

## DECISION SUMMARY



**Date considered:** 18 March 2024

### 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 punishment part of the offender's sentence expired in 2008, and that anxious scrutiny is required in relation to their ongoing detention.
6. The offender committed a serious and violent offence. They have demonstrated that they are capable of serious harm in the past. They have also had several recalls to custody as a result of breaches of licence conditions relating to alcohol and substance misuse. However, despite numerous recalls over recent years, the available evidence suggests that they have not engaged in any further acts of violence. The panel's role is to consider the protection of the public from harm. Alcohol and substance misuse remain a risk factor for the offender. The offender will ultimately require to manage their own risks in this regard if they are to successfully reintegrate back into the community. It is essential that the offender is open and honest with their supervising officer and other support providers. A failure to do so is likely to result in the offender again being recalled to custody.
7. Overall, the panel was satisfied that it is not necessary for protection of the public that the offender should be confined and it directs their release.