

DECISION SUMMARY



Date considered: 02 May 2023

Sentence

1. The offender is serving an indeterminate sentence, of which the minimum term in custody was 10 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 offenders index offence was extremely serious. The panel also noted that they were recalled following an allegation of attempted grievous bodily harm, albeit the panel acknowledges that this did not result in a conviction.
6. The offender appears to have done well in prison. They have engaged with professionals and avoided negative behaviours. They have undertaken offence-focused work and the panel agree with the offenders' solicitor that there appears to be little else that they can do in prison.
7. Both community based social worker and prison based social workers supported release. The availability of a place at the approved premises is a significant factor in terms of managing the offenders risks when they are first released. The panel noted the evidence that the offenders risks are not deemed to be imminent, and that there would be warning signs as any risk increased. The panel agree with the professional witnesses regarding the offenders risk factors, and noted their evidence that these can be managed through licence conditions.

DECISION SUMMARY

8. Having regard to the length of time that the offender has spent in prison, the panel had to apply anxious scrutiny to whether they required to remain confined. Having regard to their conduct in prison, the evidence from the professionals, and the offenders own evidence, which demonstrated motivation and insight, the panel was satisfied that it was no longer necessary for the protection of the public that they remained confined. On that basis, the panel directs release.

DECISION SUMMARY