

**REPORT OF CIVIL CONVICTION/COMMUNITY SENTENCE/CIVIL POLICE
CAUTION/FIXED PENALTY NOTICE/ANTI-SOCIAL BEHAVIOUR
ORDERS/ACCEPTABLE BEHAVIOUR CONTRACT**

Administrative Action

1. The officer attending a civil court is responsible for compiling a report on the case, giving a detailed statement of the circumstances of the offence (as brought out at the trial), and of the punishment awarded. This information is to be recorded at Part 4 of the Aide-Memoir (see Leaflet 1302 Annex C). If the accused is convicted or bound over or otherwise dealt with by the court, a Certificate of Conviction or certified copy of the Order of the Court is to be requested under S199 AFA. The completed Aide-Memoir is to be returned to OC PSF/P1 by the officer attending the court as soon as possible after the latter's return to the unit.

2. As stated in para 1, a Certificate of Conviction is always to be obtained when an officer or airman is convicted by a civil court. For any offence other than a minor offence against the Road Traffic Acts (see Lflt 1302, Annex A) when off duty, a report on Form 6643 is to be made by the CO of the unit to which the individual belongs. Although not a conviction, a bind-over should also be recorded on a Form 6643, and the Form processed as detailed below. The CO should refer to Parts 5 to 7 of the Aide-Memoir to assist him in the compilation of the Form 6643 report, and in making his recommendation on the case. The completion of the F6643 and its subsequent submission to Air Personnel Casework (APC) for further action should not be delayed whilst awaiting receipt of the Certificate of Conviction from the court. The Certificate of Conviction is to be sent to APC together with the original signed copy of the F6643 for retention on the individual's e-dossier.

Form 6643

3. Form 6643 is a single-item form for the reporting of convictions by a civil court including Community Sentences (Leaflet 1305 provides further guidance), Civil Police Cautions, Bi or Fixed Penalty Notices. It is raised by OC PSF from the Aide-Memoir for civil convictions or from police records and is to be processed via JPA to APC without delay.

4. Where the Form 6643 has been raised following offences committed prior to enlistment and dealt with by a civil power (whether before or after enlistment), the Form 6643 is to be distributed in the normal way. APC will advise on the appropriate disposal action.

Entry on JPA HR Disciplinary Record

5. Where the offence has brought disgrace or discredit upon the Service, the uniform or the position held by the offender, this must be clearly shown on the reverse of the form and an entry is to be made on the individual's JPA HR disciplinary record. Where no disgrace or discredit upon the Service is involved, the Form 6643 is to be distributed in the normal way. The decision to make an entry on an individual's JPA HR disciplinary record may be made only by an officer not below the rank of Wg Cdr, or a Sqn Ldr in command.

Custodial Sentence

6. The Form 6643 is to be forwarded, without delay, to APC, whenever an individual (including R Aux AF personnel) is awarded a custodial sentence (ie imprisonment (including a suspended sentence), detention or youth custody). Personnel awarded custodial sentences, including suspended sentences, will not, save in exceptional circumstances, be retained in the Service (see QR1061/QR1062). In the event of an individual being recommended for discharge, the Unit is to notify the outcome to APC Glasgow (RAF Final Pay & RAF Pensions) giving the offender's last day of service.

Civil Police Cautions

7. An officer or airman who receives a formal civil police caution in England, Wales or Northern Ireland for a civil offence is required to report the matter forthwith to his CO in accordance with QR1062 A. Before taking action, the unit is to obtain a copy of the police record of the caution, including the form of consent signed by the offender. The form will be countersigned by a police officer and show the date of the caution; the offence for which it was administered; and the fact that the individual person has admitted the offence and consented to the caution. If a copy of the police record of the caution cannot be obtained, written confirmation should be obtained from the civil police of the offence for which the caution was issued and of the admission by the offender that he had committed the offence. If the record or other information received does not provide adequate confirmation of the circumstances of the offence, a further statement of facts should be obtained from the civil police. On receipt of these records, the offender is to be interviewed to confirm that they relate to them and bear their signature. At this stage, having taken account of the Service Test, APC will advise as to whether any further administrative action in accordance with QR1027 is necessary.

