

## DECISION SUMMARY



**Date considered:** 23 October 2024

### Sentence

1. The offender is serving an indeterminate sentence, of which the minimum term in custody was 7 years and 6 months.

### Test for release

2. Before it could direct release, the panel had to be satisfied that it is no longer necessary for the protection of the public that the offender should be confined.

### Decision

3. The panel was 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.
  - f) The offender committed serious sexual offences against several vulnerable individuals. They were released at their first review in December 2017 and were in the community for a number of years before being recalled to custody in August 2024.
  - g) Concerns arose in July 2024 regarding the offender's report of his movements in the community. These related to their failure to report relevant information in a timely manner and their access to potential victims. It was also relevant that there had been previous concerns although these did not give rise to a recall to custody.
  - h) The CBSW provided helpful evidence at the hearing, in which they expressed the concerns held by social work about the offender's failure to report information in a timely manner and whether full and accurate information had been provided.
  - i) The offender provided evidence at the hearing regarding areas of concern to the panel. Taking account of all the evidence heard, the panel concluded that there was nothing to suggest that the offender had acted in a way that had led

## **DECISION SUMMARY**

to harm being caused to a member of the public during their time in the community.

- j) Taking all the information in the dossier together with the evidence heard at the hearing, the panel concluded that the offender's continued confinement was not necessary for the protection of the public. In reaching this conclusion, the panel placed considerable weight on the CBSW's evidence that the offender was unlikely to reoffend if re-released and that they were likely to comply. Whilst the panel understood the CBSW's recommendation this necessarily focused on the issues arising with managing the offender within supervision rather than the Board's test for release. The panel also took into account the fact that over a number of years, the offender had not reoffended or caused harm to a member of the public and that they have managed to sustain a stable lifestyle, including accommodation and employment.
- k) Whilst the panel did not consider that the offender's continued confinement was necessary at this stage, the offender was made aware that any further breaches of their licence conditions would be brought to the Board's attention immediately and would likely result in them being recalled to custody for a significant period.

## **DECISION SUMMARY**