

IN THE MATTER OF THE POLICE (CONDUCT) REGULATIONS 2020

IN THE MATTER OF PC 3569 JULIAN KNOYLE

Accelerated Misconduct Hearing on 16 April 2024

By

Chief Constable Jeremy Vaughan

Decision on Outcome

Police Constable 3569 Julian Knoyle has attended this Accelerated Misconduct Hearing today and is represented by his solicitor, Mr Tony Williams and his Police Federation friend, Detective Sergeant Mike George.

The background facts are not in dispute. PC Knoyle who was unaccompanied and off duty at the time, drove his own motor vehicle along the A4067 road at Ynyswen on 24 February 2024, just before midnight, when he was involved in a single vehicle road traffic collision.

A Dyfed Powys police officer attended at the scene of the collision at 12:00am on 25 February 2024. The attending officer, PC Humphries, required PC Knoyle to provide a roadside breath test. The breath test was positive. PC Knoyle was then arrested on suspicion of drink driving and conveyed to Brecon police station where he provided two further specimens of breath for analysis on an approved Home Office Device. The lowest reading was 82 micrograms of alcohol in 100 millilitres of breath. This reading was over twice the prescribed limit of 35 micrograms of alcohol in 100 millilitres of breath.

PC Knoyle was charged with an offence of driving a motor vehicle after consuming so much alcohol that the that the proportion of it in breath exceeded the prescribed legal limit contrary to section 5 (1) (a) of the Road Traffic Act 1988 and Schedule 2 to the Road Traffic Offenders Act 1988.

PC Knoyle appeared before Merthyr Tydfil Magistrates' Court on 11 March 2024 and entered a guilty plea. He was convicted of the offence for which he was charged. The sentence imposed on PC Knoyle was disqualification from driving for 18 months, (reduced by 137 days should he

satisfactorily complete an approved course); a fine of £400 and he was also ordered to pay a surcharge of £160 and Costs to the Crown Prosecution Service of £85.

The Appropriate Authority alleges that PC Knoyle's conduct has breached the Standards of Professional Behaviour in relation to Standard 9: Discreditable Conduct and that his actions amount to gross misconduct, that is, that the breach of the Standards of Professional Behaviour is so serious as to justify dismissal.

PC Knoyle has provided Written Notice of Response to the allegation in accordance with Regulation 54. PC Knoyle has accepted the facts set out in the allegation and admitted that his conduct amounts to gross misconduct, having been convicted of drink driving. I have therefore found on the balance of probabilities that the allegation is proved. I am also satisfied that the admitted conduct amounts to gross misconduct.

Outcome

Having found gross misconduct for the breach of discreditable conduct, I have to consider the appropriate outcome. In reaching my decision on outcome, 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 allegation and the purpose of imposing a sanction, 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.

In assessing the seriousness of the conduct, I recognise that more culpable or blameworthy the behaviour in question, the more serious the misconduct and the more severe the likely outcome. The officer holds a position of trust and responsibility and this increases culpability. I am mindful that a conviction for a criminal offence, in this case a road traffic offence, is always a serious matter.

I am also mindful that the sentence imposed by the court in criminal proceedings is not necessarily a reliable guide to seriousness in misconduct proceedings, which are principally directed towards maintaining public confidence in the police service. As the guidance

identifies, a relatively minor criminal offence may be of the utmost gravity in the professional context.

I acknowledge that PC Knoyle has not been convicted of an offence involving dishonesty and that it is unlikely that the conviction may undermine a police investigation if it is disclosed.

The harm caused by PC Knoyle's behaviour is reputational harm and affects the police service and public confidence in the service as a whole. Where gross misconduct has been found, or admitted, as is the case here, and the behaviour caused – or could have caused – serious harm to individuals, the community and/or public confidence in the police service, dismissal is likely to follow. I acknowledge that PC Knoyle contends that no other vehicles were involved, and no one was injured as a result of this incident. We should all be thankful that this was the case. It was though merely a matter of chance that no other vehicle, cyclist or pedestrian was involved, and the loss control, likely brought about by the significant driving impairment, could have had very different consequences to others.

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 PC Knoyle has caused damage to that reputation.

Aggravating factors are those tending to worsen the circumstance of the case, in relation to either the officer's culpability or harm caused. Mr Williams, on behalf of PC Knoyle suggests that there are no aggravating factors. I do not accept that suggestion as I am bound to recognise that PC Knoyle made the conscious decision to drive his motor vehicle whilst he was significantly over the legal limit to drive. He therefore continued in his behaviour after he realised or should have realised, that it was improper. His judgement may well have been impaired, but this impairment was self-induced and his actions are a significant deviation from the instructions, orders and policy and the general law of the land. In my judgment, these are both aggravating factors.

In terms of any mitigating factors which lower the level of culpability and harm. I accept that there are several mitigating factors present. The misconduct is confined to a single episode and was of brief duration; PC Knoyle made open admissions at an earlier stage; there is evidence of genuine insight and remorse; and that by pleading guilty at the Magistrates' Court

he and by his admissions today, PC Knoyle has accepted responsibilities for his actions. I give him credit for all these matters.

Similarly, it is also to his credit that, since the incident, PC Knoyle has sought help and assistance from his own GP, the Force Occupational Health Department and the Kaleidoscope programme for his admitted dependency on alcohol and stress and mental health issues which are fully articulated in the bundle of documents PC Knoyle has provided, which I have read with considerable care.

As I have said earlier, I place little weight on the suggestion that no other vehicles were involved in the collision is a mitigating factor.

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 and to deter misconduct; and to protect the public.

I have also considered the personal mitigation put forward on behalf of PC Knoyle. I am deeply sympathetic to the personal issues he has referred to. I have also paid great attention to the extensive number of character references which have been produced by PC Knoyle in his support. However, due to the nature and purpose of disciplinary proceedings, the weight attached to any personal mitigation will necessarily be limited.

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. It is submitted on behalf of PC Knoyle that the appropriate outcome is a Final Writing Warning.

Pc Knoyle, you made a decision on that evening to drive your vehicle having consumed too much alcohol to do so; it was not a marginal decision but one where it would have been obvious to you.

I have no doubt whatsoever that you regret what you have done and that you have shown significant remorse since. That is clear to me from your regulation 54 response and your personal submissions here today.

I also recognise and am very sorry for the life challenges you describe. I have some personal insight to the pressures that this brings and I hope that you continue to seek the appropriate support from friends and professionals alike.

Your circumstances do provide some explanation as to why you took the decision to drive that night, but they do not mitigate it sufficiently for me to keep you in South Wales Police.

To do so would, I believe, send all the wrong messages to the public we serve and especially those people who have been so deeply affected by the impacts of drink driving.

I am sure that you would turn back the clock if you could, and I wish that you had taken a different decision that night. But you are responsible for your actions and in all the circumstances I am satisfied that the appropriate Outcome is dismissal without notice.

The public rightly expect our officers to uphold the highest professional standards, to uphold the law and not break it themselves, and PC Knoyle has failed to do so. There is no room in South Wales Police for this type of off duty behaviour. The Standards of Professional Behaviour apply the moment you walk through the door. This type of behaviour is not acceptable.

The vast majority of the Police officers, staff, and volunteers, 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.

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 PC 3569 Julian Knoyle to be placed on the Police Barred List.