

ORAL HEARING DECISION

04 September 2024

Date of hearing:	17/07/2024		
Date of earlier hearing(s)	16/07/2024- 2 day hearing		
Prisoner full name:	Steven Andrew Ling		
Date of birth		Age:	50 years
Prison number:			
Prison:			
Review number:	5		

DECISION

Decision:	Direction for release
	<i>The Secretary of State must give effect to the direction of the Parole Board as soon as is reasonably practicable in all the circumstances including, in particular, the need to make arrangements in connection with any conditions that are to be included in the person's licence.</i>

CONTEXT AND LEGAL FRAMEWORK

Type of case:	Life sentence on or post tariff review
Secretary of State referral:	Release or Open
Outcome sought:	Release
Test:	<i>The Parole Board will direct release if it is satisfied that it is no longer necessary for the protection of the public that the prisoner should be confined.</i> <i>If release is not directed, panels are to consider if a recommendation for transfer to open conditions can be made.</i>



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	<p><i>Before recommending the transfer of an ISP to open conditions, the Parole Board must consider: -</i></p> <p><i>i) all information before it, including any written or oral evidence obtained by the Board;</i></p> <p><i>ii) whether the following criteria are met:</i></p> <ul style="list-style-type: none"> <i>• the prisoner has made sufficient progress during the sentence in addressing and reducing risk to a level consistent with protecting the public from harm (in circumstances where the prisoner in open conditions may be in the community, unsupervised under licensed temporary release); and</i> <i>• the prisoner is assessed as presenting a low risk of abscond.</i> <p><i>The Parole Board must recommend a move to open conditions only where it is satisfied that the two criteria as described at (ii) are met.</i></p> <p><i>For prisoners serving specified terror or terror connected offences, panels must be satisfied that exceptional circumstances have been evidenced and both criteria at (ii) are met.</i></p> <p><i>For Foreign National Prisoner cases, the Parole Board must be satisfied that the prisoner represents a very low risk of abscond and that the first criterion at (ii) is met.</i></p>
Reconsideration:	The case is eligible for reconsideration.

INDEX OFFENCE(S) AND SENTENCE INFORMATION

Index offence(s):	Murder		
Sentence(s):	Life Sentence, Minimum Term 18 years less time spent on remand in custody.		
Date of sentence:	02/12/1998	Age when sentenced:	24 years
Tariff expiry date:	26/12/2015		

ORAL HEARING ATTENDEES

Panel:	[Chair]	Independent	R
	[Member]	Independent	R
	[Member]	Psychologist	R
Witnesses:	[POM]	Prison Offender Manager	R
	[COM]	Community Offender Manager	R
	[Psychologist 1]	Prisoner Instructed Psychologist	R
	[Psychologist 2]	Prison-instructed Psychologist	R
Legal rep:	[Counsel 1]	Of Counsel, instructed by [Solicitors]	R
Legal rep:	[Counsel 2]	Of Counsel, instructed by [Solicitors]	R
Observers:	[Observer]	Technical support, Parole Board	R
Observers:	[Observer]	Administrative support, Parole Board	R
Other: S of S Counsel	[Counsel 3]	Of Counsel, instructed by the Secretary of State for Justice	R
Other:	[Representative]	Representative For the Secretary of State for Justice	R

Was the Secretary of State represented by an advocate	Yes
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T – Telephone V – Video R – in hearing room in prison (with prisoner)

VICTIM INFORMATION

Victim statement provided?	Yes
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Statement 1:

How was it presented?	Read by victim at hearing
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Statement 2

How was it presented?	Read by victim at hearing
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Statement 3

How was it presented?	In writing, in the dossier
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Statement 4

How was it presented?	In writing, in the dossier
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Statement 5

How was it presented?	Read by someone other than the victim at the hearing
Presented by:	

DOSSIER SUMMARY

Number of pages in dossier:	1127
Non-disclosure:	Yes, gist disclosed
Additional papers at the hearing:	No
Additional papers after the hearing:	Yes
Details:	Closing submissions from both parties. COM update report. MAPPA meeting minutes – executive summary (all included in page total above).

Any other information

Mr Ling's oral hearing was conducted in public following a decision by the Chair of the Parole Board made on 3 May 2023 and reiterated in a further decision in February 2024.

Observers were located at the Royal Courts of Justice and the hearing was live streamed to the location. Members of the victim's family observed by video link from another location.

For reasons well documented in the dossier, the panel chair directed that Mr Ling's oral evidence be heard wholly in closed session. The vast majority of other witnesses' evidence was heard in open session, save for short periods of up to two or three minutes at a time when identifying information in relation to the risk management plan needed to be discussed openly by the panel and witnesses.

[Psychiatrist] report.

On 27 April 2024 the panel chair directed a [report on mental health] to be submitted no later than 2 July 2024. The direction was:

"A report which updates the panel on Mr Ling's [current mental health and any interventions] since 30 January 2023."

An SHRF from the Secretary of State on 13 May 2024 sought a short extension to provision of his representations to allow sight of the [report on mental health]. In considering the extension request the panel chair provided the following reminder to parties:

"...the nature of the [report] is an update rather than a risk assessment. It is unlikely, save for [redacted] shortly before the report is due, that it will contain anything which could come as a surprise to parties. The panel chair is, however, very aware....that Mr Ling experienced [redacted] precipitated in part by receipt of the Secretary of State's submissions before the adjournment.

The panel chair appreciates the difficulties in balancing each party's needs. The panel chair considers that the Secretary of State should provide submissions by 28 June 2024 as previously directed. However, the Secretary of State will be allowed to provide an addendum to those submissions by 5 July 2024 if the [report], once submitted has a direct impact on the Secretary of State's view. [original emphasis] Any such addendum must be restricted to comment and analysis only on how the content of the [report] affects the Secretary of State's view.

On 2 July 2024 the panel chair was provided with an SHRF dated 28 June 2024. It stated that the [report] had not been completed as there had been 'some delays during the procurement process'. An extension for submission was sought to 8 July 2024.

Before receipt of this SHRF, the panel chair had also received a [mental health report] which detailed Mr Ling's current [mental health and interventions]. It was the panel chair's opinion that a [further report] would now not add any significant information and so the direction for the report was revoked. The panel chair reiterated in her response that the psychiatric report previously directed (and now revoked) was *'not a risk assessment, merely a summary of any [intervention] since 30 January 2023 and an assessment of Mr Ling's current state of mind.'*

Despite this revocation, on 10 July 2024 the Secretary of State submitted directly to the dossier a [different mental health report] by [Psychiatrist] dated 9 July 2024, following an assessment made on 5 July 2024 – three days after the panel chair directed the revocation of the [mental health report] direction.

No permission was sought for the late submission of the evidence. The [mental health report] noted the previous specific direction and proceeded to provide a report outside the scope of that. No application was made to submit the alternative report.

The unexpected nature and contents of the [report] again unsettled Mr Ling and his solicitor sought a further adjournment of Mr Ling's hearing to obtain an independently instructed [assessment]. The panel chair did not consider that this would provide any new information for the panel and the application for an adjournment was declined. However, given the effect the unexpected assessment and disclosure had caused to Mr Ling, the panel chair directed that Mr Ling's evidence now be given entirely in closed.

No request was made by either party to call [Psychiatrist] to give oral evidence. The panel did not consider that it was necessary to call [Psychiatrist] as a witness. The Secretary of State relied heavily on [Psychiatrist]'s report in his closing submissions and so the panel considered whether oral evidence would be required following the hearing but concluded that it had sufficient information to make an informed risk assessment without that evidence.

Following the oral hearing the panel decided to adjourn Mr Ling's review to seek further information on the risk management plan. This was received on 20 August 2024 in the form of a COM update and the executive summary of MAPPA meeting minutes.

This is Mr Ling's fifth review. His index offending and antecedent behaviour has been analysed carefully by previous panels of the Parole Board. Where that analysis has been agreed and adopted by this panel, this is indicated by the use of italics, with this panel's additional analysis included in standard font. This decision letter does not seek to repeat or summarise all 1127 pages of evidence in the dossier nor that of the extensive evidence taken at the oral hearing over two days. Instead it seeks to highlight the most significant areas of evidence taken into account by the panel.

