

SUMMARY



Date considered: 04 October 2021

Sentence

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

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 had to consider whether the offender posed a significant risk of serious harm to the public such that continued confinement was necessary. The Board was not satisfied that the evidence indicated that to be the case, and the Board thus directed release. There had been no indications of violent behaviour on the part of the offender for a substantial number of years. The index offence was their second conviction for violence but during this sentence they had not become involved in any violent incidents in prison and there had been no concerns in that regard. The offender had completed all offence focused work required of them and had progressed through their sentence well. They had not been assessed as presenting an imminent risk of serious harm and a number of protective factors were cited in the risk assessment conducted by prison-based social work.
6. Several risk factors had been identified; however, the evidence available highlighted no concerns about these during the period spent in prison or during periods of home leave. The risk management plan outlined by community-based social work also gave the Board reassurance that these factors would be monitored and managed with licence conditions.

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7. The offender had undertaken a significant number of home leaves without incident and was reported to have used their time in prison constructively. They presented at the Tribunal as having concrete and realistic plans for release. The Board noted that initial stages of release were likely to be difficult for the offender, who would need to engage fully with social work and all supports available. However, they had pro-social support in the community and presented as motivated to make a better life for themselves.
8. The Board did have reservations about compliance and openness and honesty, particularly if things were not going well for the offender. The Board noted concerns at the previous review which were still recent, and therefore considered that a robust and stringent set of licence conditions was required, in order that the supervising officer had every means available to corroborate the offender's self-reporting. As time moves on, the supervising officer would have discretion to work within the wording of those licence conditions to give increased freedoms as and when appropriate, or apply to the Board to have licence conditions lifted entirely.
9. Both prison-based and community-based social work supported release, and neither considered continued confinement necessary for the protection of the public. The Board agreed with that view, and directed release subject to licence conditions.