

SUMMARY



Date considered: 22 September 2022

Sentence

1. The offender is serving an extended sentence of 7 years, comprised of a custodial term of 4 years and an extended period of supervision on licence of 3 years.

Test for release

2. Before it could direct release, the Tribunal 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 Tribunal was not satisfied on this matter, and directed release subject to licence conditions.

Reasons for decision

4. In reaching its decision, the Tribunal 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. In evidence, the offender demonstrated an unusually high degree of insight into their risk factors and the strategies they require to implement to manage themselves in the community. The offender expressed appropriate empathy for the victims of their index offences. The offender completed programme work in custody and was released on parole licence in 2020. The tribunal considered the offender's suitability for re-release, in particular, the reasons why they were recalled to custody and the social work evidence and recommendations.
6. The Supervising Officer(SO) gave considered and thorough evidence. The SO felt that the offender's engagement on supervision had been superficial, given that they had been recalled to custody. The SO therefore recommended that the offender progress to the Open Estate to develop their strategies for managing their risk factors.
7. While the tribunal agreed with the SO's assessment of the key risk factors, it was not adequately satisfied that the offender had been moving towards offending at the time he was arrested.

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8. Furthermore, the offender has spent a further two years in custody, which has given them time to reflect more on what they can do better. The offender recognises that they must use all the supports available. The offender is highly motivated to comply with licence conditions.
9. It is clear from the offender's index offence and their assessed risk of causing serious harm, that if the offender reoffends they could cause serious harm. However, the tribunal must also be satisfied that this risk is substantial. There must be reliable evidence of this and there was not. The offender has sufficient insight into their risks and triggers for their offending for their risk to be adequately self-manageable and it is therefore not substantial in the tribunal's view.
10. Taking this into account and that it did not consider that the offender was moving towards offending in 2020, the tribunal did not consider that the test was met and it released the offender on licence conditions.