

CENTRAL CRIMINAL COURT

**Regina**

**-v-**

**Benjamin Hannam**

**SENTENCE**

1. You are now aged 22 and were of good character until you pleaded guilty on 23<sup>rd</sup> March 2021 to a charge of possession of prohibited images of children. On 1<sup>st</sup> April the jury convicted you of membership of a proscribed organisation which was connected to your successful application to join the Metropolitan Police without revealing that you had ever been a member of the BNP or a similar organisation which contradict the duty to promote race equality and two charges relating to the possession of an electronic copy of 'Knife Combat Version of Spetsnaz GRU' and of 'A European Declaration of Independence' by Andrew Berwick.
2. I take account of the fact that your offending largely took place when you were 18 years' old and that elements of your offending took place when you were younger than that. I have had regard to the guidance provided in Clarke and Hobbs and a recent article on the sentencing of young adults in the Criminal Law Review which I was invited to read. Whilst I accept that you were not fully mature and I have taken account of the psychiatric and psychological reports and what the witnesses who served with you in the police force said in their evidence, there are mixed signals as to your actual maturity. Indeed your interest and wide reading into politics and history from the age of about 14 tends to suggest a certain maturity in your thinking beyond your years.

3. No one appreciated that you were autistic and I have no doubt that your autism played a part in your offending. It explains why you kept material which others may have discarded and why you were meticulous about holding it in appropriate folders and sub-folders on your computer. You described yourself as lacking friends because of what you now appreciate was your autism. Your girlfriend described you as outgoing, courageous, educated and well-mannered and with a large friendship group in classes and at lunch until you had to stay on for a third year in the 6<sup>th</sup> Form and your friends moved on.
4. You told the jury that a lack of a friendship group led you to join National Action. I reject that explanation. Whilst it may explain that you wanted to look elsewhere for friends it cannot explain why you chose National Action over any other group and it was clear that you had started collecting right wing material before you became active with National Action.
5. In short whilst I have considered the overarching guidelines in respect of young offenders and the overarching guidelines in sentencing defendants with mental and developmental disorders, it is your autism that most affected your behaviour rather than any immaturity, although I accept that one has an effect on the other.
6. I have considered whether the dangerousness provisions apply to your case and, having regard to your age and other factors, I do not intend to impose an extended sentence although I am required to apply a special custodial sentence under s.278 of the Sentencing Act 2020 in respect of your conviction on counts 1, 4 and 5.
7. In respect of Count 1 and membership of a proscribed organisation I find that your association with the organisation was active but not prominent. You encouraged someone you met on line to come to a

meeting of National Action and were one of a handful of members who went to Swindon to be filmed painting graffiti and what you were painting was a depiction of NS131 which was of your own design. I find that you must have known that you were being filmed doing this and that you must have had some idea how the film would be used subsequently.

8. I agree that under the Sentencing Council's Definitive Guidelines the offence category is "B". An aggravating feature is that your offending was motivated by, or demonstrated hostility to, the relevant characteristics of the victim. Whilst being careful not to double count, the nature of the, in particular, antisemitic material which you retained and added to, albeit in a very significantly reduced quantity, until just before you made your application to join the police was horrible and deeply troubling. I do not consider the length of time that you were a member of National Action aggravates your offending.
9. The mitigating factors were your good character, although I remind myself that by this time you had downloaded the prohibited drawn images of children. That does not add to your sentence but it does take some of the shine off your good character.
10. As to other factors urged on me by Ms Williamson in respect of this and your offending generally:
  - (a) I do not find that there was any significant coercion, exploitation or intimidation by other members of National Action. This was an organisation which wanted to attract young intelligent people. It is not suggested that the reference at Agreed Fact 49(6) referred to you. I have no doubt that they bought you food and drink when you went to meetings but that was because you were still at school and without an

income and because you were spending your own money to travel to events. The fact that you attended some meetings and not others tends to show that you were not intimidated into joining or being a member of National Action. I reject your evidence that you were violently assaulted at a boxing match or that you were pushed into being in the photograph taken on 2<sup>nd</sup> July at the graffiti event.

(b) However your undiagnosed autism did make you susceptible to their advances and messages and generally vulnerable and I will take that into account in your favour.

(c) I have already said that you do not strike me as particularly immature but I have explained how I will take that into account.

11. I have considered the sentences which have been imposed on other members of National Action but in the end I have to come to my own conclusion based only and in part on Scothern which was considered by the court of appeal, although Scothern was about 2½ years younger than you and different issues were raised on appeal than those which are relevant here.

12. I agree with Miss Williamson that the offending in respect of count 1 is more serious than the offending in relation to the documents which you had in your possession but each has an affect on the other. Whilst I will not impose consecutive sentences in relation to these counts, I intend to increase the sentence on count 1 to reflect your offending on counts 4 and 5.

13. I reduce the sentence from the starting point of 5 years under the guidelines to one of 3 yrs 9 months to include the aggravating feature

before considering the affect of the mitigating features which I have already outlined and which I will deal with later.

