

## SUMMARY



**Date considered:** 26 September 2022

### **Sentence**

1. The offender is serving an indeterminate sentence, of which the minimum term in custody was 13 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. In considering the question of whether the offender poses a substantial risk of serious harm which requires him to remain confined, the Tribunal paid particular attention to the professional evidence. It was accepted by their Supervising Officer that the offender has made progress in recent years, but there are still concerns that he has not been adequately tested on a sufficient number of unescorted leaves or home leaves.
6. However, two members noted that the offender is not at imminent risk of being violent. The offender was young when he committed the index offence and has not been violent in custody for 25 years. There are social work concerns that his response in the community cannot be properly anticipated or planned for without further testing. However, the two members considered that there was inadequate evidence that the offender poses a substantial risk which would result in serious harm to the public before professional intervention could be made. The two members were also satisfied that the offender understands that they will face challenges in the community and has improved their consequential thinking and they will seek support when they need to. The offender's supervising officer will be informed if there are any concerns. The two members also considered that, given his openness in the Tribunal, the offender would advise his supervising officer if there were any issues. In summary, the two members were not satisfied

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that the risk the offender poses was sufficiently substantial or serious to outweigh the burden of him remaining confined, especially given the length of time he is past his punishment part. The two members therefore directed his release on licence conditions which are lawful, necessary and proportionate to manage the offender's risk.

7. The third member dissented and agreed with the supervising officer. They said that there was insufficient evidence on which to be satisfied that the offender could self-manage in the community because he has only been tested on Special Escorted Leaves and has only had limited Unescorted Day Releases. Even with the benefit of professional services, there is currently inadequate evidence of the offender's likely response in the community to be satisfied that his risk has adequately reduced. He therefore requires to spend time at National Top End and the Open Estate before release. This will allow him to practice the skills he will need to stay safe in the community in a staged and supported manner.