

Direct Measures and Recorded Police Warnings

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In line with proportionate and appropriate responses to children in conflict with the law, police have a range of options in how they may respond to alleged offending behaviour by children. Where alleged offences do not meet the [Lord Advocate's Guidelines](#) or criteria for [referral to the Scottish Children's Reporter Administration \(SCRA\)](#), they may utilise [Police Direct Measures](#) which could form part of the menu of Early and Effective Intervention ([EEI](#)) disposals. These are detailed as follows.

There are different options available depending on the age of the child:

Younger Child, under 16 years old, subject to an open SCRA referral and 16/17 year olds on Compulsory Supervision Order (CSO)

1. Police Direct Measures - Warnings (verbal or written and can include Restorative Justice Warnings)
2. Referral to Partners for Early and Effective Intervention (EEI)
3. Report either jointly to Crown Office and the Scottish Children's Reporter Administration (SCRA) or single report to SCRA (report to both where there is an adult co-accused)

Older Child 16 and 17 years old and not on CSO

1. Recorded Police Warnings (RPWs)
2. Referral to EEI
3. Report by SPR2 to Crown Office

Warnings

A formal recordable verbal/written warning given to any child by police for low level/minor offences and where there is a sufficiency of evidence. A minor crime/offence is not defined and allows for officer discretion. Warnings will not be given where significant harm has been caused to an individual or community, including economic harm. A child does not have to accept responsibility for the offence to receive a warning.

Warnings should not be confused with an informal warning given by officers, at the scene, for minor antisocial behaviour, which does not need to be formally recorded on the Criminal History System (CHS). Informal warnings can be issued to any child under 18. VPDs are still to be submitted regardless of what warning is given to the child if there is concern for that child in respect of well-being or child protection issues or offence(s) committed or a combination of both.

Key elements of a Warning for younger children:

- The acceptance is not an admission of guilt. It seeks to have a positive impact by not criminalising
- The child must be able to understand they are receiving a warning (parent/adult caregiver present including 16/17 young person on CSO)

- Warnings will only be issued if there is a **sufficiency of evidence** to report to PF/SCRA
- Police will record a crime report and submit a child concern report on the Vulnerable Person Database
- This will not result in a record of criminal conviction but recorded on CHS as alternative to prosecution and retained for a period of up to two years as set by COPFS
- A Warning will not be disclosable

Restorative Justice Warning

Police Restorative Justice (RJ) Warnings must be delivered by appropriately trained officers and only where:

- The child admits the offence, and;
- There is no information (such as other serious crime involvement) that would prevent a warning being delivered.

RJ Warnings are also recorded on the Crime Recording system and a child concern report on the Vulnerable Person Database. An RJ Warning is retained on CHS until young person is 16.

Recorded Police Warnings (RPWs)

The RPW scheme was developed following revised Lord Advocate's Guidelines and aims to address minor offending behaviour, which would previously have been reported to COPFS resulting in either a non-court disposal, or no action being taken.

RPW can be issued to children aged 16 and 17 - who are not subject to a CSO - and to adults. RPWs are not given to children under 16 (or 16/17 subject to CSO). RPWs can be given for minor offences in public and private places, at the time of offence or on release from custody and retrospectively. The person is not cautioned and charged with the offence.

Police Officers must complete an RPW document and issue to the older child. They will then submit a crime report and a child concern report on the Vulnerable Person Database outlining the concerns for that older child. Where there are multiple older children involved in an offence, all can receive an RPW. However, if one requires to be charged and reported, all will be dealt with in this way. The exception is where a co-accused is under 16 years and being reported separately, the older child can still receive an RPW.

Key elements of an RPW:

- The acceptance of an RPW is not an admission of guilt. It seeks to have a positive impact by not criminalising
- There must be sufficient evidence to report to PF, including identifying the person responsible
- The older child must be able to understand the RPW
- Maximum of two RPWs can be issued in a three month period, with a maximum of four in a 12 month period
- RPW will not result in a record of criminal conviction but recorded as alternative to prosecution and retained for a period of up to two years on CHS and counted as live for three months
- A RPW may be considered relevant for PVG disclosure certificate and an enhanced disclosure for a period of two years after the offence

Thank you to Sergeant Danny Clark and his team at Police Scotland for writing this Information Sheet and allowing us to share it.