

DECISION SUMMARY



Date considered: 23 January 2023

Sentence

1. The offender is serving an indeterminate sentence of life imprisonment.

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. It is now nearly 40 years since the offender committed their index offence. Whilst information in the dossier about the earlier part of their sentence is limited, since at least the early 1990s the offender has not behaved in a violent manner. Until the commission of the most recent offence, which was in 2019, there had been no concerns for well over two decades, over 18 years of which were spent in the community. There have been no further concerns since the recall offence. The circumstances of that offence were troubling, but it was an isolated incident during a significant period of time. During their 18 years in the community there is no evidence that the offender otherwise came to the attention of police or displayed behaviour of concern. The offender appears to have built a pro-social and stable life for themselves. The offender complied fully with licence conditions for over 10 years to the extent that the supervision requirement of their licence was removed entirely.
6. Since the offender's recall to custody there have been no concerns about their behaviour or their compliance and in their evidence they came across as genuine in their resolve to abide by the licence conditions. The offender's experience of being on licence for an extended period added weight to their confidence in their ability to do so, as they are fully aware of what will be required of them.
7. Both social workers had given careful consideration to the risks which the offender posed. Both social workers reached the view that any risk which the

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offender posed could be managed with appropriate licence conditions, and that it was no longer necessary for the protection of the public that they be confined.

8. The Board concluded that, on balance, there were many positive factors in the offender's case which indicated that they were likely to comply with licence conditions. Given that position, the Board considered that any risk which they posed could be managed safely through stringent monitoring and extensive licence conditions, which serve to ensure any warning signs, triggers or difficulties are identified early, before their risk escalates. The Board was therefore satisfied that the offender no longer required to be confined for the safety of the public and directed their release.

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