

SUMMARY



Date considered: 31 January 2023

Sentence

1. The offender is serving an indeterminate sentence, of which the minimum term in custody was 13 years and 2 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. The offender poses a risk to adult females with whom they are in an intimate relationship. This risk will present if they ruminate on being rejected or disappointed, or have poor emotional management or mental health issues which leads them to decide to use violence. However, the offender currently presents a low risk of intimate partner violence. They present a low risk of serious harm to partners, which is not imminent. The tribunal considered that the likelihood of the offender's behaviour reaching a point in the community where the risk to the public becomes substantial, or the resulting harm significant, before social work would be alerted and take action was, on the balance of probabilities, low. At present, the risk which the offender poses is not substantial.
6. Although it had some concerns about the offender's insight into the motivations and triggers for the index offence and the challenges they will face in the community, the tribunal considered the social work evidence was reliable and credible. In addition, the offender has complied with requirements in custody, suggesting they will continue to do so in the community. They engage well with their social workers, which is important for their safe management on licence. The offender has no substance issues. They have no previous history of violence and no previous convictions. The offender will be robustly monitored by professionals in the community. Even taking into account its concerns about the

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offender's insight, the tribunal considered that there is no pattern of behaviour suggesting that they pose a pervasive risk of serious harm to others. In addition, the risk which the offender poses is not currently substantial and therefore they do not require to remain confined for public protection.

7. The offender has engaged with their sentence positively. They are reported to be open and honest with professionals. They have not completed offence focused work, but this is because they require to complete a programme which is not offered in custody. The offender is reported to be willing and able to engage with this work in supervision. Their supervising officer will deliver the programme to them. The tribunal had confidence that the supervising officer will be able to quickly identify any negative issues and, if necessary, submit a breach report to the Board.
8. The tribunal noted the terms of the victim representations and took them into account in coming to this decision.
9. The recommended licence conditions are lawful, necessary and proportionate to manage the risk which the offender poses in the community.