



Understanding adult cautions by police in Queensland

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In Queensland, adult cautions by police serve as a mechanism for handling low-level offences with a focus on rehabilitation. It provides a fair and efficient way of managing minor criminal offences as an alternative to formal court proceedings.

Purpose of an adult caution

An adult caution is a formal warning administered by police officers to individuals aged 18 and over who have committed minor offences.

The main purposes of cautions are to:

- manage lower-end offending in a way that encourages individuals to change their behaviour and decreases the likelihood of re-offending;
- provide a way to divert appropriate offenders from the court system, allowing them to avoid the potential negative consequences of formal prosecution;
- reducing the disproportionate use of resources on low-level offences, allowing law enforcement to focus on more serious crimes.

Eligibility for cautioning

To be eligible for an adult caution, individuals must:

1. be aged 18 years or over;
2. must not deny committing the offence; and

3. must consent to being cautioned.

How do I give my consent to being cautioned?

To obtain informed consent, a police officer must provide the individual with the following information:

- **Details of the offence:** The officer must inform the person about the specific offence they are being cautioned for; and
- **Implications of the caution:** The officer must explain the consequences of accepting the caution for the offence.

The police officer must also clearly communicate the following:

- **Voluntary nature of consent:** The individual is not required to accept the caution and may choose to have the case taken to court instead.
- **Recording of the caution:** The caution will be recorded in the police internal records (as a "not-for-production" entry) but will not appear in the person's publicly disclosable criminal history.
- **Purpose of the caution:** The caution is a formal procedure that offers the individual an opportunity to reflect on their behaviour, address the offence, and avoid entering the criminal justice system.
- **Consequences of further offending:** If the person offends again after being cautioned, they may be required to appear in court.
- **Finality of the caution:** Once the caution is administered, the matter is considered resolved and will not be revisited.

If the individual does not consent to receiving the caution, the officer should consider other appropriate actions.

What do police officers consider when choosing to issue a caution?

Officers will consider various factors when determining whether to issue a caution rather than, for example, charging an offender.

These include:

- characteristics of the person (age, mental health, special needs);
- seriousness of the offence;
- willingness to engage with support services;
- whether the offender has been given a recent caution for a similar offence; and/or
- relevant criminal history.

Cautions may be administered more than once for similar offences, depending on the circumstances.

What offences are excluded from adult cautions?

Not every type of criminal offence is eligible for an adult caution. Police officers are prohibited from issuing cautions for certain serious offences, including:

- indictable offences that cannot be dealt with summarily (by a Magistrate);
- offences involving domestic and [family violence](#);
- [drink or drug driving offences](#);
- offences against the *Drugs Misuse Act*;
- offences involving a victim where:
 - the injury to the victim is more serious than bodily harm;
 - there is outstanding financial loss to the victim due to the offending.

Importantly, police officers cannot negotiate compensation on behalf of victims, and a victim's consent is not required for administering a caution. However, officers must inform victims of the intention to issue a caution and may consider their views in the decision-making process.

Will a conviction be recorded after an adult caution?

If a matter proceeds by way of an adult caution during the investigation phase, the offender will not have to go to court, and a conviction will [not be recorded in their criminal record](#).

Get help from a criminal lawyer

Gilshenan &Luton are experts in the area of criminal law and have a wide range of experience resolving matters by way of an adult caution.

If you have been contacted by police about an alleged offence, you should contact Gilshenan &Luton for legal advice and assistance.

Contacting Gilshenan &Luton Lawyers

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