

## DECISION SUMMARY



**Date considered:** 08 March 2024

### **Sentence**

1. The offender is serving an indeterminate sentence, of which the minimum term in custody was 9 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 a murder in 2003. They had a history of violent offending and carrying of weapons whilst under the influence of alcohol, prior to their index offence. The panel is accordingly concerned by their recent recall to custody in relation to an incident where they were under the influence of alcohol.
6. The panel also notes that the offender has not been convicted of an incident of violence during their 2 periods of release on licence, including a 10 year period between 2012 and 2022. Both of the offender's social workers support their release on licence. The panel notes from the evidence of the Community Based Social Worker (CBSW) that there was an acknowledgement on their behalf that a more robust supervision of the offender would be necessary in future, in particular to supervise their problems with alcohol and to ensure the licence condition that the offender shall not consume alcohol is strictly monitored. The panel notes that there are a number of protective factors in place for the offender, particularly in relation to their housing, employment and relationships with their CBSW and external support agencies.
7. The panel concludes from the offender's evidence that they displayed a considerable insight into their risk. The panel is also comforted by the evidence of the CBSW that certain weaknesses in the management of the offender which have been identified, are to be monitored more closely upon release. With the

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protective factors in place, the recommendations of the social workers and the offender's lack of violent offending since his index offence, the panel concludes that the offender's risks can be safely managed with a robust risk management plan and accordingly that it no longer remains necessary for the protection of the public that they remain confined.

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