

Waxaan ahay qof weyn waana la i xiray - maxaa igu dhici kara?

Miyaan helayaa talobixin sharciyeed?

Waxaad xaq u leedahay **talobixin sharciyeed oo madaxbannaan, bilaashna ah** haddii lagu xiro oo lagugu hayo saldhig booliis. Sarkaalka haynta (custody officer) (sarkaalka adiga kaa masuul ah) weydiiso in uu taas kuu diyaariyo. Sarkaalka hayntu waxuu weliba ku siin doonaa ogaysiin kuu sharxaysa xuquuqdaada muddada lagu hayo. **Waa in aad looyar (qareen) la hadasho**, haddii aad ka shaki qabto xaaladdaada sharciyeed, matalan waxa dembigu uu ka dhigan yahay iyo haddii dembiga aad geysatay, ama waxa kugu dhici doona haddii aad aqbasho mid ka mid ah fursadaha hoos ku qeexan.

Miyaan maxkamadda tegi doonaa?

Marka ay booliisku u maleeyaan in ay soo ururiyeen daliil ku filan si dembiga laguugu xukumo, Adeegga Ciqaabmarinta ee Boqortooyada (Crown Prosecution Service) (CPS) ayaa go'aansan kara in dacwaddaada maxkamadda la geeyo. Haddii dembiga lagugu eedeeyo, waxaad hortagi doontaa maxkamadda dembiyada fudud (magistrates' court). Waxay kaa codsan doonaan in aad dembiga qirato ama diiddo. Haddii aad dembiga qirato, maxkamaddu xukun ayay ku saari doontaa, waxaana lagu samayn doonaa diiwaan dembiyeed. Haddii aad dembiga diiddo, waxaad filan kartaa in dacwadda maxkamadda la mariyo.

Waa maxay waxyaabaha kale ee la samayn karo?

Siyaabo kale ayay booliisku adiga wax kaaga qaban karaan, kuwaasoo hoosta ku qeexan, iyagoo ku xiran nooca dembiga. Fursadahaas, aanan ka koobnayn tegidda maxkamadda, waxaa loo yaqaanaa fursadaha maxkamadda ka baxsan. Booliisku fursadahaas kaalama hadli karaan ka hor inta aanay dhammayn baaristooda dacwadda.

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.

Digniinta xashiishadda (cannabis)

Tani waa digniin oraaah ah oo laga helo askari. Waxuu askarigu digniin kugu siin karaa waddada ama saldhigga booliiska. Waxay booliisku taas kuu soo bandhigi karaan haddii lagugu qabto xashiishad qiyaas yar oo aad adigu rabto in aad isticmaasho. Xashiishadda ayay weliba kaa qaadi doonaan. Booliisku digniin kuma siin karaan haddii aad qiran weydo in xashiishadda aad adigu leedahay. Waxuu askarigu weliba diiwaan gelin doonaa in aad qiratay in aad xashiishadda adigu leedahay waxuuna kaa codsan doonaa in aad diiwaangelintaas saxiixdo.

Digniinta rasmiga ah ee sahlan

Digniinta rasmiga ah ee sahlan waa ogaysiintaada rasmiga ah in aad dembi geysatay taasoo uu askari bixiyo. Waxay booliisku taas kuu soo bandhigi karaan haddii aad geysatay dembi fudud iyo caadi ahaan haddii aadan hore dhibaato u keenin. Waxay booliisku digniinta rasmiga ah ee sahlan ku siin karaan uun haddii aad dembiga qirato oo aad oggolaato in si rasmi ah laguugu digo.

