

## ORAL HEARING DECISION

16 December 2025

<b>Date of hearing:</b>	10/10/2025
<b>Date of earlier hearing(s)</b>	7/10/25 and 8/10/25 - Public Hearing dates
<b>Prisoner full name:</b>	David Alan NORRIS
<b>Age:</b>	49 years
<b>Review number:</b>	1

## DECISION

<b>Decision:</b>	<b>No direction for release and no recommendation for open conditions</b>
------------------	---------------------------------------------------------------------------

## CONTEXT AND LEGAL FRAMEWORK

<b>Type of case:</b>	Life sentence on or post tariff review
<b>Secretary of State referral:</b>	Release or Open
<b>Outcome sought:</b>	Release
<b>Test:</b>	Parole Board panels must consider and apply the codified public protection test as set out in the annex below when making a decision about release. The Board must not give a direction for release unless the Board is satisfied that it is no longer necessary for the protection of the public that the prisoner should be confined [in prison]. If release is not directed, panels are to consider if a recommendation for transfer to open conditions can be made in line with the Secretary of State's directions to the Parole Board as set out in the annex below.
<b>Reconsideration:</b>	This case is eligible for reconsideration.



3rd Floor, 10 South Colonnade, London E14 4PU



[www.gov.uk/government/organisations/parole-board](http://www.gov.uk/government/organisations/parole-board)



[info@paroleboard.gov.uk](mailto:info@paroleboard.gov.uk)



@Parole\_Board



0203 880 0885

**INDEX OFFENCE(S) AND SENTENCE INFORMATION**

<b>Index offence and sentence:</b>	Murder - Mandatory Life Sentence (Detained at HM Pleasure) with a minimum term of 14 years and 3 months		
<b>Date of sentence:</b>	04/01/2012	<b>Age when sentenced:</b>	35 years
<b>Tariff expiry date:</b>	08/12/2024		

**ORAL HEARING ATTENDEES**

<b>Panel:</b>	Cassie Williams (Panel Chair)	Independent	R
	HHJ Barbara Mensah	Judicial	R
	Dr Duncan Harding	Psychiatrist	R
<b>Witnesses:</b>		Prison Offender Manager (POM)	R
		Prison Keyworker	R
		Community Offender Manager (COM)	R
		Prison Psychologist	R
		Prisoner Commissioned Psychologist	R
		Treating Psychologist	R
<b>Legal rep:</b>	Dean Kingham	Reece Thomas Watson	R
<b>Other:</b>		Members of the Parole Board Secretariat and Tech Support company all present to facilitate the public live streaming.	R

<b>Was the Secretary of State represented by an advocate</b>	Yes – Ms Victoria Ailes (Counsel) And Mr Callum Baxter (Secretary of State representative)
--------------------------------------------------------------	-----------------------------------------------------------------------------------------------

*T – Telephone    V – Video    R – in hearing room in prison (with prisoner)*

**VICTIM INFORMATION**

<b>Victim statement provided?</b>	Yes
-----------------------------------	-----

**Statement 1**

<b>How was it presented?</b>	Read by someone other than the victim at the hearing
<b>Presented by:</b>	Victim's legal representative - Mr Khan (closed session)

**Statement 2**

<b>How was it presented?</b>	Read by someone other than the victim at the hearing
<b>Presented by:</b>	Victim's legal representative - Ms McNeil (public hearing)

**Statement 3**

<b>How was it presented?</b>	Read by someone other than the victim at the hearing
<b>Presented by:</b>	Victim's legal representative - Mr Khan (public hearing)

**Statement 4**

<b>How was it presented?</b>	Read by someone other than the victim at the hearing
<b>Presented by:</b>	Victim's legal representative - Mr Khan (public hearing)

**DOSSIER SUMMARY**

<b>Number of pages in dossier:</b>	922 plus the covert 'Footscray Tapes'
<b>Non-disclosure:</b>	Yes, gist disclosed
<b>Additional papers at the hearing:</b>	No
<b>Additional papers after the hearing:</b>	Yes
<b>Details:</b>	Closing submissions from both parties. Further representations from Dr Lawrence.

## **Any other information**

There was an application for this case to be heard in public, which was granted by HH Peter Rook KC. Following detailed submissions and a case conference, the Panel Chair then made a ruling dated 29 June 2025 which detailed the areas which would be covered in public and in private. This was not challenged by the parties.

Three of the VPS readings took place in public at the request of the victims.

Members of the public who attended the hearing were provided with the Learned Judge's sentencing remarks, the joint report from the two psychologists who assessed Mr Norris and a typed version of the opening remarks made by the Panel Chair. This was with the agreement of both parties.

Mr Norris was given permission by the panel to read a statement at the start of his evidence during the public hearing. A copy of that statement was placed in the dossier.

The allocated keyworker was not available for the hearing so [Prison Keyworker] attended in his place. She attended for the public hearing days but was not required for the closed hearing on 10<sup>th</sup> October 2025. This was agreed with the parties.

The closed part of the hearing was held via video link. [The Treating Psychologist] and the POM were in the room with Mr Norris. All other witnesses and the panel were on video link. Two observers attended [names redacted].

Following the hearing, there was an application from one of the victims, Dr Lawrence, to provide further representations. Although this was unusual, the panel allowed the application in the interests of fairness. The panel carefully considered those submissions but noted that (1) it can only take into account evidence related to risk when applying the statutory test, and (2) fairness to both parties required that they be able to see and respond to any such evidence, which they were given an opportunity to so do.

As part of its assessment, the panel had to consider allegations including alleged offending and security entries. The panel did this by applying the Parole Board Guidance on Allegations and the Supreme Court decision in **Pearce [2023] UKSC 13**. If weight is to be given to an allegation of criminal or other misbehaviour in the risk assessment, the Board should first attempt to investigate the facts to enable it to make findings on the truthfulness of the allegation. If, as may often be the case despite its efforts to obtain the needed information, the Board is not able to make such a finding, it should investigate the facts to make findings as to the surrounding circumstances of the allegation which may or may not point to behaviour by the prisoner which is relevant to the assessment of risk. In such circumstances the Board, having regard to public safety, may take into account the allegation or allegations and give it or them such weight as it considers appropriate in a holistic assessment of all the information before it, where it is concerned that there is a serious possibility that those allegations may be true.

## REASONS

### 1. Analysis of Offending Behaviour (The Past)

- 1.1. The dossier contained the typed sentencing remarks from Mr Justice Treacy, which the panel considered in full.
- 1.2. Along with his co-defendant Gary Dobson, Mr Norris was convicted of the murder of 18 year old Stephen Lawrence, which had occurred in 1993. The murder was racially motivated. Stephen Lawrence was black. Mr Norris and Gary Dobson are white. They were part of a group of five or six white youths who participated in this murder, described by the Judge as a 'racist thuggish gang'.
- 1.3. The attack on Stephen Lawrence was brief (a matter of seconds) but co-ordinated. The victim was with his friend Duwayne Brooks (DB) and neither of them were known to David Norris or Gary Dobson. They were stood at a bus stop, making their way home. This was a chance encounter but, as set out by the Sentencing Judge, *'the way in which the attack took place strongly suggests [to me] that your group, if not actively seeking out a victim, was prepared, if opportunity arose, to attack in the way in which you did'*.
- 1.4. The attack was preceded by a racist taunt heard to be "*what what nigger*". The group then surrounded Stephen Lawrence, and put him to the ground. He was stabbed once when upright and again when he was on the ground. The rest of the group aimed blows or kicks at the victim to keep him on the ground.
- 1.5. The evidence at trial did not prove who had the knife however, the Judge highlighted that whoever did use it, used it with Mr Norris' knowledge and approval.
- 1.6. The Judge noted that Gary Dobson repeatedly lied to keep Mr Norris' name away from the Police. The Judge highlighted that neither of them had shown the slightest regret or remorse and they both lied to the Court.
- 1.7. The history of the case from when the murder occurred through to the eventual conviction is well documented. A private prosecution was commenced against David Norris, Gary Dobson and three others. The prosecution of Mr Norris was abandoned at committal stage. Gary Dobson and two others were acquitted when the Judge made a ruling to the effect that the identification evidence was unreliable.
- 1.8. Following an inquest in February 1997, a national newspaper publicly accused Mr Norris and the other four youths of murder. In the following July, a public inquiry was established, chaired by a retired High Court Judge, Sir William Macpherson of Cluny. In February 1999, the inquiry concluded that the Metropolitan Police was institutionally racist and was highly critical of the original investigation.

- 1.9. In 2006 advances led to a review of the forensic evidence and this led to the evidence being revealed against Mr Norris.
- 1.10. David Norris was 35 years old when he was convicted, but was 16 years old when he committed the offence.
- 1.11. As set out above, other men have been linked to the murder, Neil Acourt (NA), Jamie Acourt (JA) and Luke Knight (LK). More recently another male was linked to the crime.
- 1.12. Mr Norris accepted he had a good friendship with Gary Dobson, NA, JA and LK at the time. He has denied that they were known locally as the 'Acourt gang' or 'Eltham Krays'. Mr Norris accepted in his evidence during the hearing that they were the most violent group in the area. However, he denied that despite being one of the youngest in the group, he was "*relatively dominant and sophisticated*", although this was what was reported he had said to professionals. Instead, he described himself as "*the middle player*".
- 1.13. It was reported that Mr Norris has accepted that he knew NA and JA (who were brothers) would carry knives and there was rivalry with groups of other males.
- 1.14. The panel was provided with 'The Footscray Tapes' which were covert Police recordings from 1994 and referenced in the trial. The panel also had the transcripts of what was said on those tapes. As noted by the Judge, they showed the violent and racist attitudes of Mr Norris and his friends (Gary Dobson, NA, JA and LK). They also showed the 'casual and accepting attitude of the carrying and use of knives' and '*reveal a group acceptance of the use of knives to threaten or harm black people*'.
- 1.15. During the trial, Mr Norris' mother provided alibi evidence.
- 1.16. Following the murder, but before his conviction for it, Mr Norris committed further offences. In 1996 he was convicted of driving whilst disqualified, fraudulently using a vehicle excise licence and no insurance. In 1999 he was convicted of theft, driving whilst disqualified and no insurance. The conviction for the driving matters led to his first custodial sentence, albeit for a very short period of three months. He also has a Caution for possession of cannabis in 1999. He was convicted of a further theft in 2000.
- 1.17. In 2002, Mr Norris was convicted of racially aggravated threatening behaviour. A sentence of 18 months' imprisonment was reduced on appeal to 12 months. This offence was committed in the company of NA. Mr Norris was the passenger of a vehicle driven by NA when he threw a fast food carton at an off-duty Police Officer and shouted the word "*Nigger*". It was reported in the dossier that Mr Norris maintains his innocence of this and claims he it was part of a conspiracy by the Police. He told the panel he did not use a racist slur and instead called him a "*cunt*". He said that the Police Officer involved was known for making false allegations. He accepted he had not acted in the right way, but denied he was still racist by that time. As this was a conviction, the panel must assume that he was rightly convicted of the crime, despite his

version of events. The panel concluded that this offence showed the level of his racism which was still visibly displayed many years after he murdered a Black victim. The panel therefore did not consider Mr Norris to be truthful when he claimed he had stopped being racist by that stage in his life.

