

**IN THE MATTER OF THE POLICE (CONDUCT) REGULATIONS 2020 (AS
AMENDED BY THE POLICE (CONDUCT) (AMENDMENT) REGULATIONS 2024)**

CONCERNING

CONSTABLE 5471 SONIA LEWIS

SOUTH WALES POLICE

Case Reference Number	CM/112/23
Date of Hearing	Monday 1 st June 2025
Location	Waterton Centre Bridgend
Presiding Officer (Panel Chair)	Mr Ian Arundale QPM
Legally Qualified Person	Mr Christopher McKay
Independent Panel Member	Mrs Elizabeth James
Independent Panel Member	Mr Mark Rees
Officer(s) Subject to Hearing	Constable Sonia 5471 Lewis
Alleged Misconduct	Police Computer Misuse

Preliminary Matters

- 1) At the commencement of proceedings the Chair requested that consideration be given to allocating cyphers to named persons who were innocent victims/witnesses in this matter as to do otherwise could cause significant embarrassment when the public outcome of proceedings was published. The result of this was the preparation of an amended schedule of allegations (reproduced below) that was agreed by the Appropriate Authority (AA) and the accused officer. The Chair therefore directed an anonymity order to protect the identity of those potentially affected and thus protect their rights under Article 8 ECHR.

The Hearing

- 2) The misconduct hearing for Police Constable Lewis was held in public between Monday 1st June and Wednesday 3rd June 2025.
- 3) The Appropriate Authority (AA) was represented by Mr Barney Branston (Counsel) and Jordan Davies Instructing Solicitor. The officer was represented by Clare Wilks (Counsel) Also present was the officer, her Police Federation representative Sergeant John Rice, the Investigating Officer DC Katy Curtis, the Misconduct Officer Mr Paul Mason and Deimante Jodkeviciute (PSD).

Approach to be Adopted

- 4) These proceedings are brought under the **Police (Conduct) Regulations 2020** ('PCR 2020') As amended.
- 5) The core purpose of professional regulatory proceedings, including police misconduct proceedings, is "*to protect the public ... and to maintain [profession's] the high standards and good reputation*" (*Redgrave v Commissioner of Police of the Metropolis* [2003] EWCA Civ 4 38).
- 6) Overall, the purpose of these proceedings is;
 - a. to maintain public confidence in, and the reputation of the police service
 - b. to uphold high standards in policing and to deter misconduct
 - c. to protect the public.
- 7) It is for the Chair to determine the procedure of these proceedings, in accordance with the **PCR 2020 (reg 61(1) PCR 2020)** and the principles of natural justice and fairness (**Home Office Guidance on police officer misconduct, unsatisfactory performance and attendance management procedures 2020** ('HOG'), 11.107).

8) We must first review the facts of the case and determine whether they are established. The standard of proof we applied is the civil standard of the ‘balance of probabilities’ (reg 41(6) PCR 2020).

a. If the facts are satisfied and we consider them to be a breach of the Standards of Professional Behaviour, then we must consider whether, on the balance of probabilities, the officer’s admitted or proven conduct amounts to misconduct, gross misconduct or neither (reg 61(15)-(16) PCR 2020). *Per reg 2 PCR 2020, “misconduct means a breach of the Standards of Professional Behaviour that is so serious as to justify disciplinary action. Gross misconduct means a breach of the Standards of Professional Behaviour that is so serious as to justify dismissal.”*

9) The Appropriate Authority brings the case against PC Lewis and the burden of proving the allegations wholly rests with the Appropriate Authority. The standard of proof in misconduct proceedings is the civil standard of the balance of probabilities. There is no sliding scale, and the standard does not vary according to the seriousness of the allegations or likely consequences for the officer. The test is the simple and unvarying ‘balance of probabilities’ and in the case of R (IPCC) v. AC Hayman [2008] EWHC 2191 (Admin) Mr Justice Mitting commented upon the standard of proof in police disciplinary proceedings as follows:

“Of course in disciplinary proceedings the tribunal must look with the greatest care at accusations which potentially give rise to serious consequences. But in determining whether or not they occurred, it applies a single unvarying standard, the balance of probabilities. If satisfied it is more likely than not that the facts occurred, then it must find them proved and draw appropriate conclusions as to sanction.”

10) At the outset, we are very conscious that an admission and/or finding of gross misconduct should not necessarily or automatically lead to dismissal. Any sanction must address the objectives outlined above and is not intended as a form of punishment.

11) We have been very careful not to apply too high a standard to guide our deliberations in this matter. We have therefore been careful to set a standard that reflects an adequate minimum standard of behaviour rather than an aspirational standard of excellence. Setting such a high standard would not be fair, or appropriate, for the purposes of our decision making in determining an outcome, as the officer's employment rests upon our decision.

12) We are also guided by the College of Policing's Guidance on Outcomes in Police Misconduct Proceedings (2023) ('**Outcomes Guidance**') and by the Home Office Guidance, Conduct Efficiency and Effectiveness: Statutory Guidance on Professional Standards, Performance and Integrity in Policing (2020) ('the **HOG**').

The issues to be determined

13) The Panel will therefore determine whether:

- (1) The conduct as alleged is found proven, in light of the clear documentary proof of PC Lewis accessing police systems on each of the relevant dates [HB 29-83] and in the light of her admissions;
- (2) If such conduct engages each of the pleaded Standards, namely Honesty and Integrity, Orders and Instructions and Confidentiality,
- (3) The seriousness of such conduct and whether it amounted to misconduct, gross misconduct or neither,
- (4) What the appropriate sanction will be (given that the officer already admits misconduct the Panel will need to address sanction).

