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INVESTOR IN PEOPLE

Case No:

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Name

Ronald Biggs

Reasons

The Panel further considered Mr Biggs's case on 15/06/09 and was satisfied that his level of risk can safely be managed in the community during the early release period subject to licence conditions. Parole is therefore recommended.

Evidence considered by the Panel

The Panel considered the case following an adjournment for further evidence to be produced. The standard dossier contents were before it, including an up-to-date OASys. Five sets of representations were received on Mr Biggs's behalf in response to a series of addendum reports from the Offender Manager and the Panel has carefully considered their contents. No specific information from the Victim Liaison Unit was before the Panel, although it had been actively sought.

Analysis of offending

Mr Biggs is serving a total of 30 years imprisonment for conspiracy to stop mail with intent to rob and robbery with aggravation. He pleaded not guilty to the charges. Mr Biggs had several previous convictions from the age of 15. Convictions included acquisitive offending, car crime and a conviction for robbery (with 6 TIC's) in 1950 when he received 42 months imprisonment. He had also been convicted of breach of an order of the Court. The index offence involved the robbery in 1964 of a mail train by a large gang of which Mr Biggs was a member. The signal was interfered with and the telephone line to the signal box was cut. The robbers were armed with a variety of weapons including coshes and crowbars and were disguised with balaclavas and stocking masks. A coach carrying bank notes whose value was estimated at £2.5 m was decoupled and taken further down the line by the locomotive. During the course of the robbery the train driver was hit over the head with an iron bar and knocked unconscious. He was described during the trial as having been "brutally knocked about." Some 40 other members of staff, some of whom were in the high-value coach, were on the train. Those in the high-value coach were offered violence described by the Court of Appeal as "not so severe". The whole enterprise was described as "long prepared, carefully planned and ruthlessly carried out" and as being an act of "organised brutality."

Mr Biggs now describes what happened to the train driver as a "light tap". He says he has no regrets about the conspiracy and subsequent events.

Mr Biggs escaped from HMP Wandsworth in 1965 with assistance from both inside and outside the prison and went abroad where he underwent plastic surgery and spent many years evading extradition and recapture. He eventually returned to the UK voluntarily in 2001

following a disabling series of strokes. Explanations of his decision to return have varied; it has been suggested that it was in order to obtain care for his medical condition but he says that in his poor state of health he wanted to serve out his sentence and finish his days at home with his family. He had certainly been at pains to avoid return prior to this time.

Factors which increase or decrease risk of reoffending and harm

In the light of the time that has elapsed since the commission of the offences it is difficult for the Panel to be satisfied as to what factors led Mr Biggs' involvement. He now accepts that his lifestyle, drinking and associates were relevant. It is quite plain that he was associating with those involved in serious crime; this can be concluded both from his involvement in an offence of this nature and his well-planned, externally organised escape in 1965. He was also able to obtain plastic surgery and travel as far as Australia incognito following the escape.

His health is now very poor; this issue is dealt with in more detail later in these reasons. His future risk has been profoundly affected by his physical disabilities.

Evidence of change during sentence

There is no information before the Panel in relation to his behaviour during the short time he was in prison prior to his escape. It is unlikely that any risk-reduction work was undertaken then; if it was, the subsequent escape indicates it was ineffective. His behaviour now is described as generally friendly and unproblematic. He is category C, standard status. For health reasons he has not undertaken education nor been in employment. There have been no proved adjudications. There is no evidence of drug use in custody. There are no security concerns. His state of health has also precluded formal risk reduction work and he has no sentence planning objectives for the same reason. Mr Biggs has made several applications for compassionate release. None of these has been successful. It is clear from the dossier that medical information not before the current Panel was submitted to the Secretary of State in support of these applications, but the Panel considers that it has sufficient information to form a conclusion about his current difficulties.

The strokes he has suffered have deprived him of speech and the ability to swallow. He is tube-fed and communicates by hand gestures and the use of an Alphabet Panel. His mobility is limited; in 2005 he was able to walk short distances but was otherwise reliant on a wheel chair. The Panel has not been provided with more up-to-date medical assessments of his mobility but accepts that it is likely to have deteriorated since then. He has had a successful cataract operation. In 2005 he was suffering from gastric ulcers; there is no further information about this condition. He has suffered from recurrent chest infections since at least 2004 and these are plainly currently a serious concern. He was diagnosed as suffering from severe depression in 2005 - again there is no more up-to-date information.

He has received good support from his son Michael and other friends and family members since his return to this country.

Panel's assessment of current risk of reoffending and serious harm

The OASys risk assessment indicates a medium risk of further offending. The OGRS result places him in a group of which overall 4% reoffend within two years. Both Probation report writers consider that risk both of reoffending and of serious harm are low, this largely because of his physical infirmity and age. Both consider the risk he presents to be manageable under an appropriate risk management plan. Both recommend parole. It does not appear that either was aware at the time of writing that he had a previous conviction for robbery. It is, however, reflected in the new OASys.