- 1.18. Finally, in 2004, he was convicted of handling stolen goods and two offences of non-dwelling house burglary.
- 1.19. The panel noted that there was a long gap in his offending after 2004, with no further convictions until the murder. As noted below, this coincided with a period when he had a settled family life.
- 1.20. Mr Norris said at the time he was convicted that he had not seen Gary Dobson for about 10 years before they were both then remanded for the offence. He said he had not seen NA, JA or LK for even longer.
- 1.21. Mr Norris denied his involvement with the murder for many years. He even went on television alongside Gary Dobson and others linked to the offence to deny it. He also tried to appeal his conviction and the decision from the Court of Appeal was within the dossier. Mr Norris told the author of the post sentence report that he was not racist and that "*a lot of this boils down to my father – can't get him so have his son*". Mr Norris' current stance regarding the offence is explored in section 2 of this decision.
- 1.22. There were allegations as part of this offence and conviction that Mr Norris' father had used his money and influence to corrupt the police investigation into the index offence. Mr Norris has admitted that his father was heavily into the illegal importation of illicit substances (his father has convictions which support this), although he maintains he was unaware of his father's criminality until he was in his mid to late teens. It is reported that his father was the head of an Organised Crime Group that controlled much of the South London drugs trade and presided over criminal associates including the Acourt family. His father was reported to be 'on the run' between 1988 and 1994.

#### Personal circumstances

- 1.23. It is reported in the dossier that Mr Norris had a number of adverse childhood experiences.
- 1.24. When Mr Norris was five or six years old, his baby sister sadly died. She was only a few days old and Mr Norris has described this as a traumatic event for him. During the hearing Mr Norris became visibly emotional when discussing this bereavement.
- 1.25. [Personal details redacted]
- 1.26. Mr Norris has reported witnessing domestic violence whilst growing up. He has said that his father was strict and used to hit him.
- 1.27. Mr Norris was permanently excluded from formal education at the age of 13 due to behavioural problems. He then went to a pupil referral unit. Mr Norris

told the Treating Psychologist that he was excluded due to “*fighting with gypsies*”.

- 1.28. As he was only 16 when he committed the offence, Mr Norris was still living with his mother. Mr Norris grew up in a wealthy family due to the proceeds of his father’s crimes.
- 1.29. Mr Norris has said that due to living off the benefits of organised crime, it led him to develop a pro-criminal identity and reputation.
- 1.30. Mr Norris has reported starting to use cannabis at the age of 14/15 and said that this increased up until his eventual arrest as he used it to cope with the stress of the allegations against him. He has reported previously trying ecstasy and cocaine when he was 17/18.
- 1.31. During his evidence in the public hearing, Mr Norris admitted that he dealt drugs in the past. He admitted that he dealt drugs with the other males who were responsible for Stephen Lawrence’s murder. The panel took that admission into account in its assessment, particularly with regards to Mr Norris’ lifestyle and associates at the time of the index offence.
- 1.32. Shortly after the index offence, Mr Norris met [a female] and they had two daughters together. They remained in a relationship for approximately six years. By the time he was convicted, he was in a relationship with [ex-wife], [redacted personal details]. Mr Norris had been in the relationship with [ex-wife] for 14 years and they had a daughter and two sons together. He was later divorced from [ex-wife] during this sentence.
- 1.33. There were issues with Mr Norris’ mental health which developed after he committed the murder. There were reports of depression, anxiety, paranoia and difficulties sleeping. He was prescribed medication, referred for counselling and saw both a Psychiatrist and Community Psychiatric Nurse.
- 1.34. Mr Norris told the panel that he was influenced by others which led to him being violent and racist. He said this gradually worsened up to committing the index offence. Mr Norris said that he stopped being racist in his 20s, later clarifying he was about 27 years old. He said he stopped being racist when he moved away from negative associates. As highlighted in other parts of this decision, Mr Norris has given various other differing accounts about his racist attitudes and beliefs.
- 1.35. Mr Norris said that, by the time he was sentenced, he had his own business and was in the process of completely turning his life around.

#### Allegation of Attempted Murder

- 1.36. In 1993, Mr Norris was charged with the attempted murder of a white man called Stacey Benefield (SB). He was later acquitted of both attempted murder and a section 18 wounding with intent.

- 1.37. This offence was said to have occurred on 18 March 1993, around a month before the index offence. Mr Norris was charged with the offence in May 1993.
- 1.38. The allegation was that SB was stabbed in the chest whilst walking in a street in Eltham. SB named David Norris as the person responsible and said NA was also present. Mr Norris is said to have accused the victim's friend of calling him names and, after producing a weapon, chased after him. The victim followed and asked what the problem was only for Mr Norris to tell him to shut up before stabbing him in the chest. It was also suggested based on information from a Police informant that this stabbing was committed by Mr Norris to prove himself to join the 'Acourt gang'.
- 1.39. There was an allegation that Mr Norris' father was also involved on that occasion in helping to achieve the acquittal. It was said that he tried to bribe the victim and another witness.
- 1.40. In relation to this matter, the panel directed information and was provided with: committal deposition from an eye witness Matthew Farman (MF) in relation to NA's committal; statement detailing the event from eye witness MF dated 28 April 1993; charge sheet for David Norris; indictment; SB's statement to the Police dated 25 April 1993; statements related to SB and MF picking David Norris out on an ID parade; statements from SB dated 12, 14 and 15 June 1993 with the allegations of being paid off; Police interview transcript for David Norris; statement from the eye witness MF dated 12 June 1993 detailing how he and SB were offered money to exonerate David Norris; another statement from a witness; a statement from a witness who helped SB when he came to their door having been stabbed; medical evidence; and a pathologist statement. The panel was also provided with chapter 9 of the Macpherson Report which addressed this incident.
- 1.41. Mr Norris accepted that SB was stabbed but said he played no part in it. His version of events in the dossier was that there was some kind of conspiracy as he and his associates were rivals of two other gangs in the vicinity, namely the Smiths and the Taylors.
- 1.42. In the hearing he said that he had never met SB and did not know him. He said his reputation was "*that bad, I was being accused of all sorts*". He said that SB gave a very different description of the person responsible during his evidence in the trial, despite naming Mr Norris previously and picking him out of the ID parade.
- 1.43. In their submissions, the parties differed as to their view regarding the approach the panel should and could take to this matter, due to it having been through the trial process.
- 1.44. Ms Ailes submitted that *'conclusions can safely be drawn about Mr Norris's involvement in the stabbing of Mr Benefield, either on the balance of probabilities or (if that threshold is not met) as a serious possibility relevant to risk'*. Ms Ailes went on to set out the approach she urges the panel to take in line with the case of Pearce and Parole Board Guidance,

*`In summary:*

- (i) *The Panel should not make any finding about criminality. "The panel cannot go behind any finding of not guilty to suggest that a prisoner has committed the crime they have been found not guilty of": Parole Board Guidance on Allegations, 8.9*
- (ii) *However, the mere fact of an acquittal or no further action taken in relation to a charge does not preclude a panel from making a finding of fact that the allegation (or parts of it) underlying that charge was/were true, applying the balance of probabilities:1 Parole Board Guidance on Allegations, 8.8. "Panels may make findings of fact regarding the constituent aspects of an allegation that has resulted in an acquittal": ibid, 8.10*
- (iii) *If no finding of fact is possible, the Panel may still consider the question whether there is a serious possibility that the allegation is true and this causes sufficient concerns as to the risk posed by the prisoner. In those circumstances, the panel may treat the allegation as relevant and attach some weight to it: ibid, 7.11.*

*The crucial distinction is that the Parole Board is not concerned with the question whether Mr Norris has committed any criminal offence (other than those of which he already stands convicted) or whether any charge can be established to the criminal standard: those questions are the prerogative of the criminal courts. But it is concerned with the question what Mr Norris probably did, or what there is a serious possibility that he did, whenever that question is relevant to risk. Consideration of those questions involves no trespass on the role of the criminal courts, since they are not determinative of guilt or innocence: and nothing about consideration of those questions is inconsistent with an acquittal.*

*The Panel can therefore consider whether it is possible to say on the balance of probabilities that Mr Norris used a knife to inflict a stab wound on Mr Benefield, or if not whether it considers that there is a serious possibility that he did. Those questions are relevant to risk because they (a) go to the extent of the risk of violence posed by Mr Norris at the time of the index offending; and (b) are relevant to other aspects of his account of his behaviour at the time of the index offending, such as his account that he did not routinely carry knives and whether, on the totality of the evidence, the Panel should accept his account of his involvement in the index offence.*

