

## DECISION SUMMARY



**Date considered:** 13 September 2023

### **Sentence**

1. The offender is serving an indeterminate sentence.

### **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 offenders' index offence was extremely serious, and caused serious and permanent harm. However, the panel have to have regard to the fact this offence was committed in 1981, and that there does not appear to have been any violence since then. The offender was released on life licence in 1992 and 2016, and has spent approximately 30 years in the community since they committed the index offence. Having regard to the length of time that has passed since the index offence, the panel is required to give anxious scrutiny to whether it is necessary for the protection of the public that they remain in prison.
6. The offender has accrued a further conviction in 2015. While this was an extremely serious offence (which resulted in the imposition of a sentence of 16 months' imprisonment), the panel have to have regard to the views of the Appeal Court in relation to whether such offending gives rise to a risk of serious harm.
7. The panel considered the Prison Based Social Workers (PBSW) evidence, which appeared to suggest that most of the concerns in relation to the offenders' health issues which might impact on their ability to comply with licence conditions have been addressed. This left their lack of openness and honesty as the main issue. This appears to be entrenched, and the Community Based Social Worker (CBSW) was candid that it would present challenges in terms of their supervision. However, the CBSW was also clear that the offender did not present a risk of

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serious harm. Even in relation to their sexual offending, the CBSW was not concerned about their sexual preoccupation and did not think this constituted a risk of serious harm. The panel also noted that the most recent recall did not involve further offending, and the PBSW view that some of their lack of reporting and recollection may have been connected with their health issues.

8. Having regard to all of the evidence, the panel was satisfied that it is no longer necessary for the protection of the public that the offender remains confined. On that basis, the panel directs their release. The panel recommended licence conditions and these have been intimated previously.

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