



**HEDDLU
GOGLEDD CYMRU
NORTH WALES
POLICE**

Response Date:09/09/2025

2025/946 - Misconduct hearing outcome referred to in notice of upcoming misconduct hearing

In response to your recent request for information regarding;

Today (4/9/25), I found the following in the 'Attend a misconduct hearing' part of your website (I have redacted the officer's name):

.....

'Upcoming misconduct hearings

Date: Thursday 11th September 2025

Time: 10.00hrs

Venue: Remote Hearing

Officer: Former Police Constable 3352 [redacted]

Findings of the Police Misconduct Panel

A Misconduct Hearing was held on 12 August 2024 – 15 August 2024, the allegations were Breaches of the Standards of Professional Behaviour for Discreditable Conduct.

The decision of the Police Misconduct Panel was to dismiss without notice.

In accordance with The Police Appeals Tribunals Rules 2020 the hearing will be in public.

Public viewing of this hearing will be via remote access through Microsoft Teams.

To request access to the proceedings you will need to register using the following unique link: '

.....

The information starts by referring to 'Upcoming misconduct hearings' and provides a future date of the hearing for PC 3352, but then refers to a concluded hearing that was 'held on 12 August 2024 – 15 August 2024' for an individual who was dismissed.

Please provide the misconduct hearing outcome for the officer who was dismissed without notice.

Please see attached.

The officers name and some 3rd party names have been removed as to release under them would be a breach of the Data Protection Act and therefore exempt under section 40 (2) of the Freedom of Information Act.

Therefore, in accordance with the Freedom of Information Act 2000, this letter acts as a Refusal Notice under section 17 (1) of the legislation.

THIS INFORMATION HAS BEEN PROVIDED IN RESPONSE TO A REQUEST
UNDER THE FREEDOM OF INFORMATION ACT 2000, AND IS CORRECT AS AT 05/09/2025

IN THE MATTER OF THE POLICE (CONDUCT) REGULATIONS 2020

IN THE MATTER OF

PC ...

DECISION

Introduction

1. These are allegations that arise out of the end of a relationship between two police officers. The officer accused of misconduct is PC ... ('the Officer') who was in a relationship with a police officer we will refer to as PC A. We remind everyone that there are reporting restrictions in this case.

Task of the panel

2. The panel is to be approached in 4 stages:
 - a. first, determining the facts, based upon what is admitted by the officer or proven on the balance of probabilities;
 - b. second, determining whether on the basis of those facts the officer has breached the Standards of Professional Behaviour alleged;
 - c. third, deciding whether any breaches found amount to either gross misconduct or misconduct;
 - d. fourth (dependent on the findings under (b) and (c) above), deciding what the outcome should be.

3. As is frequently the case the panel deal with the first three stages together, as that will dictate whether the fourth stage is necessary and on what basis.

The allegations

3. By a Regulation 30 notice at [8] PC ... is said to have breached standards of professional behaviour.
4. In particular the facts at paragraphs 9, 13, 14, 16-20 and 22-24 are said to be breaches of the standard of discreditable conduct.
5. Paragraph 9 represents a particular part of an incident that took place on 30th September where having found PC A and PC B together the Officer threw a pan of food towards PC A. The AA therefore differentiate between this and the first stage of the incident when the Officer finds PC A and PC B together.
6. The paragraphs between 13 and 20 listed above refer to an incident on the 16th December 2023 when the Officer returned to the house that he had shared with PC A.
7. Paragraphs 22, 23 and 24 relate to alleged misconduct while the Officer was on bail during a criminal investigation.

Burden and standard of proof

8. The burden of proof is on the Appropriate Authority to prove their case. The standard of proof applicable is the balance of probability. The balance of probability standard is a flexible standard. This means that when assessing this probability, the panel will assume that some things are inherently more

likely than others. Lord Hoffmann observed: 'It would need more cogent evidence to satisfy one that the creature seen walking in Regent's Park was more likely than not to have been a lioness than to be satisfied to the same standard of probability that it was an Alsatian.'

9. Serious misconduct is rare and therefore inherently less likely; the panel are therefore mindful of the need to look for cogent evidence.

