

DECISION SUMMARY



Date considered: 24 April 2024

Sentence

1. The offender is serving an extended sentence of 8 years and 4 months, comprised of a custodial term of 5 years and 4 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 majority of the panel was not satisfied that the offender presented a risk of serious harm if released. They had complied with the licence conditions for a period of six months during which they were described as having engaged with the supervision process and the supports on offer to them, and during which time there were no concerns about their behaviour. The difficulties had come in the last week prior to recall.
6. The majority of the panel concluded that taking the evidence as a whole and looking at the offender's behaviour across the entire period they were on licence, there was insufficient evidence to show that they presented a risk of serious harm. The offender had not reoffended whilst on licence, nor had any allegations of reoffending been made. In applying the legal test as to whether or not it was necessary for the offender to be confined to protect the public from serious harm the majority of the panel concluded that it was not. The majority of the panel did conclude, though, that there were concerning elements to the circumstances of the offender's recall, and noted that neither the prison based social worker nor the supervising officer considered the offender's risk to be manageable.

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7. The minority panel member considered that further information was required. The minority member wished to hear evidence from the social workers prior to making a decision. The minority panel member considered the case should be adjourned for that purpose.
8. The majority of the panel directed the offender's release subject to licence conditions.