

SUMMARY



Date considered: 07 December 2022

Sentence

1. The offender is serving an indeterminate sentence, of which the minimum term in custody was 15 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 has had extensive community access. During that time they have undertaken a number of home leaves, Unescorted Day Releases and an extensive period of time on community work placement. There have been no issues in relation to their compliance with their temporary licence conditions. That needs to be balanced against the fact that their index offences were domestic in nature and they have only recently embarked on a programme designed to target domestic offending.
6. There is no suggestion and no evidence to indicate that they have tried to circumvent temporary licence conditions or that they have failed to comply or that they have been dishonest with the community based social worker. The Board must proceed on the basis of evidence before it and the evidence before it is that the offender is appropriately managing relationships and following the directions of their supervising officer. There is no actual evidence that they pose an immediate risk taking account the extent to which contact is monitored and regulated.
7. The offender is in the very early stages of their offence-focused work which is designed to target the specific risk that they present. However, that risk they present has been safely managed in the community during the periods of temporary release. The offender has a long history of compliance and the Board

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accepted that the evidence indicated that they would continue to comply with any requirements given to them by their supervising officer. The Board considered that stringent licence conditions would offer the offender's supervising officer sufficient mechanisms by which their conduct could be closely monitored.

8. The offender does not have a lengthy history of violence, with their index offences being their only conviction of that nature. During their time in custody they have not been violent, nor have there been any concerns in that regard during periods of community access. The Board of course understood concerns that they have not been in the specific circumstances where their risks may escalate, but the Board's view was that there was evidence to indicate that they had been acting appropriately when in the community.
9. There is some dubiety about the part that alcohol played in the offender's offending, and the Board did note that even when under the influence of alcohol they were able to carry out a number of controlled actions when committing the index offences. Their pattern of criminal behaviour fits in with the time frame they provided as being the time during which they were experiencing significant alcohol issues. There was nothing to gainsay that position, and the Board did therefore think it was significant that the offender is now abstaining successfully from alcohol. The Board considered that to be a risk factor which now seemed to be under control and which could be monitored through relevant licence conditions. During their community access, they have had ready access to alcohol yet there have been no concerns about that being an issue. It is noted by the Board that home leaves have been taken to a place where there is 24 hour monitoring, which includes the monitoring for alcohol misuse. No concerns have been reported.
10. Emotional collapse and stress have been identified as being factors that contributed to their index offences. Their recent behaviour, particularly in light of the difficulties they have faced in these proceedings alone, suggest that they do at least have some capacity to control their emotions and deal with stress appropriately.
11. When giving evidence to the Board they recognised that there were certain difficulties during the time when they were consuming too much alcohol, in the time leading up to the index offences. They appeared to have moved in terms of their position on that, which brings with it some confidence that they are starting to open up. The offender did not present as having a great deal of insight yet into why they committed the index offences, and maybe they will never understand this. However, that is not a barrier to release.
12. The Board scrutinised the risk management plan to be implemented by the Community Based Social Worker and considered that, alongside very rigorous licence conditions, it was sufficient to manage any risk the offender may pose to a partner or indeed to any member of the public. The Board imposed strict licence conditions in this case and considered those to be necessary and proportionate for an offender who, having been convicted of a serious domestic offence, is only at the early stages of understanding their offending behaviour.
13. Accordingly, the Board directed release on licence conditions which it deemed lawful, necessary and proportionate to manage the offender's level of risk in the community.

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