REASONS

1. Analysis of Offending Behaviour (The Past)

1.1. *Mr Ling pleaded guilty to murder. An offence of rape was ordered to lie on file. Mr Ling accepts that he is guilty of rape. He has no other convictions recorded against him.*

1.2. *However, it is reported that he indecently exposed himself when younger (from the age of 13 onwards, on around 30 occasions). Mr Ling admits he did that and has said that it was in response to being bullied by younger females. He would expose his penis, sometimes masturbating, and gained pleasure and satisfaction from the shock cause to the females. He enjoyed the humiliation and would later masturbate to the memories of these incidents. He has also admitted that he used to masturbate covertly in his vehicle whilst watching adult females who were in public place.*

1.3. *Mr Ling told the current panel that he had hoped his indecent exposure would lead his victim to take notice of him and then lead to consensual sex.*

1.4. *Mr Ling has also described getting into physical fights with his peers at school. He was disruptive in school and often truanted. He left school [redacted]. He obtained employment and was able to retain this. The current panel heard evidence around Mr Ling's work as a professional driver. He told the panel that he would fantasise about having sex with women when driving long distances*

1.5. *At the time of the offence, Mr Ling was in a long-standing relationship with [XX]. They lived in the same village as the victim's father and Mr Ling's own parents. During his relationship with [XX], he used telephone sex lines and continued indecently exposing himself to strangers. Mr Ling told the current panel that this started in the same village he lived in, but he became fearful that his victims would know or recognise him, so then he began exposing himself in nearby villages where he was less likely to be identified.*

1.6. *He has said that he struggled to be open with [XX] about his feelings, particularly in terms of their sexual relationship. He also assaulted [XX] twice (by slapping her, causing a black eye on one occasion), once when he was jealous about her paying attention to his brother and once when arguing about money, although these did not result in convictions. Mr Ling told [the 2022] panel that he felt belittled and put down on those occasions and that was what led him to assault his partner. He had been drinking when he assaulted [XX] and he would binge drink at weekends.*

1.7. *[Mr Ling described how he had suffered two losses a month before the murder.]*

1.8. *The victim of the index offence was a young woman aged 29. Mr Ling met her in a public house on Christmas Eve 1997. He had consumed a great deal of alcohol. Upon leaving in the early hours of Christmas Day he persuaded the victim to accompany him home. When home, he punched her and tried to have sex with her but could not achieve an erection. He collected a knife from the kitchen and returned upstairs to her and raped her. Either during or immediately after the rape he stabbed her and attempted to suffocate her with a pillow and duvet. During the attack his knife broke so he obtained a second knife and continued. The attack lasted for around two hours.*

1.9. *During the attack he made cuts to her vagina and a "rough attempt to carve a swastika or cross on the left clavicle area" was found and said to more likely to have been caused before death than after. At times it is reported that Mr Ling has denied the carving, but for many years now he has maintained he cannot recall doing it but has accepted he must have been responsible for it. Mr Ling also partially shaved her pubic [area] and put a cigarette deep into her vagina.*

1.10. *There was evidence from a pathologist that the victim sustained 60 injuries, 31 of which were knife wounds or lacerations. Nine injuries penetrated into the chest cavity, and Mr Ling used such force that one [penetrated] the breastbone. There was evidence of the victim trying to defend herself.*

1.11. *The victim also suffered burns to her legs caused by burning bedclothes, but the prosecution accepted that these may have been caused accidentally. Mr Ling has explained that he attempted "to get rid of the body" by setting fire to the bedclothes.*

1.12. *After the murder Mr Ling left the property in his car in the early hours and was arrested for drink driving. It was then that he admitted killing the victim, stating "I've stabbed her in the tits".*

1.13. *The sentencing Judge remarked that there was "an aspect of sadism" in Mr Ling's motivation behind the offence and this was a particularly serious aspect to the case. He killed his victim "in circumstances of great violence and frenzy". Mr Ling was assessed [redacted] at the point of sentence and none of them considered him to be [redacted]. Since those assessments there has been one [mental health assessment], by [Psychiatrist] (see additional information section). This also concluded that Mr Ling continues to have no major mental disorder.*

1.14. *Mr Ling has discussed the index offence with numerous professionals and panels of the Parole Board. He has said previously that he felt rejected by [XX] at the time, feeling low and alone and uncared for. He said that he intended to have sex with the victim "no matter what". He tried to kiss her but she rejected this and so he locked the door and punched her. He was aware how scared she was during the attack. He made her perform oral sex on him and also performed oral sex on her. [Redacted]. He raped her again after stabbing her in a bid to humiliate her. Mr Ling admitted he was angry that she was passive and did not struggle and decided to kill her "to keep her quiet".*

1.15. Mr Ling has told successive panels of the Parole Board that although his offending appeared to come suddenly and out of the blue, there was, in fact, a slow build up, which started with bullying at school by girls when he was an adolescent; he used sex chatlines and pornography, he indecently exposed himself and had rape fantasies, which he said began when he worked as a driver. He told the current panel that he had sexual experiences with a group of girls when he was a teenager, who then went on to reject him. This led to him wanting to and seeking to humiliate women through indecent exposure which started in adolescence and continued into adulthood, but for which he was never convicted.

1.16. He told this panel that his parents had been aware of one incident of indecent exposure and had sought intervention from his GP. His GP essentially dismissed their concerns.

1.17. Mr Ling told this panel that when he exposed himself, although he enjoyed the fear in the women's eyes, he had fantasies that the exposure would lead to the victims liking this and then leading to consensual sex.

1.18. A [mental health assessment] was completed with Mr Ling in 2000 which indicated he showed several problematic traits, namely: "callous lack of empathy, promiscuous sexual behaviour, failure to accept responsibility for his actions, with partial evidence for lack of remorse or guilt, shallow affect, poor behavioural controls and irresponsibility." However, Mr Ling did not meet the diagnostic criteria for [redacted]. Since that assessment it has been suggested that Mr Ling's social isolation, inadequacy, sensitivity to rejection and low self-esteem support a conclusion that his personality is characterised by [redacted]. First formally mooted as a potential diagnosis by [Psychologist 4] in her report of September 2017, previous and later [reports] have also referenced [traits], including the end of programme report following the Fantasy Modification Programme Mr Ling participated in at HMP [redacted] and by his later independently instructed psychologist, [Psychologist 1]. However, the panel noted that Mr Ling had not undergone any formal personality disorder assessment specifically assessing this. While [Psychologist 2] noted the relevant behaviours identified by [Psychologist 4] had been present, she did not consider that she would likely have made a diagnosis of [redacted] and did not think there had been recent evidence of these traits. This is discussed later in this decision.

1.19. [Psychologist 4] summarised that "*[redacted] is not strongly evidenced to be associated with either violence or sexual violence, but is functionally linked in Mr Ling's case, as it contributes to his significant problems with emotional management and capacity for close relationships, both of which directly impact on his risk of reoffending.*"

1.20. During the course of Mr Ling's sentence he has completed a number of accredited interventions including Enhanced Thinking Skills (ETS, 2000), Sex Offender Treatment Programme (SOTP – Core 2001 and Extended 2004) and Controlling Anger and Learning to Manage (CALM, 2012). In 2006 he began the

Better Lives Booster but did not complete it. He then completed the Healthy Sex Programme in 2018.

1.21. From 2008 he spent around two years in a Therapeutic Community (TC) at HMP [redacted] but was deselected when he threw a plant pot at another prisoner's head in 2011 and was prevented from throwing a table. He reportedly also threatened that he would get revenge against a female therapist. While on the TC Mr Ling engaged in the Fantasy Modification Programme. From 2013 Mr Ling spent three years on a psychologically informed progressive environment (PIPE) at HMP [redacted].

1.22. Mr Ling was assessed by psychologists as requiring further risk reduction work. As a result, in May 2018 he transferred to HMP [redacted], where he successfully completed the Healthy Sex Programme (HSP) in August 2018. Between April and October 2019, he attended one-to-one counselling to help him deal with several losses in his life, [bullying] and the abuse he reported he had experienced [redacted]. As part of the HSP Mr Ling began to keep sexual thoughts diaries. [After suffering a further loss] Mr Ling identified that he had begun to have increased sexual thoughts and was starting to use them as a coping strategy. However, he made entries in his diary, which enabled him to identify that there was an issue and he needed to address it. He continued to use his diaries to record his thoughts and feelings at times of stress, including when he was rejected for a move to open conditions.

