the direction of a Senior Investigationg Officer (a DCI). [REDACTED]

[REDACTED] computers were made available and the team, supported for a short time by an analyst, worked extremely hard to complete the task and produce a matrix of officers and potential offences. This matrix was completed by the end of November 2013 and regulation 15 notices were served on the identified officers. Full disclosure was made available to the officers’ Federation representatives including CCTV footage.

9. It is alleged by both the Federation and many of the officers involved that, during this period, a distressing and demotivating incident occurred. This incident is referred to by those involved as “Black Tuesday”. They allege that late one Tuesday afternoon in November (accounts differ as to the precise date) some 20 – 25 officers were gathered together in the parade room and made to wait for around 30 to 40 minutes until everyone had arrived. Once all were present the Duty Inspector announced that PSD had completed the viewing of CCTV. He then said that he

would read out a number of names and each of these officers was to go into the next room to be served with his/her regulation 15 notice.

10. Each of the identified officers was interviewed during November/December 2013. All those I have spoken with claim to have been threatened, at the end of their interview, with the Special Case Procedures (SCP) or, as it is commonly known, "fast track" process. They believe that this was designed to elicit mass resignations. Federation Representatives I spoke with concur with this. There does not appear to have been a PSD policy decision made to adopt this approach and I am aware from the files I have that, whilst written legal advice did support the SCP approach, the DCC produced a very good and detailed rationale for why he did not intend to take that advice. He did not, unfortunately, make this decision until 10th March 2014 despite having received Counsel advice on 16th December 2013. It was, by that time, far too late. The pace of decision making appears to have contributed to the uncertainty facing officers and investigators, and considerable damage appears to have been done

Resource Allocation

11. It would appear that the PSD SIO's team, which consisted of up to 8 officers in the early months, contained experienced investigators. Their work, to view all of the available CCTV footage and conduct initial interviews in less than 3 months, was a remarkable effort. Their view that they would have been even more efficient had they been able to retain their analyst for the duration is noted. It is surprising and more than a little worrying, therefore, that more than two years later the investigation is still not closed. Again I will return to this matter in my summary.

12. The Federation devoted a number of representatives to this investigation on behalf of its members and cooperation appears to have been very good on both sides. One Fed Rep is particularly commended by both officers and PSD for his support and hard work in very difficult circumstances.

13. The SPO set up his own "war team" (his description) to deal with the various issues to emerge from the investigation i.e. customer communication, officer welfare, community impact, officer exclusions etc. He was also part of a "gold cell" at DE&SAbbeywood which met weekly to handle operational issues. It would appear that a fire-wall was set up between the PSD investigation and the site management team as that team was also "potentially under investigation". I have been unable to ascertain whether or not MDP Wethersfield or MOD in London provided any welfare support to either the site team or the PSD investigators.

Communication Planning

14. Communications both from Burghfield and Wethersfield has been heavily criticised by most of the people with whom I have spoken. At Burghfield the customer representative claims that those officers who were not involved in what was

[REDACTED]

happening were largely left in the dark. He believes that the Head of AWE Security, actually visited Burghfield to speak personally with the officers because no one else was doing so.

15. The PSD SIO was quite clear with me that he had been instructed by the Command Team not to discuss anything with the people on site. In consequence both the Site Management Team and the Investigation Team worked completely independently of one another for the duration of the initial investigation process.

16. I have not been provided with a written internal or external communication plan amongst the papers I have received. I understand from correspondence with the now retired DCC that media lines were developed in cooperation with the customer (Hd SW) and that other stakeholder contact was managed via the MDP Nuclear Operations Superintendent. The media lines were shared with the Police Committee, however no internal strategy, for both the officers involved and those still working at AWE, appears to have been developed.

Evidence Gathering

17. I have already stated that the PSD initial approach to gathering and analysing evidence was exemplary. They completed the first phase of their work, [REDACTED] [REDACTED] and their comparison with the various control documents, very quickly. They also managed to complete virtually all of the initial interviews with the officers involved within a few weeks.

