

**212.5a Corruption etc.**

*R v McCarthy* 2015 EWCA 1117, 2 Cr App R (S) 47 (p 355) D pleaded at her PCMH to assisting an offender and misconduct in a public office. She had obtained a master's degree in criminal justice and in 2010 she qualified as a probation officer. D managed a cohort of high-risk offenders and had achieved some very encouraging results. One of her placements was S. He was addicted to crack and had spent 14 out of the last 20 years in prison. D worked tirelessly to assist S but became emotionally dependant on him. On a home visit, D provided S with a mobile phone. Shortly afterwards, S was locked out of his accommodation and D took him back to her flat for the night. She took S back to his accommodation in the morning. D then committed a burglary. Police investigated it and told D that S was wanted for it. D correctly started the process for the revocation of S's licence. When police asked D about the number of the phone she had given S, she said it was her phone and she had let S use it to phone his mother. This was a lie. The result of this was that the police did not seek to find S through his use of the phone. D's basis of plea was that the reason for this was not to help S but to avoid disciplinary proceedings. When D was away on holiday, she permitted S to live at her flat knowing he was still wanted by the police. A sexual relationship developed between them. During this time D committed four dwelling burglaries. When D appeared at the Crown Court D talked her way into the cells to speak to S. D was now aged 31. She lost her job and the relationship with S continued. Held. The seriousness lay in the period of time the offending persisted. S was a prolific offender and D harboured him when employed in a position of trust. Starting at 16-18 months was not inappropriate. **12 months** concurrent on each was not manifestly excessive.

**229.10 Public officials**

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