1.45. Ms Ailes argued that *'The Panel can conclude that Mr Norris did stab Mr Benefield, did regularly carry a knife and was more violent at that time than his admission of an "occasional punch up" would imply' based on: the independent evidence of the injuries to SB which were consistent with stabbing; the statements from SB and the eye witness; the naming of Mr Norris and NA, plus the identification in the ID parade; and the plausibility of the suggestion by Mr Norris that Mr Benefield and the witness, having been*

*reluctant to identify the perpetrator, then made a false allegation against him and NA, key members of a group which he himself said "ran that area, we ran it as a group" at that time.'*

- 1.46. Mr Kingham argued that *'In respect of the Benefield allegation, the Board's allegation policy does not apply following the acquittal by a jury verdict. Paragraph 1.2 of the guidance states "For the purposes of this guidance, the term 'allegation' refers to conduct alleged to have occurred which has not been determined or proven following a legal process, such as a civil or criminal court hearing or a prison adjudication, which is relevant to the assessment of risk". The Benefield case was of course determined following a full legal process.'*
- 1.47. Mr Kingham went on to submit, *'The Secretary of State suggests the panel can make a finding of fact on underlying aspects of the charge and points to the written statements of Mr. Benefield and the identification parade, but these were matters before the jury who acquitted him. Ultimately, the SSJ is inviting the panel to go behind the acquittal via the backdoor on matters that the jury properly considered. The Benefield allegation doesn't in any event take us much further in terms of risk in any event given Mr. Norris accepts being a violent individual around that time, but in any event we have the 19 years in the community with no risk of serious harm conduct.'*
- 1.48. The panel agreed with Ms Ailes with regards to the appropriate and lawful way to approach the acquittal. The Parole Board Guidance was clear that panels are entitled to inquire into charges which have resulted in acquittal at court (para 8.7) and that the mere fact of an acquittal does not preclude the panel from making a finding of fact that the allegation (or parts of it) underlying that charge were true on the balance of probabilities (para 8.8). This is entirely consistent with the decision in *Pearce*, which stated at paragraph 74 that *"If an allegation could, if true, affect the Board's risk assessment, the Board's task, so far as it can on the information which has been made available to it or which it is able to obtain, is to explore the nature of that allegation and its surrounding circumstances in order to make such findings of fact as it can about either or both on the balance of probabilities. By this means the Board gives due consideration in its assessment both to the public interest and to the prisoner's interests and acts with procedural fairness"*. The judgment in *Pearce* also quoted with approval, at paragraph 82, the finding in *McGetrick [2012] 1 WLR 2488* at para 33: *"It is essential to bear in mind that it is not the function of the Board to find a prisoner guilty or innocent of any offence or other misconduct. Its function is to assess the risk that would be created if the prisoner is released on licence. For that purpose, the Board must explore it to see what findings we can make, or otherwise determine whether there is a serious possibility that parts of it may be true and so should be taken into account"*.
- 1.49. However, the panel was mindful, as required by the Guidance, that it should be cautious in these circumstances.

- 1.50. The panel took into account that, whilst it had all the relevant formal witness statements provided to the Police, it did not have the transcript or any detail of the evidence given on oath by SB or MF during the trial. This led to a gap in the information which meant that the panel concluded it could not make any findings of fact, other than to say it was clear from the medical and witness evidence that SB had been stabbed with a knife during an incident.
- 1.51. However, taking into account the relevance of the allegation, the seriousness of it and its similarity in terms of the factual circumstances to the murder of Stephen Lawrence, the panel could not ignore it. The panel took into account that the allegation involved Mr Norris being with NA, a known associate. The panel also took into account that Mr Norris was named and identified by two people. The panel concluded that there was a serious possibility that it was true that Mr Norris used a knife to inflict a wound on SB. The panel's conclusion as to what might be seriously possible does not amount to any finding that any crime has occurred, to which different tests apply, and the question of which has already been settled in this case.'
- 1.52. Having come to that conclusion, the panel applied some weight to it when considering the extent of Mr Norris' violence at the time, the regularity with which he carried a knife, and his capacity to use weapons including knives.

#### Other allegations of violence

- 1.53. The papers for the attempted murder allegation also revealed a separate allegation of a stabbing. It is apparent from the Police interview that Mr Norris was also arrested for the stabbing of a [Mr A] in [food establishment] [location]. It was said that, about 10pm in the evening, a man came into the restaurant where [Mr A] was working and ordered a drink. He then left with the drink and came back shortly afterwards complaining about it. He again went outside and [Mr A] and his father followed him. There was a dispute outside the shop during which one of the two men waiting outside took out a knife and stabbed [Mr A]. This allegation did not proceed to charge and, other than what was put to Mr Norris during that Police interview many years ago, the panel was not provided with any further information about it.
- 1.54. Mr Norris told the panel that he vaguely remembered being interviewed about it but said he was not involved.
- 1.55. Within the dossier there were reports that Mr Norris was linked to another stabbing of a man [Mr B] in 1992, but that charges were dropped. Mr Norris told the Prisoner Commissioned Psychologist that he knew [Mr B] from school and they were involved in a fight including four others which "got out of hand". He questioned whether [Mr B] did get stabbed and denied there was any assault by him.
- 1.56. The panel directed information about this allegation from the Metropolitan Police who responded with,

*'Metropolitan Police have confirmed they do not hold any files relating to the alleged stabbing of [Mr B].*

*Metropolitan Police confirmed that there is no record of [Mr B] as a victim on the General Registry or on Police databases. In addition, there are no arrest or court details recorded on PNC. Police have noted that this may be due to the OIC at the time not entering the paperwork into storage as per the instructions. Unfortunately, Police are unable to confirm this due to the time elapsed since the alleged offence. Police colleagues can confirm they have exhausted all avenues of enquiry and regrettably have been unable to locate and provide any information as requested.'*

- 1.57. The panel considered the above two allegations in line with its duty. The panel concluded that it had insufficient evidence to make any findings of fact about these matters, other than what Mr Norris had accepted when discussing the stabbing of [Mr B] with the Prisoner Commissioned Psychologist. Furthermore, despite the enquiries made by the panel, it did not feel it had any basis to conclude there was a serious possibility either of the allegations could be true. Therefore the panel placed no weight on them.
- 1.58. According to the OASys document in the dossier, Mr Norris has told a professional that he used a knife in the past to injure an adult male by way of a 'stab and slash' during an altercation where he felt outnumbered. During the hearing, Mr Norris denied saying anything like this. He said he had only begun engaging with officers more recently and so would not have said such a thing to an Officer. The COM told the panel she had looked at earlier assessments and it was written in the OASys from a sentence planning session in 2018, but she did not know where it had come from. She thought it looked like it may have come from a previous POM and she could not think of any reason why it would have been written if it had not been said, especially as it was quite specific. The panel concluded that it did not have sufficient detail about this allegation to make any finding of fact. However, the panel then went on to consider whether there was a serious possibility it could be true. The panel concluded that there was. The panel came to that conclusion because it was a serious and relevant allegation which was recorded within a formal document completed by a professional previously involved with the case, the detail was specific, and it fit with the Judge's description of Mr Norris at the time of the index offence. In terms of the impact on its assessment, the panel placed weight on it when considering the extent of the violence Mr Norris had been involved with as a young man. It also impacted on the panel's assessment of the regularity with which he possessed knives (see below) and how he could respond if he felt under threat.
- 1.59. Mr Norris denied that he would carry knives. He said he had only ever carried a knife once when at school. The panel did not accept this as true. It was inconsistent with what the Judge said at the time of sentence having heard all of the evidence at trial. Furthermore, it was not reflective of what the panel saw and heard on the covert tapes. Finally, as set out above, the panel

concluded that there was a serious possibility that it was true that Mr Norris had been involved in the stabbing of SB and a 'stab and slash' incident and this added weight to the fact he had carried knives more regularly than he accepted.

- 1.60. In terms of other unconvicted offending, Mr Norris also said that there had been "*a few punch ups*" and he was "*involved in a few fights*". He admitted he used to carry weapons. He said he would do this when there was a pre-planned fight or when he knew it "*might kick off*". He said he would carry knuckle dusters, lumps of iron, baseball bats and a cosh. He said there would be fights between groups trying to protect their areas, which people might call a "*postcode thing*". He said he was also involved with football violence. Mr Norris described himself as a bully. Given these admissions, it was apparent Mr Norris had been involved in more violence than he had been convicted of.

### Risk Factors

- 1.61. After considering all of the evidence that it read and heard, the panel identified risk factors associated with the risk of further offending and of causing serious harm as including: a willingness to violence; a willingness to carry weapons including knives; unhelpful attitudes about the use of violence; racist attitudes; negative lifestyle and associates including being part of a gang/group; misplaced loyalty; maintaining a reputation/status; antisocial attitudes and behaviour; poor decision making and consequential thinking skills; impulsivity; poor anger management; and immaturity.

## **2. Analysis of Evidence of Change (The Present)**

- 2.1. The panel took into consideration the full information regarding Mr Norris' time serving his sentence which was contained in the dossier. Due to the length of time that Mr Norris has been in custody and the evidence to be analysed, the panel considered matters in themes rather than chronological order.

### Custodial behaviour and security concerns - racism

- 2.2. A security report from January 2013 reported that Mr Norris told his daughter he does not want black grandchildren.
- 2.3. Other security reports in 2013 revealed allegations of racism: prisoners claiming he shouted racial abuse at them (2/8/13); throwing excrement at Black and Muslim prisoners when they went on exercise (3/8/13); allegation he said he had had enough of "*the muzzies*" causing him trouble and "*look at the state of yer, filthy fucking animal, you cunt. You pray five times a day pretending to be religious but you cut soldiers up*" (7/8/13); referring to Turkish people as "*filthy Muslim cunts*" (10/9/13); and allegations of racist remarks (13/10/13). Mr Norris told the panel that there "*is some truth to some of that, but the terminology is not exactly 100% true*". He said he was in

segregation in a different prison at the time and there was *"a lot of fighting and words being said"*. He said there was someone there who was a member of the EDL and was trying to get him associated with them and he distanced himself away from that. He said that there were also *"terrorists down there, spouting out ideology, it was a crazy time"*. Mr Norris admitted he did *"throw something at one of them"* however, he denied using the racist word *"muzzies"*.

