

IN THE MATTER OF THE POLICE (CONDUCT) REGULATIONS 2020

Former Officer X

PANEL DECISION

Introduction

This is the record of determinations made by a panel at misconduct proceedings brought under the Police (Conduct) Regulations 2020 (“the Regulations”) against Former PC X

The hearing took place on the 22nd of January 2025.

The allegation

1. The panel was referred to a Regulation 30 notice in relation to Former Officer X which contained an allegation that her conduct amounted to gross misconduct.
2. The following facts were alleged:

On 2 December 2019 and 21 May 2020, Former Officer X accessed police records that included details of her partner without a policing purpose. Although she had been in a relationship with Male A since August 2019, she failed to declare her relationship with Male A. Former officer X was aware of her partner’s involvement with controlled drugs and did not declare this in accordance with Thames Valley Police policy. She also failed to provide an honest account in her interview under caution during the investigation of her conduct.

It is alleged that this conduct breached the following Standards of Professional Behaviour:

- a. Confidentiality
- b. Duties and responsibilities
- c. Orders and instructions
- d. Discreditable Conduct
- e. Honesty and integrity

Representation

3. Throughout the hearing the Appropriate Authority ('AA') has been represented by Ms Sarah Taylor of Counsel. Present at the hearing was Police Federation representative Sergeant Lee Leggett
4. The panel would like to thank Counsel for her assistance at the hearing.

Preliminary matters

1. Former Officer X resigned from Thames Valley Police and was therefore dealt under the former officer provisions of the Conduct Regulations.
2. Although she is no longer an officer, for the sake of convenience, she will be referred to as 'Former Officer X' in this document.
3. Former Officer X made an application for anonymity on 5 December 2024, with supporting medical evidence. On 16 December 2024, ACC Murray directed, pursuant to Regulation 39, that the former officer will be anonymised up to the point of determination on the allegations. At that stage, the anonymity of the former officer was to be reviewed should a further application be pursued on her behalf. Updated medical evidence was provided by the former officer on 30 December 2024 and ACC Murray repeated his direction as before.
4. Former Officer X in her Regulation 31 response was aware that the hearing was taking place and chose not to attend. She did not request that the hearing be adjourned or that she be permitted to attend remotely.
5. Regulation 37(3)(b) provides that the hearing may proceed in an officer's absence.
6. The Panel agreed to proceed in Former Officer X's absence.

Regulation 30 notice and response

5. On the morning of 22 January 2025, the allegations within the Regulation 30 notice were read out. It was confirmed that her position remained as per the Regulation 31 response.

PURPOSE OF MISCONDUCT PROCEEDINGS

6. In *Redgrave v Commissioner of Police of the Metropolis* [2003] EWCA Civ 4 at [38], Simon Brown LJ made it clear that the character and purpose of misconduct proceedings was "*to protect the public and to maintain the high standards and good reputation*" of the policing profession.
7. In *R (Green) v Police Complaints Authority* [2004] UKHL Lord Carswell stated [para

78]:

“Public confidence in the police is a factor of great importance in the maintenance of law and order in the manner which we regard as appropriate in our polity. If citizens feel that improper behaviour on the part of police officers is left unchecked and they are not held accountable for it in a suitable manner, that confidence will be eroded.”

WITNESSES

8. DC Chandler attended the hearing, and her evidence was read by counsel for AA.
9. The AA’s case is set out in the Investigation Report of DC Chandler and documents appended thereto. In particular, DC Chandler’s witness statement dated 14 November 2024 with references to the bundle to assist the Panel.
10. The panel had no questions for DC Chandler.

