

SUMMARY



Date considered: 04 August 2021

Sentence

1. The offender is serving an indeterminate sentence, of which the minimum term in custody was 12 years.

Test for release

2. Before it could direct release, the Board 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 Board was satisfied on this matter, and directed release subject to licence conditions.

Reasons for decision

4. In reaching its decision, the Board considered:
 - a) the circumstances of the index offence, and any offending history;
 - b) formal risk assessments prepared on the prisoner;
 - c) the prisoner's conduct since sentence, and intentions if released;
 - d) all relevant information in the dossier; and
 - e) the evidence heard at the hearing.
5. Two members considered that there was insufficient evidence to be satisfied that any harm to the public which the offender poses is significant or consists of a risk to 'life and limb'. Whilst the two members had concerns about the offender's behaviour on licence, there is an insufficiently clear link between the offender's behaviour on licence and the likelihood of the offender harming the public based on the known triggers and motivations for the offender's previous offending or the reasons why he was recalled to custody. The offender is reported to have increased their alcohol consumption but was not under the influence of substances or alcohol when they committed the index offence. There is no evidence that the offender was under the influence of either when they committed their previous convictions. There is no current evidence of violence.
6. The two members noted the terms of the community based social worker's concerns, in particular the offender's dishonesty. They noted the community based social work department's recommendation that he should engage with offence focused work in custody.
7. However, the two members considered that extra licence conditions addressing the offender's current pertinent risks would reduce his risk to the public

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sufficiently for them to be satisfied that it was no longer necessary for him to be confined.

8. The dissenting member considered that the offender's evidence was not credible. They were concerned about his lack of honesty and ability to refrain from excess alcohol consumption or consistently abide by his supervising officer's requirements on licence. The dissenting member considered that the offender still needed to demonstrate that they can be fully open and honest and requires to spend time at the Open Estate to demonstrate they are capable of this before release.