

SUMMARY



Date considered: 16 May 2022

Sentence

1. The offender is serving an extended sentence, comprised of a custodial term of nine years and an extended period of supervision on licence of five years.

Test for release

2. Before it could direct release, the Board had to consider whether it remains necessary for the protection of the public from serious harm that the offender should be confined.

Decision

3. The Board was not 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 offender was convicted of very serious index offences. They had been released previously on non-parole licence; this was later revoked, however they remained unlawfully at large for a significant period until they were returned to custody. They also incurred further convictions. In their evidence, the offender acknowledged their previous poor decision making and advised of their motivation to support their family and be open and honest with their community-based social worker (CBSW).
6. The Board considered that the offender gave their evidence in a candid manner. They acknowledged the impact of current personal difficulties and appeared to have a recognition of their risk factors, and strategies to deal with these. They also recognised the need to maintain available supports, and the structure which employment or other positive activities in the community may provide. The offender indicated that they were willing to comply with licence conditions. They had a clear plan for the future, including employment opportunities and spending time with their family.

SUMMARY

7. Prison-based and community-based social work both supported release. The Board accepted the evidence of the CBSW, particularly noting that the offender had fully engaged with them and that there had been no concerns during a number of home leaves. There was a detailed risk management plan in place for release. It appeared that there was a positive working relationship between the offender and their CBSW. The offender's proposed accommodation had been approved as suitable. They had also resided at this accommodation during home leaves, with no issues being reported.
8. The Board noted the offender's assessed level of risk / need, and their identified risk factors. Prison-based social work (PBSW) assessed that a return to previous negative behaviours would increase the offender's risk of re-offending. However, there was evidence of their abstaining from these, and they were motivated to continue to do so. It was also noted that their extreme use of violence in the index offence appeared to be isolated and there was no evidence of further violence since their conviction. PBSW considered that the likelihood of the offender offending upon release appeared to have reduced significantly and could be evidenced by their positive engagement with the prison regime, community access and reported change in attitude.
9. Having regard to the above factors, the Board was satisfied that it was no longer necessary for the protection of the public from serious harm that the offender should continue to be confined, and directed release subject to licence conditions which it considered lawful, necessary and proportionate to manage their level of risk in the community.

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