

SUMMARY



Date considered: 13 August 2021

Sentence

The offender is serving an indeterminate sentence, of which the minimum term in custody was 13 years reduced on appeal from 18 years.

Test for release

1. 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

2. The Board was satisfied on this matter, and directed release subject to licence conditions.

Reasons for decision

3. 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.
4. The Board had some concerns about the offender's insight into the reasons for the index offence. The offender takes responsibility, but still described the scenario as a 'drunken fight'
5. Nevertheless, the offender understands that their principal risk factors are negative companions and alcohol. The offender understands the necessity of avoiding negative peers and the victim's family and not consuming any alcohol.
6. The offender has been of almost exclusively good behaviour in custody, particularly the Open Estate. The offender has undertaken a significant number of leaves, all of which have gone well and there are no concerns. The offender has engaged so well with a community work placement that they has been offered permanent employment
7. Both social workers recommended release. The offender's prison based social worker was confident that the offender would continue their current good engagement with professionals in the community
8. The Tribunal directed release. It considered that the licence conditions are lawful and necessary and proportionate to manage the risks posed by the offender.