

Summary Sheriff 2016

Criminal Case Study

[1] It is the remand Court and among the 40 cases calling before you is that of BM who is appearing from custody. His solicitor explains that he appears in respect of two complaints which are connected. One bearing the Fiscal's reference ending '54' contains two charges under the Dangerous Dogs Act 1991 in respect of which he plead guilty to Charge 2, his plea of not guilty to Charge 1 having been accepted by the Crown. He tendered his plea at the stage of a continued Intermediate Diet the day before the date allocated for trial. The charge to which he plead guilty is in the following terms:

“On 9th July 2015 at A Stores Ltd., Any Road, Anytown (he) was for the time being in charge of a dog, namely a Staffordshire Bull Terrier type dog whereby said dog was dangerously out of control in any place in respect that said dog did act in an aggressive manner and bite FD, c/o the Police Service Scotland, on the body, to her injury;

CONTRARY to the Dangerous Dogs Act 1991, Section 3(1) as amended by the Control of Dogs (Scotland) Act 2010, Section 10;

(he) did commit this offence while on bail, having been granted bail on 4 June 2015 at G Justice of the Peace Court and on 30 June 2015 at Anytown Sheriff Court.”

The matter had been adjourned to allow for preparation of a Criminal Justice Social Work Report and Restriction of Liberty Order Assessment. A Crown motion for destruction of the dog had been continued. He was ordained to appear in respect of this matter.

[2] BM was remanded in respect of the second complaint bearing Fiscal's reference ending '55' to which he plead guilty at the intermediate diet. The single charge was in the following terms:

“on 6th November 2015 at High Street, Anytown, you BM did behave in a threatening or abusive manner which was likely to cause a reasonable person to suffer fear or alarm in that you did utter threats of violence;

CONTRARY to Section 38(1) of the Criminal Justice and Licensing (Scotland) Act 2010

You BM did commit this offence while on bail, having been granted bail on 4 June 2015 and 22 October 2015 both at G Justice of the Peace Court and on 4 November 2015 at Anytown Sheriff Court.”

You were to hear from the Procurator Fiscal Depute that this was essentially an allegation of intimidating witnesses to the Dangerous Dogs Act charges.

[3] You are provided with:

- copies of the complaints;
- the narratives by the Crown in respect of each charge to which the accused plead guilty;
- the submissions by the Procurator Fiscal Depute in support of his motion for a destruction order in respect of the dog Tigger;
- the submissions by the solicitor for the accused in mitigation and in opposition to the motion for a destruction order;
- the accused’s schedule of previous convictions;
- the Criminal Justice Social Work Report containing Restriction of Liberty Order assessment;
- a copy of the Memo from PC 473 Macpherson to the Procurator Fiscal’s Office conveying the report of the Manager of A Farm Kennels where the dog Tigger has been kept at the public expense;

1. How would you deal with the accused BM?

2. How would you deal with the Crown’s motion for a destruction order in respect of the dog Tigger?

Please explain your decisions as if addressing the accused.

You will be asked some follow up questions.

F.1

317/56
314/179

110/10/100

C

Names of Accused	Date of Disposal	Sentence (if any)

54

Under the Criminal Procedure (Scotland) Act, 1995

IN THE SHERIFF COURT OF

The COMPLAINT of the PROCURATOR FISCAL against

Date of Birth:

The charge(s) against you is/are that

(001) on 9th July 2015 at Asda Stores Ltd, you
 were for the time being in charge of a dog, namely a Staffordshire Bull Terrier type dog
 whereby said dog was dangerously out of control in any place in respect that said dog did act in an
 aggressive manner, run towards c/o the Police Service of Scotland, and attempt to
 bite her on the body;
 CONTRARY to the Dangerous Dogs Act 1991, Section 3(1) as amended by the Control of Dogs
 (Scotland) Act 2010, Section 10
 you did commit this offence while on bail, having been
 granted bail on 4 June 2015 at Justice of the Peace Court and on 30 June 2015 at
 Sheriff Court

4

(002) on 9th July 2015 at Asda Stores Ltd, you
 were for the time being in charge of a dog, namely a Staffordshire Bull Terrier type dog
 whereby said dog was dangerously out of control in any place in respect that said dog did act in an
 aggressive manner and bite c/o the Police Service of Scotland, on the body, to
 her injury;
 CONTRARY to the Dangerous Dogs Act 1991, Section 3(1) as amended by the Control of Dogs
 (Scotland) Act 2010, Section 10
 you I did commit this offence while on bail, having been
 granted bail on 4 June 2015 at Justice of the Peace Court and on 30 June 2015 at
 Sheriff Court

Procurator Fiscal Depute

Apprehension
and Search

20 . - The Court grants Warrant to
 apprehend the said Accused and grants warrant to search the person,
 dwellinghouse, and repositories of said Accused and any place where they may
 be found and to take possession of the property mentioned or referred to in the
 Complaint and all articles and documents likely to afford evidence of guilt or of guilty
 participation

F.1

C

Names of Accused	Date of Disposal	Sentence (if any)

'55

Sheriff
PCS0248531115

Under the Criminal Procedure (Scotland) Act, 1995

IN THE SHERIFF COURT OF

The COMPLAINT of the PROCURATOR FISCAL against

[Redacted Name]

Date of Birth: [Redacted]

The charge(s) against you is/are that

(001) on 6th November 2015 at High Street, you [Redacted] did behave in a threatening or abusive manner which was likely to cause a reasonable person to suffer fear or alarm in that you did utter threats of violence;
 CONTRARY to Section 38(1) of the Criminal Justice and Licensing (Scotland) Act 2010
 you [Redacted] did commit this offence while on bail, having been granted bail on 4 June 2015 and 22 October 2015 both at [Redacted] Justice of the Peace Court and on 4 November 2015 at Sheriff Court

2.61 a
12/15

Procurator Fiscal Depute

Apprehension and Search

20 . - The Court grants Warrant to apprehend the said Accused and grants warrant to search the person, dwellinghouse, and repositories of said Accused and any place where they may be found and to take possession of the property mentioned or referred to in the Complaint and all articles and documents likely to afford evidence of guilt or of guilty participation

Sheriff

Diet

20 . - The Court Assigns
 20 , at .m., within the SHERIFF Court-House,
 as a Diet in this case

Clerk of Court

Summary Sheriff 2016

Criminal Case Study

Narrative by Crown and Submissions in support of motion for order for destruction of the dog Tigger

Complaint with Fiscal's number ending '54' – Dangerous Dogs Act 1991

[1] The Procurator Fiscal Depute explained that the locus was a public place outside the Asda Store in Anytown. The complainer Mrs FD (64) was shopping with her daughter and had her 14 year old Labrador cross dog with her. At the main entrance the accused had left the Staffordshire Bull Terrier dog, Tigger, tied near to the main entrance to the shop. The dog Tigger was growling and so the complainer and her daughter gave it a wide berth.