- 2.4. There was a security entry on 15 January 2017 which alleged Mr Norris was bullying a named prisoner and stated he is a *"massive racist and when his case comes to light again, he basically picks on another prisoner to throw the heat off himself"*.
- 2.5. There was a reference to Mr Norris receiving a letter from a named prisoner with racist contents on 31 May 2017.
- 2.6. In June 2017, there was an allegation that Mr Norris was in the segregation exercise yard and told an officer he was *"getting ready to bang/knock the fuck out of all these muzzies"*. When challenged by the Prison Officer, he told her *"I am serving life, I can say what I want"*. He also said he believed he was being treated differently to Muslim prisoners.
- 2.7. Mr Norris said that 2017 was a negative time in his sentence when he was using drugs. He said he had been in segregation for a year and *"it all got too much one day"* and so he threatened another prisoner. He said it was the 'Manchester bomber' and they *"all took umbrage with him"*. He said he called the prisoner a terrorist and swore at him, but had not used the racial slur. He said it had been an offence based response, not a racial issue. Mr Norris said he had been raising money for the victims of the Manchester Arena bombing at the time. He accepted it was *"not his place to be dishing out justice"* but he was stressed and *"terrorism has always riled me, going back to the IRA"*.
- 2.8. The panel noted that Mr Norris' denial of using the racist term 'muzzies' had not been consistent. It was reported in the addendum report from the Prison Psychologist that *'contrary to my previous report, Mr Norris now recalled his use of "muzzy" and "terrorist" in 2017, admitting that he used language that he knew would hurt others'*. In the report from his current POM, she stated Mr Norris *"maintained to me that he did not use that word specifically but accepts he has previously used derogatory racist words (that he has regretted) when he hasn't managed his emotions in the right way and would use terms he knew would be hurtful. This would include racist aspects as well as other things such as physical attributes."*
- 2.9. There was a security report from 14 October 2022 regarding Mr Norris using the racist slur *"nigger"* when talking to a female, alleging he said, *"to think all this from one of your own, over a nigger"* and laughing afterwards. When challenged, Mr Norris denied he said this. Mr Norris said he thought this related to a telephone call he had, but denied using the word *"nigger"*.

- 2.10. There were security concerns raised in July and August 2023 that he was grooming a vulnerable young prisoner who had mental health issues into racist ideology. The intelligence at the time accused him of being *'a fully-fledged member of the EDL'* and alleged he was grooming the prisoner alongside three other prisoners on the same wing. Mr Norris had said to his POM that he was a mentor to this prisoner and was supporting him, although he confirmed in evidence that this was not a formal role. Mr Norris told the panel that the young man was vulnerable and he felt sorry for him.
- 2.11. The POM told the panel that Mr Norris denied any links to EDL. Mr Norris told the panel that one of the men had an EDL tattoo but it was not someone he spent time with. This was inconsistent with what he had said to his previous POM which was that one of the associates referenced was an ex-soldier and EDL member and they had spoken a few times. He also admitted that it was possible this individual had spoken in a racist manner but he had made it clear to him and another associate that he no longer shared such views.
- 2.12. The COM confirmed to the panel that any links to the EDL had been looked into and there was no other evidence apart from the security entries.
- 2.13. The COM told the panel that she was aware there are sometimes inaccuracies in security intelligence, but she thought it was unlikely that it was all not true. She had therefore factored it into her assessment.
- 2.14. Mr Norris said that he only knew about the security entries when he received the dossier. Staff had not confronted him with these entries previously. This evidence was inconsistent with the report from the previous POM given what she reported above and also the fact she noted in her report (dated 24.4.24), *'There have been various adjudications and security intelligence reports regarding Mr Norris using derogatory and racist terms in custody. When I have questioned Mr Norris about this, he could not recall specific details.'*
- 2.15. Mr Norris told the panel that he had not used the racist slur 'Nigger' for many years. He said he did not recall ever using it on this sentence, but had used it when in prison before.
- 2.16. The panel's approach to these security entries was not to make individual findings on each one as it did not consider that to be necessary. The panel looked at the allegations as a whole in considering whether there had been evidence of continued racist attitudes during this sentence.
- 2.17. The panel took into account the point raised by Mr Kingham in his questioning to professionals about the security that some allegations would have crossed the threshold for adjudication and yet adjudications did not follow. However, the panel was not persuaded that this meant that they were not true.
- 2.18. The panel took into account that Mr Norris had given differing accounts at times when questioned about the security entries, including making an admission to the Prison Psychologist that he had used one of the racist slurs

and an admission to the POM that he used derogatory racist words. The panel agreed with the Prison Psychologist's analysis that Mr Norris tended to accept generalities but then denied specifics.

2.19. Having taken into account all of the evidence regarding the security entries, the panel agreed with the Prison Psychologist and COM that, when looking at these allegations, it was very unlikely that across various prisons the staff and others were inventing or embellishing incidents each time. The panel therefore found that Mr Norris had used racist language and slurs at times during this sentence which was evidence of continued racist attitudes long after the committing of the index offence. This impacted on the panel's assessment in that it did not accept Mr Norris' evidence that he simply stopped being racist some time before he was convicted of the index offence. It also impacted on the panel's view that work was required in relation to racist beliefs and attitudes, which was then later completed as set out below.

#### Other custodial behaviour and security concerns

2.20. There have been concerns raised regarding Mr Norris' contact with other prisoners he has met during his sentence. He is described as an 'avid letter writer' and that many of these prisoners are also convicted of murder or serving very long sentences. Mr Norris told the panel that he had now stopped writing letters, stopping around 6 or 7 years ago as it "*contradicted what I was saying to people and what I wanted to do*". He admitted that he had loyalty towards old friendships and "*must have still been into that group loyalty*".

2.21. In October 2012, Mr Norris failed a voluntary drug test and admitted he had borrowed co-codamol from another prisoner.

2.22. In January 2013 it was reported that Mr Norris threatened to "*cut*" another prisoner if that prisoner continued to threaten him. Then in September 2013 he was caught by staff passing illicit items including tobacco and five white tablets to another prisoner.

2.23. From March 2016 through to April 2022, Mr Norris had multiple proven adjudications. These included being found in possession of two improvised weapons and a mobile telephone charger (31/3/16), being found in possession of two improvised weapons (13/9/16) and fighting with another prisoner (13/9/16). Mr Norris told the panel that he did have weapons for self-protection in 2016 as he did not feel the Prison Service was protecting him.

2.24. There were also concerns in 2017 about involvement with substances, with reports of him being regularly found under the influence. There was an adjudication for a positive mandatory drug test in June 2018.

2.25. He was placed on report on 27 June 2019 for being found under the influence of illicit substances and refusing to be tested.

- 2.26. On 28 September 2022 Mr Norris was found in possession of a black smartphone found in a hollowed out drawer. Another telephone was found in November 2022 hidden inside a bag of bread and other items were also found, namely a 'stumpy screwdriver' and a micro USB charger. The possession of telephones was linked to images of him being leaked to the media. National papers posted screenshots of his purported WhatsApp statuses where he made disparaging remarks about Dominic Raab (the then Secretary of State) and the Government. Mr Norris has admitted to professionals that he did have mobile telephones and said that these were solely for the purpose of contacting family. Both allegations of possession of the telephones were referred to the Police, but it was confirmed that this was not being taken any further, partly due to the length of time the matters took to reach the Crown Prosecution Service for a review which was related to the length of time it took to obtain downloads.
- 2.27. Mr Norris told the panel that he had the screwdriver to enable him to hide his mobile telephone. He said he got it from another prisoner and it had been brought in from the outside. He said that he regretted having the telephones but he was missing his children. He said he was offered a telephone and acted impulsively. Later in his evidence, he admitted that he had been using WhatsApp on the telephones and was in touch with friends including "*a lot of women*", rather than just using it to contact family. Mr Norris accepted that he had put up WhatsApp statuses and had said to someone, "*I could be home in two years*". He denied he was boasting about getting out of prison soon.
- 2.28. [details redacted].
- 2.29. On 25 November 2022 Mr Norris called a nurse a "*cunt*" when she refused to give him Vaseline for a wound. When he was being returned to his wing, he admitted to staff that his behaviour was inappropriate but said "*she always treats me like shit and I am sick of it*". Mr Norris told the panel that he had "*just been cut and was in a lot of pain*".
- 2.30. Mr Norris moved to his current establishment in December 2022. He had been recategorised to Category C as a result of having the mobile telephones and so that prompted the move. At the time of the hearing he remained a Category B prisoner. Although there have not been any proven adjudications at his current establishment, there have been adjudications which have been dismissed or not proceeded with.
- 2.31. It was reported in the dossier that Mr Norris has admitted taking "*a single puff of a cannabis joint*" in June 2023 which he believes may have been laced with other substances. He told his previous COM that it was down to peer pressure. At the same time he had failed drug tests (drug tests were positive for substances including cocaine, opiates and cannabis), but the adjudications were either adjourned or dismissed. In his evidence Mr Norris said he had not taken drugs for six or seven years but then admitted he had used the cannabis as described, although he said he instantly regretted it. When asked about the findings of cocaine and opiates, his explanation was that this was either down

to the way in which the prison conducted their drugs tests or the cannabis joint being laced with other drugs. The panel was concerned that initially Mr Norris had minimised his drug use in his evidence. Whilst drug use may not link directly to risk, the panel concluded this was relatively recent evidence of poor decision making and non-compliance.

