

SUMMARY



Date considered: 30 May 2022

Sentence

1. The offender is serving an indeterminate sentence, of which the minimum term in custody was 12 years and seven 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 decision, whilst unanimous, was very finely balanced. The Board paid particularly close attention to the test it must apply in considering whether to release a life sentence offender. It concluded that there was sufficient evidence for it to be satisfied that there was not a substantial risk of the offender causing significant harm to the public if released at this time. In coming to this decision, the Board noted the reasons why prison-based and community-based social work recommended that the offender spend time at the Open Estate (OE) before release. However, it seemed to the Board that they suggested a short period of testing to be assured that the home environment was positive, that the offender would comply with temporary licence conditions and would avoid certain identified risk factors. These concerns were founded on the offender's assessed risk and a number of other reasons relating to their personal circumstances.
6. The Board considered that there was sufficient evidence before it to rebut these concerns. The offender had done very well in custody in recent years. They had undertaken appropriate programme work in custody and were able to articulate how they had changed since the commission of the index offence. They were motivated to do well and avoid offending in the future. They had waited patiently for their unescorted day releases (UDRs) to recommence through COVID-19

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restrictions. The offender provided evidence at the hearing that they were able to walk away from conflict and, furthermore, later address the issue successfully in a positive fashion. They had been able to overcome significant personal issues and make use of available support to do so. They had demonstrated insight into their risk factors, and intended to avoid certain behaviours for the rest of their life. They demonstrated insight into why they had become involved in these behaviours and why they had been violent in the past. Despite social work concerns about the offender's intended accommodation, they still considered that it was positive. The offender also had realistic plans for their return to the community. They presented to the Board as capable of being open and honest in supervision. They had done well on their UDRs and community work placement. The Board did not consider that a short period of time at the OE would increase the evidence already before it in any significant way.

7. The Board also noted the offender's assessed risk of serious harm. Regarding a relapse into negative behaviours, the supervising officer gave evidence that any negative changes which could increase imminence were unlikely to be sudden and should be therefore observable at appointments and timeously acted upon. The offender also understood the importance of being open and honest with their supervising officer. Given their motivation never to return to prison, the Board was satisfied that the supervising officer would be alerted to any issues before the offender's risk became imminent or they posed a significant a risk to the public.
8. On the balance of probabilities, the Board was satisfied that the risk of the offender causing significant harm to the public, if they were released, was not sufficiently substantial for it to require them to remain confined for public protection. The Board considered that it could direct release on robust licence conditions, and did so. The licence conditions intimated were considered by the Board to be lawful, necessary and proportionate to manage the risk posed by the offender.