[2] The dog Tigger managed to free itself and the complainer's daughter was aware of the dog running at her. The dog attacked the complainer and bit her on the right forearm below the elbow. The complainer experienced immediate pain and there was bleeding from puncture wounds in her arm. A man came and calmed the dog down. The dog was behaving aggressively and might have attacked again but the man intervened.

[3] The accused was known to the complainer's daughter. He said to her "It couldn't happen because the dog was tied up".

[4] The police found the accused and the dog. He was cautioned and charged and replied, "They shouldn't have approached the dog, I tied him up well".

[5] The complainer suffered three puncture wounds on her right forearm below the elbow and bruising. The wounds were cleaned by paramedics. The most extensive was 1 cm. long and was closed with the use of steri-strips.

[6] The dog was owned by the accused's mother from whom a statement was taken by the police. She stated that she took the dog in from four weeks old. It was micro chipped by PDSA. She described it as a 'brilliant dog'. The dog was entrusted to a man in Glasgow and was not well treated. She wondered if it had been beaten. It came back extremely aggressive

to anyone it did not know. She allowed her son, the accused, to look after it and was always emphatic that the dog should never be left alone and he should never remove the muzzle. She stated that she was shocked and disgusted that her son had left the dog alone. The police officers observed that when the accused's mother arrived the dog became very subservient and obedient.

Complaint with Fiscal's reference ending '55' – s.38(1) Criminal Justice and Licensing (Scotland) Act 2010

[7] The Procurator Fiscal Depute opened by explaining that the complainers were witnesses in relation to the other matter arising under the Dangerous Dogs Act 1991. At about 14:30 hours on 6/11/15 Mrs FD was in the High Street, Anytown with her son. The accused was on the street walking towards them in the company of a group of males. One of the men began to speak to Mrs FD. The accused recognised her. He said to her, "If my dog gets put down you'd better watch your back because I'll be after you with a gun".

[8] Mrs FD contacted the police. They took statements from her and her son. They traced the accused at his home where he was detained and taken to Anytown police station. He was cautioned and charged but gave no reply.

Submissions in support of motion for destruction of dog Tigger

[9] The Procurator Fiscal Depute submitted that it is provided by section 3 of the 1991 Act that the Court shall order the destruction of the dog in a case such as this of an aggravated offence under section 3(1). Destruction is a mandatory requirement. The qualification provided by subsection (1A) is that nothing shall require the court to order the destruction of the dog if satisfied that the dog would not constitute a danger to public safety.

[10] The report from the Manager of the A Farm Kennels in November 2015 was of no positive change in behaviour since the dog arrived in July. The dog showed aggression to all members of staff, none were able to handle him and he would bite. This was said to be uncharacteristic of dogs being placed in the care of the kennel which would adapt, show less or no aggression and become able to be handled. It was reported that the dog would lunge at anyone passing its kennel, growling and baring its teeth. This was regarded not to be a case of fear aggression as suggested by its owner.

[11] She explained that it was the policy of the kennel not to let owners visit as it usually had the effect of unsettling animals and was seen to be more for the benefit of owners. It was costing the public purse about £1,000 per month to keep the dog alive in the kennels.

[12] In these circumstances the Crown moved for an order for destruction of the dog in terms of section 4(1)(a)

Summary Sheriff 2016

Criminal Case Study

Submissions in mitigation and in opposition to the motion for a destruction order

[1] The accused was represented by Mr M at the continued Intermediate Diet when the plea of guilty was tendered and by his partner Mr C for the deferred sentence a few weeks later.

[2] At the continued Intermediate Diet Mr M acknowledged that the dog was the accused's responsibility at the time of the occurrence although he was not the owner; his mother was. He explained that the dog had been in the family for three years and was micro chipped in July 2012. The accused's mother had concerns about the dog and it was muzzled for a good reason. The accused felt particularly bad; he was at the shop to buy dog food.

[3] The accused accepted the Crown's account of the incident which, Mr M submitted, had been a brief one. He explained that the dog displayed an ability to anticipate the accused's mother's epileptic seizures and was valued for that reason as well as a pet. It was suggested that there was nothing adverse about the dog's behaviour in the kennels where it had been kept since the incident although this assertion was to be contradicted at the subsequent hearing of the case by a report from the kennel presented by the Procurator Fiscal Depute.

[4] It was submitted on behalf of the accused that he had other matters pending relating to possession of MDA and shoplifting and these were being dealt with at the JP Court in Glasgow. Mr M suggested that the accused's rate of offending had slowed. His father passed away whilst he was on remand and he missed the funeral. It was suggested that an extension of the current Community Payback Order would be beneficial.

[5] Mr M submitted in relation to the dog Tigger that, when the accused's mother looked after it, it was fine. He candidly acknowledged that it was the accused's own negligence which had resulted in the problem.

[6] The case next called for the deferred sentence on 10 December when the accused was represented by Mr C. He addressed the Court in relation to the continued motion by the Crown for destruction of the dog. He was aware of a report from the kennel where the dog was being kept and of concerning information contained within the report. It was disputed by the accused's mother and he invited the Court to consider arranging a hearing of evidence on the matter.

[7] In response to a question from the Court Mr C indicated that the dog had not been neutered. The dog Tigger had been in the care of the accused's mother except for a period when it was younger and was beaten by someone else. The dog had not previously displayed aggressive behaviour and had lived with the family for four years. Before the dog was taken by the police it was regularly walked by the accused's mother in public places without incident. It had been walked in public places in Glasgow without incident.

[8] The dog was taken by the accused outwith its normal area. His mother asked him to keep the dog muzzled but this did not happen. The dog had bitten someone but it was suggested that the dog was not normally of that temperament and was not a danger to the public. In response to the report by the kennel Mr C submitted that the dog was now in an unfamiliar environment and the accused's mother had been denied access. If she was allowed access she could show how the dog could behave differently. There were numerous videos of the dog behaving well and it had a sibling which offered no difficulty. Mr C reiterated the dog's apparent capacity to anticipate the onset of the accused's mother's epileptic seizures.

[9] Mr C was invited to reply to the submissions by the Procurator Fiscal Depute but he had nothing to add.

NOTICE OF PREVIOUS CONVICTIONS APPLYING TO

In the event of your being convicted of the charge(s) in the Complaint it is intended to place before the Court the following previous conviction(s) applying to you.

