



Courts and Tribunals Judiciary

Rex

-and-

Louis de Zoysa

**Sentencing Remarks of Mr Justice Johnson
Crown Court at Northampton, 27 July 2023**

1. Introduction

- 1.1 At 1.26am on 25 September 2020 you shot dead Sergeant Matt Ratana.
- 1.2 He was the custody sergeant at Croydon Police Station. He had devoted his working life to public service, putting himself in danger to protect the public, and to protect and safeguard those who are brought into custody. You have robbed Su Bushby of their future life together; Diane Peachey of her step-son; Luke Ratana, of his father; Jessica Williams and James Young, of their brother. They are all, rightly, immensely proud of the man you killed. They recognise that the sole responsibility for his death lies with you. They express only support, sympathy, respect and admiration for the other officers who were on duty. Luke Ratana is, himself, a police officer. He knows as well as anyone the dangers they face and the difficult circumstances in which they operate.
- 1.3 You said you had an autistic meltdown. You said you had diminished responsibility. The jury disagreed. The jury convicted you of murder. The sentence for murder is set by law. It is imprisonment for life. So, I sentence you to imprisonment for life. I impose the statutory surcharge in the sum required by law. I have made a deprivation order in respect of specified items that were seized from you.
- 1.4 I am satisfied that you will be held in conditions that will ensure your medical needs can be accommodated and that you can be treated in accordance with your rights. The operational manager for the category A team at His Majesty's Prison, Belmarsh, has confirmed that they have the resources and facilities to provide the care that is required. The Secretary of State can, if necessary, make an order for your detention in hospital. I refused an application to adjourn sentence. I am satisfied that there has been ample time to obtain any information that is relevant to sentencing. I have a great deal of medical evidence about your condition. I have all of the information that is necessary to pass sentence.

2. Minimum term order and whole life order

- 2.1 The law requires the court to decide whether to set a minimum term order or a whole life order. A minimum term order means that you can be considered for release after you have served the minimum term. A whole life order means that you will remain in custody for the rest of your life.
- 2.2 A minimum term order must be set unless the court is required to make a whole life order. The court is required to make a whole life order if the seriousness of the offence means that a minimum term order should not be made.
- 2.3 A sentence of imprisonment for life, with a whole life order, is a sentence of last resort. It is for cases of the most extreme gravity. It is reserved for cases where that is what is required to secure just punishment. In the event of any doubt as to whether that standard is reached, a minimum term order is likely to be appropriate.
- 2.4 If the seriousness of the offence is exceptionally high, then the starting point is a whole life order.
- 2.5 The law identifies cases that are normally of exceptionally high seriousness. They include the murder of a police officer or a prison officer in the course of his or her duty. In those cases, the starting point must normally be a whole life order.
- 2.6 You murdered a police officer who was acting in the course of his duty. So, this case is within a category where the starting point is normally a whole life order.
- 2.7 Depending on the facts of the case, the starting point can be changed from a whole life order to a minimum term order. But that can only be done if that is justified. And it will only be justified if the seriousness of the offence is not exceptionally high.
- 2.8 After deciding the starting point, the court must consider anything aggravating and mitigating factors. If the starting point is a whole life order, then, depending on these factors, the court could impose either a whole life order or a minimum term order.
- 2.9 So the final sentence depends on the starting point, and then the balance of those other factors.

3. The events of 25 September 2020

- 3.1 The relevant events are captured on CCTV and body worn video evidence.
- 3.2 I am sure of the following:
 - (1) When you were stopped, you were in possession of a gun. The gun was a revolver which had six chambers. Each chamber contained a bullet cartridge. You were also in possession of a pouch containing 7 additional bullet cartridges. Each of the cartridges was suitable for firing from the gun.