18. It is here, however, that I should comment on the terms of reference for the investigation, which appear to have been produced from entirely within the Professional Standards Department. The only document I have seen in this context refers to "The PSD Investigative Strategy". The author is not given, however it is detailed but tactical in nature and certainly does not constitute terms of reference. That is to say that it does not consider any matters beyond the activities of PCs and Sergeants. It is true that the Burghfield Command Team were advised that they could be subject to investigation but I can find no evidence that any consideration was given to progressing this.

19. Three issues emerge. Firstly, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

20. Secondly, the issue of Burghfield supervision at ranks above Sergeant could have been included in the terms of reference. It remains a major bone of contention

[REDACTED]

at every level, from PC through the Federation to the customer, that no one above the rank of sergeant has ever been disciplined following this investigation.

21. Finally, a much tighter time scale could have been imposed on the investigation. It is hugely detrimental to morale to have such a serious issue drag on for in excess of two years. I have personally heard of examples where officers were advised at their first interview that they could be fast-tracked out of the organisation only to find, after waiting for over a year and a half, that they were to receive management advice or, in a handful of cases, no further action.

22. On this latter point I have discussed the issue with the Deputy Head of PSD and I believe that the Investigation Team genuinely felt that they had to take a very detailed, granular approach no matter how long it took. They would claim that in a few cases this has benefited the officers under investigation by bringing out evidence in their favour that they could not themselves recall (thus saving their jobs). This may be true but has to be weighed against the huge feeling of resentment caused across the Force by the subsequent delays. In March 2016 there were still a number of officers awaiting final determination as to their future some two and a half years after the event.

Officer Welfare

23. When Operation Pease commenced in September 2013 the Aldermaston SPO took responsibility for the ongoing welfare of the officers under investigation. All of these officers were removed from site and deployed to other stations around the country. An MDP Shift Inspector was appointed Welfare Officer and he appears to have done a thorough and diligent job at what must have been a difficult time for everyone involved. His move to a new role during 2014, whilst no doubt an operational necessity, saw a sea change in the level of support provided.

24. On 12th August 2015 an Inspector from the MDP Nuclear Division was directed to conduct a review into how the welfare of the Operation Pease officers had been handled. I have been supplied with a copy of his very helpful report. I will not seek to add to it here save to say that there are a number of clear learning points to emerge from it. In particular I would commend the work that the new Burghfield SPO , undertook when he arrived.

Additional Matters

25. I mentioned earlier in my report the comments from the AWE Head of Nuclear and Physical Security, concerning the focus on what he described as "the low hanging fruit". He made it clear to me that, whilst he is very happy with the current SPOs at both Aldermaston and Burghfield he still feels that [REDACTED] [REDACTED]. He points to a lack of supervision in the specific building over a number of years

[REDACTED]

27. The MDP officers I have interviewed were unable to confirm whether or not any of the AWE Licensed Site Control Officers (LSCOs) had been subject to an internal investigation in connection with Operation Pease.

[REDACTED]

I note, in particular, a comment from presenting Counsel in one of the case files

[REDACTED]

When my draft report was shared with senior AWE managers, the Head of Nuclear and Physical Security confirmed at that stage that AWE did conduct an internal investigation and that nothing was found to suggest that any member of AWE staff had acted improperly.

Summary

28. This has been a difficult and complex review to undertake with feelings running high amongst many of the individuals I have interviewed. I will start my summary, therefore, by dealing with several matters which have taxed the officers involved and the Federation colleagues who represent them.

29. There is a feeling at PC and Sergeant ranks that no officers should have lost their jobs. Their view is that

[REDACTED]

They believe that, had the relationship between the two been good, all of the officers would have been gathered together, given a strong and final warning and sent back to work. They feel that that would have solved all of the patrolling issues and maintained both jobs and morale. This may possibly be true but it is now irrelevant. The matter **was** escalated. It **was** reported to MDP and to MOD. It then had to be investigated and what followed in the way of findings and discipline was inevitable.

