

IN THE MATTER OF THE POLICE (CONDUCT) REGULATIONS 2020

IN THE MATTER OF PC 3955 ANDREW LEGG

Accelerated Misconduct Hearing on 23 November 2021

by Chief Constable Jeremy Vaughan

Decision on Outcome

I have fully considered the evidence before me. Former Police Constable 3955 Andrew Legg has admitted the allegation contained in the Regulation 51 Notice. The former officer's Police Federation Representative, Mr Danny Ahearne, who appears on his behalf today, has also confirmed that former PC Legg has admitted that his conduct amounts to gross misconduct. I have found the allegation to be gross misconduct.

My decision on Outcome is that I am satisfied that the former officer would have been dismissed had he still been serving with South Wales Police.

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 allegation, the purpose of the outcomes which I have to consider in deciding an outcome and the mitigation put forward on behalf of the former officer both in his Regulation 54 Response and the representations made at the hearing on his behalf by Mr Ahearne.

Former PC Legg has admitted gross misconduct and a breach of the Standards of Professional Behaviour in relation to Honesty and Integrity, Duties and Responsibilities and bringing discredit on the police service and undermining the confidence of the public in policing.

I have assessed the seriousness of the misconduct in accordance with the College of Policing Guidance. I have given due consideration to culpability, harm, any aggravating factors, and any mitigating factors as set out in part 4 of the Guidance.

On two separate occasions the former officer made arrangements to meet a person, who I will refer to as “Ms A”, and who he had made contact with on line, for the purposes of sexual activity. On the first occasion, whilst on duty, former PC Legg in police uniform and driving an unmarked police vehicle, met Ms A and engaged in consensual sexual intercourse with her. The second occasion occurred less than two weeks later and once more took place at a time when the former officer was on duty. On this instance former PC Legg was on duty as a police motorcyclist and attended at Ms A’s home address in uniform using a marked police motorbike. Whilst at Ms A home, he and Ms A engaged in consensual sexual intercourse.

Former PC Legg has admitted this conduct when interviewed by the Professional Standards Department and readily acknowledged that he had been “*stupid*” and had engaged in “*very unprofessional behaviour*”, adding that he had “*absolutely no excuse to make for it.*” Former PC Legg resigned with effect from South Wales Police on 18/11/2021, shortly before this hearing.

In assessing the seriousness of the conduct, I recognise, as set out in paragraph 4.10 of the College of Policing Guidance, the more culpable or blameworthy the behaviour in question, the more serious the misconduct and the more severe the likely outcome. I am satisfied that the conduct admitted by the former officer was intentional, deliberate and targeted and planned and thus has a higher degree of culpability.

I take into account the former officer’s behaviour and how this would be perceived by the public. All police officers hold a position of trust and the former officer’s on duty conduct abused that trust and has diminished public confidence. The harm caused by the former officer’s actions is reputational harm, and effects the police service and public confidence in the service as a whole. There is specific reference in paragraph 4.65 in the College of Policing Guidance that 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 PC Legg’s action has caused damage to that reputation.

I have considered other aggravating factors in assessing the seriousness of the conduct. I recognise that the conduct involved premeditation, planning, targeting and taking deliberate steps. The on duty misconduct included the officers own sexual gratification.

The conduct was repeated over a short period of time and after former PC Legg should have realised that it was improper. The conduct is a significant deviation from instructions which includes orders, force policy and national guidance.

I have also reflected on the mitigation put forward by Mr Ahearne on behalf of the former officer, which is that he apologises, that he is remorseful, of previous good conduct and that he regrets finishing his career in this way. I recognise that he did admit the conduct.

I have reminded myself of the threefold purpose of the outcomes in police misconduct proceedings as clearly set out in paragraph 2.3 of the Guidance 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.

I have taken the personal mitigation into account, however, I am bound to recognise due to the purpose of disciplinary proceedings, the impact of personal mitigation is necessarily limited and that less weight can be attached to personal mitigation where serious misconduct has been admitted.

I am satisfied that the misconduct is so serious that if former PC Legg had remained a serving police officer, nothing less than immediate dismissal would be a sufficient outcome to maintain public confidence and that the personal mitigation put forward goes nowhere near justifying a lesser sanction.

Former PC Legg did this whilst on duty, abusing the trust put in him by me and the wider public. Instead of keeping the roads safe he sought to pursue a course of conduct which took him away from those duties. This is completely unacceptable and the damage is done and I consequently have no hesitation to decide on dismissal as an outcome had he still been serving.

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 the 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. I have no hesitation in determining that former PC Legg would have been dismissed had he not resigned.

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 Police Constable 3955 Andrew Legg be placed on the Police Barred List.