Digniinta rasmiga ah ee shuruud leh

Tani waxay la mid tahay digniinta rasmiga ah ee sahlan laakiin waa in aad ku eekato shuruudo gaar ah. Shuruuduhu waxay ku xiran yihiin dembiga ama xaaladdaada, waana in uu anshaxiyo Xeer ilaaiye Boqortooyeed (Crown Prosecutor) oo booliiska ka madaxbannaan. Tusaalooyinka nooca shuruudaha ee kugu waajibi kara in aad xaafiddo haddii lagu siiyo digniinta rasmiga ah ee shuruud leh waxaa iyaga ka mid ah:

- bixinta magdhaw;
- warqad cududaarasho oo aad dhibbanaha u qorto;
- feegaar aad derbiyo ka nadiifiso; ama
- ka qayb qaadashada barnaamij baxnaanis mukhaadaraad.

Waxay booliisku digniinta rasmiga ah ee shuruud leh ku siin karaan uun haddii aad dembiga qirato oo aad shuruudaha oggolaato. Haddii aad shuruudaha diiddo, ama haddii aad iyaga ku eekaan weydo, waxaad filan kartaa in maxkamadda lagu geeyo dembigii ugu horreeyey.

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.

Ogaysiinta Ganaaxa ah ee loogu talagalay Qalalaasaha (Penalty Notice for Disorder)

Wixii khuseeya dembiyada fudud qaarkood, waxay booliisku ku siin karaan ogaysiin ganaax ah oo loogu talagalay qalalaasaha (PND). Waxay taas samayn karaan haddii aad dembiga qirato iyo haddii kaleba. Waxay PND kugu siin karaan waddada ama meel kale sida gurigaaga ama saldhigga booliiska.

Haddii booliisku ay ku siiyaan PND, laba wax ayaad kala dooran kartaa:

- tigidhka waad aqbali kartaa, oo waxaad ganaax go'an ku bixin kartaa 21 maalmood gudahood; ama
- waxaad inkiri kartaa dembiga oo, isla muddadaas 21 maalmood gudaheed, waxaad ku codsan kartaa dhegeysi maxkamadeed.

Haddii aad watigaas ku codsan weydo dhegeysi maxkamadeed ama ku bixin weydo ganaaxa, waxaa kugu waajibi doonta in aad bixiso ganaax hal jeer iyo nus kor u dhaafsan ganaaxii ugu horreeyey (matalan, PND £80 ahaa wuxuu noqon doonaa ganaax £120 ah). Haddii aad weli bixin weydo, waxay maxkamaddu kaa qaadi doontaa tallaabo kugu kallifaysa in aad ganaaxa bixiso. Xabsiga ayaa lagu dhigi karaa haddii aad ganaaxa maxkamadda bixin weydo.

Sidee ayay waxyaabahaas kale ee la samayn karo u saamaynaayan mustaqbalkayga?

Ka hor inta aadan oggolaan mid kastoo ka mid ah fursadahaas diyaarka ah, waa in aad hubiso in aad fahansan tahay sida uu go'aankaagu u saamayn karo mustaqbalkaaga. Inkastoo fursadahaasi aanay ahayn xukumaadyo, maadaama **aanay** khasab kugu ahayn in aad maxkamadda tagto haddii aad iyaga aqbasho oo aad addeecdo, haddana waxyaabahan soo socda **qaarkood ama dhammaantood** ayaa ka dib weli kugu dabbakhmi kara:

- Booliiska xaafadda ayaa iyagu gaar ahaan u diiwaan gashan kara fursadda aad aqbasho.
- Waxaa lagu diiwaan gelin karaa Kumbiyuutarka Qaran ee Booliiska (Police National Computer) waxayna qayb ka noqon kartaa diiwaankaaga dembiyeed ee rasmiga ah, maxkamad ayaana la tusi karaa haddii aad dhibaato kale geysato.
- Waxaa caddayn looga dhigi karaa dabeecaddaada xun, marka aad damiinasho codsato ama marka ASBO (amarka akhlaaqda bulshada u daran) lagu codsado, ama goorta dacwadaha kalee dembiyeed (sida maxkamad aad marto).

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.

