

IN THE MATTER OF MISCONDUCT PROCEEDINGS UNDER THE POLICE (CONDUCT) REGULATIONS 2020

IN RESPECT OF PC MURRAY

REPORT AND REASONS

1.1 This is a misconduct hearing under the Police (Conduct) Regulations 2020 concerning allegations made against PC Neal Murray ('the Officer') of the Cleveland Police.

1.2 On 8th May -10th May 2023, a Misconduct Hearing under the provisions of the Police (Conduct) Regulations 2020 ('the Regulations') commenced in relation to the Officer. The Officer attended the hearing . The Federation Representative Police Officer Crowley attended and represented the officer.

Pre-hearing

1.3 A pre hearing was held on the 23rd February 2024 and directions were made as follows: Anonymity -was granted to Miss A ,Miss Y ,Mr B and Mr Z .

Witnesses Required - The AA confirmed that none of the witnesses would be required .

PC Crowley (Fed Rep) confirmed in the Regulation 31 submitted and orally that no witnesses were required .

Given the issue in dispute the chair directed that PS Snow and PC Jarrett would be required to give evidence .

Directions were made regarding service of an opening note and paginated bundle .

1.4 The hearing took place before :

Miss Shamaila Qureshi Superintendent John Wintmore Ms Gill Rollings

- Legally Qualified Chair
- Police member
- Independent Panel Member

1.5 The AA was represented by Counsel Ms Checa-Dover.

1.6 The Federation Representative Police Officer Crowley attended and represented the officer.

1.7 IOPC Lead Investigator — Paul Whitaker .

1.8 The Appropriate Authority was Inspector Agar .The Directorate of Standards and Ethics support was provided by DC Susan Moore (SPOC for IPC/Hearings Officer AA) .Members of the IOPC attended Jasmine Baiver.

Chronology

1.9 IOPC referral submitted - 26/01/21 (Allegations 1-3) - Recordable Conduct .

IOPC investigation - Independent for Allegations 1-3

IOPC referral submitted 22/03/21 (Allegations 4-5) - Recordable Conduct

IOPC investigation - Independent for Allegations 4-5

IOPC letter Investigation concluded - 4/11/21(Allegations 1-3)

IOPC letter Investigation concluded - 21/03/22 (Allegations 4-5)

Regulation 17 Notice - 02/03/21

Response to Regulation 17 notice - 15/03/21 & 24/5/21

Interviews - 26/3/21 & 12/10/21

Prepared statement - 23/9/21 and 26/3/21

CPS Investigation concluded - 06/04/23

Regulation 30 - 2/1/24

Regulation 31 - 17/1/24

Pre-Hearing - 23/02/24

Factual Background (REG 30)

1.10 The panel is referred to the Regulation 30 Notice in respect of PC Murray and the allegations that the Officer's conduct amounted to gross misconduct .

The Regulation 30 Notice states as follows :-

It is alleged that you breached the Standards of Professional Behaviour in that:

Allegation relating to Ms A and associated dishonesty

1.On 20 January 2021, and whilst on duty,you attended upon a domestic violence complainant ("Ms A"). You produced and uploaded a statement

from Ms A on your electronic pocket notebook indicating that she did not want to pursue the matter, representing the statement as having been approved/signed by Ms A as being a true and accurate account ("the statement"). In fact, the statement had never been approved/signed by Ms A; you had falsified the same.

2. On or around 22 January 2021, PS Rob Tapster and Inspector Zoe Kelsey spoke to you about the provenance of the statement. You provided dishonest responses, telling them that the statement had been approved and/or signed by Ms A but there was a technical fault meaning the same was not recorded properly. You maintained this account for a period, going so far as inventing another trip to Ms A's house, being inaccurate and dishonest to supervising officers more than once.

3. On or around 21 January 2021, when speaking about Ms A, you referred to her as "a mong" and/or "a fucking idiot" or similar.

The above conduct breached the Standards of Professional Behaviour relating to Discreditable Conduct; Honesty and Integrity; Duties and Responsibilities and Authority, Respect and Courtesy and amounts to gross misconduct.

Allegation relating to Ms Y

4. On 10 November 2020, you attended an incident of suspected ongoing domestic abuse relating to Ms Y, perpetrated by Mr Z. There was a recorded history of domestic abuse. You knew or ought to have known that Ms Y was a vulnerable person.

5. You attended this incident on duty and spoke with Mr Z, who stated he was alone. In fact, Ms Y had been in the house. You failed to take any adequate steps to locate and/or safeguard Ms Y.

The above conduct breached the Standards of Professional Behaviour relating to Discreditable Conduct and Duties and Responsibilities and amounts to gross misconduct.

Breaches

1.11 Alleged Breach:

You breached the Standard of Professional Behaviour concerning - :

Honesty & Integrity - Police officers are honest, act with integrity and do not compromise or abuse their position .

Authority Respect & Courtesy – Police officers will act with self-control and tolerance treating members of the public and colleagues with respect and courtesy .

Duties & Responsibilities - Police Officers should be diligent in the exercise of their duties and responsibilities.

Discreditable Conduct - Police officers will behave in a manner whether on or off duty, which does not bring discredit on the police service or undermine public confidence in policing .

The Regulation 31 notice

1.12 The officer filed Regulation 31 response on the (p13-24) dated 17th January 2024 .This response contained detailed denials of allegations 4 and 5 and admissions in respect of allegations 1-3 .

1.13 The position was confirmed at the hearing . The officer admitted his actions in respect of allegation 1-3 that they amounted to Gross Misconduct and breaches of the standards .

1.14 The panel is grateful for the assistance provided by PC Crowley. The panel is also grateful for the assistance provided by Ms Checa-Dover and the very helpful opening note .

Evidence received by the Panel and the parties

1.15 The Panel had one bundle of information which contained the relevant notices and evidence from the AA .The panel were referred to a bundle comprising 540 pages. In addition we received an opening note from Ms Checa-Dover, counsel for the Appropriate Authority.

1.16 The Officer submitted no account in his interviews other than the prepared statements. He was interviewed on the 26th March 2021 (x 3 P309- 342) and the 12th October 2021 (x2 p518-535) in which he gave no comment or no response.

1.17 He gave a prepared statement on the 23rd September 2021 regarding allegation 4 and 5 (p514) and on the 26th March 2021 (p298-308) and the Regulation 17 response (p504- 513 dated 24th May 2021) and Regulation 17 response dated 15th March 2021 (p 288-297).

1.18 We have assessed the evidence and decision making .

1.19 Submissions were made by his federation representative and the panel are grateful for his attendance and assistance. The panel heard oral evidence from Sergeant Snow and admitted the evidence of PC Jarrett (Hearsay) and we heard from the officer in his defence . We considered the written evidence contained in the AA's bundle. Counsel for the AA Ms Checa -Dover presented the case for the AA .There were submissions from the Federation Representative Police Constable Crowley on behalf of the officer .

