

DECISION SUMMARY



Date considered: 09 October 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 panel acknowledged that whilst both the Prison Based Social Worker (PBSW) and Community Based Social Worker (CBSW) did not support release, there was no evidence to suggest that the offender required to remain in custody for the protection of the public.
6. The circumstances which led to the offenders' recall, although concerning to the panel, resulted in a significant period back in custody for them.
7. The offender was acquitted of the matters which led to their recall and the time spent back in custody has allowed them time to reflect on their behaviour whilst on licence. The panel considered that the offender is under no illusion that should they find themselves in breach of licence conditions again they will find themselves recalled back in custody and potentially for a much lengthier period.
8. The panel considered that beyond a concern by the PBSW and CBSW that the offender had not been open and honest when on licence in the past, there was no evidence to suggest that they posed a risk to the public such that they required to remain in custody for the protection of same.

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9. The panel considered that both the PBSW and CBSW wished for the offender to progress to the Open Estate (OE) prior to release and that they had not been open and honest with their CBSW in the past.
10. The panel considered the licence conditions would allow the offenders risk to be effectively managed in the community.
11. The offender has previously progressed to the OE. They cause no issues whilst in custody and the panel saw that it would be unlikely that the offender would be a cause for concern during periods on home leave. The panel did not consider that there was merit in the offender progressing back through the OE prior to release.
12. The panel considered the offenders risk factors and noted the CBSW will very closely monitor the offender whilst in the community. The panel considered that this could be achieved by measures described by both the CBSW and PBSW.
13. The offender is aware that should they breach any of their recommended licence conditions or act in the manner they did previously with their social worker, this is likely to result in their recall.
14. Accordingly, the Board directed release on licence conditions which it deemed lawful, necessary and proportionate to manage the offender's level of risk in the community.

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