

DECISION SUMMARY



Date considered: 09 September 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 was sentenced to life imprisonment. The punishment part of their sentence expired in 2015. The offender has remained in custody for a significant number of years since then. As such, the starting point in consideration of the offender's release is that the panel must consider all of the evidence before it with anxious scrutiny.
6. Extensive evidence was heard by the panel over two days. In summary, neither the prison based nor the community based social workers recommended the release of the offender. Both are of the view that in the absence of testing prior to release, there is insufficient evidence of how the offender will conduct themselves in the community.
7. The offender agreed with the observation that they can have difficulties with trust and that it can take some time to build a relationship with those tasked with their management. The panel observed that despite the offender's clear frustration with their continued confinement in custody, they have not resorted to violence. They are accepting of the fact that their downgrade from the National Top End was as a consequence to their poor decision making. It is positive that since then, no further related issues have emerged.

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8. In considering the requirement for further testing in the community, the panel observed that prior to their downgrade in 2022, the offender undertook a significant number of Special Escorted Leaves and Unescorted Day Releases in the community, all of which passed without incident. Significantly, having been granted a First Grant of Temporary Release in 2021, they successfully engaged in community work placements. All reports were favourable.
9. In considering release, the panel has also had regard to the fact that it must balance the effect of the offender's continued detention against the protection of the public. In doing so, the panel has considered the length of time the offender has remained in custody, their lack of violent behaviour in the custodial setting, their engagement with intervention work thus far and their successful community integration all of which passed without incident.
10. In recommending release, the panel is expecting that the offender will cooperate fully with all of the instructions provided to them by social work, that they will engage meaningfully with any offence focused work that is directed and that they will be entirely open and honest with their supervising officer.

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