

HM Armed Forces Personnel

Contents

Policy Statement	2
Civilian Police Powers	2
Visiting Forces	3
Arrests	4
Absentees, Deserters or at Large.....	5
Welfare Issues	5
Found Property	6
Additional Information	7

Policy Statement

Summary

The Armed Forces Act 2006 is a single, harmonised system governing all members of Her Majesties armed forces.

The Force has signed community Covenants in many districts to strengthen the partnership between the Force and the armed forces. Advice and guidance is also given in relation to welfare support for both serving personnel and veterans.

Information is also given in relation to the protocols that apply to found property and visiting foreign armed forces.

Scope

The policy applies to all police officers and staff who may come into contact with service personnel in the course of their work.

Civilian Police Powers

The Armed Forces Act 2006

- The Armed Forces Act 2006 creates powers of arrest for civilian police forces:
 - Under Section 314(1) an officer may arrest without a warrant a person who is reasonably suspected of being a person subject to service law and who has deserted or is absent without leave.
 - Under Section 318(1) an officer may arrest a person who has been sentenced to service detention and who is 'unlawfully at large'.
- In addition to these powers, military Judge Advocates may issue warrants to civilian police forces for the arrest of persons reasonably suspected of having committed service offences.
- There is no power of entry to a dwelling, without the consent of the occupant, simply in order to arrest a person under the Armed Forces Act 2006 unless:
 - There is a warrant; or
 - A further offence has been committed which gives a separate power of entry.
- The North East Counter Terrorism Unit – Leeds (CTU) must be notified when a member of HM Armed Forces is arrested for any offence, including a warrant.
- The relevant details such as personal contact information, service in which they belong, offence and case disposal details must be supplied via email to the 'CTU (Leeds) Intelligence' mailbox.
- Section 315(1) of the Armed Forces Act 2006 provides that a person who surrenders himself as being a deserter or absent without leave to a police officer must be taken to a police station. It goes on to say that where a

person:

- Is brought to a police station under subsection (1); or
 - Surrenders to a civilian police officer at a police station as being a person subject to service law who has deserted or is absent without leave then the person in charge of the police station must consider the case.
 - If it appears to the person considering the case that the individual who has surrendered is a person subject to service law who has deserted or is absent without leave, they may:
 - Arrange for them to be transferred to service custody;
 - Arrange for them to be brought, as soon as practicable, before a court of summary jurisdiction in the relevant territory in which the police station is situated; or
 - Release them subject to a condition that they report, at or by such time as may be specified in the condition, to such place or person as may be so specified for the purpose of enabling him to be taken into service custody.
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Historic Absence

- The relevant service authority may be unwilling to institute proceedings against a person for an historic absence. Therefore, officers/staff must carefully consider any decision to arrest in such circumstances and if possible consult with the relevant service authority before doing so.
 - Generally in such circumstances the most appropriate action will be to verify the individuals name and address and advise the relevant service authority.
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Visiting Forces

Principles

- A 'visiting force' is defined as any, body, contingent, or detachment of the forces of a country to which the provision applies, being a body, contingent or detachment for the time being present in the UK on the invitation of Her Majesty's Government'. Further Information can be found under Section 12(1) of the Visiting Forces Act 1952.
- Whenever appropriate, districts will liaise with the authorities of a visiting force and encourage their co-operation in matters of law and order.
- The authorities of the visiting force should be:
 - Notified before action is taken against, a member of that force; a member of any civilian component; or one of their dependants;
 - Notified if criminal process is being issued;
 - Invited to co-operate in the execution of warrants or the serving of summonses;
 - Kept informed of the progress of the investigation; and
 - Informed of the result of any proceedings.
- Normal powers of arrest for all offences apply to visiting forces.
- However, there is no power to arrest a person for an offence which is

solely against the law of the sending country, except in the case of deserters or absentees without leave.

