

SUMMARY



Date considered: 09 January 2023

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 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 was convicted of murder and sentenced to life imprisonment with a punishment part of 13 years. The punishment part expired in March 2013. The offender was also convicted of assault in 2003.
6. The decision by the Tribunal to release the offender was finely balanced. The Tribunal acknowledge that the Prison Based Social Worker (PBSW) and the Community Based Social Worker (CBSW) did not support the offender's release at this time. They referred to evidence being required in terms of further community access through home leaves, although the PBSW also stated that such evidence may be obtained through unescorted leaves whilst at National Top End (NTE). In considering the full evidence available, the Tribunal was not persuaded by the PBSW and CBSW recommendations.
7. The Tribunal placed weight on the significant amount of community access which the offender has had over a number of years. They have engaged in numerous occasions of home leave whilst at the Open Estate (OE). During their most recent period at NTE, the offender has undertaken numerous Special Escorted Leaves (SELS) and attended a community work placement. It is acknowledged that the offender has been downgraded from less secure conditions on several occasions, that their community access was over several years, and that they have not had access to home leaves since 2015. There were however no

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adverse circumstances noted during community access. The offender had been located at NTE since October 2020. The offender had engaged in recent community access through a community work placement with no reported concerns. There was no recent evidence of violence or substance misuse.

8. The Tribunal noted that the main area of concern for the offender within the community is substance issues, although this was not considered to be presently an imminent concern. There would be a reliance on the offender being open and honest in the community. Overall, it was assessed that there would be a low imminence of violence if the offender is released at this time.
9. In reaching the decision to release the offender, the Tribunal also placed weight on the detailed community risk management plan and licence conditions, including supervision by their supervising officer. The offender appears to recognise their risk factors. They have completed offence focused work and the PBSW assessed that if the offender can apply the learning from programmes, this should reduce the likelihood of reoffending. The offender acknowledged the importance of seeking support, and also of maintaining structure in their life.
10. Having regard to the above factors, the Tribunal was satisfied that it was no longer necessary for the protection of the public that the offender should continue to be confined and directed their release subject to licence conditions.