

SUMMARY



Date considered: 28 September 2021

Sentence

1. The offender is serving an indeterminate sentence, of which the minimum term in custody was 12 years.

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 Board acknowledged that both community- and prison-based social work did not support release at this stage. Both preferred that the offender be further tested at the Open Estate and be gradually reintegrated into the community. The Board understood their reasoning, but was mindful of the applicable test being that the offender should only remain confined if it was necessary for the protection of the public from serious and substantial harm.
6. The Board was concerned about the serious nature of the index offence, and the offender's recent behaviour in custody. However, this had to be balanced against the applicable test and there had been no incidents of violence for a significant period of time on the offender's part. The Board attached weight to the opinions of social work that the offender did not meet the criteria to be assessed as a Risk of Serious Harm (RoSH). There was no imminence of such harm occurring. The offender's most significant risk factors, although relevant, did not appear to be active at present. They had, during the past review period, worked hard to distance themselves from negative influences. Their mental health and behaviour were stable, and they were engaging well with support services. The Board considered that the offender's risk factors and needs could be monitored and managed by the robust risk management plan (RMP) in place, including

SUMMARY

proportionate, lawful and necessary additional licence conditions to provide structure to their release back into the community after a significant period of time.