

Adult Simple Cautions – Quick Guide

The Ministry of Justice guidance applies to all decisions relating to simple cautions. Whilst simple cautions are available for any offence they are primarily intended for **low level offences**, mainly **first time offending**. An assessment of the seriousness of the offence is the starting point for considering whether a simple caution may be appropriate. **All decisions on Cautions should be referred to an officer of at least the rank of Sergeant.**

Suitable for Caution

- Offender 18 years or over at the time the caution is given
- Gravity Matrix applied and caution is deemed appropriate disposal
- Clear and reliable admission to all elements of the offence (PACE Compliant)
- Sufficient evidence for a realistic prospect of conviction
- The public interest test can be best served by issuing a caution rather than a prosecution
- The offender consents to accepting the caution
- Sufficient time lapse (at least 2 years) following previous sanction for like offence and current offence is low level or caution is likely to be best outcome for the victim and offender unless an Inspector determines there are *exceptional circumstances*

Not Suitable for Caution

- Likely sentence - The offender would be likely to get custodial sentence on conviction or a high level community order
- Offender was on police or court bail when offence committed.
- Offence was committed prior to beginning a custodial sentence.
- Offender is under 18
- Gravity Matrix deems offence not appropriate
- Suspect has raised a defence or has not made a clear and reliable admission.
- Suspect is unwilling to accept the caution
- Offence forms part of a pattern of offending
- Offender has in the last two years been convicted of or cautioned for a similar offence (unless there are exceptional circumstances – Inspectors Authority required)
- Public interest test requires prosecution
- Offender is on prison recall or serving prisoner

- **Indictable only offences** – must be referred to a Superintendent then authorised by CPS
- **Specific Either Way offences** – These require the authority of an Inspector before a caution can be offered (refer to MoJ Annex B): -
 - Offensive weapon and bladed article offences;
 - Carrying a firearm in a public place;
 - Child cruelty;
 - Various offences under Sexual offences Act (Inc. those relating to child prostitution and indecent images of children – [see full list](#))
 - Sexual trafficking offences;
 - Importing, exporting, producing, supplying and possessing with intent to supply to another Class A drugs.
- **Domestic Abuse** – must be authorised by a Superintendent.

Exceptional Circumstances

An Inspector can conclude there are exceptional circumstances justifying a simple caution if:-

- The offender on conviction would be unlikely to be given a custodial sentence or high level community order.
- Taking into account the following factors:-
 - The level of culpability
 - The harm caused or intended to be caused or might foreseeably have caused
 - Antecedents – aggravating and mitigating factors, gravity matrix, range of sentences appropriate to the case

Victims Views – The views of the victim and significance of harm to them should be taken into account

All decisions for Simple Cautions must have a full rationale entered on the relevant crime.

