

## SCHEDULE

### Armed Forces Code of Practice for Victims of Crime

## PART 5

### Duties on Service Providers

#### CHAPTER 3

#### Commanding Officer's Investigation

#### **Information, referral to victim support services and needs assessments**

**226.** The Commanding Officer must:

(1) provide the entitlements set out in Part 3, Chapter 2 and, in relation to a child victim, Part 4, Chapter 2 where they are not specifically listed in the duties below;

(2) ensure victims are provided with a written acknowledgement of the crime that they have reported 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. The victim may request not to receive such acknowledgement. Where the Commanding Officer considers there may be a risk of harm to the victim from sending the written acknowledgement (for example in domestic violence cases), they may agree with the victim not to send one;

(3) ensure the victim is notified, without unnecessary delay, of their 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;
- (c) any final judgement in the trial or Summary Hearing, including a brief summary of reasons for the decision where available;
- (d) information enabling the victim to know about the state of the criminal proceedings on their request unless the proper handling of the case may be adversely affected by such notification;
- (e) where the victim is 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 they are entitled to receive sufficient information to enable them to decide whether to request a review;

(4) ensure a timely needs assessment is conducted to decide whether victims fall into one of the three priority categories: victims of the most serious crime, persistently targeted victims and vulnerable or intimidated victims following the tests set out in Part 2 of this Code (a child victim is automatically eligible for the enhanced services provided to vulnerable victims of crime);

(5) ensure Special Investigation Measures and Special Measures are explained, where appropriate, to victims in the three priority categories and establish what measures, if any, the victim feels they need to best help them give their evidence;

(6) ensure the outcome of the needs assessment and requests for Special Investigation Measures and Special Measures are recorded and share this information with the Service Police and the Service Prosecuting Authority if the case is passed or referred to them;

(7) ensure victims are provided (in accordance with paragraphs 13 and 14 of this Code) with the victim and witness information leaflets without unnecessary delay from the victim's first contact (see the definitions in Part 6) with the Commanding Officer's investigation;

(8) ensure that the investigators discuss and seek to agree with the victim (or, in relation to a child victim: the victim or their parent or guardian) how often they will receive updates about the case;

(9) ensure that victims are informed about this Code and how they can find out more about it;

(10) ensure that it is explained to victims that their details will be passed to victim support services by the Commanding Officer if they wish this to happen(1);

(11) ensure that explicit consent is sought from victims before sending their details to victim support services(2);

(12) ensure that victims are informed that they can choose to refer themselves to victim support services at a later date and that information about victim support services is provided, including contact details(3);

(13) ensure that it is explained that any witness statement that is taken may result in the victim having to give evidence in court or Summary Hearing at a later date;

(14) ensure that a decision not to investigate a crime is explained without unreasonable delay;

(15) ensure that the victim is advised, without unreasonable delay, when an investigation into a case has been concluded with no person being charged and that the reasons are explained. The Commanding Officer must ensure the victim is asked if they wish to be informed if the investigation is to be re-opened. A record of their response should be made. The victim's views are to be sought and must be considered if re-opening of the case is formally considered.

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**Commencement Information**

**I1** Sch. para. 226 in force at 16.11.2015, see [reg. 1](#)

**227.** The Victim Liaison Officer must advise the victim that they may ask to be informed(4) of:

(1) a suspect being released from Service custody with no further action;

(2) a suspect being released from Service custody and any Service custody release requirements which are imposed, changed or cancelled.

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**Commencement Information**

**I2** Sch. para. 227 in force at 16.11.2015, see [reg. 1](#)

**228.** The victim is entitled to the information requested pursuant to paragraph 127 of this Code only where there is a danger or an identified risk of harm to the victim, in which case the information will be provided without unnecessary delay(5).

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**Commencement Information**

**I3** Sch. para. 228 in force at 16.11.2015, see [reg. 1](#)

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(1) See, however, paragraphs 16 to 18 of this Code.

(2) See, however, paragraphs 16 to 18 of this Code.

(3) See, however, paragraphs 16 to 18 of this Code.

(4) Note paragraph 228 of this Code.

(5) 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.