Allegations

14) *The original regulation 30 notice (as explained above) has been amended as follows [Page references are denoted (paginated bundle/pdf version)]:*

- a. *"Between March 2020 and October 2021 you undertook the following searches on police systems for no policing purpose:*

- i. *On the 6th July 2020 whilst on a Rest Day you have searched your sister, (Miss A; 65/109, 80/124), an ex-partner of hers (Mr A; 82/126) and that ex-partner's sister (Miss B; 82/126). An aggravating factor of this search is that you shared some of the information you discovered about the ex-partner with your then partner, Miss C.*
 - ii. *On the 15th July 2021 you have searched your sister's then partner, Mr B (33/77).*
 - iii. *...;*
 - iv. *On the 10th March 2021 you conducted a search on your son (Mr C; 39/83, 41/85; 59/103)*
 - v. *On the 6th June and 12th June 2021 you conducted searches of the street where you lived (45-53/89-97).*
 - vi. *On the 29th September 2020 you conducted a search of Mr D, from an address in Merthyr (57-63/101-107).*
 - vii. *On the 26th October 2020 you conducted a search of your parents' home address in Merthyr (58-59/102-103).*
 - viii. *On the 4th August 2020 you conducted a search of Miss D, who was believed to be in dispute with your sister (65-66/109-110, 69/113, 73/117).*
- b. *Such conduct was in breach of the Standards of Professional Behaviour in relation to Honesty and Integrity (in that it was an abuse of your position), Orders and Instructions (in that you knew or ought to have known that undertaking such searches were contrary to your training) and / or Confidentiality (in that you accessed such information otherwise than in the proper course of your police duties).*
- c. *If proven such conduct amounts to gross misconduct in that it is so serious as to justify your dismissal.”*

The officer's response

15. PC Lewis accepts that she did access police systems as alleged, and that she did not have a policing purpose for doing so [HB 6-7]. In respect of allegation (i), she does not accept that she shared information in the manner described by Miss C but does accept that

she made mention of the information she had gleaned from accessing the relevant record on the 6th July 2020 in her presence [HB 9-10]. The Panel will make a factual determination regarding the circumstances in which such disclosures were ‘probably’ made.

16. PC Lewis accepts that her conduct breached the Standards of Professional Behaviour relating to Orders and Instructions and Confidentiality, and that her conduct amounts to Misconduct [HB 6-7]. She denies that the Standard of Honesty and Integrity has been breached and maintains that her conduct does not amount to gross misconduct.
17. The AA does not accept PC Lewis’ assessment of seriousness and maintains that the repeated instances of deliberately accessing confidential systems without a policing purpose, in circumstances where PC Lewis had adequate experience and training to know that she should not undertake such activity, would amount to gross misconduct - particularly given the variety of circumstances in which she does so and the extended period (approaching a year) of systems misuse.
18. The officer submitted a regulation 31 response making admissions and outlining points in mitigation (which will be explored in more detail later in this document). The main points from her Reg 31 response are outlined below.

6th July 2020

1. ***“I did the searches outlined in the circumstances I stated in interview. I had messages from an unknown male and then spoke to the male on the phone. I did not know who the person was. It looked like the male was from Essex. I initially did not know if the messages were genuine. At the time I was unaware of my sister being with anyone and did not know she was “dating”. I was in a panic. I was crying and upset by what the male was telling me. I did tell Miss C I was going to check to see if I could find out what was going on. When I did this, I did not then consciously relay what I had found out to Miss C, but as I was doing the searches I recall saying out loud what I was seeing on the system, as it was feeding into my panic and anxiety. I did not hold a conversation with Miss C about what was on the system. I think I said things like “my God he’s a criminal”. I was erratic whilst doing this. I do not remember knowing or saying the male was a traveller. I do not know if that is accurate. I would not call him a “gypo” and that is not a word I would use. I did not tell my parents anything and Miss C is not telling the truth in relation to that”***
2. ***“I appreciate I should not have done the searches. It was wrong and I should have dealt with the situation in a different way. At the time I was not in a good place in my personal life and the panic and anxiety I felt when I received the***

messages and calls triggered my reaction. I did not gain anything from what I did and I did not deliberately pass any information to anyone.”

15th July 2021

3. *“I did this search in the circumstances set out in my interview. I was being told that my sister (sic) boyfriend Mr B was doing things to my sister. I was worried about her. I did bring matters to the attention of my colleagues including PC Kerri Pedder, PC Juliet Payne and Inspector Katryna Malinowski-Evans. We believed his name was Mr B but the police could not find him. I did the searches as I wanted to know if my sister was at risk. I found a letter with the name Mr B and I passed that information onto the officers in the case. I know I should not have done the searches, but it was driven by concern and anxiety over my sisters’ safety.”*

10th March 2021

4. *“During our relationship Miss C had taken my money/savings and after I left her I was trying to get the money back. I instructed a solicitor to write to her to try and get the monies back. In response during a “handover” in relation to Mr C she verbally threatened to report me to the police for doing things to Mr C. I panicked and to the best of my recollection I believe this coincides with me checking the system to see if anything had been reported in relating to Mr C by her.”*

