

SUMMARY



Date considered: 12 August 2022

Sentence

1. The offender is serving an indeterminate sentence, of which the minimum term in custody was 11 years.

Test for release

2. Before it could direct release, the Board 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 Board was satisfied on this matter, and directed release subject to licence conditions.

Reasons for decision

4. In reaching its decision, the Board 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 Tribunal considered the social work evidence carefully. It did not consider that there was evidence that the offender poses a substantial risk of serious harm to the public. In order to refuse release, the Tribunal must be satisfied that both of these elements are present and substantiated by evidence and it was not.
6. The Tribunal was not satisfied that the risk the offender poses would be substantial if they were released on the proposed management plan. The proposed Risk Management Plan is robust.
7. The offender has completed further programme work and demonstrated change since their recall to custody.
8. The Tribunal considered that the offender would have sufficient support if they need it. The Tribunal agreed that the offender had reflected on the reasons for their recall to custody and understands the role of good decision making to make a success of their life in the community. While the Tribunal noted the social workers' recommendations, given the offender's change of attitude and the support which they can expect in the community, it considered that there was already sufficient evidence to satisfy it that they do not pose a substantial risk of causing serious harm. The test for release was therefore met.

SUMMARY

9. The offender is released on the licence conditions previously intimated, which are lawful, necessary and proportionate to manage their risk.