

SUMMARY



Date considered: 16 December 2021

Sentence

1. The offender is serving an indeterminate sentence, of which the minimum term in custody was 13 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 offender presented well in the hearing. Their recent behaviour in custody had been exemplary and their outlook was motivated and realistic. They had engaged well with non-prison staff during work and there had been no issues. They had undertaken a significant number of periods of special escorted leave (SEL) and several unescorted day releases (UDRs) without issue. They had also undertaken community work placements in previous placements in the national top end (NTE).
6. The offender had significant and persistent substance misuse issues, but had made significant changes in recent years. They had not failed any recent drug tests. Furthermore, they had been involved in projects aimed at providing support to similar offenders and had been offered voluntary employment in this area on release.
7. The offender had realistic and sensible plans for their return to the community. They had pro-social support, and well-formed plans for bringing structure to their days through work and hobbies. They expressed appropriate remorse for the harm caused by the index offence. They were also able to articulate how to avoid

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negative peers in the community and provide an example of a time when they had recently avoided a negative situation in custody.

8. The Board noted that prison-based social work did not recommend release; however, it did not think it was necessary for the offender to remain in custody for the protection of the public. There was insufficient evidence that they posed a risk of significant harm to the public. They did not pose an assessed risk of serious harm. They had not been violent for a substantial number of years. They had made excellent progress in custody, but the Board also relied on community-based social work evidence in coming to its decision. The supervising officer knew the offender well, and was confident that they would be open and honest under supervision and frequently engage with professionals who are all sufficiently experienced to recognise any signs of relapse into substance misuse, and report it immediately. They did not consider that the risk to the public would become serious or significant before they could provide support to the offender or submit a breach report to the Board if necessary. This gave the Board confidence that any issues experienced could be rapidly identified and supported and, if this could not be achieved, a breach report could be submitted.
9. The Board therefore directed the offender's release on licence conditions which it considered lawful, necessary and proportionate to manage their risk.

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