

DECISION SUMMARY



Date considered: 21 July 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 offender was convicted of an extremely serious offence. The offender was on a number of court bail orders at the time, one of which related to an allegation of serious violence. They already had prior convictions for violent offending.
6. The offender was sentenced to life imprisonment with a punishment part of 12 years. This expired in 2015. The panel note that they have remained in prison for almost 8 years beyond that date and have applied anxious scrutiny to the consideration of the offender's case. The panel also note that in 2004 they were convicted of a serious assault with a weapon. This offence was the violent allegation that they were subject to bail conditions for, at the time of the index offence. They were sentenced to a period of 4 years 6 months imprisonment, to be served concurrently to the life sentence punishment period. They have not been released on licence by a panel of the board previously, although in 2015 they absconded during a period of home leave and were convicted of prison-breaking and sentenced to a further concurrent period of 6 months imprisonment.
7. The offender has accordingly spent almost 20 years in prison which is almost their entire adult life. It is clear that during much of this time they have struggled to self-manage. However, evidence presented to the panel reflects the views of

DECISION SUMMARY

the Prison Based Social Worker (PBSW) that the offender has worked hard to comply with the prison regime.

8. The offender has not always complied well with the prison regime during their sentence. They have incurred a significant number of misconduct reports although it is noted by the panel that the most recent of these was in 2021. The offender was transferred to a Community Custodial Unit (CCU) in 2022. The panel noted that the offender helped to develop a new approach for this custodial facility, as spoken to by the Life Liaison Officer (LLO). The core of the facility is to prepare long term, prisoners for release by encouraging more independent living than with more traditional methods employed elsewhere in the prison estate. The offender was moved to open conditions after approval by the Risk Management Team in 2023. The panel place great weight on the fact that in the past year the offender has not incurred any further discipline issues whilst they have accessed greater levels of freedom within prison.
9. The offender was approved for their first grant of temporary release in 2020. They have participated in a community work placement since that time. They were attending 2 days per week but after transfer to CCU and being approved for open conditions, this has increased to 5 days per week. The panel note that the offender has travelled independently over several months by public transport, without any incidents or concerns about their ability to comply with instruction or conditions imposed. The panel noted that the offender has established relationships with their colleagues and supervisors at the work placement, to the extent that a full-time job offer was in contemplation for them.
10. The offender has also accessed the community at weekends including a number of unescorted day releases. These leave periods have also passed without incident. There have been no overnight access periods though the panel note these would likely have been approved if the offender had a suitable address.
11. The offender has also engaged well with social workers within and out with prison. Whilst it is noted that they have occasionally challenged decisions made regarding her progress, the panel accept the evidence of the LLO and the Community Based Social Worker (CBSW) that this was more demonstrative of them taking a keen interest in their management by authorities, rather than them being deliberately obstructive.
12. Upon release the offender is to be housed in temporary accommodation. However, it is hoped that they will receive assistance to obtain a private tenancy. They will continue on a more restricted basis to attend their community work placement and they have a plan to set up her own business.
13. The offender has some clear risk factors and the evidence before the panel is that a Risk Management Plan (RMP) has been prepared by social workers to seek to manage these risk factors appropriately.
14. The LLO from CCU believes that there is nothing more the offender can do to prepare themselves for release on licence into the community. The PBSW and CBSW both recommend their release at this time given the community testing that has been undertaken without difficulties and the progress the offender has made since transfer to CCU in 2022. The panel agree with their

DECISION SUMMARY

DECISION SUMMARY

recommendations. A clear RMP with a number of strict licence conditions is in place to supervise and support the offender upon release. Taking account of the evidence of their recent progress and behaviour in custody, along with the successful periods of community testing, the panel are satisfied that it is no longer necessary for the protection of the public that she be confined.