Anonymity

1.20 The panel chair directed that pursuant to Regulation 39 (3)(c) of the 2020 Regulations (Home Office Guidance (Hog)) publication of the identity of Ms A, Mr B, Ms Y and Mr Z was prohibited due to their vulnerabilities.

1.21 The chair directed at the outset of the hearing that all participants including the press, at the misconduct hearing refer to Ms A ,Ms Y, Mr Z and Mr B by those ciphers in any part of the hearing that is in the public and at which members of the public were present .

1.22 Pursuant to Regulation 39 (3) (b) the chair imposed conditions on attendance at the hearing stating that, it is a condition of any person attending the hearing that they comply with the restrictions outlined above. Further more, that there must be no recording, transmitting, writing down or sharing with any person outside the hearing the identities of Ms A, Ms Y, Mr Z and Mr B.

Preliminary Issues

Hearsay

1.23 On Wednesday 1st May 2024 the LQC received an e-mail from the AA attaching a minute sheet confirming that PC Jarrett was on long term sick leave and unfit to attend the hearing .The AA submitted that it was in the public interest that the hearing should continue and sought to adduce PC Jarrett's evidence as hearsay . The LQC received an e-mail from PC Crowley (fed rep) on behalf of PC Murray inviting the LQC to exclude the hearsay evidence on the grounds of unfairness, delay and requesting an

adjournment for his attendance .The LQC determined that this would be a matter that would be dealt with at the hearing given the proximity to the hearing date .

1.24 At the start of the hearing PC Crowley made an application that the hearsay evidence should be excluded and if it wasn't, they would be seeking an adjournment .

1.25 Both Ms Checa -Dover and PC Crowley submitted that this application could be determined as a preliminary issue .

1.26 Ms Checa-Dover in response to panel questions addressed the panel on the steps the AA had taken to secure PC Jarrett's attendance and whether or not he was unfit to attend the hearing or unfit to give evidence .

1.27 Given the sensitive nature of the information, the panel then went into private session in order to deal with this matter. The panel were informed that no adjournment would secure his attendance and in the event of any dispute between the evidence of PC Jarrett and PC Murray the panel could prefer the evidence of PC Murray .

1.28 Accordingly the panel heard oral submissions from both parties and took some time to consider the application. The panel determined that there were no exceptional circumstances present to justify an adjournment and in any event this would not secure his attendance at any future hearing .

1.29 The panel concluded, for the reasons already summarised to the parties, that the evidence of PC Jarrett was admissible but that the panel would need to consider further, when making its findings of fact, what weight should be attached to the evidence. The evidence was relevant and the allegations were serious and there was a high public interest in admitting this evidence .

1.30 It is a matter of fact, that hearsay evidence is admissible in misconduct proceedings and that the panel have to decide what weight they attach to it. The panel must consider all the evidence including hearsay and then decide what weight to attach to it .

1.31 In this case the panel considered all the evidence before it, including the hearsay and then decided what weight to attach to it (Hovis Ltd V

Louton 2020).The panel had regard to the following case law -(NMC V Ogbonna 2010 EWCA civ 1216 ,Nijie V NMC 2014 EWHC 1279, Ward V NMC EWHC 2014,Bonhoeffer V GMC 2011 EWHC 1585, Razzaq V Financial Services Authority 2014 EWCA , El Karout V NMC EWHC 281 admin). Following Ogbonna the panel were satisfied that inquiries had been made to secure the attendance of PC Jarrett. The panel received confirmation that PC Jarrett was unfit to attend the hearing and unfit to give evidence. The panel were satisfied that reasonable steps had been taken to secure the attendance of PC Jarrett .There is supporting evidence which assists the panel in addition to the account given as hearsay .The panel have considered this hearsay evidence 'as part of the totality of the evidence .' The panel further note that this is , 'not the sole or decisive ' evidence in this case .

1.32 The panel therefore attach little weight to PC Jarrett's evidence. In conclusion the panel has exercised a careful balancing exercise by evaluating the strength of the evidence and deciding that where there is a dispute, the evidence of PC Murray is preferred .

Character

1.33 We received the Good Character bundle submitted to us which consisted of testimonials from three witnesses. We noted that the officer was of good character. We directed ourselves that good character cannot by itself provide a defence to an allegation but that good character is evidence which counts in the officers favour in two ways : a) good character supports his credibility and is something which we should take into account when deciding whether we believe his evidence ; and b) it may mean that he is less likely than otherwise might be the case to have committed the allegations which he faces. In reaching its determinations on the facts, the panel took into account the officer's previous good character.

Law

1.34 In respect of the allegation of dishonesty, we reminded ourselves of the test for dishonesty which is to be applied is that set out in (Ivey v Genting Casinos (UK) Ltd (trading as Crockfords) (2017) UKSC67). Namely a) what was the defendants actual state of knowledge or belief as

to the facts ; and b) was his conduct dishonest by the standards of ordinary decent people .

1.35 The issue in respect of Integrity, or acting without integrity is a separate and distinct concept from dishonesty. The High Court has observed :

“ A lapse of integrity is very serious but can fall short of the quality of a lapse of honesty . Integrity in this context is not used in the sense of freedom from moral corruption rather in the sense of a failing to act in the right way, not behaving as the totally correct police officer would, in some way falling short of the whole. It is explained for police officers as “doing the right thing “(Chief constable of Thames Valley Police V (1) Police Misconduct Panel (2) Mark white (2017) EWHC 923 (Admin) para (15)).

Operational Dishonesty

1.36 We have referred ourselves to the “Guidance on outcomes in police misconduct proceedings“ 2023 (33-34) this reflects the law as set out in the case of (Salter V Chief Constable of Dorset (2012) EWCA civ 1047).This case set out guidance in cases involving operational dishonesty by police officers and stated that the sanction should be dismissal which is only to be departed from in a “very small residual category" of cases.

Mr Justice Burnett stated that :

“ Honesty and Integrity in the conduct of police officers in any investigation are fundamental to the proper workings of the criminal justice system .The public should be able to unquestioningly accept the honesty and integrity of a police officer .The damage done by a lack of integrity in connection with the investigation of an alleged offence may be enormous. The guilty may go free. The innocent may be convicted. Large sums of public money may be wasted. Public confidence in the integrity of the criminal justice system may be undermined. The conduct of a few may have a corrosive effect upon the reputation of the police service in general.

Panel Approach

1.37 To elicit the facts.

Whether the facts are found proven.

Whether the standards are breached.

Whether those breaches amount to Misconduct/Gross Misconduct.

Appropriate sanction.

Findings on the facts and on misconduct

1.38 The Panel reminded itself that the burden of proof of proving the allegation rested upon the AA and that the standard of proof was on the balance of probabilities which the panel noted was “that it is more likely than not.” (Hog para 2.264-2.265)

1.39 The panel heard the submissions made by Ms Checa -Dover, reviewed the evidence and made the following factual findings. The panel noted that this was sub-divided into sub-paragraphs with discrete allegations.

