



**HEDDLU
GOGLEDD CYMRU
NORTH WALES
POLICE**

Response Date: 25/10/2021

2021/957 - Misconduct outcomes

In response to your recent request for information regarding;

Could you please provide all misconduct hearing outcome reports for North Wales Police officers between January 2018 - October 2021.

Although the information you have requested was made public, this was for a period of least 28 days, and therefore this information is not permanently available.

All requests made under FOIA are applicant blind. A request must be treated as such and a public authority will always view any disclosure as into the public domain. Thus North Wales Police must be satisfied that any release of information will be potentially available to the general public. It is therefore on this basis that the following is relevant.

The information you have requested contains personal data of which you are not the subject and disclosure of the information to a member of the public otherwise than under the Data protection Act 2018 would contravene the data protection principles.

Section 40 is a class based exemption, therefore it is not necessary to evidence harm caused by disclosure.

The data protection rights of a third party would be breached by disclosure, therefore section 40(2) is an absolute exemption and a Public Interest Test is not necessary. This is so because personal data is governed by another law (The Data Protection Act 2018) and there are two elements to this exemption.

The first element of this exemption is engaged if the information requested constitutes personal data and is made by the data subject. The information will be covered by section 40(1) and the request will be dealt with under the Data Protection Act, rights of access.

The second element of this exemption is engaged if the personal data is about someone other than the applicant. Where someone makes an application for information other than the data subject, disclosure of that information will often constitute a breach of the Data Protection Act covered by section 40(2). Personal data is regulated under the principles of the Data Protection Act and when information contains personal data about a third party it can only be refused if disclosure would breach any of the data protection principles.

As previously highlighted, any disclosure under the FOIA is a public disclosure and release of the identity of an individual would breach principles 1 & 2 of the Data protection Act 2018.

These principles require that: 1) the processing of personal data for any of the law enforcement purposes must be lawful and fair and 2) the law enforcement purpose for which personal data is collected on any occasion must be specified, explicit and legitimate.

'Data subjects' are provided with certain legal enforceable rights under the Data Protection Act 2018. The fact that the information is held for lawful policing purposes, disclosing it onwards would breach the principles, and would be incompatible with the data subject's right that their data is held securely. By disclosing this information, the force could be subject to enforcement proceedings under the act if it breaches any of those principles.

Therefore, in accordance with the Freedom of Information Act 2000, this letter acts as a Refusal Notice under section 17 (1) of the legislation, and some third party details have been removed.

1. **Special Case Police Misconduct Hearing**

On Thursday March 1st 2018 a special case police misconduct hearing was conducted at Force Headquarters in Colwyn Bay concerning former Superintendent He faced two allegations that he had breached the Standards of Professional Behaviour relating to discreditable conduct (gross misconduct).

These allegations arose from an incident that occurred on August 12th 2017. Whilst off duty Superintendent ... in the presence of members of the public behaved in a disorderly manner and assaulted a member of the public. On January 5th 2018 Superintendent ... appeared at Wrexham magistrates' court and pleaded guilty to three criminal offences arising from this incident namely; public order, criminal damage and common assault and thereafter the officer exercised his right under legislation to resign from North Wales Police.

In these circumstances North Wales Police determined that a public misconduct hearing was both necessary and appropriate. The hearing was chaired by an independent senior police officer Chief Constable Matt Jukes from South Wales Police.

Former Superintendent ... did not appear in person at this hearing but he was represented by Mr Victor Marshall from the Police Superintendents Association. He acknowledged and accepted on behalf of the former officer that the behaviour alleged breached the professional standards of behaviour in these circumstances and this amounted to gross misconduct.

At the conclusion of the hearing Chief Constable Jukes determined the following.

'I am bound to accept that there has been no evidence of a wider course of conduct away from these particular events and, in fact, on his behalf Mr ... friend has introduced significant evidence of a career in public service spanning 24 years. The achievements of Mr ... across that period and indeed the positive impact of those on the public, including those which served to keep the public safe, have been commended.

Nonetheless, on balance the public are entitled to expect standards of behaviour on and off duty in the case of police officers, which are elevated in the case of senior police officers, and the events in August last year represent a breach of those standards. I conclude that it's untenable that Mr ..., if still serving, could continue to serve having been convicted of offences of this nature and could meaningfully engage the public, colleagues and partner organisations on questions of community safety having behaved in this way. It is therefore my conclusion, that were he still serving he would've been dismissed and on that basis should now be entered onto the barred list as maintained by the College of Policing.'

