

SUMMARY



Date considered: 18 November 2022

Sentence

1. The offender is serving an indeterminate sentence, of which the minimum term in custody was 10 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's index offence was extremely serious, being the murder of their victim with the use of a knife, while under the influence of substances. It is clear from this offence that the offender has been capable of causing serious harm.
6. The tribunal carefully considered the community based social workers evidence. They did not support release, and favoured testing in less secure conditions. That said, they were also clear that a Risk Of Serious Harm assessment was unnecessary, and that the offender's case would be managed as a routine case if he was released.
7. The tribunal attached significant weight to the lack of any violence since the offender's index offence. It had to apply anxious scrutiny to the offender's ongoing detention, and have regard to the impact of their continued incarceration. Having regard to the lack of violence since their index offence, the supportive factors which were in place, such as their family and the risk assessments, and the fact that the offender appeared to be addressing their addiction issues, the tribunal was satisfied that it was no longer necessary for the protection of the public that the offender remained confined. The tribunal was satisfied that the evidence suggested that they could be managed in the community with robust licence conditions.