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NSW Police Force

Criminal Infringement Notice Standard Operating Procedures

Police Prosecutions Command

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Summary

These Criminal Infringement Notice SOPS provide Police Officers with important information and procedure on the issue of a criminal infringement notice. A CIN is an alternative to arrest and charge for specified criminal offences, freeing up Police from paperwork and attending court, allowing more time on the street for proactive patrols.

Important steps:

The following points summarise the issuing of a CIN:

- All police are authorised to serve a CIN on an adult offender.
- Can only be issued for prescribed criminal offences.
- Can NOT be issued to a person under the age of 18.
- Can NOT be issued to a person whose identity is not known.
- Can be issued to a Police Officer, only with Assistant Commissioner approval (see [Policy Statement](#))
- It remains the discretion of the officer in charge of the case as to the type of action to be taken in all the circumstances - can be other legal process.
- Reduces the potential risks associated with arrest and custody of the offender.
- Enables police officers to require persons, who are to be issued with CINs, to disclose their identity.
- Gives police officers the power to take fingerprints and palm prints of offenders when serving a CIN.
- Up to four (4) penalty notices can be issued to a person, including criminal infringement notices.
Note: Please refer to [Drug CIN SOPS](#) as the maximum amount CINS that can be issued differs.

Document Control Sheet

Document Properties

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1 Purpose

These Standard Operating Procedures give police a clear and defined step-by-step process when it comes to dealing with offences in this category. Whilst providing a quick and efficient means of taking action when one of the eligible offences is detected, it is a convenient method for the suspect to take responsibility for their offending without attending court and having a conviction recorded against their name.

1.1 Scope

These Standard Operating Procedures apply to all NSWPF staff.

1.2 Roles & responsibilities

Assistant Commissioner – PPLEC	Document Sponsor
Commander – Police Prosecutions Command	Document Owner
Inspector or above	Can provide authorisation for the withdrawal of CINs
Command office – Police Prosecutions Command	<ul style="list-style-type: none">• Manage reviews and updates of this document• Communicate changes to staff• Provide Governance Command with updates
All staff	Must comply with these SOPs when dealing with CINs

2 Appropriateness of a CIN

2.1 The Act

Chapter 7, Part 3 of the *Criminal Procedure Act 1986* (NSW) permits police officers to issue penalty notices known as Criminal Infringement Notices (CINs) for prescribed offences.

Schedule 4 of the *Criminal Procedure Regulation 2017* (NSW) identifies the offences who which an officer is permitted to serve a Criminal Infringement Notice (CIN) on a person whom they reasonably believe have committed a prescribed Criminal Infringement Notice offence under certain circumstances.

Part 3 makes clear that the issue of a CIN is discretionary, and the Part does not require a police officer to issue a CIN rather than taking other action.

2.2 Who can be issued a CIN?

A criminal infringement notice can only be issued to persons over the age of 18 years whose identity has been confirmed and meet the offence criteria.

Special Note: The capacity to issue a CIN does not remove other options available to police to take action for any offence. Police can proceed by other legal process that may be more appropriate.

2.3 Service of a CIN

The CIN should be served on the offender at the time of the event. If further time is needed for inquiries, reasonable attempts should be made to serve the CIN personally, before postal service is considered.

2.4 Prescribed Offences for CINs

CINs can only be issued for the following offences:

- Larceny where property stolen value is under \$300 (Section 117 *Crimes Act 1900*)
- Goods in Custody (Section 527C *Crimes Act 1900*)
- Offensive Conduct (Section 4(1) *Summary Offences Act 1988*)
- Offensive Language (Section 4A (1) *Summary Offences Act 1988*)
- Obstructing Traffic (Section 6 *Summary Offences Act 1988*)
- Unauthorised entry of vehicle/boat (Section 6A *Summary Offences Act 1988*)
- Continuation of intoxicated and disorderly behaviour following move on direction (Section 9 *Summary Offences Act 1988*)
- Possess Prohibited Drug (Section 10 *Drug Misuse and Trafficking Act 1985*)

Note – Refer to [Drug CIN SOPs](#) for a guideline on the issuing of CINS for Possession of a Prohibited Drug.

