

6th December 2018

Based on the opening submission, the Officer has admitted five counts of gross misconduct, three in relation to allegation one and the totality of allegation one and all of allegation two.

In determining any sanction it is of absolute importance that public confidence in policing is upheld. It is admitted by the Officer that the data breaches and data misuse were made both internal and external to the organisation. I have considered the issues of harm and culpability that were presented at this morning's hearing, as well as the context of how personal devices have been used, for work purposes.

It is evident that all the images taken other than in relation to allegation number 5 by the Officer did not form part of any police investigation. The aide memoir on page 474 of the bundle is specific to investigative skills which is not applicable to the majority of the conduct admitted.

The conduct cannot be simply labelled as idle gossip but is rather repeated deliberate attempts by the Officer to impress and also ingratiate himself with his former girlfriend, colleague and friend. There was no policing purpose to these acts, and this has been admitted this morning. Furthermore, it should have been reasonably recognised by the Officer that this could cause harm to the victims and their families. The Officer has throughout displayed a complete lack of discretion over a protracted period of time and failed to consider how these deliberate acts and cruel language could have affected the reputation of policing, impacting on public confidence. This may have had a significant impact on the lives of recovering victims.

Once the images were electronically disclosed they were out of the control of the Officer and the force. It is of utmost importance that the severity of the sanction whilst being proportionate and fair must take into account the impact on public confidence and the reputation of policing. The

police are privy on a continual basis to sensitive information. Some of which is speculative in nature and all information must be handled confidentially and with care and respect.

It should have been reasonably foreseeable to an Officer with his level of experience and local knowledge that all 5 incidents were confidential and ought to have been managed as such. It must be made clear that the deliberate decisions taken by the Officer to photograph scenes, then consciously send the images with no policing purpose, are an intentional misuse of data, breaching confidentiality and is an abuse of the privileged position he was in. The foolhardy and reckless manner in which he conducted himself has brought the police in to disrepute by the very fact he has shared confidential information with other people that is of a sensitive nature. The anonymity in law of a rape victim is absolute. This has been irretrievably lost and may yet impact on the emotional recovery of the victim. I consider this must have had an impact on public confidence which is a priority for the force.

The data breaches and data misuse were not a single incident but formed a pattern of behaviour over a prolonged period of time. During this time the Officer did not reflect upon his actions, and the conduct only appeared to cease when the phone was seized. The admissions by the Officer are acknowledged, however this is with the benefit of hindsight and the ability to review the totality of the misconduct and the ability to consider its ramifications of his conduct.

The Officer came into contact with the victim cited in allegation 2 when she was at a particular difficult and distressing point in her life. At this time she was entitled to be treated professionally by the Officer. The police have a responsibility for the welfare of people in custody and to treat them with compassion, respect and dignity. The expression of comments verbally or otherwise of a sexual nature falls far below any expected policing standard. The Officer exhibited a disregard for both his ethical and moral duties towards this vulnerable individual. A breach of trust and his use of

sexualised and crude language towards the detainee is one that reflects of local and national concern. It is absolutely unacceptable and cannot be condoned.

The Officer has served for a total of 9 years with Cheshire Constabulary, the skills, experience and maturity that should have been reasonably have been achieved during this time appears to be woefully lacking. The 5 incidents of misconduct cannot simply be explained as immaturity, naivety and pressure of work or personal relationships.

In reaching a conclusion in relation to the outcome, I have carefully considered whether a final written warning is proportionate and appropriate given the seriousness of these allegations over a prolonged period of time. Given the rationale outlined I have no alternative but to sanction dismissal without notice. Any lesser sanction would not reflect the grave nature of the incidents made and impact on the reputation of Cheshire Constabulary, as well as public confidence and our duty to vulnerable victims.