

{ MERGEFIELD PRACTICEINFO_PRACTICE_NAME } SENTENCE INFORMATION SHEET

This is one of a series of basic factual information sheets relating to the main sentences imposed by the courts. It is not specific to the precise details of your sentence, and any further information that you need will be contained in our letter.

SUSPENDED SENTENCE ORDER

A suspended sentence can sometimes be imposed on its own, with no added requirements. However, it is likely that one or more of the requirements mentioned below will be in your order, but probably not all of them! The order will be for a period of time, most commonly 12 or 24 months. The term of imprisonment that has been suspended will be confirmed in our closing letter to you.

Breach by committing another offence

For the whole period of your suspended sentence, if you commit any further offence it is highly likely that the suspended sentence will be activated in addition to an extra period in custody for the new offence. Please contact { MERGEFIELD PRACTICEINFO_PRACTICE_NAME } for advice and representation. Not all sentences are activated - your case would need careful preparation.

Most orders contain “community requirements”

It is highly likely that your order contains “requirements” that you must comply with, the most common being:

- Rehabilitation and Activity
- Programmes
- Drug or Alcohol Treatment
- Unpaid Work
- Curfew electronically monitored – “tagging”

Most of the common requirements will mean that you need to attend appointments and comply properly with what is required of you during those appointments. If you breach the order by not attending, by being late, or by not behaving properly during your attendance then you will usually receive one warning before you are taken back to court. A serious breach such as using violence may well not result in any warning. Breaching a suspended sentence means that it is likely to be activated either fully or in part. If not activated, then the order would normally be made more difficult for you by the adding of further requirements. You can also be fined for a breach.

Rehabilitation and Activity Requirement

This will be expressed as up to a number of “days”. Please note that the number of days relates to the specified activities that your supervising officer may require you to attend. That number of days does not limit the number of ordinary supervision appointments that you might have to attend with your probation officer – your obligation to attend supervision appointments lasts until the end of the order.

Programmes and Drug or Alcohol Treatment

These types of order are most likely to require you to attend group sessions and also (for drug or alcohol treatment) regular testing. As stated above, these would be breached by failing to attend or failing to participate properly and would also be breached by failing to attend tests.

Unpaid Work

This will involve a number of hours up to 300 maximum, but most orders are lower than this. Work takes place generally for about 6 or 7 hours per day, but arrangements can vary. This would be breached by failing to attend, attending late, misbehaving or not working properly.

All orders can also be breached by attending intoxicated or in possession of alcohol or drugs – the full rules of behaviour should be made clear to you by your supervising officer at the outset.

Curfew

A curfew breach would happen if you leave the address outside of the curfew hours - unless for a provable emergency. If you genuinely had to attend hospital or leave the address for some other genuine emergency you may not be in breach, but you would need to be able to provide some evidence of what happened after the event.

In some cases it is possible to calibrate curfew equipment to enable limited access to a garden but you would need to discuss this carefully with the person attending to fit the equipment. It is possible to change address but an application must be made to the court before doing so.

Tampering with or damaging the equipment would also amount to a breach and may also be a new offence of criminal damage to the equipment.

Breach Proceedings

We hope that you will complete your order without breach, but if you are told that you are going to be required to go back to court then we strongly recommend that you contact { MERGFIELD PRACTICEINFO_PRACTICE_NAME } as quickly as possible to arrange for representation and the making of an application for Legal Aid.

Note that if breach proceedings take place, you may be ordered to pay prosecution costs.