

SUMMONS & CAUTIONING	
1.	<p>PURPOSE</p> <p>The aim of this policy is to ensure that Security Managers are aware of the available guidelines to enable them to deal with summons / cautions etc.</p>
2.	<p>LINK TO ACCOUNTABILITIES</p> <p>Security Managers</p>
3	<p>POLICY</p>
3.1	<p>OBTAINING PROCESS (England & Wales)</p> <ul style="list-style-type: none"> A summons is a written order signed by or on behalf of a magistrate directing the defendant to attend court at a certain time on a certain day to face a specified charge. In order to obtain a summons it is necessary to lay an information. There is no national standard form of information, each court making its own arrangements. Some courts require an information to be sworn whilst others deal with the matter by post. The summons, once received back from the court duly signed, must be served on the defendant with a form CS044. Ideally service should be by handing the summons and CS044 to the Defendant, however service can be performed by handing the documents to another adult at the defendant's home address having first confirmed that he/she still resides there. Service by post can be used provided all other avenues have been exhausted. In this event, Special Delivery must be used. The Security Manager who serves the summons must make an endorsement of service on the reverse side of the copy summons and return it to the Magistrates' Court which issued the original summons. Security Managers must be aware that should service by post be used, and the defendant subsequently fails to appear at court, an arrest warrant may not always be issued. The timescales for obtaining process are detailed in the Consignia Prosecution Guidelines.
3.2	<p>APPLICATION FOR ARREST WARRANT</p> <ul style="list-style-type: none"> In arrest cases or cases where the Defendant has been previously bailed by the Court at an earlier hearing, should the Prosecution need to apply for a warrant after the Defendant fails to attend Court a security manager is not required by law to substantiate the information on oath but in more serious cases it sometimes helps. Legal Services will advise where this is necessary. In cases where a defendant has failed to attend court without being previously bailed application for the issue of a warrant is made by completing an information form (if this has not already been done so) and swearing it before a magistrate. It is strongly recommended that Legal Services' advice be sought first.
3.3	<p>ARREST BY WARRANT</p> <ul style="list-style-type: none"> A warrant is the signed authority of a Magistrate which quotes the names of the person to be arrested, the person required to execute it and the exact nature of the offence for which the arrest will be made. Unless otherwise stated, a warrant to arrest a person remains in force until the arrest is effected or until an application is successfully made to the court where it was issued for it to be withdrawn.

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	<ul style="list-style-type: none"> The actual document is kept at a police station but any constable in England or Wales may effect the arrest without being in possession of the warrant. (Section 125 (3) Magistrates Act 1980). The Investigator should contact the police officer having possession of the warrant to have ON ARREST CONTACT CONSIGNIA SECURITY & INVESTIGATION SERVICES TELEPHONE (NUMBER) QUOTING REFERENCE (FILE NUMBER) written on top of the warrant. Legal Services should be notified immediately a warrant has been executed.
3.4	COMMITTAL PROCEEDINGS Cases must be prepared in accordance with the instructions laid down in the Consignia Prosecution Guidelines .
3.5	GUIDELINES ON CAUTIONING OF ADULTS <ul style="list-style-type: none"> The use of cautioning has no statutory basis. Neither can the cautioning procedure be said to be a common law “invention”. Cautioning is a police practice which developed over the years and which has now been recognised by the common law. It has statutory recognition by virtue of Part V of the Police Act 1997. There is guidance to the Police on the use of formal cautions in Home Office Circular 18/1994 The Cautioning of Offenders. The circular does not have the force of law. The Home Office Circular 18/94 is not applicable to Consignia use of cautioning although as a matter of practice Consignia has regard to the relevant provisions of the Circular. In particular Consignia has regard to the three conditions which must be met before a caution can be administered listed in the Revised National Standards for Cautioning which are appended to the circular. These are as follows: <ul style="list-style-type: none"> There must be evidence of the offender’s guilt sufficient to give a realistic prospect of conviction; The offender must admit the offence; The offender must understand the significance of a caution and give <u>informed consent</u> to being cautioned.
3.6	REPRIMANDS AND WARNINGS FOR CHILDREN AND YOUNG PEOPLE <ul style="list-style-type: none"> The new final warning scheme for young offenders (young people under 18 years of age) under the Crime and Disorder Act 1998 came into force on 1 June 2000. The system has replaced the cautioning of children and young offenders. Only a constable is now able to reprimand or warn the child or young offender. No caution shall now be given to a child or young person. This will not prevent the cautioning of adults. The new provision takes away the ability of Consignia to caution children or young offenders. In the event that Consignia should wish that a child or young offender is reprimanded or warned, police assistance will be required.

	<ul style="list-style-type: none">There are three effects of a reprimand or warning:<ol style="list-style-type: none">After receiving a warning (which is the more serious of the two disposals), a young offender is referred to a youth offending team without delay. The youth offending team will then assess the offender to determine whether a rehabilitation programme is appropriate and in the vast majority of cases, provide such a programme.The courts' use of conditional discharges for young offenders who have previously received a warning is restricted. Unless there are exceptional circumstances relating directly to the offence or offender, the option of a conditional discharge will not be open to the courts where they are sentencing the offender for a crime committed within two years of receiving a warning.Any reprimand, warning or recorded non-compliance with a rehabilitation programme will be citable in court in the same way as previous convictions.					
3.7	RECORDING OFFENCES Procedures for the central recording of offences and results of prosecutions / cautions are detailed at Appendix 15. Aspects to be covered in the final case report are detailed at Appendix 4.					
4	Links to other reference material (policies, processes and procedures, etc.)					
	Title	Author	Located	Version	Type	Policy No.
4.1	Magistrates Act see 125 (3)			1980	Act	3.4
4.2	Home Office			18/1994	Circular	3.6
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