

## SUMMARY



**Date considered:** 02 March 2023

### **Sentence**

1. The offender is serving an extended sentence of 10 years and 6 months, comprised of a custodial term of 8 years and an extended period of supervision on licence of 2 years and 6 months.

### **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. The tribunal carefully considered the evidence in the offender's case and the application of the test for release for extended sentence prisoners in their extension period. It noted particularly that both social workers did not recommend release, as they have outstanding concerns about the offender's attitudes and willingness or ability to be fully open and honest in supervision. They referred particularly to the reasons for the offender's recall to custody. The Community Based Social Worker (CBSW) considered that the offender required to complete programme work on Unescorted Day Releases (UDR's) from HMP Castle Huntly before release. They said that the offender's learning from previous programmes was limited and that they lack confidence that they understand enough about their risk to intimate partners for them to be managed in the community. However the CBSW accepted that the offender had attended all of their appointments and that there had been no concerns on their significant number of UDR's from HMP Castle Huntly.
6. The offender has been at HMP Castle Huntly for 13 months and, in general, their compliance with the regime has been good. They have undertaken a significant

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number of UDRs with no concerns. They have made sensible plans for their return to the community.

7. The tribunal shared some of the social work concerns about the offender's ability to be fully open and honest in supervision in the community, especially because of the reasons they were recalled to custody in August 2019.
8. However, the tribunal considered that there was insufficient evidence on which to assess that the risk of serious harm which the offender currently presents in the community is sufficiently substantial for them to remain confined.
9. Firstly, the offender will be managed on a very robust licence in the community. This will assist to mitigate their risk because it will be immediately clear whether the offender has breached it.
10. Secondly, the offender stated an intention to comply with licence conditions and all the requirements of their supervising officer. Whilst their credibility on this could be questioned, it was clear to the tribunal that the prisoner is in no doubt that if they do not comply with everything required of them, their supervising officer would submit a breach report to the Board. The offender is of the view that they would be returned to closed conditions and the tribunal was satisfied that they are highly motivated to avoid this outcome.
11. In addition, whilst it is clear that the offender has expressed issues or opinions in supervision which suggest they have learning to complete, the offender is currently engaging well with offence focused work and there have been no concerns on their UDR's.
12. Accordingly, the tribunal was not satisfied that there was sufficient evidence that the offender currently poses a risk of serious harm which requires them to remain confined and it released the offender on licence conditions. The licence conditions are lawful, necessary and proportionate to manage the risk which they present in the community.

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