1.40 You joined the Metropolitan police on 29 March 2016.

1.41 You joined Cleveland Police on 25th November 2019 and worked in the response unit.

1.42 The matter was brought to the attention of the IOPC as a conduct referral on 26th January 2021.

1.43 The first allegation occurred on the 20th January 2021 and involved the officer attending a domestic incident call out in respect of Ms A . He attended with other officers including PC Philipson .

1.44 The allegation centres around the officer’s contact and or treatment with a vulnerable member of the public who was a Domestic abuse (DA) victim .

1.45 This was a domestic abuse incident involving Ms A and Mr B on the 20th January 2021. The couple were Marac. Officers Murray and Philipson (a student officer) attended the incident involving Ms A , Mr B and PC Highfield were already present there prior to the arrival of these two officers .

1.46 The incident had been recorded as a crime and fell within the definition of “domestic abuse.” PC Murray accepts that he was attending an incident in which a female had had an argument with her partner and had been pushed around. The call was zero priority/high grade which meant an immediate response was required (p 298) .

1.47 These two officers then attended to the incident regarding the safeguarding of Ms A and whether Mr B should be arrested. Ms A was in

a distressed state and disclosed what had occurred including an assault and an argument. Ms A further disclosed that Mr B had asked her to withdraw a statement in respect of a previous incident and had subjected her to controlling and coercive behaviour. She further confirmed that she was willing to provide a statement to this effect. Mr B was arrested. Ms A again confirmed she was willing to provide a statement because if she didn't ,” otherwise I will never get him out of my life .”(page 142)

Mr B becomes abusive in the presence of officers and this is evidenced at page 143 .

PC Murray again asked Ms A if she is willing to provide a statement (p143 entry 4:41:04) .

1.48 PC Murray had had dealings prior to this involving Ms A and Mr B so he was aware of the domestic background. At page 141 PC Murray identifies two serious offences have been committed at entry 4:31:34 “witness intimidation and controlling and coercive behaviour.”

1.49 In order to safeguard Ms A, PC Murray and PC Philipson transport her home. Ms A did not have the correct key so PC Philipson obtains an EPNB entry to confirm her consent to a forced entry (p159) and obtains her signature to authorise this .

1.50 PC Murray had activated his BWF (body worn footage) and from this a video viewing log was prepared by the IOPC. At page 139 PC Murray is having a conversation with PC Philipson regarding them having to be the “OIC.”

1.51 PC Philipson confirmed that he completed the Dash assessment with Ms A and as she failed to return downstairs he went upstairs to speak to her. He returned downstairs and then went back up to ask Ms A if she would provide a statement. At this point PC Murray commented “that she would not give one .”

1.52 When PC Philipson spoke to Ms A upstairs, Ms A confirmed she ”didn't want to answer anymore questions .”

At this point PC Philipson accepts he failed to obtain a signed notebook entry confirming her wishes not to provide a statement .

Both officers then returned to the station. PC Philipson went on his meal break and PC Murray remained in the report writing room .

1.53 PC Philipson then sought advice from PC Murray as to how to upload a signature from Ms A. Despite PC Murray showing him this method did not work. PC Murray then suggested that he would take a screenshot of Ms A's signature and copy it on to the job. PC Philipson then became confused when PC Murray suggested that he would take a photo of his entry with PC Philipson phone as PC Philipson knew that PC Murray had not made an entry at the scene. PC Philipson then briefly saw an entry flash up relating to Ms A not wanting to provide a statement but he was unable to read it properly due to the distance. PC Murray had also used PC Philipson phone. Feeling uncomfortable as to why PC Murray had not used his own device to upload the entry from his own PNB, he alerted PC Morrison who reassured him he would raise this with supervision. PC Philipson informed PC Morrison that he was concerned that PC Murray "would mock up another PNB entry", and "sign it as if the victim had signed it."

This entry is noted at page 182 .

1.54 PC Philipson reviewed the job later (p95) and noted photos had been uploaded. One from PC Murray's device and one from PC Philipson's device .The entry under PC Philipson was a photograph of PC Murray's entry, photographed on PC Philipson's device and noted as (DP/1 EPNB DP/1 PC Murray pdf) .

1.55 PC Philipson confirmed this was a genuine entry and signed in the presence of PC Philipson by Ms A.This had been uploaded by PC Murray in PC Philipson absence .

The second photograph was (EPNB NM1 PC Philipson .PDF) which was a photograph of a PNB from PC Murray's PNB and this photo had been taken on PC Philipson's device .

1.56 PC Philipson confirmed that he had not uploaded this and had not been present when it was done .

1.57 PC Philipson became concerned as he didn't believe that the entry made by PC Murray was genuine as he did not recall this happening at the scene and there was a discrepancy in the time stamp .

1.58 PC Philipson spoke to Inspector Kelsey and Sgt Tapster about his concerns .

1.59 Sgt Tapster investigated the matter and noted that the NM1 entry was timed at 21:52 (p113 and viewing log p146). This was when the officers were at the station in Hartlepool .

Both PS Tapster and Inspector Kelsey spoke to PC Murray .

PC Murray initially stated that there had been a “common technical fault ”(p113) and others had experienced the same issue and that Ms A had signed the EPNB. PC Murray confirmed he hadn’t reported it to IT but would send an e-mail to resolve this immediately .

1.60 Sgt Tapster and Inspector Kelsey conducted a short investigation and then invited PC Murray back for further questioning. On this second occasion, PC Murray stated he had returned to the address alone in order to seek approval to the statement. This trip never actually took place (p115 and p120) .

1.61 PC Murray was spoken to for a third time. Inspector Kelsey stressed the importance of telling the truth and informed PC Murray that the GPS force systems would be checked and PC Philipson would be spoken to in order to ascertain who was telling the truth .

It is at this point that PC Murray accepted that he had fabricated the EPNB entry and “marked it as being signed himself .” He confirmed he had not been with Ms A at the time he had been at Hartlepool police station .

At (p 120) Inspector Kelsey confirms that ,”He looked down at the floor and said that he did not go back to the address on his own that he signed the EPNB entry himself back at H1. PC Murray said that he had forgotten to get the IP to sign the PNB entry so he wrote it himself and typed it up. He then said “she’s a mong, a fucking idiot so I signed it .”

1.62 The second allegation (4-5) arises out of an investigation into allegations 1-3 .

1.63 On 10th November 2020 Miss Y made contact with the police regarding a Domestic Abuse incident. There was Marac involvement between Miss Y and Mr Z .

1.64 PS Snow confirmed that a call had come in to the sergeants office and concerned for her, he tasked PC Murray and PC Jarrett to attend the address .

When PC Murray and Jarrett arrived at the address, Mr Z answered the

door. He informed officers he was alone and the disturbance had been in relation to him and his dog .

PC Murray accepted this explanation and left. PC Murray and Jarrett then attended a second address to locate Miss Y and whilst at the second address, PS Snow contacts them again and instructs them to return to the first address .

1.65 When they return to the first address, Miss Y is located at the address .It was confirmed that Ms Y had made the call that day. Miss Y had contacted police to drop a rape allegation involving Mr Z and Mr Z became frustrated due to them having had to make several calls to get through to the police .

