



JUDICIARY OF
ENGLAND AND WALES

R v Kenneth Hall

Central Criminal Court

Sentencing Remarks of HHJ Pontius

26th June 2015

1. This defendant pleaded guilty to Counts 1 & 3 on the indictment on 26 May last, the first day of an intended trial of both the defendant and his wife, who faced all three charges but whose plea to Count 1 (aiding and abetting her husband's Misconduct in a Public Office) was accepted by the prosecution. I sentenced her straightaway but adjourned Mr. HALL's sentencing in order that a Pre-Sentence Report could be prepared.
2. Count 1 reflects a course of conduct pursued by this defendant over a period of more than two years during which, as a Registered Psychiatric Nurse at Broadmoor High Security Hospital, he repeatedly sold confidential information about a number of patients, some of whom had committed extremely serious crimes which had achieved nationwide notoriety over the last few decades. The defendant was paid thousands of pounds by the News of the World and Mirror Group Newspapers - £23,800 in total - both for that information and for that supplied after his employment ended, using his wife's bank account for purpose.
3. That grave breach of trust - the trust not only of the public in general, but of course that of the patients themselves, many of them suffering from extremely serious mental illness which had led to their detention in hospital for very many years - would, on its own, have represented as appalling an offence of its kind

that could be imagined. This defendant's criminal conduct, however, did not end when his employment at Broadmoor finished in October 2004, because he continued to pursue and to take advantage of his corrupt relationship with Mirror Group Newspapers until July 2006. During that period he was paid further sums of money for the stories he supplied but, no longer working at Broadmoor and thus having no access to patient records and other confidential information, he provided his journalist contacts with fabricated material, the detail of which was entirely false whilst purporting to relate to actual patients.

More seriously still, the police investigation revealed that he had also been making up stories even whilst still employed as a nurse at Broadmoor - for no other reason than that the more sensational the story, the more money he would receive, at times - presumably - when there was a dearth of genuine material to offer. In order to make those fabricated stories even more newsworthy and thus more lucrative he also forged official hospital patient records in such detail and with a degree of craft that display not only professional experience but also an extremely fertile imagination.

4. The defendant's manufacture of so much false information, of course, totally undermines any suggestion that he was acting in, rather than against, the public interest. Thus there can be no viable attempt to justify what he did by claiming it was altruistic "whistle-blowing" in order only to bring to public attention and urgent official scrutiny some suggested malpractice on the part of the hospital authorities or perceived favourable treatment of patients.
5. This was, therefore, an abuse of public trust of such gravity as would rightly be utterly condemned by all right-thinking members of the public as causing very serious harm to the public interest.
6. I accept that the defendant was approached by a journalist, who provided him with contact details, at a social event and so did not seek out a potential purchaser of the confidential information to which he was privileged to have access by virtue of his work. Thereafter, however, it is plain - as reflected in the defendant's basis of plea - that for many months he freely carried on what became a lucrative trade in information.

7. There are no sentencing guidelines, as such, for the assistance of the court when considering cases of this kind. That is not surprising given the infinite variety of facts and circumstances which inevitably arise in such cases, perhaps the more so than in most other types of offending. The nearest similar cases are those concerning misconduct by prison officers who have sold information relating to criminals in their charge. Yet this case is more serious than those, in my view, because the individuals to whom the defendant owed a duty of care and in respect of whom, as he was well aware, he owed, in addition, a duty of confidentiality within the terms of the Code of Conduct, whilst many had committed some of the gravest crimes of violence to come before the courts of this country, nevertheless had done so whilst suffering from mental disorder to a greater or lesser extent and were therefore entitled not only to dedicated, professional care but to a high degree of respect for their privacy and for the unfortunate circumstances which had led to their indefinite detention.
8. So far as mitigation is concerned I am able, in the context of these offences, entirely to disregard the relatively minor offences which occurred well into the defendant's past. I also must bear very much in mind the plight of his wife, who - I am well aware, having seen her and heard mitigation on her behalf before sentencing her last month - is in poor health and heavily reliant on others for assistance in the sort of everyday tasks that a wife and mother would take pride in doing unaided. It follows, of course, that in addition this defendant bears by far the greater burden of looking after their three young children. A prison sentence, therefore, however short, will inevitably have a profound effect, both practical and financial, upon the whole family. That, of course, is a consequence which I should not hesitate to avoid if my public duty permitted as I have no wish to visit such additional difficulties on a family which already has very considerable problems, and will continue to do so for the foreseeable future. Nevertheless, it is very often an unfortunate consequence of the sentencing process, when a defendant receives an appropriate sentence of imprisonment, that it is innocent dependants who suffer the effects far more harshly than the offender

himself. That is a consequence, however, for which the offender alone must bear responsibility. Given Mrs. HALL's state of health I very much hope that whatever state and local authority assistance may be necessary is provided to her and the children without delay.

9. I also bear in mind the length of time which has elapsed between the commission of these offences and the defendant's appearance before the court. Further, so far as his guilty plea is concerned, normally a plea entered for the first time on the first day of an intended contested trial would merit minimal credit. However, I accept that his wife's position as a co-defendant was uppermost in his mind in the weeks and months leading up to trial and in consequence I am able to give a little more credit than would otherwise be appropriate. Given the contents of the character references written to the court by people who know him well, I am also able to accept that the defendant's plea, entered knowing that he faced the prison gates, reflects a degree of genuine remorse.
10. KENNETH HALL, if you had pursued your pleas of not guilty to conviction by a jury I have no doubt, for the reasons I have set out, that the correct sentence would have been two and a half years' imprisonment. In the light of all the facts of the case, and the powerful mitigating circumstances put forward on your behalf, I am able to reduce that sentence to one of two years upon both Count 1 and Count 3, those sentences to run concurrently. Of that sentence you will be required to serve half before automatic release on licence, thereafter being liable to serve the outstanding balance if you commit any further offence during that time. Any days spent in custody since arrest will be deducted from the period you are required to serve.
11. If the statutory victim charge applies in this case I make the necessary order in the appropriate amount.

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