1.23. Risk factors present at the time of the index offence and which, if present in future would indicate an increase in likelihood of reoffending include: thinking about sex a lot; distorted attitudes that women may enjoy his exposures; spending long periods of time alone and bored; liking sex to include violence and force; sadistic thoughts, fantasies and desires; fantasies of rape and humiliation; using sex as a coping mechanism; a feeling of entitlement to sex; social isolation; not talking to others, including professionals; not knowing how to sooth his emotions and feelings and retreating into a fantasy world that includes deviant sexual behaviour; panic and rage combined with sexual arousal; low self-esteem; a belief that he would not get caught; poor emotional management; anger and resentment towards women; mistrust towards women; thinking men should be in charge; feeling belittled or humiliated; jealousy; poor problem-solving skills; and using alcohol to cope.

2. Analysis of Evidence of Change (The Present)

2.1. Since Mr Ling's last review he has remained at HMP [redacted]. He remains enhanced on the incentives and earned privileges scheme and is employed in [role]. In May 2024 he was made a 'blue band' which is the most trusted prisoner status and allows him significant autonomy within the prison. He has not been subject to any adjudications or negative entries and there have been no concerns regarding poor behaviour, association with other prisoners or substance misuse. While there are also no positive entries, his keyworker, wing staff and workshop supervisor all described his behaviour and work ethic as

exemplary. He resides on [wing] for enhanced prisoners. In March 2024 he had his first 'face to face' contact with [redacted] in nearly a decade; this was by video link. During contact with [redacted], he disclosed [redacted] to them in anticipation of it being revealed during the course of his public hearing.

2.2. He reportedly was very disappointed that the second Parole Board recommendation for open conditions was rejected in 2022. [redacted] He has been [redacted] more recently when struggling to cope with the prospect of his hearing being conducted in public. During [redacted], there has been no evidence of risk to others increasing. He considered a request to move prison to be closer to his family but chose not to because he believed it may cause upset to the victim's family.

2.3. Despite reportedly experiencing [redacted], Mr Ling continued to work productively and cooperatively with professionals and met his obligations as a [role] and coping well with disruption in the prison due to staffing issues which caused loss of regime. While he voiced frustrations this was done so appropriately and with no violence. He also continued as a [role] and supported other life sentenced prisoners who were struggling to cope with their sentences, including by supporting psychology and OMU staff with a briefing to staff on the impact of indeterminate sentences and parole processes on prisoners' distress.

2.4. Recognising his difficulty in coping with the repeated refusals of a move to open conditions, Mr Ling referred himself to the [therapy service] and requested that his parole review be deferred while he completed [redacted]. He engaged with [redacted] in February 2023, completing the first tranche of work in August 2023. The work focused on [redacted] which reportedly increased his insight into [redacted]. He was reported to have displayed strong levels of victim empathy as a result, being described by the [redacted] as *'feeling completely immersed in his victim's experience and encountered a significant emotional response to this.'*

2.5. Mr Ling reported feeling significantly calmer after the therapy. At periods of high stress during the course of this review, Mr Ling has been open to engaging in further therapy sessions and has taken all opportunities offered to him.

2.6. When Mr Ling's case was directed to oral hearing in January 2023 it was noted that there was reference in a professional report to disclosures made by two women which related to encounters they alleged to have had with Mr Ling prior to the index offence. Further investigation was directed to understand these disclosures and the panel was informed that in March 2022, following the last oral hearing, correspondence had been received by the Public Protection Casework Team (PPCT) from a Member of Parliament. The correspondence enclosed two short statements from two women who alleged offence-paralleling behaviour by Mr Ling prior to the index offence and, it seems, these had been provided to the MP by the victim's mother. PPCT had responded to the MP that Mr Ling's previous risk related behaviours were well documented but advised the documents would be shared with Mr Ling's Offender Manager to ensure that

all risk related matters were taken into account in future risk management plans.

2.7. In January 2023 the statements were forwarded to the MOSOVO¹ unit where the Inspector advised that [further offences] would be recorded as crimes and the police would contact the women involved to see if they would supply statements and then speak with Mr Ling.

2.8. The first statement said: [details of allegation]

2.9. The second statement detailed that in the year before the index offence [details of allegation].

2.10. The panel was not provided with any further information about any police investigation and it seems Mr Ling was not interviewed. The alleged [further offence] is a summary offence, triable only in Magistrates' Court, and could not now be prosecuted given the time since the offence. The panel explored the further allegations with Mr Ling and professionals in their oral evidence, detailed later in this decision.

Prison Offender Manager's evidence – [POM]

2.11. [POM] provided the panel with the custodial update set out above. She has worked with Mr Ling for five and a half years and she knows him well, meeting with him at least every three weeks. She noted a pattern of anxiety leading up to each oral hearing but told the panel he uses self-talk, talking with other prisoners and his diaries to manage this.

2.12. [POM] reported that Mr Ling has had further 'check-in' sessions of [redacted] with his therapist and that he can be offered further treatment if necessary. She confirmed, though, that this was not risk reduction work and was to focus on his wellbeing and consolidate emotional management strategies for '*unusual circumstances such as [this public hearing]*.' She was familiar with his diary entries and had not observed any re-emergence of risk-related thoughts in them, although he had not completed any entries recently as his days are very '*samey*' and the diary entries had become quite mundane. She was confident that Mr Ling would report such thoughts to her and told the panel that there had been no such reports since 2020. At that time, Mr Ling reported [redacted]. He identified this as potentially problematic and was able to speak with [POM] about it. He regularly and openly discusses any sexual thoughts with her and those conversations did not cause [POM] any concern. She had observed that he exhibited very good insight into the impact of his offending and he was mindful of saying or doing anything which could cause further distress to the victim's family. This had increased even further during [redacted].

2.13. [POM] identified Mr Ling's risk factors as poor emotional wellbeing, sexual preoccupation, risky sexual behaviour including indecent exposure and use of pornography and alcohol misuse. She considered that any increase in his risk of

¹ Management of Sexual or Violent Offenders – a police-led unit.

causing serious harm would not be imminent. Risk factors would develop in intensity over time and she considered they would be readily observable such as obvious stress and anxiety, body language changes and being irritable or avoidant. She considered that if Mr Ling had been in a position to be observed by professionals prior to the index offence that the same warning signs would have been visible then. [POM] considered that Mr Ling will speak openly in supervision and would communicate risks at an early stage. He may be concerned about letting people down or being recalled if he does so and so he should be encouraged to be open.

2.14. [POM] had not observed any unhealthy attitudes towards women and commented that he had worked effectively with many female staff. There had never been any suggestion of unwanted sexual attention and she saw no evidence of manipulation or grandiosity in his presentation. She did not think that he manipulated professionals by constantly showing his positive side. She explained to the panel that if he was masking this behaviour there would have been evidence of 'leakage' during his confinement and she had seen no such evidence. She considered that Mr Ling had developed internal controls to manage his risk and was not over-reliant on professionals to maintain this. She understood his [traits] and considered them related to shame; however he does seek support when he is really uncomfortable and vents frustrations appropriately.

2.15. [POM] identified that Mr Ling's route to further offending would likely be through indecent exposure, precipitated by high levels of stress and anxiety, feeling that no one cares or is interested in him and potentially combined with use of alcohol.

2.16. [POM] told the panel that work completed since Mr Ling left the TC at HMP [redacted] had been of sufficient detail, breadth and intensity to be considered a satisfactory substitute for work which he did not complete there. She did not consider that a move to a Progression Regime, which had been mooted following Mr Ling's last review, would be appropriate or necessary because she was satisfied the additional staff monitoring at such a regime would not add anything of value to the understanding of Mr Ling's needs nor challenge him in any new way.

2.17. [POM] told the panel that the risk management plan was sufficient to manage Mr Ling's risk of causing serious harm in the community and stated that she felt confident he met the test for release. However, her recommendation was that he transfer to open conditions to better prepare him and assess how Mr Ling deals with new challenges. She told the panel that Mr Ling would not qualify for support in the form of enhanced behavioural monitoring or [redacted] interventions while in open conditions. She found him realistic about the challenges he would face in the community, including any media interest he may face. She told the panel that if Mr Ling's release was directed then much of the work involved in practical preparations for Mr Ling's release which may otherwise have been completed in open conditions such as

opening bank accounts, assistance with making links to employment opportunities and so on could be provided at HMP [redacted].

