

SUMMARY



Date considered: 21 December 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. The offender provided the tribunal with a detailed statement in relation to the matters for which they were recalled to custody.
6. The offender presented as having good insight into their risk factors, in particular substance misuse. They gave credible evidence of their understanding of the role played by misuse of illicit substances in their offending.
7. The offender's community-based social worker recommended release. They said that, if the offender was accommodated at the approved address, this will remove them from negative peers who may draw them back into reoffending. They were of the view that negative peers and substance misuse are the principal risk factors for the offender reoffending and these risk factors can be managed in the community. The community-based social worker also advised that, since they had quickly identified that the offender's presentation had declined in the community and submitted the breach report, they have confidence that other social work professionals would be able to do the same, if necessary. They also advised that the offender's prison based social worker shares their views.
8. The tribunal considered that the evidence indicated that the offender does not pose a substantial risk of serious harm at the current time. Although they have a

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very high number of risk factors for general reoffending, this does not indicate that the likely outcome if they reoffend is serious harm.

9. In evidence, the offender was able to articulate their risk factors for reoffending. The plans they have in place for self-managing their risk in the community are realistic. In particular, their time will be structured as they will be required to work, which is something they enjoy. They also expressed particular remorse for the harm done to the victim and the victim's family.
10. In all the circumstances, the tribunal considered that the test for release was met and it released the offender on the licence conditions previously intimated, which are lawful, necessary and proportionate to manage the risk which he presents.