

SUMMARY



Date considered: 19 July 2021

Sentence

1. The offender is serving an extended sentence of 15 years, comprised of a custodial term of ten years and an extended period of supervision on licence of five years.

Test for release

2. Before it could direct release, the Board had to consider whether it remains necessary for the protection of the public from serious harm that the offender should be confined.

Decision

3. The Board was not 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 prisoner;
 - c) the prisoner'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 Tribunal had to consider whether the offender was likely to offend. The Tribunal had regard to the 5 year period spent in the community prior to recall. While the offender breached licence conditions and notification requirements during that period, there is no suggestion that they were involved in offending analogous to the index offences. Indeed, there were a number of positive aspects to their period in the community, such as employment, education, and pro-social peers.
6. The offender was not open and honest with social workers about a new relationship, which led to their recall. There was no excuse for their failure to disclose this relationship, given the need to monitor any contact they had with members of the opposite sex. They had spent almost 2 more years in prison due to their bad decisions.
7. The Tribunal now had to consider whether it remains necessary for the protection of the public from serious harm that the offender remains in prison. The offender was still in a relationship with their partner. This relationship will need to be

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monitored, but the Tribunal noted that the partner had telephoned the police about the offender, and was fully aware of their offending history. The Tribunal also noted that they both appeared to have engaged with community-based social work to allow the relationship to be carefully monitored, and to develop gradually.

8. The Tribunal also attached weight to the offender's conduct since their recall. They had conducted themselves well. There were no concerns about their interactions with members of the opposite sex, and they had no outstanding offence-focused work.
9. The Tribunal also had regard to the evidence it heard from community- and prison-based social workers. Both supported release, and felt that there was little benefit in further testing at the Open Estate. The Tribunal agreed, noting that testing would be limited, and that the offender appeared to have lived in the community for five years without analogous offending. The Tribunal was persuaded that the offender had insight into their offending, a desire not to re-offend, and that they would be subject to rigorous monitoring in the community. On that basis, the Tribunal was not satisfied that it was necessary for the protection of the public from serious harm that the offender should remain in prison. The Board advised that the offender should reflect on the consequences of their lack of openness and honesty when last in the community, and should be in no doubt that they are likely to be recalled if there are any further such concerns.