

SUMMARY



Date considered: 13 April 2022

Sentence

1. The offender is serving an indeterminate sentence, of which the minimum term in custody was 10 years, 10 months and 14 days.

Test for release

2. Before it could direct release, the Board 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 Board was satisfied on this matter, and directed release subject to licence conditions.

Reasons for decision

4. In reaching its decision, the Board 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 Board had regard to the index offence, a sustained attack on the victim which resulted in his death. The Board also had regard to the offender's previous convictions, which illustrated that they were prepared to use violence and to breach Court orders.
6. However, the Board also had to have regard to the fact that the offender was now beyond the punishment part of their sentence, and had to apply anxious scrutiny as to whether it was necessary for the protection of the public that they remain in prison. At the last tribunal hearing, the Board noted the offender's good conduct in prison, and the fact that they had progressed to National Top End. They had completed offence-focused work addressing their use of violence and poor decision-making. The Board at that time concluded evidence was required as to whether the offender could sustain this outwith a prison. The Board decided that further testing was required to give the offender the opportunity to accrue this evidence.
7. It was unfortunate that the offender had not had the opportunity of testing at the Open Estate during this review period. However, as the Board previously stated, that is not a prerequisite for release. The offender had continued to conduct

SUMMARY

themselves well. They had accessed the community through further periods of special escorted leave (SEL), which had passed without incident. They had had a sustained period on a community work placement (CWP) and references from the provider were in very positive terms. The offender had a support network in the community, and the Board noted the offender's evidence of the discussions they had had with family about the fact they would be on life licence. The offender appeared to have genuine remorse for the index offence, and a desire to ensure it was never repeated. The Board also noted that both prison-based and community-based social work supported release, and that the offender was not deemed to meet the criteria for a risk of serious harm (RoSH) assessment.

8. Having regard to all the evidence, the Board concluded that it was no longer necessary for the protection of the public that the offender remain in prison. Accordingly, it directed release subject to licence conditions which it considered to be necessary, lawful and proportionate.