

Sentencing Statement

Re

Samuel Barlow

Lerwick 04.02.2015

Cases like this do not come before the courts either frequently or regularly. It is therefore an unusual case which has not been easy for me to resolve – partly because of your young age.

But, you have pled guilty to 5 charges of a most serious nature. They all involved the presentation of an air rifle at either police officers or members of the public. In two of the charges the presentation of the rifle was accompanied by a threat to shoot police officers. Whether or not you actually intended to carry out such a threat I do not know. I am not sure that even you know but I note from the Criminal Justice Social Work Report that you accept that at one point near the end of the incident you came close to opening fire.

This was a course of conduct that must have caused the utmost fear and alarm to those whom you confronted. None of them knew until it was all over that what you had in your possession was an air rifle rather than a firearm. Over and above the fear and alarm that you caused, you caused considerable expense to the public purse which has had to bear the cost of a full scale police operation to bring the incident to a close.

Thankfully, it came to a close without bodily injury to anyone but I think that perhaps, now, you realise how close you, yourself, came to being shot and perhaps killed. To be in the position of deciding whether or not to deploy a weapon against another person must be a highly stressful and unenviable situation to be in, even for trained police officers. Thankfully, for you, the professionalism and restraint shown by those police officers averted what could easily have been a fatal outcome. That professionalism and restraint also lessened the risk to the public. The police officers concerned are to be highly commended for their handling of what was a delicate and dangerous situation.

Now that the dust has settled, it has fallen to me to decide how to deal with you for these offences. Even in the cold light of day and even in the knowledge that the weapon was an air rifle rather than a firearm I can do

no other than take a very serious view of your offending. Of course, I realise that the fact that it was an air rifle means that the potential for serious injury, had you decided to use it, was much less, though it was not non-existent. But that fact, I think allows me to retain control of the sentencing process rather than handing that over to the high court – which is something that I have seriously considered.

The aims of sentencing that are uppermost in my mind are punishment, deterrence and protection of the public. You cannot escape punishment for what you have done. At the same time I have to send out a message both to you and to anyone else who may be tempted to behave in a similar fashion that offending in this way will be dealt with severely. Finally, I have to have regard to the safety of the public and to lessen the risk to them of any repetition of this type of behaviour.

I have paid very close attention to the criminal justice social work report and to the psychiatric and psychological reports that have been prepared. I have listened very carefully to what has been said on your behalf today and on previous occasions. I realise that there have been certain difficulties for you thus far in your life and that you would benefit from the support that various agencies, no doubt, can provide. But it seems to me that taking everything into account there is no alternative to a custodial sentence. Sometimes custody is not the answer but in this case it will mean that the public will be protected from any risk of repetition in the short term because of your incarceration and hopefully in the long term due to your having time to reflect on what you have done and the opportunity to avail yourself of the support services that will be available to you in your place of detention.

Had it not been for your plea of guilty at the first diet I would have imposed a custodial sentence of four years. However, I will instead sentence you to custody for a period of three years to reflect the timing of your plea. I will backdate that to 24 September 2014 when you were first taken into custody.

As things stand at the moment you will be eligible for release once you have served half of your sentence. I am concerned to ensure that the public will then be protected from any risk of serious harm and to that end I consider it to be necessary to make you subject to a supervised release order for a period of one year from the date of your release. During that period of one year you will be under the supervision of an officer of the local authority. You will need to comply with such requirements as that

officer may reasonably specify. You will also need to report to your supervising officer as directed and promptly notify any change of address. In addition I require you, during that period, to take part in such programmatic work and to participate in such counselling and support as the officer of the local authority may specify having regard to the terms of the psychiatric and psychological reports which have been carried out and having regard also to such guidance as may be offered from the support agencies within your place of detention.

If you fail to comply with the terms of the supervised release order it could result in your being taken back to custody to serve out the remainder of the period of one year from the date of your failure.