More detail on the above applicable offences is available in the [Fixed Penalty Handbook](#).

2.5 Circumstances where CIN cannot be issued

- Domestic violence offences
- When the offender is seriously intoxicated, or drug affected (where the person is not able to comprehend the procedure)
- Continuing offences – when the offender refuses police requests to stop the offence.
- Industrial disputes and public demonstrations
- Where the incident requires further investigation, a CIN should not be considered.
- All other offences, unless specified prescribed offences as per sch 4 *Criminal procedure Regulation 2017*.

Note: If you are considering issuing a CIN for Possession of a Prohibited Drug, please refer to [Drug CIN SOPs](#) as the criteria for issuing this CIN is different.

2.6 Issuing a Criminal Infringement Notice to a police officer

To ensure the process is fair and there is no conflict of interest in issuing the notice, a police officer cannot issue a criminal infringement notice to another police officer without the approval of an Assistant Commissioner or above.

This policy position is adopted to achieve the following objectives:

- Reduce unnecessary burden on the Office of the Director of Public Prosecutions
- Allow fast and effective action to address the misconduct of members of the NSW Police Force

- Reduce lengthy delays in finalising matters, reducing the impact on internal witnesses and subject officers.

For more details, refer to the [Issuing a Criminal Infringement Notice to a police officer Policy Statement](#).

2.7 Multiple Offences

If the offender has committed a number of offences, all matters should be dealt with by the same process, whether Court Attendance Notice, Field Court Attendance Notice or CIN.

Note: Only FOUR criminal infringement notices can be issued to the offender at the time of service. But, if you are issuing a CIN for Possession of a Prohibited Drug, please refer to [Drug CIN SOPS](#) as the criteria for issuing this CIN is different.

2.8 Continuation of Offending

If the offender refuses police requests to stop committing the offence (e.g., conduct, language), police should not issue a CIN but proceed by other available options.

2.9 Repeat Offenders

When considering a CIN for a person who has a long criminal history, or a history of similar offences, other forms of process may be an option to ensure the most suitable outcome for the community.

2.10 Effect of paying the CIN

If the penalty of the CIN is paid, a criminal record of the offence is not kept. However, there is a record of the CIN under legal process history.

3 Procedure for Issuing a CIN

- Conduct an initial investigation to establish an offence has been committed.
- Ensure the offence can be dealt with by issuing a CIN.
- Consider other available alternatives – Caution, Field CAN, CAN or arrest and charge.

3.1 Suspect Identification

Police must be certain of the identity of a suspect prior to issuing a CIN.

Section 341 of the *Criminal Procedure Act 1986* gives police the power to request the name and address of the suspect, and then request verification of those particulars.

A police officer may make this request only if at the time of making the request the police officer:

- a) provides evidence to the person that he or she is a police officer (unless the police officer is in uniform), and
- b) provides his or her name and place of duty, and
- c) informs the person of the reason for the request, and
- d) warns the person that failure to comply with the request may be an offence

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Failure of the suspect to supply name and address particulars on request or provision of false details to police, is an offence (s 341(3) *Criminal Procedure Act 1986*).

However, it is not an offence if the suspect fails to supply evidence of their identity (such as a driver's licence) to police. In the absence of evidence or other verifiable information which confirms a suspect's identity, a CIN cannot be issued.

If there is any doubt as to the identity of the suspect, you should proceed with other options, i.e., arrest and charge.

The taking of fingerprints from a person upon issue of a CIN is carried out under Section 138A(1) *Law Enforcement (Powers & Responsibilities) Act 2002*.

Undertake a Criminal Names Index (CNI) check to ensure there are no outstanding arrest warrants or other criminal matters.

3.2 Service of CIN

Complete the CIN legibly and correctly.

Refer to the [Fixed Penalty Handbook](#) for offence details.

Serve Part C of the CIN on the suspect.

