

SUMMARY



Date considered: 04 March 2022

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 Board noted that both prison-based and community-based social work were supportive of release at this stage. The supervising officer confirmed in oral evidence that in their view it was not necessary for the protection of the public that the offender remain confined. The Board, in consideration of all the circumstances of this case, concurred with their views.
6. The Board noted the very serious nature of the index offences against a relatively minor, limited, and non-analogous record of previous convictions. However, the offender had been recalled to custody and on both occasions the allegations involved violence. The Board noted the outcome of both matters and that most recently the offender had been acquitted of charges.
7. The Board acknowledged that the offender had been previously on licence in the community for a number of years, and there appeared to be no issues with their engagement or level of compliance. They had been back in custody for almost two years and had caused no management issues, accrued no misconduct reports and had returned a negative drug test. The Board noted these positive behaviours since the offender's recall to custody.

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8. The Board considered that it had been highlighted to the offender in oral evidence the importance of being open and honest with their supervising officer, which they acknowledged. The offender was fully aware of the likely consequences of being alleged to be involved in any further offending or being in breach of licence conditions.
9. The Board directed release on licence conditions which it considered to be lawful, necessary and proportionate to manage the offender's risk.