

DECISION SUMMARY



Date considered: 24 April 2024

Sentence

1. The offender is serving an extended sentence of 9 years and 5 months, comprised of a custodial term of 6 years and 5 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.

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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 had demonstrated by their index offences and prior criminal history that they are more than capable of causing significant harm to members of the community. Their serious offending had been closely linked to their misuse of substances and opiates in particular.
6. The offender was on licence in the community for a period of five and a half months in 2023. During most of that period they were fully compliant with their licence conditions, however a number of concerns arose in a relatively short period which culminated in their recall to prison. The offender had sought to explain that a series of unfortunate events coincided which resulted in poor compliance on their part with aspects of their licence conditions. The panel expresses some doubts about the credibility of their explanations in relation to this time period.
7. The panel heard oral evidence from the Community Based Social Worker (CBSW), who had recommended that the offender be released. They believe that the offender can be safely managed in the community on licence. This is a view shared by the prison based social worker. The CBSW further states that the

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offender does not require to be confined to protect the public from serious harm. The panel agrees with these recommendations and opinions.

8. The panel attached weight to the offender's lack of offending behaviour whilst on licence and protective factors which appeared to support their compliance in the first four months after their release in 2023. The panel's decision to direct release is further strengthened by the apparent lessons that have been learned from the offender being in the community and subsequently recalled. The offender should be fully aware now of the impact of any failures or perceived failures on their part to comply with their licence conditions and that little leniency is likely to be afforded to them in the event of a future breach report being submitted to the Board during the remainder of their sentence.
9. Whilst the offender's stable presentation and conduct in prison is to be welcomed, the panel is more concerned about their ability to transfer that into the community going forward. However at the present time for the reasons indicated, the panel is not satisfied that it is necessary for the protection of the public from serious harm that the offender should be confined and accordingly directed their release on licence conditions.

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