

SUMMARY



Date considered: 19 December 2022

Sentence

1. The offender is serving an indeterminate sentence, of which the minimum term in custody was 8 years.

Test for release

2. Before it could direct release, the Tribunal 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 Tribunal was satisfied on this matter, and directed release subject to licence conditions.

Reasons for decision

4. In reaching its decision, the Tribunal 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 has remained in custody since their recall in 2017. They were transferred to HMP Castle Huntly in August 2022. The offender was granted limited community access and since then has undertaken a number of Unescorted Days of Release and community work placement. All of their access to the community has passed without incident, they have not accrued any Adverse Circumstance Reports in custody and has continued to provide negative drug tests.
6. The offender's last review was in March 2022. At that time both the prison-based (PBSW) and community-based social workers (CBSW) highlighted their concerns regarding the offender's decision-making and compliance. Both social workers have now confirmed that their previous concerns in terms of testing in the community, drug misuse and the offender's openness and honesty with those tasked with their management have now been addressed and both support the offender's release at this time.
7. The CBSW told the panel that the offender had been engaging positively with them during the occasions they have met in the community and that they have built a rapport. In terms of the risk management plan, the CBSW advised the panel they are satisfied the risk management plan is sufficiently robust and that the necessary safeguards are in place.

SUMMARY

8. In their evidence to the panel, the offender was able to demonstrate an insight into the reasons for their recall to custody and identified the steps they must take in the community in terms of good decision-making and compliance with supervision which they welcome being more frequent. The offender acknowledged that they had made poor decisions when they were previously in the community particularly in relation to their last recall to custody.
9. In terms of the test for release, it is significant that the offender has not involved themselves in any incidents of violence in custody nor have they done so since the index offence. The offender has no history of violence prior to the index offence. The PBSW confirmed that the imminence of violence is low.
10. In all the circumstances, the Board unanimously agree that the test for release is met and accordingly direct the offender's release subject to licence conditions.