2. **PUBLIC POLICE MISCONDUCT HEARING**

On 6th September 2018 PC ... appeared before a Misconduct Hearing at Police Headquarters, Colwyn Bay.

This related to allegations of honesty and integrity and discreditable conduct.

The case was found proven and to be gross misconduct. PC ... was dismissed without notice.

PC ... submitted an appeal to the Police and Crime Commissioner following the outcome of the Hearing held on 6th September. The Police Appeal Tribunal was held in public on 13 March 2019 and the public notice below was published on the Force's website:

Yn dilyn Gwrandawriad Camymddwyn a gynhaliwyd ar 25, 26 Mehefin 2018 a 6 Medi 2018 cafwyd bod Cwnstabl Heddlu Larbi ... wedi torri Safonau Ymddygiad Proffesiynol a bod hyn yn gyfystyr a

Chamymddwyn Difrifol. Mae hyn yn torri'r safonau canlynol sy'n gysylltiedig â Safonau Proffesiynol: (1) Gonestrwydd ac uniondeb; a/neu (2) Ymddygiad Annheilwng.

Cafodd Cwnstabl Heddlu ... ei ddiswyddo yn ddirybudd. Apeliwyd yn erbyn y penderfyniad hwn wedyn.

Cynhaliwyd Tribiwnlys Apêl yr Heddlu ar ddydd Merched, 13 Mawrth 2019 ym Mhencadlys yr Heddlu, Bae Colwyn

Caniaaodd y Tribiwnlys yr apêl a chafodd yr achos ei ailgyfeirio i'w glywed o flaen Panel Camymddwyn arall.

Cafodd Cwnstabl Heddlu ... ei adfer i'w swydd.

Following a Misconduct Hearing held on 25th, 26th June 2018 and 6th September 2018 Police Constable ... was found to have breached the Standards of Professional Behaviour and that this amounted to Gross Misconduct. The breaches related to the Professional Standards: (1) Honesty and integrity; and/or (2) Discreditable Conduct.

Police Constable ... was dismissed without notice. This decision was subsequently appealed.

A Police Appeal Tribunal was held on Wednesday, 13th March 2019 at Police Headquarters, Colwyn Bay.

The Tribunal allowed the appeal and the case was remitted back for the case to be re heard before another Misconduct Panel.

Police Constable ... has been reinstated.

3. **PUBLIC POLICE MISCONDUCT HEARING**

On 23rd and 24th October 2018, Police Constable ... appeared before a Misconduct hearing at Police Headquarters, Colwyn Bay.

At the material time PC ... was employed by North Wales Police as a Police Community Support Officer. In or about December 2007 whilst attending a social event in Llandudno with colleagues he breached the Standard of Professional Behaviour concerning Discreditable Conduct (Gross Misconduct).

The case was found proven and to be gross misconduct. The panel considered a number of factors which resulted in the determined outcome regarding the issue of a Final Written Warning.

PC ... submitted an appeal to the Police and Crime Commissioner following the outcome of the Hearing held on 23/24 October 2018. The Police Appeal Tribunal was held in public on 30 April 2019 and the public notice below was published on the Force's website:

Tribiwnlysoedd Apêliadau yr Heddlu

Yn dilyn Gwrandawriad Camymddwyn a gynhaliwyd ar 18 Mehefin a 23 Hydref 2018, dyfarnwyd bod Cwnstabl yr Heddlu, ..., wedi torri'r Safon Ymddygiad Proffesiynol a bod hyn yn gyfystyr â Chamymddwyn Difrifol. Roedd y toriad yn berthnasol i Safonau Proffesiynol ar Ymddygiad Annheilwng.

Rhodddwyd rhybudd ysgrifenedig terfynol i Gwnstabl yr Heddlu Cafodd y penderfyniad hwn ei apelio wedyn.

Cynhaliwyd Tribiwnlys Apêl yr Heddlu ar ddydd Mawrth, 30 Ebrill 2019 ym Mhencadlys yr Heddlu, Bae Colwyn.

Caniataodd y Tribiwnlys yr apêl am fod yr ymddygiad a honnwyd wedi digwydd cyn penodi'r swyddog yn gwnstabl heddlu, nid oedd euogfarn droseddol wedi deillio ohono yn ystod ei wasanaeth nac o gwbl ac felly nid oedd wedi torri Rheoliadau (Ymddygiad) yr Heddlu 2012.

