

DECISION SUMMARY



Date considered: 17 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.

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 panel was concerned about the seriously violent nature of the index offence committed by the offender. They also have a previous record that evidences them breaching court orders and bail conditions.
6. The panel acknowledges that the offender as a life sentence prisoner was previously released from closed conditions without being tested in less secure conditions. The panel also notes that the offender was back in the community for the biggest part of 5 years before matters went astray including them subsequently being convicted of a further offence. During that time they had been in gainful employment for a significant period but concerns arose regarding the offender not taking advice or guidance to engage with appropriate supports.
7. The panel notes that social workers do not support the offender's re-release into the community and their view that they should be tested in less secure conditions. The panel considers that there is some merit in this recommendation. The Community Based Social Worker was found to be a credible witness. Their evidence was clear and measured, however, it was framed around their concerns regarding the offender's engagement and manageability, more than around issues of public protection, which is the applicable test for the panel. The panel

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was concerned about some of the offender's evidence and about a recent misconduct report.

8. However on balance and in light of the applicable test the panel was not satisfied that it was still necessary for the protection of public that the offender be confined.
9. The panel considers that going forward any reference to risk taking behaviours or the offender not engaging with support/services that they are guided towards should be reported back to the Board for further consideration.
10. The panel encourages the offender to return to their more positive behaviours in the community and to utilise all supports afforded to them.

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