

SUMMARY



Date considered: 06 February 2023

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 Board considered it to have been a very useful exercise to explore with the Community Based Social Worker (CBSW) in evidence the concerns they had about the offender and how those concerns related to the test for release. It was clear by the end of the CBSW's evidence that they did not consider it to be necessary for the protection of the public that the offender continues to be confined. The most serious issue that had arisen for the CBSW occurred in 2021, after which the offender remained in the community for a further year. That could not form the basis of a finding by the Board that the offender did not meet the test for release.
6. It was clear from the dossier and the evidence given at both hearings that the offender was difficult to manage on licence, and created difficulties for their supervising officer. However, the noncompliance that they engaged in did not result in any incidents of confirmed violence and aggression to the degree required to make it necessary for the protection of the public that they continued to be confined. The Board therefore concluded that the offender meets the test for release and accordingly directed release on licence conditions which it deemed lawful, necessary and proportionate to manage the offender's level of risk in the community.