Mr Ling's evidence

2.18. Mr Ling provided the panel with '*evidence in chief*' in writing prior to the hearing. This was intended to help manage his oral evidence in public session. It transpired that Mr Ling provided his oral evidence entirely in closed session and the panel was able to fully explore his evidence.

2.19. Mr Ling told the panel that he had been very nervous about his public hearing. Having managed to prepare himself for the prospect, he had been knocked off balance by [Psychiatrist]'s assessment. The report was submitted the week before the hearing without being disclosed to him in person by [Psychiatrist] and Mr Ling had not been able to respond to it before it was submitted. He had used his thoughts diaries over the preceding two weeks to cope. However, he had talked with professionals on the morning of the hearing, rationalised his response through talking about his fears and thought about the impact a further deferral request would have on the victim's family. Having done so, he knew he '*needed to dig deep inside*' and attend his oral hearing.

2.20. He described deep hopelessness, leading to [redacted], following his second refusal of open conditions. He explained that the Secretary of State's dismissal of the work he'd done over the years had been '*devastating*'. He had experienced depression, for which he remains medicated but had continued to do all he could to evidence the reduction in his risk. He was not over-reliant on staff but knew when he did need support.

2.21. Mr Ling's account of the index offence and the circumstances and build up to it remained largely consistent with previous accounts. He spoke of his loneliness and isolation, despite being in a relationship. He said his anger stemmed from [redacted] he had experienced and his rape fantasies began while spending hours alone as a driver. He was 18 years old and spending long periods of time alone and bored and would fantasise about non-consensual sex. Similarly, when he exposed himself he fantasised that it would lead to a consensual sexual encounter. He described being '*brainwashed*' by pornography and was '*deluded*' about what women wanted. He developed unhealthy schemas that convinced him all women were like the women he saw in pornography and that he could do or take anything he wanted. Sex took over his life and he was effectively living a double life, watching porn, using sex chatlines and indecently exposing himself without his partner's knowledge and unable to know from where to seek help.

2.22. Questioned about his use of sadistic violence he told the panel that he channelled his existing anger into a '*frenzy of rage*' [redacted]. He said that he could not recall all details of the offence, a position which in the panel's experience is not unusual. Mr Ling described his ability to now link the victim's fear on that night with [redacted].

2.23. Mr Ling explained his indecent exposures began at around the age of [redacted]. [redacted] Mr Ling sought sexual attention through indecent exposure, stating that he enjoyed the look of shock or fear on victims' faces. He could not remember how often he did it but it was at least 20-30 times and would occur more frequently when an opportunity arose and he was not feeling comfortable with himself. While in his relationship with [XX] he says it happened only once or twice.

2.24. The panel explored the two statements made by women who said they had encountered him and his sexually motivated behaviour before the index offence. Mr Ling accepted that both events happened, although he had limited recall of the more serious incident in [redacted] (which he thought likely happened before then) and had no specific memory of the indecent exposure given the number of times he had done this previously. He had told his POM that he had been told by work colleagues at the time that having walked the complainant home following a night of heavy drinking he had put his foot in the door of the female to try to get into her home and left when the door was shut on him. He told the panel [redacted] had tackled him about this at the time and told him he had to apologise to the woman, which he says he did when he later saw her. He provided a similar account to [Psychologist 1]. He agreed that he was probably hopeful that they would have sex but denied that there was any planning involved.

2.25. In the panel's view this incident had offence-paralleling elements to it. The Secretary of State submits that this means there may be limitations in understanding Mr Ling's risk profile and that Mr Ling has shown lack of candour with professionals by concealing this information which has implications for future disclosure. The panel is confident that his risk profile is well understood and that the incident does not suggest anything different. In terms of his candour, the panel considered that both he and professionals have primarily focussed on the murder, his exposures and his sexual thoughts. In the panel's view, Mr Ling has been able to discuss his thinking and behaviour in detail; when reminded of the incidents he has acknowledged that they happened. He has not attempted to minimise grounds for concern and it is not remarkable that his recall after more than 25 years is limited.

2.26. Whilst at the TC in 2010 to 2011, Mr Ling had said that he '*put about 60% into*' the Fantasy Modification Programme. He found it hard to write down his sexual fantasies and discuss them with the female facilitators. He had kept the thoughts diary in which he wrote down the fantasies he had had and assessed them in great detail. Realising he had not fully engaged with the programme he had written a post-programme review acknowledging this and explaining why this was the case. There were no similar concerns about his engagement with the PIPE unit and HSP which followed. The panel noted that this was over 13 years ago and he has engaged in several interventions since and none have identified that this area remained an outstanding area of risk or need for risk reduction.

2.27. Mr Ling told the panel of the benefits of his [redacted] work, which was the first opportunity he had to address [redacted]. He had felt very low during the therapy. Recently, he had completed further [sessions] following the disclosure [redacted] to his family. He anticipated some further sessions following the hearing '*just to get back into rhythm*'.

2.28. Mr Ling assessed his likelihood of further indecent exposure as '*zero per cent*'. He told the panel he had matured and, in future, when experiencing challenges, he would seek support. He reported a good relationship with his COM and had found it tricky to talk about things with him straightaway because of his guilt and shame but had worked through this. He said when he was feeling anxious, he would go quiet, feel low and his sleeping pattern and appetite would change. He reported being less avoidant now and that his sexual thoughts were less frequent and normal in nature.

2.29. Mr Ling spoke articulately of his hopes for the future. He said that open conditions may be better for him but having recently spoken to staff at [redacted], he thought this would benefit him in the same way open conditions would. He found the prospect of release to be daunting but was something he looked forward to. He anticipated he may be heavily reliant on support for the first two to three months in the community but looked forward to [redacted]. He recognised that he needed to build on support from agencies but this depended on where he would be released to. His family would be supportive and he never intended to return to [redacted], even if he had no restrictions from doing so. He had thought carefully about all the proposed licence conditions and was content with them all. He intends to remain abstinent from alcohol and would not seek out pornography. He has no intentions of entering an intimate relationship for at least five to ten years, if at all. The panel did not necessarily find this realistic but understood that Mr Ling saw this as a way to demonstrate his intention to proactively manage his risks. [redacted]

Psychologists' evidence – [Psychologist 2] and [Psychologist 1]

2.30. Both psychologists have completed numerous risk assessments with Mr Ling over the years, both for this review and earlier reviews. These assessments used various assessment tools including the HCR20^{v3} and RSVP^{v2}. The panel had the benefit of a total of seven reports from [Psychologist 2] and [Psychologist 1] prepared for this review, including one joint report which identified areas of divergence in their assessments but which were not significant. Both psychologists were in agreement with each other in their assessments that Mr Ling has completed all core risk reduction work and each had reached this conclusion at earlier reviews.

2.31. The psychologists gave evidence together. They each found he provided consistent accounts of his progress over time and that there was no evidence that he was attempting to portray himself in a socially desirable light, instead he tended to be negative about himself. [Psychologist 1] commented that it is incredibly common in forensic work for people to lie or withhold information but on a '*continuum of confidence*' she would consider Mr Ling to be at the higher

end of being open and honest. [Psychologist 2] considered that in relation to the two allegations, in her view, Mr Ling had not intentionally underreported and that it was normal to struggle to remember some things.

2.32. In terms of Mr Ling's emotional difficulty with the prospect of the public hearing neither psychologist saw this as relevant to risk, with [Psychologist 1] pointing out the differences in the type of stress he experienced. That which contributed towards his index offending was chronic and enduring whereas his recent difficulties with coping were acute and explicable and his equilibrium was restored quickly.

2.33. [Psychologist 1] considered warning signs of increasing risk would likely include depressive rumination, drinking alcohol, using pornography and masturbating more than three times a week. She agreed with [POM] that there would likely be '*soft signs*' in addition to behavioural factors evident, such as lateness for appointments. [Psychologist 2] considered Mr Ling would likely '*vent*', be angry and frustrated which would be easily observable by those supervising.

