

DECISION SUMMARY



Date considered: 18 June 2024

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.

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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 convicted of murder and sentenced to life imprisonment. The victim suffered numerous injuries. The offender was reported to be under the influence of alcohol at the time of the index offence. The punishment part of the sentence expired in 2012.
6. The offender has a history of offending which includes convictions incurred following their abscond during community access. The offender's time in custody has not been without challenge and their most recent transfer to HMP Castle Huntly marked their fourth time of accessing the open estate, the previous three occasions having led to their downgrade to closed conditions.
7. The panel accepted the evidence of both the Community Based Social Worker (CBSW) and Prison Based Social Worker in support of the offender's release. The CBSW considered that they had a good working relationship, which was a view shared by the offender. In reaching the conclusion to recommend the offender's release at this time, reference was made to their progression through national top end with positive reports and their time at HMP Castle Huntly. They have accessed numerous periods of home leave, as well as their community work placement and unescorted day releases. The offender received positive reports at HMP Castle Huntly, during community access and there were no concerns in relation to their engagement with their CBSW and other

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professionals. They demonstrated compliance with temporary licence conditions. There is a community facing risk management plan and the CBSW has a clear understanding of the risk factors.

8. It is acknowledged that the offender will require support on their return to the community. However, the CBSW considered that there was sufficient evidence that the risk presented by the offender was manageable in the community should they engage with supports provided, as they have already demonstrated. The offender had indicated their willingness to engage with professionals and comply with licence conditions.
9. The panel considered that the offender presented well. They answered questions openly. They have completed intervention work and advised that they are now a different person in comparison to the time of the index offence. The offender was remorseful for their actions. They wish to move forward with their life and described themselves as now being focused. They appeared to be realistic about the challenges which will await them.
10. Having regard to the above factors, the panel was satisfied that it was no longer necessary for the protection of the public that the offender should continue to be confined and directed their release subject to licence conditions.

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