

After Sentencing

An accused person who is convicted of murder will be sentenced to life imprisonment.

Someone who is convicted of culpable homicide may be sentenced to a specified period of imprisonment (a determinate sentence) or to life imprisonment.

The actual time that the prisoner spends in prison will normally be less than the length of their sentence. Different things can affect this, like how well the prisoner has behaved while in prison.

Length of Time in Prison

- When passing a life sentence, the court will say how long the offender must spend in custody (known as the 'punishment part')
- A life sentence prisoner must spend at least that period in prison before they can be considered for release on life licence by the Parole Board for Scotland.
- Depending on the circumstances of the case, the punishment part can be lengthy

"On licence/On Parole"

- The Parole Board for Scotland is responsible for determining when a life sentence prisoner or one sentenced to 4 years or more will be released on licence
- When people are released from prison into the community 'on licence' or 'on parole', it means following certain rules, for example, wearing an electronic tag, staying home at night, and meeting with a criminal justice social worker
- If they do not follow the conditions, they can go back to prison to serve the rest of their sentence
- The licence will last until the sentence is finished
- The Board must be satisfied that the offender no longer presents an unacceptable risk to public safety. It also decides the conditions that will apply to the release

- If an offender breaches any of their licence conditions, including reoffending, they may have their licence taken away and be returned to prison
- The court can also order a return to prison if the offender commits another offence for which they could go to prison before the date they would have served the original sentence in full

Home Detention Curfew (HDC)

- It allows offenders to be released between 2 weeks and 6 months before the date on which they would otherwise leave prison
- Offenders serving longer than 4 years in prison will not be released on HDC unless they have already been approved for parole. This means that they are unlikely to be released more than 6 weeks before they were due to be released on parole
- Offenders released on HDC will continue to serve their sentence during the HDC period and can be recalled to prison if they don't comply with the conditions

Concerns about safety

- The police are automatically told when a prisoner, who has been sentenced to 4 years or more, is released from prison
- If you are worried about your safety, you may contact the police. Police will then decide what action to take

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