



# Sentencing of Crimes in Scotland



How courts decide what should  
happen to someone who is guilty of  
a crime



## This guide tells you:

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# 1

## What sentences are



After someone is convicted of a crime, the sentence is the decision about what should happen to them.



Different sentences are given to people based on the seriousness of the crime and the details of the case.



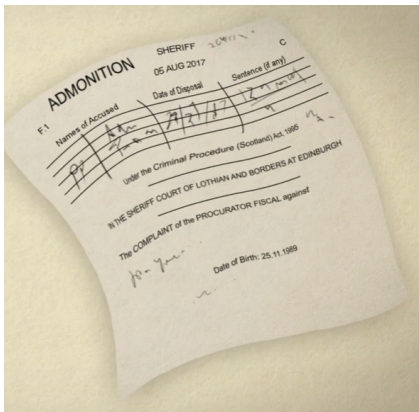
The court makes a decision about what should happen to a convicted person. Lots of people can help the court decide.



A judge is in charge of the court. Sometimes a judge is called a sheriff or a justice of the peace.

# 2

## The different sentences a court can give



The judge can 'admonish' the offender. This means they receive a criminal record and no other punishment.



The court can order somebody to pay a fine or pay money to their victim.



The court can give someone a sentence in the community. This might mean doing something unpaid to help others, such as maintaining a community garden.



The court can order somebody who has a problem to get help. For example, with their use of drugs or alcohol.



As part of a community order a court can make someone wear a tag to make sure they stay at home at certain times.



The court can send somebody to prison.

# 3

## How a court decides a sentence



The court has to give a sentence that is fair for the crime. More serious crimes usually receive more severe sentences.



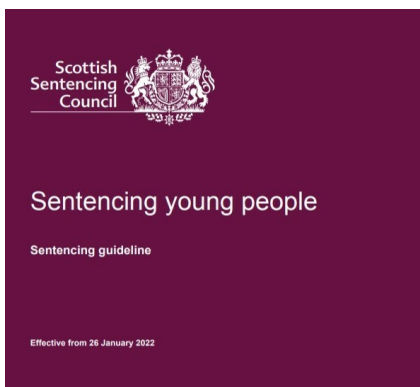
The judge thinks about how serious the crime is. They consider how badly other people were hurt or how much property was damaged.



The court considers what the law says for that particular crime.



The court considers the sentencing guidelines about the offence and the offender.



Guidelines are on different topics. For example, if an offender is under 25, the court will consider the Sentencing Young People Guideline.



The court also considers information about the person who committed the crime.

# 4

## How sentencing hearings work



The sentencing hearing takes place in a court. Certain people have to be there.



The judge, sheriff or justice of the peace has to be there. Which one will depend on the type of court.



The person who is being sentenced usually has to be there.

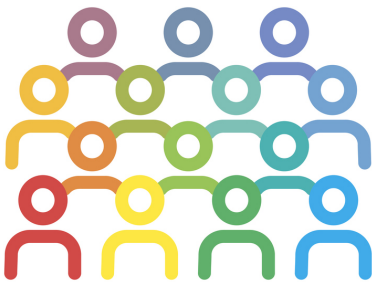




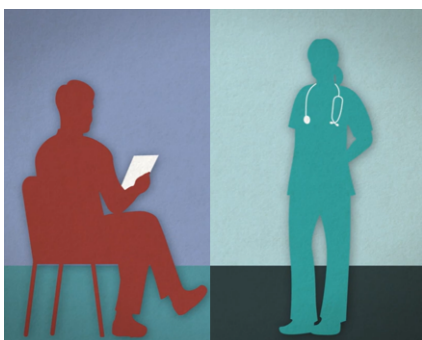
The prosecution lawyer has to be there and the defence lawyer is usually there, if there is one involved in the case.



The victim has the right to be there if they want to be.



Members of the public usually have the right to be there unless the judge has decided they can't be.



The court can ask doctors, social workers or other experts to write a report.



The report provides information about the background and health of the person being sentenced.



Sometimes the prosecution or defence lawyers will say something about the details of the offence or the background of the offender.



In more serious cases, the victim can write to the court to explain how the crime has impacted their life.



At the end of the hearing, the judge decides what should happen.

# Get in touch



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The Council was established by the Scottish Parliament in October 2015 as an independent, advisory body.