

DECISION SUMMARY



Date considered: 11 April 2023

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.

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.
5. The starting point for the Board is the serious nature of the index offence. However, the Board acknowledge that the offender did not display a propensity to violence either before or after the index offence.
6. The Board consider that the offender deserves credit for the way in which they have progressed through their sentence and for the credible manner in which they presented their evidence in the hearing. The Board acknowledge that both social workers do not support the offender's release at this stage and recommend that they have more community testing through home leaves. The Board accept that the offender has had limited community access through home leaves but note that they have had significant community access through a previous Community Work Placement. The Board consider that in some cases further community access would be deemed appropriate as part of the overall picture of manageability of risk in the community. However, in all of the circumstances in the present case, the Board's task is to assess risk on the basis of the applicable test. Both social workers acknowledge that the offender is not an imminent risk of causing serious harm in the community unless there is a deterioration in circumstances relevant to risk. The Board consider that on the basis of all the available evidence that it is no longer necessary for the protection of the public that the offender remains confined.

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7. The Board note that the offender is accepting of any licence conditions that the Board deem fit to impose. The Board also note that the offender's expressed position in evidence was that they understood that any breach of their licence conditions would mean that they would, in their own words, need to 'start from scratch'. The Board encourage the offender to utilise all supports and services in the community and to be mindful of their main risk factors.
8. 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

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