

SUMMARY



Date considered: 14 March 2022

Sentence

1. The offender is serving an indeterminate sentence, of which the minimum term in custody was 11 years.

Test for release

2. Before it could direct release, the Board had to be satisfied that it is no longer necessary for the protection of the public that the offender should be confined.

Decision

3. The Board was satisfied on this matter, and directed release subject to licence conditions.

Reasons for decision

4. In reaching its decision, the Board considered:
 - a) the circumstances of the index offence, and any offending history;
 - b) formal risk assessments prepared on the offender;
 - c) the offender's conduct since sentence, and intentions if released;
 - d) all relevant information in the dossier; and
 - e) the evidence heard at the hearing.
5. The index offence was extremely serious. It involved the murder of the victim, with the use of a knife. It was clear from this, and their other convictions, that the offender is capable of causing serious harm to the public.
6. The offender had been previously released on life licence and recalled to custody on more than one occasion. The most recent resulted in a conviction for public order offences.
7. The Board had to have regard to these issues. However, it also had to have regard to the absence of violence in the offender's recent history, and their good conduct in prison. The last tribunal was of the view that the offender should progress to open conditions and be tested prior to release. However, this had not happened. The offender appeared to have dealt with the delays in a responsible manner, and it had not affected their behaviour. The Board had to be meticulous in examining whether it was necessary for the protection of the public that the offender remain confined, particularly as the punishment part of the sentence expired over a decade ago. The Board noted the evidence of prison-based and community-based social work. Both supported release, and spoke of the support and supervision which was available to the offender in the community. They had

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the support of family who were deemed to be a protective factor, and would offer the offender employment. Social workers and the offender seemed aware of their risk factors.

8. Having regard to all the evidence, the Board was satisfied that it was no longer necessary for the protection of the public that the offender remain in prison, and accordingly directed release subject to licence conditions. The Board considered that an exclusion from Larkhall, other than to attend pre-arranged appointments with permission from their supervising officer would minimise the potential for coming into contact with the victim's family.