ANTECEDENT INFO. DETAILS

DATE	COURT - PLACE & TYPE CRIME/OFFENCE	DISPOSAL	CASE REF. NO.
19/03/2004	: SHERIFF 1. CRIMINAL LAW (CONSOLIDATION) (SCOTLAND) ACT 1995 SECTION 49(1) MOD:KNIFE	CHG(S) 1 SENTENCE DEFERRED, TO 14/04/2004 CHG(S) 1 SENTENCE DEFERRED, TO 12/05/2004 CHG(S) 1 SENTENCE DEFERRED, TO 19/05/2004 CHG(S) 1 PROBATION 1 YEAR, FORFEIT A KNIFE	

DATE	COURT - PLACE & TYPE CRIME/OFFENCE	DISPOSAL	CASE REF. NO.
11/05/2004	DISTRICT 1. ASSAULT	CHG(S) 1 PLED GUILTY, SENTENCE DEFERRED TO 30/11/2004, THEN, TO 25/01/2005, THEN, TO 21/06/2005, THEN, ADMONISHED	

DATE	COURT - PLACE & TYPE CRIME/OFFENCE	DISPOSAL	CASE REF. NO.
15/07/2004	: SHERIFF 1. RESET	CHG(S) 1 SENTENCE DEFERRED, TO 12/08/2004 CHG(S) 1 SENTENCE DEFERRED, TO 10/02/2005 CHG(S) 1 SENTENCE DEFERRED, TO 10/03/2005 CHG(S) 1 SENTENCE DEFERRED, TO 31/03/2005 CHG(S) 1 SENTENCE DEFERRED, TO 21/04/2005 CHG(S) 1 SENTENCE DEFERRED, TO 19/05/2005 CHG(S) 1 FINE £200, OR, IMPRISONMENT 7 DAYS	

DATE	COURT - PLACE & TYPE CRIME/OFFENCE	DISPOSAL	CASE REF. NO.
25/11/2004	: SHERIFF 1. BREACH OF THE PEACE AGG: BAIL	CHG(S) 1 SENTENCE DEFERRED, TO 15/12/2004 CHG(S) 1 SENTENCE DEFERRED, TO 12/01/2005 CHG(S) 1 ADMONISHED	

DATE	COURT - PLACE & TYPE CRIME/OFFENCE	DISPOSAL	CASE REF. NO.
01/04/2005	: SHERIFF 1. BREACH OF THE PEACE AGG: BAIL	CHG(S) 1 SENTENCE DEFERRED, TO 13/04/2005 CHG(S) 1 SENTENCE DEFERRED, TO 04/05/2005 CHG(S) 1 SENTENCE DEFERRED, TO 01/06/2005 CHG(S) 1 SENTENCE DEFERRED, TO 22/06/2005 CHG(S) 1 ADMONISHED	

DATE	COURT - PLACE & TYPE CRIME/OFFENCE	DISPOSAL	CASE REF. NO.
01/04/2005	: SHERIFF 1. MISUSE OF DRUGS ACT 1971 SECTION 5(2) AGG: BAIL	CHG(S) 1 SENTENCE DEFERRED, TO 13/04/2005 CHG(S) 1 SENTENCE DEFERRED,	

NOTICE OF PREVIOUS CONVICTIONS APPLYING TO



In the event of your being convicted of the charge(s) in the Complaint it is intended to place before the Court the following previous conviction(s) applying to you.

MOD:ECSTASY TO 04/05/2005
 CHG(S) 1 SENTENCE DEFERRED,
 TO 01/06/2005
 CHG(S) 1 SENTENCE DEFERRED,
 TO 22/06/2005
 CHG(S) 1 ADMONISHED

DATE	COURT - PLACE & TYPE CRIME/OFFENCE	DISPOSAL	CASE REF. NO.
01/04/2005	SHERIFF. 1. CRIMINAL LAW (CONSOLIDATION) (SCOTLAND) ACT 1995 SECTION 52(1)&(3) AGG:BAIL	CHG(S) 1 SENTENCE DEFERRED, TO 13/04/2005 CHG(S) 1 SENTENCE DEFERRED, TO 04/05/2005 CHG(S) 1 SENTENCE DEFERRED, TO 01/06/2005 CHG(S) 1 SENTENCE DEFERRED, TO 22/06/2005 CHG(S) 1 ADMONISHED	

DATE	COURT - PLACE & TYPE CRIME/OFFENCE	DISPOSAL	CASE REF. NO.
06/04/2005	: HIGH 1. MISUSE OF DRUGS ACT 1971 SECTION 4(3) (B) AGG:BAIL MOD:CANNABINOL	CHG(S) 1 PLED GUILTY, SENTENCE DEFERRED TO 13/05/2005, DETENTION YOUNG OFFENDERS INSTITUTE 18 MONTHS	

DATE	COURT - PLACE & TYPE CRIME/OFFENCE	DISPOSAL	CASE REF. NO.
26/05/2005	: SHERIFF 1. ASSAULT & ROBBERY AND JURY AGG:BAIL	CHG(S) 1 PLED GUILTY, SENTENCE DEFERRED TO 22/06/2005, THEN, DETENTION YOUNG OFFENDERS INSTITUTE 15 MONTHS	

DATE	COURT - PLACE & TYPE CRIME/OFFENCE	DISPOSAL	CASE REF. NO.
18/07/2005	: SHERIFF 1. THEFT BY SHOPLIFTING AND JURY AGG:BAIL	CHG(S) 1 PLED GUILTY - NO SENTENCE PASSED	

DATE	COURT - PLACE & TYPE CRIME/OFFENCE	DISPOSAL	CASE REF. NO.
07/11/2006	: SHERIFF 1. CRIMINAL PROCEDURE (SCOTLAND) ACT 1995 SECTION 27(1) (B) AGG:BAIL	CHG(S) 1 SENTENCE DEFERRED, TO 29/11/2006 CHG(S) 1 DETENTION YOUNG OFFENDERS INSTITUTE 3 MONTHS, CONSECUTIVE TO SENTENCE OF SAME DATE, THEN, APPEAL LODGED BY DEFENCE ON 06/12/2006, THEN, ON 06/03/2007, SENTENCE VARIED ON APPEAL TO, DETENTION YOUNG OFFENDERS INSTITUTE 2 MONTHS, CONSECUTIVE TO SENTENCE OF SAME DATE	

DATE	COURT - PLACE & TYPE CRIME/OFFENCE	DISPOSAL	CASE REF. NO.
07/11/2006	: SHERIFF 1. BREACH OF THE PEACE AGG:BAIL	CHG(S) 1 SENTENCE DEFERRED, TO 29/11/2006 CHG(S) 1 DETENTION YOUNG OFFENDERS INSTITUTE 4 MONTHS, CONSECUTIVE TO SENTENCE OF SAME DATE, THEN, APPEAL LODGED BY DEFENCE ON 06/12/2006, THEN, ON	

NOTICE OF PREVIOUS CONVICTIONS APPLYING TO

In the event of your being convicted of the charge(s) in the Complaint it is intended to place before the Court the following previous conviction(s) applying to you.

