



**THE CROWN COURT AT ISLEWORTH**

**Case No. 01MP1147424**

**THE KING**

**-v-**

**Linda Katherine DE SOUSA ABREU**

**Sentence 6<sup>th</sup> January 2025**

1. Linda Katherine DE SOUSA ABREU, you may remain seated.
2. You are aged 31.
3. In June 2024 you were a prison officer at His Majesty's Prison Wandsworth and I have to sentence you for the offence of misconduct in that public office.
4. On 25<sup>th</sup> June 2024 you engaged in sexual activity with a prisoner. That compromised your role as an officer, and was misconduct which undermines discipline within the prison, and puts fellow officers at increased risk. You knew that conduct was forbidden and forbidden for good reason.
5. You also consented to a second prisoner video recording these events. Within a few days that video went viral on the internet and your offending became known to the prison authorities.
6. You have asked for two other offences of misconduct in a public office to be taken into consideration. One was performing oral sex on the same prisoner on a separate occasion on the same day, an event partly recorded, by accident, on your prison issue body worn camera.
7. The other was a previous occasion of sexual intercourse with the same prisoner.

*Background*

8. You had started work at Wandsworth in January 2024 some five months before this offending. You completed basic training in April. That training

includes “counter corruption” training, which emphasised the need to maintain professional relationships with prisoners and avoid becoming compromised by them.

9. We are all aware that HMP Wandsworth has had grave problems, and it was, and is, a challenging working environment. The conditions there were the subject of an adverse report from the Chief Inspector after visits between 22<sup>nd</sup> April and 2<sup>nd</sup> May 2024, in consequence of which a large number of prisoners were moved elsewhere. I have reviewed that report in preparation for this sentence.
10. In the course of this sentence I shall refer to the Pre-Sentence Report prepared by Lucy Jones and the psychiatric reports prepared on the instruction of the defence by Dr Kooyman, a consultant forensic psychiatrist, who has the advantage that he has worked at Wandsworth in the recent past.

#### *The offence*

11. On 25<sup>th</sup> June 2024 you were on duty in uniform when you went to a cell with the prisoner. You took off your prison issue radio and put it to one side. Your set of keys was at risk of being taken.
12. A second prisoner was present and had a camera, doubtless on a ‘phone which must have been an un-authorised ‘phone. He also appears to have been smoking cannabis. Rather than challenge his possession of a ‘phone or cannabis you consented to him recording what was happening.
13. The recording lasts some 4 ½ minutes during which you gave the prisoner oral sex, then vaginal intercourse in a number of positions, before concluding by giving more oral sex. You participated with evident enthusiasm. The second prisoner recorded events and provided a commentary by way of encouragement including saying “*Guys we made history*”, “*This is how we live at Wandsworth bruv*” and “*You know you are a gangsta*”.
14. Both prosecution and defence asked me to view the footage and that I have done.
15. Through your lawyers you have provided a written basis of plea, accepted by the prosecution, confirming that you consented to the sexual activity, and to the second prisoner recording it.

16. You deny that you had any prior knowledge, or gave any consent, for the video to be uploaded to the internet. You also deny any intention that the recording be uploaded to an OnlyFans account you had opened in the past but had been dormant since January 2023.
17. I shall sentence you on the basis that you did not intend the recording to be uploaded to the internet for public viewing, let alone OnlyFans. However, you consented to that recording being made in circumstances where you would have no control over it, and no assurances as to privacy, and the fact of the recording made you even more vulnerable to blackmail.
18. From what I know about you, you were certainly not naïve about the media or social media. It must have been obvious that the recording would be shown around and shared, at least amongst prisoners at Wandsworth where it would do the most harm.
19. Whether you intended it or not, the fact is that the video went viral, and caused great harm. Many offenders do not intend the harm that their offending causes, but they nevertheless bear responsibility for it.
20. You have asked for two other offences to be taken into consideration, and I shall do so. They show that this offence was not isolated. It was part of repeated behaviour. It is not clear when the earliest offence occurred so I shall assume the repetition was within a few days.

#### *Enquiry and arrest*

21. It seems that you became aware that the recording had gone viral on Thursday 27<sup>th</sup> June 2024. Early the following morning you rang the prison to say that you were not returning to work, that you were at the airport, and had a family emergency.
22. A portion of the recording was drawn to the attention of prison staff during 28<sup>th</sup> June. At 7pm that night you were detained at a departure gate at Heathrow where, in company with your father, you were seeking to board a 'plane for Madrid.
23. You say that you were planning to leave the country only until the public and media interest in the video had died down. You maintain that you did not understand that your misconduct had been illegal although, to Dr Kooyman, you said that your husband had advised you not to hand yourself in. This is an instance of many, apparently contradictory, things you have said in the

accounts that you have given. The fact is you were clearly aware that the video was evidence of serious misconduct when you planned to leave the country.