Plans to manage risk

He will be supervised under MAPPA level 3 because of the media attention and public and political interest his case is likely to attract. The police, local authority and local health services have all been concerned in the formulation of the risk management plan alongside Probation Services and will continue to be involved in his supervision. He will reside at a Nursing Home near where his son lives in Barnet. He requires 24 hour nursing care because of his feeding, communication and mobility difficulties. He will be unable to travel to supervision so it will take place at the Nursing Home. The placement has been identified and approved by the MAPPP and the London Borough of Barnet has agreed to fund his care. It is not named but the Board accepts that in the particular circumstances of Mr Biggs' case it is appropriate that the placement is not specifically identified in these reasons. Arrangements are in hand for its manager to visit Mr Biggs before release. Funding of the Nursing Care component has been agreed in writing with NHS Barnet. Whilst funding for the balance of the fees of that specific facility by the Local Authority has not yet been finalised, difficulties are not anticipated. The Older Adults Community Team has already accepted that it is suitable. It is reported that in the unlikely event that the identified placement is not considered suitable and the balance of the funding for it is therefore not forthcoming, it can be ensured that all arrangements for an appropriate alternative are finalised prior to Mr Biggs' PED. It appears from his latest Representations that Mr Biggs is content with the proposal.

Conclusion: Level of risk and suitability for release

The Panel's primary concern is the risk to the public that Mr Biggs will commit a further offence at a time when he would otherwise be in prison and whether that risk is acceptable and manageable. It will balance that risk against the benefit to the public and to Mr Biggs of such early release under supervision in terms of rehabilitation and the reduction of the risk of re-offending in the future.

In Mr Biggs' Representations considerable emphasis is placed on the differences in sentence between himself and other conspirators. It is also argued that others have long since been freed. Parity of sentence is not a matter for the Panel and any notion of parity between co-defendants in their respective parole decisions is entirely irrelevant to the Panel's task to assess

the risk an individual offender presents.

Those representing him argue that, as he was not directly responsible for the assault on the driver, it should be ignored. The Panel does not agree. Mr Biggs was a co-conspirator. The robbers were armed; it was plainly in contemplation that violence might be offered to those on the train and in the event it was. The Panel has taken the injuries suffered by the driver into account when assessing the seriousness of the offences of which Mr Biggs was convicted. It is further suggested that only the public were victims of these offences. This is not the case. As well as the seriously injured driver, there were many others on the train, some on the decoupled coach. All are highly likely to have been adversely affected by the violent offence.

Considerable public support for his release is posited, based on a petition which, Mr Biggs' representatives say, has been signed by over 10,000 petitioners. Such support is not relevant to the Panel's assessment of risk. In any event, examination of the sample signatories provided with the Representations reveals that it is not as extensive as asserted.

Mr Biggs was convicted after trial of an extremely serious offence and received, as described, by the Court of Appeal a "wholly exceptional sentence for a wholly exceptional crime". It appears he remains unrepentant of this crime. As a result of a well-orchestrated escape he avoided the service of this sentence for many years. The Panel acknowledges it has no evidence he was convicted of any offences committed when he was unlawfully at large but considers that his behaviour over that long period was not to his credit. He persistently and purposefully evaded apprehension while courting the attention of the media.

Prior to conviction for the index offences he had accumulated a substantial list of convictions from an early age, including for violent crime and for breach of trust, and had served several quite lengthy terms of imprisonment. This was by no means, as described in his Representations, a history of "petty crime" and indicates to the Panel that he was a man who posed a significant risk of further violent crime. The escape and long time he was unlawfully at large indicate that his propensity to breach trust is a very significant factor.

The Panel has approached formal risk assessments with some circumspection. It appreciates that they yield low estimates of risk. However, Mr Biggs' offence and current circumstances are extremely unusual and he has spent many years out of the jurisdiction. The tools are not necessarily capable of producing accurate results in an atypical case.

In terms of his attitudes and risk areas there is little evidence beyond his increased age to suggest that, if he were able to return to his old criminal associates and lifestyle, the risk of involvement in further violent offending has reduced significantly. He has not undertaken risk related work and does not regret his offending.

He has courted media attention over many years and it is not likely media interest will diminish if he is paroled. It has not always been to his benefit, and there is no reason to suppose that concerns of public safety will inform or inhibit any future media interest. This

area will require rigorous monitoring and the Panel is pleased to note that it has received appropriate emphasis in the risk management plan.

What has quite plainly reduced enormously is his capacity to reoffend; the medical evidence indicates overwhelmingly that his own ability to commit further acts of violence has reduced to an extremely low level. The Panel is not persuaded that risk arising from association with criminal peers and consequent indirect involvement in offending is necessarily equally low. However, the risk management plan and circumstances in which he will live mean that any increase in risk or association with criminal peers will be identified very quickly and can be managed.

Taking all these factors into account the Panel is satisfied that the risk he poses is manageable under the proposed risk management plan and consequently Parole is recommended.

Please sign below to indicate that you are content with the panel's decision and reasons (including licence conditions which may have been added) **and that the final typed notification is correct and contains no errors.**

Panel Chair's Signature:

Date: