

Defence Serious Crime Unit: Fact Sheet

On 13 October 2020, the Secretary of State announced the commissioning of a review by Sir Richard Henriques, to build upon - but not reopen - the recommendations of the service justice system review (SJSR) by HH Shaun Lyons and Sir Jon Murphy.

The aim was to ensure that, in relation to complex and serious allegations of wrongdoing against UK forces on overseas operations, Defence has the most up to date and future-proof framework, skills and processes in place, and that improvements can be made where necessary. The review was to be forward looking and, whilst drawing on insights from the handling of allegations from recent operations, was not to reconsider past investigative or prosecutorial decisions or reopen historical cases.

The Government agrees with the creation of a Defence Serious Crime Unit (DSCU) and I wish to assure you that we are taking forward the work necessary to establish the DSCU at pace. Sir Richard made 64 recommendations, 20 of which related to the creation of a DSCU. The initial concept of a DSCU arose as recommendations from the Lyons / Murphy review. Sir Richard agreed with these and made further operational and functional recommendations.

A DSCU Implementation Team has been established. It is led by a senior civil servant experienced in transformational change. It is a multi-disciplinary team of project management and Service Police specialists representing the three services. However, the challenge of combining 3 organisations with differing cultures, personnel, policies, training, and infrastructure (*inter alia*) should not be underestimated. If the DSCU is to be effective and crucially; offer a better service for Defence, significant work is required.

The complete list of Sir Richard's recommendations relating to the DSCU can be found below. Those requiring legislative change have been prioritised, with changes to primary legislation to create the DSCU as an independent unit being progressed through the Armed Forces Bill (AFB).

Recommendations that require non-legislative change will be actioned in two stages; stage 1 - those required to achieve full delivery of the unit and stage 2 - those that can be implemented during delivery.

Focussing on the implementation of Sir Richard's recommendations the following actions have been taken:

Provost Marshal (PM (SC)): An individual has now been selected to be the PM (SC) designate. Their initial focus will be to lead the implementation of the DSCU to full delivery. Amendments are required to primary and secondary legislation for the PM (SC) to have the same powers and duty of investigative independence on the same terms as the three service PMs. The amendments to primary legislation are contained

in the AFB. Amendments to secondary legislation will follow the AFB after it has passed. **Recommendations 1, 2, 3, 7, 11.**

Operational: The DSCU Implementation Team (DSCU IT) are fully engaged with the three services concentrating on the parallel development of workstreams that will progress the DSCU to full delivery. The progression of these workstreams - training, equipment, personnel, information, concepts / doctrine, infrastructure, and logistics – relies on resolution of the numerous non-legislative challenges that have been identified and are being progressed internally. **Recommendations 1, 4, 5, 6, 9, 22.**

Funding: The funding lines for the DSCU are being established based on the historical spend of each of the three services. In agreement with **recommendation 16**, the DSCU will sit within the Army Top Level Budget with a ring-fenced budget that will ensure it has independence from the three services.

Strategic Policing Board (SPB): Steps are underway to implement an SPB for April 2022. Due to the extended timescales relating to the policy and processes for the appointment of Non-executive Directors (NEDs) and other designated members, the SPB may be in an interim model in its initial stage consisting of acting NEDs until the official appointment process can take place. **Recommendation 14.**

DSCU Governance: An agreed governance route has been identified for the management of the DSCU - PM (SC) to the Chief of Defence People, the Vice Chief of the Defence Staff and the Chief of the Defence Staff during implementation stage and into full delivery. The PM (SC) will be accountable to the SPB. The SPB Non-executive Director will also sit on the Service Justice Executive Group, a subcommittee of the Service Justice Board. **Recommendations 3 and 18.**

Civilian Appointments: It is already possible under existing arrangements for civilians to work alongside the service police in delivering service police functions. There are examples of civilians taking on leadership roles in the service police and of secondments from civilian police forces to the service police. As part of the operational development being conducted by the DSCU IT, the scoping of the DSCU structure is under review, this will look at options to appoint civilians in varying roles within the DSCU to include a civilian in a senior leadership role, also how experienced civilian police can work with the unit.

