

IN THE MATTER OF THE POLICE (CONDUCT) REGULATIONS 2020

IN THE MATTER OF "FORMER OFFICER C"

Accelerated Misconduct Hearing on 25 April 2024

by Chief Constable Jeremy Vaughan

Decision on Outcome

I will deal with two preliminary issues before considering the substantive matter.

Preliminary Issues

Firstly, Former Officer C resigned from South Wales Police on 23 April 2024. It follows that this Accelerated Misconduct Hearing under Part 5 of the Police (Conduct) Regulations 2020 is concerned with a former officer and I therefore direct that the Regulations be amended to the extent required for a former officer.

Secondly, I have previously made the decision that these proceedings be held entirely in private. I repeat that decision today. The reason for my decision is that former Police Officer C has been charged with serious criminal offences. He is currently remanded into custody at His Majesty's Prison and is due to appear at the Crown Court at a later date. The criminal proceedings are ongoing.

The Appropriate Authority has made an application for the hearing to be held wholly in private. I am mindful that the Appropriate Authority has sought the views of the Crown Prosecution Service as to whether misconduct proceedings are able to take place at this time given the ongoing criminal proceedings. The Crown Prosecution Service have agreed that the misconduct proceedings may take place but have requested that the proceedings be heard in private and that the former officer is not named as this could jeopardise and interfere with this ongoing highly sensitive criminal investigation.

There is a strong presumption that police misconduct proceedings should be held in public where possible. However, in the present instance, I tend to agree with the Appropriate Authority.

In reaching this decision I have considered the Home Office Guidance – Conduct, Efficiency and Effectiveness (“The Guidance”) dated 05/02/2020 and I am satisfied that in the particular circumstances, paragraphs 11.84 (h), (i) and (j) apply, and that it is necessary to hold the Accelerated Misconduct Hearing in private.

The relevant factors are:

- h) As there are factors relating to sensitive police operations that may not be appropriate for public disclosure;
- i) To hold the hearing in public would jeopardise or interfere with any criminal proceedings; and
- j) To hold the hearing in public would interfere with the prevention or detection of crime or the apprehension of offenders.

Under the provisions of Regulation 59 (2) (a) (b) and (c) I therefore make the following **Order**:

- 1. That this Accelerated Misconduct Hearing is held in private.**
- 2. That former officer is referred to as “Former Officer C”.**
- 3. That I do not require the Appropriate Authority to publish my Decision on Outcome until such time as the criminal investigation in relation to former Officer C and any subsequent court proceedings have been concluded.**
- 4. Under Regulation 59 (2) (c), I prohibit the publication by the media of any matter relating to the hearing until such time as the criminal investigation relation to former Officer C and any subsequent court proceedings have been concluded.**

Substantive Matters

I will now return to the substantive matter. Former Officer C has been investigated by the Anti-Corruption Unit of the Professional Standards Department. He has been charged with serious criminal offences. He is currently remanded in custody at His Majesty’s Prison and is due to appear at the Crown Court. Consequently, Former Officer C has not attended this

Accelerated Misconduct Hearing today. He has been made aware of the hearing and has completed a Notice under Regulation 54 stating that he does not wish to be legally represented but he is represented by his Police Federation representative, PS George.

On 4 January 2024 former Officer C attended a property in Bridgend in order to return a substantial sum of money, £16,870.00 in cash to the occupier who I shall refer to as Mrs B. The money had been taken from her brother's address upon a report of his sudden death on 28 December 2023. Former Officer C recorded the return of the money on his bodyworn video.

Prior to leaving the address former Officer C asked to use the toilet which was located on the ground floor, near to the front door.

After former Officer C had left the premises, Mrs B noticed that her front door key was missing. The key had been previously left in the lock on the front door prior to former Officer C's attendance.

Former Officer C was the only person apart from the occupier who had unrestricted and unsupervised access to the front door at the relevant time. The Appropriate Authority alleges that former Officer C took the front door silver Yale key from the property. The key was later found by police officers in former Officer C's rucksack during a search of his home address, conducted on 15 February 2024.

