

## DECISION SUMMARY



**Date considered:** 05 December 2024

1. The offender is serving an indeterminate sentence, of which the minimum term in custody was 12 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 very serious index offence, involving the murder of one victim and the attempted murder of another victim. The offender was released in December 2022 after successfully completing a significant period of testing at both the National Top End (NTE) and the Open Estate (OE). They were then in the community for 10 months before being recalled to custody. They have now been back in custody for 14 months and have been assessed as having no outstanding offence focused needs.
6. The panel heard evidence from the offender's previously allocated Community Based Social Worker (CBSW), who was responsible for the offender's supervision at the point of recall, drafted the breach report and prepared the most recent report. The CBSW did not recommend release, citing concerns about the offender's use of alcohol, ability to be open and honest in supervision and potential gaps in the community risk management plan as a result of this.
7. Whilst the CBSW's concerns were understood, the panel had to consider whether the offender's continued confinement was necessary for the protection of the public. When considering the CBSW's concerns in the context of this test, the panel noted that whilst alcohol is undoubtedly a risk factor, there was no evidence to suggest that what led to the recall incident was anything other than an isolated incident. Furthermore, the panel noted that no harm had been caused

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to the public during the recall incident. Finally, the panel noted that the offender's most likely reoffending scenario arises within intimate partner relationships, with their current partner living a significant distance away and their contact with their partner having been effectively monitored and managed when they were in the community. Accordingly, in applying the necessary anxious scrutiny when considering the legal test, the panel found it necessary to depart from the CBSW's recommendation.

8. The offender's evidence highlighted that they now appear to understand some of the triggers to committing the index offence. They spoke of the relapse prevention work they had undertaken since returning to custody, explaining that they now feel able to articulate their feelings better within supervision and that they have learned strategies to avoid relapse. The panel noted the offender's response to custody since their recall and the proactive approach they have taken to try to address the issues contributing to their recall. It was clear from their evidence that they were willing to re-engage with the identified programme work in the community.
9. The CBSW was advocating testing for the offender at the OE but the panel noted that they previously successfully completed a lengthy period of testing at both NTE and the OE without issue. The offender had been compliant in the community for 10 months until the recall incident. The panel therefore concluded that further testing at the OE was not necessary.
10. The panel's decision was very finely balanced. However, as no harm was caused to the public in the recall incident, there was a lack of further offending, there was no evidence of violence, the community risk management plan had operated effectively to ensure that his risks within relationships were effectively monitored and managed and the offender had undertaken work and reflection in relation to their risk factors since their recall, the panel was satisfied that the offender's continued confinement was no longer necessary for the protection of the public.

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