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Ombudsman report on Criminal Infringement Notices trial

The Ombudsman's April 2005 report on the *Crimes Legislation Amendment (Penalty Notice Offences) Act 2002* was tabled in Parliament today. The Act permitted a 12 month trial for police officers in selected locations to issue penalty notices – known as Criminal Infringement Notices (CINs) – for 8 prescribed offences. These included common assault (fine of \$400) and offensive language (fine of \$150).

CINs provided police officers with an alternative to charging offenders and attending court when dealing with the prescribed offences. Persons issued with a CIN could choose between paying the fine or having the matter heard in court.

“The use of CINs provides police officers with a further option for minor offences” Ombudsman Bruce Barbour said. **“Police have been supportive of criminal infringement notices, which have cut red tape while still allowing alleged offenders the option of a court hearing”**.

During the 12 month trial, which ended in August 2003:

- police issued 1595 CINs, mostly for shoplifting (829 or 52%), which carried a fine of \$300
- savings to police and courts through the CINs scheme were approximately \$647,015.

During the first 9 months, fine payments totalled \$130,950, and by October 2003 the State Debt Recovery Office had recovered a further \$17,350.

“One of my major concerns is that some serious assaults were dealt with by way of infringement notices instead of prosecutions before a court. I have recommended that the inclusion of assaults in the CIN scheme be reconsidered,” said Mr Barbour.

The other significant issue concerned offensive language CINs. An audit found almost 2 in every 3 offensive language CINs did not meet the legal test for offensive language. The report recommends better training to front line police about offensive language offences and more thorough reviews of CINs paperwork by police supervisors.

An important safeguard of the CIN trial was that fine payment would not mean a criminal record. However, in some cases CINs have been attached to criminal records. **“I am concerned that police have not ensured CINs are not included in criminal histories. I have recommended safeguards to prevent CINs matters being presented to courts,”** Mr Barbour said.