

SUMMARY



Date considered: 16 September 2022

Sentence

1. The offender is serving an indeterminate sentence, of which the minimum term in custody was 9 years.

Test for release

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

Reasons for decision

4. In reaching its decision, the Tribunal 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. In the offender's index offending, which involved the use of a knife, they caused catastrophic and fatal harm to their victim.
6. In their prior offending, the offender caused serious harm to their victims.
7. Following their release by the Board in 2012, the offender, on the most part, complied well with supervision and licence conditions. The offender established a good relationship with his Supervising Officer (SO).
8. In reaching its decision, the majority of the Tribunal was persuaded by the terms of the offender's SO's recommendations to it, as contained within their various reports in the dossier. The Tribunal also noted the offender's presentation to the hearing, their maturity and insight into their risks.
9. The majority of the Tribunal considered the offender to have presented as a mature and insightful individual who recognised the mistakes they had made and appeared committed to rectifying these on release. They considered the offender to have made good use of their time in the community on life licence, prior to their recall. The majority of the Tribunal were confident the offender would be able and willing to comply with any restrictions placed upon them, on release.

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10. The dissenting member of the Tribunal placed more weight on reaching their decision in the similarities between the offender's index offending and the current new matter. Given the offender's very extensive record of offending for violence, the dissenting member could not be satisfied that the offender met the statutory test for re-release whilst the new matter remained outstanding.
11. The majority of the Tribunal was satisfied that, in all the circumstances, the offender met the statutory test for re-release at this time and that the additional licence conditions intimated were lawful, necessary and proportionate to manage the level of risk the offender will pose to the community on release.