

SUMMARY



Date considered: 22 August 2022

Sentence

1. The offender is serving an indeterminate sentence, of which the minimum term in custody was 8 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 young when they committed their index offence. That was over 20 years ago. In the intervening period, there do not appear to have been any concerns about violent behaviour in custody or in the community, save for the allegations which led to their most recent recall to custody.
6. In relation to the recall offences, the Board does not require to apply the same standard of proof as that of the criminal Court, and it has to be noted that concerns around the circumstances of the recall offences remain. However, the Board also does of course recognise that a jury, having heard evidence both from the alleged victim, and from the offender, acquitted them of the charges.
7. The risk assessments indicate that the offender presents with a medium risk/needs profile. They are not assessed as presenting a risk of serious harm. The offenders most recent period on licence lasted over 12 years. During that time their compliance was such that the supervision element of their licence was removed.
8. On weighing up all the factors before it, and the legal test to be applied, the Board was persuaded that the offender's continued confinement was no longer necessary for the protection of the public and directed their release.