2.34. [Psychologist 2] identified risk factors present at the time of his offending as a preoccupation with sex, his interest in indecent exposure, his capacity to use force to secure sexual gratification, attitudes supportive of sexual entitlement, problems with women, an inability to open up in relationships, poor problem solving and poor emotional management. [Psychologist 1] largely agreed with these and added his use of sex to self-soothe. Key disinhibitors would be alcohol use and use of pornography.

2.35. [Psychologist 1] saw no evidence of an enduring dominant sexual sadistic interest and that his fantasy that coercion would quickly move to cooperation and seduction did not have a sadistic aim or motive. He does not find the terror he instilled arousing in itself. [Psychologist 2] agreed that Mr Ling does not need violence to achieve sexual gratification. Both said that he does not need sexual violence, coercion or control to have a successful relationship.

2.36. Both identified the emotional pain and damage to his self-worth and self-esteem of [redacted] as relevant to the development of his offending behaviour and led to the laying of the foundations of his attitudes towards women and sex.

2.37. [Psychologist 1] considered that Mr Ling's risk had reduced as a result of the maturation process. The enormity of the index offence and his sentence has been an important impact on his risk and while he didn't obtain insight immediately, he has since done an '*enormous*' amount of work; not just courses and programmes but thinking, reflection, diaries, engaging with his POM, and showing sustained progressive building of insight. [Psychologist 1] noted evidence of normal angry responses where he then quickly pulls himself together, for example when he was rejected for open conditions in 2022. She noted that Mr Ling refers to himself as '*a monster*' for what he did and struggled to come to terms with his offending. She considered it useful for

those supervising him to revisit the enormity of his offence to avoid complacency.

2.38. Both professionals were dismissive of suggestions that Mr Ling's failure to complete the TC at HMP [redacted] was significant or indicative of outstanding work. [Psychologist 1] recognised the unusually intense nature of the TC and that many offenders do not complete it; it is particularly difficult for those who are avoidant as there is no escape, but she reminded the panel that he did complete two and a half years of treatment. Both psychologists opined that Mr Ling would not qualify for enhanced behavioural monitoring in open conditions due to his sustained unproblematic behaviour.

2.39. [Psychologist 2] saw a clear journey through Mr Ling's sentence with positive evidence of addressing his risk factors. He has internalised the gravity of his offending, which in her view was a strong deterrent from further offending and is open about when he finds things difficult.

2.40. In relation to the sadistic elements of the index offence – the insertion of a cigarette in the victim's vagina and the carving of a symbol (possibly a swastika or cross) on her clavicle – neither psychologist could definitively state why he did this but considered this as only one element of the overall offending and that no one was missing anything in their understanding of his risk profile if this remained unclear.

2.41. In terms of the [traits] identified in a historic [mental health report], [Psychologist 1] told the panel these had started to dissolve with the first sex offender treatment programme to which he responded well. She did not consider him [redacted] but had developed a skin of callousness that has since disappeared. She identified no underlying propensity to be callous. [Psychologist 2] viewed the [mental health assessment], conducted some 24 years ago, as reflective of the situation at the time and now negated by the interventions since then.

2.42. Both viewed Mr Ling's response to his hearing being held in public as a natural and understandable reaction to the exposure of every detail of his previous life to others, with no personal control over this and [redacted]. It is likely that there will be some media intrusion on release but neither thought this would be triggering for Mr Ling to a point where he would revert to risk-related behaviours.

2.43. Neither psychologist saw any benefit to the completion of a Progressive Regime for Mr Ling. Nor did either consider that open conditions were necessary, stating that if he had been a rule breaker or more impulsive then this may have been advisable, but as he is compliant it is unlikely that pervasive issues related to risk would emerge in open conditions. Both noted that Mr Ling would obtain limited resettlement experience in terms of housing and employment in open conditions given that he will not be near the area to which he would eventually be released. Both considered that the risk management plan was robust and capable of supporting Mr Ling in the community and that his expectations of what support he would receive were

realistic. [Psychologist 1] expressed some disappointment that polygraph testing would not (at least immediately) be available and that no clinical override was available. She considered it would provide balance to his self-report but that otherwise the risk management plan was *'very appropriate.'* Both agreed that Mr Ling would not need a huge amount of extra support on release.

2.44. [Psychologist 2] and [Psychologist 1] both considered that the likelihood and imminence of any further offending were both low, with observable warning signs of increasing likelihood including low mood which he is not able to get on top of quickly, not engaging with services such as [redacted], sustained failure to integrate into community life, perhaps as a result of painful rejections in terms of relationships and employment as a result of his conviction.

2.45. In response to questions by Counsel for the Secretary of State, [Psychologist 1] was confident that Mr Ling does not experience *'picquerism'*, a sexual interest in piercing the skin of another person with sharp objects. She noted the comments made at the time of his conviction which suggested such an interest were *'inevitably speculative'*. She had seen only two examples of it in her extensive career and considered there would have to have been considerably more evidence of such an interest to make such a diagnosis.

2.46. Both psychologists recommended Mr Ling's direct release and considered that the risk management plan was sufficient to manage his risk in the community.

Community Offender Manager's evidence – [COM]

2.47. [COM] has been Mr Ling's COM since August 2023. He received a full handover from his predecessor who managed Mr Ling from October 2022. [COM] acknowledged that Mr Ling would have benefited from more stability from probation.

2.48. During the period of his management [COM] had met with Mr Ling on six occasions: four via video link and twice in person. [COM] felt that they had built a good relationship; they have good lines of communication and Mr Ling is responsive and has engaged well. He had no evidence to suggest that Mr Ling was reluctant to speak with him.

2.49. [COM] told the panel that contrary to [Psychiatrist]'s assessment, he considered there was nothing to suggest that Mr Ling's risk couldn't be managed during a period of transition into the community. While he preferred that Mr Ling transition through open conditions this was not on the basis of any specific concerns about Mr Ling's ability to cope with transitional periods but based on his limited experience of direct release into the community.

2.50. The development and implementation of the risk management plan proposed by [COM] and his assessment of risk are discussed in detail in section 3 of this decision.

[Psychiatrist]'s report

2.51. The panel has already described the circumstances by which [Psychiatrist]'s report was submitted. While its provision was unorthodox and unauthorised by the panel chair, the panel considered its contents, and the Secretary of State sought to rely on it extensively in his submissions. Neither party requested that [Psychiatrist] be called as a witness.

2.52. The panel noted the limited interaction [Psychiatrist] had with Mr Ling to prepare the report and weighed this against the many hours over many years that both psychologists had spent assessing Mr Ling.

2.53. The report largely summarised a chronology and account of Mr Ling's offending and progress in custody, a single conversation with Mr Ling, and quoted large extracts from other reports in the dossier.

2.54. [redacted]

2.55. [redacted].

2.56. [Psychiatrist] concluded that Mr Ling '*would probably fail a community transition*' because he had unrealistically high expectations from community support, specifically referencing '[redacted] *and having access to a probation officer 24/7*'. This did not reflect evidence given by Mr Ling about his expectations of the risk management plan and, indeed, on initial release Mr Ling would have access to support on a 24/7 basis in [redacted]. [Psychiatrist] provided no further analysis of how a failure of community transition would manifest itself, but there was no suggestion that [Psychiatrist] considered it would lead to further offending. [Psychiatrist] did not express an opinion on whether Mr Ling met the test for release and he had not discussed the risk management plan with [COM].

2.57. [Psychiatrist] provided a [diagnosis], which is characterised by a sustained, focused and intense pattern of sexual arousal manifested by persistent sexual thoughts, fantasies, urges or behaviours that involve genital exposure to unsuspecting individuals in public places. He noted that it was in remission in custody and addressed in part during his time on the TC. There was no acknowledgement of subsequent interventions or progress. [Psychiatrist] did not provide any assessment of whether [redacted] was manageable in the community in Mr Ling's circumstances but the panel considered that [redacted] did not fundamentally change its understanding of Mr Ling's risk presentation, his progress in custody in addressing his offending and managing his personality traits or call into question the efficacy of the risk management plan.

