

SUMMARY



Date considered: 09 November 2022

Sentence

1. The offender is serving an indeterminate sentence, of which the minimum term in custody was 10 years.

Test for release

2. Before it could direct release, the Tribunal 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 Tribunal was satisfied on this matter, and directed release subject to licence conditions.

Reasons for decision

4. In reaching its decision, the Tribunal 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 released from a life sentence in June 2021 and recalled to custody six months later. The Community Based Social Worker (CBSW) confirmed that overall, the offender's engagement with services had been positive albeit they had demonstrated a difficulty in readjusting to their surroundings. The Board noted that the offender struggled in the community upon their release. This resulted in poor decision-making and choices made by them after spending such a lengthy period in custody.
6. In evidence, the CBSW confirmed that there are now further supports available to the offender which will form part of a robust risk management plan and provide increased monitoring. The offender was able to demonstrate in evidence an understanding of where they failed in the community. The offender expressed an understanding of the expectations upon them if returned to the community and demonstrated a motivation to engage fully with all aspects of supervision and licence conditions.
7. Despite breaching their licence conditions, the offender was not involved in any further offending behaviour during their time in the community. They have not been involved in any further incidents of violence and no concerns have been raised. Both the community-based and the prison based social workers are supportive of the offender's release at this juncture.

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8. It was clear from the evidence of the offender that their recall to custody has had an effect on them and that they are motivated to change going forward. In all of the circumstances, the majority of the panel agreed with the recommendations of the social workers and directed release subject to licence conditions.
9. The dissenting member whilst recognising that the offender does not have a pervasive history of violence, was not satisfied that it was no longer necessary for the protection of the public that they remained confined. In reaching this conclusion they took into account that the offender's last offence was murder. At the time of the index offence the offender's precipitating risk factors included leading a chaotic lifestyle, poor decision-making and failure to engage with support services.
10. The dissenting member was most concerned that prior to the offender's previous release on licence, the offender reiterated to the Board that they were aware of their risk factors, could manage such risk factors and insisted they did not require to be tested in conditions of lesser security. The dissenting member noted that despite such promises, within months of her release she was dishonest with her SO and had breached conditions of her licence. Based on this behaviour the dissenting member opined that the offender is unlikely to comply with the controls in place to monitor their risk. The dissenting member did not accept the offender's evidence to the Board to be credible and considered that testing was necessary prior to their release.

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