

## SUMMARY



**Date considered:** 11 November 2022

### **Sentence**

1. The offender is serving an indeterminate sentence, of which the minimum term in custody was 13 years 3 months.

### **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 their index offending, the offender caused catastrophic and fatal harm to their victim.
6. Following their conviction for the index offence and whilst within custody the offender was convicted of a further offence of violence causing severe injury to their victim.
7. Throughout their time in custody the offender has been downgraded from conditions of lesser security on a number of occasions due to their continuing involvement in pertinent risk factors.
8. However, the offender has now managed successfully at the Open Estate for a period of two years and demonstrated their ability to refrain from further such involvement.
9. As a result, professional witnesses expressed the view that there was now sufficient evidence before the Tribunal in order to demonstrate the offender's ability to be managed in the community.
10. Whilst the professional view of both witnesses was considered by the Tribunal to be highly persuasive and well founded, on having heard from the offender on the

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last occasion, the Tribunal had some concerns about their plans for release as detailed.

11. On having received a further report from the offender's supervising officer and having taken further evidence from the offender, the Tribunal is persuaded that the offender has reflected sufficiently on its concerns and strengthened their release plans.
12. In all of the circumstances therefore, the Tribunal is satisfied that the offender now meets the statutory test for release.
13. In fixing licence conditions, the Tribunal was cognisant of the offender's most prevalent risk factors.