

SUMMARY



Date considered: 14 March 2023

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 Board is concerned about the serious nature of the index offence and the offender's recall of the index offence. However, the Board acknowledges that there were no references to violence prior to and subsequent to the index offence.
6. The Board notes that the offender has been in custody for approximately twenty seven years and is now approximately fifteen years post-expiry of the punishment part of their sentence. The Board accepts that anxious scrutiny should be adopted in light of the applicable test. The serious nature of the index offence has to be balanced against a period of good behaviour for a considerable time and significant community testing through approximately four years at the National Top End and one year at the Open Estate.
7. The Board acknowledges that there are a number of protective factors in place at present and agrees with the Prison Based Social Worker (PBSW) that these have to be balanced against any ongoing concerns. The PBSW spoke about the shift in the offender's engagement which is more open than in the past. The PBSW and the Community Based Social Worker (CBSW) are of the opinion that the offender meets the applicable test. The offender has built a relationship with

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the CBSW and has engaged well in offence focussed work, displaying a willingness to be open, and demonstrating insight which gives the social workers more confidence that the offender is manageable in the community. Social workers gave favourable evidence in support of the offender's release. The Board is satisfied that there is a robust risk management plan in place with strict licence conditions.

8. The Board encourages the offender to continue to build their relationship with their CBSW who will be their most important relationship in the community and to use all services/supports that are offered to them. 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.