

**COMMUNITY JUSTICE AYRSHIRE**  
**LIST OF USEFUL TERMS, ACRONYMS AND ABBREVIATIONS**

**Useful Terms**

|                                       |  |
|---------------------------------------|--|
| Absolute Discharge                    | Where a person has pleaded guilty or been convicted of an offence, in certain circumstances the court may, instead of imposing a sentence (and on summary complaint instead of convicting), discharge that person absolutely. No penalty is imposed, and in summary proceedings no conviction is recorded.   |
| Accused                               | A person charged with committing a crime or offence. The formal term in solemn proceedings (on indictment before a jury) is "panel" or "pannel". The word "defendant" is not used in Scotland.   |
| Acquittal                             | A verdict of a jury or a decision of a judge finding an accused person not guilty or the case not proven.  |
| Adjournment                           | An interruption to the proceedings when the court stops the hearing of the case for part of a day or for a longer period.  |
| Admonition                            | Where a person has pleaded guilty or been convicted of an offence, in some circumstances the court may admonish the offender not to do it again and impose no other penalty.   |
| Advocate                              | A member of the Scottish Bar.  |
| Affidavit                             | A signed statement made on oath. Some cases or evidence may be dealt with by affidavit evidence.   |
| Alternatives to Custody               | Alternatives to custody are measure that can be used instead of a prison sentence for people who have been convicted of a crime in Court. This means that the individual will serve their sentence in a community setting.   |
| Alternatives to Prosecution           | Alternatives to prosecution are measures that can be imposed directly (a Direct Measure) by the Police or Crown Court and Procurator Fiscal Service, without taking the matter to court.   |
| Alternatives to Remand                | Alternatives to remand – the majority of prisoners on remand have not been convicted of a criminal offence and are awaiting trial following a not guilty plea. There are some measures that can be granted as an alternative to remand where the suspect will be supervised or allowed to remain in the community with conditions attached, until a trial or sentencing hearing takes place. |
| Appeal                                | An appeal is a re-hearing of a case by a higher court than the court which first heard the case. A re-hearing means re-consideration by the appellate court of the evidence led and the legal issues considered by the court below.  |
| Bail                                  | A person must agree to certain conditions before being released from custody by a court.   |
| Children's Hearing (Children's Panel) | A legal meeting arranged to consider and make decisions about children and young people who have committed an offence.   |
| Conviction                            | A formal declaration by the verdict of a jury or the decision of a judge in a court of law that someone is guilty of a criminal offence.   |

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|-------------------|--|
| Crime             | An action or omission, which constitutes an offence and is punishable by law.  |
| Custody           | When a person is kept in prison or a Police cell.  |
| Deferred Sentence | When the final decision about any punishment is put off to another date.   |
| Offence           | A breach of law or rule – an illegal act.  |
| Offender          | Someone who has committed a crime.   |
| Procurator Fiscal | A lawyer who receives reports about crimes from the Police and others and decides what action is to be taken, including whether to prosecute a person accused of committing a crime. |
| Prosecution       | Charging and trying, through the court system, a case against a person accused of a crime.   |
| Public Interest   | A number of factors taken into account by prosecutors when making decisions including the interest of the victim, the accused and the wider community.                               |
| Remand            | When a person is kept in a Police cell or prison before a court appearance.  |

### **Acronyms and Abbreviations**

|              |   |             |   |
|--------------|---|-------------|---|
| <b>ADP</b>   | Alcohol and Drug Partnership                      | <b>ICM</b>  | Integrated Case Management                            |
| <b>ASBO</b>  | Anti-Social Behaviour Order                       | <b>MAPP</b> | Multi-Agency Public Protection Arrangements           |
| <b>CBT</b>   | Cognitive Behavioural Therapy                     | <b>MFMC</b> | Moving Forward Making Changes                         |
| <b>CJSWR</b> | Criminal Justice Social Work Report               | <b>RLO</b>  | Restriction of Liberty Order                          |
| <b>CPO</b>   | Community Payback Order or Child Protection Order | <b>SDS</b>  | Structured Deferred Sentence or Self-Directed Support |
| <b>DTTO</b>  | Drug Treatment and Testing Order                  | <b>SPS</b>  | Scottish Prison Service                               |
| <b>HDC</b>   | Home Detention Curfew                             | <b>SRO</b>  | Supervised Release Order                              |
| <b>HMP</b>   | Her Majesty's Prison                              | <b>UPW</b>  | Unpaid Work   |

### **Alternatives to Custody**

#### ***Structured Deferred Sentence***

When a person has been found guilty of a crime, a Structured Deferred Sentence provides the option to delay the final decision about any punishment (usually 3 or 6 months). A Social Work intervention will be provided to the person prior to final sentencing. It is the opportunity for the person to prove to the Court that they can stay out of trouble and are willing to make positive changes to reduce their risk of re-offending.

#### ***Community Payback Order***

A Community Payback Order is a sentence served in the community rather than in a prison. They are designed to ensure that those who commit offences pay their dues to the communities that they have harmed. Firstly, by requiring the person to make amends, often in the form of unpaid work and other

activity, and secondly by requiring them to address any underlying problems that may be fuelling crime through imposing one or more of nine requirements available to sentencers.

Nine possible requirements:

- **Unpaid Work and Other Activity**

People can be ordered to carry out between 20 and 300 hours of unpaid work. This is the most common requirement. Each community can put forward ideas to their local authority for the unpaid work. Examples include:

- Cleaning graffiti and litter
- Redecorating community halls, schools, day centres etc.
- Gardening in parks

This requirement can also include other activities that promote desistance from offending, such as learning skills to help find work.

- **Alcohol Treatment**

If the person has an alcohol problem which is connected to their offending behaviour, they can be ordered to receive counselling or attend a clinic to deal with the problem.

- **Compensation**

The person can be ordered to pay money to their victims for injuries or distress they have caused, or damage to property.

- **Conduct**

The person can be ordered to do certain things or not do certain things. For example, someone who has been convicted of shoplifting can be ordered not to enter the shop they stole from. Judges can only use this requirement if they consider that it will help stop the person from committing more crimes.

- **Drug Treatment**

If the person has a drug problem, they can get treatment under this requirement. They might be ordered to attend a clinic or hospital to deal with the problem.

- **Mental Health Requirement**

If the person has been diagnosed with a mental health condition that plays a role in their offending, they can receive support and treatment. This can include staying in hospital or attending medical clinics. It can also include getting counselling or any other treatment put forward by a doctor.

- **Supervision**

This is the second most common requirement of a CPO. It aims to change the way the person behaves by making them attend regular appointments with a criminal justice social worker. The social worker can address what makes them offend, for example, poor decision-making. The social worker also monitors how they keep to the requirements in the Order.

- **Programme**

The person can be ordered to attend a programme arranged by a social worker. These deal with offending behaviour and can cover a range of issues such as drug or alcohol misuse.

- **Residence**

The person can be ordered to stay at a certain living address, for example, with their parents. This is to try and reduce the likelihood of re-offending.

***Restriction of Liberty Order***

A Restriction of Liberty order restricts an individual to a specified place (usually a home address) for up to 12 hours a day and/or from a specified place (for example, a town centre where the majority of their offending is taking place) for up to 24 hrs a day. These can be imposed for periods of up to one year. People subject to a Restriction of Liberty Order will wear an electronic monitoring device or 'tag' to monitor compliance with the order and be supervised by Justice Social Work.

***Drug Treatment and Testing Order (DTTO)***

A Drug Treatment and Testing Order is a direct alternative to custody for serious drug misusers who commit crime to fund further drug misuse and who might otherwise have received a custodial sentence. Aimed at people with an extensive offending history linked to drug misuse. Involves intensive treatment and supervision by social work and addiction services, regular drug testing and monthly court reviews.