6th – 12th June 2021

5. *“Having left Rebecca on the 24th of August 2020 I moved back to my parents address. I was looking to move to a suitable address for Mr C and me. I had left an abusive relationship, Miss C was still trying to control me and Mr C, and I was really concerned about the future and how safe Mr C and I would be. I was worried about what area we would live in. I was concerned that Miss C would use things against me to take Mr C away from me, for example unsuitable accommodation.”*
6. *“I did the searched (sic) in June 2021 to try and “vet” the address that I was hoping to move to. I eventually moved to Gilfach Cynon in October 2021. I should not have done the searches. I appreciate this was being done for personal reasons and was not appropriate. I did not pass any information to anyone. Though it does not justify my actions I hope that the above helps explain why I did it, and that at the time I did not think rationally about the seriousness of what I was doing, but was simply driven by my emotions.”*

29th September 2020 & 26th October 2020

7. *“Birch Grove is on the Gurnos Estate Merthyr Tydfil. It is my Mother and Father’s address. When I left Miss C in August 2020 Mr C and I went to live with my parents. I was concerned about moving back to the area and the impact this would have on Mr C. I was concerned that Miss C would use the situation to try and take custody of Mr C. Miss C would often “mock” me for*

coming from the estate and when I moved back made comments about how Mr C would end up in a poor school, would not receive a good education and end up becoming a criminal because of living in that area.”

8. *“My Mother had told me that a neighbour’s grandson had moved in with the neighbour, was a trouble maker and involved with the police all the time. The grandson was Mr D. I was worried there may be incidents which would impact on me and Mr C. I was concerned I would be seen in part uniform and that the neighbours would be anti-police. I did not want anything to happen that would provide Miss C with “ammunition” to use against me in a family court. I did not want to cause trouble for my parents, who were trying to help me after my break up.”*
9. *“I did the check in September to try and find out what situation I was putting myself, Mr C and my parents in. I cannot recall doing the check in the October, but I assume it was driven by the same thing. I should not have done it, but in hindsight I think I was doing the searches as a way to cope with feelings of anxiety and worry. Again I did not share any information with anyone and there was no real benefit to me.”*

4th August 2020

10. *“My sister Miss A took an overdose and made a serious effort to end her life. I was trying to find out what was happening with her. This was during lockdown. My sister was only making partial disclosure of what was happening to her. It related to the behaviour of her neighbour, Miss D, towards her during lockdown. I set out in my interview details of the information I had from my sister.....I searched information relating to her neighbour Miss D to try and find out what the situation was and whether matters had been reported or dealt with by the police. I did not tell anyone that I had done this and did not share any information.”*

The officers evidence

- 19) The officer chose to give evidence before the tribunal. In general, her evidence mirrored the response that she gave in the Regulation 31 response extracts above. This was however an opportunity for the panel to hear directly from her and for the panel to form an opinion on her credibility and the strength of her evidence.
- 20) The panel considered that much of the officer’s evidence was rehearsed, particularly in relation to the reasons for her actions and there was a noticeable difference in how she presented different aspects of her evidence. For example the focus upon “*crying*”, “*I was just panicking*”, “*I was worried for my safety*”, “*I wasn’t thinking*” were unconvincing for an experienced, fully trained and functioning police officer doing acts which were so clearly and overtly incompatible with her role as a constable. The officer

would have understood the matters which she has raised as ‘*reasons*’ for her accessing systems could all have been addressed in appropriate ways without accessing sensitive police data such as victim and offender details. Obviously, such open-source solutions would not have uncovered convictions and victim data which no one is entitled to have, other than for true policing purposes. Additionally, her evidence was not convincing in relation to the varied and multiple actions that are subject of the allegations.

21) By way of explanation, the officer repeatedly told us that she knew what she had done was wrong at the time of the incidents and that she would not do the same thing again. She also expressed remorse. She accepted that every time she opened the force system that a pop-up warning about all key aspects of the appropriate use of police systems had to be proactively acknowledged before access to the system was granted. This would have routinely reminded her of her obligation not to access the information on the computer, unless it was for policing purposes – she repeatedly disregarded this instruction.

22) Overall, on the balance of probabilities, the panel concluded that the officer completely disregarded the sanctity of a core tenet of policing in relation to data access and security and effectively treated the police data as something that she had a right and entitlement to use, as she pleased, for her own purposes (and that of her family). The panel also concluded that the officer had not been completely open and honest with the panel and that many of her actions were motivated by a general disregard for rules and her pursuit of her own best interests.

23) The officer’s explanation that she was suffering from stress, because of relationship and health problems, and was emotionally overwhelmed, causing her to take the actions she did was fully considered by the panel. The officers Counsel raised this with us later in proceedings indicating that the officer was aware of the multiple sources of professional help that were available to her but that, “*it takes the victim to reach out*” and that she did not do this. We do not directly criticise her for this but do note that there is no medical evidence to indicate that she was unwell and that she did not seek help or support from any of the obvious organisations and individuals. On the balance of probabilities, we concluded that her difficult domestic and life stressors were not a significant factor in her inappropriate (charged) behaviour.

24) We noted an incident outlined by the officer's Counsel where a matter came to the attention of the police involving Miss A and a neighbour. The officer, in normal circumstances, would have actioned this matter herself but (quite properly) immediately reported it to a supervisor as a 'conflict of interest' and it was reallocated to another officer. The panel did not consider this to be mitigation as it would have been patently obvious to any observer that such a conflict was present and that it was an example of 'doing the right thing'. To deal with it in any other way could have resulted in further disciplinary action.