Offence	Section	Act	Additional
Offensive weapon and bladed article offences			
Having an offensive weapon in a public place	1(1)	Prevention of Crime Act 1953	
Threatening another person with an offensive weapon in a public place	1A(1)	Prevention of Crime Act 1953	
Having a bladed or pointed article in a public place	139(1)	Criminal Justice Act 1988	
Having a bladed or pointed article on school premises	139A(1)	Criminal Justice Act 1988	
Having an offensive weapon on school premises	139A(2)	Criminal Justice Act 1988	
Threatening another person with a bladed or pointed article in a public place or on school premises, or threatening another person with an offensive weapon on school premises	139AA(1)	Criminal Justice Act 1988	
Firearms Offences			
Having a firearm in a public place	19	Firearms Act 1968	where the offence was committed in relation to a firearm within the meaning of section 57(1) of that Act and is triable either way (see Schedule 6 to the Firearms Act 1968)
Child Cruelty			
Child cruelty	1(1)	Children and Young Persons Act 1933	
Sexual offences against children (including those relating to child prostitution and pornography)			
Sexual assault	3(1)	Sexual Offences Act 2003	where the victim of the offence was under 16 at the time of the offence
Causing a person to engage in sexual activity without consent	4(1) and (5)	Sexual Offences Act 2003	(i.e. not involving the penetrative activities specified in section 4(4) of that Act), where the victim of the offence was under 16 at the time of the offence
Sexual assault of a child under 13	7(1)	Sexual Offences Act 2003	
Causing or inciting a child under 13 to engage in sexual activity	8(1) and (3)	Sexual Offences Act 2003	(i.e. not involving the penetrative activities specified in section 8(2) of that Act)
Sexual activity with a child	9(1) and (3)	Sexual Offences Act 2003	(i.e. not involving the penetrative activities specified in section 9(2) of that Act)
Causing or inciting a child to engage in sexual activity	10(1) and (3)	Sexual Offences Act 2003	(i.e. not involving the penetrative activities specified in section 10(2) of that Act)
Engaging in sexual activity in the presence of a child	11(1)	Sexual Offences Act 2003	
Causing a child to watch a sexual act	12(1)	Sexual Offences Act 2003	
Arranging or facilitating the commission of a child sex offence	14(1)	Sexual Offences Act 2003	
Meeting a child following sexual grooming	15(1)	Sexual Offences Act 2003	
Sexual activity with a child in abuse of a position of trust	16(1)	Sexual Offences Act 2003	
Causing or inciting a child to engage in sexual activity in abuse of a position of trust	17(1)	Sexual Offences Act 2003	
Engaging in sexual activity in the presence of a child in abuse of a position of trust	18(1)	Sexual Offences Act 2003	
Causing a child to watch a sexual act in abuse of a position of trust	19(1)	Sexual Offences Act 2003	
Sexual activity with a child family member committed by a person who was aged 18 or over at the time of the offence	25(1) and (4)	Sexual Offences Act 2003	
Sexual activity with a child family member committed by a person who was under 18 at the time of the offence	25(1) and (5)	Sexual Offences Act 2003	(i.e. not involving the penetrative activities specified in section 25(6) of that Act)
Inciting a child family member to engage in sexual activity committed by a person who was aged 18 or over at the time of the offence	26(1) and (4)	Sexual Offences Act 2003	
Inciting a child family member to engage in sexual activity committed by a person who was under 18 at the time of the offence	26(1) and (5)	Sexual Offences Act 2003	(i.e. not involving the penetrative activities specified in section 26(6) of that Act)
Paying for the sexual services of a child where the victim of the offence was under 16 at the time of the offence	47(1) and (4)	Sexual Offences Act 2003	
Paying for the sexual services of a child where the victim was 16 or over at the time of the offence	47(1) and (5)	Sexual Offences Act 2003	(i.e. not involving a victim who was under 13 at the time of the offence or the penetrative activities specified in section 47(6) of that Act)
Causing or inciting child prostitution or pornography	48(1)	Sexual Offences Act 2003	
Controlling a child prostitute or a child involved in pornography	49(1)	Sexual Offences Act 2003	
Arranging or facilitating child prostitution or pornography	50(1)	Sexual Offences Act 2003	
Indecent assault on a woman	14(1)	Sexual Offences Act 1956	where the victim of the offence was under 16 at the time of the offence
Indecent assault on a man	15(1)	Sexual Offences Act 1956	where the victim of the offence was under 16 at the time of the offence
Indecent conduct with or towards a child	1(1)	Indecency with Children Act 1960	
Sexual activity with a child in abuse of a position of trust	3(1)	Sexual Offences (Amendment) Act 2000	
Sex trafficking offences			
Trafficking another person into the UK for sexual exploitation, contrary to	57(1)	Sexual Offences Act 2003	
Trafficking another person within the UK for sexual exploitation, contrary to	58(1)	Sexual Offences Act 2003	
Trafficking another person out of the UK for sexual exploitation, contrary to	59(1)	Sexual Offences Act 2003	
Trafficking another person for sexual exploitation, contrary to section 59A(1) of	59A(1)	Sexual Offences Act 2003	
Trafficking an individual into the UK for prostitution	145(1)	Nationality, Immigration and Asylum Act 2002	
Trafficking an individual within the UK for prostitution	145(2)	Nationality, Immigration and Asylum Act 2002	
Trafficking an individual out of the UK for prostitution	145(3)	Nationality, Immigration and Asylum Act 2002	
Indecent and pornographic images of children			
Making etc indecent photographs of children	1(1)	Protection of Children Act 1978	
Possessing indecent photographs of children	160(1)	Criminal Justice Act 1988	
Possessing prohibited images of children	62(1)	Coroners and Justice Act 2009	
Class A drug offences			
Producing etc a controlled drug	4(2)	Misuse of Drugs Act 1971	where the offence was committed in relation to a Class A drug and is triable either way, (i.e. not a third drug trafficking offence within the meaning of section 110 of the Powers of Criminal Courts (Sentencing) Act 2000)
Supplying etc a controlled drug	4(3)	Misuse of Drugs Act 1971	
Possessing a controlled drug with intent to supply it to another	5(3)	Misuse of Drugs Act 1971	where the offence was committed in relation to a Class A drug (as defined in section 2(1)(b) of the Misuse of Drugs Act 1971) and is triable either way (i.e. not a third drug trafficking offence within the meaning of section 110 of the Powers of Criminal Courts (Sentencing) Act 2000)
Importing a controlled drug	50(2)	Customs and Excise Management Act 1979	
Importing a controlled drug	50(3)	Customs and Excise Management Act 1979	
Exporting a controlled drug	68(2)	Customs and Excise Management Act 1979	and in connection with a prohibition having effect by virtue of section 3(1) of the Misuse of Drugs Act 1971, where the offence was committed in relation to a Class A drug (as defined in section 2(1)(b) of the Misuse of Drugs Act 1971) and is triable either way (i.e. not a third drug trafficking offence within the meaning of section 110 of the Powers of Criminal Courts (Sentencing) Act 2000)
Importing or exporting a controlled drug	170(1)	Customs and Excise Management Act 1979	
Importing or exporting a controlled drug	170(2)	Customs and Excise Management Act 1979	
Modern Slavery			
Hold a person in slavery or servitude	1(1)(a) and 5	Modern Slavery Act 2015	
Require person to perform forced or compulsory labour	1(1)(b) and 5	Modern Slavery Act 2015	
Arrange or facilitate the travel of another person with a view to him or her being exploited	2(1) and 5(1)	Modern Slavery Act 2015	