

SUMMARY



Date considered: 25 June 2021

Sentence

1. The offender is serving an extended sentence of seven years and 15 days, comprised of a custodial term of three years, 12 months and 15 days and an extended period of supervision on licence of three 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 prisoner;
 - c) the prisoner'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 had been released on licence several years ago, and recalled to custody in early 2021. Community-based social work (CBSW) confirmed that the offender's response to supervision in the community had been positive and that they had complied with supervision. The initial cause of concern which led to their recall had been investigated by Police Scotland, who clarified that no further criminal charges would be raised.
6. The offender appeared to have learned from their recall to custody and demonstrated both an insight into their risks, and a determination to adhere rigidly to licence conditions in the future. CBSW did not consider the offender's risk of serious harm to be imminent, and were confident that they could be safely managed in the community where any concerns could appropriately be addressed. Consequently, CBSW supported release at this juncture.
7. The Tribunal unanimously agreed that notwithstanding the offender's previous breach of licence conditions, the legal test had not been met and it was not necessary for the protection of the public from serious harm that they remain

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confined in custody. Accordingly, the Tribunal directed the offender's release on licence conditions which were considered lawful, proportionate and necessary in order to manage their risk.