Seriousness

25) As set out above and as per reg 41(15)(b), the Panel have determined whether the facts found proven and/or admitted amount to misconduct, gross misconduct or neither. Given the PCR definitions of misconduct and gross misconduct, this necessarily requires the Panel to assess seriousness. To do so, the panel applied the approach set out in the 2023 'Guidance on outcomes in police misconduct proceedings' ("The Guidance") provided by the College of Policing.

26) In applying this approach, the panel considered the four essential ingredients of Culpability, Harm, Aggravating factors, and Mitigating factors¹. The AA suggests that the officer bears a high degree of Culpability for her actions, notwithstanding the significant personal difficulties she was experiencing at the time. As set out in the regulation 30 notice, this was conduct that spanned a period of very nearly a year, involving multiple system searches for a variety of reasons, none of them being appropriate. The Guidance makes it clear² that '***Data protection and misuse***' is in an '***especially serious***³' category of conduct.

27) The AA submits that there is also a high degree of Harm in this case, primarily in respect of the potential reputational harm to South Wales Police. The AA submits there are many aggravating factors⁴, including that this repeated conduct occurred on seven

¹ See para 4.3 of the Guidance.

² See paras 4.34 – 4.39 of the Guidance.

³ See para 4.14 of the Guidance.

⁴ See para 4.76 of the Guidance.

separate occasions over the course of approximately twelve months. In respect of Mitigating factors⁵, PC Lewis has made open admissions at an early stage and to that extent has accepted responsibility for her actions.

28) Counsel for the officer has proposed that she has made clear and unvarnished admissions to most of the issues subject of these proceedings and stressed the fact, agreed by the AA that there was no allegation of dishonesty against the officer. The officer disputes that she deliberately passed on any information and that her actions were for her own benefit. She challenged the evidence of Miss C and denied that any of her actions constituted gross misconduct.

Finding of Fact – Disclosure of information

29) The panel carefully considered the two differing versions of how the disclosure in relation to allegation i. took place. The officer presented her version of events during her oral evidence and was adamant that the disclosure was in effect an unintentional outburst of, “*my god he’s a criminal*” emphasised by the officer holding her head in her hands when she articulated this. The panel felt that this part of her evidence was rehearsed and unconvincing.

30) In her Regulation 31 response, the officer indicates that she denied referring to the male as a “*traveller*” and/or a “*gypo*” during this interaction with Miss C. Despite there being no other reference to this information in the papers, the panel established that this reference was originally contained in a redacted portion of Miss C’s witness statement. We initially found this matter to be indicative of a conversational exchange of information but following a later joint submission from both Counsel we discounted this information and revisited our finding of fact (see paragraphs 50 - 60). The panel again concluded, on the balance of probabilities, that a proactive disclosure of confidential and sensitive information had taken place

Findings on all charges

31) There are now seven allegations of wrongful charges relevant to this hearing. The core facts are admitted by the officer and the disputed issue in relation to allegation i.

⁵ See para 4.79 of the Guidance.

has been found proven by the panel, as outlined in the paragraphs above. In addition to the officers' admissions the panel has also read, heard and fully considered all the additional submitted evidence. As well as the officer's direct admissions, the panel also find all the other 6 allegations found proved, based on contents of the record of interview and the conclusive and unchallenged evidence in relation to her misuse of police systems. All charges are therefore formally found proven.

Breaches of the Standards of Professional Behaviour

32) The conduct alleged is said to be in breach of the Standards of Professional Behaviour of Honesty and Integrity, Orders and Instructions and Confidentiality as set out at Schedule 2 of the Police Conduct Regulations 2020 as:

Honesty and Integrity

Police officers are honest, act with integrity and do not compromise or abuse their position. (DENIED)

33) Counsel for the AA submits that it is well-established that the Standard relating to Honesty and Integrity is divisible; the two concepts are neither synonymous nor conjunctive – one can act without integrity yet still be honest. In relation to this Standard the AA does not aver that the officer was 'dishonest' but rather that, as per the specific wording of the Standard itself (see above), she "***abused her position***". Put simply, she was only able to undertake the various checks that she did because she, as a police officer, had access to the relevant systems. The AA maintains that this was a serious transgression and that her conduct is properly characterised as being in breach of all three Standards cited. It should be noted that whilst the officer admits to a breach of the Standard relating to Discreditable Conduct⁶ this is not the allegation she faced, and the AA did not invite the Panel to make any such finding.

34) The officer denies this breach of the standards of professional behaviour. Counsel on behalf of the officer submitted that the officer did not "*distribute*" and that there was no "*onward transmission*" of data and that this was merely speculation by the AA (the

⁶ Regulation 31 response at HB 7, at foot of page.

panel will make a determination of fact on this issue). It was also pointed out that some of the relevant information accessed could also be obtained through ‘open source’ methods.

- 35) The panel had the benefit of advice and submissions in relation to the matter of integrity and considered relevant case law. What was abundantly clear from considering the officers admissions before the hearing, her record of interview and the conclusive documentary exhibits indicating the systems being accessed was that the officer;
- a. Knew that she should not access the systems for a non-policing purpose which she did on multiple occasions
 - b. Was acting contrary to force and national policy
 - c. Repeatedly ignored an overt warning on the police system in relation to computer/data misuse
 - d. Was acting contrary to the Code of Ethics
 - e. That her actions also reflected the outline of a criminal offence(s).