**229.** If the Commanding officer's investigation needs to interview a victim, the Commanding Officer must ensure that the investigative interview is conducted in a way that considers the needs and views of the victim in order to minimise his or her stress. This should be planned in advance, taking into account factors such as:

- (1) the need for an intermediary or linguistic assistance to help the victim to communicate their evidence effectively;
- (2) any disabilities the victim has;
- (3) the timing and location of the interview;
- (4) the gender of the interviewer and victim;
- (5) the need for a suitable adult to be present to provide emotional support.

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**Commencement Information**

**I4** Sch. para. 229 in force at 16.11.2015, see [reg. 1](#)

**230.** The Commanding Officer must:

- (1) ensure that the interview is conducted without unjustified delay after the facts have been reported<sup>(6)</sup>;
- (2) limit the number of interviews where possible and only carry out interviews where strictly necessary for the purposes of the investigation;
- (3) keep medical examinations to a minimum and carry them out only where strictly necessary for the purposes of the criminal proceedings;
- (4) allow the victim be accompanied by a person of their choice, unless a reasoned decision has been made to the contrary;
- (5) take steps to ensure the victim does not have unnecessary contact with the suspect when the victim is being interviewed.

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**Commencement Information**

**I5** Sch. para. 230 in force at 16.11.2015, see [reg. 1](#)

**231.** Where the victim is a victim of the most serious crime, a persistently targeted victim, or vulnerable or intimidated victim, the Commanding Officer must note any Special Investigation Measures (see paragraphs 49 to 52 of this Code) identified as appropriate in the needs assessment, or requested by the victim. The Commanding Officer must either provide those Special Investigation Measures, or, if the Commanding Officer is unable to provide any of those Special Investigation Measures, then they must pass the case to the Service Police for investigation unless operational or practical constraints make this impossible, or where there is an urgent need to interview the victim and failure to do so could harm the victim or another person or could prejudice the course of proceedings.

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**Commencement Information**

**I6** Sch. para. 231 in force at 16.11.2015, see [reg. 1](#)

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(6) See, however, paragraphs 15 to 18 of this Code.

**Commencement Information**

- I1** Sch. para. 226 in force at 16.11.2015, see [reg. 1](#)
- I2** Sch. para. 227 in force at 16.11.2015, see [reg. 1](#)
- I3** Sch. para. 228 in force at 16.11.2015, see [reg. 1](#)
- I4** Sch. para. 229 in force at 16.11.2015, see [reg. 1](#)
- I5** Sch. para. 230 in force at 16.11.2015, see [reg. 1](#)
- I6** Sch. para. 231 in force at 16.11.2015, see [reg. 1](#)

**Victim Personal Statement**

**232.** The Commanding Officer must ensure that the victim is offered the opportunity to make a Victim Personal Statement in the following situations:

- (1) any victim at the time they complete a witness statement about what has happened;
- (2) victims of the most serious crime (including bereaved close relatives), persistently targeted victims and vulnerable or intimidated victims, irrespective of whether or not they have given a witness statement about what happened (a child victim is automatically eligible for enhanced services under this Code);
- (3) a parent or carer of a vulnerable adult or of a young victim under the age of 18 unless it is considered not to be in the best interests of the child or vulnerable adult.

**Commencement Information**

- I7** Sch. para. 232 in force at 16.11.2015, see [reg. 1](#)

**233.** In addition the Commanding Officer may offer the opportunity for the victim to make a Victim Personal Statement in any other case where it seems appropriate.

**Commencement Information**

- I8** Sch. para. 233 in force at 16.11.2015, see [reg. 1](#)

**234.** When the Victim Personal Statement is being taken, the Commanding Officer must ensure that the victim is asked whether he or she wants the Victim Personal Statement to be read aloud or played (if recorded) if the matter proceeds to a Service court. The Commanding Officer must also ensure that the victim is asked whether they would prefer to read the statement aloud themselves or whether they would like the Service Prosecuting Authority advocate to do this on their behalf. The Commanding Officer must ensure that it is explained to the victim:

- (1) that their Victim Personal Statement does not have to be read aloud if they do not want it to. It should be explained to the victim that they can change their mind and choose not to have their Victim Personal Statement read aloud;
- (2) that the victim may be questioned on the Victim Personal Statement in court or Summary Hearing;
- (3) the risk to the victim’s privacy if the case is heard in a Service court;
- (4) that the contents of the Victim Personal Statement may be reported by the media if the case is heard in a Service court; and
- (5) that ultimately it is a matter of judicial discretion as to whether the statement is read out (and by whom) or played (where recorded) in full or in part, in court.

