

SCHEDULE

Armed Forces Code of Practice for Victims of Crime

PART 4

Victims' Entitlements – Entitlements for Children and Young People

CHAPTER 2

Service Police and Commanding Officers' Investigations

General

149. Service offences may be investigated either by a Commanding officer or by the Service Police.

Commencement Information

II Sch. para. 149 in force at 16.11.2015, see [reg. 1](#)

Information provided to you when you report a crime

150. When you report a crime to the Service Police or the Commanding officer, you are entitled to:

(1) receive written confirmation that you have reported a crime, including the basic details of the offence. The written acknowledgement could be in the form of a letter, an electronic notification such as an email or text, or it could be written by hand. You may request not to receive such acknowledgement. Where the Service Police or Commanding Officer consider there may be a risk of harm to you from sending the written acknowledgement (for example in domestic violence cases) they may agree with you not to send one;

(2) a clear explanation of what happens next;

(3) a leaflet with information for victims of crime to be provided without unnecessary delay from your first contact with the Service Police or Commanding officer. This will include information about people you can talk to if you are upset and need support and how you can get in touch with them;

(4) talk to the investigator to help you work out what support you need. This is called a “needs assessment”;

(5) have your contact details sent to organisations that help victims if you want this to be done. The investigator will ask if you want your details sent to them first. These organisations are called “victim support services” in this Code. If you agree to have your details sent to victim support services then they will get in touch with you to let you know what support is available to you⁽¹⁾.

(6) To be notified, without unnecessary delay, of your entitlement to receive the following information;

(a) any decision not to proceed with or to end an investigation or not to prosecute a suspect, including a brief summary or reasons for the decision where available;

(b) the time and place of the trial or Summary Hearing, and the nature of the charges against the accused;

⁽¹⁾ See paragraphs 16 to 18 of this Code if you are not present in the United Kingdom.

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- (c) any final judgement in the trial or Summary Hearing, including a brief summary of reasons for the decision where available;
- (d) information allowing you to know about the state of the criminal proceedings on your request unless the proper handling of the case may be harmed;
- (e) where you are notified of a decision that qualifies for a review under the Service Police, Commanding Officers or Service Prosecuting Authority victims' right to review schemes, that you are entitled to receive sufficient information to enable you to decide whether to request a review.

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Commencement Information

I2 Sch. para. 150 in force at 16.11.2015, see [reg. 1](#)

Investigation

151. A Service Police and Commanding Officer's investigation is when the Service Police or Commanding Officer looks for suspects and evidence of the crime you told them about. If the Commanding officer or Service Police decide not to investigate they will let you know without unreasonable delay from the decision.

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Commencement Information

I3 Sch. para. 151 in force at 16.11.2015, see [reg. 1](#)

152. The Service Police or Commanding Officer's investigator will talk to you as part of your Needs Assessment. As you are under 18, they will consider whether any Special Investigation Measures or Special Measures should be used in your case and, if so, what they should be. They will discuss these with you. The Special Investigation measures include video recording your witness statement. You can find a full list of Special Investigation Measures in paragraphs 49 to 52 of this Code. You can ask if you would like some to be used, and the investigator will take your views into account when making their decision.

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Commencement Information

I4 Sch. para. 152 in force at 16.11.2015, see [reg. 1](#)

153. After you have told the Service Police or Commanding Officer a crime has taken place, you may then be asked to tell them what happened. This is called a witness statement. When you give your witness statement you are entitled to:

- (1) have someone with you unless the Service Police or investigator decides this is not allowed and tell you why. This could be a parent or family friend but normally they should be over 18 years old;
- (2) ask for someone to help you understand the questions you are being asked;
- (3) be told about Special Measures if you might have to go to court. Special Measures are things ordered by a court to make it easier for you to give evidence in court. These can include giving evidence from a different room by video link or judges removing their wigs and gowns. You can find a full list of Special Measures in paragraphs 53 and 54 of this Code.

