

## SUMMARY



**Date considered:** 08 June 2022

### **Sentence**

1. The offender is serving an extended sentence of 15 years, comprised of a custodial term of 11 years and an extended period of supervision on licence of 4 years.

### **Test for release**

2. Before it could direct release, the Board 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 Board was not satisfied on this matter, and directed release subject to licence conditions.

### **Reasons for decision**

4. In reaching its decision, the Board 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 Board accepts the solicitor's submission that the presumption is in favour of release. The Board concluded that their risk could be managed through a set of robust and strict licence conditions. The evidence before the Board indicated that the offender had been safely managed in the community for a significant period prior to his recall.
6. The Board considered that the offender demonstrated poor decision-making and consequential thinking prior to their recall. The Board accepted their evidence about the impact that their recall to custody had had on them, after such a significant period of time in the community during which they made several positive steps towards a prosocial life.
7. The Board considered the nature of the recall offence, balanced against their index offence and offending history. The recall offence came about through a lack of judgement and poor decision making. On balance, the Board considered that the risks which came together to result in that offence could be managed in the community through supervision.

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8. Both social workers were of the view that the offenders current risk could be safely managed and they had reached this view after extensive discussion and consultation with each other. Both accepted that the decision recommending release had not been taken lightly.
9. The Board in this case must give the benefit of any reasonable doubt to the offender. There being a reasonable doubt as to whether their continued confinement is necessary for the protection of the public from serious harm, the Board directed their release.
10. The offender is reminded that the test for their recall to custody is whether their risk can be safely managed in the community. A failure to be open and honest with their supervising officer at all times may be sufficient for that test to be met.