

I have been given a police caution, what does this mean?

There are two types of caution, a simple caution and a conditional caution.

1 Simple caution

These are issued by the police at the police station. You do not have to go to court to get a caution; in fact the aim of the caution is to avoid you going to court.

In order to get a simple caution the following must apply:

- 1 You are 18 or over
- 2 There is evidence that you are guilty
- 3 You have admitted the offence
- 4 You agree to be given a caution

It is also generally helpful to express remorse to the police about what you have done.

A caution is usually given for low level offences and to first time offenders but this is at the discretion of the police and the Crown Prosecution Service, there is no hard and fast rule on it. If you have been given a caution and re-offend it is unlikely you will receive another caution unless the new offence is minor and unrelated to the offence you were cautioned for, or two or more years have passed since you were given your first caution.

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What if I refuse to accept the simple caution?

If there is sufficient evidence against you the police are likely instead to charge you with the offence which means you will then have to go to court and if you plead guilty to the offence or are convicted by the court this means you will have a criminal conviction on your record. If you have committed the offence and are offered a caution in most cases it is better to accept it than to go to court for the simple reason that you will avoid a criminal conviction and also, punishment for the offence. You should always seek legal advice on this.

Will I have a criminal record if I accept a simple caution?

Yes. A caution will be recorded against you on the police national computer. It is not a criminal conviction so if you are asked whether you have any criminal convictions (assuming you only have a caution) you can quite properly say no. If you are asked whether you have any convictions or cautions then you will have to declare it. If you are unsure about this you should always seek legal advice. If you have received a caution and in future are convicted of an offence by the court, the court will be made aware of your caution when sentencing you for the new offence. In some cases a caution can be used against you as evidence of bad character.

2 Conditional caution

A conditional caution is very similar to a simple caution except as the name suggests, there are conditions attached to it. Again they are issued by the police and you do not have to go to court to receive one.

The conditions attached to the caution must either;

- Rehabilitate you; for example, to change your behaviour
- Allow you to make reparation; for example, to make good the damage you have caused.
- Punish you; for example, a financial penalty

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A conditional caution will usually be given after consultation with the police and the Crown Prosecution Service and often the victim.

What if I refuse to accept the conditional caution or fail to comply with conditions?

Quite simply, you will instead be charged with the offence and required to go to court.

Will I have a criminal record?

Yes. A conditional caution will be recorded on the police national computer and can be used against you in exactly the same way as a simple caution. It is not however, a criminal conviction.