

## SUMMARY



**Date considered:** 01 December 2022

### **Sentence**

1. The offender is serving an indeterminate sentence, of which the minimum term in custody was 14 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 offender was recalled to custody in March 2022, having spent several months in the community on licence. In general, their engagement with supervision and compliance with licence conditions was positive. The Tribunal was persuaded that the offender had learned a salutary lesson from their recall. They were able to identify the areas where they went wrong on their last release and where they must be vigilant in future to avoid a repeat of their recall situation.
6. The offender has had a positive response to custody since their recall, engaging well with a 12 week programme and remaining free of misconduct reports. Although the offender was unable to clearly articulate their learning in their evidence, it was clear from their answers to questions and the reports in the dossier that they have taken something from this work. The evidence showed that they are able to recognise their risk factors. The offender has supports in place in the community to assist them with this, as well as providing practical support in terms of finances and housing.
7. The offenders' prison based social worker and Community Based Social Worker (CBSW) both recommended their release. In concurring with the views of the social workers, the Tribunal noted the robust risk management plan in place and the offenders' willingness to undertake work in the community. The Tribunal concluded that the test for the offenders continued detention was not met, given

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their insight into the difficulties that arose prior to their recall, the work undertaken in custody since and the fact they have already discussed and agreed to the ongoing work which they will be expected to undertake in the community with their CBSW. In reaching this conclusion, the Tribunal placed weight on the fact that the offender did not reoffend in the community, had a lengthy period of positive compliance with supervision, is not currently assessed to pose an imminent Risk of Serious Harm and has realistic plans for release.

8. Accordingly, the Board directed release on licence conditions which it deemed lawful, necessary and proportionate to manage the offenders level of risk in the community.