

## SUMMARY



**Date considered:** 07 March 2022

### **Sentence**

1. The offender is serving an indeterminate sentence, of which the minimum term in custody was 11 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 had been released previously on life licence and recalled to custody after approximately a decade, on charges of which they were subsequently acquitted. The Board had some difficulty accepting the offender's account of the circumstances which led to the recall. Their evidence to the Board suggested that they may not have been making good choices in relation to friendships they were forming.
6. However, during the lengthy period of time that they were on licence, the offender appeared to have been largely compliant with supervision. Apart from occasional lapses into substance misuse and reported non-compliance in terms of keeping in touch with their supervising officer towards the end of their time in the community, things had been generally positive.
7. The crucial issue for the Board was that, in order to determine that continued confinement was necessary for the protection of the public, the Board would need to be persuaded that the offender posed a significant risk of causing serious harm. There had been no concerns in custody about violent behaviour and there were no such concerns whilst on licence. Even when the offender had returned to substance misuse during their sentence and whilst on licence, there was no

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indication that this resulted in any violent behaviour. The index offence was the offender's first conviction and did not form part of a pattern of established violent behaviour.

8. Alcohol had been a factor in the index offence, and there were no concerns in that regard whilst the offender was on licence. Clearly their poor decision making around associates was troubling, but that of itself was insufficient to satisfy the Board that they continued to pose a risk to "life and limb". Both prison-based and community-based social work supported release.
9. In all the circumstances, the Board was not satisfied that the offender's continued confinement was necessary for the protection of the public, and directed release on licence conditions which it considered lawful, necessary and proportionate to manage the offender's level of risk.