- 2.32. On 17 October 2023, Mr Norris was challenged by a female officer for taking a vape off the wing and told he would be receiving a warning. He responded by calling her a "cunt".
- 2.33. The POM told the panel that Mr Norris had said to her that he can use words which are deliberately hurtful. The POM did not consider Mr Norris to be someone who targeted female staff members. The panel accepted that assessment, as his use of abusive language was directed at staff of both sexes.
- 2.34. In terms of negative and positive entries, Mr Norris' most recent negative entry was on 5 November 2024 for failing to attend work and collect cleaning equipment, this had been preceded by other negative comments for not attending work and he was then dismissed. However Mr Norris regained employment as a wing worker on 20 February 2025. He then received a positive entry on 3 March 2025 for offering to help work on the servery due to the lack of workers.
- 2.35. There had been an undated entry which read "*Dave has decided that he lives by his own rules. When challenged, he decided it would be appropriate to completely ignore me. I later challenged him for this behaviour, to which he responded that he has bigger problems to deal with than vapes. This is not the behaviour I expect from a PIPE resident.*" Mr Norris was asked about this and said it had to be put into context. He said it was early in the morning, he was walking to work and happened to have his vape in his pocket. Mr Norris said he took it out of his pocket then put it back and the Officer "*decided he wanted to go crazy*". Mr Norris said he told the Officer it was just an accident and walked away. Mr Norris denied this was non-compliance and said it was just a mistake. When Ms Ailes challenged Mr Norris on this during her questioning, she put to him that this would be the type of thing, abiding by rules which needed testing further in closed conditions. Mr Norris' response was somewhat sarcastic and condescending saying, "*what, having a vape in my pocket? I will abide by rules of course, but it was an accident that's what I was just trying to explain to you*". The panel thought this response to Ms Ailes, which bore similarities to his response to the Officer, revealed an underlying arrogance to Mr Norris which can sometimes come to the fore when he is challenged. In the panel's view this attitude could present difficulties during risk management.
- 2.36. The dossier contained security report covered the period between 10 February and 13 June 2025 which contained an entry with no specific date which stated, "*reporting indicates Mr Norris may not care for the Lawrence family, he may have had access to mobile phones whilst in custody and threatened people outside over social media. Further reporting indicates this*

*included Mr Norris possibly making [threats] and having unfinished business with the Benefield family'. The COM told the panel that she had discussed this entry with Mr Norris and he had denied it. The COM was not aware of any reason why Mr Norris would make those threats. Mr Norris told the panel that he did not know the Benefield family and had no problem or grievance with them.*

- 2.37. Due to the reference within that report regarding Social Media, the panel made enquiries with PPCS as to whether there was any evidence of Mr Norris having access to Social Media. The panel received a response which stated, *'PPCS have made appropriate enquiries to all relevant parties and can confirm that there is no further evidence or information held in relation to this areas'.* The panel therefore had no substantiated evidence to say that Mr Norris had access to Social Media more recently than that WhatsApp access referenced in 2022.
- 2.38. Sometime after 2022, Mr Norris had acquired a tattoo in prison [details redacted], which was in breach of prison rules. Mr Norris told the panel he got it approximately two and a half to three years ago whilst in his current establishment [details redacted]. He said he *"didn't really think"* and *"could have thought better"*.

#### Offending behaviour work and progress

- 2.39. Following conviction, in May 2012 whilst at [prison name redacted], Mr Norris made enquiries about completing the Thinking Skills Programme, but was found unsuitable.
- 2.40. He was later found suitable for the RESOLVE programme, but was deselected from it in August 2016.
- 2.41. He was referred to [a specialist regime at a particular prison] and was located there between June 2017 and March 2019. During this time he re-engaged and completed RESOLVE in April 2018. The panel was provided with the post-programme report from RESOLVE. Mr Norris told the panel about what he had learnt from that programme, particularly around making better decisions.
- 2.42. Mr Norris has also completed the Alternatives to Violence in cell programme during his sentence.
- 2.43. He moved to his current establishment in December 2022 and onto the consolidation PIPE unit there in November 2023. The panel took into account the detailed report from his allocated Keyworker on the unit which was in the dossier. By the time of that report, Mr Norris had attended 15 one to one sessions. During the hearing, the Prison Keyworker told the panel that there had been improvement in his engagement and attitudes whilst he has been on the PIPE. She said there was evidence that his reactions in terms of violence

had changed, but there were areas where Mr Norris would still benefit from consolidation namely his minor rule breaking.

- 2.44. Mr Norris had recently completed one to one work with his previous POM based on the 'From Murmur to Murder' workbook and the 'I ain't racist but' toolkit. The POM reported that these involve: quizzes on the ethnic composition of the country; statistics related to victims of violent and racist crime; exploring the impact of racism on communities and individuals; and the racial disparities in accommodation, education and employment opportunities and health. The previous POM reported that Mr Norris had engaged very well with this work. She reported that he appeared to demonstrate a level of insight into diversity and racial equality matters.
- 2.45. The COM said there had been inaccuracies in Mr Norris accepting his racist attitudes, however she assessed the work with the previous POM to be very important. She highlighted the work had been delivered over a year, with sessions lasting for a few hours. She said it was her opinion that Mr Norris had been genuine in his engagement with this work.
- 2.46. The panel also took into consideration that Mr Norris has gained qualifications during his time in custody. These include: Introduction to Customer Service; Principles of Business Start-Up; Award in Mentoring; a Diploma in Plastering; and the NEBOSH health and safety qualification.
- 2.47. Mr Norris said the big difference to him now was his consequential thinking. He said he would not say the anger is no longer there, he just responds differently. He said he was no longer a violent person or a danger to the public.

#### Attacks on Mr Norris

- 2.48. There have been numerous concerns about the safety of Mr Norris and threats towards him both whilst he was on remand and during his sentence. The panel took into account that this has affected Mr Norris and has impacted on how and where he has been able to serve his sentence.
- 2.49. In February 2011 a television was smashed over his head when he was in his cell at [prison name redacted] . He was assaulted by four other prisoners and sustained a head injury, fractured ribs, a broken nose, two teeth removed and lacerations to his face and neck. There were reports his head swelled to twice its size on one side of his face.
- 2.50. He was subject to a further attack in February 2016 when a prisoner assaulted him from behind.
- 2.51. In November 2022 Mr Norris was the victim of an attack where he was slashed to the head and required surgery and 55 stitches. Two men were subsequently charged with s18 wounding with intent in relation to this attack, but those charges were later not proceeded with.
- 2.52. The panel took into account that, as a result of these attacks, Mr Norris had been on several accompanied hospital visits and there had been no concerns raised.

- 2.53. Mr Norris told the panel that there had been countless other attacks and threats he had suffered during his sentence.
- 2.54. The POM told the panel at the hearing that Mr Norris had been assaulted recently (the week before the hearing). She stated another prisoner spat at Mr Norris but he did not retaliate. The POM was not sure whether this incident had been 'out of the blue' or whether there had been some background to it. She had not spoken to Mr Norris about the incident.
- 2.55. Mr Norris told the panel that he was attacked and threatened regularly in prison. He said that years ago he would have retaliated but he just allows it to happen now. Mr Norris said that everyone was aware since March 2025 that he had his parole hearing and, due to his notoriety, he was continually targeted. He denied there had been anything he had done to prompt the other prisoner to spit on him the week before. He said he believed the person was trying to sabotage him which was a surprise to him as they had been friends before. Mr Norris said there had been an issue over food the day before as part of his job in the servery and he thought that maybe the staff should have intervened before to prevent the assault. Mr Norris admitted that the incident had made him feel angry but he had dealt with it in the right way. He said he used his skills he learnt from RESOLVE. The panel concluded this was evidence that Mr Norris was able to not react to threat, however it was mindful this was in a secure and well monitored environment.

#### Therapeutic treatment

- 2.56. In 2023, Mr Norris was diagnosed with Post Traumatic Stress Disorder (PTSD), anxiety and low mood. This was following assessment by [name redacted], Psychiatrist. [The Psychiatrist] further referred to the Psychological Therapies Service and Mr Norris commenced therapeutic work with [Treating Psychologist] on the 5th December 2023.
- 2.57. The panel was provided with detailed reports from [Treating Psychologist] dated 11 June 2024 and 6 March 2025, which it considered in full. The panel noted that those reports made it clear that [the Treating Psychologist's] role was not to offer a recommendation as to Mr Norris progression.
- 2.58. The panel heard from [the Treating Psychologist] in the closed part of the hearing. [Details redacted]
- 2.59. [Evidence from Treating Psychologist redacted]
- 2.60. [Evidence from Treating Psychologist redacted]
- 2.61. [Evidence from Treating Psychologist redacted]
- 2.62. [Evidence from Treating Psychologist redacted]
- 2.63. [Evidence from Mr Norris about the work redacted].

#### Stance on the index offence

- 2.64. Reports suggest that Mr Norris changed his stance on the index offence in around 2017. Whilst he maintains that he did not stab Stephen Lawrence and

did not know one of the group was in possession of a knife when they approached the victim, he has said that he accepts he is guilty on the basis of joint enterprise.