The officer was suspended on the 26th January 2021 and a referral made to the IOPC .

The panel heard live evidence from PS Snow and PC Murray. They all confirmed their written statements as an accurate and true account .

Findings of Fact

1.66 The panel follow the Reg 30 document in turn .

In considering the facts the panel has carefully reviewed the entirety of the evidence presented to us .

Allegations 1-3

1.67 The panel find that there was a domestic incident on the 20th January 2021. Officers Murray and Philipson attended the incident .

1.68 The background facts are not in dispute in relation to allegation 1-3 .

1.69 The panel note that allegations 1-3 are admitted as per the Regulation 31. The panel made its own assessment.

Allegation 1

1.70 On 20th January 2021, and whilst on duty, you attended upon a domestic violence complainant, (“Ms A”). You produced and updated a statement from Ms A on your electronic pocket notebook indicating that she did not want to pursue the matter, representing the statement as having been approved/signed by Ms A as being a true and accurate account (“the statement”). In fact, the statement had never been approved/signed by Ms A: you had falsified the same.

1.71 PC Murray admitted the breach in both his Regulation 31 response and his prepared statement dated 26th March 2021. The officer accepts that he created a false statement in his pocket notebook confirming that Ms A did not wish to provide a statement and falsifying the same. He stated that the content was factually true and his rationale was solely to finalise the case for a legitimate policing purpose and not to undermine any criminal proceedings. He submitted that it was a poor decision, he was not “thinking correctly” and was remorseful. He did not accept that there was an intention to deceive but accepted this amounted to gross misconduct.

1.72 In his evidence in chief, PC Murray confirmed that the content of the Electronic Pocket Note Book (EPNB) entry was factually accurate as it reflected Ms A’s wishes not to proceed with the criminal allegations. In cross examination he denied forging the signature. In re-examination by the Federation representative, and when questioned as to the intention / purpose in uploading the statement he stated it was what Ms A wanted and it would minimise the work load for other officers and ‘boxed up the job’.

1.73 The panel note that there is some corroboration in relation to this from PC Philipson, referenced in his statement provided, that Ms A declined to give a statement and he (PC Philipson) failed to obtain an EPNB entry from her confirming this. The panel find that PC Murray then took it upon himself to complete the missing jigsaw puzzle and create a false entry purporting to be from Ms A confirming she did not wish to provide a statement and signing it on her behalf as her signature. He used PC Philipson’s device to upload this stating that his device had stopped working. The result was that there were now two EPNBs - one EPNB in relation to the statement (from Ms A) and another entry in relation to the forced entry of Ms A’s property. PC Philipson became concerned at PC Murrays request to use his device to upload something and raised these concerns with his tutor constable (Pg 91) which led to an investigation of this matter .

1.74 The panel, in considering the issue of the EPNB uploads from both PC Murray and PC Philipson’s EPNBs note the admissions of PC Murray in his oral evidence that he uploaded the retraction statement from Ms A from PC Philipson’s device at 21:52:11 (Pg 183). The further entry of a

signature, presented as that from Ms A, and identified as a false signature by the AA in comparison to the true signature obtained by PC Philipson with regard to forcing entry, is uploaded at exactly the same time – 21:52:11.

1.75 PC Murray, in his oral evidence (cross-examination) denies any knowledge or involvement of the entry of the signature and provides no explanation for it being there. However, in previous admissions to Insp Kelsey and Sgt Tapster he admits that he lied and had submitted the false signature himself. (Pg 120/Pg 116)

1.76 PC Murray further admits to producing and uploading a statement purporting it to be from Ms A , from his own EPNB which appears to be now working 5 minutes after previous uploads from PC Philipson's EPNB, (a screenshot of PC Philipson's device relating to the consent obtained from Ms A to force entry to her property). This is accepted to be a true EPNB from Ms A, obtained at the time by PC Philipson. This was uploaded at 21:57:54.

1.77 The AA highlights that the false entry is uploaded by PC Murray from PC Philipson's device and the one true and correctly signed entry, entered at 21:57:54 was from his own device, now working. The panel consider this to be of particular relevance and concern.

1.78 In cross examination PC Murray accepted his actions, in using another officer's electronic device, was wrong although he stated he was doing it to finalise the case papers ready to be handed over. PC Murray denies any intent to deceive or misrepresent facts although accepts he had lied to his supervision when challenged about this (see allegation 2). PC Murray was specifically asked by prosecuting counsel if, in knowingly uploading a false entry , purporting to be from Ms A, to a force system in a live criminal investigation amounted to operational dishonesty. PC Murray replied ,”NO.” He then told the panel , “It's operational because I'm obviously using a computer but the fact what I did the body of what I did was true.” He further added, “ everything I wrote was true,” “I didn't know it was wrong at the time , I just thought I was doing the right thing at the time it was an honest mistake in the circumstances.”

1.79 The panel note that at the time the false entries were made on the respective force system through the EPNB updates, this was a live criminal investigation with a suspect in police custody.

1.80 The panel also observe that PC Murray had the opportunity to capture the details of the allegation in the EPNB and on BWV in the retraction statement to support any later evidence led prosecution or DVPN application. He also had the opportunity to be transparent about how the wishes of Ms A not to support a criminal prosecution had been captured and entries could have been made to reflect that fact, with a true signature being obtained at a later stage.

1.81 The panel also made note of the evidence presented by the AA of the BWV of PC Murray when attending the incident, PC Murray states “You’ll have to be fucking OIC you” (Pg 139). The panel finds that this gives concerning insight to PC Murray’s mindset and approach to a domestic abuse incident.

1.82 The repeated questions to the vulnerable victim Ms A of whether she wanted to provide a statement could be seen as seeking to dissuade her (Pg 142/Pg 143).

1.83 The panel find that the actions taken by PC Murray, in uploading to the force system that is time stamped, a EPNB statement that had not been agreed or signed by Ms A at any point, amounted to creating a false entry and was dishonest from the outset .We found that the officer did not honestly believe that what he was doing was “the right thing,” making a statement (whether the contents were true or not) that was falsified purporting it to be from a victim and signing it .The officer knew he was acting dishonestly and find that his conduct would be regarded as dishonest by the standards of ordinary decent people. We rejected his claim that there was no intention to deceive and that he was merely trying to finalise the case .

1.84 The account given was dishonest and lacked integrity in Breach of the standards of Professional behaviour for Honesty and Integrity. Furthermore this was conduct that would discredit the police service and/or undermine public confidence. This amounted to breach of the standard of Discreditable conduct .

1.85 We are satisfied and have found that it was more likely than not that the reason this officer falsified the statement was with dishonest intent and accordingly we find the matter proved. The AA invited the panel to find operational dishonesty in this allegation and the panel find it is more likely than not that PC Murray falsified an entry on EPNB and signed it and the panel finds this amounts to operational dishonesty. Operational dishonesty is placed in a special category in “outcomes guidance .”

1.86 This is a finding of operational dishonesty. The panel took a serious view of his actions and the panel find that a breach of this standard constitutes Gross Misconduct. (see Law section for dishonesty para 1.34 - 1.36).

