

SUMMARY



Date considered: 02 September 2021

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 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 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 acknowledged concerns that the offender had not received an extensive period of testing in the community; however, it did not consider that further testing was required based on the evidence before it.
6. The Board recognised that throughout their sentence the offender had acquired a number of misconduct reports, which indicated historical issues with compliance; however, there were no current indicators of non-compliance. The offender had evidenced compliance with the regime for some time, and positive reports had been received of their current behaviour in custody and community work placement (CWP). The Board considered that, set against the positive evidence heard during the Tribunal the offender would comply, and that such compliance would allow their risk to be managed safely and allow any triggers or warning signs to be identified. The Board did not consider that a further period of CWP testing was required in this case.
7. The Board was persuaded that relevant risk factors had been successfully addressed by the offender, there being no recent evidence of any issues. Witness evidence provided reassurance to the Board that there was a sufficiently

SUMMARY

robust risk management plan in place, and that appropriate licence conditions would assist in managing the level of risk presented.

8. The Board had to consider the legal test in the context of what the Courts considered that to mean, and therefore, in order to keep the offender confined, it would need to consider that they posed a significant risk of serious harm to the public. The Board could not conclude that. The index offence was the offender's only conviction for violence, and of significance was that since then, there had been no concerns or reports of violence or aggression in custody save for a single misconduct report a number of years previously. Therefore, they had not demonstrated violent tendencies. The Board considered that the supervision process and breach of licence procedures in place were sufficient to identify escalating risky behaviours and circumstances, and that the offender's supervising officer would decide whether the imminence of serious harm was increasing.
9. The Board noted that there would clearly be challenges for the offender to face; however, it was satisfied that the risks surrounding these could be addressed continually and monitored by social work through supervision. The Board did not need to be satisfied that there were no presenting risks at all; it was persuaded that the risks presented could additionally be managed through the licence conditions considered necessary based on the evidence provided.