Bydd y dyfarniad o Gamymddwyn Difrifol yn erbyn PC ... yn cael ei ddileu o'i gofnod ar unwaith.

Police Appeals Tribunals

Following a Misconduct Hearing held on 18 June and 23 October 2018 Police Constable ... was found to have breached the Standard of Professional Behaviour and that this amounted to Gross Misconduct. The breach related to the Professional Standards of Discreditable Conduct.

Police Constable ... was given a final written warning. This decision was subsequently appealed.

A Police Appeal Tribunal was held on Tuesday, 30 April 2019 at Police Headquarters, Colwyn Bay.

The Tribunal allowed the appeal because the conduct alleged pre-dated the officer's appointment as a police constable, there was no criminal conviction resulting from it during his service or at all and it was not therefore a breach of the Police (Conduct) Regulations 2012.

The finding of Gross Misconduct against PC ... is now removed from his record with immediate effect.

4. POLICE MISCONDUCT HEARING (Hearing not in public)

On 19th and 20th February, 2019, DC ... appeared before a Misconduct Hearing at Police Headquarters, Colwyn Bay.

This related to alleged breaches of the Standards of Professional Behaviour specifically Authority, Respect and Courtesy, Equality and Diversity and Discreditable Conduct.

The case was found proven and to be gross misconduct. DC ... was dismissed without notice.

PC ... submitted an appeal to the Police and Crime Commissioner following the outcome of the Misconduct Hearing held on 29/20 February 2019.

The Misconduct Hearing was held in private.

The appeal was dismissed under Rule 11 of the Police Appeals Tribunal Rules 2012 as it had no prospect to succeed. The public notice below was published on the Force's website:

Tribiwnlysoedd Apeliadau'r Heddlu

Yn dilyn Gwrandawriad Camymddwyn agynhaliwyd ar 19 a 20 Chwefror 2019 canfuwyd bod Cyn Ditectif Gwnstabl ... wedi torri'r Safonau Ymddygiad Proffesiynol a bod hyn yn gyfystyr â Chamymddwyn Difrifol. Roedd y toriadau'n ymwneud â Safonau Proffesiynol Awdurdod, Parch a Chwrteisi, Cydraddoldeb ac Amrywiaeth ac Ymddygiad Annheilwng.

Cafodd Cyn Ditectif Gwnstabl ... ei ddiswyddo'n ddirybudd. Cafodd y penderfyniad hwn ei apelio wedyn.

Gwrthodwyd yr Apêl o dan Reol 11 o Reolau Tribiwnlysoedd yr Heddlu 2012 gan nad oedd ganddi obaith gwirioneddol o lwyddo.

Police Appeals Tribunals

Following a Misconduct Hearing held on 19 and 20 February 2019 Former Detective Constable ... was found to have breached the Standards of Professional Behaviour and that this amounted to Gross

Misconduct. The breaches related to the Professional Standards of Authority, Respect and Courtesy, Equality and Diversity and Discreditable Conduct.

Former Detective Constable ... was dismissed without notice. This decision was subsequently appealed.

The Appeal was dismissed under Rule 11 of the Police Tribunals Rules 2012 as it had no real prospect of success.

5. Special Case Police Misconduct Hearing

On Wednesday 12th June 2019 a Special Case Police Misconduct Hearing was conducted by Chief Constable Carl Foulkes at Police Headquarters, Colwyn Bay, concerning former Police Constable ... who had resigned from North Wales Police on 26th April 2019. He faced an allegation that he had breached the Standards of Professional Behaviour relating to Discreditable Conduct (Gross Misconduct) in that:-

On 13th May 2019 former Police Constable ... was convicted at Llandudno Magistrates Court of driving a motor vehicle whilst over the prescribed limit, contrary to Section 5 of the Road Traffic Act.

Former Constable ... did not appear in person at the hearing however had acknowledged by letter that had he still been currently employed by North Wales Police then the conduct alleged may have been considered to have amounted to Gross Misconduct.

