

SUMMARY



Date considered: 14 March 2022

Sentence

1. The offender is serving an indeterminate sentence, of which the minimum term in custody was 6 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 index offending was described by the sentencing Judge as "vicious and without significant provocation", and as a "wanton and appalling crime". The offender killed their victim, and it was clear from representations submitted by the victim's family that their actions had caused significant and permanent harm. The offender had previous convictions when they committed the index offences. They had also accrued further convictions while in prison.
6. While the Board had to have regard to the above matters, it required to balance them against the offender's recent conduct. They had been at the open estate for some time, and had a significant amount of community access. This had been through a community work placement and home leaves. The reports from the community work placement provider were in positive terms. There had been no recent incidents of violence and while a recent misconduct report demonstrated poor decision-making and control, the offender appeared to recognise this and the Board noted that it was not felt serious enough to require a downgrade to closed conditions. The Board also had to have regard to the fact that the punishment part of the offender's sentence expired over 20 years ago, and was required to apply anxious scrutiny to whether they required to remain in prison.

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7. The Board carefully considered the evidence of prison-based and community-based social work. They did not support release, and were of the view that a review period of six months would be appropriate. The Board noted that this was partly due to a wish to have housing assessments completed. While the Board understood the importance of accommodation, the offender would be accommodated by their local authority, and the Board did not think that it was appropriate to delay release for that reason. The Board also considered whether further testing was required, but agreed with the solicitor's submission that the offender had already had a significant amount of testing which had passed without incident. The offender had support in the community and that, together with the testing they had undergone and the lack of recent violence led the Board to the conclusion that it was not necessary for the protection of the public that the offender remain in prison.
8. The Board therefore directed release on licence conditions which it considered lawful, necessary and proportionate to manage the offender's risk.