1. Tracy Boateng, it cannot be emphasised enough just how serious this oﬀence was. You were

a senior prison oﬃcer with 4 years’ experience, you had undergone the requisite training, which included counter-corruption training, and you were well aware of the strict boundaries that exist people in your position and those they are responsible for supervising, and you were well aware of the reasons for and the importance of such boundaries.

2. Over a period of just in excess of 2 months, you knowingly breached those boundaries by

your wholly inappropriate behaviour with and towards a prisoner who was housed on the wing

you were assigned to, and who was, therefore, under your supervision.

3. BWV footage from your own camera evidences a number of occasions on which you can be

seen to behave in an inappropriately intimate manner with and towards the prisoner in question, Vincent Ojo, including the use of sexualised language, and both embracing and kissing him. The vast majority of this behaviour seems to have taken place in the wing oﬃce when you were alone with Mr Ojo, but there was a single occasion on 26th February 2024, when there was, to say the least, over-familiarity between you in the presence of other prisoners in what appears to be a food servery area.

4. In addition to that type of inappropriately intimate behaviour, you can also be seen on another

occasion to be divulging restricted operational information regarding staﬃng allocations and responsibilities on the wing with him when you were alone in the oﬃce, and on a separate occasion to allow Mr Ojo to view material on your computer screen.

5. Following the discovery of this footage and your arrest on 18th April 2024, your phone was downloaded and revealed a discussion that you had had with a fellow prison oﬃcer, which is

said to be suggestive of there being an ongoing romantic relationship with Mr Ojo, with the other party stating, “Nah this guy really believes you’re his fairy tale ending.”

6. There are no speciﬁc sentencing guidelines in relation to the oﬀence of misconduct in a public

oﬀence, which is contrary to common law, but I have been helpfully referred by counsel, and had regard to section 63 of the Sentencing Act 2020, together with the General Guideline: overarching principles as provided by the Sentencing Council.

7. In my judgment this is an oﬀence involving high culpability - as has been submitted by the

prosecution, as a senior prison oﬃcer you held a position of authority and trust, and were expected to discharge the duties associated with that authority and trust in accordance with and by the upholding of prison rules. You wilfully breached and abused your position by engaging in wholly inappropriate behaviour with and towards a prisoner in your charge, behaviour that went against all of the training that you had been given, and the rules that you were entrusted to uphold.

8. I do take account of the fact that it has been conﬁrmed that in early December 2023 you self-

reported by submitting a Corruption Prevention Intelligence Report onto the HMP Pentonville Server stating that following your discovery of a mobile phone in his cell, Mr Ojo had been inappropriate towards you and was making you feel uncomfortable, and requesting his   
transfer to another wing or another prison. Further, Ms Kenyon has been able to add that the report refers to Mr Ojo using your ﬁrst name and making references to your home address.

9. Although within this single report there is no mention made of you being subjected to threats,

including for example, that people would be sent to your home, it would appear that in the 4 months between the submission of the report and your arrest, although further requests were made by you for transfer, regrettably no steps (or at least none that have been brought to this court’s attention) had been taken either to investigate the substance of your report or to separate you from Mr Ojo whilst an investigation took place.

10. That being said, it is undoubtedly the case that subsequently you allowed matters to escalate,

when, as you have conceded, there were other routes that you could and should have   
pursued in order to deal with the situation, and other choices you could and should have

Page 1 of 4

made. You were asked by the author of the PSR how your relationship with Mr Ojo   
progressed from him making threats to the degree of over-familiarity and intimacy that can be seen on the footage, and you were unable to give a deﬁnite answer to that question. And I   
have to agree with the author of the report’s assessment of the contents of the footage, when she opines that it does not depict someone who felt threatened or pressured - you appear perfectly relaxed and at ease, and on occasions to initiate contact yourself.

11. In relation to harm, which section 63 of the Sentencing Act deﬁnes as “any harm caused,

intended to be caused or might foreseeably have caused”, in my judgment, this can be properly termed as signiﬁcant. Your behaviour had the clear potential to undermine the authority of your fellow oﬃcers, and particularly other female oﬃcers, who might be seen as potential targets by other prisoners who had observed your over-familiarity with Mr Ojo (as per the footage from 26th February 2024). You also shared information regarding prison administration with a prisoner, information which is restricted for good reasons, including no doubt reasons of security and safety. Both of those features had the capability to undermine the upholding of rules and the maintenance of stability and good order on the wing.

12. I have also been referred by both sides to the case of ***R v Hibbs [2022] EWCA Crim 1927***, in which a sentence of 6 months’ immediate imprisonment was upheld in relation to the 23-year-

old appellant, who had worked as a nurse at HMP Parc, and had, over a period of just in a excess of one month had “inappropriate and clandestine” telephone contact with a prisoner, and it was stated within the judgment of the Court of Appeal that - *“…it is likely that, save in exceptional cases, an oﬀence such as this will result in a sentence of immediate custody, even for a defendant who is of good character and where, as here, the illegitimate conduct did not last for very long.”*

13. That reasoning is well explained by the following passage quoted from a statement by the Head of Security at HMP Parc, who explained the potential damage that can be caused by

this sort of oﬀence -

“Corruption undermines all of the challenging, hard and valued work that goes on within a

prison. The eﬀect corruption has on the stability and safety of the prison cannot be   
 underestimated. Staﬀ are expected to maintain control, order and discharge their duty to   
 prisoners in a professional and trustworthy manner. This does not allow for personal   
 relationships which impede the ability for such staﬀ to then act with integrity and uphold rules   
 equitably.”

