

SUMMARY



Date considered: 18 February 2022

Sentence

1. The offender is serving an indeterminate sentence, of which the minimum term in custody was 11 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 accepted that prison-based and community-based social work - necessarily - had different considerations when looking at release and promoting a successful release to those considerations of the Board. While it was clear that progression to the Open Estate would have benefitted the offender, that was not the test for release in this case. The test for release requires the Board to closely consider whether it is necessary for the protection of the public for the offender to continue to be confined. The Board found that it was not necessary. There had been no violent convictions for over two decades. There had been no violence in custody. There was no imminence to the risk of serious harm, and in order for that to change there would have to have been a significant change in the offender's circumstances. That kind of change is one that would likely be noticed by their supervising officer.
6. Prison-based social work (PBSW) agreed that in the past, the offender had tended to become a risk 12 months after release. Both PBSW and community-based social work (CBSW) agreed that while there was a moderate risk of serious harm (RoSH), there was no imminence to that risk. These factors alone demonstrated that the offender met the test for release. While it was clear that personal limitations impacted upon the offender's ability to identify triggers and

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emotional understanding of their own position, that did not indicate that they needed to be confined for public safety.

7. While there remained concerns from a number of professionals about the offender's ability to cope in the community, and while the Board shared some of those concerns, there was no indication whatsoever that the offender would be released and cause serious harm. They would need significant support on release, but that did not prevent them from meeting the test for release. They would require intensive support and monitoring. They had some insight into when things are going wrong, but more work would be needed on this to prevent their repeated recall pattern.
8. The Board disagreed with a suggestion that compliance was superficial. The evidence of the offender and information in the dossier suggested that the compliance given was the limit of the offender's ability. They had spent a considerable portion of their life in prison and had some skills to learn in this area, responding more easily at the time of consideration to clear and inflexible rules and answers to questions.
9. The Board agreed that the question was not for an absence of risk, but an assessment of whether the risk presented required the offender's continued confinement. For the reasons outlined above, that was not necessary for the protection of the public, and the test for release was therefore met.

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