Chief Constable Foulkes confirmed that he had heard and read the facts of the case that the officer's conduct did amount to Gross Misconduct. The Chief Constable had given due consideration to the facts and representations made out by Police Constable ... in his letter but outlined some aggravating facts namely:

- The fact that the officer had been convicted of a criminal offence
- He had placed himself and potentially members of the public at risk through his actions, not least in that he had been involved in a vehicle road traffic collision.

The chief Constable concluded that were former Constable ... still serving with North Wales Police he would have been dismissed as a result of his actions which amounted to Gross Misconduct and should now be added to the barred list as maintained by the College of Policing.

It was noted that PC ... had served a number of years with North Wales Police the majority of which demonstrated a strong commitment to serving the public.

6. PUBLIC POLICE MISCONDUCT HEARING

On dates between 25th and 27th June 2019 PC ... appeared before a Misconduct Hearing at Police Headquarters, Colwyn Bay.

This related to allegations of honesty and integrity and discreditable conduct.

The case was found proven and to be gross misconduct. PC ... was dismissed without notice.

PC ... submitted an appeal to the Police and Crime Commissioner following the outcome of the Hearing held on 25/26 June 2019.

The appeal was dismissed under Rule 11 of the Police Appeals Tribunal Rules 2012 as it had no prospect to succeed. The public notice below was published on the Force's website:

Tribiwnlysoedd Apeliadau'r Heddlu

Yn dilyn Gwrandawriad Camymddwyn a gynhaliwyd ar 25 tan 27 Mehefin 2019 canfuwyd bod y Cyn Gwnstabl ... wedi torri'r Safonau Ymddygiad Proffesiynol a bod hyn yn gyfystyr â Chamymddwyn Difrifol. Roedd y toriadau'n ymwneud â Safonau Proffesiynol Awdurdod, 'Gonestrwydd ac Unplygrwydd' ac 'Ymddygiad Annheilwng'.

Cafodd y Cyn Gwnstabl ... ei ddiswyddo'n ddirybudd. Cafodd y penderfyniad hwn ei apelio wedyn.

Gwrthodwyd yr Apêl o dan Reol 11 Rheolau Tribiwnlysoedd yr Heddlu 2012 gan nad oedd ganddi obaith gwirioneddol o lwyddo.

Police Appeals Tribunals

Following a Misconduct Hearing held on 25 to 27 June 2019 Former Constable ... was found to have breached the Standards of Professional Behaviour and that this amounted to Gross Misconduct. The breaches related to the Professional Standards of Authority, 'Honesty & Integrity' and 'Discreditable Conduct'.

Former Constable ... was dismissed without notice. This decision was subsequently appealed.

The Appeal was dismissed under Rule 11 of the Police Tribunals Rules 2012 as it had no real prospect of success.

7. Hearing outcome

Today (December 9) North Wales Police held a misconduct hearing to determine the outcome of allegations against former PC ..., who in 2015 developed an inappropriate sexual liaison with a vulnerable member of the public whilst on duty.

The force referred the matter to the Independent Office for Police Conduct who directed that the investigation was carried out by the force under their supervision.

The allegations were investigated by the NWP Professional Standards Department who concluded that the former officer's conduct should be subject to a gross misconduct hearing.

The hearing, chaired by the legally qualified chair Susan Davies, determined that the behaviour of the officer amounted to gross misconduct and decided that had she not resigned from her post she would have been dismissed from the force.

Deputy Chief Constable Richard Debicki said: "Firstly I would like to apologise to the victim in this matter who was badly let down by the person who was entrusted to support him.

"Society puts great faith in police officers to work with members of the public, often when they are at their most vulnerable. The majority of our officers do a fantastic job of supporting those in need of help and in doing so always strive to retain the trust and confidence of the public.

"Unfortunately, in this rare case, the actions of former PC ... breached this trust and fell far below the highest levels of professional behaviour we and the public rightly expect from our police officers.

"It is unacceptable to the force that an officer should act in a way that undermines the excellent work of the vast majority of our staff who serve our communities with compassion and integrity.

8. SPECIAL CASE POLICE MISCONDUCT HEARING

On Thursday 23rd January 2020 a Special Case Police Misconduct Hearing was conducted by Chief Constable Carl Foulkes at Police Headquarters, Colwyn Bay concerning Police Constable He faced an allegation that he had breached the Standards of Professional Behaviour relating to Discreditable Conduct (Gross Misconduct) in that:-

On 4th December 2019 ... was convicted of driving a motor vehicle whilst over the prescribed limit, contrary to Section 5 of the Road Traffic Act, at Llandudno Magistrates Court.

