

SUMMARY



Date considered: 20 January 2023

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 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 a significant history of offending. They have been convicted of assault to severe injury and danger of life, committed against a woman in her own home. In 1998 the offender was sentenced to 10 years' imprisonment on conviction of rape and assault, which was also committed against a woman in her own home. The offender was on licence at the time of the index offence.
6. The Tribunal accepted the evidence of the Prison Based Social Worker (PBSW) and Community Based Social Worker (CBSW) in support of the offender's release. The offender has completed offence focused work and progressed to the Open Estate. Both social workers placed weight on the offender's positive compliance during a sustained period at HMP Castle Huntly and during community access. The offender has accessed numerous periods of home leave with no adverse circumstance reports. They have also undertaken a number of unescorted day releases and out with times of community access, the offender has attended a work party since 2021. The PBSW considered that the offender had made positive progress in relation to their risk factors. They have also shown that they can structure their time well within the community. It is considered that the offender has a recognition and insight into the challenges which they will face and their risk factors. When the offender committed previous

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offences they were living a chaotic lifestyle with entitled thinking. They now recognise the consequences and impact of those actions.

7. The CBSW referred to the offender's positive engagement with services and their continued willingness to do so. It appeared to the Tribunal that the offender also had a positive working relationship with their CBSW.
8. The offender indicated that they were willing to comply with licence conditions. They had a clear plan for the future and would reside within approved accommodation.
9. Having regard to the above factors, the Tribunal was satisfied that it was no longer necessary for the protection of the public that the offender should continue to be confined and directed their release subject to licence conditions.