

DECISION SUMMARY



Date considered: 30 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 offender was released on licence in 2018 and remained in the community for approximately 3 years and 8 months prior to recall to custody. It is acknowledged by the prison and community based social workers that the offender lapsed into substance misuse in the community on occasions but this was not considered to be serious enough to return them to custody. Although community based social work submitted a breach report, they did not recommend the offender's recall to custody because they believed the offender's risks were still manageable in the community.
6. In support of the offender's release, both the prison and community based social workers concluded that there is no evidence the offender presents a current risk of serious harm to the public. There is no evidence of the offender committing serious harm since the index offence in 1993. Furthermore, there have not been any convictions for violence whilst in the community and there are no recent concerns in terms of violence.
7. In considering release, the panel gave consideration to the fact that the offender was involved in a fight with another prisoner for which he received a misconduct report. There was no police report emanating from this and the incident was said to have been over in seconds. In evidence, the offender acknowledges that their conduct on this occasion was wrong and was a mistake which they regret.

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8. The Prison Based Social Worker (PBSW) confirmed the observations outlined in their report that *“There is no evidence that he presents a current risk of serious harm to the public. He previously sustained a considerable period in the community without incurring any criminal charges and engaged well with his Supervising Officer and support services. The concerns which led to his recall did not directly place the public at considerable risk.”*
9. The PBSW was satisfied that the offender is motivated to engage with all professional supports. The PBSW told the panel that based on the information they have, there are no obvious concerns regarding the offender’s compliance.
10. The Community Based Social Worker (CBSW) told the panel they are of the view that there is good evidence of engagement in the community. The offender previously kept in contact with their supervising officer and attended appointments.
11. The CBSW explained that the offender is now at a different juncture of release because they had been in the community for quite a while previously and because of the lockdown restrictions, there were changes to the level of support they were receiving. Therefore, compared to the level of support at the time of the recall, it would be higher now. There is a robust risk management plan in place for the offender and as such, both the prison and community based social workers recommend his release at this juncture. Both opine that it is no longer necessary for the protection of the public that the offender remains confined in custody.
12. In evidence, the offender conveyed to the panel an understanding of the mistakes they have made and the reasons for their recall to custody. They impressed as being in a good mindset to succeed in the community and evidenced a determination to engage and comply with all that is required of them in order to safely managed their risks.
13. In all of the circumstances, the majority of the panel agreed with the recommendations of prison and community based social work and directed the offenders release subject to the licence conditions previously intimated.

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