This allegation was denied by PC .. however the allegation was found proven and assessed as Gross Misconduct.

Chief Constable Foulkes confirmed that he had considered the representations from PC ... Police Federation Representative regarding the circumstances of the offence and PC ... personal circumstances at the time.

Chief Constable Foulkes recognised that PC ... was a 'good officer' who was going through a difficult period in his life however this was balanced against the fact that PC ... did not accept his conviction and there had been a potential for serious harm to have been caused on the night in question.

Having considered all of the circumstances, mitigating and aggravating factors, the outcome was dismissal without notice. PC ... will now be added to the barred list as maintained by the College of Policing.

9. **Accelerated Misconduct Hearing (Hearing not held in public due to Coronavirus regulations)**

On Wednesday 24th June 2020 an Accelerated Misconduct Hearing was conducted by Chief Constable Carl Foulkes at Police Headquarters, Colwyn Bay, concerning former Police Constable ...who had resigned from North Wales Police on the 8th June, 2020. The former officer faced an allegation that he had breached the Standards of Professional Behaviour relating to Discreditable Conduct (Gross Misconduct) in that:-

He had sought and obtained paid employment contrary to Police Regulations.

Former Constable ... did not appear in person at the hearing and had elected to be represented in his absence by a Police Federation representative. Former Constable ... had accepted that his conduct amounted to gross misconduct and had tendered his resignation.

Chief Constable Foulkes confirmed that he had heard and read the facts of the case and that the officer's conduct did amount to Gross Misconduct.

Having given due consideration to the facts in the case and the representations made on behalf of former officer, the Chief Constable determined that had former police constable ... continued to be a serving police officer, he would have been dismissed from the organisation forthwith. The former officer will now be added to the barred list as maintained by the College of Policing.

10. **Public Notice – North Wales Police – PC ... (Hearing not held in public)**

On dates between 1st and 8th September 2020 PC ... appeared before a Misconduct Hearing at Divisional Police Headquarters, St Asaph.

This related to allegations of honesty and integrity and discreditable conduct, specifically that during April 2006 PC ... was investigating an allegation of assault involving a vulnerable female victim. As a result of that incident PC ... provided the female with his personal phone number and exchanged text messages, thereafter he engaged in sexual activity with the female.

The case was found proven and to be gross misconduct. PC ... was dismissed without notice.

11. **Special Case Police Misconduct Hearing: Tuesday 20th October 2020 (Hearing not held in public due to Coronavirus regulations)**

On Tuesday the 20th of October 2020, PC ... appeared before a special case police misconduct hearing which was held at Police Headquarters, Colwyn Bay.

The allegations faced by the officer were as follows:

- On 15th September 2020, PC ... appeared before Llandudno Magistrates Court and pleaded guilty to three counts of S39 Assault whilst off duty.
- It was alleged that PC ... had breached the Standards of Professional Behavior relating to Discreditable Conduct and that the matter was considered to be of Gross Misconduct.

The Chief Constable, Carl Foulkes found the allegations to be proven and amounted to Gross Misconduct. PC ... was dismissed without notice.

12. **PUBLIC POLICE MISCONDUCT HEARING**

On dates between 1st June and 2nd July 2021 PS ... appeared before a Misconduct Hearing at Police Headquarters, Colwyn Bay.

PS ... faced the following allegation:

- Between 25th May 2018 and 10th February 2019 PS ... used force, namely Captor spray, on various detainees at Caernarfon Custody Suite, when such force was not necessary, proportionate or reasonable in all the circumstances.

It was alleged that PS ... had breached the Standards of Professional Behaviour relating to – Use of Force, Authority, Respect and Courtesy, Duties and Responsibilities. All matters were considered to be of Gross Misconduct.

The tribunal determined that there was only one case to answer for Misconduct in respect of a breach of the Standards of Professional Behaviour and the officer has been issued with a written warning. All other allegations were found to be not proven.

The Chair of those proceedings has authorised the release of the panel's full determination on outcomes which are shown below.

...

Outcome decision

...

The Panel determined to impose a written warning for 12 months.

THIS INFORMATION HAS BEEN PROVIDED IN RESPONSE TO A REQUEST
UNDER THE FREEDOM OF INFORMATION ACT 2000, AND IS CORRECT AS AT 21/10/2021