- (2) You knew you were in possession of the gun and cartridges when you were stopped by the police. You knew the gun worked. You knew the cartridges worked with that gun. You knew that each cartridge was likely to kill if fired directly at a person's chest.
- (3) You had no lawful or good reason for the possession of the loaded gun or the cartridges.
- (4) You deliberately concealed the revolver from the police. You told them you had cannabis to focus their attention to that. You did that in the hope that it would make it less likely they would find the gun. When the police found the 7 cartridges, you lied and said that they were not real.
- (5) You made strenuous and successful efforts to retrieve the gun whilst you were handcuffed behind your back. There was no lawful or good reason for you to do that.
- (6) You had time and space to consider what to do. It was 50 minutes between the time you were stopped and the time you shot Sgt Ratana. There were 8 minutes after arrival at the police station before you were brought out of the van. You had already retrieved the gun at this point. During those 8 minutes you were left entirely alone without any distraction. You were able to think about what you would do.
- (7) You posed a lethal risk not just to Sgt Ratana, but also to the two other officers who were in the holding room, and also to any other officers, and anyone else, in the area.
- (8) You had twice been arrested before without incident. On this occasion the video evidence shows that you were treated with conspicuous compassion and kindness. Or as Luke Ratana put it, with respect, dignity and understanding. None of the officers gave any reason for you to feel at risk of harm or threat.
- (9) You did not have an autistic meltdown. Your actions were voluntary. They were controlled. They were deliberate. You acted in cold blood.
- (10) You intended to kill Sgt Ratana. You deliberately aimed the gun at his chest at near point-blank range. The first shot caused fatal injuries. It also caused Sgt Ratana immediately to fall to the ground. Even as he fell, you re-aimed and fired a second shot at him.

4. The starting point

- 4.1 Parliament has said that the murder of a police officer in the execution of his or her duty is normally an offence where the seriousness is exceptionally high.
- 4.2 Parliament recognises that there may be cases where that is not so. I have considered the impact of your autism on your culpability. In doing so I pay close attention to the Sentencing Council's guidelines. You were not having an autistic meltdown. You were in control of your actions. Expert evidence during

the trial indicated that autism does not cause people to be violent. Autistic people are no more likely to commit violent offences than anyone else.

- 4.3 Autism had an impact on your social communication and social interaction. But you were able to make yourself understood. That included when you requested an appropriate adult and a solicitor. Any communication difficulty, or difficulty with interaction, had no bearing on your decision to shoot Sgt Ratana.
- 4.4 Autism can also result in restricted and repetitive patterns of behaviour, activities or interests. It may be that this helps explain your interest in firearms. But it does not help explain your decision to kill Sgt Ratana.
- 4.5 Autism also affects how you perceived things. For example, you are not tolerant of noise. Again, that does not explain your decision to kill Sgt Ratana.
- 4.6 You were able to exercise appropriate judgement. You were able to make rational choices. You were able to understand the nature and consequence of your actions. There was no sufficient connection between your autism and the murder to reduce your culpability by reason of your autism.
- 4.7 Autism is not to blame for your decision to murder Sgt Ratana. You are to blame for that.
- 4.8 There is no reason to depart from the normal rule that seriousness of this type of offence is to be regarded as exceptionally high.
- 4.9 I therefore adopt the starting point of a whole life order.
- 4.10 But that is subject to the other factors that make the offence more or less serious.

5. Aggravating factors

Sergeant Ratana performing a public service and exercising a public duty

- 5.1 This factor is inherent in the starting point of a whole life order. It is not therefore a separate aggravating factor.

Planning and premeditation

- 5.2 Your decision to kill Sergeant Ratana was not immediate or panicked. There was a degree of both planning and premeditation. Prior to being stopped by police, you had no plan to murder a police officer. Once you had been stopped and detained, you did form a plan to do so. That plan took shape in a number of ways. You lied to the officers. You said you did not have anything that could hurt them. You told them that the cartridges that they found were not real. You pointed them in the direction of the cannabis in your bag, diverting their attention from your body where the gun was concealed. You went to considerable, and probably painful, lengths to retrieve the gun in a way that was undetected. Once you had hold of the gun you kept it hidden under your coat. As you moved from the van to the holding cell you sought to keep your back close to the wall to help conceal the gun. All these things showed a degree of planning and premeditation. That is a significant aggravating feature.

