

## DECISION SUMMARY



**Date considered:** 11 April 2025

### **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 offender had spent a substantial period of their life sentence in custody. They had progressed to less secure conditions on several occasions and had undertaken full community access. During a period at the National Top End, the offender successfully engaged in a work placement for several months with positive reports. It is significant that whilst the offender had subsequent downgrades to closed conditions related to various misconduct reports, none related to violence.
6. The offender was significantly over the punishment part of their life sentence. The panel was mindful of the fact that it must apply anxious scrutiny to its consideration of the offender's release and the legal test which must be applied. It was noted that whilst there have been issues with risk taking behaviours in custody and periods of supervision under the management of the offender at risk policy, the offender had not engaged in any acts of violence within the custodial setting nor during periods of access to the community.
7. The panel considered evidence from the Prison Based Social Worker (PBSW) and Community Based Social Worker (CBSW) neither of whom were supportive of release and whose preference was that the offender was to be tested again in

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a less secure establishment. The purpose of this would be to provide evidence of how the offender can be managed in the community to rule out the risk of harm to the public. The PBSW acknowledged that despite some risk-taking behaviours in custody, they have not engaged in any violent acts, nor had they done so prior to or following the index offence.

8. The CBSW communicated their concerns relating to the offender to the panel but was clear that they were confident in their ability to manage the offender in the community and that there is a robust management plan in place to manage the risks. The social worker told the panel that their preference would be for the offender to be tested in less secure conditions to prove they can comply with licence conditions, but agreed that none of the offender's downgrades had related to non-compliance.
9. The panel considered the offender's evidence to be credible. The offender was candid in their responses to the panel's questions. It was clear from their evidence that the offender has an understanding of where their risks lie.
10. The offender conveyed a willingness and determination to adhere to licence conditions and accept the support of the supervising officer. The offender expressed significant shame and remorse for their involvement in the index offence. It was abundantly clear during parts of their evidence that the offender is deeply frustrated at the length of time they had spent in custody, attributing this mostly to the issues they had endured with risk taking behaviours. However, it is to the offender's credit that none of this has resulted in them engaging in violence.
11. Having regard to all of the evidence heard and for the reasons outlined in this minute, the panel is unanimously agreed that the legal test is met and directs the offender's release subject to the licence conditions previously intimated.

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