

## DECISION SUMMARY



**Date considered:** 11 May 2023

### **Sentence**

1. The offender is serving an indeterminate sentence, of which the minimum term in custody was 15 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 must be satisfied, on the basis of evidence, that the offender's continued confinement is no longer necessary for the protection of the public. The starting point for the offender is their index offence. It is clear from the nature of this offence that the offender has the capability to cause serious harm to others. What the panel has to consider is whether it is likely that the offender at this time poses a significant risk of serious harm to the public.
6. The offender's index offence was their first conviction for violence. There has now been no evidence of violent conduct or tendencies for a substantial period. The offender has complied with the prison regime and displayed consistently good behaviour for a lengthy period.
7. The offender has completed offending behaviour programmes during their sentence. They have been able to utilise the learning from these programmes, and various coping mechanisms, to be able to manage their risk safely not just in closed conditions, but also during the periods of time which they have spent in the community.
8. Risk assessments indicate that without a significant change in circumstances, the offender's risk of serious harm will not escalate beyond the assessed risk

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level. The panel concluded that the risk management plan was sufficient to manage the risk that the offender posed.

9. The panel appreciated that the offender has not undertaken many home leaves and that both social workers wished to see more of those to allow a fuller assessment of their risk to be undertaken. The panel did not consider that to be necessary when balanced against the positive factors in support of release.
10. The offender was candid about the index offence. They demonstrated insight and appropriate reflection. They also demonstrated knowledge and understanding of their risk factors and spoke about the practical strategies which they had in place to manage those.
11. The offender has a body of evidence to demonstrate that they can be compliant with licence conditions, having had access to the community over a lengthy period. The panel was satisfied that the offender does not present a significant risk of serious harm, and that their continued confinement was no longer necessary for the protection of the public.

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