

## SUMMARY



**Date considered:** 06 March 2023

### **Sentence**

1. The offender is serving an indeterminate sentence, of which the minimum term in custody was 16 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 tribunal noted that the offender did not appear to have a full grasp of their responsibility for the murder of the victim. This was explained to the offender in the hearing and they appeared to accept it. Although the tribunal had some concerns about their insight into the role they played in the murder of the victim and the significant challenges which they will meet in the community after being in custody for 16 years, it was satisfied that it was no longer necessary for the protection of the public that the offender remain confined.
6. The tribunal considered that the community-based social worker's evidence was reliable and credible. There is adequate evidence that the offender no longer poses a substantial risk of serious harm. The offender has complied with everything required of them within the custodial environment. They were able to provide evidence of times when they had implemented learning from programme work. The offender conducted themselves well on their community work placement and on unescorted day releases. The offender has no current substance issues.
7. The tribunal was also satisfied that the offender is able to recognise when they need to seek help. The offender's social workers said that they engage well with professionals and this gave the tribunal confidence that they would be open and honest in supervision, which is an essential prerequisite for release.

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8. The tribunal was also satisfied that the offender has insight into how their previous negative lifestyle and poor decision-making led to the index offence. Given their plans for the future and their robust management on licence, the tribunal considered that, on the balance of probabilities, the offender is unlikely to find themselves involved in a similarly negative lifestyle in future. If there were any signs of an emerging or increasing risk, the tribunal was satisfied that the offender's supervising officer is sufficiently experienced to identify this relatively quickly and take appropriate action. The tribunal considered that the social worker would be able to manage the risk which the offender poses in the community with the assistance of the proposed robust risk management plan.
9. The tribunal therefore directed the offender's release on the licence conditions previously intimated, which are lawful, necessary and proportionate to manage the risk which they pose.