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**Commencement Information**

**I9** Sch. para. 234 in force at 16.11.2015, see [reg. 1](#)

**235.** When the Victim Personal Statement is being taken the Commanding Officer must ensure that it is explained to the victim that if the matter proceeds to a Summary Hearing they may read out the Victim Personal Statement if they are called to give evidence as a witness, or otherwise it will be provided as written evidence in the Summary Hearing. They must explain to the victim that they may be questioned on the Victim Personal Statement in the Summary Hearing.

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**Commencement Information**

**I10** Sch. para. 235 in force at 16.11.2015, see [reg. 1](#)

**236.** The Commanding Officer must ensure that any Victim Personal Statement taken is forwarded to the Service Prosecuting Authority where the case is referred to the Service Prosecuting Authority and must inform them of the victim's preference in relation to the Victim Personal Statement in a timely manner if the matter proceeds to a Service court.

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**Commencement Information**

**I11** Sch. para. 236 in force at 16.11.2015, see [reg. 1](#)

**237.** If the case proceeds to a Service Court, the Service Prosecuting Authority must ensure that the Victim Personal Statement and information about the victim's preference (as above) is served on the court in a timely manner to enable the court to consider whether, and what sections of, the Victim Personal Statement should be read aloud or played, and who will read it. This is unless the case is not proceeding on the charges to which the Victim Personal Statement relates, in which case the Victim Personal Statement remains unused material.

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**Commencement Information**

**I12** Sch. para. 237 in force at 16.11.2015, see [reg. 1](#)

**238.** If the case proceeds to a Summary Hearing, the Commanding Officer must ensure that the Victim Personal Statement is included in the case summary and written evidence.

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**Commencement Information**

**I13** Sch. para. 238 in force at 16.11.2015, see [reg. 1](#)

**239.** The Service Prosecuting Authority must ensure wherever possible that the Victim Liaison Officer (or Service Police if they are acting as the main point of contact in the case) are notified within 1 working day of the court's decision about whether, and what sections of, the Victim Personal Statement should be read aloud or played, and who will read it.

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**Commencement Information**

**I14** Sch. para. 239 in force at 16.11.2015, see [reg. 1](#)

**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 3. (See end of Document for details)

**240.** The Victim Liaison Officer must, wherever possible, notify the victim in a timely manner of the court’s decision about whether, and what sections of, the Victim Personal Statement should be read aloud or played, and who will read it so that the victim can make arrangements to attend court if necessary.

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**Commencement Information**

**I15** Sch. para. 240 in force at 16.11.2015, see [reg. 1](#)

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**Commencement Information**

- I7** Sch. para. 232 in force at 16.11.2015, see [reg. 1](#)
- I8** Sch. para. 233 in force at 16.11.2015, see [reg. 1](#)
- I9** Sch. para. 234 in force at 16.11.2015, see [reg. 1](#)
- I10** Sch. para. 235 in force at 16.11.2015, see [reg. 1](#)
- I11** Sch. para. 236 in force at 16.11.2015, see [reg. 1](#)
- I12** Sch. para. 237 in force at 16.11.2015, see [reg. 1](#)
- I13** Sch. para. 238 in force at 16.11.2015, see [reg. 1](#)
- I14** Sch. para. 239 in force at 16.11.2015, see [reg. 1](#)
- I15** Sch. para. 240 in force at 16.11.2015, see [reg. 1](#)

**Appointment of a Victim Liaison Officer**

**241.** Where a suspect is arrested, taken into custody or charged in respect of a criminal offence, a Victim Liaison officer is to be allocated to the victim’s case no later than 3 working days after the day of the event, and within 1 working day where the victim is a victim of the most serious crime, persistently targeted, or vulnerable or intimidated. Upon allocation, the Commanding officer must inform the Victim Liaison Officer of the event.

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**Commencement Information**

**I16** Sch. para. 241 in force at 16.11.2015, see [reg. 1](#)

**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 3.