There are further issues to consider about how civilians would be best integrated; including the question of whether it is appropriate for civilians to be given formal service police powers. In particular, the current arrangements around service police powers assume that all service police are service personnel and are therefore subject to service law which would not be the case for civilians. In the meantime, the Deputy PM (SC) would need to be a service person in order to exercise relevant service police powers. Further primary legislation may be needed depending on the outcome of this work. **Recommendations 13 and 15.**

Recommendation	Assessment	Action
Recommendation 1: The Defence Serious Crime Unit previously recommended by Professor Sir Jon Murphy in the Service Justice System Policing Review (Part 1) should be established as an operationally independent unit, and not as a capability based on existing Service Policing structures. Recommendations 1 – 4 of that review, which have previously been accepted, should be implemented without a further scoping review.	Agreed – work in progress	Legislation: Primary and secondary legislation required for a fully empowered PM (SC) and DSCU. Primary legislation being progressed through AFB. Non-legislative: Training, equipment, personnel, information, concepts / doctrine, infrastructure and logistics issues to be resolved.
Recommendation 2: The Defence Serious Crime Unit should be commanded by a Provost Marshal, who must be a provost officer but should not be a current Provost Marshal of a Service police force. This new Provost Marshal should be designated Provost Marshal (Serious Crime).	Agreed – work in progress	Legislation: Primary and secondary legislation required for a fully empowered PM (SC) and DSCU. Primary legislation being progressed through AFB. PM(SC) designate has been selected.
Recommendation 3: A Provost Marshal (Serious Crime) should be appointed to establish the Unit, which should stand up on 1 April 2022. During the implementation period, the Provost Marshal (Serious Crime) should be closely supported by, and report to, the Chief of Defence People.	Agreed – work in progress	Legislation: Primary and secondary legislation required for a fully empowered PM (SC) and DSCU. Primary legislation being progressed through AFB. Non-legislative: We are working towards a DSCU by April 2022 and seeking to ensure it reaches full operational capability as soon as possible after that with steps underway to resolve issues with training,

Recommendation	Assessment	Action
		equipment, personnel, information, concepts / doctrine, infrastructure and logistics.
Recommendation 4: The Provost Marshals of the three Service police forces should develop, in consultation with the Provost Marshal (Serious Crime), a plan to develop and inculcate a tri-Service policing culture.	Agreed	Legislation not needed. Non-Legislative: To be developed as part of PM (SC) implementation plan. A tri service policing culture will be essential to the success of the unit and is the basis for the formation of the unit.
Recommendation 5: The Defence Serious Crime Unit must have a significant focus on victim support and witness care. There should be consultation with Dame Vera Baird QC and Sarah Atherton during the implementation process.	Agreed – work in progress	Legislation not needed Non-Legislative: The formation of the Victim and Witness Care Unit is under development as part of the operational workstreams being conducted by the DSCU Implementation Team.
Recommendation 6: The Defence Serious Crime Unit should be given the right of first refusal over the investigation of offences, and may indicate its waiver of that right on a case by case basis or in relation to any class or category of cases at the discretion of Provost Marshal (Serious Crime).	Agreed – work in progress	Legislation not needed Non-Legislative: The formation of a DSCU Tasking and Coordination Unit is under development as part of the Operational workstreams being conducted by the DSCU Implementation Team
Recommendation 7: The Provost Marshal (Serious Crime) should have a duty of operational independence in investigative matters owed to the	Agreed	Legislation: The AFB implements this recommendation in clause 12(3).

Recommendation	Assessment	Action
Defence Council, on the same terms as that owed by the Service Provost Marshals under section 115A of the Armed Forces Act 2006.		
Recommendation 8: Provost Marshal (Army) should retain her existing responsibility for operational detention. In light of that responsibility, her role should involve no command responsibility for the new Defence Serious Crime Unit.	Agreed	This recommendation does not require legislative or non-legislative changes and is agreed by Defence. PM (A) has no command responsibility in the DSCU, assuming PM (SC) has been fully empowered through the legislation.
Recommendation 9: Defence Serious Crime Unit personnel should not fall under the chain of command of the single Services for performance reporting or disciplinary purposes.	Agreed – work in progress	Legislation not needed Non-Legislative: The formation of a DSCU independent Chain of Command and reporting structure is under development as part of the operational workstreams being conducted by the DSCU Implementation Team.
Recommendation 10: When the leadership and funding of the Defence Serious Crime Unit are reviewed (see recommendations 12 and 16), consideration should be given to implementing the Defence Serious Crime Unit as an enabling organisation.	Agreed – this will be considered at the three-year review point	Further work will be required to understand the benefit/impact of this recommendation and whether this is the direction we wish take.
Recommendation 11: For the purposes of securing rapid implementation, the Defence Serious Crime Unit should be established	Agreed - Complete	PM (SC) designate has been selected.

