

DECISION SUMMARY



Date considered: 07 December 2023

Sentence

1. The offender is serving an indeterminate sentence, of which the minimum term in custody was 11 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 originally convicted of murder in 1992. Since being released in 2013 they have been recalled to custody on four occasions and have incurred five further convictions. However, their last conviction for violence was in 2004 and they have not incurred any violent misconduct reports in custody. The panel noted the clear link between substance misuse, poor decision-making and offending and the positive and proactive steps that the offender has taken during this review period to address this. Their evidence at the hearing highlighted that they have insight into the support they need in order to succeed in the community.
6. Both social work witnesses provided persuasive, well-reasoned evidence, in which they recommended release based on the robust community risk management plan in place.
7. Noting how far past the offender was past the expiry of his punishment part, together with the reasons for their recalls to custody, the panel was persuaded by the recommendations of the social workers that release was not only in the offender's best interests but also in the interests of public protection in the longer term. The panel noted the robust risk management plan in place for the offender's release, together with the rules and regulations they would be subject to. The panel concluded that the risk management plan, together with stringent licence

DECISION SUMMARY

DECISION SUMMARY

conditions fixed, would be sufficient to manage the offender's risks in the community and were therefore satisfied that their continued confinement was no longer necessary for the protection of the public.

8. The panel fixed licence conditions for the offender's release which are lawful necessary and proportionate to manage their risk.