

我是成年人並被拘捕了 – 會有什麼發生呢？

我會得到法律指導嗎？

如果你被拘捕及扣押在警署，你有權得到**免費和獨立的法律指導**。請要求扣押警員（負責你案件的警員）替你安排。扣押警員亦會給你一份通知書，解釋你在扣押期間的權利。如果你對你的法律處境有任何疑慮，例如所犯的罪行是什麼意思及你是否犯罪，或如果你接受以下其中一個選擇會有什麼發生，**你應與律師商談**。

我要上法庭嗎？

當警方認為已搜集足夠的入罪證據，刑事檢控服務 (Crown Prosecution Service – CPS) 可以決定將你的案件交由法庭處理。如果你被檢控，你須在裁判法庭 (magistrates' court) 出庭。他們會問你是否認罪。如果你承認控罪，法庭會判刑，及你會有刑事記錄。如果你不認罪，你可以預期案件會排期審訊。

有什麼其他選擇呢？

視乎所犯的罪行類別，警方亦可以用下述其他方法來處理你的案件。這些選擇並不涉及上法庭，稱為庭外處理。警方要完成了案件的調查工作後，才能與你討論這些其他選擇。

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.

大麻警告 (Cannabis warning)

這是由警員發出的口頭警告。他們可以在街上或在警署內向你發出口頭警告。如果你被發現藏有小量大麻供你個人使用，警方可能會提出這個選擇。他們亦會沒收你的大麻。除非你承認這些大麻是屬於你的，否則警方不能向你發出警告。警員會記錄你承認藏有大麻，並要你在這份記錄上簽名。

簡單警誡 (Simple caution)

簡單警誡是警員向你發出的正式通知，說明你犯了一項罪行。如果你犯了一項輕微罪行，及通常若你從未犯過事，警方可能會向你提出這個選擇。警方只可以在你承認罪行及同意接受警誡的情況下，才能作出簡單警誡。

有條件警誡 (Conditional caution)

這是類似簡單警誡，但你必須遵守某些條件。訂出的條件視乎所犯的罪行或你的情況而定，並必須得到刑事檢控官 (Crown Prosecutor) 的批准，他們是獨立於警方的。如果你接受有條件警誡，你可能要遵守的一些條件的例子包括：

- 作出賠償；
- 寫道歉信給受害者；
- 清洗牆壁上的塗鴉；或
- 參加一個戒毒康復計劃。

警方只可以在你承認罪行及同意所有警誡條件的情況下，才能向你作出有條件警誡。如果你不同意或不遵守這些條件，你可以預期為原犯的罪行上法庭。

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.

擾亂秩序罰款通知書 (Penalty Notice for Disorder)

至於一些較為輕微的罪行，警方可以向你發出擾亂秩序罰款通知書 (PND)。不論你是否承認罪行，他們都可以這樣做。他們可以在街上或其他地方，例如你的住所或警署，向你發出 PND。

如果警方向你發出 PND，你有兩個選擇：

- 你可以接受這罰款通知書，並在 21 天內繳交定額罰款；
或
- 你可以否認罪行並在同樣的 21 天內要求進行法庭聆訊。

如果你未有在這期限內要求法庭聆訊或繳交罰款，你須繳交的罰款將會是原來罰款額的一倍半（例如，一張 £80 的 PND 會變成 £120 罰款）。如果你仍不繳款，法庭會採取行動命令你繳交罰款。如果你不繳交法庭判的罰款，你可能會被判入獄。

這些其他選擇會對我的將來有何影響？

在同意以上任何處理方法前，你要肯定你明白作出的決定會對你的將來有何影響。雖然這些處理方法並非是定罪，因為如果你接受及遵守它們便無須上法庭，但以下一部份或所有情況仍可能會發生：

- 當地的警署可能會自行保存你案件的處理記錄
- 這可能會記錄在警方全國電腦 (Police National Computer) 上，並成為你的正式刑事記錄的一部分，及如你日後再犯事，可能會將這記錄呈堂。
- 在日後申請保釋或 ASBO 時，或在其他刑事程序（例如審訊）上，可能會在庭上用這記錄來證明你品德不良。
- 在有些情況下，警方可能會告訴你現任的僱主這宗已處理的案件。

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.

- 如果你日後申請某些職位，例如軍隊或警隊，或接觸兒童的工作，你可能需要告訴這些僱主這宗已處理的案件，因而可能無法得到該職位。
- 在有些情況下，因某些罪行而接受警誡會意味著你不能從事一些與兒童有直接接觸的工作，例如教師、幼兒園助理、兒童社會工作者、校巴司機，和一些志願工作，例如擔任青少年足球隊教練。即使沒有直接接觸，有時你仍會受此限制，例如作為一個兒童慈善組織的信託人。
- 在某些情況下，這可能意味著你不能到歐盟以外的一些國家旅遊或工作。
- 如果你所犯的是一宗性罪案，這可能意味著你的名字會被列入性罪犯登記冊 (Sex Offenders' Register) 內。

如果你被裁定有罪，或在法庭上承認控罪，你亦會受到這些限制。

當警方決定了哪個處理方法適合你後，在你同意接受前，他們應向你解釋該處理方法的後果。最重要的是，如果你擔心這方法會對你的將來有何影響，你應先與一位律師商談後才接受該方法。

- 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.

還會有什麼發生呢？

你可以要求在判刑時將你所犯的罪行**考慮在內**。如果你承認了多項控罪，警方可能會決定只控告你其中一些罪行，通常會是那些最嚴重的罪行。他們會將其他的罪行列入一張清單內，當法庭就你被控的罪名判刑時，你可以要求法庭包括這些其他罪行在內。雖然你被判的刑期很可能會比以個別罪名檢控的較短，**你應尋求法律指導**才同意採取這行動。除非警方發現了更多證據或其他資料，他們在此階段可能決定**不會採取進一步行動**。

在作出任何決定前，你可能獲准保釋外出，然後再返回警署。這通常是為了讓警方有時間完成這宗罪案的調查，而無須將你扣押在警署。警方保釋是你與警方之間的協議，你承諾會在指定的日期和時間返回警署。你的保釋可能會附帶條件 – 例如要在指定的地址居住，或不可與某些人接觸。你可以利用這段時間去見律師，以便能在返回警署前得到指導。

這份小冊並不影響你獲得法律指導的權利。

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