Good Character

10. The panel have seen the Officer's Record of Service that shows that he has no previous disciplinary findings recorded against him. He is therefore entitled to a 'good character' direction to the effect that:
 - a. It is less likely that he committed misconduct.
 - b. His evidence may carry more weight.

Approach to evidence

11. Much of the factual evidence in this case is disputed. The approach of the panel has been to look for those pieces of evidence that are incontrovertible or admitted and then examine the accounts of the witnesses in that light.
12. ... has helpfully reminded us of what are sometimes referred to as the *Gestmin* principles and we also considered the decisions in *Blue v Ashley* 2017 WL ... [2017] EWHC 1928 (Comm) and *Onassis v Vergottis* [1968] 2 Lloyd's Rep 403.
13. In particular, we reminded ourselves of the importance of contemporaneous records, something which should be second nature to those investigating major crime. Further, we noted the points in paragraph 69 of *Blue*;

- a. that there is a powerful tendency for people to remember past events in a self-enhancing light.
- b. that encoding of memory for that information is improved where events relate to the self.

14. The panel also note that there are allegations that the Officer has lied. We considered that allegation in the context of *R v Lucas* (1981) 73 Cr App R 159 and Chapter 16-3, paragraphs 1 and 2 of the December 2023 Crown Court Compendium:

"A defendant's lie, whether made before the trial or in the course of evidence or both, may be probative of guilt. A lie is only capable of supporting other evidence against D if the jury are sure that: (1) it is shown, by other evidence in the case, to be a deliberate untruth; i.e. it did not arise from confusion or mistake; (2) it relates to a significant issue; (3) it was not told for a reason advanced by or on behalf of D, or for some other reason arising from the evidence, which does not point to D's guilt."

Solid foundations

15. The panel regarded the following matters as solid foundations to work from:
- a. In the summer of 2023 the Officer and PC A had been together for some 8 years. They had lived together for a period and then bought a house together. Although both were police officers they did not work together.
 - b. At around that time PC A became unhappy in the relationship and found that she was attracted to a colleague, PC B. At a party in July PC A kissed

PC B. This was observed by others and rumours spread. PC A was advised by her Sergeant about the rumours and that it would be better to tell the Officer herself before someone else did. She did this. Entirely understandably he was very upset.

- c. They continued to live together. Neither instigated a conversation about the future of the relationship.
- d. They had a prebooked trip to York and Edinburgh in August 2023. It became clear during the hearing that it was common ground that they had had sex on that trip.
- e. When they came back they continued to see each other socially. There was no further sexual contact.
- f. (Early September recording)
- g. 13th September the Officer provided a duty statement in respect of an unrelated matter in which he described PC A as his "ex-partner".
- h. On 30th September the Officer left for work at approximately 18.15. PC A had (we find) been at work earlier and had come home. The Officer returned to the address approximately 10 minutes after he had left. By this time PC B had arrived at the property and he and PC A were in a bedroom, undressed.
- i. The Officer discovered PC B and a scuffle ensued. The Officer then punched a mirror on the landing smashing it. A short time later in the kitchen the Officer "propelled" a wok or baking tray containing food off the stove top and onto the floor. The manner in which he did so is disputed.

- j. The matter came to the attention of their respective sergeants. Neither PC A nor PC B wanted any action taken.
- k. The living arrangements from then are the subject of some dispute. What is clear is that the Officer did not live and sleep each night at the address.
- l. (October recording)
- m. The situation was clearly, for want of a better word, complicated. They socialised on occasion together and both agree that he attended the house sometimes.
- n. On 15th December 2023 the Officer went on a night out with his rota in Chester. AT 0202 he sent a SMS message to PC A which reads "Any objections if I were to crash at home tonight". There was no reply to that message.
- o. At approximately 0400 the Officer arrived at the house in a taxi.
- p. There was a heated argument at the property.
- q. AT 04:29:58 NWP were contacted by BT regarding a 999 call from PC A's phone in which she could be heard saying "Go away" and a male voice saying, "stop that" and "stop (inaudible)". [136]
- r. At around the same time the Officer's mother, ..., missed a call from PC A. She says the missed call was at 0415 and a second call which connected was at 0420. Both the Officer and PC A agree that the 999 call was made before the calls with Without seeing anyone's phone records (including ...) the panel find that it is more likely than not that ... has helpfully tried to estimate those times and has not been asked to check.

