

## DECISION SUMMARY



**Date considered:** 12 January 2023

### **Sentence**

1. The offender is serving an indeterminate sentence, of which the minimum term in custody was 12 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 community based social worker's (CBSW) position was that, in relation to the test before the Board, the offender did not present a significant risk of serious harm to the public and their continued confinement was no longer necessary. The Prison Based Social Worker (PBSW) supported the offender's release. Their release was thus supported by two professionals who have been working with them for some time. The CBSW in particular had been supervising them for six years.
6. The evidence before the Board is that the offender has struggled in the community on repeated occasions. This is of concern as it indicates poor compliance with their licence conditions, poor decision-making and poor consequential thinking. However, this has not then led to them committing further offences of violence.
7. The circumstances of an incident in custody raises questions about their ability to deal with conflict. However, the Board considered that that one incident, when balanced against a significant period of time during which there had been no other reported incidents, did not of itself provide sufficient evidence to the Board to indicate that the offender posed a significant risk of serious harm. The Board must apply anxious scrutiny to the case of a life sentence prisoner now well beyond the punishment part of his sentence and did not consider that this one

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isolated incident outweighed the other evidence in favour of the legal test for release being met.

8. Taking into account all of the information before it, the Board was satisfied that the offender's continued confinement was no longer necessary for the protection of the public.