1.87 Honesty and integrity – according to this standard, police officers must behave in a manner where they are honest and act with integrity at all times, without compromising or abusing their position. Examples of meeting this standard are when you do not knowingly make false, misleading or inaccurate oral or written statements in any professional context .

1.88 The panel is satisfied that PC Murray’s actions are dishonest when making the entry in his EPNB and representing that the statement was approved and signed by Ms A. He was on duty at the time. The panel is further satisfied that this amounts to operational dishonesty with significant implications for the criminal justice system.

1.89 Duties and responsibilities – this standard requires that officers must be diligent in the exercise of their duties and responsibilities.

1.90 Ms A was vulnerable as a victim of domestic abuse - the former officer was aware of her vulnerability. The breach is therefore aggravated .

1.91 The panel is satisfied that the officer has failed to obtain an authentic statement from Ms A and falsified a statement, and this constitutes a breach of the standard. The panel finds that this amounts to gross misconduct.

Allegation 2

1.92 On or around 22nd January 2021, PS Rob Tapster and Inspector Zoe Kelsey spoke to you about the provenance of the statement. You provided

a dishonest response, telling them that the statement had been approved and/or signed by Ms A but there was a technical fault meaning the same was not recorded properly. You maintained this account for a period going so far as inventing another trip to Ms A's house, being inaccurate and dishonest to supervising officers more than once.

1.93 PC Murray admits this allegation to the supervisory officers (Sgt Tapster/ Insp Kelsey) at the time, in his Regulation 31 response and in his verbal evidence provided to the panel. In mitigation, PC Murray states that the initial dishonesty was an isolated event and was as a result of his being exhausted, over worked and subject to personal stress. He also panicked and lied, when challenged and referenced being in a "blind panic" and a "fight or flight" instinctive reaction. The panel note that at the material time the officer was suffering mental health difficulties and that these developed as a result of significant personal and professional stress .

1.94 The panel noted with concern, PC Murray's response to Counsel that if it were not for the supervisors' persistence in seeking the truth, these lies may not have been identified. In his evidence to the panel PC Murray states "good job as I would have been lying and lying".

1.95 Furthermore, when it is put to PC Murray the seriousness of his actions, in falsifying a statement of a victim in a criminal investigation and the implications on the criminal justice system in terms of operational dishonesty the panel noted PC Murray's response was "Yes, good job I was found out".

1.96 PC Murray did express remorse for his actions, which he said were out of character and he was ashamed of what he had done.

1.97 The panel note that this allegation arose as a consequence of concerns raised by PC Philipson to

PC Morrison, subsequently shared with supervisory officers who conducted initial enquiries with officers to ascertain the facts.

1.98 In evidence provided by Sgt Tapster and Insp Kelsey, they detail the discussion they had with PC Murray, who was provided with the opportunity to give his account and the facts arising from the discussions had with Ms A and the subsequent EPNB entries.

1.99 PC Murray stated he had had some difficulties with the electronic devices and initially affirmed that he had re-attended the address of Ms A, with PC Philipson later in the evening to obtain the EPNB entry and signature. The discussion is then paused for a short period whilst the supervisors make some enquiries and speak to other officers.

1.100 PC Murray is called in again by Sgt Tapster and Insp Kelsey to discuss the matter further and when challenged, he changes his account to state that he went back to the property alone without telling PC Philipson.

1.101 The panel find that when he is informed his version of events do not correspond with that of PC Philipson and that the matter would be referred to the Directorate of Standards and Ethics and GPS checks would be done on the vehicle used, PC Murray then admits that he made the false entry and signature himself at Hartlepool Police Station that evening.

1.102 The panel found that the officers credibility diminished as a result of his changing accounts which furthers the conclusion that he knew these actions were dishonest in creating the document. He gave several different accounts which changed over the course of these meetings. The panel finds that the officer knew that the information he was providing to his supervisors was false. The panel have reached this conclusion because the officer kept changing his account when challenged .

1.103 The panel note that PC Murray had been provided the opportunity to provide a truthful account on numerous occasions and indeed had initially sought to further his dishonesty in changing his false account by giving discrepant evidence. It is only when presented with other officers' accounts and likely GPS evidence that he admits his lies.

1.104 In providing inaccurate and misleading information to Sgt Tapster and Inspector Kelsey, the panel finds that the officer knew that and therefore breached the standard of Honesty and integrity. Applying the objective standards of the ordinary decent people, it is our finding that such people would accept that the officer in providing false information was being deliberately dishonest. Therefore the panel finds the factual allegation proven on the balance of probabilities .

1.105 The panel therefore find that this allegation is proved and that this breaches the following standards:

1.106 Honesty and integrity – according to this standard, police officers must behave in a manner where they are honest and act with integrity at all times, without compromising or abusing their position.

1.107 The panel is satisfied that when challenged by supervisors, the officer fails to, on numerous occasions, provide a true account of his actions and dishonestly sought to deceive. The panel finds that this is a breach of the standards of honesty and integrity. The panel note its finding above and applying the test in respect of integrity as established in cases including Wingate V Solicitors authority (2018) find that PC Murray, in repeatedly lying and falsifying a statement, breached the standards in respect of integrity, in that he failed to abide by the standards expected from a serving police officer .

1.108 In respect of the issue of dishonesty, the case referred to at paragraph 1.35 Ivey is applied. In repeatedly lying and falsifying a statement, the panel find that PC Murray knew that he was acting dishonestly and find that his conduct would be regarded as dishonest by the standards of ordinary decent people .

1.109 The panel therefore find allegation 1 and 2 proved . The panel do not accept that his repeated failures were due to health issues and note that there is no supportive medical evidence to substantiate this .

1.110 PC Murray admitted Gross Misconduct in respect of Allegation 1-3.

1.111 The panel also finds that this amounts to gross misconduct.

Allegation 3

1.112 On or around 21st January 2021, when speaking to Ms A, you referred to her as “a mong” and/or “fucking idiot” or similar.

1.113 The panel noted that this allegation is admitted in PC Murray’s Regulation 31 response and in his verbal evidence. These words were used in the presence of Sgt Tapster and Insp Kelsey after PC Murray finally admitted having falsely recorded the EPNB entries and having lied to his supervisors in his account. The evidence of this is provided in the statements of Sgt Tapster and Insp Kelsey (Pg 111/117).

1.114 In his prepared statement at (p296) he stated that ,”I can’t believe I signed it, she’s a fucking mong.” He accepted saying these words, and explained he was fatigued and angry at himself for getting himself into trouble for someone who had no intention of assisting the police .

1.115 In his oral evidence to the panel, PC Murray states these words or characterisation of Ms A do not reflect his view of vulnerable victims and were used as a consequence of the pressures he was facing at the time in his personal life, his poor mental health and being overworked. He states this was an isolated incident and accepts this was disgusting and “not very good.” He didn’t realise at the time that he needed help and did stupid things which may cost him his job.

