

DECISION SUMMARY



Date considered: 03 May 2023

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 panel 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 panel was satisfied on this matter, and directed release subject to licence conditions.

Reasons for decision

4. In reaching its decision, the panel 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. In terms of risk, the evidence before the panel is that the offender does not presently present a significant risk of serious harm to the public. Their index offence was extremely serious and very violent, involving the use of a number of weapons. However, it is their first recorded incident of violent behaviour and took place nearly 30 years ago.
6. The offender has not been violent during their sentence and during their last period on licence they remained in the community for over 12 years. During that time their risk was safely managed, and whilst there ultimately were concerns about their engagement and compliance, there do not appear to have been any indicators that their risks were escalating and there were no concerns about any potential offending behaviour. Their engagement with support agencies was poor prior to their recall however they did continue to attend appointments with their Supervising Officer.
7. The offender is now well beyond the expiry of the punishment part of their sentence. Both the Prison Based Social Worker and Community Based Social Worker supported their release on the basis that they would comply with their licence conditions. The panel was satisfied that their continued confinement is no longer necessary for the protection of the public.

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8. Since the offender's last substantive consideration by the panel in November 2022, things have been more positive: the allocation of a new Community Based Social Worker has gone some way to alleviate the offender's concerns. However, the panel was left somewhat concerned about the offender's attitude. It is unclear if the offender appreciates the efforts that have been made on the part of their Community Based Social Worker both in terms of housing and in terms of the team leader who will be overseeing their case. The offender is also reminded that the test for recall to custody is whether their risk can continue to be safely managed in the community. The test for recall may readily be met if they fail to engage in supervision, fail to take direction or instruction or choose not to comply with the conditions of their licence. The offender should bear that in mind as any refusal to engage with social work on their release, or any disagreement on their part may well lead to them being recalled to custody.

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