

DECISION SUMMARY



Date considered: 19 April 2023

Sentence

1. The offender is serving an indeterminate sentence, of which the minimum term in custody was 14 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 life licence in December 2016 and was returned to custody in February 2023. During their time in the community, no significant concerns were noted. However, it is recognised that they began to struggle adapting to life in the community. As a consequence, the offender used poor coping strategies to manage their difficulties.
6. The offender was not transparent with their supervising officer in relation to the difficulties they were encountering which resulted in poor decision-making and ultimately their inability to engage meaningfully in the supervision process. The offender's lack of honesty and openness with their supervising officer was one of the main concerns raised in relation to their recall to custody.
7. The offender has not been involved in any further violent offending since their release nor have they displayed any concerning behaviour in custody subsequent to their recall.
8. The Prison Based Social Worker (PBSW) and the Community Based Social Worker (CBSW) conveyed a divergence of opinion in relation to the offender's release. The PBSW opined that the offender does not present an imminent risk of serious harm however the CBSW did not feel they could provide an accurate assessment of this in the absence of the offender's transparency with them.

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9. In all of the circumstances, the panel unanimously agreed that the legal test is met and that it is no longer necessary for the protection of the public that the offender remains in custody at this time. Their release is therefore directed subject to licence conditions.

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