Recommendation	Assessment	Action
under the command of an officer of OF4 (Commander, Lieutenant-Colonel, or Wing Commander) or OF5 (Captain, Colonel, or Group Captain) rank, to be designated Provost Marshal (Serious Crime).		
Recommendation 12: The leadership of the Defence Serious Crime Unit should be reviewed within three years and due consideration given to upgrading the role of Provost Marshal (Serious Crime) to one to be filled by an officer of one star (Commodore, Brigadier, or Air Commodore) rank. Serious consideration should be given at that point to making Provost Marshal (Serious Crime) the final posting of an officer's Service career.	Agreed – this will be considered at the three-year review point	Agreed to a formal review within 3 years of full delivery.
Recommendation 13: The Provost Marshal (Serious Crime) should have as a deputy a civilian. The Deputy Provost Marshal should have significant experience of major investigations and the ability and necessary experience to control a major incident room, recording, retaining, managing and processing several hundred allegations simultaneously using the most up to date technology, as well as having achieved sufficient rank and recognition within civilian policing to act as an ambassador for the interests of Service police within the wider policing community.	Declined - the DSCU will include a civilian in a senior leadership role, but this will not be the Deputy PM (SC) at this stage.	There are further issues to consider about how civilians would be best integrated; including the question of whether it is appropriate for civilians to be given formal service police powers. In the meantime, the Deputy PM (SC) would need to be a service person in order to exercise relevant service police powers.
Recommendation 14: A Strategic Policing Board, consisting of a Non-Executive Director (who is also a member of the Service Justice	Agreed – Work in progress	Legislation not needed Non-legislative: Steps are underway to implement an

Recommendation	Assessment	Action
Executive Group), a recently retired Chief Constable, a recently retired senior military officer, and a recently retired Judge, should be established to provide effective assurance and governance of the Provost Marshal (Serious Crime) and the Defence Serious Crime Unit. It should have particular regard to the Unit's resources and structure, and to the Provost Marshal (Serious Crime)'s performance against strategic policing requirements. Its Terms of Reference should permit it to examine performance and decision-making in relation to individual investigations, and to sponsor periodic independent reviews to assure the quality of investigations. If the Non-Executive Director does not possess a scientific or technological background, consideration should be given to expanding the Strategic Policing Board to include someone with this essential expertise.		SPB for April 22. Due to external policy regarding the appointment of Non-executive Directors (NEDs) and other designated members, the SPB may be in an interim model in its initial stage, consisting of acting NEDs, until the official appointment process can take place
Recommendation 15: Consideration should be given to ways in which experienced police detectives might be enabled to join the Defence Serious Crime Unit on a full-time basis, whilst remaining civilians.	Agreed that civilians will be involved in the work of the DSCU. How this will occur is to be considered.	To be considered during stage 2 when the DSCU is in full delivery.
Recommendation 16: For the purposes of securing rapid implementation, the Defence Serious Crime Unit should initially be funded through the Army Top-Level Budget. When the leadership of the Defence Serious Crime Unit is reviewed (see	Agreed - Complete	Legislation not needed Non-legislative: Agreement for funding to be through Army TLB with a commitment to review when DSCU is in full delivery.

Recommendation	Assessment	Action
Recommendation 12), consideration should also be given to moving the Unit's funding line so that it is funded directly from the Defence budget rather than through the budget of any of the three Services.		
Recommendation 17: Consideration should be given to whether the Unified Career Model currently under development for other specialisms can be adopted, suitably adapted, to address the career needs of specialist investigators in the Defence Serious Crime Unit.	To be considered	Legislation not needed Non-legislative: To be considered during stage 2 when the DSCU is in full delivery. The DSCU IT is working to find a solution in the interim.
Recommendation 18: The Provost Marshal (Serious Crime) shall report annually to the Minister chairing the Service Justice Board, who shall arrange for the report to be laid before Parliament.	Agreed – Work in progress	Legislation not needed Non-legislative: Agreed and will be developed as part of the DSCU reporting and governance structures.
Recommendation 20: Consideration should be given to placing a senior officer of the Defence Serious Crime Unit within the Permanent Joint Headquarters during every overseas operation (as defined in section 1(6) of the Overseas Operations (Service Personnel and Veterans) Act 2021).	Agreed – Work in progress	Legislation not needed Non-Legislative: The formation of a DSCU structure is under development as part of the operational workstreams being conducted by the DSCU Implementation Team. PJHQ are looking to implement this recommendation - to be included in a new version of PJHQ SOP 3004.
Recommendation 22: A single point of contact should be established within	Agreed – Work in Progress	Legislation not needed

Recommendation	Assessment	Action
the Service police for communication of relevant serious incidents. This should be within the Defence Serious Crime Unit once implemented.		Non-Legislative: The formation of a DSCU Crime management Unit is under development as part of the operational workstreams being conducted by the DSCU Implementation Team