06/03/2007, SENTENCE VARIED
ON APPEAL TO, DETENTION
YOUNG OFFENDERS INSTITUTE 3
MONTHS, CONSECUTIVE TO
SENTENCE OF SAME DATE

DATE	COURT - PLACE & TYPE CRIME/OFFENCE	DISPOSAL	CASE REF. NO.
16/11/2006	: SHERIFF 1. BREACH OF THE PEACE AGG:BAIL 2. POLICE (SCOTLAND) ACT 1967 SECTION 41 (1) (A) AGG:BAIL	CHG(S) 1,2 SENTENCE DEFERRED, TO 29/11/2006, EACH CHARGE CHG(S) 1 DETENTION YOUNG OFFENDERS INSTITUTE 2 MONTHS, CONCURRENT CHG(S) 2 DETENTION YOUNG OFFENDERS INSTITUTE 5 MONTHS CHG(S) 1,2 THEN, APPEAL LODGED BY DEFENCE ON 06/12/2006, THEN, ON 06/03/2007, SENTENCE VARIED ON APPEAL TO CHG(S) 1 DETENTION YOUNG OFFENDERS INSTITUTE 2 MONTHS, CONCURRENT CHG(S) 2 DETENTION YOUNG OFFENDERS INSTITUTE 3 MONTHS, TO DATE FROM 29/11/2006	1

DATE	COURT - PLACE & TYPE CRIME/OFFENCE	DISPOSAL	CASE REF. NO.
01/03/2007	: SHERIFF 1. BREACH OF THE PEACE AGG:BAIL 2. CRIMINAL PROCEDURE (SCOTLAND) ACT 1995 SECTION 27(1) (B) AGG:BAIL	CHG(S) 1 FINE £200 CHG(S) 2 FINE £100	

DATE	COURT - PLACE & TYPE CRIME/OFFENCE	DISPOSAL	CASE REF. NO.
07/04/2007	: SHERIFF 1. THEFT BY SHOPLIFTING AGG:BAIL	CHG(S) 1 SENTENCE DEFERRED, TO 09/05/2007, SENTENCE DEFERRED, TO 08/08/2007, SENTENCE DEFERRED, TO 05/09/2007, SENTENCE DEFERRED, TO 05/12/2007, SENTENCE DEFERRED, TO 02/04/2008, SENTENCE DEFERRED, TO 02/07/2008, SENTENCE DEFERRED, TO 13/08/2008, SENTENCE DEFERRED, TO 10/09/2008, SENTENCE DEFERRED, TO 08/10/2008, PROBATION 18 MONTHS	

DATE	COURT - PLACE & TYPE CRIME/OFFENCE	DISPOSAL	CASE REF. NO.
08/06/2007	: SHERIFF 1. BREACH OF THE PEACE AGG:BAIL	CHG(S) 1 FINE £220	

DATE	COURT - PLACE & TYPE CRIME/OFFENCE	DISPOSAL	CASE REF. NO.
27/11/2007	: SHERIFF 1. CRIMINAL PROCEDURE (SCOTLAND) ACT 1995 SECTION 27(1) (B) AGG:BAIL	CHG(S) 1 SENTENCE DEFERRED, TO 05/12/2007, AMONISHED	

NOTICE OF PREVIOUS CONVICTIONS APPLYING TO



In the event of your being convicted of the charge(s) in the Complaint it is intended to place before the Court the following previous conviction(s) applying to you.

DATE	COURT - PLACE & TYPE CRIME/OFFENCE	DISPOSAL	CASE REF. NO.
27/11/2007	: SHERIFF 1. BREACH OF THE PEACE AGG: BAIL	CHG(S) 1 SENTENCE DEFERRED, TO 05/12/2007, SENTENCE DEFERRED, TO 02/04/2008, SENTENCE DEFERRED, TO 02/07/2008, SENTENCE DEFERRED, TO 13/08/2008, SENTENCE DEFERRED, TO 10/09/2008, SENTENCE DEFERRED, TO 08/10/2008, PROBATION 18 MONTHS	
03/12/2007	SHERIFF : 1. BREACH OF THE PEACE AGG: BAIL 2. CRIMINAL PROCEDURE (SCOTLAND) ACT 1995 SECTION 27(1) (B) AGG: BAIL	CHG(S) 1 FINE £150 CHG(S) 2 FINE £75	
28/04/2009	: SHERIFF 1. BREACH OF PROBATION	CHG(S) 1 SENTENCE DEFERRED TO 21/07/2009, THEN, FINE £100	
28/04/2009	SHERIFF 1. BREACH OF PROBATION	CHG(S) 1 SENTENCE DEFERRED TO 21/07/2009, THEN, FINE £100	
05/11/2009	: JP 1. BYELAWS PROHIBITING THE CONSUMPTION OF ALCOHOL IN DESIGNATED PLACES 1995 B2 2. BREACH OF THE PEACE	CHG(S) 1-2 SENTENCE DEFERRED, TO 03/12/2009 CHG(S) 1 PROBATION 1 YEARS, CONDITION OF PROBATION 1 YEARS TO ATTEND A PROBATION ORDER REVIEW HEARING ON 4 3 10 AT 10.00 AM IN JP CUSTODY COURT CHG(S) 2 PROBATION 1 YEARS	
12/02/2010	: JP 1. BREACH OF THE PEACE	CHG(S) 1 SENTENCE DEFERRED, TO 04/03/2010, SENTENCE DEFERRED, TO 03/06/2010, SENTENCE DEFERRED, TO 30/09/2010, SENTENCE DEFERRED, TO 13/01/2011, SENTENCE DEFERRED, TO 20/01/2011, THEN, FAILED TO APPEAR, THEN, ON 01/02/2011, SENTENCE DEFERRED, TO 15/02/2011, ADMONISHED	
23/06/2010	1. CRIMINAL PROCEDURE	CHG(S) 1-3 SENTENCE	

NOTICE OF PREVIOUS CONVICTIONS APPLYING TO



In the event of your being convicted of the charge(s) in the Complaint it is intended to place before the Court the following previous conviction(s) applying to you.

SHERIFF	(SCOTLAND) ACT 1995 SECTION 150 (B) 2. POLICE (SCOTLAND) ACT 1967 SECTION 41 (1) (A) 3. BREACH OF THE PEACE	DEFERRED, TO 21/07/2010, SENTENCE DEFERRED, TO 04/10/2010, SENTENCE DEFERRED, TO 14/12/2010, SENTENCE DEFERRED, TO 11/01/2011, SENTENCE DEFERRED, TO 08/02/2011 CHG(S) 1 SENTENCE DEFERRED, TO 10/05/2011, SENTENCE DEFERRED, TO 09/08/2011, ADMONISHED CHG(S) 2-3 PROBATION 12 MONTHS, CONDITION OF PROBATION 12 MONTHS THAT THE OFFENDER ATTENDS ADDICTION COUNSELLING AS AND WHEN DIRECTED TO DO SO BY THE SUPERVISING CHG(S) 2-3 PROBATION 12 MONTHS, CONDITION OF PROBATION 12 MONTHS OFFICER
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DATE	COURT - PLACE & TYPE CRIME/OFFENCE	DISPOSAL	CASE REF. NO.
10/04/2012	: JP 1. ASSAULT	CHG(S) 1 FINE £200	

DATE	COURT - PLACE & TYPE CRIME/OFFENCE	DISPOSAL	CASE REF. NO.
30/04/2012	: SHERIFF 1. CRIMINAL PROCEDURE (SCOTLAND) ACT 1995 SECTION 27(1) (B)	CHG(S) 1 FINE £80	

