

SUMMARY



Date considered: 10 January 2023

Sentence

1. The offender is serving an indeterminate sentence.

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 Board are concerned about the serious nature of the index offence but acknowledge that it occurred a considerable time ago. Further concern is attached to the offender's conviction for sexual offending against a young female victim but again there has been a considerable passage of time since this offence. The Board note that the offender has been released and recalled to custody on three occasions. However, the offender has been back in custody for over eleven years and not incurred a misconduct report or been violent since that time.
6. The Board acknowledge that the recent social workers' reports and in their oral evidence support the offender's release at this stage. The Board concurs with their views. The Board note the offender's level of risk but this has to be balanced against them now being at the Open Estate for just short of a two year period and their level of community testing through Unescorted Day Release. As stated by both social workers in evidence, it would have been beneficial for the offender to have had overnight home leave testing. This has not available to the offender. The Board consider that whilst overnight leaves can be part of an overall assessment of risk, it is not the applicable test. The Board consider that it is positive to note that both the offender and their Supervising Officer feel that they have built up a positive relationship. This relationship will be crucial to the

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offender's success with regards to remaining in the community. The Board consider that the risk management plan is sufficiently robust.

7. The Board concluded that in an overall assessment of the offender's case and the risk that they pose that it was no longer necessary for the protection of the public that they remained confined. The offender has been released and returned to custody on three occasions and they understand that if they fail to comply with the licence conditions or engage in their supervision in the community that they are likely to be returned to custody.