

DECISION SUMMARY



Date considered: 07 July 2023

Sentence

1. The offender is serving an indeterminate sentence, of which the minimum term in custody was 18 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. The offender was convicted of murder and sentenced to life imprisonment with a punishment part of 18 years. They also received concurrent sentences in relation to attempt to defeat the ends of justice and theft.
6. The offender's time in custody has not been without incident. They have incurred misconduct reports and been downgraded from the Open Estate. They have also been involved in further violence, However, the offender has sustained a significant period with no evidence of violence. They progressed back to the Open Estate in 2022.
7. The panel accepted the recommendations of the Prison Based Social Worker (PBSW) and Community Based Social Worker (CBSW) in support of the offender's release.
8. The CBSW refers to the offender's experience of graduated release into the community through a number of home leaves. This has given the offender the opportunity to evidence their progress, and no concerns have been raised regarding these periods of community access.
9. The offender presented as having reflected on the index offence and demonstrated appropriate remorse in relation to the impact of this on the victim and the victim's family. They demonstrated insight in relation to the index offence

DECISION SUMMARY

and their triggers to offending behaviour. They have complied positively during their time at HMP Castle Huntly, having had significant community access including through home leaves with no negative reports.

10. Although there was a recent incident where concern was raised, the panel noted that this had been investigated at the Open Estate and no further action was taken. The offender provided a clear description of this matter and appeared to have dealt with this situation in a reasonable manner. It is also noted that the offender discussed this matter with the PBSW and CBSW. They did not consider that this incident impacted on the offender's assessed level of risk.
11. The offender has undertaken offence focused work. The panel considered that the offender has demonstrated coping strategies in dealing with challenging situations, which provided evidence of their change in approach since the index offence and ability to apply positive coping strategies. The PBSW referred to a noticeable positive shift in their attitude within the prison.
12. Having regard to the above factors, the panel 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.

DECISION SUMMARY