- 36) On the basis that Integrity directly relates to an individual’s requirement to adhere to the ethical standards of their profession the panel conclude that they have no doubt that PC Lewis “**abused her position**” as alleged by the AA. We therefore find that the officer has breached the ‘Honesty and Integrity’ Standard of Professional Behaviour.

Orders and Instructions

Police officers only give and carry out lawful orders and instructions. Police officers abide by police regulations, force policies and lawful orders. (ADMITTED)

- 37) The officer has admitted this breach of the standards of professional behaviour throughout the investigation and at this hearing. The panel, after considering all the evidence, also concludes this alleged breach is proved, based on the evidence contained in the bundle and the highlighted points outlined above (paragraph 35) supporting the disputed breach of the Honesty and Integrity Standard.

Confidentiality

Police officers treat information with respect and access or disclose it only in the proper course of police duties. (ADMITTED)

- 38) The officer has admitted this breach of the standards of professional behaviour throughout the investigation and at this hearing. The panel, after considering all the evidence, also conclude that this alleged breach is proved, based on the evidence contained in the bundle and the highlighted points outlined above (paragraph 35) supporting the disputed breach of the Honesty and Integrity Standard.

Culpability

- 39) The College of Policing guidance indicates that “culpability” denotes an officer’s blameworthiness or responsibility for their actions: the more culpable the conduct, the more serious it is and the more severe the likely outcome. Intentional, deliberate, targeted or planned conduct will generally be more culpable than conduct which has unintended consequences. The guidance sets out some categories of conduct which should be considered especially serious. This includes the category, “***data protection and misuse***”. The guidance says: “***The misuse of police computer systems ... is a particular concern for the police service. Police computer and manual systems hold a significant amount of information about members of the public. ...[I]t is both a public expectation and a legal requirement that information obtained during the course of policing duties should be treated in strictest confidence, properly protected and only used for legitimate policing purposes***”. It continues: “***Personal reasons for accessing confidential police information such as general curiosity or a desire to check on criminal activity near an officer’s home, are not acceptable. ...Accessing confidential police information without a legitimate policing purpose is an abuse of an officer’s position and may merit dismissal in serious cases***”. It distinguishes such cases from the accidental accessing of such information.

- 40) The panel must also consider the implications if the proven conduct is criminal in nature when considering culpability, even where there has been no conviction (as in this case, where there has been no prosecution). The officer clearly stated during her evidence that she acted alone and was not coerced or pressurised into accessing police systems. She accessed systems multiple times across an extended period of up to a

year and this was for her, and her families benefit. Overall the panel determine that the officer's level of culpability is **high**.

a) **Harm**

41) We noted the following from the Guidance (para 4.66) "***Harm will likely undermine public confidence in policing. Harm does not need to be suffered by a defined individual or group to undermine public confidence. Where an officer commits an act that would harm public confidence if the circumstances were known to the public, take this into account. Always take misconduct seriously that undermines discipline and good order within the police service, even if it does not result in harm to individual victims.***"

42) We consider that the greatest level of harm resulting from this officer's behaviour relates to the impact and potential impact upon public confidence. Data access and breaches are a matter of significant national and local concern, particularly where it relates to public officials.

43) We consider that the potential harm arising out of this officer's actions is significant. There are at least seven people linked to the charges whose personal data was accessed. There is also an unquantified number of other people whose data was accessed in searches of properties and locations. Overall, we assess the level of harm in this case to be **high**.

Aggravating Factors

44) We have considered the aggravating features outlined in the Outcomes Guidance at paragraph 4.76. We have identified the following factors.

- a. The officer's conduct was deliberate, conscious and carried out in the full knowledge that it was contrary to guidance and policy and clearly "wrong".
- b. We have determined that, in relation to charge i. that there was the proactive onward transmission of information
- c. The information accessed and disclosed by the officer was sensitive and some related to victim and offender data which is very sensitive given the potential

for embarrassment, litigation and the impact upon public confidence of improper access and/or disclosure.

- a. The officer's intention is clearly stated and established in that she improperly accessed and disclosed material for her own personal advantage, and for her family.
- b. The officers' actions were a clear abuse of trust, her position, and the powers and authority invested in a constable.
- c. The breaches represent repeated behaviour over an extended period.
- d. The officer knew throughout the relevant period that her continuing behaviour was wholly wrong yet did not stop despite this.
- e. There were multiple victims associated with the officer's actions.
- f. Her offending was a significant deviation from instructions, including legislation, force policy and national guidance
- g. The officer did not raise concerns or seek advice from a colleague or senior officer in relation to her health, welfare nor offending behaviour.
- h. Computer misuse by public officials is a matter of local and national concern.
- i. We have found multiple proven allegations and breaches of the standards of professional behaviour.

Mitigating factors

- 45) The officer made open but partial admissions at the time of submitting her Regulation 31 notice.
- 46) The officer has disclosed, following the investigation, self-declared health, stress and welfare issues.
- 47) The officer has made clear expressions of remorse and reflection in relation to her behaviour (see also paragraph 76) regarding the officer's personal statement to the panel).
- 48) We have considered paragraph 4.82 of the Outcomes guidance document relating to misconduct occurring several years prior to the hearing. We note that following the investigation, the officers conduct and work has been sound. This is however

expected and not unusual for an officer facing a gross misconduct hearing. We have properly taken this into account but found it not to be a significant factor, albeit one which we have given credit for. The standards and expectations of an officer in relation to data and computer security have not substantively changed over the intervening years satisfying the panel that we are not applying unrealistic expectations about her conduct.

