

IN THE CROWN COURT
SITTING AT CARDIFF.

R
V
MEGAN BREEN

SENTENCE.

On 14th June 2021 you began work as a member of the operational support staff at H. M. P. Prescoed. HMP Prescoed is a Category D prison for inmates considered to be low risk. Upon joining, you underwent the standard induction process which lasted for one week. This induction was comprehensive, ensuring that new staff were thoroughly acquainted with prison protocols, expectations, and security requirements. A central element of this programme was security training and included strong emphasis on the requirements for staff to keep all interactions with prisoners, ex-prisoners, their friends, and family on a strictly professional basis. It was made explicit that certain types of relationships are categorically prohibited, including social, romantic, or sexual relationships and that any unauthorised contact was prohibited even if outside work. The security training was completed and formally signed off by you on 15th June 2021. By doing so, you acknowledged an understanding of these professional standards and agreed to abide by them as a condition of continued employment at Prescoed Prison.

Concerns regarding your behaviour first arose on 19th March 2022, when William Morgan, a recently appointed member of staff, was on his first gatehouse

duty together with you. During the shift, you accessed the prison's computerised prisoner database using your own unique ID number. You viewed the file and photograph of a prisoner who was serving a sentence of 4 years and 4 months for conspiracy to supply class A drugs. That prisoner had been transferred to HMP Prescoed on 26th May 2021. He was permitted temporary release, including overnight, and he was also given an official prison phone for use only during his release for work and for home leave.

While the photograph and file of that prisoner were visible on your screen, you told Mr. Morgan about a recent birthday trip to Liverpool with two colleagues. You disclosed that while there, you had slept with a man who, you said, was a prisoner at Prescoed with whom you used to speak during night duties. When Mr. Morgan sought clarification, you identified the prisoner by pointing to his photograph on the screen. Mr. Morgan initially thought that it might be a joke, but you said that you had met the prisoner while he was on home leave, you went out for drinks, and ultimately returned together to your hotel. You revealed you had met the prisoner's family. You said that upon your return to Wales, you were in possession of the prisoner's personal phone and saw that he had been "Facetiming" with other women, leading you to end communication with him. You disclosed to Mr. Morgan that a few prisoners were aware of the relationship but assured him these individuals would remain silent, as would the two colleagues who had travelled with you to Liverpool. When questioned about the potential consequences, you acknowledged the seriousness but expressed confidence that no one would report the matter. Quite properly on the next day, Mr. Morgan reported the conversation to the Prison Security Manager. As a result, you were suspended, the prisoner was transferred to Cardiff Prison, and the police were notified. The police investigation discovered a note of your phone number and Snapchat user name in the prisoner's room at Prescoed and a download of the prisoner's authorised phone revealed the nature and extent of your relationship

with the prisoner and also confirmed what you had told Mr Morgan.

You are now 23 years old but you were only 19 or 20 years old when this behaviour took place. You are of good character, that is you have no previous convictions, cautions, warnings or reprimands.

When passing sentence upon you, I have to consider the purposes of sentencing for an adult, which are the punishment of offenders, reduction of crime, including its reduction by deterrence, the reform and rehabilitation of offenders, the protection of the public and the making of reparation by offenders to persons affected by their offences.

I have taken into account the Definitive Sentencing Guideline on the Imposition of Community and Custodial Sentences and I have paid particular attention to those factors that I must take into account when determining whether or not a custodial sentence should be suspended.

Applying the sentencing guideline on reduction of sentence for a guilty plea, you pleaded not guilty at the PTPH on 10th January 2024 and it was not until 22nd July 2025 that you pleaded guilty. You are entitled to 15% credit for your late guilty plea.

There is no specific sentencing guideline for this offence and therefore, I have taken account of the General Sentencing Guideline: Overarching Principles. I have also taken account of section 63 of the Sentencing Act 2020, which provides that where a court is considering the seriousness of any offence, it must consider (a) the offender's culpability in committing the offence and (b) any harm which the offence caused, was intended to cause or might foreseeably have caused. I am satisfied that your culpability in this case was high. You knew what you were

doing was wrong, you had had appropriate training but nevertheless, you went ahead and formed what was clearly a significant relationship with a prisoner. As for harm, no actual harm was caused although it was foreseeable that significant harm could have been caused as described in the statement from the Prison Governor that has been read to the Court. I bear in mind that some other prisoners knew about your relationship with the prisoner and that, during the trip to Liverpool, you put two of your colleagues in a very difficult position by introducing them to the prisoner, who they did not recognise, thereby putting them in the position where they were inadvertently breaching the prohibition on contact with a prisoner. I also have to reflect the nature and frequency of the contact between you and the prisoner concerned. Overall I take the view that this is a medium level of harm.

