

DECISION SUMMARY



Date considered: 12 January 2024

Sentence

1. The offender is serving an extended sentence of 8 years, comprised of a custodial term of 4 years and an extended period of supervision on licence of 4 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 offender was sentenced to an extended sentence of imprisonment given the risk of serious harm they presented to the public at that time. They have now been released on two separate occasions on licence and have been recalled to prison after the revocation of their licence on both occasions. On the first occasion they were in the community for several months and on the more recent occasion for a shorter period of time. On both occasions their recall has related to concerns involving their risk factors and being open and honest with their supervising social workers.
6. The offender's Community Based Social Worker (CBSW) had stated at the time of submitting their Throughcare Licence Breach Report (TLBR) that they felt the offender's risk was manageable in the community and that they were recommending a warning be issued to the offender for the breaches of their licence conditions outlined in their report. The CBSW now states that their opinion and recommendation has changed and that the offender is no longer manageable in the community. The panel notes the explanation for this change of recommendation which related primarily to the failure by the offender to inform their social worker of a work trial that they had undertaken. The panel does not

DECISION SUMMARY

consider this as a significant enough event on its own to justify such a change in recommendation.

7. In any event, the test which the panel must apply is whether it is necessary for the protection of the public from serious harm that the offender should remain confined. The CBSW provided evidence in terms of the offender's risk of causing serious harm and noted past risk factors and links with violent offending should not be ignored.
8. The panel notes that the offender has been in the community during this sentence for two periods totalling just over 2 years. During that time, they have not been charged with any criminal offences nor has there been any evidence of violent behaviour. This is also the case within prison during their sentence. The panel noted the offender's behaviours which are of concern have not led to any criminality or aggressive or violent behaviour during either period in the community on licence.
9. On the basis of the evidence before it at this time the panel is not satisfied that it is necessary to protect the public from serious harm that the offender remains confined and accordingly directs their release on the licence conditions previously advised. The offender will be monitored closely under their Risk Management Plan and, as before, should it be suspected that they are not complying with the terms of their licence they are likely to be returned to prison almost certainly to serve the remainder of their sentence there.

DECISION SUMMARY