

## SUMMARY



**Date considered:** 02 December 2021

### **Sentence**

1. The offender is serving an indeterminate sentence, of which the minimum term in custody was 12 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 offender had been of exemplary behaviour throughout virtually all of their sentence. They had completed programme work and been progressed to the Open Estate. They demonstrated significant insight into the harm caused by the index offence to the victim, the victim's family and their own family. They had realistic and sensible plans for their return to the community and the Board had no reason to believe they would not achieve their goal of being a valuable member of society, which the offender felt was necessary to redress the balance of harm they have caused.
6. During their sentence, the offender had avoided the use of illicit substances despite what the Board understood to be significant pressure to do so. They had demonstrated great determination to avoid misconduct reports and do well. They had undertaken an adequate number of home leaves with no concerns or issues, and recently demonstrated that they could problem solve appropriately when issues were encountered. Prison based and community based social workers recommended release. In all the circumstances, the Board considered it was no longer necessary for the offender to be confined and therefore directed release.

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7. The offender was released on licence conditions which are lawful, necessary and proportionate to manage their risk. The Board was particularly concerned that the offender was a minor when they were imprisoned and has grown up in custody. It will take some time for them to learn what being a responsible adult in the community means.
8. The Board also considered that a geographic restriction in relation to the villages of Tarbolton and Mauchline was necessary and proportionate given the location of the victim's family. However, it did not consider that a restriction in relation to other areas was necessary or proportionate.