

SUMMARY



Date considered: 02 November 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 order to release the offender, the Board requires to be satisfied, on evidence, that their continued confinement is no longer necessary for the protection of the public. In considering that test, the Board needs to consider what risk is posed by the offender, and whether that risk is significant, and could result in serious harm. The Board concluded that any risk that they posed did not reach that threshold.
6. The offender's index offence is their only conviction for violence and did not form part of a violent history or pattern of behaviour. The offender's Community Based Social Worker, when asked about the risk that the offender presented, was not concerned that the offender would become violent.
7. The offender is being released with a support package which is more robust than previously, with additional support anticipated.
8. The Board is satisfied that the offender does not present a risk of committing serious violence in the community. Any risk which the offender does present can be safely managed through robust licence conditions and close supervision.
9. Both the Community Based Social Worker and the Prison Based Social Worker support release. The Board was persuaded that the test for release was met.

SUMMARY

10. It is imperative that the offender is open and honest with those working with them. If the offender is dishonest then they once again run the real risk of meeting the legal test for recall to custody.
11. After careful consideration, the Board directed release on licence conditions which it deemed lawful, necessary and proportionate to manage the offender's level of risk in the community