

## SUMMARY



**Date considered:** 15 December 2021

### **Sentence**

1. The offender is serving an extended sentence of eight years, comprised of a custodial term of six years and three months and an extended period of supervision on licence of one year and nine months.

### **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 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 on licence and returned to custody on several occasions. It was of concern to the Board that within a month of their most recent recall, the offender accrued a misconduct report for their behaviour towards prison staff.
6. It was clear from the dossier and witness evidence that the offender did not appear to fully grasp the importance of engaging fully with those involved in their risk management. They had shown disregard for many aspects of supervision and had breached conditions of their licence on a number of occasions.
7. The offender was considered by both prison based and community based social work to be unmanageable in the community at this time. However, the Board was cognisant of the test which must be applied in consideration of this case. In that regard, the Board accepted that there had been no further incidents of violence or inappropriate sexual behaviour since the index offence.

## **SUMMARY**

8. Whilst the offender had undoubtedly evidenced challenging, uncooperative and at times, evasive behaviour the Board was not satisfied that it was necessary for the protection of the public from serious harm that they required to remain confined in custody at this time.
9. It is hoped that the offender has learned from their most recent recall to custody and will adopt a more mature and responsible approach to the requirements of supervision, and adhere fully to licence conditions.