The panel’s approach

11. The Panel took the following approach:
 - a. First, to consider the facts of the case and to make findings in relation to each of the facts alleged by the AA;
 - b. Second, to determine whether those facts found proved constituted one or more breach(es) of the relevant Standards;
 - c. Third, to determine whether the conduct found proven against Former Officer X amounted to misconduct or gross misconduct;
 - d. Fourth, if appropriate, to decide what the outcome should be.
12. The panel reminded itself that the burden of proof is on the AA throughout and that the standard of proof is the balance of probabilities, namely what is more likely than not.
13. The panel also reminded itself of the Home Office Guidance and, in particular, paragraph 9.10 which reads as follows: “In deciding matters of fact, the persons conducting the misconduct meeting or hearing must apply the standard of proof required in civil cases, that is, the balance of probabilities. Conduct will be proved on the balance of probabilities if the persons conducting the meeting or hearing are satisfied by the evidence that it is more likely than not that the conduct occurred. The balance of probabilities is a single unvarying standard (i.e. there is no sliding scale). The seriousness of the allegation of misconduct and/or the seriousness of the consequences for the officer do not require a different standard of proof, merely appropriately careful consideration by the panel before it is satisfied of the matter which has to be established. The inherent probability or improbability of the conduct occurring is itself a matter to be taken into account when deciding whether, on the balance of probabilities, the conduct occurred.”
14. The panel had before it a bundle of documentary evidence running to 228 pages.

Character

15. The panel noted the evidence before it of Former Officer X good character and noted that such evidence was potentially relevant to her credibility as a witness and to her propensity to behave in the way alleged, per Collins J in *Wisson v Health Professions Council* [2013] EWHC 1036 (Admin) at [44]: “As it seems to me, good character must always be likely to be relevant for the panel where there is a substantial issue of fact to be decided and where credibility of the registrant in the evidence that he gives, is an issue and it can also go to whether it is likely that he did what is alleged against him. Both aspects were prima facie material in relation to the findings that the panel had to make and the circumstances of this case.”

Background facts

The relevant background facts were among those specifically pleaded in the AA's Regulation 30 notice so will not be set out separately here.

The panel's findings

Stage 1 Finding of Facts

- The Panel accepted legal advice and confined their consideration to the documentary evidence before them and considered each fact in turn, bearing in mind it was for the AA to prove the facts on the balance of probabilities. The evidence before the Panel is a bundle consisting of 228 pages including the Investigating Officer's Report and all statements and documents relevant to the case. Counsel for the AA had prepared an Opening which was provided to the Panel.
- The Panel noted that the evidence of DC Chandler and her supporting exhibits in respect of allegations 1-2. The Panel also were broadly noted Former Officer X's evidence on them contained in her Regulation 31 response. Having analysed the exhibits and witness statements along with Former Officer X's account, the Panel found these facts proved.

Allegation 1:

Although the panel agreed that the assessing 'Niche'. Occurrence Log 43190267659 relating to a drugs investigation which contained reference to a person sharing the name (with the same spelling), gender, address, and date of birth of Male A. on the first occasion was for policing purposes, going back to 'Niche'. Occurrence Log 43190267659 a second and third time on 2 December 2019 and 21 May 2020 was clearly not for policing purposes. There was clearly no legitimate policing purpose for Former Officer X to access the police records while in a relationship with Male A

Allegation 2:

The Panel found that Former Officer X deliberately failed to declare her relationship with Male A and failed to disclose her knowledge of Male A's drugs use despite repeated opportunities to do so.

Stage 2 Breaches of the Standards of Professional Conduct

- a. Confidentiality: Police officers treat information with respect and access or disclose it only in the proper course of police duties. The Panel found that Former Officer X accessing of police records which contained reference to a person she was in a

relationship with the second and third time on 2 December 2019 and 21 May 2020 was not in the proper course of police duties and was a breach of confidentiality.