3. Analysis of the Manageability of Risk (The Future)

3.1. Mr Ling's static probability of proven reoffending score (OGRS3) is low. This reflects his single conviction and does not take into account his unconvicted sexual offending. Similarly, introducing dynamic factors for general and violent

reoffending (OGP and OVP) he is still assessed as posing a low likelihood of proven reoffending.

3.2. Mr Ling is assessed actuarially in OASys using dynamic factors as posing a low risk of proven sexual or sexually motivated contact reoffending (OSP/C). This provides a statistical likelihood of such reoffending over a two-year period from release of between 0% and 0.3% (that is, a maximum of three people out of a thousand may go on to proven reoffending). However, given the significant number of self-disclosed but unconvicted instances of indecent exposure it is likely that this figure currently underestimates the risk. [Psychologist 2] considered this likelihood is that he is a medium risk which statistically means that eight people out of a thousand in this category may go on to proven reoffending within a two-year period following release.

3.3. [POM] generally agreed with the static risk assessments although did acknowledge the potential for underestimate. Both psychologists assessed Mr Ling's probability of reoffending as moderate. [Psychiatrist] made no assessment of probability of reoffending.

3.4. Mr Ling's risk of serious recidivism assessment (RSR) using static and dynamic factors is low. This means that Mr Ling has a risk profile that is typical of the majority of people probation supervise in the community. The RSR predictor score estimates the likelihood of a seriously harmful offence that will result in a criminal sanction being committed in the two years following release. A low RSR score is considered to be below 3%. Mr Ling's RSR score is 0.86%.

3.5. In the panel's view, taking into account all of the evidence, Mr Ling presents a low to moderate probability of further sexual offending. However, the panel considered it unlikely that he would reoffend with sexual violence. In the panel's view the most likely type of sexual reoffending would be non-contact indecent exposure.

3.6. Mr Ling is assessed in OASys as posing a high risk of serious harm to the public in the community. His risk is obviously greatest towards women – either those he targets to expose himself, those with whom he may enter a relationship, and those with whom he may have passing encounters as he did with the victim of the index offence and the two complainants who made statements more recently. His risk of serious harm to all other groups, including known adults, is assessed as low. The panel agreed with these assessments.

3.7. [COM] told the panel that nothing Mr Ling could do in custody would result in the adjustment of the assessment of high risk of serious harm to the public until such time as Mr Ling has been tested in the community. This is a common position for probation to take but, in the panel's view, the assessment does not accurately reflect the definitions of level of serious harm. Risk of serious harm is assessed using a combination of factors including risk of serious recidivism (RSR assessment), consideration of risk and protective factors and immediacy. For Mr Ling to be a high risk of causing serious harm the potential event which could cause serious harm could happen at any time. All professional witnesses, including [COM], told the panel that this was not the case. All considered that

observable changes in circumstances and presentation would have to occur for his risk of causing serious harm to increase to high and that such risk of offending was not imminent.

3.8. The panel considered that the evidence indicated that Mr Ling has the potential to cause serious harm but is unlikely to do so unless there is a significant change in his circumstances. The panel noted that his risk factors are under control and the balance of his protective factors (detailed below) is sufficient to mitigate those risk factors. There is no evidence to suggest that Mr Ling is actively seeking to engage in offending behaviour and it is likely he will be compliant with external risk management strategies, having made progress in developing his own ability to manage his risk. This meets the definition of medium risk of serious harm. The panel, having taken into account all actuarial scores and the evidence of witnesses, is satisfied that Mr Ling poses a medium risk of serious harm in the community although should he reoffend there is the potential for serious harm to be caused.

Risk management plan

3.9. While Mr Ling is currently managed by probation services in [redacted] there is no intention for him to return to [redacted]. Mr Ling will be accommodated at [redacted]. This is a [redacted] supported by [redacted] to assist staff in [redacted].

3.10. Following the oral hearing, [COM] had two meetings with the manager of [redacted], who advised that Mr Ling will be supported with three structured groups a week and [sessions]. Other practical activities will also be available to support reintegration into the community and prevent boredom or loneliness. [redacted] is staffed 24 hours a day. It is intended that Mr Ling will spend at least six months at [redacted] but [COM] told the panel this could be increased to nine months either if it was considered he needed further time under closer supervision or if move-on plans were not complete. Move on plans are as yet not complete, as is often the case, especially where the geographical area for move on has not been finalised. The panel was told that [redacted] or private accommodation will be considered.

3.11. [COM] plans that he will structure supervision sessions to utilise the New Me MOT toolkit to revise learning from the Healthy Sex Programme and work around maintaining abstinence from alcohol. [COM] intends to speak regularly and thoroughly with Mr Ling about his sexual thinking. [COM] expects Mr Ling to complete daily entries in his diary on release which would include any sexual thoughts and details of any risky situations Mr Ling encounters. [COM] will complete Mr Ling's initial sentence plan in the community and will [redacted]. He will be responsible for any enforcement or recall action necessary.

3.12. A 'caretaker' probation officer, [COM 2], [redacted], will conduct weekly supervision sessions with Mr Ling, initially focussing on Mr Ling's reintegration into the community, his wellbeing and reporting relevant risk information to [COM].

3.13. Permanent handover of Mr Ling's supervision will take place when move on accommodation has been identified, [redacted]. The receiving Probation Delivery Unit will meet with [COM] and Mr Ling at handover and a further risk assessment will be completed. Move on appears likely to be [redacted]. Once settled in a permanent move on area his probation supervision will be permanently transferred to that area. At that point, if it is within the same area as [redacted], he will also become eligible for [redacted]. This is a voluntary intervention, [redacted]. Mr Ling confirmed that he would be willing to engage with the service. Should Mr Ling move on to an area outside of [redacted] there are similar [redacted] across England, including [redacted] if he were to be relocated to [redacted]. Following the hearing, [redacted] services completed a case review of Mr Ling's case and completed a formulation. This formulation mirrored the existing offence analysis and made no further recommendations for risk management.

3.14. As Mr Ling has not been convicted of a sexual offence he will not be subject to Sex Offender Registration requirements, nor will he be eligible for polygraph testing, although he has repeatedly stated that he would be willing to comply with any such requirements and that he actively supported being subject to such conditions, including polygraph testing. At previous reviews it has been mooted that a Sexual Risk Order could be sought by police via the civil process once it is established where he will be resident. It may also be possible for authorities to apply for a Sexual Harm Prevention Order. Mr Ling will not be routinely managed or visited by [redacted] police while at [location] although there is a MOSOVO officer on the MAPPA panel which regularly reviews Mr Ling's risk management. While it is a matter for the Chief Constable in the area to which Mr Ling is released or to which he later moves to obtain an order the panel was content that licence conditions could be imposed which could afford the same level of monitoring, other than polygraph testing. Polygraph testing was not considered essential to the risk management plan by any witness and the panel agreed that while it may have been desirable, its absence does not fundamentally undermine the risk management plan.

3.15. Licence conditions proposed include a GPS tagging requirement which although proposed for six months the panel considered is required for 12 months. This will extend monitoring beyond his time in [redacted]. The panel accepted [Psychologist 1]'s suggestion that Mr Ling initially be subject to an additional sign-in at [redacted]. Mr Ling will have conditions preventing his contact with a number of people related to the victim and exclusion zones preventing his entry into areas where the victim's family live, work and socialise.

3.16. He will be required to disclose developing relationships with women and the breakdown of any such relationships. [COM] will need to make it clear at which point Mr Ling should provide disclosure to him. In addition, he will be limited with internet-enabled devices he can use and will be required to provide any such device for inspection. The panel chose to add a requirement that Mr Ling provide the PIN for any such device.

3.17. The panel considered whether to include an additional licence condition requiring alcohol testing. However, it concluded that this was not necessary given the testing which would be available at [location]. Should probation consider this a necessary and proportionate condition at a later date, an application can be made to the Parole Board for further consideration.

3.18. As engagement with a [redacted] service is voluntary, the panel chose to amend a proposed condition which [redacted]. Of course, should Mr Ling choose not to engage with such treatment, his decision will be closely scrutinised by his COM for any suggestion of avoidance or concerns about increasing risk. However, given Mr Ling's history of excellent engagement with [services] the panel considered it would be unlikely he would reject such support.

