

DECISION SUMMARY



Date considered: 06 March 2024

Sentence

1. The offender is serving an indeterminate sentence, of which the minimum term in custody was 13 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.

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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 extremely serious offences of violence resulting in fatal and lifelong injuries to their victims. They had previously committed a serious act of violence when convicted of an assault and robbery. Their index offence occurred after they had returned to alcohol abuse following a lengthy period of abstinence. Substance misuse remains a key risk factor for the offender. The panel notes that a previous period at the open estate ended with them being downgraded to closed conditions.
6. The offender's social workers gave evidence to the panel. They both support the offender's release on licence. They place reliance on the offender having achieved a period of stability in relation to substances and their general conduct. They refer to their constructive use of their time and the support networks they have developed. The offender has no outstanding programme needs within custody and both social workers believe that in light of their physical limitations, it was their opinion the benefits of a period of testing at the open estate would be limited. Both accordingly support the offender being integrated back into the community by being supervised and monitored under the risk management plan.
7. The majority of the panel members agrees with the recommendation of the social workers. The majority agrees that whilst further testing from open conditions is always beneficial in assessing risk, in the case of the offender, at this time it is

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not necessary. The majority opinion is that with the risk management plan proposed it is no longer necessary for the protection of the public that the offender remains confined and the offender was therefore released on licence conditions.

8. The dissenting member of the panel was concerned about the credibility of the offender's evidence in relation to their use of substances. They determined that the offender showed little insight into their key risk factors. The dissenting member felt that the offender and those supervising them have not sufficiently tested these risk factors in the community and that a period at the open estate was necessary to allow evidence to be produced to support the contention that it was no longer necessary for the protection of the public that the offender remains confined.