

## DECISION SUMMARY



**Date considered:** 29 November 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 are concerned about the serious nature of the index offence against the background of the previous conviction. Subsequently the offender incurred further convictions for being in possession with intent to supply and for being concerned in the supply of drugs.
6. The panel note the circumstances with regards to the allegation that resulted in the offender's recall to custody. The panel also note that it was an alleged contravention that ordinarily involves threatening and abusive behaviour. The panel acknowledge that for whatever reason the Crown did not proceed with this case but consider that such an allegation was not an overt use of violence.
7. The panel attach weight to the fact that the offender was back in the community for approximately 28 months and on the face of it they had been compliant and engaging in their supervision. The panel note that neither his supervising officer (SO) nor the Prison Based Social Worker in their reports or their SO in oral evidence supported their re-release at this stage. The panel understand their reasoning but in the particular circumstances of this case did not agree. The panel attach weight, in light of the applicable test, to the fact that the offender has not been violent for approximately 23 years. In light of the test and in an overall assessment of risk, the panel were satisfied that it was no longer necessary for the protection of the public that they remain confined.

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8. However, the panel were concerned about the circumstances of the offenders recall to custody and, as discussed with them in the hearing, were satisfied that stringent licence conditions were required. The offender clearly acknowledged the likely consequences of them breaching their licence conditions and in their own words they could be “away for a long time”.