

MOD to establish Defence Serious Crime Unit

The review, led by Sir Richard Henriques, was commissioned by Defence Secretary Ben Wallace in October 2020 to ensure the guidance and policy framework for investigating allegations during overseas operations is fit for the future.

The review agreed with the conclusions of the Service Justice System Review, conducted by HH Shaun Lyons and Sir Jon Murphy, of the need for a separate system of military justice and that the Service Justice System is fit for purpose. The Service Justice System Review looked at the system as a whole to consider if it continues to be necessary, fair and efficient.

The recommendations made by Sir Richard Henriques add to reforms made under the Overseas Operations Act.

Defence Secretary Ben Wallace said:

It is absolutely vital the UK has the most effective framework, skills and processes in place when it comes to investigating allegations of serious criminal wrongdoing by UK Armed Forces, which is why I commissioned this review last year.

The recommendations of the review provide both greater certainty for victims and service personnel with reassurance and clarity on future operations.

I thank Sir Richard for his report and we will look to make progress on his recommendations where possible.

Sir Richard has also expressed his support of the provisions in the current Armed Forces Bill on the Service Justice System, including the decision to retain concurrent jurisdiction so it remains possible for offences committed by a person subject to service law, while in the UK, to be tried either in the service or civilian justice system.

There are 64 recommendations in the report, approximately a third of which are focused on taking forward the establishment of a Defence Serious Crime Unit (DSCU) under a newly appointed Provost Marshal, strengthening the operational effectiveness of the service police to deal with serious offences reported in Defence. This is a key measure in meeting our commitment to further strengthen the Service Justice System.

The DSCU will be tri-service, strengthening our position to respond to serious crime. The DSCU will combine the resource and specialist skills from across the single services under one single unit, building an independent, stronger, more effective and collaborative approach to policing across Defence, enhancing capability whilst further supporting victims.

The Government will be bringing forward amendments to the Armed Forces Bill to implement the recommendations on the Defence Serious Crime Unit, which require primary legislation.

Other recommendations are operations-led, such as enhanced training, improvements to detention processes and record-keeping, and for non-statutory protocols between the Service Police, the Service Prosecuting Authority and the Judge Advocate General relating to the investigation of allegations against UK forces.

Work is underway to consider the rest of Sir Richard's recommendations in more detail.