Panels conclusion on seriousness

49) Taking our findings both individually and collectively we are satisfied that they establish high culpability and a high level of harm. The panel noted a significant number of aggravating factors in this case whereas the mitigating factors are notably limited. Reminding ourselves of the test for gross misconduct, we are fully satisfied, and formally determine, that **the proven and admitted allegations of misconduct and breaches of the Standards of Professional Behaviour in this case, individually and collectively are very serious and clearly amount to gross misconduct**, i.e. the type of conduct that would justify dismissal.

Submission on facts

50) The panel, prior to receiving submissions on sanction, were invited to consider a joint submission from both Counsel in this matter to disregard the information contained in the officers Regulation 31 response referring to the terms “*gypo*” and “*traveller*”. We were asked to disregard the terms and any inference or conclusions as to their context or relevance in relation to allegation one.

51) The question for us was, “could the panel fairly reconsider the charge ignoring the words “*gypo*” and “*traveller*”. We carefully considered this and we were satisfied that this is something we can do whilst being absolutely fair to the officer concerned.

52) During our panel deliberations the LQP provided us with a warning about the weight we could place upon the witness statement of Miss C. The LQP advised the panel that Miss C’s statement was hearsay evidence, as she had not been a live witness at the hearing. This meant that her evidence was not ‘best evidence’ as the panel had not been able to see nor hear her evidence, her response to any questions nor to be able to

put panel questions to her. However, the panel was advised that they could rely upon the evidence in Miss C's statement if they concluded that it was more likely than not to be true. In considering this the panel was entitled to bear in mind its findings about the reliability and truthfulness of PC Lewis, who denied directly informing Miss C of the information she had obtained from the police computer.

53) The LQP had also advised the panel that following the case of R (Mahfouz) v Professional Conduct Committee of the GMC [2004] EWCA Civ 233 it could reconsider allegation a 1 and consider whether it is satisfied that the AA had proved, on the balance of probability, that PC Lewis shared some of the information she had wrongly obtained from the police computer with Miss C. In doing so the panel put out of its mind the references to **“gypo”** and **“traveller”**.

54) The panel then embarked upon this course of action and first considered the witness statement of Miss C and noted her references to,

“She therefore told me that she was going to “look her up” “

“Lewis told me that she had looked up the male person”

“Lewis told me that she had overlooked the male person”

“Lewis was extremely worried about his background”

“Lewis explained to me that there was no address listed against him”

55) Miss C was not called as a witness and indicated in her statement that she was willing to support the misconduct investigation. The above quotes from Miss C are all indicative of a conversational exchange of information and the panel concluded that having carefully considered the LQP's advice that this narrative was more likely to be true than not. In addition to the above quotes, we also considered the contents of the message at page 35 of the bundle from Miss C to Lewis which reads, ***“I will report you for using the police data base for personal use”***.

56) We further considered the credibility of the officer's evidence which we have already articulated and which was found to be unconvincing, as has already been explained to this hearing. We concluded that the AA had proved on the balance of probabilities that

PC Lewis had shared some of the information she had discovered on the police database with Miss C.

- 57) The panel have now revisited their original determination of fact, putting out of their minds any consideration of the contentious terms, and find it to be a sound determination.
- 58) We therefore find the decision relating to the disclosure of information, was and is correct and we accept the AA's case. Disregarding the additional information has had no impact on our overall finding.
- 59) It is agreed that the officer searched the police computer against the name of Mr B for a non-policing purpose, it is also agreed that the officer disclosed, "*my god he's a criminal*" at least within the hearing of Miss C. The panel has also determined, on the balance of probabilities that there was a more developed conversational exchange extending beyond the agreed words above, based upon our general acceptance of Miss C's statement (taking full account of the legal caveats mentioned earlier), our rejection of the salient part of the officers evidence and the message between the officer and Miss C. The panel find that an additional conversational exchange took place relating to Mr B's apparent criminal background, his potential residence and associated contextual information originating or arising from information contained in the police system.
- 60) To make it clear, our findings about all the allegations and breaches of the standards of professional behaviour are not reliant upon this particular finding of fact. Even if we had found in favour of the officer on this issue, we are satisfied that it would not have had a significant impact on our decision about the seriousness of the misconduct. The panel is satisfied that the facts found proved and the breaches of the standards of professional behaviour are properly classified as gross misconduct even without a finding against PC Lewis that she shared some of this information with Miss C.

Outcome

- 61) The panel received and have carefully considered submissions for both Counsel in relation to what they consider should be an appropriate outcome in this case. Suffice

to summarise that the AA proposes dismissal without notice and Counsel for the officer proposes a final written warning of a duration to be determined by the panel.

62) The LQP gave us specific legal advice to follow the College of Policing Guidance and to revisit our earlier determinations, particularly in relation to culpability, harm, aggravating and mitigating factors. We were directed to the specific and relevant sections of the guidance.

63) We again reminded ourselves of the purpose of the police misconduct regime – to:

- maintain public confidence in and the reputation of the police service.
- uphold high standards in policing and deter misconduct.
- protect the public.

64) We structured our deliberations to ensure that we complied with the Outcomes Guidance as set out below. The Guidance at paragraph 4.2 sets out the stages to determine the appropriate sanction

a. Assess the seriousness of the misconduct:

b. keep in mind the purpose of imposing sanctions:

c. Choose the sanction which most appropriately fulfils that purpose for the seriousness of the conduct in question.