DATE	COURT - PLACE & TYPE CRIME/OFFENCE	DISPOSAL	CASE REF. NO.
25/05/2012	: SHERIFF 1. RESET AGG: BAIL 2. CRIMINAL PROCEDURE (SCOTLAND) ACT 1995 SECTION 27(1) (B)	CHG(S) 1-2 SENTENCE DEFERRED, TO 14/06/2012 CHG(S) 1 ADMONISHED CHG(S) 2 COMMUNITY PAYBACK ORDER 12 MONTHS	

DATE	COURT - PLACE & TYPE CRIME/OFFENCE	DISPOSAL	CASE REF. NO.
10/10/2012	: SHERIFF 1. CRIMINAL JUSTICE AND LICENSING (SCOTLAND) ACT 2010 SECTION 38 (1)	CHG(S) 1 SENTENCE DEFERRED, TO 01/11/2012, AT ALLOA SHERIFF & JURY, COMMUNITY PAYBACK ORDER 2 YEARS CHG(S) 1 RESTRICTION OF LIBERTY ORDER 3 MONTHS THAT THE ACCUSED REMAIN WITHIN HIS HOME ADDRESS AT 0 2 381 CALDER STREET GOVANHILL GLASGOW BETWEEN CHG(S) 1 RESTRICTION OF LIBERTY ORDER 3 MONTHS THE HOURS OF 8PM AND 6AM DAILY CHG(S) 1 THEN, ON 11/12/2012, ORDER VARIED RESTRICTION OF LIBERTAY ADDRESS CHANGED TO 103 CRAIGVIEW SAUCHIE	

DATE	COURT - PLACE & TYPE CRIME/OFFENCE	DISPOSAL	CASE REF. NO.
10/10/2012	: SHERIFF 1. CRIMINAL JUSTICE AND LICENSING (SCOTLAND) ACT 2010 SECTION 38 (1) AGG: BAIL CHILD	CHG(S) 1-3 SENTENCE DEFERRED, TO 01/11/2012 CHG(S) 1-3 AT ALLOA SHERIFF & JURY, COMMUNITY PAYBACK	

NOTICE OF PREVIOUS CONVICTIONS APPLYING TO

In the event of your being convicted of the charge(s) in the Complaint it is intended to place before the Court the following previous conviction(s) applying to you.

<p>2. ASSAULT AGG:BAIL CHILD MOD:KNIFE</p> <p>3. ASSAULT AGG:BAIL CHILD MOD:KNIFE</p>	<p>ORDER 2 YEARS, EACH CHARGE CHG(S) 1-3 AT ALLOA SHERIFF & JURY, RESTRICTION OF LIBERTY ORDER 3 MONTHS THAT THE ACCUSED REMAIN WITHIN HIS HOME ADDRESS AT FLAT 0 2 381 CALDER STREET GOVEANHILL GLASGOW, EACH CHARGE CHG(S) 1-3 AT ALLOA SHERIFF & JURY, RESTRICTION OF LIBERTY ORDER 3 MONTHS BETWEEN THE HOURS OF 8PM AND 6AM DAILY, EACH CHARGE CHG(S) 1-3 ORDER VARIED RESITRCTION OF LIBERTAY ADDRESS CHANGED TO 103 CRAIGVIEW SAUCHIE</p>
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DATE	COURT - PLACE & TYPE CRIME/OFFENCE	DISPOSAL	CASE REF. NO.
01/11/2012	SHERIFF SUBSTANTY	1. BREACH OF COMMUNITY PAYBACK ORDER	2
		CHG(S) 1 ORDER REVOKED, COMMUNITY PAYBACK ORDER 2 YEARS TO ENGAGE WITH ADDICTION SERVICES AS DIRECTED BY SUPERVISING OFFICER CHG(S) 1 RESTRICTION OF LIBERTY ORDER 3 MONTHS REMAIN INDOORS OF LIBERTY ADDRESS BETWEEN HOURS 8.00PM AND 6.00AM DAILY	

DATE	COURT - PLACE & TYPE CRIME/OFFENCE	DISPOSAL	CASE REF. NO.
29/05/2013	SHERIFF	1. CRIMINAL LAW (CONSOLIDATION) (SCOTLAND) ACT 1995 SECTION 49(1) 2. MISUSE OF DRUGS ACT 1971 SECTION 5(2) MOD:CANNABIS RESIN	
		CHG(S) 1-2 SENTENCE DEFERRED, TO 04/07/2013, SENTENCE DEFERRED, TO 08/08/2013, SENTENCE DEFERRED, TO 28/10/2013, SENTENCE DEFERRED, TO 21/11/2013, SENTENCE DEFERRED, TO 19/12/2013 CHG(S) 1 RESTRICTION OF LIBERTY ORDER 6 MONTHS THAT THE ACCUSED REMAINS WITHIN HIS HOME ADDRESS EACH DAY BETWEEN THE HOURS OF 7 P.M. UNTIL 7 A.M. CHG(S) 1 RESTRICTION OF LIBERTY ORDER 6 MONTHS THE FOLLOWING MORNING. CHG(S) 2 ADMONISHED	

DATE	COURT - PLACE & TYPE CRIME/OFFENCE	DISPOSAL	CASE REF. NO.
07/10/2013	SHERIFF	1. THEFT FROM MOTOR VEHICLE AGG:BAIL 2. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 SECTION 57(1) AGG:BAIL 3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 SECTION 57(1) AGG:BAIL	
		CHG(S) 1-3 SENTENCE DEFERRED, TO 28/10/2013, SENTENCE DEFERRED, TO 21/11/2013, SENTENCE DEFERRED, TO 19/12/2013, SENTENCE DEFERRED, TO 13/02/2014, SENTENCE DEFERRED, TO 05/06/2014 CHG(S) 1-3 COMMUNITY PAYBACK ORDER 18 MONTHS SUPERVISION PERIOD 18 MONTHS UNPAID WORK 200 HOURS TO BE COMPLETED WITHIN 6 MONTHS CONDUCT - 18 MONTHS THAT THE ACCUSED	

NOTICE OF PREVIOUS CONVICTIONS APPLYING TO

In the event of your being convicted of the charge(s) in the Complaint it is intended to place before the Court the following previous conviction(s) applying to you.

CHG(S) 1-3 COMMUNITY PAYBACK
ORDER 18 MONTHS ATTENDS AS
AND WHEN REQUIRED BY HIS
SUPERVISING OFFICER FOR DRUG
AND ALCOHOL COUNSELLING.

