

I'm an adult and I've  
been arrested - what can  
happen to me?



## Do I get legal advice?

You are entitled to **free, independent legal advice** if you are arrested and held at a police station. Ask the custody officer (the officer in charge of you) to arrange this for you. The custody officer will also give you a notice that explains your rights while you are in custody. If you have any doubts about your legal position, for example what the offence means and whether you are guilty, or what will happen to you if you accept one of the options set out below, **you should speak to a solicitor**.

## Will I go to court?

When the police think they have gathered enough evidence to get a conviction, the Crown Prosecution Service (CPS) can decide to take your case to court. If you are charged, you will appear before the magistrates' court. They will ask you to plead guilty or not guilty. If you plead guilty, the court will sentence you, and you will have a criminal record. If you plead not guilty, you can expect the case to go to trial.

## What are the alternatives?

The police can also deal with you in other ways, which are set out below, depending on the type of offence. These options, which don't involve going to court, are called out-of-court disposals. The police cannot discuss these options with you until after they have finished investigating the case.

## Cannabis warning

This is a spoken warning given by a police officer. They could give you a warning on the street or at the police station. The police may offer this if you are caught with a small amount of cannabis for your own use. They will also take the cannabis away from you. The police cannot give you a warning unless you admit it is your cannabis. The police officer will record that you have admitted to owning the cannabis and you will be asked to sign this record.

## Simple caution

A simple caution is a formal notice from a police officer that you have committed an offence. The police may offer you this if you have committed a minor offence and usually if you have not been in trouble before. The police can only give you a simple caution if you admit the offence and agree to be cautioned.

## Conditional caution

This is like a simple caution but you must keep to certain conditions. The conditions depend on the offence or on your circumstances, and must be approved by a Crown Prosecutor who is independent of the police. Examples of the sort of conditions that you might have to keep if you get a conditional caution include:

- paying compensation;
- writing a letter of apology to the victim;
- cleaning graffiti off walls; or
- taking part in a drug-rehabilitation programme.

The police can only give you a conditional caution if you admit to the offence and you agree to the conditions. If you do not agree to the conditions, or if you don't keep to them, you can expect to go to court for the original offence.

## Penalty Notice for Disorder

For some less serious offences, the police can give you a penalty notice for disorder (PND). They can do this whether or not you admit the offence. They can give you a PND on the street or another place such as your home or at the police station.

If the police give you a PND, you have two choices:

- you can accept the ticket, and pay a fixed fine within 21 days; or
- you can deny the offence and, within the same 21-day period, ask for a court hearing.

If you do not ask for a court hearing or pay within that time, you will have to pay a fine that is one-and-a-half times more than the original penalty (for example, an £80 PND would become a £120 fine). If you still don't pay, the court will take action to make you pay the fine. You could be sent to prison if you don't pay the court fine.

## How do these alternatives affect my future?

**Before you agree** to any of these disposals, you should make sure that you understand how your decision could affect your future. Although these disposals are **not** convictions, as you do not have to go to court if you accept and comply with them, **some or all** of the following may still apply to you as a result:

- Local police may keep their own record of your disposal.
- It may be recorded on the Police National Computer and form part of your formal criminal record, and may be shown to a court if you get into further trouble.
- It might be used in court as evidence of your bad character, as part of an application for bail or an application for an ASBO, or in other criminal proceedings (such as a trial).
- The police may tell your current employers about the disposal in certain circumstances.

- If in the future you apply for certain jobs, for example with the army or the police or working with children, you may need to tell the people you are applying to about this disposal. This may stop you getting the job.
- In some circumstances, cautions for certain offences will mean that you can't work in certain jobs where you have direct contact with children, such as a teacher, nursery assistant, child social worker, school bus driver, and voluntary jobs like coaching a youth football team. This could sometimes apply to you even if there is no direct contact, such as being a trustee of a children's charity.
- In some circumstances, it may mean that you are not allowed to travel to or work in some countries outside the European Union.
- If you are being dealt with for a sexual offence, it could mean that you are placed on the Sex Offenders' Register.

You will also face these restrictions if you are convicted of, or plead guilty to, the offence at court.

When it is decided which disposal is suitable for you, the police should explain the effects of that disposal to you before you agree to accept it. It is important that you **speak to a solicitor** before you accept a disposal if you are in any doubt about how this will affect your future.

## What else could happen to me?

You may have the offence **taken into consideration**. If you have admitted a number of offences, the police may decide to charge you with only some of them. These will usually be the most serious. The rest are placed on a list and you can ask the court to include them when you are sentenced for the offences you are charged with. Although your sentence is likely to be shorter than if you were charged with each of them separately, **you should take legal advice** before agreeing to this course of action. The police may decide to take **no further action** against you at this stage unless they find more evidence or other information.

**Before any decision is made**, you may be **bailed** to return to the police station later. This is normally to give the police time to finish investigating the offence without keeping you in police custody. Police bail is an agreement between you and the police that you will return to the police station on a certain day and time. Conditions may be attached to your bail – such as living at a particular address, or not being allowed to contact certain people. You can use this time to contact a solicitor so you can get advice before you go back to the police station.

**This leaflet does not affect your right to get legal advice.**



Criminal Justice System: working together for the public

Published by the Office for Criminal Justice Reform. July 2008.  
Product code: AOL/08 Reference: 286692