24. You were interviewed by the police on 29<sup>th</sup> June and made 'no comment' to the questions asked. However, you and your legal representative, had prepared a written statement of some length and detail. It asserted that you acted under duress making detailed and serious allegations against the prisoners. In effect you accused the prisoner of rape, aided and abetted by the second prisoner. You have now made it clear that was a false allegation supported with false details. It was one intended to avoid the consequences of your own criminal acts, and means that I must consider your other statements intended to minimise your culpability, with considerable care.
25. You maintained that assertion at the hearing before the magistrates but then pleaded guilty to the offence at the first hearing in the Crown Court. You will therefore receive the standard 25% reduction in sentence.
26. Your advocate has confirmed that all that you said in the police interview suggesting that you were under pressure, or believed you were under pressure, to engage in this sexual relationship was untrue. He has also made clear that all you said to the author of the pre-sentence report or to Dr Falloon about pressure on the day was untrue. In short all suggestions recorded at any stage that what occurred in that cell occurred because of any pressure were not true.

#### *The basis for sentence*

27. The Sentencing Council has not issued a guideline for this offence and therefore I follow the overarching principles. I also take account of passages from the Equal Treatment Bench Book to which I have been referred.
28. There is a clear distinction from other cases where lengthy sentences have been upheld in that your compromised position came to light before it could be used to put pressure on you to reveal security information or bring in contraband, although you had made yourself vulnerable to such pressures.
29. I have to assess harm and culpability. To assist me to assess harm I have considered the statements of prison staff, Marsha Silburn, Andrew Davey and Ian Blakeman.

30. *Harm*: As the guideline makes clear, where the harm caused is greater than that intended the sentence will normally be assessed by reference to the harm suffered by the victim – and I perceive the victim here as being the prison service. Harm includes not only that actually caused but that which might foreseeably be caused.
31. At the time of the offence, you were distracted from your job, and your radio and keys were at risk. That, in itself is a risk.
32. An inappropriate relationship, whether freely entered into or the result of manipulation by a prisoner creates a significant risk to the good order of the prison and makes the prison officer vulnerable to coercion by the prisoner to disclose information or carry contraband. If other prisoners become aware, then that undermines the authority of the officer. Other prisoners may likewise seek to coerce the officer or suspect that prisoners are not being treated equally. Such relationships are utterly corrosive within the prisons and any sharing of recordings within the prison will make matters even worse.
33. The presence of female officers in the male prison estate is described by Ms Silburn as “invaluable”. The consequence of your behaviour becoming known within the prison, has been that female officers at Wandsworth have been subject to abuse and harassment from prisoners. Female officers have reported being subject to sexual approaches, and say they have become seen as “fair game”.
34. The consequence of the recording going viral, a result that you did not intend but which was certainly a consequence of your offence, has been that prison officers have faced heckling and harassment. They have been confronted with sexualised images falsely suggesting that your conduct is typical. Children of your fellow female prison officers have been teased as to what their mothers may do at work. It is inevitable that the damage for which you were responsible at Wandsworth has spread, to some degree, through the prison estate. It will impact on the reputation of the prison service and, with that, the prospects of recruiting and retaining staff. It causes anxiety among those close to vulnerable prisoners who worry more about the environment in which prisoners are held. That recording is still out there and will doubtless circulate indefinitely.

35. You are not responsible for the wider problems of prisons, but you have added to them.
36. The level of harm is high, indeed very high.
37. *Culpability*: The starting point must be that during training prison officers are taught about the need to maintain professional relationships with prisoners so that they are not open to abuse, misrepresentation or exploitation on either side. Dr Kooyman assessed you as intelligent and insightful. You can have had no doubt at all that any form of sexual relationship was completely forbidden and must have understood the harm that can flow from such a relationship. To Dr Kooyman you acknowledged that you knew your actions were unprofessional but said you did not understand that you could face prosecution.
38. To ensure there was the opportunity to offend it would have been essential for you to be alone with the prisoners. This was the second sexual encounter with the prisoner on that day. To that extent the offence was pre-meditated.
39. Why did you breach that clear line? There can be no doubt about the challenging working environment and I acknowledge that the Prison Inspectorate reported on a lack of support for inexperienced staff but you now resile from any suggestion that you offended because of pressure.
- 40.. What you said to the author, and repeated as recently as in your letter to me, was that you came to view the prisoner as your protector, a person who made you feel safe, and in that context you provided sexual services. But that is conceding to the very manipulation that your public office required you to resist.
41. A clearer assessment comes in my view, from Dr Kooyman who observed that, although you felt unsupported, you enjoyed the sense of power that came with your position, the prisoners doing as you asked, saying you became grandiose and delusional, your mood high and that you loved working there. You told him that you developed a close attachment to the prisoner to the extent of wanting the relationship to continue after he was released, you say that you loved him, so you never felt so safe in your life and you “felt like a gangster”. You said that you did not believe that consequences existed for you and did not think that you would be caught. Looking back, you now say that he groomed you.

