

DECISION SUMMARY



Date considered: 31 May 2023

Sentence

1. The offender is serving an indeterminate sentence, of which the minimum term in custody was 10 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 offender's index offence involved a display of significant violence.
6. The offender's lifestyle was transient and chaotic. The panel noted that the index offence was not the offender's first conviction for violence. That being said, since its commission, there had been no indicators that the offender whilst in prison has continued with any pattern of violent behaviours.
7. The offender has encountered occasional difficulties in conditions of more freedom. Those incidents indicate, at least at that time, difficulties with impulsivity and poor decision making..
8. The offender has now spent a significant period at the open estate and whilst their community access is not as extensive as hoped, they appear to have been able to make good decisions during those periods and there are no concerns that their risk has been escalating.
9. The offender does not have a pervasive pattern of violence. The panel, when assessing the evidence, considered that the likelihood of the offender causing serious harm was not imminent.
10. The offender has complied with their licence conditions thus far and they have supports available to them through various agencies on release.

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11. The panel considered the concerns of both social workers and in particular those of the community based social worker. The panel understood that from their perspective undertaking additional home leaves would give the offender the opportunity to build himself a support network.
12. The panel was satisfied that the offender had now provided enough evidence to persuade it that their continued confinement is no longer necessary for the protection of the public. Accordingly, the panel of 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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