

DECISION SUMMARY



Date considered: 17 September 2024

Sentence

1. The offender is serving an indeterminate sentence, of which the minimum term in custody was 15 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. There is no doubt that the offender has proved problematic in terms of their behaviour and compliance both on licence and in the prison setting. However, the panel must consider the relevant legal test for release in his case which – as stated by the offender's solicitor – deals with the question of the risk they present of causing serious harm as opposed to their general manageability. The offender has not engaged in violence for a number of years, with their last recorded violence occurring in 2011. With that background the panel must apply careful scrutiny to the evidence of the social workers that they consider the offender does not meet the test for release.
6. This case is one that is complex, but overall, the risk factors referenced by social work are all factors that have been present for the offender for the last 13 years and have not resulted in the commission of harmful offences. There is in place a careful and robust risk management plan which will assist in identifying any emerging risk factors. That results in the clear position that the risk that the offender presents is one that is managed to an extent that means it is not necessary for the protection of the public that they continue to be confined. With that conclusion in place the panel agrees that the only conclusion is that the offender meets the test for release.