

DECISION SUMMARY



Date considered: 16 August 2024

Sentence

1. The offender is serving an extended sentence of 8 years 3 months 29 days, comprised of a custodial term of 5 years 3 months 29 days 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 had some concerns. In particular, it was accepted even by the offender that they had not been honest with their social or support workers and that they had relapsed into risk taking behaviours when they were last in the community. Doing so was a very significant concern given the risk factors for them committing another serious offence.
6. The panel carefully noted the social work evidence along with the offender's assessed level of risk and manageability in the community. It was very clear that the view of social workers is that there is inadequate evidence on which to feel confident that the offender's risk can be safely managed in the community.
7. The panel was satisfied on the evidence that the test for release was met. The offender no longer poses a risk of serious harm which requires them to be confined. In this respect, the panel agreed with the offender's solicitor that, at present, there was evidence that the offender is unlikely to cause serious harm

DECISION SUMMARY

without there being early warning signs of this. They have extensive support and have demonstrated that they can avoid risk taking behaviours both in custody and when on home leaves.

8. The offender has undertaken several overnight home leaves and several unescorted day releases without concern. The panel considered that the offender has protective factors against reoffending. They have an extensive network of support and have demonstrated in custody that they are able to avoid risk taking behaviours and negative peers. They have engaged with their Supervising Officer in the community on several occasions since they have been on leave from HMP Castle Huntly and are reported to be engaging well.
9. In all the circumstances the panel was of the opinion that there was insufficient evidence that the offender currently poses a risk of serious harm which requires them to be confined. It therefore directed their release.
10. The licence conditions previously intimated to the offender are lawful, necessary and proportionate to manage their risk

DECISION SUMMARY