3.19. Protective factors identified by the 2022 panel and with which this panel agrees include the extensive offending behaviour work completed; his excellent conduct over many years; his good insight into the build-up to his offending and the risk factors present at the time and how these relate to his own feelings; his positive relationships with those supervising him; his prosocial plans for the future, and the evidence remorse and shame he feels about his offending. To this the current panel adds specifically his strong victim empathy shown towards both the victim and her extended family, his maturity, ability to regulate his emotion and deal with any difficulties without resorting to offence paralleling behaviours, development of robust internal controls, and his relationship with [redacted].

3.20. The panel was satisfied that the risk management plan is appropriate and robust, providing sufficient external controls and support to complement Mr Ling's own internal controls.

4. Conclusion

4.1. The panel considered very carefully the evidence before it. At the point of making its decision this included an open dossier of 1127 pages and the oral evidence taken over two days. It also gave close attention to the statements of the members of the victim's family, some read in person by the family member or a third party, others provided in writing separately to the panel.

4.2. The pain and devastation caused to the victim's family by Mr Ling's offending is immeasurable. The victim was dearly loved by her family and her premature, violent death became a life-defining experience for all who cared deeply for her. There is no doubt in the panel's minds that the victim's family suffer enduring serious harm from Mr Ling's actions from which they will never recover.

4.3. The panel was instructed by the Secretary of State to consider whether it would be appropriate to direct Mr Ling's release. To do so, the panel applies the test for release; that is, whether it is no longer necessary for the protection of the public that Mr Ling remains confined. Only in the absence of a direction for release, is the panel directed to consider whether to make a recommendation for Mr Ling's transfer to open conditions. This has, of course, been the advice of

two previous panels of the Parole Board, although the Secretary of State has declined to accept those recommendations. At the time of the 2020 and 2022 oral hearings the test for open conditions differed to the current test, containing as it did a balanced assessment of risks and benefits which is now absent from the test. At both reviews each panel was satisfied that Mr Ling had made sufficient progress in addressing and reducing risk to a level consistent with protecting the public from harm.

4.4. In declining those recommendations the Secretaries of State said in 2020 and 2022 that they did not consider there was a wholly persuasive case that he transfer to open conditions. On both occasions they considered that there was insufficient evidence that his risk had reduced to a level that could safely be managed in open conditions.

4.5. In 2020 the Secretary of State considered that there were concerns linked to his ability to effectively manage his emotions said to be evidenced by Mr Ling throwing a plant pot and threatening a therapist while on the TC at HMP [redacted], which in 2020 was nine years earlier. The Secretary of State expressed concern around Mr Ling's emotional management and the coping mechanisms he may use to manage his emotions. The Secretary of State was not wholly persuaded that open conditions were the '*correct environment*' for Mr Ling to demonstrate the reduction of his risk safely and stated that it was possible for him to build on his protective factors and develop realistic release plans in '*a contained environment*'.

4.6. In 2022 the Secretary of State said that he considered Mr Ling would present a '*significant risk to the public, particularly women, in less secure conditions.*' The Secretary of State specifically referenced that professionals '*did not explicitly state that they would be able to proactively spot his triggers or motivations,*' and that evidence suggests they would be reliant on Mr Ling's self-disclosure of thoughts and problems. In particular, the Secretary of State was concerned that Mr Ling's violent sexual urges at the time of the index offence '*overrode any rational thoughts of an attraction to a life at liberty*' and that he was not persuaded Mr Ling would be restrained from further sexual violence if the opportunity arose in open conditions by the realisation that another serious offence would result in further incarceration.

4.7. The Secretary of State in 2022 also found that Mr Ling needed to demonstrate '*far more substantial evidence of positive attitudes [towards women].*' He again stated that Mr Ling could build on his protective factors and develop realistic release plans from '*a more contained environment*' and that Mr Ling should '*use this time to continue to demonstrate [his] openness and honesty and [his] willingness to work with those responsible for supporting [him] to reduce [his] risk.*'

4.8. In the Secretary of State's closing submissions for this review he contends that '*in light of the lack of internal controls to effectively manage his risk, the SSJ is not satisfied that any set of licence conditions or any risk management*

plan would be sufficient to manage Mr Ling's risk effectively upon release into the community at this time.'

4.9. The panel did not agree with the Secretary of State's assertion that Mr Ling lacks internal controls. The Secretary of State relies on a single incident over 13 years ago at the TC at HMP [redacted] as evidence of lack of control, ignoring the completion of significant amounts of risk reduction work directly relevant to his sexual offending completed there, along with three years subsequently spent on a PIPE unit at HMP [redacted], completion of the high intensity Healthy Sex Programme, intensive therapy and consistent demonstration of an absence of violence or concerning sexual behaviour. Progression for life sentenced prisoners is rarely an entirely straight trajectory and Mr Ling is no different.

4.10. Professionals at this review were unanimous in their conclusions that Mr Ling has completed all necessary core risk reduction work. This has remained the case for many years. Mr Ling has shown resilience in the face of repeated disappointment about his progression. He has shown no evidence of aggression in over 13 years. He cooperates fully with all professionals who have been involved in his supervision and repeated assessments. He has, in the panel's view, demonstrated a real commitment to openness and honesty, particularly in his engagement with therapy and with the psychologists conducting risk assessments. Despite being subject to a [mental health assessment] conducted very close to the oral hearing which went far beyond the original (and revoked) direction of the panel, Mr Ling still consented to, and cooperated with, intensive scrutiny by a professional previously unknown to him. The panel considered this showed an ability and willingness to engage openly.

4.11. Mr Ling displayed severe anxiety in relation to the public nature of this review, which was not so strongly evident during previous reviews held in private. The panel considered carefully whether his response had any relevance to the level of risk he may pose in the community. While acknowledging [redacted], the panel considered that his emotional response was not disproportionate to the very unusual circumstances in which he found himself. While distressed, he showed no propensity to resort to violence, concerning sexual behaviour or maladaptive coping strategies and there was no identifiable increase in risk to any person other than himself; he caused no harm to himself or others. The panel was highly conscious that Mr Ling's risk is directly related to his emotional state and ability to cope and so it was reassured that Mr Ling was able to remain engaged with his lengthy review, display appropriate behaviour towards others and avoid resorting to self-soothing sexual behaviour.

4.12. In his closing submissions the Secretary of State gave great emphasis to the extreme instrumental and gratuitous sexual violence and sadism displayed by Mr Ling in the commission of the index offence. The panel accepts this entirely but the details of the index offence will never change. Professionals agree that the offence formed part of a pattern of sexual offending driven by poor emotional management, anger, panic, Mr Ling's [redacted], and his

inadequacy and isolation alongside the risk factors highlighted in section 1.23 above. Psychological assessments and evidence does not suggest that Mr Ling retains an enduring interest in sadism or violence as a necessary part of sex or that he has a sexual interest in the same. Mr Ling's rape fantasies, which it is said fuelled his intention to rape, were linked to his preoccupation with sex, deviant attitudes towards women, extensive use of pornography, control issues and use of sex as a method of self-soothing. This is well understood and treatment and close monitoring of these potential behaviours over the course of his long sentence has reassured the panel that they are no longer active risk factors.

4.13. The risk management is robust and was clarified following the further adjournment. All professionals considered it contained sufficient external controls to support and complement Mr Ling's internal controls and the panel agreed.

4.14. Both the prison-instructed and prisoner-instructed psychologists considered Mr Ling met the test for release and recommended his release. They were both confident the risk management plan was robust and appropriate. Both considered that any necessary adjustment to community living could be achieved safely via release and that open conditions would offer little in terms of transitional support for Mr Ling. Both psychologists were of the opinion that it is often greatly overestimated how much adjustment time would be needed by lifers and that as Mr Ling is not a 'rule breaker' open conditions would not serve the purpose of testing his compliance. The each considered that warning signs that Mr Ling is not coping will be readily observable.

4.15. While Mr Ling's POM and COM did not recommend his release, they both agreed that the risk management plan was sufficient to manage his risk of causing serious harm in the community. They considered he would be compliant with licence conditions and would be open and honest in supervision. Both considered there was no evidence to support a finding that core risk reduction work remains outstanding. They considered that any increase in presentation of Mr Ling's risk factors would be readily observable. They each preferred a more gradual transition into the community through open conditions rather than having any expressed concerns regarding risk management. Mr Ling's POM considered that Mr Ling met the test for release. [COM]'s concerns about transition to the community without a period in open conditions were not based on any concerns about Mr Ling specifically but based on his observations of lifers more generally and his inexperience of managing offenders serving long sentences directly released into the community.