1.116 The panel finds on a balance of probabilities that these statements were made and they were derogatory comments made about a victim in the presence of his supervisors. He also accepts that if Ms A was aware of his words, she would lose trust and confidence in the police.

1.117 The panel therefore find that this allegation is proved and that this breaches the following standards:

1.118 Authority, respect and courtesy – Police officers act with self-control and tolerance, treating members of the public and colleagues with respect and courtesy.

1.119 The panel find that in calling Ms A “a mong” and a “fucking idiot” the officer failed to treat her with respect and courtesy, knowing Ms A was vulnerable. The officer lost his self-control and failed to show Ms A, a vulnerable victim of domestic violence and a member of the public, the required respect and courtesy expected from the police service.

1.20 This is therefore a breach of the standard of Authority, Respect and Courtesy.

1.121 Discreditable Conduct – Police officers must behave in a manner, whether on or off duty, which does not bring discredit on the police service or undermine public confidence in policing.

1.122 The panel find, by considering the inappropriate and insulting words used by the officer, demonstrating his view and perception of vulnerable victims, brings discredit on the police service as the public would expect

officers to show greater professionalism, understanding and empathy. He failed to carry out his role and responsibilities in an efficient, diligent and professional manner .

1.123 His behaviour towards Ms A impaired his own effectiveness and damaged his own reputation, that of Cleveland police and the police service as a whole .

1.124 The test as to whether the behaviour brings discredit on policing is not just about media coverage and public perception but the circumstances of the case.

1.125 Based upon the panel's findings, the officer has breached this standard of professional behaviour. The officer has not maintained the highest standard of behaviour the public expect from members of the police service and has discredited Cleveland Police force. The panel considers that this amounts to misconduct.

1.126 PC Murray accepted that collectively in respect of allegations 1-3, his behaviour amounted to gross misconduct within his accepted breaches.

Allegation 4

1.127 On 10th November 2020, you attended an incident of suspected ongoing domestic abuse relating to Ms Y, perpetrated by Mr Z. There was a recorded history of domestic abuse. You knew, or ought to have known, that Ms Y was a vulnerable person.

Allegation 5

1.128 You attended this incident on duty and spoke with Mr Z , who stated he was alone. In fact Ms Y had been in the house. You failed to take any adequate steps to locate and/or safeguard Ms Y

1.129 The panel considered these two allegations together as the evidence for each is inextricably linked. PC Murray denies these allegations in his regulation 31 response and in his verbal evidence provided to the panel.

1.130 In his Regulation 31 response, PC Murray states that he believes he had been diligent in his actions, given the limited information he had been provided with in the first instance. He stated the information that he was provided with was restricted to the call made from a mobile to the Sergeant's office and the only connection to the address was through police indices with no indication the call was made from that address.

1.131 On arrival he spoke to a male who answered the door and who informed him the call had not been made from the address. He said he saw no signs of disturbance and therefore had no reason to disbelieve him. He therefore had insufficient information to use his powers to enter and search the address and therefore left the address on the direction from Sgt Snow to attend a second address.

1.132 In his verbal evidence provided to the panel, PC Murray states, on being dispatched to the address from Hartlepool police station by Sgt Snow, that he was only provided very limited information prior to attending the first address which would have not provided sufficient grounds to justify the use of his powers of entry (Sec 17 PACE– to save life or limb) and therefore he did not exercise that power.

1.133 PC Murray did confirm in his oral evidence that prior to attending the first address that he was aware of a “disturbance” being reported from the address and that a female voice had been heard.

1.134 The panel heard the oral evidence of Sgt Snow and also note his prior written statement which he confirmed was true. It was observed that Sgt Snow was not able to recollect any great detail of the events in question, particularly in relation to what information was provided to PC Murray before attending the first address.

1.135 Sgt Snow stated that the call received into the Sgt's office gave him a “hunch” and he “just had a feeling” something was wrong. Sgt Snow was not able to recall if he took the call or if Sgt Bradley took the call from Ms Y and could not recall how the address PC Murray was sent to was identified. The panel also noted that Sgt Snow could not recall if he passed any details of previous incidents to highlight the potential victim's vulnerability.

1.136 The panel admitted the written evidence of PC Jarrett however we gave no weight to it as aspects were contested by PC Murray.

1.137 The panel carefully considered the evidence highlighted by prosecuting Counsel to PC Murray relating to the transcript of the police Airwave radio transmissions (Pg 441). This records that the operator transmitted a number of messages to PC Murray and PC Jarrett, which included the details that the address they were attending was “well listed for domestic abuse” (14:40:55). PC Murray disputed this chronology of information shared and stated that this was provided before they attended the second time and not the first. The panel have therefore cross referenced the times recorded on police systems, and in comparison to the occurrence log (Pg 432), which details the time they are dispatched on the first occasion, which correlates. The panel are therefore satisfied the information passed to PC Murray and PC Jarrett via the Airwaves transmission was prior to their attendance on the first occasion.

1.138 The panel find that prior to attending the address on the first occasion, PC Murray was aware that a disturbance had been reported with a female’s voice and that a mobile number used was linked to this address. PC Murray was also made aware by the force control room that the address was “well listed for domestic abuse.” The panel find therefore that PC Murray should have been alive to the fact

that this female was vulnerable by virtue of the above information provided to him and she required safeguarding .

1.139 Having been met by a male at the address, who had not provided a satisfactory account for the concerns raised about a disturbance and the presence of a female, the panel conclude that PC Murray had not taken appropriate action to safeguard a potential vulnerable female. The panel consider that sufficient grounds did exist to effect entry under Section 17(1e) of PACE 1987 (to save life or limb) to search the address to confirm whether a female was in the address and in some potential danger. If PC Murray felt strongly that the powers did not apply he did not take the additional reasonable steps available to him to obtain further information from either the force control room, Sgt Snow or his own electronic device in order to safeguard this female.

1.140 PC Murray further states, when under cross examination, that he was about to seek a consensual search of the address from Mr Z when he was redirected to a second address by Sgt Snow. The panel do not accept this explanation as plausible and indeed observe that PC Murray had opportunity to highlight the position to Sgt Snow that the address had not been searched , consensually or by police powers, prior to leaving.

1.141 The panel therefore find that these allegations are proved and that they breach the following standards:

1.142 Duties and responsibilities – this standard requires that officers must be diligent in the exercise of their duties and responsibilities.

1.143 The panel finds the officer failed to safeguard a vulnerable victim, failing in his duties and responsibilities, by not making sufficient enquiries or taking reasonable steps to locate the female.

1.144 Discreditable Conduct – Police officers must behave in a manner, whether on or off duty, which does not bring discredit on the police service or undermine public confidence in policing.

1.145 The panel finds the officer failed to safeguard a vulnerable victim and therefore discredited the police service and/or undermined public confidence in policing.

1.146 The panel considers that this amounts to misconduct.

1.147 The officer had failed to maintain the highest standards of behaviour that the public expect. His behaviour is liable to damage the relationship of confidence and trust between the public and the police and bring the police service into disrepute .

