

## DECISION SUMMARY



**Date considered:** 02 October 2024

### **Sentence**

1. The offender is serving an extended sentence of 8 years and 10 months, comprised of a custodial term of 6 years and 10 months and an extended period of supervision on licence of 2 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's index offence is a serious domestic assault, facilitated by an earlier offence of assault and robbery of an elderly female. This is set against a background of a lengthy and varied offending history.
6. However, the offender is a recalled extended sentence prisoner and there is therefore a presumption in favour of them being in the community during the extension period of their licence. To rebut the presumption, the panel would need to be satisfied that it was necessary for the protection of the public from serious harm that they remain in prison. That is the legal test which the panel requires to apply.
7. During their sentence, the offender complied with the prison regime, and completed the offence focused work required of them. There were no misconduct reports or issues with substances. The offender engaged with supervision when they were released in 2023. They attended all appointments and complied with set licence conditions.

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8. The offender engaged with an offence based programme and is considered to have taken from that what they could. Their engagement remained positive, even when they were experiencing difficulties.
9. The panel considered the evidence provided by the offender that they had changed. The evidence about their conduct in the community does, until the matter which led to their recall, support that view. They seemed to be using their time productively and they also explained the lengths they had gone to avoid negative peers. The evidence of the offender's Community Based Social Worker (CBSW) about their time in the community supported the evidence of the offender.
10. The panel considered the offender's assessed level of risk could be dealt with in the community through stringent licence conditions. This was reinforced by the fact that the offender spent several months in the community without there being any concerns about their compliance. The panel considered that the offender's behaviour in the community thus far suggested overall that they were likely to comply with those conditions. The CBSW said in their evidence that they thought they would be open and honest with them.
11. The panel was therefore not persuaded that there was enough evidence to demonstrate that the offender's continued confinement was necessary for the protection of the public from serious harm, and accordingly directed their release.

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