

SUMMARY



Date considered: 31 March 2022

Sentence

1. The offender is serving an indeterminate sentence, of which the minimum term in custody was ten 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 was convicted of murder, which was committed with a knife. The index offence appeared to have occurred in the context of an argument between the offender and the victim, who were members of different gangs.
6. The offender had some difficulties in custody. Substance misuse had been a continuing issue during this time. They had previously progressed to less secure conditions and been downgraded. The offender was now over a decade past the expiry of the punishment part of their sentence.
7. The offender gave evidence of the change in their focus following health issues, and of their determination to stay away from behaviour relating to identified risk factors. They provided examples of how they had dealt with situations in custody and in the community, including management of confrontational situations. Although a misconduct report had been incurred, the Board accepted that this appeared to be a one off incident and the offender was clear that this had been a mistake. The Board also acknowledged that returning to their current prison had been particularly difficult for the offender, based on health issues previously experienced there.

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8. The offender gave evidence in a candid manner. Their response to their most recent time in their current prison had been very positive. They had not incurred any further misconduct reports, and had engaged in a number of periods of home leave with no adverse circumstance reports. They were reported to engage well with prison staff and social workers.
9. The Board accepted the evidence of prison-based and community-based social work in support of release. It appeared that there had been a positive working relationship between the offender and their supervising officer, with whom the offender indicated that they felt they could be honest. The supervising officer gave evidence that the offender engaged well with both themselves and colleagues, and appeared to be open and honest in their interactions.
10. There was no evidence of recent negative behaviour in relation to the offender's main identified risk factors. They had support from their family, and their intended accommodation had been approved as suitable. There would be an assessment in the community of whether further supports would be required in relation to the offender's health; this did not affect the recommendations for release.
11. The offender indicated that they were willing to comply with licence conditions. They had plans for the future including employment or study opportunities, and spending time with their family.
12. Having regard to the above factors, the Board was satisfied that it was no longer necessary for the protection of the public that the offender should continue to be confined. Accordingly it directed release subject to licence conditions which it considered necessary, lawful and proportionate.

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