

DECISION SUMMARY



Date considered: 12 September 2023

Sentence

1. The offender is serving an indeterminate sentence, of which the minimum term in custody was 14 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 scrutinised this case very carefully. On balance, it decided that there was insufficient evidence that the offender poses a substantial risk of serious harm which requires them to remain confined. It fully noted the terms of the social work evidence in the case.
6. However, the test before the panel is whether it is necessary for the protection of the public that the offender remain confined. In order to consider that the test for continued confinement is met, the Board must be satisfied on evidence, that the offender continues to pose a substantial risk of serious harm.
7. The panel considered the offender's assessed level of risk and the recommended licence conditions to manage this in the community. The panel considered the assessed level of risk of serious harm and the offender's ability to manage their responses in the community.
8. The offender has no previous convictions. They do not have a history of violence other than the index offence. There is no evidence that the offender has been violent in custody and, even when they are challenged, there was credible and reliable evidence is that they are consistently co-operative with others and manage their behaviour appropriately. There is reliable evidence that they are

DECISION SUMMARY

willing and motivated to engage well with professionals and the panel therefore considered that they would engage well with CBSW in the community.

The panel is satisfied that the offender has behaved in an exemplary fashion for many years in custody and that they have demonstrated that they are capable of managing themselves when challenged.

9. The offender has no history of persistent or pervasive violent behaviour, nor are they engaging in any high-risk behaviour. They have demonstrated a prolonged period of stability and compliance. The panel considered that, should risk factors begin to emerge for the offender, a robust level of supervision and monitoring, as applied through the community risk management plan, would quickly pick up on relevant concerns.
10. The panel agreed to direct the offender's release on the licence conditions previously intimated which are robust and are lawful, necessary and proportionate to manage the risk which they presents in the community.

DECISION SUMMARY