

SUMMARY



Date considered: 16 January 2023

Sentence

1. The offender is serving an extended sentence of 15 years, comprised of a custodial term of 10 years and an extended period of supervision on licence of 5 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. The tribunal was mindful of the seriousness of the index offences, and of the serious harm that the offender caused to their victims. The tribunal was also mindful of their previous convictions, which are extensive and include breaches of court orders and offences of serious violence. The tribunal also had regard to the fact that the offender was recalled to prison after being released on non-parole licence. No further offences were committed during their brief period in the community, but they evidenced that they were unable to cope with being on licence at that time.
6. Having regard to their criminal history, the offender might be regarded as someone for whom testing prior to release is very important. Previous tribunals have taken this view, as have the professionals who provided evidence to them.
7. The possibility of progression and testing has now been completely excluded. The tribunal notes the offence-focused work undertaken by the offender and their recent good conduct in prison.
8. In any event, the removal of any possibility of progression does seem to have led other agencies, particularly social work, to explore other options for the offender's

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release. The tribunal wishes to make it clear that it makes its decision based on the test for release and assessment of the risk to the public. If this risk was unacceptable then the tribunal would not direct release, irrespective of the fact that the offender might then remain in prison until their sentence end date and then be released without support. However, the tribunal was impressed with the very comprehensive risk management plan devised by social workers. This offered a level of contact, supervision and monitoring. The plan gave the tribunal confidence that if the offender began to struggle then this would be picked up at an early stage, before the risk of them reoffending increased. The tribunal recognised the multi-disciplinary nature of the package, and agreed with the social workers that this gave the offender the best chance of success and also offered the maximum protection to the public. The tribunal noted the evidence from social workers that the release risk management plan was such as to be preferable to progression and testing in less secure conditions.

9. The tribunal were also impressed by the offender's own evidence. They demonstrated insight into the effect of their offending and empathy for their victims. The offender was motivated to change his life and had identified the tools to do it. They were welcoming of the close support and monitoring they would have, and were realistic that this was their best chance to reintegrate into the community and avoid reoffending.
10. Having regard to all of the evidence, the tribunal was not satisfied that it was necessary for the protection of the public from serious harm that the offender remains in prison. Accordingly, it directs their release, subject to licence conditions which are robust and will help to manage their risks. The offender is aware of the consequences if they should breach these conditions.