

SUMMARY



Date considered: 01 December 2022

Sentence

1. The offender is serving an indeterminate sentence, of which the minimum term in custody was 6 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 released on life licence on 15 March 2022 and returned to custody on the 23 July 2022. Prior to their release they had served almost 28 years in custody. The panel heard evidence during two Tribunal hearings and carefully considered all of the circumstances which led to the offenders recall to custody.
6. In evidence, The offender was candid in their explanation for some of the breaches of licence which they duly accepted. Other matters remained in dispute and whilst the Board shared some of the concerns expressed by Community-Based Social Worker, the Board must also have regard to the test which must be applied in considering the offenders release. The Board are also cognisant of the fact that due to the significant period of time the offender was in custody prior to their release on licence, anxious scrutiny must be applied in determining the matter of release.
7. In that regard, there was nothing in the evidence presented to the Board which suggested that the offender presents a significant risk of harm to the public. They did not commit any offences whilst on licence nor did they commit any acts of violence. The matters which led to their recall were extensively addressed in evidence and led the Board to conclude that whilst there were issues with the manageability of the offender during their time in the community on licence, these

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issues were not of sufficient seriousness to merit the offenders continued confinement in custody.