

DECISION SUMMARY



Date considered: 09 June 2023

Sentence

1. The offender is serving an extended sentence of 8 years and 2 months, comprised of a custodial term of 5 years and 2 months and an extended period of supervision on licence of 3 years.

Test for release

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

Reasons for decision

4. In reaching its decision, the panel 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 panel note that the Community Based Social Worker (CBSW) and the Prison Based Social Worker were supportive of the offender's release. The panel note that the CBSW referenced in evidence that they supported the offenders release on balance. The panel, on consideration of this case, released the offender by a majority decision.
6. All panel members were concerned about the serious nature of the index offence, the offender's history of offending, along with breach of conditions in the community.
7. The dissenting member founded upon the offender's history of offending and non-compliance and was concerned about the offender's honesty, decision making and consequential thinking when last in the community. The dissenting member was concerned that the offender also has outstanding programme work. The dissenting member was also concerned about the offender's assessed level of risk. In conclusion, that member's view was that the offender did not meet the statutory test for their release.

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8. The majority view was taken on “balance” on all the available information in this case. The majority view considered, whilst the offender came to the attention of police on a number of occasions within their period in the community prior to their recall, that they had not caused serious harm. The majority view was that based on the CBSW’s evidence, the offender will be closely monitored within a relatively small community. All parties were made fully aware that any other breach of licence conditions will be quickly reported to the Board and will most likely result in their recall to custody. It was apparent that the offender has made good efforts to distance themselves from negative peers and has secured employment. The majority view concurred with the social workers’ evidence, in particular the CBSW, and did not deem it necessary that they be confined to protect the public from serious harm.

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