

DECISION SUMMARY



Date considered: 05 November 2024

Sentence

1. The offender is serving an indeterminate sentence, of which the minimum term in custody was 2 years 6 months.

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 made subject to an Order for Lifelong Restriction upon a serious conviction of violence, coupled with a history of violent behaviour and repeatedly carrying weapons. They have a history of breaching court orders designed to manage their risk in the community. The panel notes that they have not committed any acts of violence during two extended periods of community access from the Open Estate. Their compliance with temporary licence conditions and significant community access has been largely good and goes a long way to alleviating concerns about their manageability in the community.
6. They have attended a community work placement over many months and has regular periods of overnight home leave without any negative issues.
7. The panel notes that neither the offender's prison based social worker nor community based social worker support their release at this time. They both favour a further short review period to allow the offender to provide further tested evidence of their compliance with temporary licence conditions and to allow further risk management strategies to be set in place to allow them to support release. The panel's unanimous opinion was that whilst this would be welcomed, it was not necessary to establish that the offender met the legal test for release.

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8. The offender has now been in prison for almost 16 years having been convicted of their index offence. Their punishment period expired over 12 years' ago. Whilst the offender has been convicted of other offences they have not been convicted of further violent offending. There have been few, if any, indicators that any management difficulties involving them were likely to lead to incidents of serious violence. They have been within closed conditions, the Open Estate and in the community at a work placement and periods of home leave where they will have been exposed to situations where the potential for conflict will have arisen.
9. The evidence before the panel is that the offender can manage their risk. More fundamentally, when applying the appropriate level of scrutiny in this case and taking account of the impact of their continued detention after almost 16 years, it is no longer necessary for the protection of the public that they remain confined. Their release is accordingly directed subject to licence conditions.

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