

DECISION SUMMARY



Date considered: 20 December 2023

Sentence

1. The offender is serving an indeterminate sentence, of which the minimum term in custody was 12 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 is mindful that the offender's punishment part of their sentence expired in 2008, and that anxious scrutiny is required in relation to their ongoing detention.
6. The offender appears to have made good progress whilst in custody. This is to the offender's credit. Evidence from the past suggests that they became complacent about their risks during their last period of release, leading to their recall. However, the panel takes into account that the offender has undertaken a number of Unescorted Day Releases without incident and there is no prospect of further testing being available through Home Leaves. The offender's compliance can only now be fully tested through his release on licence.
7. The panel also had concerns regarding the offender's understanding of likely licence conditions that they would be subject to. There remain for the panel question marks over the offender's decision-making in certain circumstances. The offender will, therefore, require to be subject to robust and involved supervision not only at the start of their release but also subsequently to ensure their longer-term compliance. It will be essential that those involved in the offender's supervision very clearly discuss with the offender what their licence conditions will entail to ensure that they do not find themselves in an inadvertent breach.

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8. Taking into account all of the information available to it, the panel was satisfied that the offender's risk can be safely managed in the community and that it is no longer necessary for the protection of the public that they should be confined.
9. The panel encourages the offender to maintain regular contact with their social workers on their release. They should ensure that they are fully aware of the conditions of their licence and, if in any doubt, they should ask for help from social workers so as to minimise the risk of a future recall to custody.