The Appropriate Authority contends that by his actions former Officer C has breached the Standards of Professional Behaviour in relation to Honesty and Integrity, Authority Respect and Courtesy and Discreditable Conduct.

I have received a the proforma notice under Regulation 54 submitted on behalf of the former officer and I can see that he accepts that his actions have breached the Standards of Professional Behaviour and that his actions amount to gross misconduct.

I therefore find the allegation of breaching the Standards of Professional Behaviour by acting dishonestly and without integrity; failing to act with self-control and treating a member of the public without respect and courtesy; bringing discredit on the police service and undermining the confidence of the public in policing, to be proved.

Outcome

Having found gross misconduct, I now have to consider if disciplinary action should be imposed on the former officer or whether no disciplinary action is appropriate. I have determined that it is entirely appropriate to impose disciplinary action and that my decision on Outcome is that I am satisfied that former Officer C would have been immediately dismissed had he not resigned.

On reaching my decision, I have fully considered the College of Policing Guidance on Outcomes in Police Misconduct Proceedings which has formed the basis for my conclusion. I have tested the seriousness of the allegations and the purpose of the outcomes which I have to consider in deciding an outcome. I have given due consideration to culpability, harm, any aggravating factors, and any mitigating factors as set out in the Guidance.

I take into account former Officer C's behaviour and how this would be perceived by the public. It is imperative that policing makes it clear that misconduct of this nature is wholly unacceptable. Such conduct whether off duty or on duty will always be serious. There can be no doubt that former Officer C's conduct has an adverse impact on public confidence in policing. All police officers hold a position of trust, and this increases the officer's culpability. Former Officer C's behaviour in taking the key is entirely unacceptable and is in itself a very serious matter.

The harm caused by the officer's actions is reputational harm and affects the police service and public confidence in the service as a whole. A factor of the greatest importance is the impact of the misconduct on the standing and reputation of the profession as a whole. I am satisfied that former Officer C has caused damage to that reputation.

I have considered aggravating factors in assessing the seriousness of the conduct. I recognise that the conduct involved premeditation, planning, targeting and taking deliberate steps and thus has a higher degree of culpability. There is an element of personal advantage, and it is clearly an abuse of trust and position.

The conduct is a significant deviation of the criminal law and from instructions which includes orders, force policy and national guidance. He badly let down himself, the police service and the public he served.

As for mitigating factors, there are none, save that I recognise that former Officer C has resigned as a police officer and I give him some very small credit for that.

I have reminded myself of the threefold purpose of the outcomes in police misconduct proceedings which is to maintain public confidence in policing and the reputation of the police service, to uphold high standards in policing, to deter misconduct and thereby to protect the public.

As the final stage of deciding an outcome, I am obliged to consider the least severe outcome in seeking to achieve the purpose of police misconduct proceedings. As former Officer C has resigned and I have found it is necessary that disciplinary action should be imposed, there is only one possible outcome which I am able to impose and I have absolutely no hesitation in doing so. Therefore, my decision on Outcome is that I am satisfied that the misconduct is so serious that former Officer C would have been immediately dismissed had he not resigned. No other outcome is justified or appropriate.

Police officers should be trusted to the ends of the earth, they hold so much authority and the public rightly expect our officers to uphold the highest professional standards.

The vast majority of the 5,500 officers and staff who work for South Wales Police conduct themselves impeccably and work tirelessly to protect the public, those very few who choose to breach the standards expected of them undermine the public's trust in policing. There is no room for this type of conduct in South Wales Police.

In accordance with the Police (Conduct) Regulations 2020 the Findings and Outcome from this hearing will be referred to the College of Policing in order for Former Officer C to be placed on the Police Barred List.

As I have said earlier, I do not require the Appropriate Authority to publish my Decision on Outcome until such time as the criminal investigation in relation to Former Officer C and any subsequent court proceedings have been concluded.