

AWE (BURGHFIELD) 'OPERATION PEASE' INVESTIGATION FINAL REPORT

Issue

1. To present a final report summary of the above investigation to the IPCC in accordance with the requirements contained within the referral decision dated 29 October 2013.
2. The report is provided in this format as the Investigation resulted in a number of disciplinary cases each with a separate Investigating Officers Report; those reports will be made available to the IPCC should they be required. If anything further is required please do not hesitate to contact the author.

Recommendation

3. That the IPCC are invited to note:
 - a. The Investigation Final Report and outcomes
 - b. The Lessons Learned report recommendations made by the independent member of the MOD Police Committee and the Force response to the recommendations

Background

4. Following a report from the Senior Management Team at AWE Burghfield (AWE (B) in August 2013, MDP PSD were tasked to investigate a series of incidents in which it was alleged that MDP [REDACTED] officers [REDACTED]
[REDACTED]

6. Due to the serious nature of the allegations, and the number of officers potentially involved, the case was voluntarily referred to IPCC on 28 October 2013. IPCC assessed the case as suitable for local investigation.

Terms of Reference

7. The terms of reference set for the investigation were:

- Establish the facts and circumstances of the alleged misconduct
- Assist the Appropriate Authority to establish on the balance of probabilities, based on the evidence and taking into account all the circumstances, whether there is a case to answer in respect of misconduct or gross misconduct or that there is no case to answer
- Identify any learning for the individual or the organisation

Investigation

8. An investigation team was established under the command of the PSD SIO, [REDACTED]. After initial scoping, the SIO developed an investigation strategy incorporating four phases.

Phase 1

9. Phase 1 of enquiries was initiated at AWE (B) in September 2013. In this process original documentation, [REDACTED] were obtained. Regulation 15 Notices were served on subject officers and they were placed on detached duty away from the AWE (B) site

[REDACTED]

Phase 2

11. Phase 2 initiated enquiries into the external CCTV coverage (of the designated building) as well as following up lines of enquiry from the officer's interviews. Further allegations have been identified and Regulation 15 Notices served.

Phase 3

12. Phase 3 initiated enquiries specifically in relation to further CCTV checks at the weekends from May 23rd to 31st August 2013. This was an assurance process in relation to officer activity that resulted in nil additional allegations.

Phase 4 - Review Process

13. Each individual case was subject to a 'Case Review' before being submitted to the Appropriate Authority for determination. The purpose of the review was to examine all aspects of the allegations to establish/confirm that there were no outstanding enquiries and all potential issues had been addressed. This process led to minor discrepancies being identified at AWE (B) and Management Action forms were issued by PSD to seven officers (one of whom had already attended a Misconduct Meeting).

14. The investigation and review process was completed in December 2015. [REDACTED]

Legal Advice and Case Disposal

15. In December 2013 generic legal advice on the handling of cases was obtained from Counsel appointed by Treasury Solicitors (now Government Legal Department) on behalf of the Appropriate Authority. This advice was based on sample case files for three officers.

16. In particular, advice was sought on the question of whether the evidence met the 'Special Conditions' under the MDP Misconduct Regulations and therefore justified disposal by 'fast-track' hearing.

17. The 'special conditions', which are defined in Regulation 3(2)(b) are that:

"There is sufficient evidence, in the form of statements, documents or other material, without the need for further evidence, whether written or oral, to establish on the balance of probabilities that the conduct of the officer concerned constitutes gross misconduct; and It is in the public interest for the officer concerned to cease to be a police officer without delay."



19. Having looked at the evidence for the sample cases Counsel was of the opinion that a large proportion of the Operation Pease cases were likely to meet the special conditions; and therefore should be considered for 'fast-track' procedures by the Appropriate Authority.

20. In March 2014 the Appropriate Authority, [REDACTED], provided a written rationale for disposal decisions on these cases. The AA considered that there were likely to be between 20 and 30 cases assessed as gross misconduct, and that the evidence in each case was so similar as to make it impossible to differentiate between them. Given the constraints of the fast-track regulations, this would require the Chief Constable to hear a large number of cases. Inevitably this would result in delays, and may even result in fast-track cases taking longer to process than normal part 4 hearings under a dedicated panel chair.

21. Furthermore, the AA was cognisant of representations from the Defence Police Federation (DPF) that fast-track proceedings would be unfair on their members as they would not allow for a proper challenge of some of the documentary evidence.

22. The AA therefore determined that, barring cases with particular aggravating circumstances, Op Pease cases should be dealt with through standard part 4 hearings.

Case Outcomes

Officers who attended a Gross Misconduct Hearing:	6
Officers who attended a Misconduct Meeting:	19
Officers who resigned:	25
Officers who received a Management Action only:	6
Officers who were subject to No Further Action:	10
Total Officers:	66

23. It should be noted that MOD Police Conduct Regulations (SI 25-2015) do not allow the Chief Constable to refuse resignations because MDP officers are MOD employees. Therefore, the majority of the officers who resigned did so at the point at which their hearing was scheduled. To a large extent this accounts for the length of time taken to bring the proceedings to a conclusion. In total the proceedings ran from 14th May 2014 to 31st March 2016.

Police Appeal Tribunals

24. The first six officers who appeared before a part 4 hearing were dismissed. Each of these officers appealed and the appeals were considered by a PAT hearing. All six dismissals were upheld.

Review

25. After the conclusion of the investigation a review of the PSD handling of the case was carried out by Mr Len Jackson of the Independent MOD Police Committee at the request of the Appropriate Authority. The review looked at all aspects of the case and made a number of recommendations which are copied below. All of the recommendations were accepted by the Chief Constable and have been implemented.

- **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 purpose.
- **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.

**Mark Foulger
Superintendent
Head of Professional Standards Department**