- b. Duties and responsibilities: Police officers are diligent in the exercise of their duties and responsibilities. The panel found that Former Officer X failed to act diligently in the exercise of her duties and responsibilities by failing to report what she saw the name of her partner on the niche report to a supervisor or colleague.
- c. Orders and instructions: Police officers abide by police regulations, force policies and lawful orders. The panel found that Former Officer X breached the Thames Valley Police disclosable association policy by failing to disclose her relationship with Mr A as he falls into one of the number of categories specified in the policy.
- d. Discreditable Conduct: Former officer behaved in a manner which discredits the police service and would undermine public confidence in it. The panel found that Former Officer X conduct fell far below the standard required to maintain public confidence and amounts to a breach of the Standard relating to Discreditable Conduct on the basis that, in the circumstances of this case, she “behaved in a manner that discredits the police service and undermines public confidence in it because a reasonable member of the public would be justifiably appalled that she failed to disclose Male A’s involvement with drugs and association with other drug users as part of her vetting process before her interview on 27 February 2023.
- e. Honesty and integrity: Police officers are honest, act with integrity and do not compromise or abuse their position. The panel found that Former Officer X was not honest in her first interview when she provided a prepared statement under caution “*I have grave concerns that on the Niche policing system it appears wrongly that my partner Male A is associated with criminality*”.

Stage 3 Gross Misconduct

16. Having found breaches of the Standards as set out above, the panel has carefully considered whether the breaches amounted to gross misconduct or misconduct. Under the Regulations, misconduct means a breach of the Standards that is so serious as to justify disciplinary action and gross misconduct means a breach of the Standards that is so serious as to justify dismissal (Regulation 2(1)).

The Panel has analysed the facts found on the evidence in respect of the breaches of the standards to assess whether these breaches amounted to Misconduct or Gross Misconduct.

The panel reminded itself of the full circumstances of this case and the breaches of the Standards that it has found.

The panel concluded that the facts and multiple breaches of the Standards were so serious as to justify dismissal and that Former Officer X proven conduct therefore amounted to gross misconduct.

Stage 4 Outcome

1. Having come to the view that the Former Officer's conduct amounted to Gross Misconduct, the Panel went on to determine the appropriate outcome in terms of disciplinary action. The panel gave special attention so as not to double count.
2. The Panel carefully considered all matters brought to its attention.
3. As noted, the Former Officer did not attend the hearing, she was not legally represented, but submitted mitigation of errors of judgement. The Panel was however provided with details of the Former Officer's recent performance appraisals as part of her service history.
4. The Panel applied the principles set out in *R (on the application of the Chief Constable of Greater Manchester Police) v Police Misconduct Panel* [2018] 11 WL UK 822 and *R (on the application of Chief Constable West Midlands Police) v Panel Chair, Police Misconduct Panel v Officer "A" – Interested Party* [2020] EWHC 1400 (*Admin*) which emphasise the importance of following the structured approach as set out in the College of Policing (CoP) Guidance on Outcomes in Police Misconduct Proceedings.
5. In summary, the Panel:
 - (i) Assessed the seriousness of the conduct and behaviour of the Former Officer
 - (ii) Reminded itself of the purpose of imposing sanctions, namely:
 - Maintaining public confidence in and the reputation of the police service;
 - Upholding high standards in policing and deterring misconduct;
 - and
 - Protecting the public.
 - (iii) Arrived at an Outcome which most appropriately fulfilled the purpose of imposing sanctions in the light of the seriousness of the Former Officer's conduct.

Seriousness of the Conduct and Behaviour

6. In considering the appropriate sanction, the Panel considered the following factors in

line with the guidance on assessing seriousness in the CoP Guidance on Outcomes:

- The culpability borne by the Former Officer for her actions
- The harm caused by the Former Officer's actions
- The existence of any aggravating factors
- The existence of any mitigating factors

Culpability

7. The Panel was of the view that the Former Officer's actions were intentional, deliberate albeit the initial reading of a log was not planned in advance. Her omission were also regarded as being deliberate and planned.
8. Although the consequences in terms of damage to police reputation appeared limited, the risk of such harm arising was entirely foreseeable, raising the level of blameworthiness in the Panel's view.
9. Although the Former Officer was in a particular position of trust and responsibility at the time in terms of rank or role, with clear training and knowledge of what she should do or would be expected to do, deliberately and dishonestly failed to act.
10. A further significant culpability factor was the Panel's finding that the Former Officer had acted dishonestly and without integrity in her responses or lack of them to PSD investigators. The Panel took the view that this could be classed as dishonesty given that the lies/omissions took place in the context of an investigation, in circumstances where an officer would be expected to tell the truth. As the CoP guidance makes clear, cases involving any form of dishonesty on duty will always be serious because of the importance of maintaining public trust and confidence in the police service.
11. Taking all of the above matters into account, the Panel took the view that this was a case in which there was a medium to high level of blameworthiness.

