

## SUMMARY



**Date considered:** 13 December 2022

### **Sentence**

1. The offender is serving an indeterminate sentence, of which the minimum term in custody was 15 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 now served over 26 years of their life sentence. They were downgraded from the Open Estate in 2019.
6. Since their last review, the offender has continued to provide negative drug tests and has been engaging in regular appointments and it is reported that there are no further areas of identified work for the offender to undertake whilst in closed conditions but that they will benefit from further work in open conditions and in the community. The offender also completed programme work in May 2022 where they are reported to have engaged meaningfully and positively. It is noted that the offender poses no management problems within the custodial setting nor have they accrued any misconduct reports during the review period.
7. Significantly, the offender has not been involved in any incidents of violence during their sentence. Since 2010, they have undertaken a significant amount of Special Escorted Leaves, a number of temporary licence movements whilst at the Open Estate and numerous periods of home leave all of which have passed without incident. The offender has also undertaken a community work placement. It is also of great significance that the incident which led to the offender's downgrade to closed conditions was not violent in nature.

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8. Neither the prison-based nor the community-based social workers were supportive of the offender's release and were of the view that they required further testing to evidence learning from the programme work. There is a robust risk management plan in place for the offender in the community.
9. Given the length of time the offender has served past the punishment part of their sentence, the Board must consider their release with anxious scrutiny. Considering the extensive testing the offender has already had in the community and more importantly, the fact that they have not been involved in any incidents of violence since the index offence, the Board were satisfied that they meet the test for release. Accordingly, the offender's release is directed subject to licence conditions.