30. There is also a view that the Force Command Team assumed all of the accused officers to be guilty prior to any detailed investigation. They base this on their

assertion that an instruction was given to each of the sites they were sent to that they should not be paid any overtime whilst on secondment. Many did work overtime but had to take days in lieu instead of payment. I have been able to verify this verbally but can find nothing in writing and no one who is able to say from where this instruction emanated.

31. There is a concern expressed by many officers and by the Federation representatives that no one above the rank of sergeant has been disciplined. This is clearly something with which the AWE Head of Nuclear and Physical Security concurs, hence the comments about "low hanging fruit". I have to say that I agree with this view and can see why it has created so much anger and frustration. It is suggested, in some of the papers I have read, that a further phase of the investigation will/could consider this aspect. It is simply too late to do that now.

32. [REDACTED]

33. I have been clear in this report that, in my view, much of the PSD work has been of a very high standard. There are, however, some actions that I would question. It seems generally accepted that "Black Tuesday" did take place. If it did occur in the manner described by the officers involved then it was, to say the least, insensitive and misguided. It created an atmosphere of resentment which still remains at Burghfield amongst both the officers who were directly affected and the Federation representatives who support them.

34. I am also critical of the amount of time taken to complete the investigation. To a large extent this is due to the lack of strategic terms of reference for the investigation rather than to the PSD officers on the ground. Terms of reference should have been created by the Appropriate Authority (DCC). They should have included regular updates and a proportionate approach to the amount of work to be undertaken.

35. Finally, I should comment on the use of "Fast Track" as a threat tactic. I have been unable to get to the bottom of this particular aspect of the investigation. Too many individuals have raised the matter with me, quite independently of each other, for it not to have some basis in truth. No one, however, appears to have authorised its use. It is referred to in the minutes of meetings held between PSD and the DCC and was clearly discussed with the Federation at some length. In any event it is unacceptable for it to be raised in officer interviews unless the Appropriate Authority has made a clear decision that it will be used quite overtly for the most serious of cases and has communicated with Federation representatives accordingly.

Learning and Recommendations

Recommendation 1: All PSD investigations into matters that are by nature critical incidents (as was the case here in my view) should operate under their strategic direction and oversight of a Gold Group headed by the DCC as Appropriate Authority

Recommendation 2: If the SPO at the site involved is to be left in place then he/she should become part of the Gold Group as soon as possible.

Recommendation 3: The Appropriate Authority should ensure that structured terms of reference for such investigations are prepared by the Head of PSD and the SIO and that an effective system is in place for logging policy decisions as the investigation proceeds, which could cover scope and terms of reference in light of the evidence, should set regular review dates in order to determine next steps, proportionality of work undertaken, investigative resource implications and time frames for completion.

Recommendation 4: The Gold Group should ensure that an internal and external communications strategy is devised as soon as possible and share this with senior officers on the ground. This must cover more than a media strategy.

Recommendation 5: Morale across the Force should be a major consideration when serious matter such as this are investigated. Note should be taken of my comments under Early Decision Making in relation to what is described as "Black Tuesday". Whilst recognising the difficulties faced by PSD in ensuring that officers were advised in a timely manner, a better way must be found than simply gathering such a large group together and announcing, to the whole room, the names of those to be served with a regulation 15 notice.

Recommendation 6: The possibility or likelihood of using the "Fast Track" Procedure should not be raised in any future officer interviews unless a clear decision has made by the Appropriate Authority that it is to be used in the most serious of cases. This decision should be communicated to Federation representatives in advance of such interviews, save in exceptional circumstances.

Recommendation 7: On a very practical level the SOPs and job descriptions for [REDACTED] at Burghfield should be checked to ensure that they are currently fit for [REDACTED]

Recommendation 8: This report should be shared with Senior Managers at AWE. It is important that they are made aware of any possible shortcomings in the work of their staff.

Recommendation 9: Officer welfare should be a priority in matters such as this. The Command team should look to implement the recommendations contained in the Inspector's review document of 12th August 2015 (appendix 3).

[REDACTED]

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