DATE	COURT - PLACE & TYPE	CRIME/OFFENCE	DISPOSAL	CASE REF. NO.
09/12/2013	SHERIFF	1. MISUSE OF DRUGS ACT 1971 SECTION 4(3) (B) AGG:BAIL MOD:DIAZEPAM	CHG(S) 1 SENTENCE DEFERRED, TO 19/12/2013, SENTENCE DEFERRED, TO 13/02/2014, SENTENCE DEFERRED, TO 05/06/2014 CHG(S) 1 COMMUNITY PAYBACK ORDER 18 MONTHS SUPERVISION PERIOD 18 MONTHS UNPAID WORK 200 HOURS TO BE COMPLETED WITHIN 6 MONTHS CONDUCT - 18 MONTHS THAT THE ACCUSED CHG(S) 1 COMMUNITY PAYBACK ORDER 18 MONTHS ATTENDS AS AND WHEN REQUIRED BY HIS SUPERVISING OFFICER FOR DRUG AND ALCOHOL COUNSELLING.	

DATE	COURT - PLACE & TYPE	CRIME/OFFENCE	DISPOSAL	CASE REF. NO.
12/05/2014	: SHERIFF	1. CRIMINAL LAW (CONSOLIDATION) (SCOTLAND) ACT 1995 SECTION 50A(1) (B) & (5) AGG:BAIL	CHG(S) 1 SENTENCE DEFERRED, TO 11/06/2014, SENTENCE DEFERRED, TO 10/09/2014, SENTENCE DEFERRED, TO 10/12/2014, SENTENCE DEFERRED, TO 18/02/2015, ADMONISHED	

DATE	COURT - PLACE & TYPE	CRIME/OFFENCE	DISPOSAL	CASE REF. NO.
22/10/2015	CITY : JP	1. MISUSE OF DRUGS ACT 1971 SECTION 5(2) AGG:BAIL MOD:DIAZEPAM	CHG(S) 1-3 SENTENCE DEFERRED, TO 18/11/2015	
		2. ATTEMPTED OPEN LOCKFAST MOTOR VEHICLE WITH INTENT AGG:BAIL	DISPOSAL DEFERRED DATE	18/11/2015
		3. ATTEMPTED OPEN LOCKFAST MOTOR VEHICLE WITH INTENT AGG:BAIL		

NON-CONVICTION DISPOSALS

DATE	COURT - PLACE & TYPE	CRIME/OFFENCE	DISPOSAL	CASE REF. NO.
25/07/2014	CITY : JP	1. MISUSE OF DRUGS ACT 1971 SECTION 5(2) - 2. LOCAL GOVERNMENT (SCOTLAND) ACT 1973 SECTION 201 202 & 203	CHG(S) 1-2 PROCURATOR FISCAL FINE	
15/08/2014	: POLICE OFFICE	1. LOCAL GOVERNMENT (SCOTLAND) ACT 1973 SECTION 201 202 & 203	CHG(S) 1 POLICE PENALTY NOTICE - DISORDER	

NOTICE OF PREVIOUS CONVICTIONS APPLYING TO

In the event of your being convicted of the charge(s) in the Complaint it is intended to place before the Court the following previous conviction(s) applying to you.

MODIFIED PENALTY
ISSUED

12/13



CRIMINAL JUSTICE SOCIAL WORK REPORT

1. PERSONAL DETAILS

URN:		SW Ref:	DH
Name:		Gender:	MALE
D.O.B:		Age:	█
Address:	CURRENTLY: C/O HMF		
	HOME ADDRESS:		
Post Code:			
Court Status:	Ordained	Custody	Bailed
Comments:	Mr [redacted] is due to appear at [redacted] Justice of the Peace and Stipendiary Magistrate Court on 16.12.15 for sentencing in relation to three offences. A Criminal Justice Social Work Report has been requested for this hearing.		
Current Court Order License:	[redacted] most recent Community Payback Order lapsed on 04.12.15. This had been an 18 months Community Payback Order with requirements of Supervision and Unpaid Work.		
	Mr [redacted] who had been spending increasing amounts of time at his mother's address in Glasgow since the Summer of 2015, states he has been on remand since the end of September 2015.		

2. COURT DETAILS

Court:	SHERIFF COURT
Date of Court:	10.12.15

Comments:	

3. CURRENT OFFENCE DETAILS	
Offence	Date Committed
Dangerous Dogs Act 1991 S3(1) Bail	09.07.15

3(B). OUTSTANDING MATTERS

Mr [redacted] Scottish Criminal Records Office printout highlights a number of cases which are still outstanding.

4. BASIS OF REPORT/VERIFICATION OF INFORMATION

This reports is based on the following:

- One prison based interview with Mr [redacted]
- Telephone discussion with Mr [redacted] mother;
- Lengthy involvement with Mr [redacted] as his Supervising Officer;
- Access to previous reports;
- Information obtained from the Scottish Criminal Records Office printout.

4.(B) VERIFIED SOURCES OF INFORMATION	TICK AS APPROPRIATE
Complaint	✓
Departmental information/service records	✓
Medical Information	
Criminal History Check	✓
Summary of Evidence	
Housing Service Information	

Risk Assessment Tool(s):

For the purposes of this report I have applied the Level of Service/Case Management Inventory. This is an accredited offender management system that draws together actuarial information with dynamic factors, and gives an indication of the pattern, nature, likelihood and seriousness of an individual's offending behaviour. Intervention is then considered based upon an offender's risk and needs.

5. OFFENDING ANALYSIS - CURRENT

Analysis of Current Offence(s)

Context:

Mr [redacted] informed that he brought the dog through from [redacted] where it normally resides with his mother. Mr [redacted] indicated that he was planning to take the dog a walk up the [redacted] Hills.

The incident which resulted in Mr [redacted] conviction under the Dangerous Dogs Act occurred after Mr [redacted] attended the Asda store in [redacted]. Mr [redacted] informed that prior to entering the store he tied the dog to a bike stand and states that he placed a muzzle on the dog. He later qualified this statement by indicating that he may not have fitted the muzzle correctly.

Mr [redacted] informed that after leaving the store he saw a woman whom he learned had been bitten by the his dog. Mr [redacted] states that the woman informed him that she would ensure the dog would be put down. Mr [redacted] acknowledged that he entered into a verbal exchange with the woman.

Mr [redacted] confirmed that he was under the influence of alcohol when the offence took place.

Does the individual accept responsibility for the offence?

Yes

Provide detail:

Mr [redacted] accepts that as he was responsible for the dog he was ultimately responsible for the incident. Mr [redacted] expressed confusion as to how the dog got loose as he insists he tied the dog securely, although he confirmed that he may not have secured the muzzle appropriately.

What is the level of planning?

It would appear there was little planning involved in the commission of the above offence. Rather, it seems, Mr [redacted] demonstrated a lack of care and attention in ensuring the dog was adequately secured in order to prevent any risks to the general public was the primary issue.

What is the individual's attitude and insight into the offence(s)?

Mr [redacted] stated that he regretted the incident. As the dog normally stays with his mother in an urban area of [redacted] he had wanted to give the dog a chance to experience the countryside. Mr [redacted] accepts in hindsight he was careless and he should have shown greater responsibility with the animal which it appears he knew could be volatile.

Does the individual recognise the impact/consequences of the offence(s) on the victim/community?

