

Police warnings, cautions and fines



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Galop is London's lesbian, gay, bisexual and transgender anti-violence and abuse charity. We help lesbian, gay, bisexual and transgender people with hate crime, domestic abuse, sexual violence and questions about the criminal justice system.

This factsheet gives some information about police warnings, cautions, fines and whether you need to tell an employer about them. If you are lesbian, gay, bisexual, or transgender and want confidential advice about your situation you can call Galop on 020 7704 2040.

If your question does not relate in some way to lesbian, gay, bisexual or transgender issues, you can call the Disclosure and Barring Service for advice about criminal record checks on 0870 909 0811. Alternatively you can email the ex-offenders charity NACRO for advice about your criminal record on helpline@nacro.org.uk

The police have spoken to me about an allegation against me

If a police officer talks to you about an allegation against you and takes your name and address, they might record your details on a local police computer system. Nothing will appear on your criminal record (stored on the police national computer) unless they take you to court (charge you), or give you a formal warning for something you admitted doing (a caution). The police force who spoke to you might store the details on their own computer system but this doesn't affect your criminal record.

I've been given a harassment warning

If the police get reports that you have been harassing someone, they might give you a formal harassment warning. This involves you being given a letter warning you that further action may be taken if your behaviour continues. It is usually

delivered to you in person by a police officer. This doesn't appear on your criminal record but will be recorded on the computer system of the police force who gave it to you.

I've been given a penalty notice

If the police or council reasonably believe you've committed a minor crime they can give you an 'on the spot fine', usually called a fixed penalty notice. These are usually for low level anti social behaviour, harassment, being drunk and disorderly, littering or parking where you shouldn't. Penalty notices don't appear on your criminal record, but if you don't pay, you might get a higher fine, or be imprisoned.

If you believe you were given a fixed penalty notice unfairly, you can fight against it (appeal) in court. If you want to appeal against the fine you would normally be given details at the time about how to do this.

The usual process is to not pay the fine and wait for a court summons telling you to attend a magistrates court for the unpaid fine. Sometimes the organisation that gave you the penalty notice will not challenge your appeal and not attend court, meaning you don't have to pay the penalty notice. However, if they do and you're convicted you could be given a higher fine, have to pay court legal costs and end up with a criminal record. If you want to appeal a penalty notice you should get legal advice.

I've been cautioned

For a police officer to investigate whether you have committed a crime, they must first arrest and interview you. Then, if there is enough evidence

that you may have committed a crime, you might be charged. That means being brought to court where it will be decided if they find you innocent or guilty.

In some cases, the police might give you a caution instead of charging you. A caution is a strong warning that you could have been sent to court, and almost certainly will be if you commit further offences. The police can only use a caution if you agree to accept it. By consenting, you are in effect agreeing that you are guilty of the offence and once you have consented, you cannot then argue that you were innocent.

If you're arrested and interviewed, the police should always offer to get you a free solicitor. You should always have a solicitor present when the police interview you and take their advice about the implications of accepting a caution, even if you're told that the matter will be cleared up more quickly if you take it.

A caution is not a criminal conviction (being found guilty in court), but it will be recorded on your criminal record (held on the police national computer). It can be used in court as evidence of bad character if you go to court for something else and your photograph, finger prints and DNA might still be kept by the police.

Do I have to tell my employer?

You don't normally need to tell a potential employer about being spoken to by the police, a harassment warning, fixed penalty notice or caution. However, if you are asked 'Have you got a criminal record?' or 'Do you have any convictions or cautions?', then you should give details of any cautions. Sometimes insurance companies and visa applications ask if you have a criminal record. Contact Galop if you want advice about what you need to disclose.

Guidance states that cautions and warnings should be deleted after five years, though this doesn't happen automatically. Some local police forces keep records for longer than five years, and some indefinitely.

If you've been cautioned, you may want to contact your local police station to find out when this will be removed.

Some employers ask for a criminal records bureau (CRB) check. This is usually if you apply for a job working with children or vulnerable adults. There are two levels of check an employer can ask for.

The first is a standard check which only shows cautions and convictions which are relevant to the job. The second is an enhanced check which could also show any other information that the police have which they feel is relevant to the job you're applying for. The employer needs your consent to apply for a check.

For more information on checking your police record and CRB checks, see the Galop fact sheet, Sexual Offences and CRB checks or contact Galop. Making a Police Complaint

If you feel the police treated you badly, you may want to make a complaint. This could range from an officer being rude to you, being wrongly arrested or being roughly handled. Galop can advise you on making a complaint. See our separate factsheet on 'Police complaints' for more detailed information.

Always dial 999 if it is an emergency and you think you are in immediate danger.