

SUMMARY



Date considered: 29 November 2022

Sentence

1. The offender is serving an indeterminate sentence, of which the minimum term in custody was 14 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. The offender has done well in custody in recent times. They have completed programme work and acknowledge that they have benefited from doing so. They have no further programme needs and consideration can now be given to them transferring to the Open Estate. However, the tribunal did not consider that it was necessary for them to be tested in open conditions before release. The offender has been in the community on numerous occasions since they were sentenced. The last period on licence was for over four years. Whilst they have been recalled on three occasions, it appears that on each of these occasions, it has been due to alleged offending of which they have been later found not guilty. On this occasion, they were found not guilty of the breach of the peace which resulted in their return to closed conditions. The offender was able to articulate the skills which they have learned during recent programme work in custody, which will assist them to stay safe in the community. The offender has the realistic prospect of employment. The offender's social workers recommend release and the tribunal agreed with their opinions.
6. The tribunal accordingly directed the offender's release on licence conditions, which are lawful, necessary and proportionate to manage their risk.