

DECISION SUMMARY



Date considered: 02 May 2023

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 panel had to be satisfied that it is no longer necessary for the protection of the public that the offender should be confined.

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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. The offender was released on licence on in December 2022 and their licence was revoked in February 2023. During their time in the community, concerns were raised in relation to negative behaviours, levels of honesty and manageability in the community.
6. Neither the prison-based nor the community based social workers were supportive of the offenders release at this juncture. Both were in agreement that they required further testing at the Open Estate prior to release. In terms of the test the panel must apply in considering release, the prison based social worker acknowledged in evidence that although the offender engaged with negative peers in the community, they did not involve themselves in any violence. The community based social worker agreed that the offender did not attempt to hide their relapse and continued to attend supervision appointments.
7. The community based social worker agreed that the offender was honest about their relapse.
8. In evidence, the offender displayed an insight into their recall to custody. They have engaged positively in all aspects of their management since their recall and endeavoured to address their relapse. It is significant in considering the test for

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release, that the offender has not engaged in any violence since 2007 which was their last misconduct report for violence in custody.

9. It is also significant that despite being under the influence in the community, the offender did not reoffend nor were they involved in any incidents of violence. They were candid about the difficulties they faced whilst living in accommodation and the efforts which were made by them to distance themselves from negative peers. They were insightful in relation to the risks they present and were clear that they had learned from the circumstances of their recall to custody and would not repeat this behaviour again in the community.
10. The panel, whilst acknowledging the offender's swift relapse and negative behaviour in the community, must be cognisant of the test for release. In all of the circumstances and in particular, the fact that the offender did not engage in any violence in the community and is not considered to present an imminent risk of serious harm to the public, the panel considers that the legal test is met and directs the offender's release on licence.

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