

SUMMARY



Date considered: 05 October 2022

Sentence

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

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. The offender's index offence was grave. The tribunal have to have regard to this in assessing the risk that they present to the public. The tribunal also have to have regard to the fact that the offender has been released on licence twice, and been recalled each time. They have accrued further convictions while they were on licence.
6. The offender's life sentence was imposed in 1987, and the tribunal must apply anxious scrutiny to whether they require to remain in prison for the protection of the public. The offender's subsequent offending had not involved serious harm to the public.
7. The tribunal had regard to the lengthy periods that the offender had been in the community, and to the lack of violent offending. It had regard to the offender's engagement with their supervising officer. The tribunal attached weight to the offender's own evidence, which was reflective and insightful, and to the supervising officer's evidence that it is likely that warning signs would be picked up and acted on before the offender came to present a risk of serious harm to the public. Having regard to all of the evidence, the tribunal was not satisfied that it was necessary for the protection of the public that the offender remains in prison.

SUMMARY

8. The tribunal therefore directs release, subject to licence conditions.