1.148 Reminding itself that the burden of proof lay on the AA, the panel was satisfied that the factual allegations were made out on the balance of probabilities and the panel finds a breach of all four standards .

Gross misconduct or misconduct

1.149 Having determined that these standards were breached .The panel then went on to consider the seriousness of the proven conduct in order to determine whether the conduct amounted to ‘misconduct ‘ or “gross misconduct.”

1.150 The panel reminded itself that “misconduct” is defined as a breach of the standards of professional behaviour that is so serious as to justify disciplinary action and “gross misconduct “ is defined as a breach of the standards of professional behaviour that is so serious as to justify dismissal. In considering seriousness of the proven conduct the panel has assessed the culpability, harm caused and identified any relevant aggravating and mitigating factors.

1.151 The Panel were invited by the AA to find that this was a serious case. The panel was satisfied that it was a grave and serious case involving operational dishonesty. The public should be able to have unquestioning faith in the actions and honesty of a police officer and would not expect a police officer to engage in such behaviour .

1.152 This allegation involved dismissive behaviour towards vulnerable females and operational dishonesty .

1.153 His conduct in terms of culpability was that his behaviour was deliberate and intentional. Therefore the officer is solely responsible for his conduct towards Ms A and Ms Y. The officer was on notice as regards to how he should be behaving and given guidance in respect of the documents on Cleveland Police vulnerability strategy / Victims first and Repeat Victims /Domestic Abuse referenced at (p450-496). The misconduct involved vulnerable victims of domestic abuse and dishonesty. The officer was in a position of responsibility compared to the other officers and he did not act or behave in a manner that set an example. People come into contact with the police when they are at a particularly difficult or distressing point in their lives and they are entitled to be treated professionally. We therefore consider the culpability to be high.

1.154 Reputational harm was caused to the police and public confidence and trust in the police would be lost if the circumstances were known more widely. In this regard public confidence in the reputation of the police is very likely to be undermined by the officer’s conduct. The former officers behaviour resulted in an investigation by the IOPC .

1.155 Members of the public and vulnerable people who come into contact with the police deserve to be treated with courtesy and respect and would be concerned. The public need protection from police officers who behave in this way towards vulnerable females. There is national concern about

this behaviour in terms of widespread concerns about the interactions of female members of the public and male officers. The officer concealed his wrong doing and continued his behaviour after he realised that it was improper .

1.156 The aggravating factors relevant to the officer's conduct are vulnerability, deviation from order/policy and multiple breaches of the standards. Not only did his actions amount to repeated behaviour over a period of time in respect of how he treated two victims of domestic abuse, but they were totally contrary to his training, policies and guidance. He could have told the truth to his supervisors initially but only told the truth when he realised he was caught out. There was an abrogation by the former officer of his leadership responsibilities as he had a junior colleague. The impact his actions had by placing junior members of staff/colleagues in a compromising position .

1.157 The panel considered the guidance issued regarding mitigation and considered that there was remorse and admissions made at an early stage. We note the stress he suffered. The panel note his good character. We note that the record has not been marked with any misconduct that we have been notified of.

1.158 The behaviour by the Officer was grave and completely unacceptable. The panel applied Regulation 41 (16) (B) and found that the conduct of the officer amounted to gross misconduct in respect of allegations 1-3 based upon his own admission in the reg 31. We also found that the conduct amounted to gross misconduct in respect of allegation 1-3 and 4-5 based upon our assessment of seriousness.

1.159 Bearing in mind the Standards that were breached, this was misconduct that was serious enough to justify dismissal of the Officer. The Panel determined having assessed seriousness of the conduct of the officer that his culpability was high and that the proven allegations individually and /or collectively against him amount to gross misconduct.

Outcome

1.160 The Panel next turned to consider outcome pursuant to Regulation 42 (1) (a) of the 2020 Regulations. It had regard to the Home Office Guidance of February 2020 as well as the 2023 College of Policing

“Guidance on outcomes in police misconduct proceedings” (‘the Guidance’). In relation to an officer the guidance states where a panel finds that the conduct amounts to gross misconduct as has been found in this case, it can consider a number of outcomes. This is a written warning, final written warning, reduction in rank or dismissal without notice. The panel had sight of the former officer’s document of service together with his ‘Good character bundle’. The panel heard submissions on outcome from the AA and the federation representative PC Crowley.

1.161 The panel also considered the purpose of the police misconduct regime is threefold: - maintain public confidence in and the reputation of the police service.

- uphold high standards in policing and deter misconduct.
- protect the public.

1.162 *Redgrave v Commissioner of Police of the Metropolis*. In this case Lord Justice Brown stated, “The purpose of disciplinary proceedings against a dentist who has been convicted of a criminal offence by a court of law is not to punish him a second time for the same offence but to protect the public who may come to him as patients and to maintain the high standards and good reputation of an honourable profession.”

1.163 *R (Green) v Police Complaints Authority*, Lord Carswell stated :

“Public confidence in the police is a factor of great importance in the maintenance of law and order in the manner which we regard as appropriate in our polity. If citizens feel that improper behaviour on the part of police officers is left unchecked and they are not held accountable for it in a suitable manner, that confidence will be eroded .”

1.164 The panel reminded itself that there are three stages to determine the appropriate sanction (at section 4).

1.165 (a) Assess the seriousness of the misconduct with regard to the harm caused : (i) the officer’s culpability for the misconduct; (ii) the harm caused by the misconduct; (iii) the existence of any aggravating factors and (iv) the existence of any mitigating factors. (b) Keep in mind the purpose of imposing sanction; (c) Choose the sanction which most

appropriately fulfills that purpose for the seriousness of the conduct in question.

1.166 The Panel took note that a factor of the greatest importance is the impact of the misconduct upon the standing and reputation of the policing profession as a whole.

1.167 The Panel heard submissions as to outcome from counsel for the AA and received the Officer's document of service which contained no prior misconduct matters recorded against him. The panel also heard mitigation from the officer in oral evidence and heard submissions from the federation representative PC Crowley. At the time this matter occurred he was an officer of over 4 years.

1.168 He was an experienced officer and his policing career has not been marked with any misconduct that we have been notified of. The panel were notified that he was subject to a number of allegations/complaints since joining Cleveland and one other live case for which he is awaiting trial at crown court. The panel are an experienced panel and have put this out of their mind as this matter is not proved or admitted .

1.169 We received and considered the three character references. Given the seriousness of the offences for which the officer was convicted, the panel attach limited weight to his character because his conduct was serious and involved operational dishonesty .

1.170 The most important purpose of police misconduct proceedings and the outcome to be imposed, is to maintain public confidence in the police service and to maintain its collective reputation. Whilst there may be a punitive element to an outcome, the purpose of the imposition of an outcome is not primarily punitive and indeed may not be punitive at all. In terms of the reputation of the police service and public confidence the panel has found that the officers conduct in respect of a vulnerable members of the public was serious as was the operational dishonesty. The officer should have exercised greater responsibility in respect of vulnerable females and refrained from dishonesty.

