

DECISION SUMMARY



Date considered: 01 May 2025

Sentence

1. The offender is serving an indeterminate sentence, of which the minimum term in custody was 15 years.

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.

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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.
5. The offender was released on licence in 2023 and subsequently recalled to custody in 2024. Their release was subsequently considered by a panel of the Board in 2024 at which time their release was not directed and a review period was assigned.
6. Both the Prison Based Social Worker (PBSW) and Community Based Social Workers (CBSW) provided extensive evidence to the panel at the hearing. Both social workers expressed concerns in relation to the offender's lapse in regards to risk taking behaviours whilst previously in the community. The PBSW conveyed a preference for the offender to be tested in less secure conditions to ensure that they were stable and to alleviate the risks they presented.
7. In relation to the test for release, the PBSW was asked if they considered the offender to present a substantial risk of serious harm. The PBSW referred to the "unknown" in terms of where the offender's risks lie and any deterioration into risk taking behaviours upon release. The CBSW said advised that they believed it was necessary to obtain evidence that the offender is stable and confidence that they were manageable in the community. The CBSW acknowledged that although the offender spent a short period in the community on the last occasion,

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they were more aware of what they should look out for going forward and that the support of appropriate services would add to the robustness of the risk management plan.

8. The CBSW also agreed that the offender was proactive putting supports in place whilst previously in the community but that things went downhill. However, it was clear from the evidence that the offender informed their supervising officer they were struggling to cope and that the support they received from relevant agencies was limited. Despite the availability of support services, neither the prison nor community based social workers were supportive of the offender's release at the time.
9. Since the offenders recall to custody, during their review period the offender has engaged with support services. The offender provided a good insight into the reasons which led to their recall to custody.. It was clear that a certain set of circumstances which occurred, led to things spiralling downwards.
10. In evidence, the offender was able to identify the risks they presented and they conveyed a strong determination and willingness to engage with positive supports in the community. The offender is keen to make progress in the community and live an offence free life and is confident they can now do so.
11. In considering release, the panel had regard to the serious nature of the index offence. The panel also had regard to the fact that the offender had not displayed a propensity towards violence either prior to or following the index offence. In relation to the test the panel must apply, there was no current evidence that the offender presents a substantial risk of serious harm. Despite the offender's difficulties when they were last in the community, there were no incidents of violence and they were returned to custody as soon as those tasked with the management became aware of the difficulties the offender was experiencing. As such, the panel did not consider that the reasons provided by the PBSW and the CBSW to support the offender's continued detention.
12. There was a robust risk management plan for the offender at this juncture which is supported by the availability of support services who would offer an additional element of rigidity to the monitoring of his compliance with licence conditions. The CBSW agreed that at this juncture, they had a lot more information in relation to where difficulties arose on the last occasion and as such, the panel observed that this added further strength to the management plan in place to safely manage the offender's risks in the community.
13. For all of these reasons, the panel was satisfied that the legal test was met and that it was no longer necessary for the protection of the public that the offender remained confined in custody. The offender's release was therefore directed subject to the licence conditions previously intimated.

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