8. Since the civil police caution is not a conviction, the Rehabilitation of Offenders Act 1974 does not apply. For Service purposes, however, a caution is to be deemed 'spent' one year after the date of the caution. It should be noted, however, that the civil police retain cautions for 5 years for the purpose of citing them in court at the sentencing stage, should the individual commit a further offence.

9. An officer or airman who receives a Fixed Penalty Notice or a Fixed Penalty (Scotland) other than for a minor traffic offence, Electronic Monitoring Equipment (EME) (also known as 'Tagging'), an Anti-Social Behaviour Order (ASBO) or Acceptable Behaviour Contract (ABC) from the civil police of England, Scotland, Wales or Northern Ireland is to report the matter forthwith to his CO in accordance with QR1062B.

10. Prior to taking any administrative action, the unit is to obtain a copy of the Community Sentence, Fixed Penalty Notice or Fixed Penalty (Scotland), including confirmation that the notice or penalty has been paid. Provided the Fixed Notice Penalty is paid within 21 days of receipt or notification of acceptance of the Fixed Penalty (Scotland) is given within 28 days or such longer period as may be specified, from the date of issue, the individual discharges both the liability of being proceeded against and gaining a record of criminal conviction for the offence for which the Fixed Penalty Notice or Fixed Penalty (Scotland) was issued. Payment of the Fixed Penalty Notice or Fixed Penalty (Scotland) involves neither a finding nor an acceptance of guilt. Due weight must be given to the individual's explanation of the circumstances before deciding whether a recommendation for further administrative action is

necessary. Further information on Community Sentences including EME, ASBOs and ABCs can be found at Lflit 1305.

11. The Rehabilitation of Offenders Act 1974 does not apply to a Fixed Penalty Notice, Fixed Penalty (Scotland) or Anti-Social Behaviour Order as they are not convictions. For Service purposes, however, a Fixed Penalty Notice or Fixed Penalty (Scotland) is to be considered 'spent' one year after the date of the Notice or in the case of an Anti Social Behaviour Order one year after the end date of the Order. As a Binding-over Order is not a conviction, it should be administered in accordance with this para and para 10 above, and is to be considered 'spent' one year after the end date of that order.

Unit Recommendation

12. The unit recommendation is to be recorded on the Form 6643. Following APC advice, when this may involve the award of a formal warning or a recommendation for discharge, reduction in rank, or remustering, action is to be taken in accordance with QR1027 as outlined in AP 3392, Vol 5, Leaflet 129 or 130 and in accordance with the relevant JPA Business Process Guide as required. However, the submission of Form 6643 in respect of a custodial sentence, will normally obviate the need for submission of a case under AP 3392, Vol 5, Leaflet 130. Each submission that reports an award of a suspended custodial sentence is to be accompanied by a recommendation for discharge or exceptionally retention under QR 1027. In such cases the remarks section is to include a brief description of the circumstances of the case and, where discharge is being considered the recommended QR(RAF) clause of exit. Additionally, one of the following statements is also to be included:

- a. There are no exceptional circumstances in this case.
- b.) The circumstances of this case are so exceptional that a recommendation for retention in the Service will be submitted under separate cover in accordance with AP3392, Vol 5, Leaflet 130 following the Business Process Guide accordingly.

Notes :

The determination of whether an individual is to have their service terminated will depend on the particular circumstances of each case and will be based essentially on that person's suitability for retention in the Service. If Form 6643 is annotated to the effect that disgrace or discredit has been brought upon the Service, this will be a factor relevant only to the mode of exit recommended.

Disclosure

13. When the CO's Remarks section of Form 6643 has been completed, a copy is to be provided to the individual concerned. It should be explained to the individual that the CO's recommendation will be considered by Higher Authority. The individual is to be informed that he may comment, within 5 working days, on the CO's recommendation, and that his comments will be forwarded with the Form 6643 to APC (see Annex A). Further, should the recommendation be for formal warning, reduction in rank, re-branching/remustering or termination of service, then the individual will have the opportunity of making further comments as part of the formal procedure under the auspices of QR1027. The individual is to be further advised that he may take legal advice at his own expense. The certificate at Annex A is to be signed by the

individual and is to accompany the F6643.