Harm

12. The Panel considered the harm that the Former Officer's actions may have caused the harm that was or risked being caused to the confidence of the reputation of policing. The Panel went on to consider the harm caused to the wider community. In considering this issue, the Panel took into account paragraph 4.60 of the CoP Guidance which states that "*how such behaviour would be or has been perceived by*

the public will be relevant, whether or not the behaviour was known about at the time.”

13. The Panel was concerned as to how the Former Officer’s conduct would have been perceived by the public, in particular her lack of professionalism, and her willingness to lie/withhold information to colleagues and during a PSD investigation. As such, the Panel considered that public confidence in the police would be significantly diminished as a result of the Former Officer’s behaviour.
14. Accordingly, the Panel formed the view that there was a medium level of harm arising from the Former Officer’s actions in this case.

Aggravating Factors

15. The Panel gave consideration to the list of potential aggravating factors set out in paragraph 4.67 of the CoP Guidance which worsened or increased the seriousness of the misconduct in this case. A number of aggravating factors were found to be present.
16. The Panel took the view that:
 - (i) There were aspects of the case that involved deliberate action or inaction (although these had already been taken into account when assessing the level of culpability in this matter).
 - (ii) The Former Officer, omitting to inform about these issues was seeking to conceal her own wrongdoing and potentially that of Male A.
 - (iii) Furthermore, this behaviour continued (the PSD interview not taking place the Former Officer declined to attend) after the Former Officer would have realised (or should have realised) that their action was improper.
 - (iv) The fact that the allegations amounted to the breaching of five separate SPBs increased the seriousness of the Former Officer’s conduct.

Mitigating factors

17. The Panel found very few of the mitigating factors as set out in paragraph 4.71 of the CoP guidance to be present, which reduced the seriousness of the misconduct.
18. It was accepted that the Former Officer had shown a degree of remorse for her actions, and that she initially came across the log for a lawful policing reason.

Personal Mitigation

19. Having assessed the seriousness of the Gross Misconduct found proven, the Panel then went on to consider the personal mitigation on behalf of the Former Officer.
20. Given the purpose of police misconduct meetings, the Panel kept in mind the fact that personal mitigation will carry limited weight and less than it might do in a different context [as explained by Holroyde J as he then was in *The Queen (on the application of Williams) v Police Appeals Tribunal* [2016] EWHC 2708 (QB)].
21. Nevertheless, the Panel did take account of the content of the Former Officer's recent performance appraisal reports. These revealed her to be a productive, effective and hardworking police officer.

Outcome

22. The Panel then went on to consider the outcome which would most appropriately fulfil the purposes of imposing sanctions in the light of the seriousness of the Former Officer's conduct.
23. Whilst weight was accorded to the mitigation put forward by the Former Officer, the Panel also gave proper emphasis to the strong public interest in the maintenance of public confidence in policing in reaching its conclusion on outcome. The Panel kept in mind the declaratory purpose of any decision made in terms of maintaining high professional standards, and for prevention and protection purposes.
24. It is recognised that where there is a finding of Gross Misconduct and disciplinary action is imposed, this can only be dismissal as there is no option to enforce other sanctions given the termination in the Former Officer's employment status.

25. Having taken all the circumstances of the case into account and balanced the aggravating and mitigating factors, the Panel's decision about the appropriate outcome is that the Former Officer would have been dismissed if she had still been a member of a police force. The nature of the case and the multiple proven allegations were such that a sanction less than dismissal without notice would not have maintained public confidence in and respect for the police service.

26. Therefore, disciplinary action is imposed in this case.