

## SUMMARY



**Date considered:** 25 January 2022

### **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. A risk of serious harm (RoSH) assessment was not considered appropriate in this case, as the offender did not meet the criteria given their limited criminal history. The offender did not have a persistent or pervasive pattern of violence, either in the community or in custody. While there is potential for them to cause serious harm, the Board considered that the link between possible substance misuse and causing serious harm to the public was not adequately established.
6. Balanced against presenting risk factors, the Board placed weight on the fact that the offender had recently and positively demonstrated an ability to resist negative influences and peer associations, make productive use of time, be motivated to engage positively with professionals and comply with what was asked of them. The Board considered that any concerning behaviour related to identified risk factors could be properly monitored and managed by way of robust licence conditions and an intensive community risk management plan. The Board was not presented with any evidence or indicators that the offender was likely to immediately destabilise and revert to negative behaviours which would result in significant harm before their supervising officer could recognise early warning signs and intervene to put measures in place to manage such risk, including

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submitting a breach report to the Board requesting immediate recall to custody, if necessary.

7. Taking into account the social work evidence, the Board did not consider that further testing in less secure conditions was necessary. There was insufficient evidence that the risk posed by the offender was likely to cause significant or substantial harm to the public, and their last incident of violence had occurred several years ago. They did not meet the criteria for a RoSH assessment and were not considered to pose a risk of serious harm. The Board did not consider that one specific risk factor alone in this case presented a sufficient likelihood of subsequent violence which would require the offender to remain confined. The likelihood of their reverting to violence quickly was considered to be unlikely given their response in custody. There were no previous convictions and no pattern of use of violence. The risk posed was therefore considered to be manageable with licence conditions set by the Board.
8. In evidence, the offender was reflective and thoughtful. They demonstrated empathy for their victim's family, and the challenges which would await them in the community. They had shown determination to set themselves short and long term goals. Furthermore, the Board considered that the offender's generally good behaviour and lack of violent behaviour in recent years must be taken into account in making its decision, even although they had not yet undertaken unescorted day releases. A significant protective factor was identified as the offender not wanting to let their family down.
9. The offender's answers to questions by the Board were credible and thoughtful. They had properly considered the challenges which lay ahead. The Board had confidence that they would discuss any issues with their supervising officer and/or their family. The changes in the offender's behaviour appeared to be connected with their completing offence-focussed work, which was an encouraging sign that they took on board learning and so would engage meaningfully with further work in the community. At the time of consideration the offender was engaging well with prison-based social work and, although they had not met their supervising officer, appeared willing to engage meaningfully with social work and comply fully both with licence conditions and their community risk management plan.
10. On the balance of probabilities, the Board considered that the offender no longer required to be confined for the protection of the public from harm, and directed their release on licence conditions which were considered necessary, lawful and proportionate to manage the risk they presented.

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