

## DECISION SUMMARY



**Date considered:** 30 August 2023

### **Sentence**

1. The offender is serving an indeterminate sentence, of which the minimum term in custody was 3 years and 9 months.

### **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 committed a very serious violent index offence. They were made subject to an Order for Lifelong Restriction (OLR) sentence due to their history of serious offending, including violence. The punishment part of their OLR sentence expired in 2016 and they have now been in custody for 11 years.
6. The offender has been at the Open Estate (OE) since 2021, following a previous downgrade to closed conditions in 2019. Although they experienced some difficulties following their transfer in 2021 they immediately sought support for this. They went on to undertake extensive community access, including a significant number of unescorted day releases and home leaves and a significant number of days on community work placement, all of which passed without incident. They have engaged well with professionals and proactively built and engaged with a support network to help manage their risk factors in the community. All professionals involved in the offender's management considered the offender's assessed level of risk was manageable in the community and noted that there is a robust community-facing Risk Management Plan (RMP) in place.
7. The Prison Based Social Worker (PBSW) and Community Based Social Workers (CBSWs), provided clear and well-reasoned evidence at the hearing in which

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they supported the offender's release. All witnesses spoke of the evidence of the offender's ability to manage their own risk factors and communicate openly with professionals about issues arising. Although the witnesses expressed ongoing concerns about the offender associating with negative peers, which the panel shared, it was clear from their evidence, and the evidence of the offender's OLR Case Manager, that they have taken on board advice on this and appear to have strategies to minimise this risk and that CBSW will closely manage and monitor this in the community. The panel considered reports from the social workers, in particular on the offender's open and honest engagement with them. The social workers agreed that the offender's risks could be managed in the community given the robust RMP in place, together with the support network available to them in the community and stringent licence conditions proposed.

8. The panel considered the offender's evidence, in which they spoke in a straightforward manner about their wish to live a crime-free life and displayed insight into their risks. It was clear that they have given a lot of thought to how they will fill their time on release and continue building on the pro-social network of supports they have already put in place in the community. They appeared to express genuine remorse for their offending and were able to provide good examples of putting their programme learning into practice in challenging situations arising on their work placement.
9. The panel, taking all the evidence heard and the information in the dossier into account, was satisfied that it was no longer necessary for the protection of the public that the offender should be confined. The panel considered the assessed level of risk along with the extensive period of successful testing they offender had undertaken at the OE, their open engagement with professionals and supports in the community and evidence of their ability to abide by licence conditions and manage their own risks. The panel therefore concurred with the recommendations of the social workers and directed release on licence conditions which it deemed lawful, necessary and proportionate to manage the offender's level of risk in the community.

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