



JUDICIARY OF
ENGLAND AND WALES

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-V-

ALAN OSTLER

CENTRAL CRIMINAL COURT

20 JANUARY 2014

SENTENCING REMARKS OF HH JUDGE HILLIARD QC

1. Alan Ostler, you have pleaded guilty to one offence of committing misconduct in a public office. You pleaded guilty at the first reasonable opportunity and so you will receive full credit for that.
2. You were employed by Broadmoor hospital as an Assistant Technical Instructor. You had been employed there for 6 years when in 2008 you made contact with a newspaper because you wanted to sell a story about a patient at the hospital where you worked and where as a result, you had obtained information which you passed on about the patient's gender re-assignment process. It is quite plain from all the material I have seen that your motivation was financial, although in the event you did not receive any money for the information about this patient. Your offence is aggravated by the fact that you sought to establish a relationship with another newspaper for which the motivation was also commercial.

3. Offences of misconduct in a public office are always serious. The public are entitled to expect that those who hold a public office and are paid by the public will not abuse that trust for money as you sought to do. This offence, however, is at the lower end of the scale. You did not hold a senior position and were not in fact paid money for the information which is the subject of the charge to which you have pleaded guilty. Nonetheless, offences of this kind will usually warrant a sentence of immediate imprisonment. Your Counsel accepts that this offence crosses the custody threshold.

4. You are 32 years old. You have no previous convictions. Your previous good character is underlined by the character references I have read. In particular, you have not been in any other trouble in the 5 and a half years or so since you committed this offence. The time which has elapsed is significant.

5. In all the circumstances of this particular case which I have outlined, in my judgment the proper course is to suspend the sentence of imprisonment which must be passed. In addition, you must be further punished by a requirement that you do unpaid work for the community.

6. The sentence is one of 7 months imprisonment which will be suspended for a period of 18 months. In addition, you must perform 150 hours of unpaid work.