

DECISION SUMMARY



Date considered: 24 October 2024

Sentence

1. The offender was 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 was 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's index offence involved significant violence and was not the offender's first offence. Against that background, the panel needed to consider whether it was satisfied that the offender's continued confinement was no longer necessary for the protection of the public.
6. The offender's last misconduct report in custody for violence was over 23 years ago. The offender was a compliant prisoner who was displaying positive behaviours. The panel had evidence of the offender's good decision-making.
7. The panel considered carefully the examples that the offender gave of how they had coped with difficulties in the past which provided evidence that the offender, in situations of risk or situations of stress, was capable of making good choices.
8. The panel understood the social worker's perspective that they wished to give the offender the best chance of succeeding on release, and that that may come through a gradual transition through the Open Estate and home leaves. The panel appreciated the concerns that the offender might not manage the transition into the community well and that the offender may be unrealistic about the scale of the challenges they may face. However, the panel was solely concerned about risk and the panel required to assess whether a potential inability to cope with

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the pressures and stresses the offender may face, could cause the offender's risk to escalate to the point where they may commit serious harm.

9. The offender had demonstrated an ability to use some of the tools they had learned through work in custody to more positively manage transitions. The panel found favour in the offender's evidence, which indicated that they would be adopting a cautious approach when released. There had been no concerns in custody for some time about the factors that may increase risk and there was evidence that the offender had dealt with potentially risky scenarios appropriately.
10. A move to the Open Estate, the social worker said, from where the offender could undertake home leave, would be largely advantageous as it would allow them to build up support in the community, and to be tested in terms of his risks. The panel did not find that testing to be necessary.
11. The panel gave weight to the social worker's evidence that they considered that the offender would fully engage with them, be open and honest and seek support when they required it. Having considered the offender's own evidence in that regard, the panel was persuaded that, when faced with difficulties, the offender was likely to reach out for support and that any warning signs of an escalation in their risk would be picked up on.
12. The panel was persuaded that the offender had provided sufficient evidence to demonstrate their continued confinement was no longer necessary for the protection of the public.

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