

## SUMMARY



**Date considered:** 02 December 2022

### **Sentence**

1. The offender is serving an indeterminate sentence, of which the minimum term in custody was 20 years.

### **Test for release**

2. Before it could direct release, the Tribunal 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 Tribunal was satisfied on this matter, and directed release subject to licence conditions.

### **Reasons for decision**

4. In reaching its decision, the Tribunal 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 starting point for the Board is considering the catalogue of violent offences involved in the index offence and most significantly in the murder of the victim. This is against the background of a significant violent offending history. However, the Board note that the offender has been in custody for over twenty nine years and is now post-expiry of the punishment part of their sentence of approximately nine and a half years. In such cases in an overall assessment of risk, it is appropriate that the Board apply anxious scrutiny in this case.
6. The Board acknowledge that all social workers in their recent reports and both the current Prison Based Social Worker (PBSW) and the Community Based Social Worker (CBSW) with the latter being tasked with the management of the offender's risk in the community, support their release at this stage and view that they can be safely managed. Both the CBSW and the PBSW in their oral evidence confirmed that in light of the applicable test it was their opinion that it was no longer necessary for the protection of the public that the offender remains confined. The Board note the offender's level of risk but this needs to be balanced against them not having been involved in violence for approximately twenty four years. The offender has now been tested at the National Top End for approximately four and a half years. In the meantime the offender has been tested in the community through a number of Special Escorted Leaves and

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Unescorted Day Release's all of which have passed without incident. Whilst the Board acknowledge that testing at the Open Estate can be beneficial for life sentence prisoners, it is not the applicable test.

7. The Board were impressed by the CBSW's evidence and there is a clearly structured robust risk management plan which should monitor the offender's movements in the community. The Board decided that the additional licence conditions would firm up the already robust risk management plan. The Board considered that the offender had built a good relationship with the CBSW which will be crucial to their prospects of success in the community. The offender also demonstrated some insight into the challenges they will face in the community and provided evidence of how they are now better able to deal with difficult situations that arose. However, the Board did not accept the offender's position in evidence that they now presents no risk whatsoever to the public. The Board cannot accept this on the face of the very significant index offending and their previous history of violence. However, the Board is satisfied that with the robust risk management plan and the additional licence conditions and given the offender's level of risk that at this stage they present as a manageable risk and does not require to be confined for the protection of the public.
8. The Board encourage the offender to continue to build his relationship with their CBSW and to take all supports afforded to them in the community. Accordingly, the Board directed release on licence conditions which it deemed lawful, necessary and proportionate to manage the offender's level of risk in the community