

SUMMARY



Date considered: 19 January 2022

Sentence

1. The offender is serving an indeterminate sentence, of which the minimum term in custody was 14 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 murder. The sentencing Judge remarked on the appalling brutality of the crime, and the Board also had regard to the victim interview report which vividly described the devastating and permanent harm which had been caused.
6. The Board also had to consider the offender's conduct in prison. While it was initially poor, they had now had a period of over a decade without incurring any reports for violence. Their conduct and engagement have been good, and they had progressed to the Open Estate. They had undertaken extensive testing from there, including a community work placement and home leaves. As a consequence of this positive behaviour and extensive testing, both prison-based and community-based social work now supported release.
7. The offender, while continuing to deny the index offence, expressed some understanding of the distress experienced by their victim's family. Importantly, they were clear about the need to abide by licence conditions and avoid further offending. They were also clear that they would be subject to a life licence, and could be recalled to custody if the Board consider that their risks could no longer be safely managed.

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8. The Board noted that the offender came to accept the need for a licence condition preventing them entering Wishaw without the prior permission of their supervising officer. They understood that this condition was non-negotiable, and would remain in force until the Board decided otherwise. It is important that they keep in mind that this condition is in place to protect their victims and manage their risks, and that the Board will look very unfavourably on any breach of this condition. They also advised that they had no issue with a licence condition prohibiting the consumption of alcohol, which was relevant due to the role of alcohol in the index offence.
9. 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 directed his release subject to licence conditions.