

**IN THE MATTER OF THE POLICE (CONDUCT) REGULATIONS 2020**

**IN THE MATTER OF PC 6866 EMMA REES**

**Accelerated Misconduct Hearing on 23 January 2024**

**by**

**Chief Constable Jeremy Vaughan**

**Decision on Outcome**

Student Police Constable 6866 Emma Rees has attended this Accelerated Misconduct Hearing today and is represented by her Police Federation friend, Detective Sergeant Mike George.

The allegations which I have to consider are set out in the Notice under Regulation 51 of the Police (Conduct) Regulations 2020. The allegations arose out of an incident on 25 April 2023 when PC Rees was on duty in uniform in Swansea. The factual background is not in dispute.

**Factual Background**

At 7.55 am on 25 April 2023 PC Rees was driving a South Wales Police marked Ford Transit Police Van. The incident is captured on CCTV which shows that PC Rees reversed the marked police van and collided with a parked and unattended white Audi motor car. The Audi can be seen to move as a result of the collision.

The CCTV shows that PC Rees alighted from the marked police van and inspected the Audi for damage. A short time later PC Rees returned to the police van and drove it forwards a few metres. PC Rees then left the police van for a second time, approached the Audi and appeared to be rubbing the rear offside of the Audi. PC Rees returned to the police van and drove off. The whole incident lasted only a few minutes.

Later that same day the owner of the Audi noticed damage to the rear offside door and panel and checked her CCTV to try and establish what had caused the damage. From viewing the CCTV, she could see a Police van colliding with her car. She reported the matter to South Wales Police.

On 26 April, PC Rees provided an account to PS Kathrens of South Wales Police's Roads Policing Unit which was to the effect that she reversed the police van and had not seen the Audi but did feel a slight knock. PC Rees examined the Audi and saw a small black mark on the driver's side passenger door. Having returned to the police van to move it as it was blocking the road, PC Rees returned to the Audi and used her microfleece to rub off the black mark. The mark came off and there was no damage or dents that PC Rees could see.

PC Rees then left the area and did not report the collision as she did not see any damage. PC Rees contends that if had seen any damage she would have tried to locate the owner and would also have informed her sergeant.

Later that day PS Kathrens examined the police van and noted a mark on the rear nearside as if it had been involved in a collision. He later examined the Audi and saw damage to the rear offside door and wing. He concluded that this damage was consistent to the damage on the police van. He photographed the damage on both vehicles.

PC Rees was subsequently interviewed under caution and accepted that she was the driver of the police van and whilst reversing she had collided with the stationary and unattended Audi. At the conclusion of the interview PC Rees was reported for an offence of "Driving Without Due Care and Attention".

PC Rees appeared at Llanelli Magistrates Court on 26 October 2023 and pleaded guilty to the offence of Driving Without Due Care and Attention contrary to section 3 of the Road Traffic Act 1988. PC Rees was fined £150 and ordered to pay a surcharge of £60 and £85 costs to the Crown Prosecution Service. PC Rees's driving licence was also endorsed with 4 penalty points.

The Appropriate Authority alleges that PC Rees has committed acts of misconduct which breach the Standards of Professional Behaviour in relation to: Standard 1: Honesty and Integrity; Standard 6: Duties and Responsibilities and Standard 9: Discreditable Conduct. The Appropriate Authority contends that the acts of misconduct individually or collectively amount to gross misconduct.

PC Rees has admitted breaching the Standards of Professional Behaviour

In relation to Duties and Responsibilities and Discreditable Conduct. In each case she asserts that her actions amount to misconduct only and not gross misconduct. PC Rees denies that her actions breach the standard in relation to Honesty and Integrity.

## **Findings**

I have carefully considered this matter including the submissions made by Appropriate Authority and representations made on behalf of PC Rees.

### **Standard 1: Honesty and Integrity**

The Appropriate Authority's case is that PC Rees was dishonest in her contention that she did not see the damage. PC Rees denies that this is the case. It has been explained today at some length by DS George that her actions, which are not in dispute, were as a result of impulse and panic and not as a result of any dishonesty. PC Rees specifically denies acting dishonestly and failing to do the right thing. I am aware that PC Rees wrote to the owner of the Audi of her own volition to apologise for her actions and offered to pay for the damage she had caused. I am satisfied that this appears to be inconsistent with any dishonest intent. It is evidence of PC Rees seeking to do the right thing and supports her suggestion that she did not leave the scene in order to evade responsibility. I have reflected carefully on the submissions which I have heard today and on the balance of probabilities I have found the allegation is not proved.

### **Standard 6: Duties and Responsibilities**

PC Rees accepts that she did not report the collision with the Audi and she has not complied with force policy. She further accepts that her action has breached the Standards of

Professional Behaviour in relation to Duties and Responsibilities. PC Rees was the driver of a marked police van which hit an unattended and parked Audi motor car. The CCTV footage shows that the Audi moved as a result of the collision. PC Rees left the scene of the collision when clearly she should not have done. She has contravened force policy and has failed to act diligently in the exercise of her duties and responsibilities. Her behaviour is not what a member of the public would expect. I have therefore found on the balance of probabilities that the allegation is proved. I am satisfied that the conduct amounts to gross misconduct.

#### Standard 9: Discreditable Conduct

PC Rees pleaded guilty to the offence of Driving Without Due Care and Attention. It is to her credit that she entered a guilty plea at the first opportunity. The Appropriate Authority's case is that the conviction, which arose on duty, amounts to discreditable conduct. It is capable of bringing discredit on the police service and undermining the confidence of the public in policing. I have found on the balance of probabilities that the allegation is proved. I consider that the behaviour amounts to misconduct in that it is so serious as to justify disciplinary action but that it does not amount to gross misconduct.

#### **Outcome**

Having found gross misconduct for the breach of duties and responsibilities and misconduct for 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 allegations 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 the 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.

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 PC Rees has caused damage to that reputation.

Aggravating factors are those tending to worsen the circumstances of the case, in relation to either the officer's culpability or harm caused. The aggravating factors are limited but I have found that the conduct is a deviation from orders and instructions. PC Rees also failed to raise concerns or seek advice from a colleague or a more senior officer, which may have led to the matter being resolved without any difficulty for the officer. In this respect I find PC Rees to be naïve but I find that she was not seeking to cover up the incident.

In terms of any mitigating factors which lower the level of culpability and harm, there are many. The misconduct was confined to a single episode and was of brief duration. I am also satisfied that misconduct was of limited extent and that PC Rees's obvious panic affected her judgement. The officer was relatively inexperienced at the time. PC Rees has taken early action to reduce the harm caused in a number of ways including an early admission in the court proceedings and the letter of apology she has written to the owner of the damaged vehicle. PC Rees has shown genuine remorse and insight and has accepted responsibility for her actions.

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 Rees. However, I recognise that 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. In all the

circumstances I am satisfied that the appropriate Outcome is a Final Written Warning. I therefore find that PC Rees be subject to a Final Written Warning for a period of 2 years.

What I am faced with here today, in the end, is whether the misconduct is so serious as to end the career of PC Rees. I have decided that, whilst serious, it is not sufficient to justify dismissal. The finding is not “no finding”, it is a finding of gross misconduct for which I have given a final written warning. Thereby giving an opportunity to PC Rees to continue with her career. Do not let me down again.