

SUMMARY



Date considered: 22 July 2022

Sentence

1. The offender is serving an indeterminate sentence, of which the minimum term in custody was 9 years.

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 considered that the case for the offender was summarised by the Community Based Social Worker (CBSW) in characterising the main issues being ones of noncompliance and management, as opposed to the offender posing any considerable risk of violence. The Board does not consider that there is any evidence that the offender poses that risk of violence to render it necessary for the protection of the public that they continue to be confined. The CBSW's view that the risk is one of noncompliance and not of harm accorded with the Board's assessment of all of the evidence in the case.
6. The Board commend the CBSW's work with the offender, partner organisations to prepare for the offenders potential release; and with the preparations in place for the enhanced supervision regime in the Risk Management Plan.
7. The offender has not engaged in any significant violent behaviour since their conviction for the index offending. The offender has progressed to the National Top End – and engaged in community placements and access – without any issues of violence to the public arising.
8. The offender meets the test for release subject to the licence conditions recommended by the Board.

SUMMARY

9. The enhanced supervision is a matter for the supervising local authority, and is of reassurance to the Board, though again impacts on the question of management and not the test for release. There is no indication from the offenders sentence that either noncompliance or substances lead to harm. That demonstrates that it is not necessary for the protection of the public that they require to be confined.