



NSW Police Force

Criminal Infringement Notices (CIN)

WHAT IS A CIN?

A CIN is a Criminal Infringement Notice. Previously police have issued infringements for traffic, pedestrian, railway and other minor offences. Since 1 November, 2007 police officers have been issuing Criminal Infringement Notices, which are 'on-the-spot' fines for certain offences (see 'When can Police issue a CIN?'). In the past police have taken suspects into the station to be charged, now police can issue a CIN to some offenders on the spot.

WHY ARE POLICE NOW ISSUING CINS?

Criminal Infringement Notices provide police with another option to deal with criminal conduct. This option involves a streamlined process which means that officers will spend less time completing paperwork at the police station, allowing more time to be spent on the streets protecting the community. The Criminal Infringement Notices scheme will also allow police to accurately identify repeat offenders and to take appropriate action based upon that information.

WHEN CAN POLICE ISSUE A CIN AND WHAT ARE THE PENALTIES?

A CIN can be issued for the following seven criminal offence categories:

1. Stealing (less than \$300) - fine of \$300
2. Offensive Language - fine of \$150
3. Offensive Behaviour - fine of \$200
4. Unlawful entry of a vehicle/boat - fine of \$250
5. Obstruct Traffic - fine of \$200
6. Goods in Custody - fine of \$350
7. Continuation of intoxicated and disorderly behaviour following move on direction - fine of \$200

NOTE: Fine amounts quoted as at January 2012.

Certain conditions must apply before the issuing of a CIN is considered by the investigating police officer. However, even if these conditions exist, the issuing of a CIN is not mandatory and police will exercise their discretion to take the most appropriate action given the circumstances of each individual case.

WHAT HAPPENS IF I AM ISSUED WITH A CIN?

Police will speak to you about the incident and you will be informed of your obligations and rights. The investigating officer may ask you for your details and may take your fingerprints and photograph at that time. If eligible, you may then be issued with a CIN at the time of the offence or shortly after. If you are issued with a CIN a record of that fact will be made on the police computer system.

HOW DO I PAY IF I HAVE BEEN ISSUED WITH A CIN?

Details about how to pay are included on the CIN that has been issued. All payments are to be made to the State Debt Recovery Office, (SDRO). These infringement notices have payment and court election options similar to other types of infringement notices. Additional information is available by contacting SDRO.

Payment of a CIN will not result in the recording of a criminal record.

WHAT WILL HAPPEN IF I DO NOT PAY THE NOTICE IN THE 21 DAY PERIOD?

SDRO will issue a second one. This is called a penalty reminder notice. If you don't pay this within 28 days, your fine will be enforced. SDRO will then issue an enforcement order, with a \$50 cost added to the fine.

ARE THERE ANY OTHER PAYMENT OPTIONS?

Yes. You can pay the fine in instalments over two months, as long as it is paid in full by the due date on the penalty reminder notice. If you receive government benefits you can ask the SDRO to enforce your fine and then have payments made directly out of your Centrelink benefits. If your fine is enforced this way, you do not have to pay the \$50 enforcement cost.

Police, Fire, Ambulance

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In an emergency

Crime Stoppers

1800 333 000

Report crime anonymously

Police Assistance Line

131 444

For non emergencies



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CAN I SEEK A REVIEW OF A CIN?

Yes. Like any other penalty notice you may seek the review of a CIN. Any request for review should be forwarded in writing to the State Debt Recovery Office. Because police issue a CIN in place of commencing criminal proceedings all reviews are conducted by the NSWPF in the same manner that a criminal matter is reviewed following representations. Accordingly, any request for review will be forwarded to the Commander of the officer who issued the notice who will facilitate the review. The review will examine the sufficiency of evidence available to justify the issue of the notice as well as any discretionary issues which may arise including any reason you may provide for the conduct giving rise to the issue of the notice. In the context of this review advice will normally be sought from the Police Prosecuting Branch of the New South Wales Police Force.

HOW DO I CONTACT THE STATE DEBT RECOVERY OFFICE?

It is easy to contact the SDRO. It has a large call centre that runs Monday to Friday, between 8.00 am and 5.30 pm. The number is 1300 138 118. You can also email SDRO any time at fines@osr.nsw.gov.au. Alternately general information is available at www.sdرو.nsw.gov.au.

MAY I ELECT TO GO TO COURT AND WHAT HAPPENS IF I DO?

Yes, you may elect to go to court by completing a court election online at www.sdرو.nsw.gov.au or by simply notifying the SDRO in writing that you wish to have the matter heard in Court. You will then receive a notice to attend the Court.

Should you elect to take a CIN to court the matter will be heard before the court as if you had been charged with an offence and the police will need to prove you have committed the offence. All criminal infringement notices that are decided in court are shown on a person's criminal record. If the offence is proven in court it will appear as a conviction. If you are found not guilty, it will appear as a non-conviction.

NOTE: While the Court may dismiss the matter, it may also impose alternate penalties and additional costs if the case against you is proved.

MY FINGERPRINTS WERE TAKEN WHAT HAPPENS TO THOSE?

Should the CIN be paid the State Debt Recovery Office will inform the New South Wales Police Force that this payment has been made and your fingerprints will be destroyed. Should you elect to take the matter to Court the fingerprints will normally be retained by the New South Wales Police Force.

AM I ABLE TO SEEK LEGAL ADVICE?

Yes. Many community legal centres can provide help. A good place to start is LawAccess. It is a free government service that provides legal information, referrals and advice for people who have a legal problem in NSW. You can call LawAccess, between 9.00 am and 5.00pm Monday to Friday, on 1300 889 529 or go to www.lawaccess.nsw.gov.au for more information.

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