

DECISION SUMMARY



Date considered: 28 June 2023

Sentence

1. The offender is serving an extended sentence of 7 years and 3 months, comprised of a custodial term of 4 years and 3 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 considered the social work evidence carefully, including evidence on managing the offender's risk in the community. The Board must be positively satisfied that the offender does pose a risk of serious harm in order to refuse release. The Board was not satisfied on this point.
6. The community-based social worker gave evidence that the offender's risk of serious harm is not currently imminent. They also said that there was no evidence that their breaches of licence had resulted in or were likely to result in serious harm. The offender's failures related to their manageability and their poor understanding of when they needed to seek permission for certain activities.
7. The panel considered that the offender's presentation at the hearing was open and honest. It considered that the offender had insight into how to comply with licence conditions in future. It also considered the factors which would strengthen the community facing risk management plan and increase their manageability in the community.

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8. In the circumstances, the panel considered that the test for the offender's continued confinement was not met and it released them on the licence conditions previously intimated, which are lawful, necessary and proportionate to manage the risk which they pose.