On the other hand, you have significant mitigation. You are still relatively young and at the time of these offences, you were only 19 or 20 years old. You are not just free of convictions, you are of positive good character as borne out by the references submitted on your behalf. There was significant delay before you were charged. I accept that your remorse is genuine. I take into account everything that is set out in the Pre-Sentence Report, the references that have been provided on your behalf and uploaded to the sentencing section of the digital case system, and Mr Bowen's helpful mitigation today. I have also taken into account the increased risks and burden that an immediate custodial sentence will have upon you due to your recently confirmed pregnancy.

I have considered the authorities of R v Bassaragh [2024] EWCA Crim 20 and R v Petherick [2012] EWCA Crim 2214. I have to take into account not only your Article 8 right to a family life but also, and much more importantly, the rights of your child. I have to ask whether the sentence would be an interference with your family life and that of your child, whether it is in accordance with law and in

pursuit of a legitimate aim within article 8.2, and whether the interference is proportionate given the balance between various factors. The legitimate aims of sentencing have to be balanced against the effect of the sentence on the family life of others, includes the needs of society to punish serious crime, the interests of victims, and the need of society for appropriate deterrence which is always of significance in cases such as this. The likelihood of interference with family life is inevitably proportionate to the gravity of the offence. That is the more serious the offence, the more likely it is that the interference with family life is proportionate.

Although you were young, you held a position of responsibility as a member of the prison staff. You could have been in doubt that what you were doing was wrong and you were well aware of the consequences.

It is clear to me that this is an offence that crosses the custodial threshold, that it is sufficiently serious for a custodial sentence to be appropriate. I am going to deal with the sentence first and then deal with whether or not the sentence should be suspended. Had you been convicted after a trial, taking account of all of the factors that I have set out, the least sentence I could impose upon you would be one of 12 months' imprisonment. Allowing no less than 15% discount for your guilty plea, the sentence is one of 10 months imprisonment. That is a sentence that is capable of being suspended but that does not necessarily mean that it must be. I have to consider the factors set out in the Imposition Sentencing Guideline that I must consider when determining whether or not a sentence should be suspended. Not all factors are equal. It is clear you do not present a risk or a danger to the public, you are of good character, so there is no question of a history of poor compliance with court orders. There is a realistic prospect of rehabilitation and there is strong personal mitigation. It is clear that immediate custody would result in a significant harmful impact upon others, namely your

very young son, your unborn child, and the child for whom you are a carer. I have taken into account the summary of the expert evidence on the risks to pregnant women in custody that was provided to the Court of Appeal in Bassaragh at paragraph 26 as it is of general application. All those factors are in favour of a suspended sentence order. However, the other factor I have to take into account is whether appropriate punishment can only be achieved by immediate custody. I bear in mind that in R v Hibbs [2022] EWCA Crim 1927 at paragraph 17, the CACD stated “Accordingly, 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. In deciding though whether immediate custody is the only appropriate punishment, the court must still consider the nature of the specific failing or the abuse of power or responsibility involved and to what degree the particular misconduct put the public interest at risk.”

I have considered all of those matters very carefully and I am satisfied that your pregnancy and the needs of your soon to be one year old child and the young child for whom you are a carer make this an exceptional case such that the sentence should be suspend.

The sentence of 10 months imprisonment will be suspended for 18 months with a requirement of 15 days Rehabilitation Activity Requirement.

That means that you must meet with the officer supervising this RAR requirement as and when required and you must attend and co-operate fully with any activities that are arranged. If you fail to comply with this requirement you will be in breach of this order, or you commit any further offence of any kind you will be in breach of this order. That means that you will be brought back to court and you will be liable to serve the sentence, either in full or in part.

If the statutory surcharge applies, the order will be drawn up accordingly in the appropriate amount. Any error can be corrected administratively, as can any error

in the Collection Order that I also make. You will pay that order within 3 months.

I also make an order for costs, reducing the amount to reflect your means, in the sum of £500. To be paid in instalments of £50 per month.