- Deserters and absentees from a visiting force should be dealt with in the same manner as deserters and absentees from HM armed forces.
 - When dealing with a suspected deserter or absentee, CTU must be contacted as soon as possible for advice and given the same information as shown above under 'inform CTU'.
 - The Military Police of, both the visiting force or HM armed forces have power to arrest members of a visiting force and hand them over to the relevant service authority. Officers/staff may be asked to assist them in exercising their duties.
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Arrests

Principles

- There is an obligation on those making an arrest under the circumstances outlined in civilian police powers to transfer the arrested person into service custody as soon as practicable.
- The person is not required to go before a Magistrates court, unless their appearance is required for some other reason than the service warrant.
- If such a person is arrested:
 - A custody record should be made out as normal and the means of disposal recorded;
 - The person should be placed into the custody of the appropriate service authority as soon as practicable;
 - The officer in charge of the police station should complete a certificate of arrest for each person arrested and provide it to the military escort. Although this is a Royal Navy form, it must be used in respect of all service personnel.
 - The escort should be provided with a current Person Escort Record form; and
 - If the person appears before a Magistrates Court in relation to another matter, the appropriate form will be completed by the Clerk to the Justices and signed by a Justice of the Peace.
- When an absentee or deserter is arrested or surrenders, the individual's unit and the Military Police should be telephoned. They will require the service number and rank and name of the individuals as well as the place and date of absence or desertion if known.
- The military police maintains a rota of collecting units and will arrange for one to collect the absentee or deserter.
- If an absentee surrenders after briefly overstaying their leave, and they are willing to return to their unit unescorted and their service authority agrees, then normally they will be allowed to do so.
- If a member of HM Forces is unable to purchase a travel ticket to return to their unit, they should be referred to any local:

- Service establishment;
 - Unit; or
 - Careers information office.
 - If the premises shown above are closed or help is otherwise unavailable, if their destination is:
 - Less than 10 miles away, inform them to make their own arrangement; or
 - More than 10 miles away, provide the individual with a rail warrant.
 - If there is a reason to doubt the person's bona fides, enquires should be made with their Unit or the Military Police before providing the rail warrant.
 - The cost of the warrant is payable by the service authority. The absentee's unit and identification number should be entered on the warrant to help repayment. No other forms are necessary.
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Attending a Court Martial

- It may not be necessary to attend a court martial, if a:
 - Certificate of surrender (T-SL-AD05); or
 - Certificate of arrest (T-SL-AD04), has been given.
 - These certificates should be provided by the Service Escort but they are also available via Tobi.
 - If a service authority requests attendance, districts are responsible for making these arrangements.
 - If officers/staff incur any travelling, subsistence or other expenses, they must submit a claim in the normal way for reimbursement.
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Absentees, Deserters or at Large

Principles

- Details of deserters may be obtained from the:
 - Central index of deserters at New Scotland Yard;
 - Police National Computer (wanted and missing file); and
 - Central Criminal Record and Information Office (CCRIO).
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Welfare Issues

Principles

- These guidelines are to help officers/staff deal appropriately with an enquiry from a member of the armed forces or their relatives about extending a period of leave or arranging compassionate leave.

- The welfare authorities for the different services, are listed below:
 - Army
 - Royal Navy
 - Royal Air Force
 - The Secretary of the Soldiers, Sailors and Airmen's Families Association (SSAFA) normally represents ex-service men and women but will carry out welfare enquiries concerning current members of HM Forces.
 - Generally, enquiries should be passed on to SSAF, unless:
 - There is an indication that a criminal offence has taken place, in which case, the enquiry must be made by the police; or
 - The matter is extremely urgent and the offices of SSAFA are closed. In this case, the police may make enquiries.
 - The main consideration must always be the best interests of the individual, including their family. However, officers/staff should not promise compassionate leave or a compassionate posting, as this is for the responsible authority to decide.
 - The address and telephone number of the local branch of the SSAFA can be found in the telephone directory.
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Found Property

Principles

- If the following items are found they should be recorded on Niche and enquiries initiated to trace the loser, if this is possible, where the items are:
 - For Military clothing, equipment and documents, contact the nearest Army, Navy or Royal Air Force establishment, as appropriate, and deal with the property as they request. This also applies to visiting Armed Forces.
 - For Military Identity Documents, hand back these documents to the person to whom they refer, when they have proved their identity. If service identity documents have not been claimed within 24 hours they should be forwarded to the nearest military police station.
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Additional Information

Compliance

This policy complies with the following legislation:

- The Armed Forces Act 2006
 - The Visiting Forces Act 1952
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