

## DECISION SUMMARY



**Date considered:** 13 December 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.

### **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 panel were concerned about the violent nature and surrounding circumstances at the time of the index offence. However, the panel note that the offender had one previous conviction and there were no reports of violence up to that time. The offender has since progressed through the custodial environment well, including undertaking programme work, having community access and testing both at the National Top End and the Open Estate. The panel acknowledge that the offender has only had a small number of home leaves at this stage and that the Community Based Social Worker would prefer to see more before they could recommend their release. However, the panel agreed that further home leaves would not provide any further evidence than is currently available with regards to the offender meeting the applicable test for release.
6. The panel were noted the offender's oral evidence and consider that they presented their position well and displayed remorse, learning and motivation to succeed in the community.
7. The panel consider that it is clear that the offender's main risk will centre around any future relationships in the community. However, there is no evidence of any active or present risk factors. The offender has a history of compliance, both in the community and in prison. Their risk scenarios are very specific and any emerging risk factors should be picked up quickly. The offender appears

## **DECISION SUMMARY**

motivated to return to the community and to comply with licence conditions and understands the likely consequences of them failing to do so. The offender will undertake offence in the community. The panel decided that in an overall assessment of risk and in all the circumstances of this case that the offender did meet the legal test and it was no longer necessary for the protection of the public that he remained confined. The offender was therefore released on licence conditions.

## **DECISION SUMMARY**