Final Action

14. Higher Authority may decide the following:
 - a. Minor Administrative Action. Informal or Formal Interview in accordance with the instructions in AP3392, Vol 5 Leaflets 127 & 128.
 - b. Formal Warning. The formal warning is to be administered in accordance with the instructions in AP3392, Vol 5, Leaflet 129 and corresponding JPA Business Process Guide.
 - c. Termination of Service. Unit action for termination of service where custodial sentences are involved, are normally to be actioned via the F6643. However, the procedures for cases of termination of service for misconduct are contained in AP3392, Vol 5, Leaflet 130 and AP3392, Vol 2, Leaflet 701 (Discharge Procedure) and the corresponding JPA Business Process Guide.
 - d. Reduction in Rank. Following the submission of an Administrative Report under QR1027 further Unit action for reduction in rank is detailed in AP3392, Vol 2, Leaflet 569.

Post Trial Action – Sex Offenders’ Act (SOA) 1997

15. Part 1 of the SOA 1997 makes provision for the imposition of a registration requirement on certain sex offenders. Examples of the offences covered by the SOA are rape, intercourse with a girl under 13, or between 13 and 16, buggery, indecent assault on a woman/man, and the possession of indecent photos of children.
16. **Unit Action.** Such convicted persons are issued with a certificate 'Notice of Requirement to Register with the Police' either by the Civilian or Service Court immediately after conviction (if not awarded a custodial sentence) or by the prison/hospital on release from their custodial sentence or military detention. Service personnel convicted of any offences covered by the SOA will normally be discharged/asked to resign their commission, unless exceptional circumstances exist to merit their retention. The requirement to register as a Sex Offender will inevitably call into question an individual's suitability for retention in the Service. However, each case will be judged on its merits taking into account the full circumstances of the case, including the nature of the offence and the impact of the Sex Offender Registration upon the individual and the Service. Units are to carry out QR 1061/1062/1062A action in every case of this nature and are to liaise closely with their respective APC staff. Further, it is vital that links are established with welfare agencies such as SSAFA in all such cases. The appropriate APC staff will advise in this context thus ensuring that case management conferences, involving relevant specialists, are convened expeditiously.
17. **Registration Requirements – UK.** The certificate outlines the registration requirements and warns that failure to comply with these requirements without reasonable excuse or to give the civil police false information could result in a fine or imprisonment for up to 6 months or both. The civil police may request that the individual's fingerprints and photograph is taken. The RAF Police have no involvement with the registration process; it is a matter for the individual and the

civil police force. The onus is on the individual to comply with the registration requirements, which briefly are to notify the civil police in person or in writing in the following circumstances:

- a. Within 3 days of the certificate being issued: name, home address and date of birth. (If outside UK, within 3 days of return to UK).
- b. Of any change of name or home address within 3 days of such change.
- c. Of any address where the individual resides or visits in the UK for 14 days or longer. This means 14 days at a time, or a total of 14 days in any 12-month period.

18. **Registration Requirements – Travel Abroad.** Any person with a registration requirement who intends to leave the UK for a period of 8 days or longer must give notice of the following at least 24 hours in advance of travelling:

- a. If he intends to travel to more than one country outside the UK, the intended point of arrival in each additional country.
- b. The identity of any carrier/carriers he intends to use.
- c. Details of accommodation arrangements for the first night outside the UK.
- d. The date of the intended return to the UK.
- e. Point of arrival in the UK.

Subject to any further constraints imposed by the court, which may render overseas service unfeasible, such an individual may be posted or detached overseas. However, these factors will be taken into consideration in deciding whether to retain a registered Sex Offender in the Service.

19. **Personnel Convicted Overseas.** The provisions of SOA 97 applies within the UK only; therefore, there is no requirement for a individual to report to the local police overseas. However, the individual would have to register with the civil police in the UK within 3 days of his return. In all cases where an individual is placed on the register following conviction by the Court Martial held on a unit overseas, the unit is to report the matter immediately to APC who will advise as to whether repatriation is necessary.