

SUMMARY



Date considered: 19 December 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 presented well in their tribunal. They demonstrated insight into their risk factors. They have sensible and realistic plans for their return to the community. Although they have not spent time at the open estate, the tribunal considered that, currently, there was sufficient evidence on which it could be satisfied that the test for release was met.
6. The offender committed murder when they were 18. They incurred two further significant convictions in custody, one of which also caused serious harm to their victim. The last of these incidents was in 2014. Since then, the offender has engaged with programme work. They have been transferred to National Top End and undertaken a community work placement for 10 months. The offender has experienced special escorted leaves, unescorted leaves and unescorted day releases. There are no concerns about their behaviour within the prison or in the community during any of these leaves.
7. The offender poses a medium risk of reoffending. Whilst it is clear that the offender has the potential to cause serious harm, the tribunal did not consider that the risk of this was substantial at the current time. The offender has made good progress in custody. They demonstrated good insight into the motivations and triggers for their offending. They have developed strategies to manage and

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cope with challenges. The offender has demonstrated that they are able to implement these strategies when challenged.

8. The tribunal noted the conflicting recommendations of the social workers. The Prison Based Social Worker (PBSW) knows the offender well and finds them to be fully open and honest. The PBSW recommended their release. The PBSW did not consider that it would add any evidence to the current position if the offender spent time at the open estate. The PBSW did not consider that the offender currently presents a substantial risk of serious harm. On the other hand, the Community Based Social Worker (CBSW) did not recommend release. The CBSW noted that the offender has caused serious harm in the past, has been in custody for a long time from a young age and has not yet been tested in the open estate. The CBSW considered that this was beneficial for the offender, citing that they felt that the chances of the offender failing on life licence were far higher if they had not spent time on overnight home leaves before release.
9. However, although the tribunal considered that the CBSW's evidence was based on their experience and was therefore valuable, it did not agree that there was sufficient evidence to indicate that the offender currently presents a substantial risk of serious harm. Although it may be beneficial for the offender to spend time at the open estate before release, this is not the test which the Board must apply in considering the question of their release.
10. The tribunal therefore agreed with the PBSW's evidence. It did not consider that the offender at the present time, poses a substantial risk of serious harm. The tribunal also considered that the offender was capable of being managed in the community on a robust licence and that, if there are any issues in the community, these will be quickly identified.
11. In all the circumstances, the tribunal agreed to release the offender on licence conditions. These are lawful, proportionate and necessary to manage the risk which they pose in the community.