Partially

Comments:

Mr [redacted] expressed regret for the victim who was bitten by his dog, although he also noted that he entered into a verbal exchange with the victim. I did not get a clear sense from Mr [redacted] that he fully recognised the potential consequences of a dog being out of control in a busy public area outside a busy supermarket.

5(B). OFFENDING ANALYSIS -- PREVIOUS OFFENDING

Is there a pattern/history of previous offending?

Yes

Provide Detail:

Mr [redacted] has accrued a total of thirty eight convictions since his first recorded conviction in 1998.

Mr [redacted] offending covers a broad spectrum of offending behaviour. Crimes of dishonesty such as Theft, Shoplifting and Reseal are listed. Offences such as Assault and Assault to Robbery are present with Breaches of the Peace offences featuring significantly. Contraventions of the Misuse of Drugs Act 1971 are evident throughout Mr [redacted] record. No significant gaps are evident in Mr [redacted], offending.

6. PERSONAL AND SOCIAL CIRCUMSTANCES RELEVANT TO OFFENDING BEHAVIOUR AND SENTENCING

Accommodation:

Mr [redacted] has been residing in the [redacted] area since December 2012. Mr [redacted] mother resides in [redacted] and he regularly visits her there. Indeed it seems he has spent significant periods of time in [redacted] since the Summer of this year (2015). He does, however, have a Council tenancy with [redacted] Council in [redacted]. This tenancy was allocated to Mr [redacted] this year following significant problems at his last tenancy in [redacted] when Mr [redacted] believed he was being targeted and threatened by his upstairs neighbour, a man who is well known to the Criminal Justice system.

While living in [redacted] Mr [redacted] then partner stayed with him and she became pregnant. Mr [redacted] believed he was the father. It seems that following her pregnancy, Mr [redacted] partner moved out of Mr [redacted] home due to a level of volatility in their relationship and unhappiness at Mr [redacted] ongoing battle with alcohol and other substances combined with his offending behaviour.

The couple appear to have remained on amicable terms. Mr [redacted] former partner returned to her parent's address which was located on the same street as Mr [redacted] tenancy. It seems Mr [redacted] was encouraged to continue to have involvement with his baby daughter when she was born, albeit always carefully supervised.

Mr [redacted] has since advised me that his former partner has undertaken a DNA test which indicates that Mr [redacted] is not in fact the baby's father. Mr [redacted] is clearly still very upset at this news which he learned a couple of months ago. He indicated that despite hearing this news he wishes to remain a part of the child's life.

Significant Relationships/Background:

Mr [redacted] is from a large family who are well known in the local area for their involvement in the Criminal Justice system. Mr [redacted] acknowledges that this has had a detrimental impact on him, particularly during his childhood.

As a result of his mother, and indeed other members of his family, being convicted of a range of his offences, his mother was incarcerated when Mr [redacted] was aged just 6 and he was placed in foster care from the age of 6 to 16.

When he was 15 years old Mr [redacted] advised that he was deeply affected when several of his family members received lengthy custodial sentences for supplying illicit substances. Mr [redacted] reported that this impacted negatively upon his mental health and that he engaged in heavy alcohol misuse as he struggled to cope.

To this day he continues to have a volatile relationship with his mother, largely due to her enduring mental health difficulties, however, it would appear that Mr [redacted] is presently enjoying a more positive relationship with his mother.

Historically, Mr [redacted] has had little contact with his father and has always been very ambivalent when talking about his father believing his father showed little interest in Mr [redacted] life. This has remained the case during the almost 3 years which I have known Mr [redacted]. Sadly Mr [redacted] confirmed that he was informed of his father's death while in prison on remand. His father died on 16.10.15. He had been resident in [redacted] for many years. Mr [redacted] did not attend his father's funeral.

Mr [redacted] confirmed that he tragically lost his sister some years ago after she entered a diabetic coma and failed to recover. He advised that his other sister has just been diagnosed with HIV and this is causing the family a lot of concern.

Training/Education/Employment:

Previous reports highlight that Mr [redacted] recalls positive memories of school, although he admits to having been suspended for his involvement in disruptive behaviour. He left school at age 16 with a number of Standard Grades which he has shown the writer and evidently takes some pride in. Since leaving school Mr [redacted] informed that he has had no experience of formal employment, albeit he states has undertaken various jobs on a casual basis.

Mr [redacted] was in receipt of Employment Support Allowance prior to being remanded. Given Mr [redacted] lack of employment experience, several attempts have been made to engage him with Apex. The aim being to assist him to gain skills and build confidence. Furthermore, Mr [redacted] was given opportunities to gain practical skills, for example forestry. Despite these attempts, Mr [redacted] was never able to apply himself by turning up on the days required and it seemed that Mr [redacted] interest tended to peak prior to a Court appearance before quickly falling away. Mr [redacted] would present a range of reasons for his poor compliance usually relating to mental health issues.

Financial Circumstances:

Prior to being remanded Mr [redacted] was in receipt of Employment Support Allowance at a rate of £140 per fortnight.

Health:

Mental Health

Mr [redacted] experiences problems with depression and anxiety. He has been advised that his symptoms point to a Personality Disorder diagnosis. Mr [redacted] is not presently open to any mental health service or psychiatrist, although this is principally due to his poor compliance. Mr [redacted] informed that he is currently being prescribed an antidepressant (Citalopram 20mg).

Physical Health

Mr [redacted] described his physical health as generally positive although he does suffer from asthma.

Leisure/Recreation:

Mr [redacted] advised that he has no particular hobbies or interests.

Drugs/Alcohol Use:

Mr [redacted] has had long term issues with alcohol which past Social Work reports indicate commenced when Mr [redacted] was aged around 15. Certainly during the time that I have been involved with Mr [redacted] in the capacity of his Supervising Officer, it has been apparent that alcohol has remained a problem for Mr [redacted]

Mr [redacted] alcohol use tends to take the form of binge drinking and I would suggest is a coping strategy, albeit unhelpful, when he struggles to cope emotionally.

Numerous efforts have been made over recent years to support Mr [redacted], with his alcohol use and it should be noted that over a significant period of time Mr [redacted] has attended Signpost, albeit sporadically. It is my view that has not, to date, afforded himself the full opportunity to utilise the full support available in a consistent way.

Mr [redacted] has been open about using other substances such as Diazepam and more concerningly Heroin. While Mr [redacted] stated his use of Heroin was occasional, it seems that since the summer of this year, while Mr [redacted] has spent increasing amounts of time in [redacted], his use of Heroin has become problematic. Indeed Mr [redacted] states he approached an agency in the [redacted] area of [redacted] to seek support and commenced a Methadone programme. This programme lasted around 3 weeks before Mr [redacted] was remanded and it seems chose not to continue on this programme in prison. This is clearly a concerning development which will need further assessment when Mr [redacted] returns to the community.

7. RISK ASSESSMENT

Risk Factors:

The following are factors which are likely to increase risk:

- Age at first offence;
- Gender;
- Offending history of a varied and diverse nature;
- Longstanding substance and alcohol misuse issues;
- Current unemployment;
- Mental health difficulties;
- Historical fractured familial relations;
- Negative peer associations.