Use of a firearm

- 5.3 You acquired the gun and then manufactured bullet cartridges for it. You loaded each of the chambers of the gun, and took it with you as you took a journey in public. You took it into a police station. Those actions created a significant risk to members of the public, and to those in the police station, including other officers who were also exercising public duties. After the lethal shot you fired three further shots. They, and particularly the third and fourth shot, posed a high risk to the lives of other police officers. Your use of a firearm is a further significant aggravating feature. The use of a gun to commit the murder means, in itself, that the seriousness of the offence was particularly high.

6. Mitigating factors

Upbringing

- 6.1 You had a difficult upbringing. You were bullied at school. Your father beat you. That is sad and distressing. But you did well at school. You got 3 As at A level. You had a job at HMRC. You did well at that job. You had a girlfriend. I have read many statements from those who knew you. That includes your former girlfriend. It includes colleagues at work.
- 6.2 The difficulties you had to endure in childhood do not significantly reduce the seriousness of this offence.

Age

- 6.3 You were 23 at the time of the offence. You are now 26. You were highly intelligent. You had studied independently. You were in work. You were living independently. There is no evidence of any lack of maturity.
- 6.4 A whole life can only be imposed on an offender who is over the age of 21. You were not substantially over that age, and you were still within the age bracket where neurological development can impact on maturity. You were, however, close to the top end of that age bracket. Your age is a mitigating factor.

Good character

- 6.5 You had no previous convictions or cautions for any offence. That is a mitigating factor in your favour. Its weight is limited because I am sure that you had been engaged in unlawful conduct in relation to drugs and firearms.

Autism

- 6.6 I have already explained that your autism does not reduce your culpability. It is a mitigating factor to the extent that it affects the impact of imprisonment on you. I have considered academic research on the experiences of autistic prisoners. That impact is complex. In some respects, it is possible that you may have less difficulty enduring a loss of liberty, and a structured regime, than others. In many other respects it is likely that you will find imprisonment more difficult, particularly in how you deal with staff and other prisoners, and the

effect of noise and other sensory stimuli on you. On balance, you are likely to find prison more difficult than a neurotypical prisoner. I take that into account.

Injuries

- 6.7 After shooting Sergeant Matt Ratana twice, you fired two more shots. One hit the wall of the cell, mercifully missing the two officers who were bravely restraining you. The fourth hit you in the neck. This resulted in bleeding and a blood clot. The clot travelled to your brain and caused some damage. That has resulted in physical problems. They mean that you now use a wheelchair. It also caused real problems with your communication. You use a whiteboard to help you communicate. It is entirely due to your deliberate and voluntary actions that you have these injuries. I have regard to the impact of imprisonment on you in the light of the totality of your injuries. I am satisfied that adequate treatment can be provided in custody. Even so, I recognise that custody is likely to be more difficult both because of your injuries and your autism. This is a significant factor to consider when deciding whether to impose a whole life order.

Impact on family

- 6.8 I have read the statement of your mother. I recognise the impact that your sentence will have on your family. None of them were or are dependent on you for their care. This is not a significant mitigating factor.

7. Balance of aggravating and mitigating factors

- 7.1 The aggravating factors outweigh the mitigating factors. The aggravating effect of the use of a gun, and the planning and premeditation, outweigh the mitigating effects of your personal mitigation, including the impact of custody.
- 7.2 There is therefore no justification to depart from the starting point of a whole life order. That is what Parliament has decided should normally apply to the murder of a police officer in the execution of their duty. The seriousness of the offence means that a minimum term order is not justified. A whole life order must be imposed.

8. Sentence

- 8.1 Louis de Zoysa, I sentence you to imprisonment for life.
- 8.2 I impose a whole life order.
- 8.3 That means that you will remain in custody for the rest of your life.