- 2.65. Mr Norris had told professionals that he changed his stance after watching a documentary where the victim's father had talked about potentially forgiving those responsible. He repeated this in his evidence. He said he had been "*touched deeply*" by it. He said he confessed his sins to a Catholic Priest the next day.
- 2.66. It was reported by his previous POM (report dated 24.4.24) that Mr Norris had begun to slowly accept more responsibility for his part in the index offence. He accepted to her that he was present at the scene when Stephen Lawrence was murdered and that he punched Stephen Lawrence. He said he regretted the part he played. He accepted others in his gang carried weapons and that he occasionally did too. However, he continued to assert he was not a racist, but accepted that those he used to associate with held racist beliefs and used racist language. The panel noted that this was his version to his previous POM even after completing a number of the one to one sessions of the racial awareness work with her.
- 2.67. Mr Norris' COM held the view that Mr Norris had come a long way in relation to his attitudes towards the index offence by admitting presence and the punching. She noted that he would not say to her who was responsible for stabbing the victim due to fear of reprisals. The COM had explored with Mr Norris why there was a shift in his attitude. He said that he had naturally been speaking more about the offence with different people in prison and one of the turning points was seeing the victim's father on television stating that he forgave him. Mr Norris has discussed Restorative Justice with her and the COM assessed his desire for this was genuine. The POM confirmed that Mr Norris had been trying to access Restorative Justice for some time.
- 2.68. Mr Norris told the Prison Psychologist that he had spent time with a girl earlier that day then met up with his friends. They were walking home at about 10:30pm and there was a large group of people walking in a line, with him being situated near the back. He said he thought something was said by someone at the front, he did not specifically hear the word "*nigger*" but accepted that could have been said. He said there was a scuffle and he joined in by punching Stephen Lawrence a few times around the head and shoulders and then left. He said he joined the fight without much thought and that it was influenced by "*group thinking, loyalty and solidarity*". Mr Norris told the Prison Psychologist that, as they were running away, he saw someone with a knife and so he thinks he knows the person that did stab the victim. He said he did not know that the victim had died until two days later.
- 2.69. In the Prisoner Commissioned Psychologist's report it stated, '*Mr Norris initially denied his involvement in Mr Lawrence's death, although since approximately 2017 has maintained that his part in the assault was to kick and punch Mr Lawrence, stating that he did not realise he had died until three*

*days later.*' The panel had taken this to mean that was what Mr Norris had told the psychologist he instructed. However, when she gave evidence, the Prisoner Commissioned Psychologist said that Mr Norris had said to her that he had punched Stephen Lawrence a couple of times.

- 2.70. The current POM told the panel that she found it difficult to say whether Mr Norris' change in stance was for genuine reasons. She said she could not rule it out that he had admitted some involvement just to try to obtain his freedom. The panel noted that the current POM had said in her report, *'in our earlier meeting Mr Norris told me that he had never denied the racial element to the index offence, this was challenged and explored further given records indicate he initially denied and minimised the offence and racial element. Mr Norris now states he was a racist person at the time of the offence and therefore a racial element would have subconsciously played a part. When asked, why Stephen, Mr Norris asserts no reason at all but acknowledged a racial element. His disclosures over time indicate improved responsibility for the racial element in the index offence however I still assess there is an element of minimisation in relation to this'*.
- 2.71. Mr Norris talked at length to the panel about the index offence. He said that Stephen Lawrence was an innocent party. He said it was a "*chance meeting*" and Stephen's friend had run off and so he was left alone. Mr Norris said it was not the case of targeting two black boys, but later accepted the attack was partially motivated by race. However, he said that he did not hear anyone say "*what what nigger*" on that night. He said that he was not blaming DB but "*something must have happened*". Mr Norris was asked why he said more than once about DB running off and he said DB must have "*sensed danger*". Mr Norris said he was the last person to hit Stephen Lawrence, who was crouched over at that point. Mr Norris said this was an impulsive act and "*something must have happened, so I was just ready to be loyal to my friends and get involved*". Mr Norris later said that it could have been his group just starting the attack completely unprovoked as he did not see or hear anything. He said he had been "*speculating, which I shouldn't do*". He denied having a weapon and said he was not aware anyone else had one until afterwards. Mr Norris said he was not aware Stephen had been stabbed at the time he punched him. He initially said he had punched Stephen two or three times but then said he punched Stephen once but tried to punch him twice. He said his punch connected towards the back of Stephen's head. He accepted he intended to cause the victim serious harm. He said that he saw one of his friends holding a knife after the murder, before they all then ran off. Mr Norris therefore did not accept the Judge's comment that whoever used the knife, used it with his knowledge and approval.
- 2.72. Mr Norris said that he had just wanted to get back home as his mother was feeling down and she was not aware he had left the house. He said that violence was not the forefront of his mind but he accepted that he was ready to use violence "*at the drop of a hat*". He told the panel that he wished he

could have changed what happened and the guilt "*weighed heavy on his shoulders*".

- 2.73. During his evidence, Mr Norris accepted he was a racist person before, during and after the murder. He said he was ashamed of the 'The Footscray Tapes' and could not watch them. He accepted that he had told his COM that it was unfair that the Parole Board asked for the undercover tapes to be added to the dossier for his review. Mr Norris said there had been a common theme through POM and COM reports that he denied being racist, but these were not accurate and he had always accepted being racist. However, he accepted that he told one of the professionals involved with this review that he had only been explicitly racist for around three years (1992-1995). The panel concluded that it was unlikely that multiple professionals had been inaccurate in their reporting that Mr Norris had denied being racist.
- 2.74. Mr Norris told the panel that there were aspects to the offence he cannot remember and he was not sure if that was due to the trauma of being involved in the offence. He was challenged on this, as being traumatised by the offence did not fit with the 'swagger' which was seen after the offence during the various legal proceedings and media attention. In the panel's view, Mr Norris struggled to respond to this and account for the contradiction.
- 2.75. Mr Norris told the panel that he was unable to name the other males responsible for the murder publicly, or even to confirm if Gary Dobson was involved, as he feared serious reprisals from them and needed to protect his family.
- 2.76. The panel agreed with the submission made by the Secretary of State that Mr Norris' account of the index offence did not accord with the evidence presented at trial and it was implausible that he had not seen the knife before or during the attack.
- 2.77. The panel was concerned by Mr Norris' account of the index offence because he still tried to minimise and justify it in his evidence in the public part of the hearing. His repeated reference to "*something must have happened*" came across as blaming DB who was an entirely innocent party. Whilst Mr Norris took more responsibility during his evidence when it was not in public, and emphasised it was an unprovoked attack, the panel thought that was more likely due to him having reflected how he came across in his earlier evidence rather than the pressure of giving evidence in public leading to him saying things he did not mean.

#### Risk assessments and professional opinions

- 2.78. Under OASys, in the community, Mr Norris was assessed as a High risk of serious harm to the Public and a Medium risk of serious harm to a Known Adult (risk of psychological harm to the victim's family members and DB). He was considered to be a Low risk to Staff and Children.
- 2.79. Following his sentence, Mr Norris had been assessed as a Medium risk of serious harm. The COM said she had not increased risk since then, it was the

case that she felt the assessment should always have been High. Given the ferocity of the attack on Stephen Lawrence and the entrenched racism witnessed on the covert tapes, even with the gap between the offence and conviction, the panel concluded that the assessment of risk ought to have been High at the time of sentence. In reaching that conclusion, the panel also took into account Mr Norris' own admission about being involved in more violence than he had been convicted of, along with the findings made about allegations and the carrying of weapons including knives.

- 2.80. Whilst the panel took into account the points raised on Mr Norris' behalf about whether he was more accurately assessed as a Medium risk of serious harm to the Public now (taking into account the work he had completed), the panel disagreed. In addition to the points raised above about his past offending, the panel took into account: its findings in relation to the security information and his racist attitudes continuing to be shown in custody; the evidence of poor thinking skills since the completion of RESOLVE; there was evidence of recent poor attitude to rule breaking; he had only completed the one to one work on racism very recently; he had, in essence, failed in category C conditions when trusted with those less secure conditions; and he was yet to be tested again in less secure conditions. The panel therefore concluded that it agreed with the COM's assessment.
- 2.81. The COM said that she had considered the security entry regarding the Benefield family and the allegation of attempted murder, but did not consider there to be sufficient evidence that Mr Norris presented an elevated risk to that specific family. The panel conclude that this was an area which would need monitoring given its assessment of the attempted murder allegation.
- 2.82. OGRS scores were recorded which indicated that Mr Norris belonged to the group of offenders who present with a Low likelihood of reconviction within two years. Taking dynamic factors into account, OASys indicated a Medium likelihood of further general reconviction (OGP) and a Low likelihood of further violent reconviction (OVP). The RSR (Risk Serious Recidivism) was assessed as Low. The panel took into account the period of time Mr Norris spent in the community before he was convicted of the index offence where he received no other convictions. However, the panel also took into account that his convictions prior to that were not an accurate reflection of his level of criminality. The panel also took into account his custodial behaviour across the entirety of his sentence. The panel therefore concluded that the likelihood of further offending, including violence, was higher than the OVP suggested.
- 2.83. The COM told the panel that she assessed Mr Norris to have made progress in the last few years and he had done a lot of work on himself which had contributed to that change. The COM had concluded that Mr Norris displayed genuine remorse. However, her professional opinion was for Mr Norris to remain in closed conditions. She felt he needed to achieve his Category C status and go to a Progressive Regime. She did not consider open conditions to be appropriate and saw the Progressive Regime as an alternative. The COM

told the panel that she still had some concern about how Mr Norris may react if he perceives he or his family were under threat, which was likely to happen given his crime and notoriety. She was not confident he would deal with that situation in a pro-social way. The COM concluded he still needed to build relationships and be tested in less secure conditions. She noted that he was still within a very contained environment.

- 2.84. The COM said she had factored in the period of time Mr Norris spent in the community between committing the index offence and then being convicted, although she said the Probation Service would consider the racially aggravated offence to be relevant in a risk of serious harm assessment.
- 2.85. The current POM was new to the case, having been assigned three weeks prior to the public hearing. In her assessment, the work completed by Mr Norris had been successful. She highlighted that his behaviour had improved, especially over the last couple of years. The POM did not consider any further core risk reduction work to be necessary. However, she noted that the work on racist views had been very recent and she also highlighted that when Mr Norris was in a less restricted environment previously, there had been compliance concerns. The POM told the panel that due to those reasons, she would want to see him further tested for compliance and consolidation of his skills before he was ready to move to open conditions or be released.
- 2.86. The panel was provided with reports and professional opinions from two experienced Psychologists. The Prison Psychologist completed an assessment on Mr Norris and prepared a report dated 12 July 2024. He also provided an addendum report dated 6 March 2025. This involved the Prison Psychologist meeting with Mr Norris on five occasions, for approximately nine hours. The Prisoner Commissioned Psychologist completed an assessment on Mr Norris and her report dated 9 November 2024 was in the dossier. She also completed an addendum report dated 28 May 2025 which was in the dossier and she also had considerable contact with Mr Norris when preparing her assessments. In addition to these reports, the two Psychologists had engaged with each other and produced a joint report dated 8 April 2024. The panel took all of those documents into account in full.
- 2.87. Both Psychologists used the HCR-20 risk assessment tool to identify and report on the relevant risk factors in this case. In addition, both authors used the Structured Assessment of Protective Factors for Violence Risk (SAPROF) and the Multi-level Guidelines Version 2 (MLG) to inform the case. As noted in the joint report, there was broad agreement in the anticipated risk scenarios and final risk ratings, suggesting a moderate risk in the community, low risk in closed and low-moderate in open. The final professional opinions were different in reports (and evidence), though in discussion both authors agreed that their views on the case were broadly similar and did not represent a fundamental difference in the progress made and the way that risk could be managed.

- 2.88. The Prison Psychologist's professional opinion was that Mr Norris should remain in closed conditions. In the Prison Psychologist's opinion, Mr Norris was doing well on the PIPE unit and was engaging well with all sorts of people there, but he now needed to return to category C conditions as that was where he failed before. He highlighted that Mr Norris had completed RESOLVE in 2018 but then had mobile telephones in 2022, which meant that he had lapsed quite significantly four years later. The Prison Psychologist concluded that the historical evidence tells us that Mr Norris needs longer and that we should be cautious.
- 2.89. The Prison Psychologist told the panel that Mr Norris was an unreliable narrator of his own life. He got the impression that Mr Norris had not prepared very well for his hearing. The Prison Psychologist assessed Mr Norris as "*more likely to minimise and project a better light on himself*". He noted the inconsistencies in Mr Norris' evidence and what he had said to professionals, and concluded that he was not sure if this was down to Mr Norris being confused or deliberately misleading.
- 2.90. The Prison Psychologist said he did not place much weight on the attempted murder allegation in the sense that, if it did not exist, he would have reached the same professional opinion. The Prison Psychologist thought that it just added weight to the fact that Mr Norris was involved with a gang who used violence. Although, if Mr Norris had been convicted of the offence, the Prison Psychologist concluded that may have impacted on the overall assessment as it would be proof of using a knife and may cast a different light on his involvement with the index offence.
- 2.91. The Prison Psychologist was asked about racism and whether the work completed with the POM was sufficient to address the extreme racist attitudes seen by Mr Norris on the undercover tapes. The Prison Psychologist highlighted that some change in this could be internal rather than reliant on offending behaviour work due to maturation, self-reflection and less engagement with others who hold those views. He said it was probable that Mr Norris no longer viewed himself as racist. However, he was mindful that the work completed on racism with the previous POM was very recent. He told the panel that it was "*possibly sufficient*" to address the risk but this would be shown by what happens next. In the Prison Psychologist's assessment, whilst Mr Norris had been consolidating on the PIPE, this was in relation to other issues and this was separate from how Mr Norris needs to consolidate in terms of racial awareness. In the Prison Psychologist's opinion racism was significant as it was a pathway to violence. The consolidation of this work was relevant to risk moving forward due to the association between racial ideology and the violence.
- 2.92. The Prisoner Commissioned Psychologist had supported transfer to open conditions in her reports, but at the hearing she had taken into account developments since then and said she supported release.

- 2.93. The Prisoner Commissioned Psychologist told the panel that it was important not to miss that, whilst racism was significant, he was equally as violent towards white men and she had therefore taken a broader concept and considered that it was 'the othering' which was most significant when understanding the violence. In her assessment Mr Norris' racist attitudes were amplified by being in the group he was in. The Prisoner Commissioned Psychologist said that the process of change was not just about the offending behaviour work Mr Norris had completed in custody, it was that work alongside the trauma informed work.
- 2.94. The Prisoner Commissioned Psychologist considered the mobile telephone possession related to compliance rather than risk. She concluded it was a poor decision and he should have been more mindful of the impact of it. However, since then he had done more work on the PIPE including the racial awareness work.
- 2.95. The Prisoner Commissioned Psychologist had considered other allegations made against Mr Norris. She told the panel that she could not go behind the court but she had placed some weight on the allegations. However, she highlighted that it had been a key factor that Mr Norris had then had a period in the community after committing the index offence and after these allegations where he had not caused serious harm. She said this had been a significant factor for her when providing her professional opinion.
- 2.96. The Prisoner Commissioned Psychologist did not think Mr Norris was "a good fit" with a Progressive Regime. She noted that these regimes were not there to reduce risk and were set up as alternative for prisoners who could not go to open conditions. The Prisoner Commissioned Psychologist said she agreed with the OVP and RSR scoring. She said there was agreement that Mr Norris presented a moderate risk which was typical of prisoners who were released into the community.

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

- 3.1. Mr Norris would be placed in Approved Premises (AP) for up to 12 months. There would be strict curfew requirements there at first to manage his movements. There were a couple of locations identified but that information would be kept strictly confidential and would not be shared with Mr Norris until very close to release to protect his safety.
- 3.2. [further accommodation details redacted].
- 3.3. The COM confirmed that the proposed licence conditions set out at page 718 of the dossier were up to date. They included conditions to protect victims. They also included other non-contact conditions, an exclusion zone, a requirement to disclose relationships, a requirement to disclose vehicles he travels in, drug testing and GPS trail monitoring. The panel agreed that these were all necessary and proportionate.

- 3.4. Mr Norris told the panel that if the victims wanted further exclusion zones then he would be happy to abide by them.
- 3.5. Mr Norris is managed under the National Security Division. He is MAPPA category 2 and level 3 managed. Consequently, contact with Probation would be at least twice a week.
- 3.6. [Personal details regarding Mr Norris redacted]
- 3.7. [Details regarding Probation arrangements redacted].
- 3.8. [Family circumstances redacted].
- 3.9. The COM said she was aware of the location of some of the individuals linked to the index offence, but not convicted. She said this had been taken into account when developing the risk management plan.
- 3.10. Mr Norris said he did not think he needed any further work in the community but he would like to continue to engage with psychological work.
- 3.11. Mr Norris said the key risks for him were returning to South London, mixing with the wrong people and peer pressure. He said he was mindful that people may provoke him but he would call the Police now, which was "*all new*" to him. Mr Norris told the panel that he was a completely different person now and had put all of his old criminal life behind him.
- 3.12. Mr Norris said that he had converted to Buddhism in 2019 and his spiritualism was important to him and his future. The panel had no reason to doubt that was the case.
- 3.13. The COM told the panel that Mr Norris had built a good relationship with her and she considered him to be open with her. She said that he always raised issues appropriately with her and she thought that would continue in the community.
- 3.14. The COM was concerned there may not be warning signs if he felt under threat as he may just react impulsively. The panel agreed with this assessment, especially if Mr Norris' felt his family was under threat. The panel also noted that the likelihood of such threats was elevated due to the index offence. [details redacted].
- 3.15. The panel acknowledged that in the years following the murder, Mr Norris appeared to remove himself from the group he was involved with at the time of the index offence. The panel accepted that there was no evidence to suggest he would return to that group if released.
- 3.16. The POM considered Mr Norris to be a low risk of abscond. The COM told the panel she did not have any evidence that Mr Norris had the capabilities or motivation to abscond and go abroad as his father had done in the past. Both Psychologists agreed he was a low risk of abscond, as set out in their joint report. Mr Norris said that if he was transferred to open conditions, he would not abscond. The panel took into account Mr Norris' behaviour on hospital

visits and his current presentation in accepting the assessment of professionals.

- 3.17. The COM told the panel that many of the licence conditions could not be implemented in open prison, including the GPS trail monitoring tag. She was concerned how periods of temporary release would be able to be managed in terms of AP locations.
- 3.18. Having carefully considered the evidence and the views of professionals, the panel identified current protective factors in this case as including: his positive relationships with his COM and other staff; his motivation not to return to custody; the stability in his mental health and his compliance with his medication; his motivation to engage with treatment; and the qualifications he had gained in custody which increased his employability.
- 3.19. The panel concluded that the proposed risk management plan was robust with stringent conditions. It was clear to the panel that due to the media attention and safety concerns, Mr Norris' initial reintegration back into the community would be very difficult.
- 3.20. The panel had some concerns about compliance and Mr Norris' ability to be fully open and honest. Firstly, as noted in section 2, the panel had concerns about his attitude towards being challenged about his rule breaking. Secondly, there were a number of occasions in his evidence when Mr Norris gave an initial version of events then, when faced with further evidence, he would admit that this was not correct (such as the reasons for having a mobile telephone in 2022 and when he last took drugs). This was also a theme within professional reports, for example in the post sentence report and his POM's report regarding being racist. The panel had concerns about this within the context of risk management. The panel concluded that Mr Norris' default position is to try to present himself in the best light and he is only able to be more honest when he is confronted with evidence. The panel thought this could be problematic for his COM when trying to ensure she is fully informed to enable effective risk management.

#### **4. Conclusion**

- 4.1. The panel took into consideration all of the information available to it. The panel had to consider whether to release Mr Norris and, if not, whether to make a recommendation that he be transferred to open conditions.
- 4.2. In accordance with the law, the panel applied the Codified Public Protection Test.
- 4.3. The panel took into account the serious nature of the index offence and the ongoing impact it had. The murder committed by Mr Norris devastated the lives of the family and friends of Stephen Lawrence. The panel had the benefit of hearing personal statements from the victim's family members, which revealed their continued pain and loss.

- 4.4. The panel took into account the detailed submissions provided by both parties.
- 4.5. Ms Ailes, on behalf of the Secretary of State, submitted that the test for release was not met and invited the panel to conclude
- i. Mr Norris's account to the panel of the index offence was not credible.
  - ii. Conclusions can safely be drawn about Mr Norris's involvement in the stabbing of Mr Benefield, either on the balance of probabilities or (if that threshold is not met) as a serious possibility relevant to risk.
  - iii. Mr Norris's evidence consistently minimised or denied his attitudes and behaviour throughout (i.e. from the time of the index offending to the present day) and these minimisations and denials give rise to significant concerns about the future management of risk.
  - iv. There are questions over both the extent and the sincerity of the change involved in Mr Norris's comparative desistance from overt racism and violence and compliance with prison rules over the past couple of years.
- 4.6. Mr Kingham, on behalf of Mr Norris, submitted that the panel could '*safely direct release*'. He submitted that it was significant that Mr Norris had been in the community for 19 years before conviction and did not cause risk of serious harm conduct/behaviour. Mr Kingham highlighted that this was at a time whereby he accepts for a period of that time he was associated with negative people, held attitudes supportive of use of violence and held racist views. Mr Kingham submitted that Mr Norris was a child when he committed the index offence and was genuinely remorseful for what he had done. He submitted that the release test was met because
- i. Clear agreement no core risk reduction work remains outstanding;
  - ii. Risk profile in this case is well understood;
  - iii. Warning signs would be observable;
  - iv. Lack of imminence to risk;
  - v. 19 years in the community with no risk of serious harm conduct;
  - vi. The dynamic RSR assessment suggests a 99.23% of no serious harm conduct. Risk will never be entirely eliminated for anyone, but to point to 0.77% chance using the most recent HMPPS re-offending tool indicates risk is entirely manageable;
  - vii. The Prisoner Commissioned Psychologist's clear evidence that she has confident future violence "won't be an issue without a specific set of circumstances" and him being a slow burn risk;
  - viii. Assessed good level of protective factors:
  - ix. Robust risk management plan.

- 4.7. The panel accepted that Mr Norris had made progress during his sentence. He had completed accredited work and one to one work. His behaviour had improved over time and there were positive reports from the PIPE unit where he currently resided. There had been occasions he had experienced threats and had dealt with this in an appropriate way.
- 4.8. The panel took into account that the Prisoner Commissioned Psychologist supported release and the POM, COM and Prison Psychologist did not support progression to open conditions or release.
- 4.9. The panel took into account that there was a consensus between professionals that all core risk reduction work had been completed. Whilst the panel did not disagree with that assessment, it concluded that Mr Norris' ability to use the skills he had learnt and demonstrate change needed further testing before it could actively agree. The panel came to this conclusion because of the evidence of developments since Mr Norris completed RESOLVE and the completion of work around racism being recent.
- 4.10. The panel placed weight on the matters which had led to Mr Norris being recategorised at the end of 2022. In the panel's assessment, the possession of mobile telephones, was not just a matter of a lapse in compliance. On his own evidence Mr Norris had possessed illicit telephones for a length of time and used them to talk to family, friends and women. This was a significant and sustained breach of the rules which demonstrated his poor decision making. In the panel's assessment he had prioritised his own desires, shown disregard for the victims and shown some arrogance in assuming he would not be caught or the consequences would not be severe. Alongside that, he had possessed a screwdriver. Whilst the panel could not be sure of his reasons for having the screwdriver, it agreed that it was accurately described as a weapon given its ability to be so. Then, despite the transfer of prisons and the recategorisation, Mr Norris went on to break the rules further by getting a tattoo. Although Mr Norris has made progress since then in his current establishment, it had not been entirely without incident. He had used cannabis in June 2023, called a female Prison Officer a derogatory name in October 2023 and there had been the incident involving the challenge to him having a vape when he should not have done. In the panel's assessment, the evidence showed that Mr Norris needed further testing of his consequential thinking skills, attitudes to rules and attitudes to staff. Whilst categorisation was not a matter for the Parole Board, the panel accepted the evidence from the POM, COM and Prison Psychologist that Mr Norris needed to show that he could be trusted and use his skills in less secure conditions than those he was currently in before there could be the confidence that he could sustain that in the community.
- 4.11. In addition, the panel placed weight on the fact the one to one work addressing racism and racial awareness had been relatively recent and there had not been a proper period of consolidation. The panel accepted that Mr Norris had done well when completing this work overall, however it had

concerns that he was still saying to his previous POM that he was not a racist whilst completing the work. Although he had now accepted he had been racist, there were times he still minimised this, for example by suggesting he had only been explicitly racist for a period of three years when discussing matters with the Prisoner Commissioned Psychologist. On the evidence the panel had, it could not be confident that Mr Norris had not just made admissions in an attempt to try to secure progression rather than genuine acceptance. Whilst there had not been any allegations of racist language during or after that work, the panel concluded that this needed testing over a longer period of time. This was because the panel agreed with the Prison Psychologist that racism was a pathway to violence in Mr Norris' case.

- 4.12. The panel noted that there was no support for release from the experienced COM who had considered the case from the position of someone who would be responsible for managing risk in the community. The panel found her assessment to be persuasive. She had noted the progress made by Mr Norris but was still of the view that the safe way forward was for him to progress to less secure conditions within the closed estate.
- 4.13. Whilst the panel accepted there was a robust risk management plan which could be put in place, the panel did not accept that this mitigated the risk sufficiently at this stage so as to conclude that Mr Norris met the test for release. For the reasons the panel has set out, the panel is satisfied that Mr Norris does not currently meet the test for release. The panel is not satisfied that there is no more than a minimal risk of Mr Norris committing a further offence that would cause serious harm. It therefore continues to be necessary for the protection of the public that he remains confined. Consequently, his release is not directed.
- 4.14. The panel went on to consider open conditions. The panel agreed with the professional assessment that Mr Norris was a low risk of abscond. However, the panel concluded that it is now clear that Mr Norris has not made sufficient progress in addressing and reducing risk to a level consistent with protecting the public from harm (in circumstances where the prisoner in open conditions maybe in the community, unsupervised under licensed temporary release). This was due to the panel's concerns about his behaviour despite completing RESOLVE (which ought to have addressed the deficits in his thinking skills) and the lack of consolidation of the work to address the key risk factor of his racist attitudes of beliefs. The panel was not satisfied that it was safe for the consolidation work and testing to occur in open conditions. In coming to that conclusion the panel agreed with the Prison Psychologist that Mr Norris had shown he needed a longer period of testing as he had lapsed significantly four years after completion of an accredited programme. The panel therefore made no recommendation for transfer to open conditions.

## Annex B

### **The Codified Public Protection Test**

*The codified public protection test (called a "public protection decision"), set out in section 28ZE of the Crime (Sentences) Act 1997 and section 237A of the Criminal Justice Act 2003, reads as follows:*

*A "public protection decision", in relation to a prisoner, is a decision as to whether the decision-maker is satisfied that it is [not necessary, or no longer necessary,] for the protection of the public that the prisoner should be confined.*

*The decision-maker must not be so satisfied unless the decision-maker considers that there is no more than a minimal risk that, were the prisoner no longer confined, the prisoner would commit a further offence the commission of which would cause serious harm.*

*In making that assessment, the decision-maker must consider the risk that the prisoner would engage in conduct which would (or, if carried out in any particular part of the United Kingdom, would) constitute an offence specified in [Schedule 18B to the Criminal Justice Act 2003].*

*When making a public protection decision about a prisoner, the following matters must be taken into account by the decision-maker—*

*(a) the nature and seriousness of the offence in respect of which the relevant sentence was imposed;*

*(b) the nature and seriousness of any other offence for which the prisoner has at any time been convicted;*

*(c) the conduct of the prisoner while serving the relevant sentence (whether in prison or on licence);*

*(d) the risk that the prisoner would commit a further offence (whether or not specified in [Schedule 18B to the Criminal Justice Act 2003]) if no longer confined;*

*(e) the risk that, if released on licence, the prisoner would fail to comply with one or more licence conditions;*



*(f) any evidence of the effectiveness in reducing the risk the prisoner poses to the public of any treatment, education or training the prisoner has received or participated in while serving the relevant sentence;*

*(g) any submissions made by or on behalf of the prisoner or the Secretary of State (whether or not on a matter mentioned [above]).*

*When making a public protection decision about a prisoner, the decision-maker must in particular have regard to the protection of any victim of the prisoner.*

*For the purposes of [this test]:*

*a "victim" of a prisoner is a person who meets the definition of victim in section 1 of the Victims and Prisoners Act 2024 by reference to the conduct which constituted the offence for which the relevant sentence was imposed.*

*..."relevant sentence" means the sentence in respect of which the public protection decision is made.*

*This [test] does not limit the matters which the decision-maker must or may take into account when making a public protection decision.*

## **Secretary of State's Directions to the Parole Board 1 August 2023**

### **Transfer of indeterminate sentence prisoners (ISPs) to open conditions**

#### ***Directions***

*1. Before recommending the transfer of an ISP to open conditions, the Parole Board must consider:-*

*i. all information before it, including any written or oral evidence obtained by the Board;*

*ii. whether the following criteria are met:*

- 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*

- *the prisoner is assessed as presenting a low risk of abscond.*
2. *The Parole Board must recommend a move to open conditions only where it is satisfied that the two criteria (as described at 1(ii)) are met.*

#### TACT Prisoners

3. *There is a presumption that a prisoner serving an indeterminate sentence for a specified terror or terror connected offence will be unsuitable for open conditions unless exceptional circumstances can be evidenced. Where the Secretary of State considers that exceptional circumstances may apply, the Parole Board will be invited to consider whether the ISP is suitable for a transfer to open conditions.*
4. *Before recommending that an ISP (as described at 3) be transferred to open conditions, the Parole Board must be satisfied that the exceptional circumstances have been evidenced, that the two criteria (as described at 1(ii)) are met.*

#### Foreign National Prisoners

5. *Pursuant to Prison Rules, an ISP who has been served with a deportation order and who has exhausted all their in country appeal rights is not eligible to be considered for open conditions. An ISP who is liable for deportation, but has not exhausted appeal rights may still be considered for transfer to open conditions.*
6. *Before recommending that a foreign national ISP (as described at 5) be transferred to open conditions, the Parole Board must be satisfied that the ISP presents as a very low risk of abscond, that the first criterion (as described at 1(ii)) is met.*

## **Information Sheet**

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 or a licence termination (where applicable) 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)

Under Rule 28 the time allowed for an application is 21 days from the date it is sent 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 \(www.gov.uk\)](https://www.gov.uk)

#### 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.