

SUMMARY



Date considered: 11 May 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 heard from several professional witnesses, all of whom had extensive experience of working with the offender. All three recommended release, and provided clear and measured evidence on the risks posed by the offender and how these could be managed in the community.
6. The offender had been previously released on licence and recalled to custody, on two occasions. The first period of release lasted almost two years, the second several months. The Board noted that although the offender had breached their licence conditions on both occasions, they had not reoffended when in the community and the Board accepted evidence from the witnesses that the offender had learned from their last recall, understood the importance of complying with all licence conditions and that measures were in place to help reduce identified risk factors on release. The offender in their evidence appeared able to identify their risks and aware of how to manage these. The Board was persuaded that the offender had insight into their risks and that they had the ability to manage these, whilst also taking on board advice from their supports. The Board also accepted the evidence from community-based social work that the offender had been generally open and honest in supervision, and that any early warning signs would be picked up quickly.

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7. The offender's last conviction had been over 15 years ago, and there was no indication of violent or aggressive behaviour since they were involved in an altercation in custody some years ago. The Board accepted the evidence of the witnesses that the offender did not meet the criteria for a Risk of Serious Harm assessment, that any risk of reoffending was not considered imminent, and that any risk of harm was likely to involve accidental harm to the offender themselves. Against this background and three clear recommendations for release, the Board was persuaded that the test for the offender's continued confinement was not met.
8. Accordingly, the Board directed release on licence conditions which it considered lawful, proportionate and necessary to manage the offender's level of risk in the community.