

Why have I been offered a protected admission?

The offence that you have committed falls under the Young Offenders Act. Taking into account the type of offence and your criminal history, the police have decided that if you admit to the offence you are eligible for a caution.

What do I need to do before I make a protected admission?

You should always seek legal advice before making a protected admission. You can call the Legal Aid hotline, Aboriginal Legal Service or a solicitor of your choosing.

How do I make a protected admission?

During the interview you will admit your part in the offence. The police may be satisfied that the protected admission form signed by you and your legal representative is enough to offer you a caution.

- Before the interview the police will give you a document that tells you what the offences are that you may be questioned about.
- They will not ask you about any other offences during the interview.
- If you talk about other offences, the interview may be suspended. But what you say in the interview will not be used in criminal proceedings against you. The police will expect you to be honest about what happened and your role on the offence.

What will happen if I don't agree to make a protected admission?

If you do not make a protected admission the police may start criminal proceedings against you for the offence. You may be required to go to court. You will not be dealt with by caution if you have not admitted the offence.

What will happen when a protected admission is made but I don't return for the caution?

If you do not take advantage of the caution being offered and don't show up at the allocated time the process will go back to the start of the investigation.

NSWACT Aboriginal Legal Service

1800 765 767

If you are Aboriginal/Torres Strait Islander you can speak to an ALS lawyer on the telephone 24 hours a day, 7 days a week.

LEGAL AID HOTLINE

Free Service 1800 101 810

Monday to Thursday 9am to midnight
Fridays, Saturdays, Sundays and Public Holidays
- 24hrs

Information for Young People

Working Together To Build A Safer Community



NSW Police Force

YOUTH CAUTIONING

What offences can I be cautioned for?

Summary offences and indictable offences that can be dealt with immediately such as:

- ✦ damaging property (not graffiti)
- ✦ stealing
- ✦ break and enter
- ✦ assault (not domestic violence)
- ✦ possession of small quantities of prohibited drug

What do police consider when giving a caution?

- ✦ Seriousness of the offence
- ✦ Degree of violence involved in the offence
- ✦ Harm caused to any victim
- ✦ Number and types of offences committed by the young person
- ✦ If a young person commits numerous offences on the same occasion, they may receive a caution covering all the offences;
- ✦ A young person can receive a maximum of 3 cautions
- ✦ Any other matter the Investigating Officer thinks is appropriate in the circumstances.

What happens before a caution?

A written notice will be given to you containing information that you need to know:

- ✦ The offence for which the caution is given
- ✦ People who may be present at the caution. This may include a person responsible for you, an adult present with the consent of a person responsible for you or a legal practitioner chosen by you
- ✦ Date, time and place of caution
- ✦ Name of police officer who will be giving the caution
- ✦ Consequences if you fail to attend
- ✦ Your right to obtain legal advice
- ✦ Your right to have the matter dealt with by a court

Who may give a caution?

A caution is given by a police officer or a respected member of the Aboriginal community who has been trained to give a caution.

What is involved in a caution?

Cautions can take up an hour and may involve a written apology to the victim. A caution will generally involve the following steps:

- ✦ Introductions
- ✦ Explanation of the reason for the caution
- ✦ Looking at the offence – what happened; why; impact of offence on you, your family or support person, victim and community and consequences of future offending
- ✦ Cautions for drug matters might include discussion of health, social and legal

implications of illicit drug use and the provision of written information.

- ✦ Identifying ways to avoid future offending and acknowledge that a formal police record exists for the matter.

What happens after the caution?

- ✦ You will be given a written caution notice containing details of the caution you have just been given.
- ✦ You must sign this caution notice.

PROTECTED ADMISSIONS SCHEME

What is a protected admission?

- ✦ You must first admit to the offence before you receive a caution. (see your rights under the Young Offenders Act)
- ✦ If you decide not to admit to the offence, police may offer you the chance to make a protected admission because they believe the offence can be dealt with by giving you a caution rather than sending you to court.
- ✦ A protected admission means you can admit to the offence and police promise not to use anything you say during the interview in any criminal proceedings for any offence under any circumstances.
- ✦ Police will give you a paper that contains this promise in writing.
- ✦ You will not go to court if the police caution you for an offence.
- ✦ The police will give you a document which will contain this promise in writing.