

## DECISION SUMMARY



**Date considered:** 12 September 2024

### **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 offender was convicted of a brutal and senseless killing of their victim. They have a history of breaching court orders and have been recalled to prison on several occasions. They have demonstrated difficulties in their management and an inability to adhere, for any sustained period, to licence conditions designed to manage their risk and protect the public.
6. The panel notes that there have been lengthy delays in the offender's expected transfer to less secure conditions for a period of community testing. It is noted that in the past year in prison that the offender has maintained a positive attitude and there have been no adverse developments. Both the prison based social worker and community based social worker provided differing recommendations in their evidence about whether the offender should be released at this time. The panel was also split with the majority supporting the offender's release on licence and the minority supporting that they remain confined.
7. The panel's majority noted that the offender's response in custody during the previous 18 months had been positive and that their continued compliance in the face of delays, further evidenced that they were willing to engage with their management. The majority of the panel also noted the offender had completed programme work since their last recall and was able to provide examples where they have put the learning gained from programme work into practice.

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8. The majority of the panel also noted that the offender had given thought to their plans for release and that they appeared appropriate and realistic.
9. The majority of the panel believed that with a robust and carefully monitored risk management plan, focusing on the offender's key risk factors, their risk was capable of being managed and, more fundamentally, that it was no longer necessary for the protection of the public that they remain confined. The offender's release was accordingly directed subject to licence conditions.
10. The minority view was that the offender's key risk factors were linked to their index offence and their failure to comply with licence conditions on previous occasions when they had been released. The offender had not committed further acts of violence since the index offence, however, this should be tested by a period in less secure conditions where the offender would be able to demonstrate that they could apply coping strategies when difficulties arose, could seek to put in place supports and build relationships which would assist in managing their risk safely when they were ready to be released once more into the community.

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