- s. The Officer's parents attended the address and he left with them.
- t. The police attended. PC A gave a statement.
- u. Later that morning PC ... was arrested. Whilst in custody he was interviewed and gave a prepared statement. He was bailed with conditions not to "enter or reside" at the house and not to contact PC A.

Witnesses

16. We heard evidence from:

- a. PC A
- b. PC B
- c. PC ...

17. In summary, we did not find either of the main witnesses a reliable guide in this case.

18. PC A, in our view, gave an answer in her interview that simply cannot have been truthful and involved withholding information. She told us that she thought that it was irrelevant. If she had thought that she should have said so rather than giving an answer which was (at best) a half-truth. It is not for her (or any witness) to gatekeep relevance but to answer questions frankly. We do not accept that she thought that the fact that they had had sex on the Edinburgh trip was irrelevant. In our assessment we do not think that account was given to make things worse for PC

19. Similarly, we find that she was not candid regarding an earlier visit of PC B to the house.

20. We also note that her account, as recorded, of the 30th September was that PC ... had kicked a hole in the bedroom door and that the hearsay version of her account has multiple objects thrown.
21. PC ... account of what took place on the 16th December from his PACE prepared statement was significantly different to the account that he gave to us. Whilst many of those differences might be unhelpful drafting and the pressure of the moment whilst in custody in our view the key passage of PC A's actions with the phone are central to his account and we would expect those to be consistent. Further, we are of the view that his account of his actions on the night of 16th December contains things that are simply not true. The panel do not accept that he went into the room where PC A was and searched it for other men in an attempt to break the argument with humour. Similarly, the account of him leaving the room he'd gone to (he says) to de-escalate the argument when he heard PC A shouting is not worthy of belief.
22. We also heard from PC B whose evidence was more limited. There was room for concern in that there were differences, in our view, between the first and second of his accounts. We took the view that he was embarrassed and understood PC ... response and had underplayed what had happened in his first account.

30th September 2023

23. On 30th September the Officer returned to his house when PC A did not expect him to. The suggestion has been made that the Officer returned because he was suspicious. We find that to be unlikely. There is no reason to suppose that

because the Officer had a car problem it is particularly unlikely that he would not have forgotten his fob. His decision to return despite being already late was criticised but, using both common sense and the policing experience on the panel, we recognise that arriving at work both late and then without a key piece of equipment to access parts of the police station and to drive police vehicles might well have led to PS Wild being distinctly unimpressed.

24. We therefore accept that when PC ... returned to the house he was not expecting to find PC B.

25. We note the apparent discrepancy about the places PC ... stored the fob. In fact, in our assessment this is just part and parcel of daily life. If a key isn't where it is supposed to be there are likely to be number of other possibilities. The fact that PC ... didn't list the bedside table as one when first asked does not lead us to disbelieve him. We see nothing implausible in him asking PC A if she knew where the fob was. That is something seen in many households, multiple times a day.

26. Having gone upstairs to look for the fob PC ... came across PC A in the spare bedroom and in a state of undress. This was understandably surprising to him, and he checked on her. In doing so he became aware of PC B and a scuffle ensued. Whilst there were differences in the accounts of the witnesses we do not need to resolve those. PC A tried to stop PC ... entering the room and shut the door. PC ... put his hands up to the door. During the hearing the Officer tried to explain why. That explanation bogged down but in fact the simple truth is Officer then opened the door. He entered the room, became aware of PC B behind the door, pushed PC B from around that door and a very brief scuffle

ensued on the bed. Whilst in many cases the issue of whether a punch or punches were thrown would be a central consideration it is not here. No punch is said to have connected. The incident in the bedroom, and the smashing of the mirror which followed, are not said by the AA to amount to misconduct. We agree with that. This was a situation that was over in seconds and following the Officer find a male unexpectedly in his house. It is unsurprising that there would be confusion over whether arm movements in that scuffle were punches which didn't connect or simply flailing arms.