The preferred option for service is that a CIN be issued on the spot. However, it is recognised that there will be cases where there are good reasons to issue a notice at a later date whether personally or by post. Postal service should only occur after reasonable attempts to serve the notice in person have been exhausted.

If further inquiries are needed, the maximum time period to serve a CIN is 14 days only.

3.3 Taking Fingerprints in the field

Request the suspect's consent to having fingerprints taken. Your ability to do such is contained within s138A *Law Enforcement Powers and Responsibilities Act 2002*.

Issue a warning to them that if they don't consent to their fingerprints being taken, they may be arrested for the offence. Fingerprints should be taken at the time of the offence. They cannot be requested when a CIN is served at a later time.

Advise the suspect that if the CIN is paid, their fingerprint record for the offence will be destroyed.

Note: The use of Field ID for fingerprinting is imperative every time a CIN is issued.

3.4 COPS Entry for a CIN

Following the issue of a CIN, the officer in charge will complete the COPS event.

Note: Police from other locations performing duty in a PAC must create the event under the profile of that PAC where they completed their shift.

The following information is to be included in the COPS event:

- Suspect's details
- Details of the offence
- Any exhibits seized with appropriate EFIMS reference
- CIN number
- Suspect status under the Legal Process Field

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- Indication whether the suspect is of Aboriginal or Torres Strait Islander descent

Prior to completing your COPS entry, ensure you:

- Forward Part A of the CIN to State Debt Recovery Office.
- Book up all exhibits as required on EFIMS.

3.5 Withdrawal of a CIN

When a CIN needs to be withdrawn due to being inadvertently issued, the criteria not being met, or further information is revealed, a **Senior Police Officer** may withdraw the CIN at any time (s 340 *Criminal Procedure Act 1986*).

A Senior Police Officer is a Police Area Commander, Police District Commander, a Duty Officer, or any other police officer of the rank of Inspector or above (s 332 *Criminal Procedure Act 1986*).

- When a CIN is withdrawn, investigating Police must:
- Update the COPS event to the effect that the CIN is withdrawn,
- Notify victims and witnesses,
- Inform the suspect where possible,
- If further legal process is considered, amend the POI status on COPS from “legal process” to “suspect” or “wanted” (whichever is applicable). Create a charge on COPS that will link to this event,
- Endorse ‘withdrawn’ on Part A of the CIN and forward it attached to a report to the State Debt Recovery Office.

Note: When you have issued an infringement notice which requires withdrawal, do not attempt to retrieve it from the person to whom it was issued.

3.6 Cancellation of a CIN

If an error is made preparing a Criminal Infringement Notice (prior to service), or you commence a CIN and decide to deal with the matter differently:

- Endorse all parts with the word ‘cancelled’
- Include the reason and action taken
- Sign the cancelled notice and write your name, rank, station, and date.
- Cross reference it to any new notice, event, or charge for the incident.
- Show the cancelled notice to your Supervisor
- Remove Parts A and C, staple them together & send them to State Debt Recovery Office.

4 Compliance Requirements and Internal Controls

4.1 All Police Officers

Report any discrepancy in any Penalty Notice Book to your Supervisor or Duty Officer Ensure internal security of the Penalty Notice Books.

4.2 Shift Supervisors

- Ensure internal security of the Penalty Notice Books
- Check daily clearance of notices
- See that cancelled notices are regularly checked against the IPB report

4.3 Driver Handing Over Vehicle

When you hand over the vehicle, to which the books are on issue, ensure all notices are completed and Part 'A' notices are removed.

When the vehicle is not immediately handed over, hand the books to the officer performing station duty for safekeeping.

4.4 Driver Receiving Vehicle

Ensure penalty notice books are received in good order and condition.

