

SUMMARY



Date considered: 12 October 2022

Sentence

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 Tribunal 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 Tribunal was satisfied on this matter, and directed release subject to licence conditions.

Reasons for decision

4. In reaching its decision, the Tribunal 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 starting point is the Board's concern about the serious nature of the index offence. The Board acknowledge that anxious scrutiny should be applied, particularly given that the offender has never been released and is now approaching being in custody for approximately nine years beyond the expiry of their punishment part. However, there are a number of factors to be balanced against in the Board's decision-making process. The offender has failed to progress from the National Top End to the Open Estate on numerous occasions, therefore has not been tested by community overnight stays. The Board accept that overnight testing is not the applicable test for life sentence prisoners but in certain circumstance can be required in an assessment of risk and manageability in the community. In the particular circumstances of the offenders case, the Board do not view that this is necessary for the protection of the public that they are tested at the Open Estate.
6. The Board note that both social workers in their most recent reports and in their oral evidence are supportive of the offender's release at this stage without being tested at the Open Estate. The Board agree with their recommendations. Both social workers confirmed that in light of the applicable test their view is that it is no longer necessary for the protection of the public that the offender remains confined.

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7. The Board attach weight to the offender's level of assessed risk.
8. The Board note the offender's positive behaviours in custody for a sustained period of time. 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