14. Next I turn to counts 4 and 5. I have considered the representations made as to whether this is a culpability B or C case. In my judgment your offending falls into more into Category B than C offending, but I accept that the terrorist connections or motivations are towards the lower end of the scale. As to harm this is a Category 2 case. Taking that into account and the fact that the maximum sentence has increased from 10 to 15 years since the guidelines came into force which reflects parliament's view of the seriousness of the offences generally as well as the need to increase the maximum sentence available and which makes very little difference to my sentence. The appropriate sentence before considering any mitigation is one of 3 years.
15. In relation to counts 2 and 3, you had reached an age and level of maturity that allowed you to apply, successfully, to serve as a Metropolitan Police Officer. To do so you had to lie about your previous involvement with National Action and the emerging NS131. The jury, rightly, did not accept that you autism played any part in your decision not to reveal your background involvement.
16. You deliberately withheld information which you knew, were you to reveal it, would end your prospects of becoming a police officer. Whether you added the Hitler moustache and Nazi insignia to the photograph of yourself in uniform or whether someone else did so because they knew of your empathy towards the extreme right wing does not matter but it shows that your interest in such matters continued after you had been accepted into the force.
17. I accept that your politics as displayed during the period of the indictment played absolutely no part in your policing and that you

provided value for the salary you obtained, and I do not believe that you had any plan to infiltrate yourself into the police force so as to be useful to the far right at a later stage; there is no evidence of that whatsoever.

18. The police recruitment system relies on individuals telling the truth. Had the police done any research under your name it is very unlikely that it would have produced any results. You abused the trust put in you and the public in general to tell the truth in the answers given or alternatively, knowing what they would have to reveal, in not taking their application any further. I consider what you did to be very serious and you have harmed public trust in the police by your deceit.
19. I agree that your offending falls into Culpability B and, that I must reflect that you gave value for money whilst you were employed by the police. However to reduce the level of your offending wholly to a Category 4 offence does not, in my judgment, fully reflect the seriousness of what you have done. I do not judge that you can benefit to the same extent for your age and, autism and other mitigating factors which I have already set out bearing in mind the age you were when you committed this offence and the nature of your dishonest activity. Before reducing the sentence for the mitigating features I judge the appropriate sentence to be one of 15 months. This is a separate type of offending and will be treated accordingly.
20. As to the prohibited images, they were found on your computer in a file headed "Anime stuff". The images are very unpleasant and their theme involves the domination of a mature male over a naked or semi-naked child against whom he is committing sexual acts.
21. The evidence supports that you deliberately selected each image from the internet on 7th December 2014, when you were 16 years old. Had you faced these charges alone it is unlikely that I would have passed a

sentence of imprisonment because of your age and because these are drawn images and there is no evidence that any child was affected by their production. I would have made an order, also taking into account your plea of guilty, which would have allowed you to attend a sexual offences programme. However in the circumstances I am constrained to pass a short custodial sentence.

22. In addition to the mitigating features which I have already mentioned, in determining your sentence will also take into account your personal mitigation:

- (a) That you have and will again make a positive contribution to society,
- (b) The support of your family.
- (c) That you have the capability to further your academic studies in the future,
- (d) Your faith
- (e) The character references from Scott Grover and Honoka Sone, and
- (f) The effect that a custodial sentence will have on you.

23. I deal with ancillary orders:

- (a) I make a forfeiture order of the items set out in the statement of Peter Adi, a copy of which must be provided to the court clerk.

- (b) I make a Serious Crime Prevention Order for two years. I will deal with the start date later. It will be in the terms of the document I have seen and which has been agreed by the defence and I direct that a copy of that document be served upon you within 7 days.
- (c) You will be subject to the notification requirements under the Counter Terrorism Act 2008 for a period of 10 years.
- (d) By virtue of your plea to the prohibited images you are subject to the barring conditions of working with children under the Safeguarding Vulnerable Groups Act 2006.

24. **STAND**

- 25. The release provisions after one half of your sentence will apply in respect of your sentences for fraud and possession of prohibited images. In respect of the terrorism offences you will be released after two thirds of your sentence, and when you are released you will remain on licence for the rest of the sentence including an extended period, and at risk of being recalled to prison should you breach the terms of your licence or offend again. The surcharge provisions apply to this case and a collection order in the appropriate amount will be drawn up accordingly.
- 26. The offence is so serious that only a custodial sentence can be justified and the least possible sentence I can impose having regard to the aggravating and mitigating factors of the case which I have set out together with everything that your counsel has said on your behalf is as follows:-

27. On counts 2 and 3 you will go to prison for a determinative term of 12 months on each count concurrently.
28. On the charge of possession of prohibited images of children you will go to prison for a determinative term of 3 months to be served concurrently to counts 2 and 3.
29. On count 1, and adding 9 months to your sentence to reflect your offending on counts 4 and 5, I sentence you to a custodial term of 3 years 4 months and a further licence period of 1 year making 4 years 4 months in all.
30. On counts 4 and 5 I sentence you to a custodial term of 2 years 6 months and a further licence period of 1 year making 3 years 6 months in all.
31. The sentences on counts 1, 4 and 5 are to run consecutively to the sentences I have imposed on counts 2 and 3 making a total custodial term of 4 years' 4 months' and a further licence period of 1 year.
32. The Serious Crime Prevention Order will come into operation in 2 years' and 10 months' from today and will last for a period of 2 years thereafter.