

DECISION SUMMARY



Date considered: 09 May 2023

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 panel 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 panel was satisfied on this matter, and directed release subject to licence conditions.

Reasons for decision

4. In reaching its decision, the panel 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. As stated by the offenders' solicitor, the decision in this case was considered with a split both in the members and social workers views. On balance, the offender was released on a majority decision. The dissenting member's position was that whilst accepting the index offence was a long time ago, it has not been long since there has been continued examples of poor problem solving and the offender not being open and honest with social workers. Their decision making has not been sufficiently tested and they requires further testing in the community. The dissenting member and the Prison Based Social Worker (PBSW) agree that the offender requires further testing with regards to their compliance, decision making and their openness and honesty. The dissenting member has concerns if the offender meets previous peers in the community and it is unknown what they will do.
6. The majority view was supportive of release. However, that view acknowledges the serious nature of the index offence which was committed against a history of offending whilst at a lower level included a violence previous conviction and a level of non-compliance in the community through the offender breaching special conditions of bail and court orders.

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7. The majority view, like the dissenting member, acknowledge that both social workers are of opposing views. The PBSW does not support release, and has concerns about the offenders lack of openness and honesty and considers that they requires further testing, at least by way of a community work placement. On the other hand, the Community Based Social Worker supports release and informed the Board that while they had concerns, they did not consider that it was necessary for the protection of the public that they remained confined due to their poor decision making, problem solving and consequential thinking because these are matters that they deal with every day in the community and they can work on this with the offender through supervision.
8. All members applied anxious scrutiny in the decision making process given that the offender was considerably post-expiry of the punishment part of their sentence. On balance, the majority view was persuaded by the fact that the offender has not been involved in violence since their conviction for the index offence, along with their assessed level of risk. The majority view was that it was no longer necessary for the protection of the public that the offender remains confined and were satisfied that there is a robust management plan and licence conditions in place to support the offenders' transition back into the community.
9. The panel note that the offender confirmed that they were happy to comply with all licence conditions. They were was advised and are aware that the likely consequences of breaching such conditions will bring them back before the Board and they can recommend/direct his recall to custody.
10. The panel encourage the offender to utilise all supports and services made available to them in the community. They will now have an opportunity to evidence their compliance and openness and honesty with their SO in the community and be more able and confident to discuss any issues or concerns surrounding their circumstances.
11. 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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