



Protecting the Public?: Executive Discretion and the Release of Mentally Disordered Offenders

Tessa Boyd-Caine

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The separation of powers and independent, judicial decision-making are generally accepted as hallmarks of the rule of law in democratic societies. Yet the exercise of executive discretion remains an important aspect of criminal justice in many areas. *Protecting the Public?* explores the tension between the rights of individuals detained under criminal and mental health law and the responsibility for public protection in the little-known world of executive discretion over mentally disordered offenders. It is based on extensive and unique empirical research conducted at the UK Home Office, with legal and clinical practitioners, with civil society organisations and by reference to comparative jurisdictions. Central questions considered include: executive, judicial and tribunal decision-making; mental health and criminal law reform regarding serious or high-risk offenders; the influence of human rights law on policy and practice; and the role of civil society, particularly victim interest groups, in public policy. Through its analysis of decisions to release 'high-risk' offenders, this book goes to the heart of the public protection agenda – examining how 'the public' is constructed and what protection is provided by the exercise of executive discretion. This book will be of interest to academic and other researchers, students, policy-makers, law reformers, commentators and anyone interested in the field of criminal justice, mental health law and public policy.

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