

SUMMARY



Date considered: 13 October 2022

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 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 offender has now been recalled to custody on four occasions. While this was of great concern to the Tribunal, there has been a lack of offending and violence since the index offence in 1995. Both social workers recommended release and stated they did not believe the offender would go on to commit another offence involving serious or significant harm. Given the reasons for the offender's recalls to custody and lack of violence and offending since 1995, the Tribunal concurred with their recommendations and concluded that the test for their continued detention was not met.
6. The offender has previously struggled in the community. Since their last recall, the offender has undertaken trauma work and gained coping strategies to help manage their triggers. The Tribunal considered that the example provided by the offender of them using the strategies learned on this work to deal with a difficult period in custody provided good evidence of their ability to apply their learning.
7. The Tribunal also considered the offender's positive engagement with supports in custody since their last recall provided evidence of their ability to engage with supports and ask for help in the community when issues arise. Accordingly, the Tribunal directed release on licence conditions which it deemed lawful, necessary and proportionate to manage the offender's level of risk in the community.