14. In my judgment, as has been submitted by the prosecution, this case is more serious that the

case of ***Hibbs*** for the following reasons - ﬁrstly, the appellant in that case was a nurse, you were a prison oﬃcer, employed in a supervisory capacity which included maintaining order and discipline; secondly, in that case the contact was via telephone only, as opposed to face-

to-face and physical contact as in this case; thirdly, it was accepted in that case that the prisoner was the one making the contact and taking the lead, as opposed to this case where you can be seen on occasions to be initiating contact by going to Mr Ojo’s cell or calling him into the oﬃce and then shutting the door behind him; and, fourthly, there was no conﬁdential information passed by the appellant to the prisoner in that case.

15. Accordingly, in my judgment, this oﬀence is so serious that nothing other than a custodial sentence can be justiﬁed. The issue that this court has to consider in this case is whether

such a sentence must be immediate or whether there are circumstances and mitigation which would allow for it to be suspended.

16. You are 27 years of age, and obviously of previous good character. I have read the PSR and the various character references uploaded onto the DCS ﬁle with care. It is clear that you are

highly regarded by those who are close to you and those with whom you have worked - all Page 2 of 4

speak of your many positive qualities. I am also conscious of the fact that by virtue of this conviction you have lost your good character and your career, both of which represent considerable punishments in themselves.

17. It is also clear that your life has literally been turned on its head in the last 13 or so months. You have gone from having a successful post-graduate career in a position of responsibility

and authority, to being an unemployed and ﬁnancially challenged, single mother of a young child, living in accommodation which sounds far from appropriate. These are incredibly   
diﬃcult adjustments for anyone to have to make.

18. In addition, I am told that you continue to suﬀer from health problems associated with your

pregnancy and the birth of your daughter. At 28 weeks into your pregnancy you were diagnosed with gestational diabetes, and this led to the birth being induced at 39 weeks. It was a traumatic birth, following which you developed sepsis. You described yourself to the author of the PSR as being “overwhelmed” by your current circumstances, and “only holding on” for the sake of your daughter.

19. The author of the PSR ﬁnds you to be at low risk of reconviction, and at low risk of committing

a further seriously harmful oﬀence. Those are assessments which I accept and agree with. In   
my judgment, this entire experience will have been a salutary lesson and a steep learning   
curve in your case, and you are someone who is unlikely to trouble the courts in the future.

20. I make it absolutely clear, however, that neither your good character nor the low risk of reconviction would have persuaded me to suspend the sentence of imprisonment that I intend

to pass in this case. Despite your strong personal mitigation and the fact that you present as someone with an obvious prospect of rehabilitation, this oﬀence is so serious for the reasons I have already stated, that ordinarily I would have taken the view that appropriate punishment could only be achieved by immediate custody.

21. There is, however, an exceptional feature in this case - and that is your child. You are the mother of a very young baby, you are still breastfeeding that baby, and you are the sole carer

for that baby. Given your separation from the father and your estrangement from your own mother, it is unclear what child care arrangements could and would be put into place for the duration of any immediate custodial term.

22. Whoever else may be culpable in this case, one thing is certain - your child is a total innocent,

and the impact of your immediate incarceration on such a young baby at such a crucial and fragile time in her development would be signiﬁcant and potentially extremely harmful. And it   
is for that reason, and that reason alone, that I am persuaded to take a wholly exceptional course and to suspend the sentence of imprisonment in this case.

23. I have also considered whether there are any requirements that should be imposed upon you

as part of a SSO. The author of the PSR states that Probation intervention is not required in your case, and that you are unsuitable for unpaid work due to your child caring   
responsibilities.

24. You are assessed as suitable for a curfew, and in the circumstances that would be what I would ordinarily have in mind to mark the gravity of the oﬀence by the imposition of a

signiﬁcant restriction on your liberty, having regard to the fact that I am not passing an immediate custodial sentence. However, again I am forced to have regard to your situation, being a single mother living alone with a young infant, and in my judgment the imposition of a curfew in such circumstances is just simply inappropriate. I therefore intend to follow the recommendation in the PSR and pass an order without requirements.

25. In terms of credit, there was no indication of plea given in the lower court, but that was at a time when you were absent for reasons to do with your pregnancy. You were therefore sent to

this court in your absence, and thereafter entered your plea of guilty at the earliest available opportunity, which was at the PTPH. In those circumstances, you are entitled to full credit.

Page 3 of 4

26. Taking a starting point of 18 months, and aﬀording you full credit for your plea of guilty, the

sentence is one of 12 months’ imprisonment suspended for 24 months.   
27. No costs.

28. VS applied.

Page 4 of 4