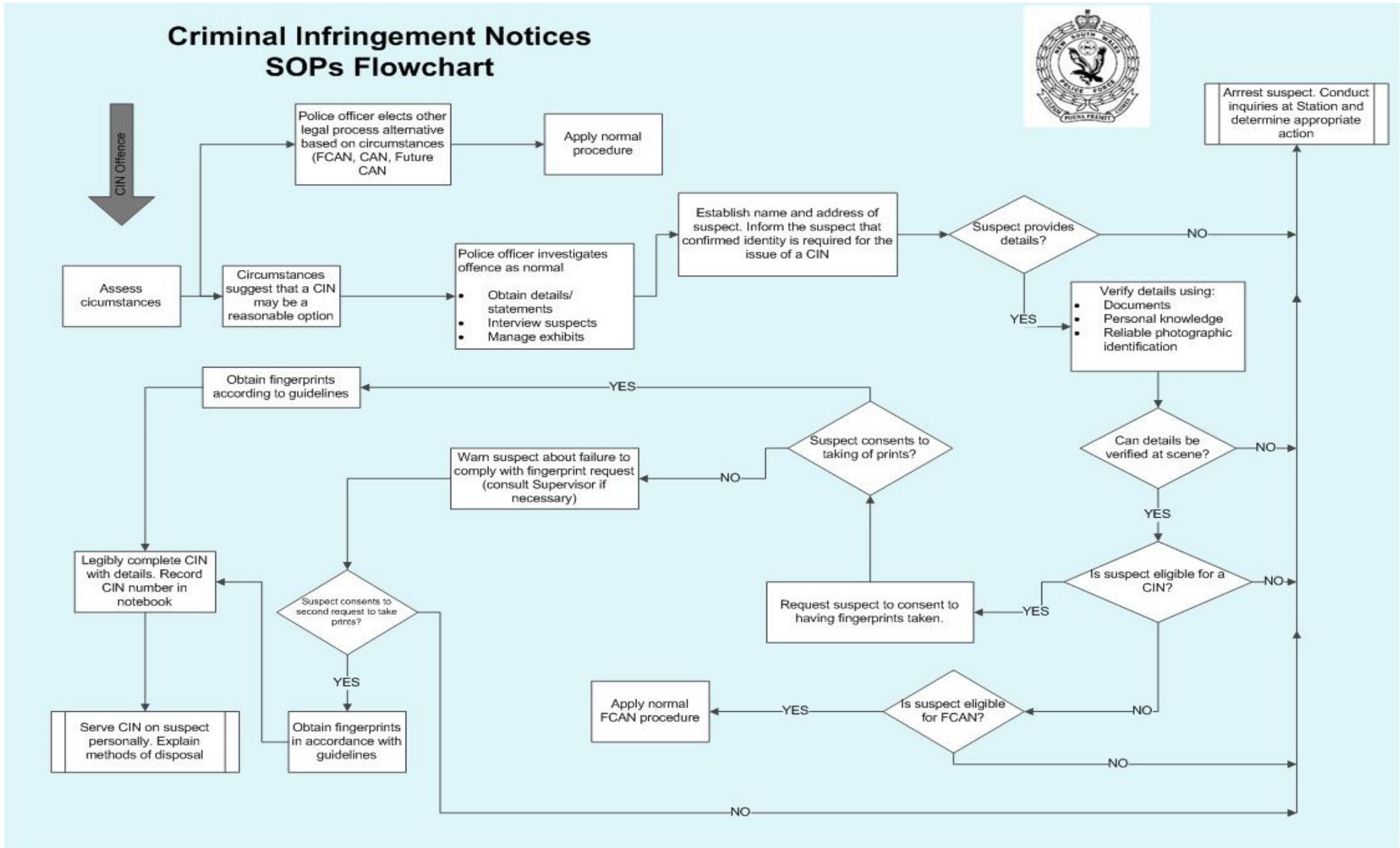
4.5 Daily Record of Penalty Notice Books

Keep a daily record of penalty notice books at your station or office.

When the books are taken out and returned record:

- the book number,
- the time and date taken/returned,
- the next penalty notice number,
- signatures of the issuing, receiving, and returning officers.

5 CIN Flow Chart



6 Endnote References

ⁱ Policy format and name changed to comply with CET Memorandum D/2023/1307809.