

DECISION SUMMARY



Date considered: 12 October 2023

Sentence

1. The offender is serving an indeterminate sentence, of which the minimum term in custody was 13 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.

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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 committed a very serious violent index offence in which they caused fatal harm to the victim. The trial judge describes this offence as completely avoidable, with the degree of violence used being inexcusable. However, this offence must be viewed against a background of the offender having no prior convictions for violence and there being no evidence of attitudes or behaviour supportive of violence in custody, other than one report for fighting in June 2012.
6. The offender has completed all offence focused work identified for them in custody. They progressed to the National Top End (NTE) in March 2022 and commenced a community work placement in April 2023. The offender received positive reports from the placement. In addition, the offender has undertaken several Special Escorted Leave's from NTE without incident.
7. Although the offender has not yet progressed to the Open Estate, the panel noted and accepted the evidence of both the Prison Based Social Worker and the Community Based Social Worker that there would likely be limited benefit in the offender progressing there. The social workers also stated that they considered the evidence accrued from the offender's travel to and from their work placement over a prolonged period to be sufficient in terms of indicating their ability to manage their own risks and comply with licence conditions. The panel noted that all evidence from the social workers and staff dealing with the offender in custody

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indicates that they have been open and honest with professionals during their sentence and that they are likely to continue this in supervision.

8. Both social workers recommended the offender's release, with both clearly stating that their continued confinement was not necessary for the protection of the public from serious harm. After considering all the circumstances of the case, including the information in the dossier and evidence heard over two hearings, the panel concurred with this view. In doing so, the panel noted that the offender is not assessed as posing a risk of serious harm, the index offence appears to have been a situational and isolated incident, with there being no pattern of violence and no recent concerns about attitudes or behaviours supportive of violence. 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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