

CAUTIONS GIVEN BY AN GARDA SÍOCHÁNA

If a group of teenagers are caught by the Gardaí underage drinking at the park, their names and details will be taken and entered into the PULSE system.

PULSE is a computer system used by An Garda Síochána to **record all criminal activities.**



If one of the teenagers was caught underage drinking again then they would be put forward to the **Juvenile Diversion Programme.**



The aim of this programme is to prevent people under 18 who are involved in criminal activity from entering into the full criminal justice system by offering them a **second chance.**

The young person may receive a **caution** from the Gardaí instead.



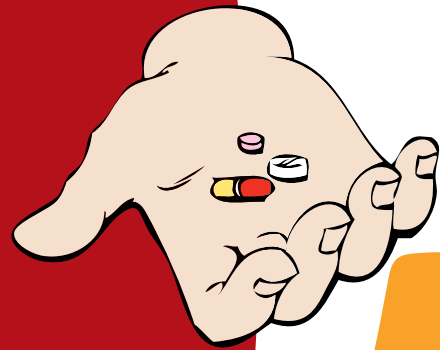
WHAT IS A CAUTION?

A caution is a **warning** given by An Garda Síochána for committing certain types of criminal behaviour. This may be given instead of the formal process of charge and prosecution of offences.

There are two types of cautions:

Formal and informal.

Formal cautions are **more serious** than informal cautions, such as if a youth got caught with the possession of drugs on their person.



Under the scheme, those caught must:

- **accept their guilt.**
- **understand what a caution is.**
- **give their consent** to being cautioned.

HOW IS A FORMAL CAUTION DELIVERED?

- The child, their parents or guardians, and a Juvenile Liaison Officer must all be present when the caution is delivered.
- The victim of the crime may also be invited to attend.



- The Garda discusses the behaviour and highlights to the child the seriousness of their actions.
- The child may be invited to apologise to the victim and to make financial or other amends.
 - The formal caution normally takes place in a Garda station to highlight the seriousness of the situation to the child.

HOW IS AN INFORMAL CAUTION GIVEN?

- The informal caution given for less serious criminal behaviour such as vandalism, damage to property, underage drinking may be given at the child's home or in a Garda station.
- The only people who need to attend while the caution is being given are the parents or guardians of the child.



ADULT CAUTIONING SCHEME

The Adult Cautioning Scheme may be available as **an alternative to prosecution** for those over 18 years old. This happens where there is evidence that the person has committed the crime and **prosecution is not in the public interest.**

Adult cautions are not included in Garda vetting reports and police certificates.

THE PUBLIC INTEREST

In order for the Garda Superintendent to issue a caution, it is important for the Gardai to look at the particular circumstances such as if it is in the public interest for the person to be prosecuted, the public might believe that a caution is **not enough.**

HOW ARE THE VIEWS OF THE VICTIM CONSIDERED?

If the victim believes that a caution should not be given, any reasons offered must be carefully considered by the Garda Superintendent.

However, the Superintendent might still issue a caution.



THE CAUTIONING PROCEDURE

A Garda Superintendent gives the Adult Caution.

The caution takes place in a Garda station. The adult is **required to give their signature** to confirm that they agree to accept the caution.

They must also agree to the fact that the **caution will be recorded** and it will be made known should they appear in court for any other criminal activity.

The idea of the caution is that it should only be given **once** to an offender.



A legal change now allows gardaí to caution, rather than charge, people caught in possession of cannabis for their own personal use. The development applies to **a first offence and only to cannabis**.

The Gardaí can still prosecute if they believe it is not appropriate in the circumstances to give a caution.

These are just some of the offences which are eligible for the Adult Cautioning Scheme:

- Being drunk in a public place
- Disorderly conduct in a public place
- Threatening, abusive or insulting behaviour in a public place
- Failure to comply with a direction (order) of a Garda
- Entering a building etc. with intent to commit an offence
- Theft - where the value of the property does not exceed €1000
- Making off without payment (where the value of the payment is less than €1,000)
- Damaging property (where the value of the property damaged is less than €1,000)

