

SUMMARY



Date considered: 24 November 2021

Sentence

1. The offender is serving an extended sentence of three years and six months, comprised of a custodial term of 18 months and an extended period of supervision on licence of two years.

Test for release

2. Before it could direct release, the Board had to consider whether it remains necessary for the protection of the public from serious harm that the offender should be confined.

Decision

3. The Board was not 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. This was a finely balanced case, and the Board recognised the concerns of community based social work (CBSW) drawn from their experience of the offender's time on licence. However, the Board considered that those concerns had been managed in the community up to the point of recall, and that that would have continued, albeit for an unknown period of time, had it not been for a further charge of which the offender was later acquitted. In addition, the robust risk management plan in place was considered likely to be effective in picking up warning signs.
6. The offender presented as attempting to be open and honest with the Board and reflective of certain risk factors. The Board also noted that the offender had taken proactive steps to investigate options open to tackle these. The Board considered that the offender had shown sufficient insight to indicate that, through discussions with their supervising officer, and through utilising available support, there would be sufficient oversight of their behaviour for any warning signs to be noted and thus these elements of risk could be managed.

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7. The Board noted CBSW concerns around whether the offender had been open and honest with them whilst in the community. It was noted that some thoughts had been disclosed, but there were concerns there may have been others which they did not disclose. The offender, during their evidence, attempted to explain this and answered questions from the Board. Whilst they lacked insight into their offending, they presented as genuine in their desire to explore the triggers to it, and provided the Board with information about the strategies they used.
8. CBSW confirmed that the areas of concern which existed prior to the offender's recall to custody could have continued to be managed in the community at that time, albeit they were obviously unable to say what may have gone on to happen. This indicated that the risks presented were manageable in the community at that stage and may continue to be so under strict licence conditions.
9. The test before the Board was that of the risk of serious harm to the public. While there were, and remain, concerns about the offender's openness and honesty when in the community, and in relation to their insight into their offending behaviour, there was no evidence to indicate that they met that test. In other words, there was no evidence before the Board to suggest that an imminent risk of serious harm was posed. Prison based social work supported release and in doing so had considered all matters pertinent to the offender's risk, including the issue of serious harm and imminence. Their assessment was that the risk of serious harm was not imminent. The Board considered that the warning signs of the offender's risk escalating would be likely to be identified through the supports and supervision in place and concluded that continued confinement was no longer necessary for the protection of the public from serious harm. The Board did consider that a stringent set of licence conditions was required in this case.

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