

## DECISION SUMMARY



**Date considered:** 23 May 2023

### Sentence

1. The offender is serving an indeterminate sentence, of which the minimum term in custody was 8 years. He is now seven years over the punishment part set for this offence.

### 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 evidence of both the prison based social worker and the community based social worker acknowledged the nature and the gravity of the index offence. They also acknowledged the offenders assessed level of risk along with the lack of community testing.
6. The risk assessment tools indicate the assessed level of risk in the offenders current situation. Furthermore the potential to reoffend is unlikely to occur unless the offenders circumstances were to change or deteriorate.
7. The panel considered that the proper exercise of its function required it to take a view as to the level of risk to allow it to decide whether it is no longer necessary for the protection of the public that the offender should be confined. It must do what it can with the available information to assess the risk of serious harm posed by the offender.
8. The evidence before the panel indicated that the offender has been compliant with the prison regime and has engaged throughout the period they have been in custody. The offender has retained employment. They have consistently engaged with social workers, psychology and other services. There is no

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evidence of any violence since the index offence. It is clear that the offender has completed all of the offence focused programme work that has been identified as necessary to mitigate future risk of reoffending. The behaviour of the offender does not give any real cause for concern notwithstanding a previous difficult meeting. Their response to unfortunate circumstances illustrates they have the capacity to control and modify their behaviour in difficult circumstances. Although they have expressed frustration at times, it is notable that they have not responded inappropriately to setbacks from adverse decisions in relation to parole.

9. The panel gained the impression that, despite a difficulty when faced with the need to discuss the index offence at times, the offender feels remorse.
10. The panel considers that there has been sustained positive conduct in custody on the part of the offender which allows it to reach the conclusion that the test for release is met with this case at this time.

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