

DECISION SUMMARY



Date considered: 17 May 2023

Sentence

1. The offender is serving an indeterminate sentence, of which the minimum term in custody was 15 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 starting point for the panel is consideration of the offenders very serious index offence against a considerable background of violence and a number of breaches of bail conditions. The panel agree with the Trial Judge comments that at the age of twenty four years the offender had accrued an appalling record and they were a danger to the community. However, against that background the Board acknowledge that the offender is now approximately ten years post-expiry of the fifteen year punishment part of their life sentence and in that approximate twenty five year period in custody they have not resorted to violence.
6. The panel noted that the offender had been downgraded from less secure conditions and returned to closed conditions on several occasions over many years but had accrued significant community access which included a considerable number of home leave periods and a community work placement for approximately ten months. When all of the offender's community access is totalled up and combined with their time in less secure conditions this amounts to a significant period of testing.
7. The Board had the benefit of reports from both social workers and addendum reports which evidenced a change of opinion by both social workers because of the option of the offender being released into a rehabilitation residential facility.

DECISION SUMMARY

The panel attach weight to their reports, oral evidence and their confirmation of their opinions that it is no longer necessary for the protection of the public that the offender remains confined. The Board agree with their conclusions. The panel acknowledged that in such cases where a life sentence prisoner is significantly post-expiry of the punishment part of their sentence, anxious scrutiny should be applied and a significant factor for the panel when applying said scrutiny was the lack of violence on the offenders part for approximately twenty five years.

8. All parties, including the offender, acknowledge the offenders assessed level of risk in the community. The main risk is that he relapses into substance misuse. The panel considered that given the unusual situation the offender would have a route straight from custody into a residential facility; this was the best option to safely manage their risk in the community and protect the public going forward. Therefore the panel decided that in all the circumstances of the offenders case, in particular with regards to their ability to refrain from violence for a considerable period of time, it was no longer necessary at this point for the protection of the public that they remained confined in prison.