- Mararka qaar waxay booliisku loo-shaqeeyahaaga hadda u sheegi karaan fursadda aad aqbasho.
- Haddii aad mustaqbalka codsato shaqooyin gaar ah, matalan shaqooyinka ciidaanka militariga ama booliiska ama shaqada loo qabto carruurta, waxaad u baahan kartaa in dadka aad shaqada ka codsanayso aad u sheegto fursaddaas aad aqbasho. Waxay taasi kaa horjoogsan kartaa in shaqada lagu siiyo.
- Mararka qaar, digniinaha rasmiga ah ee dembiyo gaar ah laga bixiyo waxay keeni doonaan in aadan qaban karin shaqooyin gaar ah oo ka kooban xiriir toos ah oo aad la yeelato carruurta, sida macallin, kalkaaliye xannaano, hawlwadeenka bulsheed ee carruurta, darawalka baska dugsiya, iyo shaqooyin samafal ah sida tababaridda koox kubadda cagta oo dhallinyaro ah. Waxay taasi mararka kugu dabbakhmi kartaa xataa haddii aadan xiriir toos ah la yeelanayn, sida ammaano-hayaha hay'ad samafal ah oo carruurta loogu talagalay.
- Mararka qaar, waxay taasi ka dhignaan kartaa in aanan lagu oggolayn in aad u safarto ama ka shaqayso waddamo ka baxsan Midowga Yurub (European Union).
- Haddii lagu haysto dembi galmeed, waxay taasi keeni kartaa in lagu geliyo Diiwaanka Dembiileyaasha Galmeed (Sex Offenders' Register).

Waxay xannibaadyadaasi weliba kugu wajahi doonaan haddii maxkamadda lagaaga xukumo, ama aad ku qirato dembiga.

Marka laga go'aan gaaro fursadda kugu habboon, waa in ay booliisku kuu macneeyaan saamaynta ay fursaddaasi kugu yeelanayso ka hor inta aadan oggolaan in aad iyada aqbasho. Waxaa muhiim ah in aad **looyar la hadasho** ka hor inta aadan fursad aqbalin haddii aad ka shaki qabto sida ay taasi mustaqbalkaaga u saamayn doonto.

- 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.

Maxaa kaloo igu dhici kara?

Waxaa lagu **tixgelin karaa** dembiga. Haddii aad qiratay dhowr dembi, waxay booliisku go'aansan karaan in ay kugu eedeeyaan uun qaar kuwaas ka mid ah. Waxay kuwaasi caadi ahaan noqon doonaan kuwa ugu daran. Kuwa kale waxaa la gelinayaa liis waxaanad maxkamadda ka codsan kartaa in ay kuwaas ku darto marka xukun lagaa saarayo dembiyada lagu eedeeyey. Inkastoo la filanayo in xukunkaagu uu ka yaraado haddii mid kaste lagu eedayn lahaa si gooni ah, **waa in aad haddana raadsato talobixin sharciyeed** ka hor inta aadan oggolaan tallaabadaas. Waxay booliisku go'aansan karaan in **aanay tallaabo kale** waqtigaas kaa qaadin haddii aanay helin daliil dheeraad ah ama warbixin kale.

Ka hor inta aanan go'aan la gaarin, waxaa laga yaabaa in **damiinasho lagugu sii daayo** si aad saldhigga booliiska ugu soo noqoto goor dambe. Taasi waxa weeyaan si booliiska loogu fasaxo waqti ay ku dhammaystiraan baaritaanka dembiga adiga oo aanay booliisku ku sii hayn. Damiinashada booliisku waa heshiis adiga iyo booliiska idin dhex mara oo dhigaya in aad saldhigga booliiska ku soo noqon doonto maalin iyo saacad gaar ah. Shuruudo ayaal lagu xiri karaa damiinashadaada – sida ku noolaanta cinwaan gaar ah, ama kuu diidista in aad dad gaar ah la xiriirto. Waqtigaas ayaad la xiriiri kartaa looyar si aad talobixin u hesho ka hor inta aadan saldhigga booliiska ku noqonin.

Buugyarahani ma saamaynayo xaqa aad u leedahay in aad hesho talobixin sharciyeed.

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



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