Protective Factors:

The following are factors which are likely to reduce risk:

- Can engage and use supervision sessions productively.
- Has developed an improved relationship with his mother.

Analysis from Risk Assessment :

Pattern

Mr [REDACTED] entered the Criminal Justice system in 2004 and his rate of offending since then has remained fairly consistent with the exception of gaps during 2008 and 2011. In total Mr [REDACTED] has accrued a total of thirty eight convictions including the index offence.

Nature

The nature of Mr [REDACTED] offending appears to be diverse, although there is a cluster of offending in areas concerning crimes of dishonesty, Breaches of the peace and drug offences.

Seriousness

Mr [REDACTED] has convictions for offences of a violent nature, however, they are few in comparison to his other offending. Of most significance perhaps is an offence in 2005 when Mr [REDACTED] was convicted of Assault and Robbery when he received a 15 months custodial sentence at HMYOI Polmont.

Likelihood

Alcohol and/or substance misuse forms a significant contributory factor in much of Mr [REDACTED] offending. Indeed Mr [REDACTED] advised that he was under the influence of alcohol when the index offence occurred. While Mr [REDACTED] continues to struggle with drug and alcohol use and fails to adhere to any mental health support, I believe further offending is probable.

Serious Harm/Imminence:

Mr [redacted] record of offending includes Assault and Assault and Robbery convictions. From my assessment and knowledge of Mr [redacted] I do not believe he presents an imminent risk of serious harm. Rather his behaviour is more likely to be damaging to himself.

Suitability for Community Disposal/Public Protection Issues:

I believe Mr [redacted] can continue to be managed within the community and I believe he would make a suitable candidate for a community disposal.

8. REVIEW OF RELEVANT SENTENCING OPTIONS

Custody:

Mr [redacted] is aware that given his record of offending, the imposition of a custodial sentence is a very real possibility for him. Mr [redacted] is clear that this is not what he wants and offered a range of commitments about the work he will undertake to deal with his difficulties in order to avoid a custodial sentence. I suspect Mr [redacted] genuinely believes he can abide by these commitments but after several consecutive Community Payback Orders he has not been able to put these promises into action and furthermore has continued to be involved in offending behaviour.

Community Payback Order (CPO):

Mr [redacted] is fully aware of the aims and expectations attached to a Community Payback Order.

Supervision Requirement

Mr [redacted] most recent Community Payback Order lapsed on 01.12.15. This Order was the latest in a line of consecutive Community Payback Orders over recent years when he has had different Supervising Officers. I am struggling to identify areas in Mr [redacted] life where these Orders have made a significant impact. During the time that I have supervised these Orders I have attempted to assist Mr [redacted] to engage with mental health services, as has his G.P. I have encouraged Mr [redacted] to work with Signpost to address his alcohol and drug issues. Mr [redacted] has been referred to Apex to provide some structure to his time and increase his employability, but again Mr [redacted] commitment to these services can only be described as tokenistic.

Despite my comments above, we know that people's readiness to engage with services and address issues can change over time. The Court may take the view that Mr [redacted] may be more willing to seriously evaluate his lifestyle and address the undoubted difficulties he has. Should the Court take this view, I would offer the following provisional case management plan:

- " A full LSCMI risk/need assessment.
- " Weekly supervision appointments.
- " An assessment of the best approach to help Mr [redacted] with his substance misuse issues.

- " An assessment of the best approach to help Mr [redacted] access appropriate mental health support.
- " Support to sustain his tenancy.
- " Regular reviews.

Deferred Sentence:

Mr [redacted] is due to appear at a sentencing hearing on 16.12.15 at Justice of the Peace and Stipendiary Magistrate Court. The Court may chose to defer sentence until this case has been concluded.

Fine:

Mr [redacted] has confirmed that he would be able to make a financial contribution of £10 per fortnight should the Court deem a monetary penalty a suitable disposal.

Restriction of Liberty Order

Mr [redacted] has been assessed for a Restriction of Liberty Order. Mr [redacted] has had previous RLO's which he has adhered to. Mr [redacted] has a tenancy in [redacted]; but stated that should the Court wish to impose such an Order he would prefer that his mother's address be the named address. I have discussed with Mr [redacted] the potential impact this may have on his tenancy in [redacted] which he wishes to maintain but Mr [redacted] insisted he wanted his mother's address in [redacted] to be named. I have spoken to Mr [redacted] mother and explained the nature of a RLO. She confirmed that she understood and was in agreement to Mr [redacted] being placed at her address.

9. CONCLUSION

Mr [redacted] appears before Sheriff Court in relation to an offence involving his pet dog, which he appears to have failed to control adequately. Mr [redacted] has further convictions which he has to attend Court in [redacted] for on 16.12.15. Furthermore there are several pending matters.

Mr [redacted] has been subject to a Community Payback Order with Supervision almost continuously since 2011. I do not believe significant progress has been made during this time. Mr [redacted] will use supervision appointments to talk about his difficulties and general unhappiness but, to date, he has not been able to utilise the supports in the community to give himself the best chance of achieving progress.

Given Mr [redacted] previous compliance with Restriction of Liberty Orders, the Court may see merit in imposing an RLO which would allow Mr [redacted] to have the opportunity of accessing community support for his substance misuse and mental health, while restrictions are imposed on his movement during the times of the day where he may be at greatest risk of offending.

10. REPORT AUTHOR DETAILS

Name:

Position: Social Worker

Office Address: Criminal Justice Service,

Office Telephone/Fax: Tel:

Fax:

Signed:

Date:

09.12.15

Case Details

PF case number [REDACTED] 54
Reported by : Police Service of Scotland
Report date : 16-11-2015
Document type : ME

Memo

PROCURATOR FISCAL MEMORANDUM

To: The Procurator Fiscals Office,

From: PC
Police Office.

Date: 16th November 2015

Subject / Accused:
CrimeFile URN:
P.F. Ref. No.: 54

Text:

For your information, the manager of Kennels has reported the following regarding Tigger's behaviour from the 15th July 2015 to present;

"Tigger has been with us since the 15th July 2015.

We have seen no positive change in behavior since he arrived.

He shows aggression to all members of staff and we are unable to handle him, he will bite. Generally over time dogs like this in our care will adapt, show less or no aggression and are eventually able to be handled.

He will lunge at anyone passing his kennel baring teeth and growling. The owner contacted us several times when he was first brought to us, she stated that he is nervous and he will growl, however we do not see this as a case of fear aggression.

We were visited by an SSPCA inspector on the 14th August with regards to this dog, I believe his name was ' The owner had contacted them regarding the health of the dog, he was very happy with his health however agreed that due to his aggression he is unable to be handled.

If you wish to see the dog just let me know and we can arrange a time to suit and if you require any further information just let me know.

If you require a further written report from a behaviorist I can contact them and get you a cost for this."

Kind Regards
PC