27. The Officer left the bedroom and punched a mirror, causing injury to his hand and smashing the mirror.

28. The contested area is what took place downstairs. The panel's view is that PC ... did not consider where the wok or food pan would go. He did not throw it at PC A (and she does not allege that he did). We accept that she perceived that she needed to avoid it. We think it probable that PC ... did not even know precisely where PC A was in the room. He was, we find, taking out his frustration on the object, as he had done with the mirror.

16th December

29. The first question for the panel is why the Officer attended the house on the night in question. In our view the AA have not disproved the Officer's account that he met a woman in Rosie's night club and took taxi back with her (and friends) to Buckley. Really, the only evidence that we could identify that he did not was the co-incidence of meeting a woman from the same relatively small

town on a night out in Chester. In all the circumstances we take the view that the AA have not proved that this account from the Officer is an invention. We accept that the Officer was asked about this in his interview. It is possible that he could have provided more information at an earlier stage. Equally, the panel note that the enquiries with the taxi companies in Chester appear to have been left unresolved by the AA. We note the close examination of the Officer's prepared statement and the account that he decided not to go back with her in the taxi, whereas his evidence to the panel was that he decided that in Chester. Further the prepared statement makes no mention of others in the taxi. The panel find that putting the note in fair context there is no significance to this discrepancy. He was attempting to explain the argument with PC A. Humans don't take decisions like machines; remembering precisely where doubt about sobriety of the woman from the club turned to a firm decision not to go to her house is not straightforward. It follows that we do not find that PC ... intention in attending the property was to antagonise PC A.

30. It is clear that the PC A did not want the Officer there. That much is common ground. She did not try to refuse him entry, but he describes her rolling her eyes and being reluctant about him staying. Much has been made of the Officer's return to the taxi to tell the driver to go. In our view it shows no more than PC A's acquiescence. She was plainly unhappy with his attendance.
31. The panel have considered in detail the suggestion that the Officer should not have attended the property without a positive indication from PC A that she did not object. We would accept that this was an unwise decision but do not find that it was done with ill intent.

32. Once the Officer entered the property it is clear that a significant argument took place. It is common ground the Officer told her he'd met a woman at the nightclub. The panel's view is that he said this to get a reaction from PC A. We note in this respect the Officer's comments to her on the 15th October; it is clear that he was capable of seeking to push buttons.

33. Whilst we have no doubt this was an argument in which both parties took a full part we find the following things relevant to our analysis of this incident:

- a. The Officer had arrived at the house, must have realised that his presence was unwelcome. He could have left the house or retreated to a bedroom and shut the door. Whilst that is true of PC A as well in our view there is a qualitative difference granted this is her only home and he has attended in the early hours of the morning.
- b. There are two particular occasions from the evidence that show the Officer's opportunities to disengage. Firstly, there is the stage where he went to a bedroom. He says that he heard PC A shouting and went back to try and de-escalate. We reject that. We find as a fact that he went back with the impulse to have his say and to continue the argument.
- c. The evidence also establishes that at one point he went into the bedroom where PC A was to continue the argument. Whilst there he theatrically checked to see whether she had a man in the room. That was, as we have said above, not an attempt at light humour to break her mood. It was an unnecessary and provocative reference to the incident with PC B that was designed to hurt.

34. Although there is disagreement as to how it happened it is common ground that PC A attempted to call the police and that the phone ended up on the floor due to a physical interaction between the two officers. He says he was in the corridor, and she tried to get past, dropping phone. She says that he knocked it out of her hand. The panel have considered the evidence around the 999 call and note that content of the call, with PC A saying, "go away" and the Officer saying, "stop that" and "stop (unclear)" with the second stop, in particular being delivered in a tone of command. We also note that the position is that she was in her bedroom, with the only exit being the narrow landing occupied by PC In the circumstances the panel conclude that the AA have not established that the Officer deliberately knocked the phone from her hand. The most likely explanation is accident.