65) We took note that a factor of the greatest importance is the impact of the misconduct upon the standing and reputation of the policing profession (and of course, South Wales Police specifically).

66) Our finding of gross misconduct for all charges was, by definition, one that the misconduct was so serious that the Officer's dismissal would be justified, although we noted and kept in mind throughout our deliberations that not every finding of gross misconduct will lead to dismissal.

67) We were asked by Counsel for the officer to consider what benefit the officer gained from her actions. We determined that she obtained sensitive and confidential data in relation to;

- i. Personal details
- ii. Conviction data

- iii. Intelligence
- iv. Crime data
- v. Location Data
- vi. Incident data.

- 68) We accept the submission of Counsel for the officer that some of this data can be available to members of the public. We are well aware of this - however, the carefully sanitised and vetted information that is available to the public is in no way comparable to the sensitive and detailed information accessed through police systems by this officer.
- 69) We asked ourselves what the evidence tells us about why the officer carried out these inappropriate searches. In direct response to Counsel's submission that the officer's acts were reactions to life events, we understood the submission, however all acts, whether benign or inappropriate, will generally have a cause or trigger. We do not consider this as a critical issue as, at its best, it is an explanation rather than a legitimate justification of her misdeeds.
- 70) We concluded that the officer carried out these acts to help her determine decisions and matters relating to her life, family and domestic situation. She sought to identify issues relating to the criminal background of individuals and locations to inform her, and enable her, to improve or mitigate quality of life issues for herself and her family. She sought information to assist in her troublesome domestic life and the access and management of a child. Overall, she gained sensitive information and intelligence that is not legitimately available to anyone for the purposes to which she applied it. Counsel for the officer proposed the only benefit obtained by the officer was "*peace of mind*". The panel consider that her clear breach of trust, as determined earlier, relating to the commission of the charges and the breaches of the Standards of Professional Behaviour, provided her with the tangible and illicit benefits outlined above.
- 71) We carefully reconsidered, in the light of submissions, our assessment of seriousness in this matter and revisited the aggravating and mitigating factors across the charges and breaches of standards of professional behaviour. This exercise did not result in any change to our determination as set out earlier in these proceedings.

- 72) We have carefully considered the officers record of service and all the references that were placed before this panel. These were usefully summarised by Counsel for the officer, and we are content that we have given appropriate weight to these references particularly those relating to her more recent productive and praiseworthy working practices.
- 73) We bore in mind that we must always take personal mitigation into account, but that personal mitigation is likely to have a limited impact on the outcome where the misconduct threatens the maintenance of public confidence and respect for the police. The Panel's approach was to consider the misconduct and mitigation and impose the most appropriate outcome – the question of which outcome is appropriate was achieved by considering the range of outcomes available starting with the least severe which in this case is a final written warning and, only if necessary, working upwards in severity to the option of dismissal without notice.
- 74) We were conscious throughout to ensure that our purpose was not to 'punish' but to address the stated outcomes of the misconduct regime.
- 75) The importance of maintaining public confidence and respect for the profession of policing, is of primary concern to our decision. This officer's particular misconduct was a significant breach of trust and wholly disrespected the rights of those whose data the police hold with strict and important controls. We were satisfied this officers offending has threatened the preservation of public confidence and respect in policing. This results in less weight being attached to the personal mitigation that has been advanced.
- 76) We allowed the officer to make a personal statement prior to our adjournment to consider sanction. Whilst the timing of this was unusual, we felt it appropriate to allow this and have given full consideration to the officer's submission. The officer gave a passionate and descriptive overview of her acceptance of responsibility, her previous domestic situation which was coercive and controlling and her previous health problems. She clearly outlined regret for her transgressions, and she outlined her current employment situation and combined with the references this reinforces the panels knowledge about her record prior to and after the period subject of the allegations. The result of the officer's statement was to reinforce the submissions of Counsel, but it also led the panel to have a clear understanding of the impact that

dismissal would have on this officer. We therefore had this in mind and properly considered it throughout our deliberations of what should be an appropriate sanction.

77) The level of public concern surrounding the behaviour of Police Officers is currently at a particularly heightened state. Members of the public, if aware of this officer's multiple transgressions, would be appalled that an officer could, and did, repeatedly access their personal information for their own purposes as outlined above.

78) In Bolton v. Law Society [1994] 1 WLR 512 Lord Bingham MR said in the context of solicitors' disciplinary proceedings that it was required of lawyers practising in the UK "*that they should discharge their professional duties with integrity, probity and complete trustworthiness*". He said that the most fundamental purpose of professional disciplinary proceedings was to maintain the profession's reputation and to, "*sustain public confidence in the integrity of the profession ... A profession's most valuable asset is its collective reputation and the confidence which that inspires*". This applies with equal force to police officers, as confirmed in Salter (see below).

79) In Chief Constable of Dorset v. PAT and Salter [2011] EWHC 3366 (Admin) the High Court set out three important factors to be considered (dealing with outcome, but relevant also to the purpose of misconduct proceedings):

"24. It follows that when considering questions of sanction, the Panel, the Chief Constable on review and the Tribunal should have regard to the following factors:

i. The imposition of sanctions following a finding of misconduct by a police officer may have three elements:

a. There may be a punitive element designed to punish the police officer concerned and to deter others, particularly if he has not been prosecuted and convicted. But the imposition of sanctions is not primarily punitive, and may not be punitive at all.

b. The sanctions imposed may be designed to ensure that the police officer does not have the opportunity to repeat his misconduct.

c. However, the most important purpose of these sanctions, particularly in cases involving dishonesty or impropriety in connection with an

investigation, is to maintain public confidence in the police service and to maintain its collective reputation.

ii. One consequence of the fact that sanctions imposed in the disciplinary process are not primarily punitive is that personal mitigation is likely to have a limited impact on the outcome.”

