

**THIS IS AN OFFICIAL REPORT OF THE MENTAL HEALTH
REVIEW TRIBUNAL PROCEEDINGS IN RELATION TO MR
MARCUS HOGARTH AUTHORISED BY THE PRESIDENT OF
THE TRIBUNAL ON 20 July 2017**



This is an edited version of the Tribunal's decision. The patient has been allocated a pseudonym for the purposes of this Official Report

DETERMINATION OF TRIBUNAL

In relation to **Mr Marcus Hogarth**
held on 21 April 2017 at Metropolitan Remand and Reception Centre
Tribunal Members: Angela Karpin, Michael Giuffrida, Michael Gerondis

The case of **Mr Marcus Hogarth** was reviewed under the provisions of section 46(1) of the *Mental Health (Forensic Provisions) Act 1990* on **21 April 2017**.

The Tribunal considered the documents listed in the Forensic Patient Exhibit List dated 21 April 2017 annexed to these reasons. Background information concerning Mr Hogarth's history, care and treatment as a forensic patient are described in Annexure 'A' to these reasons. That material is maintained by the Tribunal staff.

Having regard to sections 40, 47 and 74(a) – (c) of the *Mental Health (Forensic Provisions) Act 1990* and section 68 of the *Mental Health Act 2007*, the evidence before the Tribunal at this review and, in particular, the circumstances and considerations appearing below:

- the Tribunal is satisfied that there are reasonable grounds for believing that the present arrangements for care, treatment and control of Mr Hogarth are necessary and sufficient for the protection of Mr Hogarth from serious harm and/or for the protection of others from serious harm.

AND:

- The Tribunal makes no further or other order in relation to the care, treatment and detention of Mr Hogarth and notes that the present order or orders continue in effect.

ATTENDEES

Mr Hogarth attended the hearing and was represented by his lawyer, Ms Brae Sinclair of the Mental Health Advocacy Service. Also in attendance were:

- Psychiatrist
- Clinical Nurse Consultant
- Mother
- 1 x observer

CIRCUMSTANCES AND CONSIDERATIONS

This is the third review of Mr Marcus Hogarth who is currently detained in the Metropolitan Remand and Reception Centre (MRRC) pursuant to an Order of the Tribunal. Mr Hogarth's treating team are seeking no change to his current order which, in addition to requiring him to be detained in the MRRC, provides for him to be transferred to the Forensic Hospital to receive care and treatment as soon as a bed becomes available. He is currently 12th on the Bed Flow list for transfer to the Forensic Hospital.

The nursing report notes that Mr Hogarth's presentation continues to improve. He has been compliant with medication and abstinent from illicit substances. He continues to demonstrate negative symptoms of his illness. He has family support from his parents and sister who regularly visit him and regularly attend Tribunal hearings.

Mental State, including the likelihood of any deterioration in mental state:

Mr Hogarth has a diagnosis of treatment resistant schizophrenia featuring “paranoia, delusions of mind reading and auditory hallucinations complicated by treatment non-compliance and illicit substance and alcohol use and poor treatment engagement”.(Psychiatrist report). He demonstrated poor insight into his illness whilst being managed by the local Community Mental Health Service, and engaged in violence towards members of his family.

Any relevant physical condition:

Mr Hogarth has hepatitis B and C positive.

Current risk assessment for harm or endangerment to self or others:

Mr Hogarth has a lengthy history of chronic treatment-resistant schizophrenia, exacerbated by drug and alcohol use and non-compliance with medication. He also has a lengthy criminal history which has frequently seen him incarcerated. He was an involuntary patient at the local Mental Health Unit when he murdered his roommate (the index offence).

Any significant developments since the last review are summarised as follows:

His treating psychiatrist informed the Tribunal that the most significant development is the improvement in Mr Hogarth’s insight into his mental illness. He attributes the amelioration of his psychotic symptoms to the prescribed medications and told the treating team that he felt better and calmer. He acknowledges that he has a life-long illness necessitating long-term treatment. His current medication is Paliperidone 100mg IMI monthly.

Future plans in relation to care, treatment or control of the person:

Mr Hogarth has been treated with a large array of anti-psychotic medications including Clozapine. It was suggested that he had not tolerated this drug well. The treating team are hoping that a bed soon comes available at the Forensic Hospital in order that he can be transferred there. Mr Hogarth told the Tribunal that he will consider a further trial of Clozapine once he is transferred to the Forensic Hospital. His treating psychiatrist also believes that Mr Hogarth will benefit from drug and alcohol treatment and psychosocial rehabilitation.

The Tribunal determined that Mr Hogarth requires long-term psychiatric rehabilitation. His current detention in the MRRC is currently the least restrictive and most appropriate facility to provide for his care and treatment. The Tribunal is satisfied that Mr Hogarth’s long-term treatment needs can best be met at the Forensic Hospital.

The Tribunal makes no further or other order and confirms the order made by the Tribunal on 21 October 2016: That subject to a bed becoming available, Marcus Hogarth be transferred and detained at the Forensic Hospital for care and treatment and pending such transfer Marcus Hogarth be detained for care and treatment at the Metropolitan Remand and Reception Centre.

The Tribunal further determined that the next review under s46 will be held within six months.

SIGNED BY **ON:**

Angela Karpin (Deputy President)

Date