35. We find that the argument continued downstairs. PC A tried to ring the Officer's mother and was insisting that PC ... speak with his mother. She moved towards him with the phone in her hand. PC ... did not wish to speak with his mother. Having considered PC ... initial account that this was an attack with the phone held high to strike him at one point, and his more measured later account that she was repeatedly pushing towards him, jabbing it into his chest the panel take the view that PC A was doing no more than insistently offering him the phone. We do not accept that PC ... held a belief that he was under attack. In those circumstances he did not take the phone to disarm her, and he did not take it to speak to his mother. In our judgement he took it because he was angry, as demonstrated earlier in the argument, now escalated by PC A involving his parents. The panel find it is more likely than not that he threw the phone with

force and in temper. The panel take the view that on balance he was reckless rather than that acting with an intention to damage the phone, e.g. to prevent her summoning help.

36. In reaching this determination we have considered the wider evidence. It is clear that there was an active call at this stage between PC A's phone and.... heard PC A saying speak to your mum. ... says she could not hear her son at all. PC A says that he was shouting. ... says that the call continued after she heard PC A say the phone was broken and that therefore it cannot have been. We have not heard from her in oral evidence and indeed were only provided with her statement at a late stage. There is no doubt that the phone was broken. We have a photograph of it at [139]. [132] PC A says that she could hear ... on the speaker after the phone was split into two pieces. This lends weight to her account of this stage of the incident. Nobody suggests that there was any other interaction with the 'phone which might explain the fact that it was in two parts. We accept that the screen coming away from the body of the phone did not terminate the call.

37. We have considered the evidence about whether the phone was damaged in advance. Although there is a conflict of evidence about that, in our view it is inherently unlikely that the phone would have broken in the way shown in the pictures unless it had impacted a solid object with considerable force. That supports our view that it was thrown in temper. Further, we take the view that this is supported by PC ... actions on 30th September in taking out his emotions on objects by punching or throwing them.

Bail Conditions

38. PC ..., in our view, showed poor judgment in driving past the house to get to the takeaway further down the road. We do not find that this was a breach of his bail condition. We do not find on the evidence that this was intended to upset or intimidate PC A or that he did so to check what she was doing or whose car might be outside. We do not think this represents a breach of standards. We note that it would have been entirely possible to prohibit his presence on the road if that was required.
39. On 28th March we accept that he drove behind her. We do not accept that he knew he was doing so. This does not represent a breach of either his bail conditions or his professional obligations.
40. Further, we do not find evidence that the Officer deliberately sent PC A an Instagram request. We note the lack of any other attempts at direct contact and the Officer's obvious distress when inadvertently meeting PC A since. These displace any suggestion that it would be hard to accidentally press the friend 'button'.

Standards of Professional Behaviour.

Discreditable Conduct

Police officers behave in a manner which does not discredit the police service or undermine public confidence in it, whether on or off duty.

41. In our view a right thinking member of the public who was aware of the broad circumstances of the case would not think that throwing a pan in frustration bought discredit on policing. The Officer was already in a difficult emotional position and had found his long term partner in bed with another man. A right thinking member of the public would, in our view, treat his reaction, including the pan or wok, as part of an all too human reaction to what had happened.
42. In our view that member of the public would take a different view about what happened on the 16th December. We take the view that a poor decision to attend the property at all was exacerbated by further poor decisions in not withdrawing when the argument developed and in actively pursuing the argument, e.g. going into her bedroom. The point at which those poor decisions become discreditable in our view is when he takes PC A's phone and throws it. Even allowing for the long term background and the heat of an argument a member of the public would regard that as an unacceptable piece of violence against the property of another in the context of a domestic argument. This incident lacks the elements of the 30th September which lead the panel to take a different view. Accordingly we find that in respect of this allegation PC ... has breached the Standards.

Gross Misconduct

43. The panel's task at this stage is to consider whether breaches found would justify dismissal. Our task at this stage is to look at this question- does a violent act against property, in a domestic context potentially lead to dismissal. We are

of the view that it must be right that dismissal is a possibility in the circumstances and that therefore this is a case of Gross Misconduct. Violence against Women and Girls is a national cause for concern and a priority for policing. There is the potential for serious harm and the significant culpability.