1.172 The panel note the case of Raschid V GMC on outcome in that the panel is concerned with reputation or standing of the profession rather than punishment. The outcome imposed may be designed to ensure that the police officer does not have the opportunity to repeat the misconduct. The

panel received submissions in respect of remorse, contrition and insight for his misconduct .

1.173 The Panel 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 in the police. The Panel's approach would be to consider the misconduct and mitigation and impose the most appropriate outcome – the question of which outcome is appropriate should be approached by considering the range of outcomes available starting with the least severe.

The Panels assessment of seriousness

1.174 The Panel had regard to the fact that four Standards had been breached as part of the findings of fact and gross misconduct and reminded itself to avoid 'double counting' when assessing seriousness.

1.175 In assessing seriousness the panel is aware that conduct is to be judged according to circumstances. The panel has assessed the officers culpability, harm caused and any aggravating and mitigating features. At para (1.153-1.159) the panel has already conducted an assessment of seriousness and formally adopts its earlier reasoning here in relation to outcome .

The Panels assessment of culpability

1.176 In terms of the Officer's culpability for the misconduct, the Panel was satisfied that he was blameworthy and solely responsible for his actions. It considered that the more culpable or blameworthy the Officer's behaviour was, then the more severe the likely outcome.

1.177 The conduct of the officer had been wholly incompatible with that expected by the public of a serving Police Officer. Such behaviour was bound to diminish public confidence in the police service and damage its reputation. Taking no disciplinary action would not uphold the high standards expected of police officers or act as a deterrence against misconduct. The actions of the officer had been deliberate. The conduct had been serious. The AA invited the panel to consider that the conduct

involved operational dishonesty (4.26 -outcomes).The panel decided that in respect of operational dishonesty this case did not fall into the “very small residual category,” of exceptional cases .

1.178 Where there is a degree of overlap the panel has been careful not to “double count” factors which are relevant to seriousness. The Panel considered that the Officer’s culpability is high.

The Panels assessment of harm

1.179 The Panel was satisfied that the harm in this case due to the Officer’s conduct would undermine confidence in policing and cause reputational harm, damage to the police service, erosion of trust and undermine public confidence in policing. It concluded that a reasonable member of the public, knowing of the facts alleged and found proved, would be shocked at the conduct of the Officer.

1.180 The panel was of the view that the conduct of the Officer was likely to undermine good order and discipline within the police service.

1.181 The Panel was satisfied that the public would perceive this Officer’s misconduct as grave. In addition the panel noted that this would impact upon the criminal justice system and other stakeholders evidentially if they knew about this case and the officer was retained .

1.182 His actions have brought discredit to the police.

1.183 The level of harm was assessed as high. There is public concern regarding the treatment of vulnerable women by officers when dealing with members of the public. These two incidents involved vulnerable females of domestic abuse and a case of operational dishonesty .

1.184 Gross misconduct has been found by the Panel and it took into account paragraph 4.74 of the Guidance: “Where gross misconduct has been found, however, and the behaviour caused or could have caused, serious harm to individuals, the community and/or public confidence in the police service, dismissal is likely to follow. A factor of the greatest importance is the impact of the misconduct on the standing and reputation of the profession as a whole.”

Aggravating factors

1.185 The Panel had regard to the non-exhaustive list in the Guidance and concluded that the following factors were present regarding the Officer: There were multiple breaches of the Standards by the Officer.

The Panel reminded itself not to 'double-count' factors relevant to culpability with its assessment of aggravating factors.

Mitigating factors

1.186 The Panel had regard to the non-exhaustive list in the Guidance. We heard submissions from the AA and the Federation representative with regards to mitigation .

1.187 The Officer's document of service contained no previous findings against him. The panel had sight of the character references provided .

1.188 The panel considered the case and guidance and have noted that the mitigating factors of open admissions (allegations 1-3) and evidence of genuine remorse and accepting responsibility for his actions are applicable and relevant, though given that allegations (4-5) were contested, the weight of such mitigating factors is limited .

Personal Mitigation

1.189 The officer gave oral evidence to the panel in respect of his mitigation. He showed remorse and apologised for his behaviour stating it was out of character. He made reference to family problems involving his wife, young child and mother. He further addressed the panel regarding the impact of stress, being overworked and being sleep deprived. He confirmed that he was taking medication for anxiety and depression since his suspension. In respect of allegation 1, he stated that he did this to expedite criminal matters, it was for a legitimate policing purpose and that the document reflected Ms A's wishes. The officer addressed the panel in terms of his personal circumstances and the impact of him being responsible for an officer in probation. He recurrently apologised and stated he was 'sorry for letting everyone down.'

1.190 The panel note that at the material time the officer was suffering mental health difficulties (no medical reports provided) and that these developed as a result of significant personal and professional stress .The

AA stated that this had limited weight due to the nature and purpose of the disciplinary process and the public interest considerations .

1.191 The panel note that there was evidence of remorse, contrition and early admissions .

1.192 The assessment of the Officer's misconduct is that it is high, involving the breach of four separate Standards.

The decision on outcome

1.193 As there were findings of gross misconduct, we have considered the entirety of the sanctions open to us beginning with the least serious to the most serious. The appropriate Authority's submission is that dismissal is the appropriate sanction in this case. PC Crowley on behalf of the officer invited us to impose a final written warning for 5 years .

1.194 In determining the appropriate outcome to impose, the panel considered the purpose of police misconduct proceedings.

1.195 Accordingly, the Panel found that all three of the purposes of the police misconduct regime were engaged.

1.196 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 and the purpose of imposing disciplinary sanctions, is to maintain public confidence rather than the punishment of the Officer. The panel is aware of and adheres to the human rights and equality legislation .

1.197 When considering outcome the panel had regard to the submissions and evidence in its entirety. The panel must ensure that the process is fair, objective and transparent and free from unlawful discrimination.

1.198 The officers record of service was considered. He has no previous disciplinary matters.

1.199 The panel is entirely satisfied that the principles of maintaining public confidence in and the reputation of the service cannot be served by any lesser sanction other than dismissal without notice. The panel considered a final written warning but on balance was not satisfied that that appropriately addressed the totality of the circumstances of the case. A

reduction in rank is not a feasible option as per (hog 11.139 which states - reduction in rank is clearly not possible for a police constable) .

1.200 Accordingly, the Panel came to the conclusion that an appropriate and proportionate sanction having found gross misconduct is dismissal. The officers behaviour did cause harm to public confidence in the profession of policing and there was operational dishonesty. The Panel was satisfied that the misconduct was so serious that only an outcome that the Officer is dismissed without notice was justified.

1.201 The panel concluded that this was the least sanction it would impose for the protection of the public and to uphold public confidence in policing.

Outcome:

1.202 The Officer is dismissed without notice.

1.203 The information in this notice concerning officer Murray should be included on the Police Barred List.

1.204 The Officer has a right of appeal to the Police Appeals Tribunal. The AA will provide a note as to the procedure to be followed .

Miss Shamaila Qureshi

Legally Qualified Chair

15th May 2024