4.16. The panel weighed [COM]'s views against the protections of the risk management plan and considered that this was not a barrier to Mr Ling's release. Mr Ling will be managed under [MAPPA] which offers regular multi-disciplinary review which will support [COM]. There will be further supervisory support at [redacted] and from the [COM 2] as well as other agency support after move on. [COM] will not manage Mr Ling in the long term given that Mr

Ling will not be returning to [redacted] and this will be the case whenever Mr Ling is released.

4.17. The panel accepts that probation will have to place some reliance on Mr Ling's self-report, which is the case for every prisoner, and particularly those convicted of sexually motivated offences, more so where there is no polygraph testing. This will not change however long Mr Ling remains in custody and is common with those who sexually offend. However, professionals were able to consistently identify other more readily observable warning signs of increasing risk such as avoidance, emotional instability and isolation.

4.18. It is not for the panel to decide which option – release or open conditions – is *better or more beneficial* for Mr Ling. It must first consider whether the test for release is met. Only if it is not met can the panel then go on to consider whether to recommend open conditions.

4.19. On the basis of the preceding analysis the panel concluded that it is no longer necessary for the protection of the public that Mr Ling remains confined.

Accordingly it directs Mr Ling's release subject to standard licence conditions and additional licence conditions set out below.

4.20. The panel was informed that [redacted]. While the Parole Board no longer mandates a specific release date, the panel reminds those who will be responsible for setting Mr Ling's release date of the sensitivity and significance for the victim's family of the Christmas period.

LICENCE CONDITIONS (in addition to standard licence conditions)

The panel considers the following licence conditions to be both necessary and proportionate for the management of risk in the community:

- Confine yourself to an address approved by your supervising officer between the hours of [redacted] and [redacted] daily unless otherwise authorised by your supervising officer. This condition will be reviewed by your supervising officer on a weekly basis and may be amended or removed if it is felt that the level of risk that you present has reduced appropriately.
- Report to staff at [redacted] at [redacted] and [redacted] daily, unless otherwise authorised by your supervising officer. This condition will be reviewed by your supervising officer on a weekly basis and may be amended or removed if it is felt that the level of risk you present has reduced appropriately.
- Notify your supervising officer of any developing relationships with women, including the ending of any relationships.

- To comply with any requirements specified by your supervising office for the purpose of ensuring that you address your alcohol, violent, sexual offending behaviour problems.
- Provide your supervising officer with details (such as make, model, colour, registration) of any vehicle you own, hire or have use of, prior to any journey taking place.
- Not to own or possess more than one mobile phone or SIM card without the prior approval of your supervising officer and to provide your supervising officer with details of that mobile telephone, including the IMEI number, the PIN and the SIM card that you possess.
- To make any device capable of making or storing digital images (including a camera and a mobile phone with a camera function) available for inspection on request by your supervising officer and/or a police officer.
- Not to delete the usage history on any internet enabled device or computer used and to allow such items to be inspected as required by the police or your supervising officer. Such inspection may include removal of the device for inspection and the installation of monitoring software.
- You will be subject to trail monitoring. Your whereabouts will be electronically monitored by GPS Satellite Tagging for a period of twelve months and you must cooperate with the monitoring as directed by your Offender Supervisor.
- Allow person(s) as designated by your supervising officer to install an electronic monitoring tag on you and access to install any associated equipment in your property, and for the purpose of ensuring that equipment is functioning correctly. You must not damage or tamper with these devices and ensure that the tag is charged, and report to your supervising officer and the EM provider immediately if the tag or the associated equipment are not working correctly. This will be for the purpose of monitoring your non-contact and exclusion zone licence condition(s) unless otherwise authorised by your supervising officer.
- Not to seek to approach or communicate with [redacted] without the prior approval of your Supervising Officer.
- Not to enter the area of [redacted], as defined by the attached map without the prior approval of your supervising officer
- Not to enter the area of [redacted], as defined by the attached map without the prior approval of your supervising officer.
- Not to enter area around [redacted] as defined by the attached map without the prior approval of your supervising officer
- Attend appointments arranged for you with [redacted] for an assessment.
- On release to be escorted by Police to [redacted]

ANNEX

The decision in this case has now been issued.

Reconsideration

This case is eligible for Reconsideration under Rule 28 of the Parole Board Rules 2019 (as amended). This means that the decision about release is provisional at this stage.

If a party wishes for this case to be reconsidered, then they must make an application setting out the basis on which they say the decision is 'irrational', 'procedurally unfair' and/or there has been an 'error of law'. Further guidance and an application form for prisoners (form CPD2) is provided on the Parole Board section of the Gov.uk Website.

[Routes of challenge - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

The application must be sent directly to the Parole Board Reconsideration Team at reconsideration@paroleboard.gov.uk to be considered.

Under Rule 28 the time allowed for an application is 21 days from the date it is provided to the parties. Any application made after the 21-day time limit will not be accepted by the Parole Board. However, under Rule 9 of the Parole Board Rules 2019 (as amended), the time limit may be reduced or extended by the panel chair or a duty member where it is necessary to do so for the effective management of the case, in the interests of justice or for any such purpose as the panel chair or duty member considers appropriate. Any request for an extension or reduction must also be made before the 21-day time limit expires.

If an application for reconsideration is not received within the 21 days (or any altered time limit), then the decision becomes final.

If an application is received, the party which has not made the application will have 7 days to submit their own representations, unless varied under Rule 9 by a panel chair or duty member. The application is then sent to the decision maker for consideration.

When a decision is made on any reconsideration application, both parties will be notified of the outcome. If reconsideration is directed, the decision will set out what happens next. If the application is rejected, the decision will then become final.

Setting Aside



This case is eligible for Setting Aside under Rule 28A of the Parole Board Rules 2019 (as amended). Applications can be made to set aside a decision about release once the decision has become final.

Further guidance and an application form for prisoners is provided on the Parole Board section of the Gov.uk Website.

[Routes of challenge - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

The application must be sent directly to the Parole Board Setting Aside Team at settingaside@paroleboard.gov.uk to be considered.

Setting aside Parole Board decisions to release

A decision *to release* may be set aside prior to the release of the prisoner, but not once the prisoner has been released into the community.

The Parole Board has the power to set aside a release decision, where the case meets one or more of the following criteria:

- There has been an error of law or fact and the decision would not have been made were it not for the error.
- Where a direction has been given by the Parole Board for the release of a prisoner that the Parole Board determines it would not have given if:
 - i. information that was available but was not provided to the Parole Board when they made their decision; or
 - ii. there has been a change in circumstances relating to the prisoner that occurred after the decision was made.

Setting aside Parole Board decisions not to release

The Parole Board has the power to set aside the decision *not to release* where the case meets the following criteria:

- There has been an error of law or fact and the decision would not have been made were it not for the error.

For decisions not to release, the legislation does not allow for the final decision to be set aside based on the other two criteria set out at points i and ii (above).

Time Limits

The time limits for making an application to set aside are as follows:

- An application to set aside final decisions about release, on the basis that there has been an error of law or fact (release/no release decisions), the time limit to make an application is 21 days from the date the decision becomes final;

- An application to set aside a decision about release on the basis that new information has come to light or circumstances have changed (release decisions only), the time limit to make an application is any time from the date the decision became final up until release takes place.

Any application to set aside a decision about release on the basis that there has been an error of law or fact which is made after the 21-day time limit, will not be accepted by the Parole Board. However, under Rule 9 of the Parole Board Rules 2019 (as amended), the time limit may be reduced or extended by the panel chair or a duty member where it is necessary to do so for the effective management of the case, in the interests of justice or for any such purpose as the panel chair or duty member considers appropriate. Any request for an extension or reduction must also be made before the 21-day time limit expires.

If an application is received, the party which has not made the application will have 7 days to submit their own representations, unless varied under Rule 9 by a panel chair or duty member. The application is then sent to the decision maker for consideration.

When a decision is made on any set aside application, both parties will be notified of the outcome. If the application is granted, the decision will set out what happens next. If the application is rejected, the decision remains final.