Outcome

44. The panel have considered outcome applying the suggested approach in *Fuglers* and the College of Policing Guidance. As requested we have set out our views about the different sections of this case and do so in four stages:

- e. Dishonesty on 13th January
- f. Discreditable conduct on 13th January
- g. Dishonesty on 6th February
- h. Authority, Respect and Courtesy

45. We have considered the Officer's record of service. The panel have followed the structure set out in the College of Policing Guidance on Outcome.

46. We have therefore done the following:

- assessed the seriousness of the misconduct,
- kept in mind the threefold purpose for imposing outcomes in police misconduct proceedings, and
- chosen the outcome which most appropriately fulfils that purpose, given the seriousness of the conduct in question.

Seriousness

Culpability

47. The assessment of culpability is the assessment of how blameworthy the Officer is for the conduct. This is a case in which the Officer lost his temper during an argument but having done so he committed the offence of criminal damage. That is sufficiently blameworthy for the criminal law to impose sanctions on members of the public who act in the same way. As 4.17 says "It is unacceptable for police officers, who are responsible for enforcing the law, to break the law themselves." We have also considered the subsequent paragraphs.
48. This was a case of criminal damage that would have been dealt with either by a caution or by a magistrates' court (technically it remains an either way offence even below £5000). That might be thought not to a serious criminal case but for a police officer even "a relatively minor criminal offence may be of the utmost gravity in a professional context."
49. This was also an offence committed in the context of a domestic argument. Whilst we acknowledge that no violence was used to the person of PC A we are satisfied that it meets the definition of domestic violence. "Violence against women and girls perpetrated by a police officer, whether on or off-duty, will always have a high degree of culpability, with the likely outcome being severe.
50. Whilst we acknowledge that this is a loss of self-control during a heated argument in which both played their part, our view of culpability is re-enforced by the fact that the Officer had repeated opportunities to end his participation in the argument. He could have left the property, he could have gone to and

remained in a room with the door shut. He played a full part in the build up to his loss of control. This is a high culpability case.

Harm

51. In terms of harm the panel identify:

- a. Emotional/psychological harm to PC A.
- b. Financial Harm to PC A.
- c. Damage to the reputation of policing and public confidence in the service.

52. Of those it is clear to the panel that there is substantial public concern about police perpetrated domestic violence. The harm here includes the potential harm to public confidence.

53. The passages above about police officers who break the criminal law also apply to harm.

54. This is also a high harm case.

Aggravating and Mitigating Factors

55. The panel have considered the list of aggravating and mitigating factors in the Guidance. We accept that several of the aggravating factors apply. However, those are matters that we have already factored into our decision on culpability/harm, and it would be wrong to double count them.

56. In terms of mitigating factors ... submitted that this was misconduct of single episode and of brief duration, there was an element of disturbance (although we have considered this and the extent to which we think that right already). We have born in mind the stress that the Officer was under, and indeed given

him the benefit of the doubt in respect of some of the poor decisions we feel he made.

Personal Mitigation

57. We have considered the character testimonials submitted on behalf of the Officer. In particular, we were conscious of the evidence provided by an ex-partner

Purposes of Misconduct Proceedings

58. There is a threefold purpose to these proceedings:

1. to maintain public confidence in, and the reputation of, the police service
2. to uphold high standards in policing and to deter misconduct
3. to protect the public

Available outcomes

59. The outcomes available to the panel are a final written warning or dismissal without notice. We should prefer a less serious outcome where that is consistent with the public interest [CoP 2.8]. The focus is not on punishing the Officer but on upholding standards. It has been observed, e.g. at CoP 2.4 that this leads to what may appear to be harsh sanctions if the focus was entirely on the individual officer.

60. The panel have considered whether a final written warning would be sufficient to meet the public interest in this case. We take the view that it would not. This was a case of conduct which breached the criminal law and that is aggravated by the domestic context. Even allowing for the stress that the Officer was under throughout the second half of 2023 we take the view that this is entirely unacceptable, and a warning would not meet the severity of the case.

61. We have put to one side ... decision on whether the Officer had made himself undeployable. We did not need to make a finding on that in the circumstances.

Conclusion

62. It follows that our decision is that PC ... be dismissed without notice.

20th August 2024