

## SUMMARY



**Date considered:** 19 July 2022

### **Sentence**

1. The offender is serving an indeterminate sentence, of which the minimum term in custody was 8 years.

### **Test for release**

2. Before it could direct release, the Board 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 Board was satisfied on this matter, and directed release subject to licence conditions.

### **Reasons for decision**

4. In reaching its decision, the Board 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 been acquitted of the charge that led to his recall. In exploring the circumstances of this charge, the Tribunal noted that there was a lack of evidence to support the charge, despite evidence being taken from witnesses. The Tribunal concluded that the offender had not breached conditions on their licence.
6. The Tribunal was concerned by the offender's decision-making on the date of the recall incident. However, this did not amount to a breach of their licence conditions. The Tribunal concluded that the offender's actions on the night of the recall incident at worst amounted to a lapse of judgement, which they appear to have learned from.
7. The offender provided evidence to the Tribunal, in which they spoke of the progress they were making in the community and the supports they have in place to promote their desistance from offending. The offender is alert to the challenges that will arise from living in an area where their offending is well known. The Tribunal was persuaded that they have sufficient strategies and supports in place to manage their risks.
8. All reports of the offender's progress on licence in the community and in custody since recall are positive, with both their prison and community based social

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workers recommending release. Considering these reports, together with the lack of violent incidents in recent years and circumstances under which the offender was acquitted of the recall charge, the Tribunal concluded that the offender's continued confinement was no longer necessary for the protection of the public.