

## DECISION SUMMARY



**Date considered:** 22 February 2024

### **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 offender committed a murder of the utmost gravity when they were 16 and their victim was 15. The crime clearly demonstrates that they are capable of inflicting the most serious harm to vulnerable members of the community. The gaps in understanding of the triggers for this appalling incident concern the panel members as do some apparent discrepancies between the offender's account and the trial judge's findings relating to aspects of their offence.
6. The panel notes however, that prior to the index offence the offender had no prior convictions and has amassed no further incidents of violent or aggressive behaviour during their 19 year period in prison. The offender's progress in prison has been delayed often by factors beyond their control and the panel notes that it is to their credit that they have remained positive and continued to make progress with their sentence in spite of these issues. The offender completed offence-focussed programme work in 2019 and their post programme report outlines that they developed some insight into their risk factors and offending behaviour. This has been built upon with the continued engagement since transferring to the National Top End with professionals assessing and working with them there.

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7. In recent months the offender has started to experience unescorted community access and has attended work placements 5 days per week and attended their Community Based Social Workers (CBSW) office. All periods have passed without incident.
8. Both the Prison Based Social Worker (PBSW) and CBSW, who gave evidence to the oral hearing, recommend that they should be released on licence at this time. The panel notes that social workers involved in the offender's management have made considerable efforts to link in with other agencies who will be responsible for managing the offender. The panel assessed the careful consideration that there has been in this case in preparing a robust Risk Management Plan (RMP) to supervise, support and monitor the offender upon release. Both social workers believe the offender to be open and honest in relation to their management and thus far better placed to successfully comply with their RMP.
9. The panel observes that whilst it would be ideal for the offender to have further periods of testing prior to release, it does not appear to be necessary. The panel considered the offender's risk assessments in custody and how they have responded to the periods of unescorted testing in recent times. The RMP prepared is designed to detect any increase in the offender's key risk factors and those responsible for its management and enforcement can act upon those in accordance with the law. The panel considered the offender's evidence regarding their insight and acceptance of their risks at the oral hearing.
10. With particular reference to the offender's lack of prior offending before the index offence, their subsequent lack of violent or aggressive behaviour in almost 2 decades in prison, their evidence to the panel in relation to their risks and the recommendations of their social workers, the panel accepts that they meet the test for release on the stringent licence conditions previously intimated.

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