

DECISION SUMMARY



Date considered: 17 October 2024

Sentence

1. The offender is serving an indeterminate sentence, of which the minimum term in custody was 7 years and 14 days.

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 had a number of concerns about the offender's behaviour. Their index offence is murder. They were recalled to custody for further violence. They have recently behaved impulsively in prison. There is evidence of a previous lack of openness and honesty with their supervising officer. They undertook risk-taking behaviours in the community to cope and they did not immediately tell their supervising officer that they were struggling. The community-based social worker did not recommend their release, recommending instead that they spend some time in less secure conditions before they are liberated. The panel fully took this recommendation into account in coming to this decision.
6. Even taking into account the above noted concerns, the panel considered that the likelihood of the offender causing serious harm, even if they are struggling and use risk-taking behaviours in the community to cope, was less than probable. They were a minor at the time of the index offence and they have not caused serious harm since. They were convicted for violence in 2021, but this was at summary level and they were admonished.

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7. The panel therefore agreed that the offender does not have a pervasive pattern of violence since their index offence. They have completed an offence-based programme in custody. They were articulate about their early warning signs for poor emotional or mental health. They have sensible plans in place for taking action if they experience these early warning signs, such as speaking to their supervising officer.
8. The offender spent five years in the community between 2016 and 2021 and for the first four of these they were coping well. The panel considered that their risk in the community could be managed with a robust community-facing risk management plan and licence conditions. On the balance of probabilities, the panel was satisfied on the evidence before it that, even if the offender struggles with their emotions again in the community, this would not be likely to lead to them posing a substantial risk of serious harm to the public and it therefore directed their release.
9. The licence conditions are necessary, lawful and proportionate to manage the risk which the offender poses in the community.

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