

DECISION SUMMARY



Date considered: 01 October 2024

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 panel considered that the evidence of the social worker in this case was persuasive. Social work are invested in the case, and the panel considers that the relationship the Community Based Social Worker (CBSW) has with the offender is both beneficial and corroborated by the senior social work officer who shares the same recommendation.
6. While the offender has had some significant challenges of late, they have also made progress. They have a significant level of social support in the area they will be released to which they did not have before. They have experienced challenges in custody but have learned and grown from that and have reached out for additional support and refresher offence focused work.
7. The panel's role is to consider the test for release that applies to the offender. In that regard, while they have had relapsed into risk taking behaviours, and times where they have not made the best choices, none of these issues indicate that they will or may be violent. There has been a significant period since that was last an issue for them. Coupled with that, the risk management plan in place for them is significant and robust. The offender has a prosocial network around them and social workers who support them and recommend release.

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8. While this case is not without concern, particularly regarding the circumstances around recall and the downgrade incident, these issues do not prevent the offender meeting the test for release. There is no current evidence to demonstrate that the offender does not meet the test.
9. 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