



## How we can help you

### Information and Advice

**Victim Information and Advice (VIA)** has given you this leaflet because you are the victim of, and/or witness to, a crime. If someone is found guilty of that crime, the Judge decides what action to take. This is called a **sentence**.

This leaflet describes typical sentences. Not all will be relevant to your case.

Being involved in the criminal justice system can be daunting. VIA can help you.

### About VIA

VIA is part of the Crown Office and Procurator Fiscal Service. VIA staff are not prosecutors. Our job is to assist victims, witnesses and also, in certain cases of sudden, unexpected or crime-related deaths, the next of kin.

#### VIA can help you by:

- providing information and advice about how the criminal justice system works and what you can expect
- keeping you updated on the progress of your case
- arranging for you to be shown round the court before a trial (normally by a member of the Witness Service)
- putting you in touch with other services for victims and their families.

Young people, those with disabilities or whose first language is not English and any other vulnerable witnesses may need additional support. Please tell VIA if you have any concerns or specific needs. We can then make sure that the Fiscal is aware of these.

If at any point you do not want our help, just let us know. If you then change your mind, please contact us.

Please ask VIA if there is anything else that you would like to know or are unsure about.

### The sentencing decision

Before deciding on a sentence, the Judge will consider the crime the offender has committed and will also look at the offender's background, including whether they have a criminal record, their age and any other relevant information.

The sentence also depends on where the case is heard – District Court, Sheriff Court or High Court.

Sometimes, the Judge sentences the offender immediately after they have pled or are found guilty.

Sometimes, the Judge **adjourns** the case (allows time) to consider more information before sentencing.

If the Judge is considering a **custodial sentence** (prison), background reports must be obtained if the offender is under 21 or has not been in prison before.

If a Judge asks for a background report, or other information, it does not always mean they are thinking of sending the offender to prison. Sometimes a Judge is simply looking to find the best way of dealing with the case.

### Possible sentences

#### Absolute Discharge

The offender is given no punishment. However, it is recorded and may be treated as a previous conviction if they re-offend.

#### Admonition

The court gives a warning to the offender. This warning is a conviction and appears on their criminal record.

#### Community Service Order

The offender works unpaid in the community under the supervision of the Social Work Department, instead of going to prison. The minimum number of hours of unpaid work the offender must carry out is 80 and the maximum is 300. These must be worked within one year of the order being made.

#### Compensation Order

The offender has to pay a sum of money to the victim for injury or loss resulting from the crime. The amount varies depending on the type of court and the circumstances of the offender. The offender pays the money to the court which then sends it to the victim.

#### Custody (Prison)

The offender is imprisoned (or, if aged 16-21, detained in a young offenders institution). The type of court determines the length of the sentence.

- District Court
  - up to 60 days
- Sheriff Court
  - up to 3 months; or
  - in certain circumstances, up to 6 months; or
  - if the case is **on indictment** (where the verdict is decided by a jury), up to 5 years; or
  - if the case is on indictment, it can be sent to the High Court for sentencing for a longer period of time.
- High Court
  - up to the maximum sentence allowed for a particular type of offence