Commencement Information

I5 Sch. para. 153 in force at 16.11.2015, see [reg. 1](#)

154. You may also be entitled to receive Special Investigation Measures as set out in paragraph 153 of this Code.

Commencement Information

I6 Sch. para. 154 in force at 16.11.2015, see [reg. 1](#)

155. You are also entitled to make a Victim Personal Statement. The Victim Personal Statement lets you explain in your own words how you feel the crime has affected you. This is not the same as a witness statement about what you saw and heard. Both your witness statement and Victim Personal Statement can be video recorded where appropriate. You do not have to make a Victim Personal Statement if you do not want to. If you decide not to make a Victim Personal Statement at first, you can do it later, but only if this is before sentencing. Sentencing is when the court or Commanding Officer orders the punishment that the offender will receive. The information you give in a Victim Personal Statement will be shared with the defence (who represent the person who has been accused of the crime) or the accused if it is used in court or Summary hearing. The accused or their defence might ask you questions about your Victim Personal Statement on rare occasions.

Commencement Information

I7 Sch. para. 155 in force at 16.11.2015, see [reg. 1](#)

156. If the accused is found guilty in a Service court, you are entitled to say if you would like to have your VPS read aloud or played (if recorded) in court before the accused is sentenced. When the Service Police are taking your Victim Personal Statement, you are entitled to say, if the case is to end up in a Service court, whether you would like to read your Victim Personal Statement aloud, have it read aloud by someone else or played in court and what this means. If your case ends up being dealt with by a Commanding officer in a Summary hearing, you may read out your Victim Personal Statement if you are called to give evidence. If you are not called to give evidence in a Summary hearing, your Victim Personal Statement will still be considered by the Commanding Officer as written evidence.

Commencement Information

I8 Sch. para. 156 in force at 16.11.2015, see [reg. 1](#)

157. When the Service Police or Commanding Officer are investigating your case you are entitled to:

- (1) receive information about what is happening and discuss with the investigator how often they will contact you;
- (2) be told if no one is found to be a suspect, or if the case is closed and be told without unreasonable delay from the decision being made;
- (3) ask the investigator to inform you of a suspect being released from Service custody and any Service custody release requirements which are made by the court, or if those release requirements change;

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(4) receive the information requested in paragraph 157(3) of this Code only where there is a danger or an identified risk of harm to you, in which case the information will be provided without unnecessary delay⁽²⁾;

(5) say if you want to be told if a closed case has been reopened, so the Service Police or Commanding Officer can consider your wishes.

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Commencement Information

I9 Sch. para. 157 in force at 16.11.2015, see [reg. 1](#)

158. The Service Police will ensure, wherever possible, that you and your family members do not come into direct contact with the suspect while on Service Police premises.

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Commencement Information

I10 Sch. para. 158 in force at 16.11.2015, see [reg. 1](#)

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Commencement Information

I3 Sch. para. 151 in force at 16.11.2015, see [reg. 1](#)

I4 Sch. para. 152 in force at 16.11.2015, see [reg. 1](#)

I5 Sch. para. 153 in force at 16.11.2015, see [reg. 1](#)

I6 Sch. para. 154 in force at 16.11.2015, see [reg. 1](#)

I7 Sch. para. 155 in force at 16.11.2015, see [reg. 1](#)

I8 Sch. para. 156 in force at 16.11.2015, see [reg. 1](#)

I9 Sch. para. 157 in force at 16.11.2015, see [reg. 1](#)

I10 Sch. para. 158 in force at 16.11.2015, see [reg. 1](#)

(2) You are not, however, entitled to this information if there is an identified risk of harm to the suspect which would result from the notification.

Changes to legislation:

There are currently no known outstanding effects for the The Criminal Justice (Armed Forces Code of Practice for Victims of Crime) Regulations 2015, CHAPTER 2.