42. Although you have accepted much of what you have said about how this offence came about is untrue I consider that I can rely on Dr Kooyman's conclusions even though you did tell him, of the filming, that you knew it was being recorded from the outset but that you felt trapped and needed to go along with it – one of the matters from which you now resile.
43. I will not describe the detail of your difficult, and in some respects traumatic, upbringing, or your mental health issues up to 2019, and since your arrest, but I have read Dr Kooyman's reports carefully.
44. He diagnosed a Borderline Personality Disorder, which he regarded as severe. It is combined with ADHD and makes you highly impulsive and reckless so that you tend to act without considering the consequences. You have a history of engaging in high-risk behaviour and of using sex as a means to feel positive emotions. His view is that you thrived on the fear and anxiety of the dangerous environment, your control over the prisoners, and the attention you received. He found that you knew full well that you were breaching your duties saying that this merely enhanced your positive mood, and that you were almost intoxicated by engaging in high-risk such that the consequences of your actions were not consciously considered.
45. It is clear that you remain responsible for your action and that you knew where the boundary lay. You were certainly reckless, and, by reason of your disorder, thrived on the situation you embraced. In considering culpability I keep in mind that this was not a brief lapse but repeated behaviour.
46. I find that your mental disorder was a significant factor leading to this offending, it provides an explanation as to how you came to go down that path, but, for an intelligent and insightful person, I find that your culpability was reduced significantly but not substantially. But for the mental health diagnosis the level of culpability would be high. I reduce that to medium.
47. I take as a starting point for sentence as 24 months before considering issues of aggravation and mitigation.

*Aggravation and mitigation*

48. I find the following aggravating factors that I have not already factored in.
- a. First that I am dealing with three offences over a period of at least some days;

- b. Second that you made false allegations against the prisoner and the second prisoner in an attempt to avoid the consequences of your action.

49. I have taken account of the consent to being filmed, and the consequences of that, already. I do not feel able to determine that your attempt to leave the country was a deliberate attempt to avoid justice.

50. There is significant mitigation, and I take account of all that I have read about you.

51. You were of effective previous good character, although that must be of limited effect when it was that good character that enabled you to find work in this public office.

52. I have read the letters that you and your husband have written to me. I take into account your clear remorse. You feel deeply the shame and distress you have brought on your husband and family.

53. There is a background of trauma set out by Dr Kooyman and in the Pre-Sentence Report that ranks as mitigation separate from its effect on culpability.

54. I must also have particular concern for your now seven year old child. Although in your absence your child will be well cared for by her father and grandmother you have been the primary carer and any separation will have adverse consequences.

55. Finally I take account of the fact that, given your past work, your notoriety, and your health issues, prison will be hard on you, and that prisons, including female prisons, are full at this time and their resources, including mental health resources, stretched. You are fortunate to have the support of your husband and family.

*Sentence but for the guilty plea, and credit for plea*

56. This offence clearly crosses the custody threshold as your advocate accepts. Balancing the aggravating and mitigating factors I find that had there been a trial the appropriate sentence would have been 20 months. I reduce that by 25% because of your guilty plea to reach the figure of 15 months.

*Suspending the sentence*



57. I must now consider whether that sentence can be suspended. The Sentencing Council guideline identifies a number of factors but they do not carry equal weight.
58. The factor favouring an immediate prison term is that appropriate punishment can only be achieved by immediate custody.
59. This was considered in *R v Hibbs [2022] EWCA Crim 1924*, a case concerning an inappropriate, but not sexual, relationship between a prison nurse and a prisoner. That authority confirms that only in exceptional circumstances can an immediate prison sentence be avoided for offences of this sort. That is because of the need for a strong deterrent element. Your offence, for the reasons I have set out, was much more serious than that of *Hibbs*.
60. The factors favouring suspension are the prospects you have of rehabilitation, there being a low risk of re-offending, and your personal mitigation including your mental health. Most powerful is the harmful effect on your child. I have considered guidance in the Equal Treatment Benchbook, and the Pre-Sentence Report rightly highlights the importance, where practicable, of diverting women and mothers from custody unless it cannot be avoided. My principal concern here is for your child, although that is balanced by my concern for the consequences for the children of your fellow officers.
61. Your conduct, and the harm caused, was immensely serious. Even allowing all the mitigation I have weighed the need for the strong deterrent element of an immediate sentence against the factors that might lean towards suspension and concluded that immediate custody is necessary, albeit shorter than it could otherwise have been.
62. Linda De Sousa Abreu stand up. The sentence on you is one of 15 months imprisonment. Of that you will serve half in custody, unless the prison authorities decide to release you earlier. The remainder you will serve on licence.
63. You have been subject to a qualifying curfew for 190 days and that entitles you to a credit of 95 days against that sentence.

64. There are no financial orders that I can make save to record that the surcharge provisions set by Parliament apply. I direct payment in 28 days and make a collection order.

65. Copies of the pre-sentence report and psychiatric reports will accompany you into custody. I will ask the Isleworth Liaison Practitioner to liaise with the prison Inreach team.

HHJ EDMUNDS KC

6<sup>th</sup> January 2025