80) We had particular regard to the public’s perception of this kind of misconduct, the adverse impact on public confidence and the specific impact that it would have on the perception of policing and the police misconduct regime.

81) There are very strong public interest and public confidence considerations in this case due to the nature of the offending behaviour, as well as clear direction from the **Outcome Guidance** at (Paragraph 6.6);

“The primary consideration for the panel or chairperson is the seriousness of the misconduct found proven. If the misconduct is so serious that nothing less than dismissal would be sufficient to maintain public confidence, personal mitigation will not justify a lesser sanction.”

82) The principle outlined in *R (on the application of Chief Constable of the West Midlands) (Claimant) v Panel chair (Police misconduct panel) (Defendant) & Officer A (Interested party) (2020)*. This case emphasises the importance of keeping the overarching purpose of the misconduct regime in mind at all stages of the process. The case reminds us to address this in our written outcome, which we have done by assessing the applicable facts in relation to each stage of the process and outlining how they sit with the purpose of the misconduct regime. However we have also considered the impact that our outcome would have on this officer.

83) Overall, we consider that the officers offending is very serious and we have carefully applied the purposes of the misconduct regime (as previously outlined) to all our sanction deliberations to apply an outcome which most closely meets its overall objectives. We first considered a final written warning and if it would meet the purpose of the regime.

- 84) Gross misconduct is proved in this case and for this type of offence the Outcomes Guidance at paragraph 4.74 is clear that, “*dismissal is likely to follow*”
- 85) The Officers conduct reflects the components of a criminal offence, Section 170 of the Data Protection Act 2018, and Section 1 of the Computer Misuse Act 1990. The former carries a potential unlimited fine and the latter up to two years imprisonment or a fine. We are advised to take this fact into account by the guidance, despite the absence of a criminal conviction in this case (para 4.23).
- 86) This type of behaviour has been seen, all too often, across the UK and Officers have been dismissed as well as many receiving criminal records. This is well known and publicised. An appropriate sanction needs to deliver a clear deterrent effect to protect the public, officers and staff from similar conduct in a manner that conveys a positive message to all observers of this process.
- 87) The sanction outcome we determine needs to maintain high professional standards and make it clear to officers/staff that behaviour such as this on or off duty, is not to be tolerated. We note that we are considering seven found breaches over a period of up to a year.
- 88) The Officer’s conduct is contrary to significant training and awareness that she has received. As indicated, every time she accessed the police system, she casually disregarded the clear and precise warning about computer misuse. She chose not to follow her specific training in relation to this area, nor adhere to the clearly understood expectations of the police service.
- 89) The panel considers that Police officers, in the course of their duties, have access to very private and personal information, often acquired when members of the public are at their most vulnerable. In holding that information, police officers must be trusted completely and without exception. If police officers cannot be trusted then, naturally, members of the public are less likely to make disclosure and support police investigations. That access to information puts police officers into a position of authority that they should never abuse.

90) It is both a public expectation and a legal requirement that information obtained during the course of policing duties should be treated in the strictest confidence, properly protected, and used for legitimate police purposes. Personal reasons for accessing confidential police information are not acceptable. If an officer accesses personal information not available to the general public, there should always be a specific and proper policing purpose for doing so. Accessing confidential police information without a legitimate policing purpose is an abuse of an officer's position and a clear case of a lack of integrity, discipline and common-sense. Taking everything into account this officer's multiple transgressions indicate a person who is wholly unsuitable to hold the office of constable.

91) Our final determination particularly reflected;

- a. The very serious proven and admitted multiple allegations and breaches of the Standards of Professional Behaviour (see paragraphs 35 and 85)
- b. The high culpability (paragraphs 39 – 40) and high harm (paragraphs 41 – 43)
- c. Significant aggravating factors (paragraph 44)
- d. Limited mitigating factors (paragraphs 45 – 48)
- e. Benefit to the officer and her family (paragraphs 67 – 70)
- f. The need to maintain public confidence and the reputation of the service
- g. The need to uphold standards in policing and deter future misconduct.

92) The Panel reminded itself that its central concern, having regard to the principle of proportionality and weighing the interests of the public and the Officer, is the reputation or standing of the policing profession rather than the punishment of the officer. Accordingly, the Panel concludes that, having found gross misconduct, the Officer's behaviour did/will cause great harm to public confidence in the profession of policing. **Having considered the lesser potential outcome first, and given full and serious consideration to the option of a final written warning, we are satisfied that the misconduct was so serious in this case that only an outcome of dismissal without notice is justified and commensurate with the stated objectives of the police misconduct regime, for the reasons we have outlined above.**

Barred List

93) We direct that the Officers name be placed on the Police Barred List (Police Barred List Police Advisory List Regulations 2017).

Appeal Provision

94) The officer has a right to appeal in accordance with the Police Appeals Tribunal Rules 2020. The officer must provide notice of their intention to appeal to the Appropriate Authority within 10 working days of the service of this written determination.

Signed

Ian Arundale QPM
Misconduct Hearing Chair